



DISCIPLINE POLICY

1. Purpose

Marri Mittigar School is a place where young people are prepared for active and responsible participation in the community. Each member of the School is affirmed, valued and academically challenged, while recognising their vulnerability due to trauma. In accordance with section 47 of the Education Act 1990 no.8 (NSW), discipline at Marri Mittigar School is based on procedural fairness. The procedures set down in this document recognise appropriate behaviour, and rewards effort and excellence.

The procedures are relevant to all Marri Mittigar activities, including School Camps and Excursions.

Marri Mittigar School aims, through policy development and implementation, to provide a safe and supportive environment where each student who attends the school exercises their human right to be a part of a social community where they are free from physical and psychological harm. It is recognised that inappropriate student actions may be symptomatic of challenges created by health circumstances (ADHD, anxiety, depression), trauma or difficulty with engagement arising from significant gaps in learning. The school will aim to deal with disciplinary matters quickly and effectively to ensure that a positive and productive learning environment is maintained.

2. Scope

This policy applies to all Marri Mittigar staff, students and any affiliated member of the school.

3. Policy

The immediate physical and personal safety of Marri Mittigar students and staff is maintained by a clearly defined set of expectations and procedures outlined in the staff and parent/guardian handbooks which will be translated into relevant languages.

Through positive relationships, high behavioural expectations are communicated and reinforced with rewards and sanctions designed to develop self-discipline.

Students are encouraged to learn to relate to others with a caring approach. They need to develop respect for themselves and others through appropriate social behaviours and attitudes, such as being willing to accept responsibility for their actions, while developing self-reliance and a sense of agency.

Marri Mittigar School provides a structured environment in which an atmosphere of acceptance and tolerance is fundamental. Both the parents/guardians and staff should show warmth, care and compassion that reflect acceptance of the individual's level of development, cultural background and history of trauma.

At Marri Mittigar, number one priority is 'Safety First'. This message seeks to keep every child aware of safety for self and others and is reinforced through assemblies.

Students are expected to refrain from bullying or harassment of other students at all times. Bullying is an ongoing misuse of power in relationships through repeated verbal, physical and/or social behaviour that causes physical and/or psychological harm. It can involve an individual or a group misusing



their power over one or more persons. Bullying can happen in person or online, and it can be obvious (overt) or hidden (covert).

Single incidents of harassment and conflict or fights between equals, whether in person or online, are not defined as bullying. However, reporting such incidents for the safety and wellbeing of all is very important.

1. At Marri Mittigar, bullying in all its forms – physical, emotional, verbal and cyber – is totally unacceptable.
2. The School is committed to minimising all forms of harassment.
3. The School is committed to supporting the wellbeing and safety of all students, with staff and processes in place to support and respond to any concerns.
4. While recognising that the School's first priority is to support victims of bullying, the school will also provide support for the student engaging in inappropriate behaviour towards others.

All procedures in relation to discipline recognise that:

- There are times when individual circumstances may need to be taken into account; and
- The procedures must remain flexible.

Senior staff members, in consultation with the Head of Marri Mittigar where relevant, have the discretion to take any disciplinary action which they feel is fair, consistent and appropriate for the individual student and for the circumstances. It is expected that staff members will communicate effectively with students, pastoral carers and among themselves. Each staff member must take personal responsibility for ensuring that the procedures are implemented consistently and fairly. Effective and regular communication between home and school is important in promoting this common understanding. The use of an interpreter may be required.

Praise and feedback are an important element. Merit certificates are awarded for both consistent academic achievement and behaviour, and demerits for behaviour which does not show respect for self and others.

Marri Mittigar is committed to discipline and behaviour management procedures, which are based on procedural fairness.

Marri Mittigar will ensure that the use of Corporal Punishment in any form is prohibited and will not allow Corporal Punishment to be carried out by a third party as a response to a discipline issue.

Underlying Principles

The underlying principle of behaviour management and investigations is Procedural Fairness.

