

Suspension and Termination Policy

Scotch College implements a range of policies that are designed to ensure the effective operation of the school, including the safety and wellbeing of its staff and students. The purpose of this policy is to outline the principles and processes that are followed in regard to the suspension or termination of a student's enrolment, in the rare event it should ever occur. Naturally, such a policy will be of little relevance to the vast majority of our community, but it is only fair to be clear about the College's actions and reasons should an untoward event come about. This policy will be reviewed periodically by Senior Staff and council and is not for wider dissemination beyond the Scotch College community. Any questions on this policy can be addressed to the Principal at any time. Our culture is to be open and self-critical, hence the College values feedback and well-argued and justified comment will be taken very seriously.

Guiding Principles

- The decision to suspend or terminate an enrolment must be taken when the safety and security of the members of a school – students principally, but also staff and parents – are put at risk, or for the benefits of the individual or individuals concerned.
- The decision to suspend or terminate an enrolment must never be taken lightly, but after thorough investigation, or after all reasonable measures have been considered.
- The College believes disciplinary decisions for students must never be taken lightly, but in the context of what is best for them and the larger community.
- The College aims to be a well-ordered school and to honour legal and educational responsibilities.

Scope

Please note that this policy does not apply to the ELC, which has its own suite of policies to cover these matters. Also note that examples in this policy where the suspension or termination of an enrolment should be considered are not exclusive but cover the vast majority of cases when this may occur.

Related Policies and Procedures:

- Safety, Wellbeing and Inclusion Policy (Torrens Park Campus)
- Student Incident Processes (Torrens Park Campus)
- Substance Abuse Policy (Torrens Park Campus)

1. Contravention of School Policies

A student may be suspended or may be subject to the termination of their enrolment for a serious contravention of any school policy while on College grounds, attending College events, representing the College, wearing College uniform, or in the presence of College staff, students or parents.

2. Non-payment of Fees

A parent or guardian, or any person who has so committed, is responsible for the payment of the fees for the education of their child or charge. The College will reasonably support all arrangements to ensure this is carried out to the full. However, when all measures for payment of fees have been exhausted, the College reserves the right to terminate an enrolment of a student for non-payment of fees (see the College's **Enrolment Agreement** for more details)

3. Suspension of Enrolment Process

3.1 The suspension of a student's enrolment may be carried out by the Head of School or Head of Campus, who notifies the Principal of the suspension.

3.2 For an incident where the suspension of the enrolment of a student is considered, the processes outlined in the **Student Incident Processes** document should be followed.

3.3 If it is decided that a student is to be suspended, the College must inform the students and the student's parents or guardians of:

- any evidence or information that the College has about relevant events
- the grounds for the suspension
- the reason why suspension is the most appropriate disciplinary response
- the length of the suspension
- of particulars of any alternative arrangements (see **Section 3.4**) the College proposes to make for the student during the period of suspension
- their 'right of appeal' under this policy (see **Section 8**)

3.4 Alternative Arrangements

When the contravention of a school policy is not deemed to suggest there is a risk to the College or the individual, the College may make alternative arrangements for the student that occur in place of the suspension, or, alongside of the suspension.

3.4.1 Alternative arrangements include:

- Withdrawal of privileges
- Exclusion from lessons, sport or College events
- The student undertaking additional or different schoolwork or homework
- The student carrying out tasks associated with the College at the direction of any member of the College staff
- Any other arrangements the College considered appropriate

3.4.2 The Alternative arrangements may remain in place for as long as the College considered necessary

3.4.3 The student must comply with any alternative arrangements proposed by the College

- 3.5** If a student is suspended for any period of time, then a 're-entry meeting' will be conducted before the student returns to normal school participation. The re-entry meeting will involve:
- Acknowledging the behaviours that resulted in the suspension and demonstrating an understanding of why these behaviours are of concern for the College
 - Discussing expectations moving forward and ensuring these are clear
 - A commitment by the student to change behaviour(s)
 - Understanding that further incidents of this nature may lead to further use of this policy
 - Discussing how the College can support the student moving forward.

