St Anne's Kew East
Negotiated Transfer of Students Policy

St Anne's is a school which operates with the consent of the Catholic Archbishop of Melbourne and is owned, operated and governed by Melbourne Archdiocese Catholic Schools Ltd (MACS).

Note to Principals: This Policy is to be contextualised for your School and placed on the School website. Only highlighted text can be amended by a MACS school without the approval of the MACS Executive Director. *[This note is to be removed in the published version of this Policy.]*

Introduction

St Anne's approach to behaviour support is underpinned by the belief that all students should maintain a level of behaviour that respects their rights and the rights of others to:

- be safe and feel safe
- learn to the best of their ability
- express themselves
- take responsibility for their choices.

To this end, St Anne's commits to working in partnership with parents, carers and guardians and is guided by values of justice, equity, integrity, respect and compassion.

All students and staff have the right to be treated fairly and with dignity in an environment that is safe, and free from disruption, intimidation, harassment and discrimination.

St Anne's Student Behaviour Policy details related expectations and procedures for fulfilling the School's responsibilities in promoting positive student behaviour and responding to challenging student behaviour. Support processes for a student will be implemented where appropriate. Where pastoral and disciplinary measures, including suspension, have failed to resolve continued unacceptable behaviour by a student, it may be in the best interests of the School community and/or the student involved to consider a negotiated transfer to another school. The new educational setting may better meet the student's current and future needs, and provide for the student's wellbeing. This process will be undertaken in full consultation with families/parents/guardians/carers/relevant persons.

Context

When a series of incidents or a significant isolated incident occurs, and pastoral and disciplinary measures (including suspension) have failed to resolve an issue of serious inappropriate student behaviour, a negotiated transfer may be considered.

Negotiated transfer is a documented and mutually agreed move to another school. This may be considered as a way of giving a student a fresh start. It is an option in circumstances where it is judged that the student's present school is not the right environment for the student, that another setting would more suitably meet the student's current and future needs, and be the most appropriate means of providing for the student's wellbeing.

A negotiated transfer of a student can only be authorised by St Anne's Principal and will be considered when:

- unacceptable behaviour has occurred or has risen to a level where continued enrolment of the

student at St Anne's is not in their educational interests or the interests of others in the School community

- the interventions put in place to support the student at St Anne's have not resulted in a positive change in behaviour.

The St Anne's Principal will consult with the student and their family/parents/guardians/carers/ relevant persons on appropriate alternative school settings and, where possible, arrange enrolment with another school.

A negotiated transfer will end the enrolment agreement with St Anne's and will require enrolment in the new school.

Procedures for negotiated transfer

Authority for negotiated transfer

Only the St Anne's Principal has the authority to negotiate a transfer for a student.

If the St Anne's Principal is absent, the responsibility may be delegated to the Deputy Principal or the next senior person on staff to act on their behalf. The Principal should be notified of the negotiated transfer as soon as practicable.

The St Anne's Principal is responsible for ensuring all procedures associated with negotiated transfer are followed correctly.

Grounds for negotiated transfer

The St Anne's Principal has authority to negotiate a transfer for a student if the student:

- behaves in such a way as to pose a danger whether actual, perceived or threatened to the health, safety or wellbeing of any person
- causes significant damage to or destruction of property
- commits, attempts to commit or is knowingly involved in theft of property
- possesses, uses or sells, or deliberately assists another person to possess, use or sell illicit substances or weapons
- fails to comply with any clear and reasonable instruction of a staff member so as to pose a danger whether actual, perceived or threatened to the health, safety or wellbeing of any person
- consistently engages in behaviour that vilifies, defames, degrades or humiliates another person
- consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student.

Application

A negotiated transfer will only be considered if the student is engaged in the behaviour referred to above while at school, travelling to or from school, is identifiable as a member of the school community, or while engaged in any school activity away from school (including travel to and from that activity).

Criminal offences

Some wrongful behaviours of a serious nature are by definition criminal offences. These may include criminal damage of property, possession of a weapon, theft, assault with weapons, use, possession or distribution of drugs. The grounds for negotiated transfer listed above are indicative only and not exhaustive.

When the St Anne's Principal determines that a serious criminal offence has occurred, they will be mindful of the School's and MACS' duty of care, including those owed to students who are victims or offenders, and staff.

The incident will be reported to the police at the earliest opportunity.

