



Catholic
Education
Commission
Tasmania

RESPONSE TO UNACCEPTABLE STUDENT BEHAVIOUR POLICY

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1 PURPOSE

Unacceptable behaviour will not be tolerated in Catholic Schools. CET acknowledges that:

- (a) Everyone has the right to:
 - (i) feel safe, secure, and happy at a Catholic School of their choice;
 - (ii) a learning environment free from bullying, intimidation and physical danger;
 - (iii) be treated fairly, with respect, and dignity when dealing with all circumstances that may arise during their education; and
- (b) that a Catholic School needs to consider the safety and duty of care it has to all the students and staff in its care. This includes protecting them from behaviour that may be deemed unacceptable by an individual student.

Therefore the aim of this policy is to provide parameters for the types of disciplinary action that can be taken by a Catholic School in Tasmania in response to student behaviour that is considered unacceptable behaviour within the meaning of Part 3 of this policy.

For the purposes of this policy “**disciplinary action**” includes:

- (a) Internal suspension of a Student (Part 5).
- (b) External suspension of a Student (Part 6).
- (c) Negotiated transfer of a Student enrolment to another school (Part 7).
- (d) Expulsion of a Student (Part 8).

This policy is not intended and does not curtail the discretion of a Catholic School, after consultation with all affected parties, to take action that is not disciplinary action where a Student behaves in a way contrary with Catholic School policies, Catholic education system policies, and/or impacts on education system policies, and/or impacts on the safety and wellbeing of others.

2 SCOPE

This policy applies to all Catholic Schools operating in the Archdiocese of Hobart. It should be read in conjunction with the *CET Response to Unacceptable Student Behaviour Procedure*.

3 WHAT IS UNACCEPTABLE BEHAVIOUR?

- 3.1 The Catholic Education Commission Tasmania (**CET**) endorses the definition of unacceptable behaviour from the *Secretary’s Instructions No 3 for Unacceptable Behaviour of Students and*

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Volunteers at, and Visitors to State Schools or School Activities as may be amended from time to time to ensure consistency between the education sectors.

- 3.2 What constitutes unacceptable behaviour is dependent on the context and should be considered on a case-by-case basis.
- 3.3 Catholic Education Tasmania (**CET**) recognises and takes into account that, for some students, unacceptable behaviour may be associated with factors such as disability, trauma, abuse or learning difficulties.
- 3.4 The following are *examples* which constitute unacceptable behaviour for Students enrolled at Catholic Schools:
- (a) Refusal to participate in the education program.
 - (b) Non-compliance with instructions that regulate the conduct of Students.
 - (c) Contravening school rules and policies.
 - (d) Behaviour that is likely to significantly impede the learning of the other Students at that school.
 - (e) Behaviour that is detrimental to the health, safety or welfare of the staff, volunteers, visitors, or other Students at that school.
 - (f) Behaviour or actions that cause, or are likely to cause, injury to persons or damage to property.
 - (g) Behaviour that is likely to bring the school into disrepute.
 - (h) Behaviour that is likely to put a person at risk of harm.
 - (i) Harassment or stalking.
 - (j) Threatening behaviour.
 - (k) Discrimination.
 - (l) Bullying or cyberbullying.
 - (m) Illegal behaviour including but not limited to drug use and/or trafficking.

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- (n) Unsociable behaviour (e.g. offensive language).
- (o) Sexualised behaviour, including harmful sexual behaviour.
- (p) Occupational violence.
- (q) Any other behaviour that risks the physical, psychological, social, emotional or spiritual safety of a person that may cause harm.

