



## CATHERINE MCAULEY CATHOLIC COLLEGE

### WELLBEING & PASTORAL CARE POLICY

<b>APPLICABLE TO</b>	Staff, students and parents
<b>DOCUMENT OWNER</b>	College Principal
<b>APPROVAL DATE</b>	Term 1 2021
<b>APPROVED BY</b>	Senior Executive
<b>LAST REVIEW DATE/S</b>	New Policy
<b>NEXT REVIEW DATE</b>	12 months from implementation date
<b>RELATED DOCUMENTS</b>	MN CSO Code of Conduct 2018 MN CSO Wellbeing & Pastoral Care Policy 2017 MN CSO Reporting of Children of Concern Policy 2015 MN CSO Attendance Policy CMCC Anti-Bullying Policy & Procedure 2021 CMCC Serious Incident Policy 2021 CMCC Corporal Punishment Policy 2021

#### Purpose

Catherine McAuley endeavours to promote a healthy, supportive and safe environment for all members of the community and it has, as its foundation, a profound respect for the dignity and uniqueness of the individual. The College endeavours to provide a strong sense of wellbeing, belonging and security for all individuals.

#### Policy Statement

The College Pastoral Care Policy reflects the *Diocesan Vision Statement* for Catholic schools and is guided by the principles stated in the Diocesan Pastoral Care Policy. College practices are based on the application of Restorative Justice principles and the principles of Procedural Fairness as set out in the Diocesan Statement: Pastoral Care (November 2002).

The Pastoral Care Policy seeks to implement our core mercy values, namely those of compassion, justice and respect for human dignity.

The Governance of this policy is the responsibility of all staff, overseen by the Principal with support from the College Senior Leadership Team.

The Assistant Principal (Wellbeing) and the Wellbeing Team manage the processes and procedures specific to pastoral care throughout the College. This applies to both students and relevant professional development for staff and the parent body.



## Definitions

**Appeal:** An impartial, determinative process available to all parties to a complaint wherein an independent person reviews both the way in which the complaint management process has been conducted and the integrity of its outcome(s).

**Complaints management:** An established system of responding to and handling complaints and suggestions regarding matters causing dissatisfaction or concern.

**Confidentiality:** Protection given to the non-disclosure of things said and one; an ethical duty held by persons to ensure that matters are held to be private and in confidence between themselves and others.

**Due diligence:** The care taken by a reasonable person to ensure that others do not suffer unnecessary harm or disadvantage; the obligation bestowed upon a person to act responsibly, efficiently and prudently in the carrying out of his or her duties.

**Duty of care:** A legal requirement that a person exercise a reasonable standard of care toward others in order to protect them from unnecessary risk of harm; professional duty of care exists at a level higher than that placed upon a member of the general public.

**Grievance:** A real or imaginary wrong causing resentment and regarded as grounds for complaint a feeling of resentment or injustice at having been unfairly treated.

**Inclusivity:** Respectful, supportive and equitable College communities. All embracing.

**Privacy:** The extent to which a person can determine which personal information is to be shared with whom and for what purpose; a legally bestowed principle that ensures that certain information remains protected from disclosure.

**Procedural fairness:** An obligation placed upon organisations and persons making decisions affecting the rights and welfare of others to engage in decision-making with due diligence, transparency and without bias. Procedural fairness affords certain rights to persons including the right to know of matters alleged, the right to respond and the right to appeal decisions made.

**Restorative Practice:** The overriding principle of all our interaction is that we strive to restore relationships: holding parties accountable with the aim to repair any harm that may have been done.



## Scope

This policy applies to all staff, with an expectation of full support from all parents and students. It provides information for staff, parents and students in relation to the provision of high quality pastoral care at the College.

## Guiding Principles

The College Pastoral Care policy reflects the Diocesan Vision Statement for Catholic schools, particularly the following:

- Be an integral part of the evangelising mission of the Church, and reflect Gospel values of justice, truth, peace, forgiveness, love, reconciliation and service of one another.
- Be centred on the person of Jesus and grounded in the Scriptures, in the teachings, traditions of faith and prayer in the Catholic Church and the witness of its past and present saints and scholars.
- Recognise the individuality of each young person and foster the development of each one's unique potential and spirituality.

### Restorative practices:

The philosophy of Restorative Justice and Restorative Practices informs a positive and formative approach to student behaviour management. A commitment to Restorative Practices has as its aim the promotion of resilience in the one harmed and the one causing harm. Restorative measures help students learn from their mistakes, grow in self-discipline, take responsibility for their actions, recognise the impact of their actions on others, and reconcile and resolve conflict with others.

