

# Disciplinary Procedure

*Creating Positive Futures Together*



# Disciplinary Procedure

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# Disciplinary Procedure



## Context

Margaret Jurd College (the College) is a Ministry of the Uniting Church in Australia. A registered non-government secondary special school established to support disadvantaged young people who have complex needs due to the following:

- Mental health/behavioural disorder at a level that is recognised as a disability in accordance with the Department of Education and Training criteria.
- Complex trauma history
- Autism

Margaret Jurd College is dedicated to providing students with a supportive alternative to mainstream schooling. We embrace young people who want to complete secondary schooling that live with mental health conditions that can be seen as challenging behaviours.

## Purpose of the Policy

To ensure that, in accordance with the Education Act 1990, the College undertakes discipline in a way that demonstrates due process and procedural fairness.

## Policy

All students and staff at Margaret Jurd College have the right to be treated fairly and with dignity in an environment free from violence, intimidation, harassment and discrimination in accordance with the Anti-Discrimination Act 1977. This is achieved through the implementation of disciplinary procedures within the College that uphold the rights of individuals to be provided with a safe supportive learning and working environment.

All disciplinary procedures in place at Margaret Jurd College are in line with principles of procedural fairness as outlined in the Education Act 1990.

Procedural fairness is generally recognised as having two essential elements, these are:

- The right to be heard, and
- The right of a person to a fair and impartial decision.

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***Margaret Jurd College expressly prohibits the use of corporal punishment as a means of discipline in any situation for any reason. Margaret Jurd College does not explicitly or implicitly sanction the administering of corporal punishment by non-school persons, including parents, to enforce discipline at school.***

## **Procedure**

### **General Behaviour Expectations**

- Be respectful of other students and staff.
- Attempt all work.
- Be where you are meant to be.

### **College Rules**

- Respect the property, person, feelings and beliefs of yourself and others - this includes students, staff and visitors to the College.
- No violence, verbal abuse or aggressive behaviours.
- No bullying, harassment, discrimination or vilification (name calling, leaving people out, threatening, intimidation, setting people up, making others pick on someone).
- No deliberate damage to property – this includes graffiti.
- No stealing or stolen property.
- No sexual harassment (physical or verbal).
- No sex, sexting, sexual contact or pornography.
- No cyber bullying (bullying using mobile phones, Snap Chat, Facebook etc).
  
- No drugs, drug taking paraphernalia or alcohol and no coming to the College under the influence of drugs or alcohol (this includes prescription and non-prescription medication).
- No smoking.
- No weapons.
- No swearing.
- No leaving the premises without permission.
- Margaret Jurd College maintains a “hands off” rule. Students and staff are to respect each other’s personal space and refrain from physical contact.

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Refusal to complete detention will receive one warning only. If refusal continues the student may be suspended.

Continual refusal to follow College rules will result in exit or expulsion. Continual refusal to participate in the College program will result in the student being exited.

## Student Discipline

When a student is in breach of College rules they will fall subject the College's disciplinary procedure. The procedure is based on the principles of procedural fairness and provides for all parties involved the opportunity to be heard. Parents/carers will support the College in the implementation of the College's disciplinary procedures inclusive of collecting or organising the collection of their child from College when requested.

***NB: All breaches of College rules will be investigated in line with principles of procedural fairness. There may be instances where the College investigates a breach of College rules however, mitigating circumstances and/or the student's disability has impacted on their ability to fully understand the consequences for their actions or their ability to comply with the College rules. In these instances, the College will refer to Disability Standards for Education in line with maintaining the College's duty of care responsibility to all parties involved when deciding the disciplinary outcome.***

## Assisted School Travel Program (ASTP)

All students accessing assisted school travel must comply with the rules and regulations of this program when arriving or leaving school.

- When leaving the vehicle students must enter the College gates immediately. No students are permitted to leave the College grounds inclusive of the College car park before entering the College gates.
- Once students have arrived they are transferred from the care of the Department of Education to the care of Margaret Jurd College. **All College rules apply from the time of arrival.**
- At the end of the school day students are to leave the College grounds and alight the ASTP vehicle immediately. Students are transferred from the care of Margaret Jurd College to the care of the Department of Education when they move into the vehicle. Students are not permitted to loiter in the car park area or the neighboring property before alighting the vehicle. **All College rules continue to apply until students leave the area in the vehicle.**
- In the event that a student does not use ASTP in either direction on any given day, the parent/caregiver must contact the assisted school travel operator and notify them in accordance with the ASTP Policy.

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- The College must be notified by parents or caregivers on occasions when students are not accessing ASTP to travel home.
- A member of the Leadership Team or their delegates are rostered on to monitor drop off and pick up by ASTP inclusive of keeping a daily record of which students have accessed the service by way of marking a paper roll. In the event of a student refusing to get on transport and/or absconding from the College, parents/carers must be notified by phone immediately.