3.5 The matters listed above are not intended to be exhaustive.

4 OBLIGATIONS REGARDING TAKING DISCIPLINARY ACTION

- 4.1 Any disciplinary action must be a proportionate response to the unacceptable behaviour.
- 4.2 Before implementing any disciplinary action, Principals must exhaust all reasonable alternative non-disciplinary measures to address the unacceptable behaviour of a Student, unless the Principal reasonably believes there is an immediate health or safety risk to the student, other students, teachers, or persons.
- 4.3 Where disciplinary action is appropriate, CET and Principals will make every reasonable effort to address Student behaviour issues before considering expulsion.
- 4.4 Catholic Schools are advised and encouraged to engage with the support services provided at the Tasmanian Catholic Education Office (**TCEO**) for students and staff before, during, and following the taking of disciplinary action.
- 4.5 A Catholic School must have in place a process for the return of students to school after a period of external suspension or expulsion that:
 - (a) Acknowledges the disruption that the external suspension or expulsion had to their learning;
 - (b) Supports them to build and repair relationships that have been affected by their behaviour; and
 - (c) Assists them to develop any strategies that may be necessary to re-engage in learning.
- 4.6 Where a decision is made to discipline a Student in accordance with this policy, the Principal of the relevant Catholic School will communicate that decision to the Student and/or Student's

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parent(s)/guardian(s) both verbally and in writing, including the processes in place for their return.

5 INTERNAL SUSPENSION

5.1 An internal suspension:

- (a) Should only be considered as disciplinary action in response to unacceptable behaviour by a Student where the behaviour cannot be otherwise managed by non-disciplinary means.
- (b) Must be approved by a Deputy Principal or Principal

5.2 The Principal, or teaching staff if authorised by the Principal, may impose an internal suspension in accordance with the Behaviour Protocol of the relevant Catholic School.

5.3 When determining the time, location and circumstances of an internal suspension, consideration must be given to how the safety, wellbeing, and educational requirements of the student will be maintained during and following the suspension.

6 EXTERNAL SUSPENSION

6.1 An external suspension:

- (a) Is only to be imposed where it is necessary to ensure the wellbeing or safety of students and staff at the school.
- (b) Must be approved by the school Principal.

6.2 An external suspension must not be imposed for a period exceeding 10 school days (unless otherwise authorised by the Principal Lead) and periods of suspension are not to be allocated consecutively.

6.3 Where a Principal determines to externally suspend a Student for unacceptable behaviour they must inform the Principal Lead as soon as reasonably practicable or, in the case an immediate suspension, within 24 hours of the suspension taking effect.

6.4 Catholic Schools must have a process by which a Student who has been suspended from attending class or school on a full time or part time basis will be provided with appropriate education during the period of suspension that takes into account:

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- (a) The period of suspension;
- (b) The developmental needs of the Student;
- (c) The resources available, or that can be made available, to the Student during the period of suspension.

7 NEGOTIATED TRANSFER OF STUDENT ENROLMENT

7.1 Where a Student has demonstrated unacceptable behaviour and:

- (a) That Student and/or that Student's parent(s)/guardian(s) requests; or,
- (b) The Principal forms the view that it is in the best interests of the Student or the School in consultation with the parents/guardians,

that they be transferred to another Catholic School or another school within other Tasmanian education sectors, the Principal may facilitate the negotiated transfer of that Student.

7.2 If a Principal forms the view that they should facilitate a negotiated transfer of a Student for unacceptable behaviour, the Principal must discuss the appropriateness of the negotiated transfer with the relevant Principal Lead (North, Northwest, South, Southern Secondary), including the consideration of the Student's parent(s)/guardian(s) personal and financial circumstances as they may be relevant to the proposed transfer.

7.3 The Principal Lead, after having considered a Principal's request to facilitate a negotiated transfer of a Student for unacceptable behaviour, must forward to the Executive Director:

7.3.1 The name of the Student;

7.3.2 The date, time and outline of the alleged unacceptable behaviour;

7.3.3 An outline of the steps previously taken by the Principal to address the unacceptable behaviour, or the reasons why such steps have not been taken; and

7.3.4 Their recommendation as to whether it is appropriate in the circumstances to facilitate a negotiated transfer for the Student. This is to include a recommendation about whether it is appropriate that the Student transfers from their current school to another CET Catholic School.

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- 7.4 On receipt of a recommendation under this part, the Executive Director must consider and either approve or decline the recommendation within 3 business days of receipt, and inform the Principal Lead accordingly.
- 7.5 On receipt of the Executive Director's approval, the Principal Lead will within 2 business days notify the Student's parents of the decision to transfer the Student together with an outline of the reasons why and notify both schools of the decision.
- 7.6 A Student must not be transferred without express approval of the Executive Director.