### Procedural Fairness:

Procedural Fairness is a basic right of all individuals dealing with authorities. All communities have a legitimate expectation that all school and system personnel will follow these principles in all circumstances, especially when dealing with suspensions and expulsions.

Procedural Fairness is generally recognised as having two essential elements:

1. The right to be heard which includes:

- The right to know why the action is happening
- The right to know the way in which the issues will be determined
- The right to know the allegations in the matter and any other information that will be taken into account



- The right of the person against whom the allegations have been made to respond to the allegations
- The right to an appeal.

2. The right of a person to an impartial decision that includes:

- The right to impartiality in the investigation and decision making phases
- The right to an absence of bias in the decision maker.

As part of ensuring the right to be heard, the Principal should establish if parents/carers require an interpreter and if so, make arrangements for one to be available.

Principals should also ensure that students and parents/carers have access to policies and procedures under which action is being taken.

While it is generally preferable for the functions of investigating and decision-making be carried out by different people, in the school setting this may not always be possible.

If the Principal is conducting both the investigative and decision-making stages, he or she must be reasonable and objective. Ultimately, the Principal must act justly and be seen to act justly. While it is difficult to combine the roles of investigator and adjudicator, it is acceptable to do so given the nature of the Principal's responsibilities. Nevertheless, it is always preferable to have another appropriate person, such as the Assistant Principal or Head of House, carry out the investigation, if possible.

The availability of a line of appeal adds to the fairness of the process and offers a check in case there is a perception of a conflict of interest.

Consistent with the requirements of the Education Reform (School Discipline) Act 1995, this policy declares that corporal punishment is inappropriate and totally banned within the school. Therefore, also this policy does not sanction the administering of corporal punishment by non-school persons, including parents, to enforce school discipline.

\* Please refer to Appendix A which provide details specific to the School's management of Serious Offences. These procedures are in line with Maitland- Newcastle CSO guidelines.



## Responsibilities

It is the responsibility of all staff to fulfil the responsibilities and meet the expectations of the College Pastoral Care Policy. More specifically:

**The Principal** is responsible for communicating, administering and managing this policy with staff, students and families.

**The College Senior Leadership Team** will advise the Principal when required.

**The Assistant Principal** will liaise with the relevant Head of House or Leader of Wellbeing in managing student issues when required. The Assistant Principal is also charged with the strategic planning of pastoral care and wellbeing at the College.

**The Leader of Wellbeing** will investigate the issue and liaise with the relevant students and their families. The Assistant Principal or Head of House may become involved for more serious issues.

## Budget

The Annual School Budget will contain provisions for funding:

- Pastoral Care and Wellbeing initiatives across the College.
- Costs associated with relevant Staff Professional Development.
- Required resources.
- Supporting community members in need &
- Providing outreach support to students and families in need, particularly those in crisis situations.

## Legislative/Professional Guidelines

- Children and Young Persons (Care and Protection) Act 1998(NSW)
- Disability Discrimination 1992
- Disability Standards for Education (2005) and Guidance Notes (2005), revised 2012.
- Australian Education Act 2013
- NSW Government, Keep Them Safe Online Mandatory Reporting Guide (2013)
- National Professional Standards for Teachers (2011).



## Evaluation

This policy will be reviewed one year after its implementation date and then every three years or as the need arises. It is the responsibility of the College Leadership Team to implement such reviews and to update this policy when necessary.



## Appendix A

### Definition of Serious Offence

The Catholic Schools Office proposes that serious offence should be defined as activity or behaviour that:

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

#### NOTE:

Some serious offences are by their nature criminal offences. Schools are obliged to observe legal requirements in such cases. For further information and guidance, refer to:

- Child Protection:
  - Policy, (1999)
  - Guidelines & Procedures for the Notification of Child Abuse – Diocese of Maitland-Newcastle (1999-2000)
  - Summary of Diocesan Guidelines (1999)
  - Ombudsman Amendment (Child Protection & Community Services) Act 1998 – Guidelines for Implementation (2000).

### Suspensions

Suspension means a temporary withdrawal of a student's right to participation in and attendance at regular school activities. The length of time of suspension will vary depending on the nature of the incident and the purpose of the suspension.

It is a serious disciplinary measure and should only be used when other disciplinary measures have not produced a satisfactory outcome. The decision to suspend a student is to be made by the Principal or their delegated authority.

In normal circumstances suspension is subject to the following guidelines, however, it is recognised that on occasion an immediate suspension\* may have to be imposed.