**Please Note: The Assisted School Travel Program is a privilege. Continual noncompliance with the regulations regarding notification or usage will place the students transport in jeopardy.**

## Confiscation

- Mobile phones are permitted be kept by students however are not to be accessed during class time without the explicit permission of the classroom teacher in each class. Students who refuse to put their phone away or are continuously breaching this rule may have their phone confiscated by the classroom teacher or another member of the Leadership Team. If a student refuses to hand their phone in they may be sent home
- Mobile phones which are confiscated will be handed back to the student at the end of the day.
- No cigarettes, lighters or sharp implements, they will be confiscated. Sharp items will be disposed of after a member of the Leadership team has been alerted. Continued breach of this rule may result in an automatic bag search each morning. This decision will be made in consultation with the Wellbeing Coordinator.
- Material that contains inappropriate content eg drug references, violence, explicit language, nudity or sexual content will be confiscated or asked to be removed/placed out of sight. If a student refuses to do this they may be sent home for the day. A member of the Leadership Team will make that decision.
- Energy drinks eg V, Mother, Red Bull etc can prove to be a disruption in class and can cause the student to disrupt the class. If one of the previously mentioned products is brought onto the College campus it will be stored in the fridge and returned to the student at the end of the day.
- If an item has been confiscated, such as a lighter or cigarettes, that cannot be legally supplied to a person under a certain age then parents will be informed and asked to collect the item. If parents have not collected the item within two weeks the item will be disposed of.

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*Staff will enforce the consequences up to the point of detention. Only the Principal or member of the Leadership Team maintain the right to make the decision to suspend, exit or expel a student. It is advisable that, where possible, all such decisions should be made in consultation with a second member of the Leadership Team.*

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*All major breaches of Margaret Jurd College rules are reported by staff to the Campus Coordinator or other member of the Leadership Team.*

*The Campus Coordinator will meet with the student/s to determine the disciplinary outcome necessary.*

In the event that breaches are found to be valid the following disciplinary procedures are enforced. The severity of the breach will determine which level of discipline the student commences at. For example, ***weapons, physical violence or deliberate malicious damage to property will automatically start at suspension and can result in exit or expulsion.***

The Campus Coordinator will examine these breaches based on provocation, student history, and all other mitigating circumstances surrounding the offence before reaching a final decision. This decision is made by the Campus Coordinator or other member of the Leadership Team after examining all of the surrounding circumstances to ensure that the decision is fair and just. For serious matters that may result in a lengthy suspension or students losing their placement, ***students may be sent home during the decision-making process to allow time for procedural fairness to be enforced.***

Breaches surrounding classroom or playground behaviour that could be considered minor are dealt with by teaching and/or support staff on duty. A report will still need to be noted on Edumate.

These breaches may result in detention, loss of lunch time activities, loss of excursions etc.

All breaches of a serious nature that need intervention from steps 3 through 6 must be investigated and addressed in consultation with the Campus Coordinator or other member of the Leadership Team. Consequences ranging from 5 to 7 are advised to be made in consultation with another member of the Leadership Team or, if deemed appropriate, a student's caseworker.

## **Consequences initiated for breaches of College rules**

1. Loss of lunchtime activities.
2. Detention.
3. Loss of excursions.
4. Short suspension 2 days – 4 days.
5. Community Service (picking up rubbish or tidying classrooms etc).
6. Long suspension 1 week – 2 weeks.
7. Placement review.
8. Exit or expulsion.

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If students continually breach rules and show no desire to change their behaviour they may be exited from the College.

If students continually refuse to participate in the education program through extremely low attendance, continual disruption to other students learning and/or refusal to complete their program work students may be exited from the College for refusing to engage in the College program as per their contract with the College.

If the breach of rules is an alleged illegal act the police will be contacted, and formal charges may be laid. Parents/caregivers are required to present at the College in the event of police involvement (see policy regarding the interviewing of students by police or JIRT).

## **Exclusions from the College**

If the Principal, or Campus Coordinator considers that a student is guilty of a serious breach of the College rules or has otherwise engaged in conduct which is prejudicial to the College or its students or staff, the Principal or Campus Coordinator may exclude the student permanently or temporarily at their absolute discretion and in accordance with the relevant legislation.

If the College Board or the Principal believes that a mutually beneficial relationship of trust and cooperation between a parent/caregiver and College has broken down to the extent that it adversely impacts on that relationship, then the College, the College Board or the Principal may require the parent/caregiver to remove the child from the College.

This exclusion from the College may take place in one of two forms. An **exit** allows the student to reapply at a later date at which point the actions of the student to address the challenges they faced when previously enrolled at the College will be assessed by the College.

An **expulsion** excludes the student from reapplying at the College at a later date.

The College will only exercise its powers under this clause to exclude a student permanently if it has provided the student and the parents/caregiver of the student with details of the conduct which may result in a decision to exclude the student and provided them with a reasonable opportunity to respond.

*College rules are subject to change from time to time. Parents/caregivers will be notified in writing of any upcoming rule change with an explanation of why the College has made the change and how the change benefits your child.*