Process

1. Prior to negotiated transfer

1.1 The St Anne's Principal will identify the family/parents/guardians/carers/relevant persons.

1.2 The St Anne's Principal will notify the MACS Regional Office.

2. Meeting

2.1 The St Anne's Principal will meet with the family/parents/guardians/carers/relevant persons and student.

2.2 In the meeting, the St Anne's Principal will:

a) advise the student and their family/parents/guardians/carers/relevant persons that they are considering a negotiated transfer (notice must be confirmed in writing or by email within 24 hours)

b) outline the grounds for the negotiated transfer that are being considered and the evidence to support a finding that the student has engaged in relevant conduct

c) ensure that the student and their family/parents/guardians/carers/relevant persons have the opportunity to be heard

d) provide comprehensive advice to the student and family/parents/guardians/carers/relevant persons about the potential options and the benefits a negotiated transfer would provide

e) seek agreement from the student and family/parents/guardians/carers/relevant persons for a negotiated transfer

f) provide assistance through the MACS Regional Office if a negotiated transfer is desired to another MACS school, but cannot be arranged.

3. Decision regarding negotiated transfer

3.1 Before arranging a negotiated transfer for a student, the St Anne's Principal will:

a) properly, fairly and without bias consider all the relevant matters, including the impact of the behaviour of the student on other affected parties, in making their decision

b) determine whether the action is appropriate when compared to:

- the nature of the behaviour in question
- the educational needs of the student
- any disability the student may have
- the age of the student
- the magnitude and impact of the student's actions
- the residential and social circumstances of the student.

The St Anne's Principal will ensure that principles of procedural fairness are followed in the decision-making process, including that the student and their family/parents/guardians/carers/relevant persons have the opportunity to be heard, any information or documentation provided to the student or their relevant person has been taken into account in making the decision regarding negotiated transfer, and other forms of action to address the behaviour for which the negotiated transfer is considered have been explored.

3.2 The St Anne's Principal will ensure that they are satisfied that there have been sufficient interventions and strategies used prior to the decision to consider a negotiated transfer and that documented evidence of those interventions exists.

3.3 Where requested, the School will provide access to counselling for the student and/or their family/parents/guardians/carers/relevant persons.

3.4 The St Anne's Principal will inform the MACS Regional Office before arranging a negotiated transfer for any student.

4. Process following negotiated transfer [Principals to delete sections not relevant to their School]

4.1 Once a decision to proceed with negotiated transfer has been determined, the St Anne's Principal will provide the student and their family/parents/guardians/carers/relevant persons with a *Notice of Negotiated Transfer of Students* which will include:

a) why a change to another setting is being proposed

b) the other school/setting that would provide an educational program suited to the student's needs, abilities and aspirations

c) the date of the commencement of the transfer

d) any additional considerations to support the transition.

4.2 A copy of the *Notice of Negotiated Transfer of Students* will be provided to the MACS Regional Office.

4.3 In the case of a student of compulsory school age (i.e. between six and 17 years of age), the St Anne's Principal will ensure that the student is participating as soon as practicable in one or more of the following options:

a) enrolled in another registered school

b) enrolled at a registered training organisation

c) engaged in employment.

4.4 The St Anne's Principal will provide the student with meaningful work, and monitor the completion of that work, until one of the options listed in 4.3 is exercised.

4.5 In the case of a student beyond compulsory school age (i.e. over 17 years of age), the St Anne's Principal will provide the student and their family/parents/guardians/carers/relevant persons with information about other schools, registered training organisations or employment agencies that may provide suitable opportunities for the student. The Principal will ensure that they are satisfied that the student is engaged in a suitable educational or employment pathway.

4.6 The student is to remain enrolled at their current school until the negotiated transfer process is completed or expulsion is being considered.

4.7 During the negotiated transfer process, if a student is suspended from school, the St Anne's Principal will provide them with:

a) appropriate and meaningful work that is monitored to support ongoing engagement with learning until one of the options in 4.3 is exercised

b) appropriate wellbeing support, including counselling as deemed relevant, and in consultation with family/parents/guardians/carers/relevant persons. When identifying appropriate wellbeing supports, consideration will be given to the particular circumstances of the student, including whether they are considered vulnerable, and whether they come from a culturally or linguistically diverse background.

5. Record keeping

5.1 The St Anne's Principal is responsible for ensuring all records pertaining to any incident involving a negotiated transfer are carefully recorded, filed and retained on the School records.

Responsible director	Director, Learning and Regional Services
Policy owner	General Manager, Student Wellbeing
Approving body/individual	MACS Board
Risk Rating	High
Approval date	April 2022
Date of next review	April 2024

POLICY DATABASE INFORMATION	
Assigned Framework	Suspension, Negotiated Transfer and Expulsion of Students
Related documents	Checklist – Negotiated transfer of students Expulsion of Students Policy (School) Flowchart – Negotiated transfer of students Notice – Negotiated transfer of students Roles, responsibilities and reporting – Suspension, negotiated transfer and expulsion of students Suspension of Students Policy (School)
Superseded documents	School Negotiated Transfer of Students Policy – v1.0 - 2021
New policy	