8 EXPULSION FROM A CATHOLIC SCHOOL

- 8.1 A student may only be expelled from a Catholic School in accordance with this policy.
- 8.2 The expulsion of a Student:
- (a) should only be used as a last resort when all other avenues have been exhausted; or
 - (b) in circumstances where there is (or is likely to be) an ongoing and serious risk to the wellbeing or safety of Students and staff in the school's care that cannot be addressed by an external suspension.
- 8.3 If a Principal forms the view that a Student should be expelled for unacceptable behaviour, the Principal must discuss the appropriateness of the expulsion with the relevant Principal Lead (North, Northwest, South, Southern Secondary).
- 8.4 The Principal Lead, after having considered a Principal's request to expel a Student for unacceptable behaviour, must forward to the Executive Director:
- (a) The name of the Student;
 - (b) The date, time and outline of the alleged unacceptable behaviour;
 - (c) An outline of the steps previously taken by the Principal to address the unacceptable behaviour, or the reasons why such steps have not been taken; and
 - (d) Their recommendation as to whether it is appropriate in the circumstances for the Student to be expelled. This is to include a recommendation about whether it is appropriate that the Student is expelled from their current school, or all CET Catholic Schools.

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- 8.5 On receipt of a recommendation under this part, the Executive Director must consider and either approve or decline the recommendation within 3 business days of receipt, and inform the Principal Lead accordingly.
- 8.6 On receipt of the Executive Director's approval, the Principal Lead will within 2 business days:
- (a) Notify the Student's parents of the decision to expel the Student together with an outline of the reasons why; and
 - (b) Notify the Student's parents of the right to review under part 9 of this policy
- 8.7 A Student must not be expelled without express approval of the Executive Director.
- 8.8 A Student who has been expelled from a Catholic School will not be allowed to re-enrol at that Catholic School (or, any CET Catholic School if they have been expelled from all CET Catholic Schools) without the permission of the Executive Director or Deputy Executive Director/s of CET, upon receiving the appropriate advice from the Principal Lead and School Principal.
- 8.9 The authority to re-instate a Student's enrolment, lies with the Executive Director or Deputy Executive Director/s of Catholic Education Tasmania subject to written delegated authority.

9 RIGHT TO REVIEW DECISIONS

- 9.1 A Student and/or the Student's parent(s)/guardian(s) have the right to seek a review of a decision made under this policy under Clause 8.6 (b).
- 9.2 Any request for review must be submitted in writing to the Executive Director or Deputy Executive Director/s of Catholic Education Tasmania and provide the grounds for seeking the review.
- 9.3 This request must be submitted within 14 days of the date of the relevant decision.

10 MANDATORY REPORTS TO THIRD PARTIES

- 10.1 This Policy is in addition to all legal requirements on CET Staff to report conduct to relevant authorities, including obligation under the *Child and Youth Safe Organisations Act 2023*.
- 10.2 Where a Student's behaviour constitutes, or is likely to constitute, criminal conduct, the matter must be reported to Tasmania Police. Any conduct reported to the Police by a staff member must also be reported to the relevant Principal Lead.

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10.3 Where a Student’s behaviour creates a reasonable belief or suspicion that a person under the age of 18 has been, is being, or is at risk of being, abused (including the Student themselves), that belief or suspicion must be reported to Tasmania Police, the Strong Families Safe Kids Advice and Referral Line and the CET Child Safety Officer.

11 RESPONSIBILITIES

ROLE	RESPONSIBILITY
Principals of Catholic Schools	<div><div>a) Familiarise themselves with and comply with this Policy and Procedure.</div><div>b) Inform Principal Lead of the action taken to externally suspend a Student for unacceptable behaviour. Any situation requiring the immediate external suspension of a Student to protect health and safety of others in the School, the Principal must report this to the Principal Lead within 24 hours.</div><div>c) Ensure that the initial period of external suspension of a Student will be for a maximum of 10 school days. Periods of suspension are not allocated consecutively.</div><div>d) Refer any final period of external suspension that will be longer than 10 school days to the Principal Lead for approval.</div><div>e) Refer any instances a Catholic School identifies that the most appropriate action is to expel a Student for unacceptable behaviour to the Principal Lead for deliberation.</div><div>f) Ensure that School Staff understand their responsibility regarding unacceptable Student behaviour in accordance with this Policy and related Policy documents.</div><div>g) Ensure that this Policy is accessible via the relevant</div></div>