- That appropriate welfare strategies and discipline options have been applied and documented.



- That appropriate support personnel available within the school and system and externally have been involved.
- That discussion has occurred, prior to suspension, with the student and parent/caregiver regarding specific unacceptable behaviour.
- That records of all discussion and action have been taken.
- That appropriate communication processes are in place, including with the student and the student's parent/guardian.
- A student must not be sent home before the end of the school day until parent/s/guardian/s have been informed, and if necessary, agreement reached about arrangements for the collection of the student from school.

### **Immediate Suspension**

In some circumstances the Principal may determine that a student should be suspended immediately. This will usually be due to reasons such as:

- the safety of students or staff because of unacceptable behaviour, harassment, violence, or threats of violence
- the presence of knives and/or other weapons or
- the presence of illegal drugs.

Any student who is violent or threatens serious physical violence against another student or teacher or behaves in unacceptable ways, including any form of harassment against other students or teachers, is to be suspended immediately.

Any student who is in possession of a suspected illegal drug, is to be suspended immediately. Principals must contact their school Consultant to inform them of the incident and discuss with them whether the matter is serious enough to be reported to Police.

Any student who is in possession of a knife or threatening to use any item or instrument as a weapon, is to be suspended immediately. Principals must contact their school Consultant to inform them of the incident and discuss with them whether the matter is serious enough to be reported to Police.

### **Short Suspension**

Short Suspension may be served by the student at school during school hours (**internal suspension**) or out of school (**external suspension**). A Principal may impose a short suspension of up to and including four (4) school days.

#### *Short Internal Suspension:*

- The Principal or their delegated authority may suspend a student, in accordance with the school's Pastoral Care Procedures.





- If suspension is served internally, then the student must attend school, but be withdrawn from all normal classes and other usual daily activities.

#### *Short External Suspension*

- The Principal or their delegated authority may suspend a student, in accordance with the school's Pastoral Care Procedures.
- A meeting to resolve the suspension, with the student and parent/caregiver, must be convened by the Principal or their delegated authority at the earliest opportunity. Parents have the right to a support person acceptable to both Principal and parent (eg. Aboriginal Education Worker, Special Education Adviser, Counsellor). Students should not be interviewed alone in relation to suspension issues.
- Where possible, a Principal or delegated authority must have a support person present during all meetings.
- During this meeting, appropriate pastoral care strategies will be discussed to assist the student. These may include the development of a contract indicating expectations regarding the student's behaviour, specific scheduling or timetabling, and monitoring of student behaviour. The consequences of continued unacceptable behaviour needs to be determined and clearly communicated to student and parents.
- If the unacceptable behaviour persists after two short suspensions, a longer suspension must be considered.
- The details of the suspension must be recorded with all relevant documentation retained on file at the school.
- Record keeping and access will be consistent with the Catholic Schools Office *Privacy Policy 2001* and *School Records – Keeping & Maintaining Policy 2002*.

#### **Long Suspension**

If short suspensions have not resolved the problem, or the misbehaviour is so serious as to warrant a long suspension, the **Principal may impose a long suspension of up to and including twenty (20) school days**. The school's Consultant must be advised of the suspension including its duration. Given the seriousness of long suspension, particular emphasis must be given to procedural fairness issues.

A formal disciplinary interview must be held with the student prior to making the decision to suspend. Principals must ensure that the student knows what the suspension is for, and that the student has an appropriate person present at the interview. **The main issues of the interview must be recorded**. Where a report from the school Counsellor is available, it may be used for this interview.



A meeting to resolve the suspension, with the student and parent/caregiver, must be convened by the Principal at the earliest opportunity. Parents have the right to a support person acceptable to both Principal and parent (eg. Aboriginal Education Worker, Special Education Adviser, Counsellor).

Where possible, a Principal must have a support person present during all meetings.

During this meeting, appropriate pastoral care strategies will be discussed to assist the student upon their return to school. These may include the development of a contract indicating expectations regarding the student's behaviour, specific scheduling or timetabling, and monitoring of student behaviour.

The further consequences of continued unacceptable behaviour needs to be determined and clearly communicated to the student and the student's parents.

Record keeping and access will be consistent with Catholic Schools Office *Privacy Policy 2001* and *School Records – Keeping & Maintaining Policy 2002*.

### **Deciding on, Notifying and Resolving a Suspension**

#### **Decision**

The decision to suspend must be taken by the Principal, or in the Principal's absence, the acting Principal.

