

5.1 STUDENT DISCIPLINE POLICY

Lindfield Montessori School recognises the unique value of each child and the importance of ensuring the healthy and emotional development of each child.

Discipline is reinforced using positive initiatives and incentives with regard to the student/students concerned. This policy is consistent with the Education Reform Amendment (Corporal Punishment) Act 1995.

Underlying our practices are fundamental principles of human respect and dignity, and fair treatment. It is every person's right to expect to be treated according to these principles. We are also conscious of a need to attend to gender equity and anti-harassment. A right can only be enjoyed when everyone acts responsibly.

We aim to teach students that mutual rights are essential if we are to cooperate with one another at school in such a way as to enable good learning in the classroom and to construct a social environment around the school. In order to guide responsible behaviour we have rules. Student behaviour should reflect our School philosophy.

Students are required to abide by the School's Rules and to follow the directions of teachers and other people with authority delegated by the School.

Where a student disregards rules, disobeys instructions or otherwise engages in conduct which causes or may cause harm, inconvenience or embarrassment to the School, staff members or other students, the students may be subject to disciplinary action.

All disciplinary action that may result in any sanction against the student including suspension, expulsion or exclusion provides processes based on procedural fairness.

The School's approach to discipline and behaviour management is outlined in the Behaviour Management Policy (5.2), the Appropriate Behaviour Policy (5.3) and the Bullying (Children) Policy (2.46).

The disciplinary procedures undertaken by the School vary according to the seriousness of the alleged offence. Where the allegation, if proved, may result in suspension or expulsion, the student and parents will be informed of the allegations and procedural steps to be followed in dealing with the matter. In relation to all matters to be investigated, students will be informed of the nature of the allegation and given an opportunity to respond to the allegations.

The penalties imposed vary according to the behaviour and the prior record of the student. At the lower end of the scale, an admonition may be appropriate. At the upper end of the scale, the behaviour could result in suspension or expulsion. Exclusion is not used at Lindfield Montessori Preschool,

The school explicitly prohibits the use of corporal punishment in disciplining students attending the School. The administering of corporal punishment by non-school persons, including parents, is not explicitly or implicitly sanctioned to enforce discipline at the school.

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Where the offending behaviour is of such a nature that it may result in suspension or expulsion, the student will be:

- informed of the alleged infringement;
- informed as to who will make the decision on the penalty;
- informed of the procedures to be followed which will include an opportunity to have a parent or guardian present when responding to the allegations; and
- afforded a right of review of appeal.

Procedural Fairness

Procedural Fairness includes the right of the person against whom an allegation has been made to:

- know the allegations related to a specific matter and any other information which will be taken into account in considering the matter
- know the process by which the matter will be considered
- respond to the allegations
- know how to seek a review of the decision made in response to the allegations

The 'right to an unbiased decision' includes the right to:

- impartiality in an investigation and decision-making
- an absence of bias by a decision-maker

Procedural fairness includes making available to students and parents or caregivers this policy under which disciplinary action is taken. It also includes providing details of an allegation relating to a specific matter or incident. This will usually involve providing an outline of the allegations made in witness statements and consideration of witness protection.

Parents will be involved in the processes of procedural fairness for suspension and expulsion.

Review options include:

Option 1

- The Principal will be reasonable and objective. To be procedurally fair, he/she will act justly and be seen to act justly. He/she will reach a preliminary decision in relation to the allegation and any proposed penalty and advise the student (and parent/s) of the view.
- The student (and parent/s) would be advised that if they wish this preliminary decision to be reviewed, they may make application for a review to the Committee President and submit any information they want to be considered during the review process.
- The Committee President will then either confirm the preliminary decision as final decision or amend the preliminary decision based on the additional information provided.

Option 2

- The Executive Committee will reach a decision in relation to the allegation and recommend the penalty to be imposed to the Principal.
- The parents will be informed of the finding and recommendation and may make representations to the Principal in respect of the finding and recommendation.
- The Principal then makes a final decision on the proposed penalty.

In matters where a long suspension or expulsion is contemplated, the gravity of the circumstances requires particular emphasis to be given to procedural fairness. This includes the offer of having a support person attend formal interviews. The key points of the discussion are to be recorded in writing.

Definitions

Suspension – the 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.

Expulsion – the permanent removal of a student from one particular school.

Exclusion – the act of preventing a student's admission to a number of schools. In extreme circumstances, the Principal of a School 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.

Relevant Legislation	Education Reform Amendment (Corporal Punishment) Act 1995 Children (Education and Care Services National Law Application) Act 2010 Sections 166-167 Education and Care Services National Regulations 2011. Reg 86, 168
Link to National Quality Standard	2.2
Related Policies	Behaviour Management Procedure Appropriate Behaviour Policy Child Protection Policy Family Participation and Communication Interactions with Children Policy Code of Ethics Statement Ethical Code of conduct
Sources & Further Reading	AIS NSW Montessori Australia Foundation

POLICY REVIEWED	MODIFICATIONS	NEXT REVIEW DATE
January 2022	Checked regulations, updated copy	2024
May 2023	Conducted AIS Gap analysis. Added in definitions, and Procedural Fairness Information	2025