



# NOTRE DAME COLLEGE

## PASTORAL CARE OF STUDENTS RESPONDING TO SERIOUS OFFENCES

### POLICY & PROCEDURE

#### 1. Aims of the Policy

A school's response to a serious offence represents a critical test of its pastoral identity. A serious offence by a student challenges the school to be responsive to the rights, welfare and special needs of the perpetrator of an offence, and at the same time demonstrate a commitment to the welfare, rights and well-being of all of its members. In such a context, a school is subject to a myriad of pressures and conflicts.

The Catholic Education Commission of Victoria offers the following support material and policy statements, organised under the following conflicts:

- *Definition of a Serious Offence*
- *Civil and Diocesan Requirements and*
- *Dealing with Serious Offences - A Suggested Process*

#### 2. Definition of a Serious Offence

Conforming to the Education Act 1958 (Education Regulations 1988), The Catholic Education Commission of Victoria proposes that a serious offence should be defined as activities or behaviour of a student which:

- seriously undermines the ethos of the Catholic school
- consistently and deliberately fails to comply with a lawful order of a principal or teacher
- is offensive, or dangerous, to the physical or emotional health of any staff member or any student
- consistently and deliberately interferes with the educational opportunities of other students

#### **CIVIL AND DIOCESAN REQUIREMENTS**

##### **Serious Offence (CECV Policy, 1993)**

The Catholic Education Commission of Victoria required that each school prepares its own written policy on the nature of serious offences. This policy is to be available to all members of the school community after it has been developed by them and it is to be reviewed by them annually.

**NOTE:** Some serious offences are by their nature criminal offences, and schools are obliged to observe certain legal requirements. For further information and guidance, refer to:

- 1) *School Information Manual (School Operations)*, Ministry of Education and Training (Victoria), March, 1991
- 2) *Legal Issues in Schools*, a statement of CECV, par 34-39

### **Expulsion (Bishops' Statement)**

We, the Archbishop of Melbourne and Bishops of Ballarat, Sale and Sandhurst consider expulsion of students in the Catholic schools and colleges to be a severe form of sanction, to be used only in most serious circumstances. If, after appropriate processes, a school authority deems a student be transferred for his/her good, such a transfer should be negotiated according to the processes laid down by the Catholic Education Commission of Victoria.

If however, in most serious circumstances, such processes fail, the prior approval of the Director of Catholic Education of the diocese must be sought before a student is dismissed.

### **Suspension (CECV Policy 1993)**

The Catholic Education Commission of Victoria declares that suspension of a student from the school is a serious disciplinary measure and should only be used when other disciplinary measures have not produced a satisfactory outcome. A student shall not be suspended for a period of time greater than nine school days in any one school year.

### **Corporal Punishment (CECV Policy)**

The Catholic Education Commission of Victoria declares that corporal punishment is inappropriate within the Catholic school and must not be used.

**This declaration is in total accord with the Education Act 1958 (Education Regulations 1988 section 5.5)**

## **3. Dealing with Serious Offences**

The process for dealing with serious offences in Victorian Catholic schools, is the *Discipline and Welfare Conference Group*.

This process, informed by the values of the school system, has a structure which is supportive of the student, parents and school. When a student commits a serious offence, the consequences of such action necessitate decisions be made. This *Discipline and Welfare Conference Group* provides a forum for collaborative decision-making, in the light of civil, diocesan, school and, most importantly, pastoral accountability.

The process described here acknowledges that in some instances, where the behaviour of a student is deemed to cause immediate or ongoing harm, distress or danger to others, it may be necessary to withdraw or suspend him/her from the student community, pending the deliberations of the *Discipline and Welfare Conference Group*.

## **4. Role and Responsibility of the Discipline and Welfare Group**

It is the responsibility of the *Discipline and Welfare Conference Group* to address the following objectives:

- consider all issues relevant to the behaviour of the student and the implications for others in the community
- identify the educational and social needs of the student

- identify strategies which will enable the student to re-establish his/her place in the life of the school, parish and local community
- determine the appropriate steps required to meet these objectives
- consider the support and resources which may be available, from both within the school and outside, to assist in implementing the action
- ensure that accurate records of decisions are kept and that decisions are implemented
- maintain confidentiality at all times

The Discipline and Welfare Group consists of:

- the Principal or, in exceptional circumstances, his/her nominee as the chairperson
- parent(s) or guardian(s) of the student
- if requested, a parent support person nominated by the parent/guardian
- Head of House
- Pastoral Leader
- specialist personnel who may assist, for example, the careers' adviser or student counsellor

Assistance for dealing with the process is readily available from Diocesan Catholic Education Office personnel (Pastoral Care Unit).

## **5. Possible Outcomes of the Discipline and Welfare Conference Group**

In considering the student and the case at hand, the group has a number of options available to it, including contractual arrangements, suspension and negotiated transfer. All are outlined here.

In final decisions, the group should aim for consensus. Where this is not achievable, the principal takes responsibility for a final decision, in accordance with school policies and directives, which have been ratified by the appropriate school authority.

## **6. Contractual Arrangements**

Contractual Arrangements can be defined as an agreement that is reached between the school, the student and parent(s)/guardian regarding the student's continued enrolment in the school.

If the *Discipline and Welfare Conference Group* considers suspension to be the most appropriate action, the following matters need to be discussed:

- expectations regarding the students' behaviour
- class and timetable arrangements including any specific scheduling of sessions
- duration of contract
- means by which the student will be monitored during this arrangement
- consequences should the student fail to comply with the conditions outlined in the contract

## **7. Suspension**

If the *Discipline and Welfare Conference Group* considers suspension to be the most appropriate action, the following matters need to be discussed:

- the legal and pastoral responsibilities of the parent(s) during the time of the proposed suspension
- the school's responsibility for providing learning material
- on the return of the student to school, arrangements for monitoring his/her subsequent progress
- the process of settling back into the school environment, and how this is to be facilitated
- the school's responsibility for reviewing and evaluating its own policies and procedures in the light of the experience

## **8. Negotiated Transfer**

Negotiated Transfer can be defined as an action which involves a change of school by a student either between Catholic schools or to a school within another sector.

In the case of students who are of post-compulsory school age, a wider range of options might be considered. For example, arrangements might be made for a transfer, either temporary or permanent, to the workforce, or to a higher education or training institute.

If the *Discipline and Welfare Conference Group* considers Negotiated Transfer to be the most appropriate action, the following matters need to be considered:

- the environment which would best provide for the student's emotional, social and spiritual needs
- the school which would provide an educational program suitable to the student's interest, ability and aspirations
- the process by which the transfer will be negotiated
- the support required by the student and parent(s)/guardian in making the transition
- the role of the school in maintaining support to the student once the transition has taken place
- the means by which the process will be evaluated and the decision made reviewed

If the Negotiated Transfer cannot be resolved the Director of the appropriate Catholic Education Office is to be informed in writing.