

**Wyndham Community and Education Centre Inc  
Policy and Procedure**

Procedure name	<b>VCAL Discipline Policy and Procedure</b>
Responsible person	CEO, VCAL & Youth Manager
Staff involved	VCAL staff, All staff
Frequency of performance	2020
Related documents	<p><b>Legislation:</b> Child Wellbeing and Safety Act 2005 (Vic), Education and Training Reform Act 2006 (Vic), Equal Opportunity Act 2010 (Vic), Working with Children Act 2005 (Vic), Children, Youth and Families Act 2005 (Vic), Occupational Health and Safety Act 2004 (Vic), Charter of Human Rights and Responsibilities Act 2006 (Vic), Disability Discrimination Act 1992 (Cth), Disability Act 2006 (Vic), Disability Regulations 2018, Privacy and Data Protection Act 2014 (Vic), Health Records Act 2001 (Vic), Privacy Act 1988 (Cth), Family Law Act 1975 (Cth)</p> <p><b>Policies:</b> VCAL Attendance Policy &amp; Procedure, Student Well-being and Duty of Care in VCAL Policy &amp; Procedure (includes procedures for under-18s), Access and Equity Policy &amp; Procedure, Critical Incident and Emergency Management Policy &amp; Procedure, Cyber Bullying Policy &amp; Procedure, Harassment, Discrimination and Bullying Policy &amp; Procedure, Conflict Resolution Policy &amp; Procedure, VCAL Selection, Enrolment, Induction &amp; Delivery Policy and Procedure, Privacy Policy &amp; Procedure for Students &amp; Clients, Complaints and Appeals Policy &amp; Procedure, Excursions Policy &amp; Procedure, Smoke-free Environment Policy &amp; Procedure, OH&amp;S Policy &amp; Procedure, Data Breach Response Policy &amp; Procedure, Decision Making Responsibilities for VCAL &amp; Youth (under-18) Policy and Procedure, VCAL Suspensions and Expulsions Policy and Procedure</p> <p><b>Other:</b> Mission, Vision, &amp; Values, &amp; Democratic Principles Statement, VCAL Student Handbook &amp; Student Package, VCAL Teacher Package, Guidelines for Managing Students in VCAL, VCAL &amp; Youth Student Contract, Student Code of Conduct, VCAL &amp; Youth Programs Attendance Rolls, Incident Report Form, VCAL &amp; Youth Support Services Directory, VCAL &amp; Youth Legal Register, Statement of Results, Statement of Attainment, VCAL &amp; Youth Exit form, VCAL &amp; Youth Staff Yard Duty Roster, Ministerial Order 1125: Procedures for Suspension and Expulsion of students in Government Schools, Warning letters, Behaviour Support Plan</p>

This document was reviewed and accepted by the Executive of the Board of Governance of the Wyndham Community and Education Centre Inc on 01/02/19 and supersedes all previous versions.

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# Wyndham Community and Education Centre Inc

## Policy and Procedure

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### Policy Context

Wyndham Community and Education Centre Inc. (Wyndham CEC) aims to provide a safe, supportive and positive learning and working environment for all students, clients, service users and staff across the organisation. To provide an environment that ensures the care, safety and well-being of everyone, all students have a responsibility to act in a manner that is respectful towards staff, other students and clients.

### *Definitions*

**Parent** - Any person who has parental responsibility for long term issues as defined in the Family law Act 1975 (Cth) or has been granted guardianship for a child as per the Children, Youth and Families Act 2005 (Vic) or other state government welfare legislation.