The Principal must inform the student of the precise grounds on which the suspension is being considered. The student must be given the opportunity to respond. The student's response must be considered before a decision to suspend is made.

#### **Notification**

A student will not be sent out of the school before the end of the school day without notification being made to the parent/caregiver, and if necessary, agreement reached about arrangements for the collection of the student from school.

Notification of suspension must be made to parents/caregivers in writing.

In all cases, it is desirable that the notification includes:

- notice of the suspension
- the date and probable duration of the suspension
- the reasons for the suspension



- a program of work, provided by the school, for the student to continue their studies while suspended
- the importance of parental assistance in resolving the matter.

The Principal must inform relevant/appropriate staff, and the school's Assistant Director.

If consideration is being given to proceeding to expulsion from the school, the notification of suspension should make this intention plain.

### **Resolution**

The Principal must convene a suspension resolution meeting, to facilitate the student's return to school, of personnel involved in the welfare and guidance of the student, including the parents/caregivers, school Counsellor.

If parents/caregivers are unable or unwilling to attend a meeting, the Principal should consider the individual merits of the case and attempt to ensure that the student is back at school on or before the concluding date of the suspension period.

All meetings and interviews are to be recorded with the documentation retained on file at the school.

### **Expulsion**

Expulsion means total exclusion of a student from attendance at the school of enrolment within the diocese of Maitland-Newcastle.

Expulsion is an extreme disciplinary step reserved for cases of gross misconduct, extremely grave breaches of school rules and behaviour that is persistently disruptive and/or dangerous.

In normal circumstances expulsion is subject to the following guidelines, however, it is recognised that, in very limited circumstances of the most serious kind, an immediate expulsion may have to be imposed.

Expulsion is a sanction to be applied as a last resort when other disciplinary measures, including suspension, have not produced a satisfactory outcome. In deciding to expel a student, careful consideration must be given to the welfare of the student and to the overall good and/or safety of the school community.

The Principal should ensure, except as a result of a most serious incident, that all appropriate welfare strategies and discipline options have been implemented and



documented, prior to expelling a student from the school because of misbehaviour.

Prior to making a decision to expel, the student must receive at least one formal written warning that such action is being considered.

### **Deciding on and Notifying an Expulsion**

#### **Decision**

- The decision to expel must only be made by the Principal.
- The Principal must inform the student and the school's Assistant Director of the precise grounds on which expulsion is being recommended.
- The student must be given the opportunity to respond. The student's response must be considered before a decision to expel is made.
- Prior to a decision being made to expel a student, the Principal must seek advice from relevant and appropriate personnel, eg. Parish Priest of the student, school's Counsellor, school's Consultant.
- If the student is under 15 years of age, the Principal will explore enrolment alternatives with the school's Consultant prior to finalising the expulsion.

#### **Notification**

Having reached a decision to expel a student from the school, the following steps must be put in place:

- A student will not be sent out of the school before the end of the school day without notification being made to the parent/caregiver, and if necessary, agreement reached about arrangements for the collection of the student from school.
- Notification of expulsion must be made to parents/caregivers in writing. In all cases, the notification must include:
  - Notice of the expulsion. This formal advice should also state the student's/parents' right to appeal the decision and the appropriate procedures for submitting an appeal.
  - The reasons for the expulsion.
- The Principal must inform relevant/appropriate staff, the school's Consultant and where warranted, the student's Parish Priest.
- The Principal should assist the student to find suitable alternative placement in another Catholic school if appropriate, particularly where the student is under 15 years of age.



- Documentation of all steps involved and record of any interview/correspondence must be completed.
- Having completed the action outlined above, the Principal must forward a copy of all documentation related to the incident and subsequent expulsion to the Director of Schools, Catholic Schools Office.

### **Exclusion**

Exclusion is an extension of expulsion and removes the capacity of a student being enrolled in any Catholic school in the Diocese of Maitland-Newcastle, as a result of the serious nature of the offence committed.

### **Right of Appeal Process**

Students and parents/caregivers who consider that correct procedures have not been followed, or that an unfair decision has been made, may appeal.

- The student's parents have a right to appeal against a notification of expulsion within five (5) working days of the action.
- This appeal is made in writing to the Director of Schools stating the grounds on which the appeal is being made.
- In hearing an appeal, the Director of Schools will be assisted by a Principal and a school Counsellor.
- Following an unsuccessful appeal, the student's parents have the right of appeal to the Bishop, Maitland-Newcastle Diocese, within thirty days. The Bishop or his appointee may appoint an appropriate person to hear appeals.