4. Termination of Enrolment Process

4.1 The termination of a student's enrolment may only be carried out by the Principal. As a general rule, the Principal may terminate an enrolment of a student for the non-payment of fees or for an offence that is deemed to be of permanent risk to the student or the College.

4.2 For an incident where the termination of the enrolment of a student is considered, the processes outlined in the **Student Incident Processes** document should be followed.

4.3 Prior to a final decision being made by the Principal to terminate the enrolment of a student, the parents or guardians of the student will be:

- presented with the evidence or relevant information
- informed of the likely decision by the College to terminate the enrolment of the student
- asked to remove the student pending the final decision by the Principal
- given the opportunity to withdraw their student from the College, prior to the final decision by the Principal

4.4 If it is deemed that a student's enrolment is to be terminated, the principal must:

4.4.1 Inform the student and the student's parents or guardians *in person*, and thereafter give notice in writing:

- that the student's enrolment has been terminated
- any evidence or relevant information that the College has about relevant events leading to the use of the policy
- of the ground or grounds for the termination
- support that has been provided to the student
- the reason that this is the most appropriate disciplinary response
- their 'right of appeal' under this policy (see **Section 8**)

4.4.2 Inform the Chair of the Council of Governors of the decision and the attendant circumstances and evidence that led to the decision.

4.5 A student may be suspended (or other alternative arrangements) until the meeting between Principal and parents or guardians can be arranged.

5. Consideration of Individual Student Needs

5.1 Boarders

When considering the suspension or termination of enrolment for a boarding student, it is noted that the decision to suspend or terminate the enrolment may be difficult to enforce. Therefore, due consideration is given to the matter by the Head of Campus and Head of Boarding regarding the nature of the suspension and consequences to be given. If the matter is solely a residential issue, it is appropriate that students may be suspended from boarding if a day family or homestay can be found to enable them to continue their education.

5.2 First Nations Students

Nominated support persons will be engaged in the suspension or termination process for First Nations students. This person will liaise with parents and/or guardians and/or relevant agencies where appropriate. Cultural considerations may be required when making the decision to suspend or terminate the enrolment of a First Nations students.

5.3 International Students

The International Student Coordinator is engaged in the suspension or termination process for international students. The international student coordinator will liaise with the parents and/or guardians and/or relevant agencies where appropriate. Consideration is given to the visa conditions for an international student (refer to the **CRICOS Policy**) when making the decision to suspend or terminate the enrolment of an international student.

5.4 Students with a Disability

Consideration is given to students when behaviour is a manifestation of a disability, such as a diagnosed social or learning need. This may require *reasonable adjustments* to be made to the expectations of behaviour or the decision to suspend or terminate an enrolment.

The **Disability Standards for Education (2005)** describes a *reasonable adjustment* as one that “balances the interests of all parties affected”. In determining whether an adjustment is *reasonable*, consideration is given to the following:

- the student’s diagnosed disability
- the views of the student, or the student’s associate, about whether the adjustment is reasonable
- whether there is any other adjustment that would be less disruptive and intrusive and no less beneficial for the student
- the effect of the adjustment on the student, including the effect on the student’s ability to achieve learning outcomes, participate in courses or programs, and independence
- the costs and benefits of making the adjustment
- the effect of the proposed adjustment on anyone else affected, including the education provider and other students
- whether the adjustment can be provided within a reasonable time

5.5 Students with Mental Health Disorders

Consideration is given to students when behaviour is a manifestation of a diagnosed or suspected (based on the advice of the College Psychologists) mental health disorder. In these circumstances where this occurs, it is an expectation that external support agencies are engaged to work with the student in partnership with the College.

5.6 Students with Traumatic Backgrounds or Affected by Trauma

Consideration is given to students when behaviour is a manifestation of a known or suspected trauma. In circumstances where this occurs, their background may be taken into consideration, with external support agencies being engaged to work with the student in partnership with the College.