In turn, Procedural Fairness is underpinned by three basic tenets:

- The right to be heard
- The right to an unbiased decision; and
- That all decisions are based on evidence

Investigations into all matters involving students will be conducted in a manner that observes procedural fairness and natural justice.

Conduct of Investigations

- All investigations will be completed in a timely manner.



- Investigations and disciplinary proceedings will be transparent and consistent, acknowledging the rights and responsibilities of students, parents/guardians and staff members.
- Students will be given an opportunity to comment on, explain or refute information which may be damaging to them.
- Staff members will maintain records which show evidence of a systematic and fair investigation.
- Investigations will comply with relevant laws, statutes and guidelines and may involve the School Liaison Police officer (currently Constable Lynda Hart at Hornsby Police Station).
- Where the outcome of an investigation may lead to suspension or expulsion, students must always be given the opportunity for a support person to be present. The support person should be present from the outset of the investigation or, at the very least, from the stage where a student is required to respond to any allegations. Typically, this support person would be the student's primary pastoral carer (eg class teacher).
- STARTTS (NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors) will be recommended for further support in situations of bullying or harassment of a serious and cultural or racial nature.

Review Process and Right of Appeal

In cases of Expulsion the right of appeal after the Head of Marri Mittigar's decision consists of:

- Parents/guardians writing to the Head of Marri Mittigar to seek clarification; and / or
- If parents/guardians are not happy with the decision or wish to seek further clarification, they may then write to the Head of Barker College through the Head of Marri Mittigar, requesting a review.

The School's Response to Breaches of Discipline

The School has a range of disciplinary options that it may implement depending on the severity of a single offence or the accumulation of a number of offences.

SANCTION PROCEDURE

Demerits

- Any teacher may issue a demerit for reasons believed to be serious and appropriate. Class teachers should notify the Head of School.
- If the matter is deemed of a significant nature, the teacher or the Head of School will contact a parent/guardian informing the parents/guardians of the sanction and outlining the reasons for it.
- Recurring inappropriate behaviour requiring several demerits will result in an interview with parents/guardians and the classroom teacher and may include the Head of School.

SUSPENSION

- Suspension is a temporary removal of a student from all of the classes that a student would normally attend at a school for a set period of time.
- The School, for a single offence, may suspend a student where the offence warrants a penalty, which is less than expulsion.



- In accordance with the hearing rule, the student in question will have the matter clearly explained to them, including an outline of evidence from witnesses, and the offer of a support person to attend meetings made. The process that will be followed for the matter will be clearly explained to the student and time frames for resolution and outcomes given. The student is given the opportunity to respond to the allegations and the Head of Marri Mittigar school will explain how a review of the suspension could be made.
- It will be made clear to the student and parents/guardian that the policies and procedures under which disciplinary action is taken are fully available on the school website.
- A suspended student is being given an opportunity to reflect with their parents/guardians on whether Marri Mittigar is the correct School for the student, and whether they have the necessary resolve and character to return to Marri Mittigar and conform to the School's expectations. Suspension carries with it the implication that any further serious offence or breach of Marri Mittigar's Student Code of Behaviour, whether in a related area or not, may result in expulsion.
- The period of suspension may vary from one day to a maximum of two weeks. The period imposed is at the discretion of the Head of Marri Mittigar or delegated representative.
- The period of suspension may be served as an internal suspension, in which the student attends School but does not attend normal classes or interact with other students in breaks.

Decision to Suspend

- The decision to suspend a student will be made by the Head of Marri Mittigar in consultation with the relevant staff members. The Head of Marri Mittigar or a delegated senior staff member may immediately suspend a student where the student poses a threat to themselves, to other students or staff members, to the safe conduct of an activity, to the school, or to an investigation process.
- Students who have been suspended internally will complete work under the supervision of staff members, but will not participate in co-curricular activities or events for the duration of the suspension. Typically students who are internally suspended will have recess and lunch breaks at different times to their peers.
- If necessary, the school will support, through counselling or referral to outside agencies or professionals, those students who have been suspended.
- Every effort will be undertaken by the school to inform the parents/guardians of a student who is suspended prior to the student informing their parents/guardians.
- Whenever a student is suspended or expelled, the parents/guardians shall subsequently be informed in writing, and a copy of the letter placed on the student's personal file.