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	school's website and upon request.
Principal Lead	<ul style="list-style-type: none"> a) Familiarise themselves with and comply with this Policy and Procedure. b) Consider external suspension matters in accordance with this Policy and associate Procedure. c) Consider any instances referred by Catholic Schools that identifies the most appropriate action is to expel a Student for unacceptable behaviour. d) Provide a recommendation to the Executive Director or Deputy Executive Director/s of Catholic Education regarding a decision to expel a Student for approval.
Executive Director of Catholic Education Tasmania or Deputy Executive Director/s	<ul style="list-style-type: none"> a) Familiarise themselves with and comply with this Policy and Procedure. b) Consider a recommendation regarding the expulsion of a Student and advise the Principal Lead and School Principal of his/her decision.
Teachers and all other school staff	<ul style="list-style-type: none"> a) Familiarise themselves with and comply with this Policy and Procedure. b) Are expected to abide by the policies of a Catholic School and the Catholic Education system.
Students and Parents/Guardians of Students	<ul style="list-style-type: none"> a) Familiarise themselves with and comply with this Policy and Procedure. b) Are expected to abide by the policies of a Catholic School and the Catholic education system as part of their enrolment in a Catholic School.

12 RECORD KEEPING

12.1 Records associated with responding to unacceptable student behaviour must be kept and securely stored for the length of time required by our legal requirements and records retention

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schedule. The record must include the following documentation:

- (a) A written record of the unacceptable Student behaviour and all associated documentation.
- (b) Notes from all formal meetings in relation to the unacceptable Student behaviour.
- (c) Correspondence relating to the unacceptable Student behaviour.
- (d) A record of all decisions taken in response to the unacceptable Student behaviour.

12.2 Action taken to internally suspend, externally suspend or expel a Student must also be recorded using the relevant CETKP Form.

13 COMPLIANCE (LEGISLATION AND OTHER DOCUMENTS)

This Policy relates to the following legislation and guidelines:

Commonwealth legislation

- (a) [Disability Discrimination Act 1992 \(Cth\)](#)
- (b) [Disability Standards for Education 2005 \(Cth\)](#)
- (c) [Privacy Act 1988 \(Cth\)](#)

Tasmanian legislation

- (a) [Anti-Discrimination Act 1998 \(Tas\)](#)
- (b) [Children, Young Persons and Their Families Act 1997 \(Tas\)](#)
- (c) [Child and Youth Safe Organisations Act 2023 \(Tas\)](#)
- (d) [Education Act 2016 \(Tas\)](#)
- (e) [Education Act Regulations 2017 \(Tas\)](#)

Other

- a) [CECT Response to Unacceptable Student Behaviour Procedures.](#)

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- b) [United Nations Convention on the Rights of the Child](#)

14 DEFINED TERMS

- 14.1 For the purposes of this policy and related policy documents, the following definitions apply:

External Suspension means when a School asks the Student to leave for a short period of time, up to a maximum of ten school days.

Expulsion means when a School removed a Student permanently from the School and terminates the Student's enrolment. Expulsion, depending upon the circumstances, may mean that the Student is also prohibited from enrolling in any other CET School.

Internal Suspension means when a School removes a Student from class and the Student remains on campus under supervision.

Student means any child or young person enrolled in a Catholic School from Kindergarten to Year 12.

Transfer means when a School transfers a Student to another School.

- 14.2 **Refer to CECT Terms and Definitions document available on the CET Website for other terms and definitions.**

15 FURTHER INFORMATION AND ASSISTANCE

- 15.1 For further information and assistance in relation to this Policy please contact Advisor: Governance Policy and Research policy@catholic.tas.edu.au

16 REVIEW OF THIS POLICY

- 16.1 This Policy will be reviewed every four years.
- 16.2 Updated versions of this Policy will be available on the CET website and on request.

17 REFERENCES

- 17.1 Department for Education, Children and Young People *Secretary's Instruction No. 3 For Unacceptable Behaviour of Students and Volunteers at, and Visitors to, State Schools or School Activities*, February 2023, [Secretary's Instruction \(education.tas.gov.au\)](#)

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