5.7 Students with Separated Parents

For students who have separated parents, it is important to remember that suspension and termination of enrolment are serious disciplinary measures and therefore all parents and carers are entitled to be notified of the intention to suspend or terminate the enrolment of the student where possible. In circumstances where there is more than one parent or carer who would like to participate in the suspension and termination of enrolment process, it is important to involve all of them in the process where possible.

6. Confidentiality

All relevant members of the College's staff, and depending on the nature of the reason, the wider college community, will be notified of a suspension or termination of an enrolment at the appropriate moment and whilst respecting as far as possible the right to confidentiality of the student. Often it is appropriate to directly inform those members of our community who have a direct connection to the matter. This may involve staff, students, designated student cohorts and designated cohort parents. It would be unusual to inform the entire parent and student body unless that matter was impacting in a significant way upon the day-to-day running of the campus and general student wellbeing. The Principal, in consultation with senior staff, determines the level of communication required in follow up to members of our immediate community.

7. Linkages with Other Policies

This policy is intended to provide a procedure for dealing with students who have seriously contravened the expectations outlined in other school policies where the contravention has led to the clause that refers to the suspension or termination of the student's enrolment.

7.1 While it is intended that all other College's policies for managing student behaviour will be followed before recourse is had to this policy, it will not prevent action being taken under this policy if doing so is, in the opinion of the Principal, required in the circumstances.

7.2 It will not be ground for review under this policy that the procedures outlined in another policy were not followed before the enrolment of a student was suspended or terminated.

8. Right of Appeal Processes

Every decision to suspend or terminate a student's enrolment under this policy may be reviewed in accordance with this clause.

8.1 A student or their parents or guardians may apply to the Chair of the Council of Governors for a review by notice in writing addressed to the Chair of the Council of Governors within 5 days of the decision to suspend or terminate a student's enrolment being communicated to the student or their parents or guardians.

8.2 Reviews are to be conducted by a review board established under this clause. The review board will consist of three members appointed by the Chair of the Council of Governors being:

- At least two members of the Council of Governors, one of whom must be the moderator's independent representative (who should chair the review).
- A representative from Synod.

8.3 No student matters of a disciplinary matter or pastoral nature are reported to Council. They will be reported by the Principal to the Chair of the Council of Governors on a personal basis, who will be kept informed throughout the whole process. The review board will therefore come into this process without any foreknowledge. Should the council have seen information relating to this incident from another source, alternative arrangements will be sought as to ensure a fair, balanced, unbiased process.

8.4 When an application for review is received by the Chair of the Council of Governors:

- 8.4.1** The Chair must convene the review board and appoint members to it within 7 days of receipt of the application.
- 8.4.2** The review board must first meet within 14 days of receipt of the application, but may adjourn to subsequent meetings.
- 8.4.3** The review board must make its final decision within 30 days of receipt of the application.

8.5 The review board is not bound by the rules of evidence and may inform itself as it sees fit, and should be guided by:

- good conscience
- the best interests of the College and its students
- principles of natural justice
- the balance of probabilities
- the desirability of this policy being implemented in a fair and impartial way

8.6 The parties to the review will be the College, the student, the student's parents or guardians, and any other party the review board considered relevant.

8.7 The review board may give directions to the parties as to the form of submissions and evidence it requires and may determine its own procedures and rules.

8.8 Each party is entitled to be represented at the meeting and have a support person present.

8.9 The review board may decide to:

8.9.1 Affirm the decision to suspend or terminate the student's enrolment.

8.9.2 Quash the decision to suspend or terminate the student's enrolment.

8.9.3 Where the review board finds that a student should not have been suspended, quash the decision and order that the student be permitted to return to school.

8.9.4 Where the review board finds that a student's enrolment should not have been terminated, quash the decision and order:

8.9.4.1 That instead of being asked to leave the college, the student be suspended and impose alternative arrangements as it sees fit.

8.9.4.2 That no further action be taken.

8.10 The review board must furnish the parties with written reasons for its decision.

8.11 The review board has no power to take evidence on oath or make an order for costs.