The following behaviours (**including but not limited to**) may constitute grounds for placement of a student on a suspension:

- Persistently disrupting the learning of others;
- Physical violence;
- Assault causing bodily harm or significant property damage;
- Inciting violence, aggression or harassment;
- Abuse of a staff member;
- Verbal harassment;



- Continued disobedience;
- Persistent bullying or harassment;
- Theft of school property or personal property of another student or staff member;
- Destruction or deliberate misuse of school property or property of another.

EXPULSION

Expulsion is the permanent removal of a student from one particular school. Expulsion will generally occur when the school's pastoral and disciplinary resources have been exhausted and, consequently, it is the school's judgement that the student can no longer benefit from attending the school.

Expulsion is the school's response when:

- A single incident of unacceptable behaviour has occurred that requires a student's removal from the school; or
- A student is judged by the school to be deriving no positive benefit from attending Marri Mittigar; or
- A student consistently disrupts the learning of other students, or is judged to be an ongoing threat to the welfare of other students or staff members. In such cases, expulsion would normally follow a succession of offences resulting in other sanctions, advice, counselling, specific programs or referral to outside agencies.

Decision to Expel

- The decision to expel a student will be made only by the Head of Marri Mittigar in consultation with the Head of Barker College.
- The Head of Marri Mittigar, before requiring the expulsion of a student, will establish the status of previously written advice to parents/guardians. The Head of Marri Mittigar will also consult with senior pastoral care staff members (normally the classroom teacher) and the School Counsellor. The interviews with the student will be conducted in front of a panel of at least two members of Marri Mittigar staff or one from Barker College to ensure impartiality in decision-making and limit the possibility of bias amongst the staff involved.
- It will be made clear to the student and parents/guardian that the policies and procedures under which disciplinary action is taken are fully available on the school website.
- Where expulsion is being considered, the Head of Marri Mittigar may suspend a student for the period of time that it takes to consult with senior staff members in order to reach a decision. The student and the parents/guardians will be made aware that this process is occurring. An independent interpreter will be offered to explain the allegations clearly so that there is understanding on the part of the student and parents/guardians.
In accordance with the hearing rule, the student in question will have the disciplinary matter clearly explained to them with an outline of evidence from witnesses and the offer of a support person to attend meetings made. The process that will be followed will be clearly explained to the student and time frames for resolution and outcomes given. The student is given the opportunity to respond to the allegations and the Head of Marri Mittigar will explain how a review of the expulsion could be made.



- The Head of Marri Mittigar and senior staff members will routinely offer to assist parents/guardians to find placement at another school for a student who has been expelled from Marri Mittigar, if that is their wish or assistance in finding alternative educational pathways.
- The School's Pastoral staff members may continue to support a student and their family in the transition to another school.

The following behaviours (**including but not limited to**) may constitute grounds for expulsion of a student:

- Possession and / or use of weapons;
- Possession of drugs for use, distribution or sale;
- Sexual misconduct or sexual harassment of a student or staff member.

Note: Students will also have their enrolment terminated (as distinct from expelled) if there is a protracted absence from school with lack of contact and refusal to respond to letters and phone calls.

EXCLUSION

Exclusion is the act of preventing a student's admission to one or a number of schools. In extreme circumstances, the Head of Barker College may make a submission to an appropriate authority, or to other schools, recommending the permanent exclusion of a student from the registration system of which the school is a member, or from other schools. If a student is expelled from Marri Mittigar, he/she will also be excluded from Barker College. However the Head of Barker College may offer to provide help to locate another suitable educational pathway for the excluded student.

4. References

Education Act 1990 no.8 (NSW)