

Negotiated transfer of students Policy

NEGOTIATED TRANSFER OF STUDENTS POLICY

RATIONALE

Sacred Heart College is a Catholic learning and faith community in the Mercy tradition that has at its centre the dignity and safety of each person. Our approach to behaviour support is underpinned by the belief that all students should maintain a standard 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, the College commits to working in partnership with families 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.

The SHC Student Positive Behaviour Policy details related expectations and procedures for fulfilling the College'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 College 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 the family.

DEFINITION

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 the Principal and will be considered when:

- Unacceptable behaviour has occurred or has risen to a level where continued enrolment of the student at the College is not in their educational interests or the interests of others in the College community
- The interventions put in place to support the student at the College have not resulted in a positive change in behaviour.

The Principal will consult with the student and their family on appropriate alternative school settings and, where possible, arrange enrolment with another school.

A negotiated transfer will end the enrolment agreement with the College and will require enrolment in the new school.

POLICY STATEMENT

Authority for negotiated transfer

Only the College Principal has the authority to negotiate a transfer for a student.

If the 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 Principal is responsible for ensuring all procedures associated with negotiated transfer are followed correctly.

Grounds for negotiated transfer

The 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 and/or staff member.

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 Principal determines that a serious criminal offence has occurred, they will be mindful of the College's 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.

Prior to negotiated transfer

- 1.1 The College Principal will contact the family to organise a meeting.
- 1.2 The Principal will notify the MACS Regional Office.

Meeting

- 2.1 The Principal will meet with the family and student.
- 2.2 In the meeting, the Principal will:

- a) advise the student and their family 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 have the opportunity to be heard
- d) provide comprehensive advice to the student and family about the potential options and the benefits a negotiated transfer would provide
- e) seek agreement from the student and family 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.

Decision regarding negotiated transfer

3.1 Before arranging a negotiated transfer for a student, the Principal will:

- g) 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
- h) determine whether the action is appropriate when compared to:
 - the nature of the behaviour in question
 - the educational and wellbeing 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 Principal will ensure that principles of procedural fairness are followed in the decision-making process, including that the student and their family 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 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 College will provide access to counselling for the student and/or their family.
- 3.4 The Principal will inform the MACS Regional Office before arranging a negotiated transfer for any student.

Process following negotiated transfer

- 4.1 Once a decision to proceed with negotiated transfer has been determined, the College will provide the student and their family with a *Notice of Negotiated Transfer of Students* which will include:
 - i) why a change to another setting is being proposed
 - j) the other school/setting that would provide an educational program suited to the student's needs, abilities and aspirations
 - k) the date of the commencement of the transfer
 - l) 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 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 College 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 College Principal will provide the student and their family 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 College 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. 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.

Record keeping

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

RELATED DOCUMENTS

[Checklist for negotiated transfer of students](#)

[Flowchart for negotiated transfer of students](#)

[Notice of negotiated transfer of students](#)

DOCUMENT CONTROL

Date Approved: 26 October 2022

Name: Anna Negro, Principal

Signature: _____

Date presented at Advisory Council Meeting: 26 October 2022

Sponsor: DP - Student Development

Person responsible for implementation: Principal

Reviewed by:

- School Committee: College Leadership Team
- Sub Committee of the College Council: N/A
- Student Leadership House Focus Team: N/A

Location checklist: Staff Handbook Student Space Parent Portal Website

VERSION HISTORY

Version	Date approved	Next review
1.0	October 2022	2025