**Guardian/ Carer** - Someone other than a parent including:

- Informal care arrangement that may or may not be documented by an informal relative care statutory declaration
- Formal care arrangement that is provided under the Family law Act 1975 (Cth) and includes a parenting plan or a court order
- Formal care arrangement that is provided under the Children, Youth and Families Act 2005 (Vic) or other state government welfare legislation

**Vulnerable student** – students in out-of-home care, students with a disability, Koorie and refugee-background students under 18

### Policy

#### *Discipline Framework*

Wyndham Community and Education Centre Inc. (Wyndham CEC) uses the following suite of documents as a framework for dealing with student discipline issues:

- Guidelines for Managing Students in VCAL & Youth Programs
- VCAL & Youth Student Contract
- Student Code of Conduct
- Student Well-being and Duty of Care in VCAL & Youth Programs (includes procedures for under 18s) Policy & Procedure
- VCAL Student Selection, Enrolment, Induction and Delivery Policy & Procedure
- VCAL Attendance Policy & Procedure
- Critical Incident and Emergency Management Policy & Procedure
- Complaints and Appeals Policy and Procedure
- Computer and Internet Policy and Procedure

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- OH&S Policy and Procedure
- Harassment, Discrimination, Victimization, and Bullying Policy & Procedure
- Cyber Bullying Policy & Procedure
- Conflict Resolution Policy & Procedure
- Access and Equity Policy & Procedure
- Warning letters
- VCAL Suspensions and Expulsions Policy and Procedure

All students and their families are provided with this information at the Pre-training assessment (PTA), enrolment and through the VCAL Student Handbook and student package. This policy and procedure must be discussed with students and their families at the PTA, time of enrolment and induction into the program.

Wyndham CEC's *Student Code of Conduct*, outlines expectations regarding the required level of conduct and behaviour that guides students undertaking education and training programs at Wyndham CEC.

Students in VCAL & Youth programs must sign a *VCAL & Youth Student Contract* which outlines rights and responsibilities, attendance requirements and consequences for unacceptable behaviour. By signing this contract, students and their parent/guardian agree to commit to the values, democratic principles, codes, policies and procedures of Wyndham CEC. This contract is signed at enrolment and/or annually as required.

Wyndham CEC maintains a strong focus on promoting a positive community environment and positive behaviours. Wyndham CEC's *Guidelines for Managing Students in VCAL & Youth* clearly outline expectations of all students in VCAL & Youth programs. Clear expectations set standards for students, parents, guardians and staff to promote acceptable behaviour and deal with unacceptable behaviour.

**Teachers** are expected to promote a positive classroom environment by:

- establishing predictable, fair and democratic classroom procedures in consultation with students
- providing personalised learning programs
- consistently acknowledging the efforts of all students and providing regular feedback in relation to their progress
- using a range of strategies to allow students to take responsibility for their learning and be involved in decision making
- acknowledging positive behaviour and student strengths
- clearly articulating student behaviour expectations and consequences
- providing adequate supervision
- ensuring a safe classroom environment

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### Procedures

#### Dealing with conflict and breaches of the Student Code of Conduct and the VCAL & Youth Student Contract

- Breaches of the VCAL & Youth *Student Contract* will not be tolerated and students who fail to comply will be required to meet with the VCAL- & Youth Manager to discuss behaviour and agree on strategies to address such breaches.
- A breach of the VCAL & Youth *Student Contract* or *Student Code of Conduct* may result in a warning letter.
- Three warning letters will mean that a student is exited from the program at Wyndham CEC. Students who are exited will be supported to transition to another program or employment. For CVCAL students the Home School will be contacted first and any exit or transition negotiated directly. See Wyndham CEC's VCAL Suspension and Expulsion Policy & Procedure for steps to deal with exiting a student.
- All VCAL & Youth staff should follow Wyndham CEC's Guidelines for Managing students in VCAL & Youth. These Guidelines have been incorporated at the end of this Procedure. All VCAL & Youth staff have a copy of these guidelines. A copy is also provided in the class roll folder.
- Wyndham CEC's Guidelines for Managing Students in VCAL & Youth include consequences for inappropriate behaviour.
- Consequences vary depending on the severity and frequency of the incident or behaviour. The Guidelines combined with the *Student Code of Conduct* and *VCAL & Youth Student Contract* clearly outline these consequences.

#### Low Level misbehaviour in Classrooms

Wyndham CEC's *Guidelines for Managing Students in the VCAL & Youth Programs* outline the strategies and consequences required for inappropriate behaviour in the classroom.

These vary according to the frequency of actions and include:

- Reminding the student of Wyndham CEC expectations
- Removal from the class to the VCAL & Youth Admin Office
- Referral to the VCAL & Youth Manager
- Notifying parents/guardians
- A warning letter
- Conflict resolution strategies

Consistent negative behaviour which is disruptive or inappropriate may result in a student being withdrawn or exited from Wyndham CEC.

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The VCAL & Youth Manager will work with the student and the family (and relevant case workers) through a specially convened Care Team Meeting to discuss interventions and supports to be implemented. This could include development of a Behaviour Support Plan for students who have repeated low level misbehaviour.

### **Non-physical intervention in a student-management situation**

Staff should manage student conduct or intervene when there is a problem in a non-physical manner.

Non-physical interventions include:

- directing students to move away from a situation
- talking to a student(s) to request they stop a particular behaviour and informing them of consequences of not stopping
- directing students to a safe place
- sending for assistance from other staff
- sending for the police (000) in an extreme case

Calm verbal intervention should always be used over any physical intervention.

### **Using physical intervention where safety is threatened**

If verbal intervention fails and a situation becomes unmanageable or safety is threatened, physical intervention such as coming between students, blocking pathways, leading/ guiding a student away (eg: by the arm/ upper back), or removing a dangerous object may be required.

In extreme circumstances, a student management situation may require physical restraint.

Staff may make legitimate use of physical restraint if non-physical interventions have been exhausted and a student is:

- attacking another student or staff member
- posing an immediate danger or threat to themselves or another person

In instances such as these, appropriate physical force may be needed to ensure Wyndham CEC's duty of care to protect students and staff from foreseeable injury.

Common law defences such as self-defence, and the defence of others can be legitimate reasons for physical restraint. Everyone has the right to defend themselves against an attack or violence as long as a disproportionate degree of physical restraint or force is not used.

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**Physical intervention is an absolute last resort in an extreme situation to prevent injury.** Staff should never put themselves in danger.

### Safe practice guidelines

- Restraint of a student must be proportionate to the circumstance being managed
- It must be the **minimum** force needed in the situation
- It must take into account the age, stature, disability, gender of the student (eg: avoid breast area in girls)
- Grip clothing rather than the body
- Staff should not use physical force or restraint in a situation involving several students or a physically larger student where doing so would increase the likelihood of injury to themselves
- In such cases, staff should remove other students who may be at risk and seek help from another staff member or, call police
- Talk to the student throughout the incident and make it clear that the restraint will stop when it ceases to be necessary to protect the student or others
- Ensure you consider cultural sensitivities or any special needs
- **NEVER** use force applied to the head or neck, that restricts breathing, involves kicking or punching, or, confining a student in a locked room

Parents/ guardians should be informed of any incident involving the physical restraint of their child and provided the opportunity to discuss it.

An incident report form must be completed and provided to the CEO as soon as possible.

Staff involved should be provided with any follow ups required in relation to OHS, counselling or debriefing.

### Dangerous, Violent, Serious or Repeated Misbehaviour

There are clear consequences for students who engage in dangerous or violent behaviour which threaten or cause damage to the physical or emotional welfare of any members of the Wyndham CEC community.

The following **will not** be tolerated at Wyndham CEC

- Behaviour that poses a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person
- Committing to or attempting to commit or knowingly being involved in the theft of property
- vandalism or damage to property
- violence, offensive comments, vilification, bullying or threatening behaviours

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- students bringing weapons of any kind onto Wyndham CEC premises or to other Wyndham CEC activities
- students attending under the influence of alcohol or drugs, bringing alcohol or illicit drugs onto the premises or to other Wyndham CEC activities or providing alcohol or drugs to other students or clients of Wyndham CEC. In addition to possession of illicit substances, using or selling or deliberately assisting someone to use or sell illicit substances.
- Possessing, using or selling a weapon on the property or at an endorsed activity offsite
- Failing to comply with clear and reasonable instructions from a staff member so as to pose a danger whether actual, perceived or threatened, to the health, safety or wellbeing of any person
- Consistently behaving in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student

Serious behaviours such as the above will result in students and their parent/guardian having to attend a meeting to discuss matters with the VCAL & Youth Manager and/ or CEO.

The CEO may deem it appropriate to suspend and /or exit a student who compromises the health, safety and wellbeing of the Wyndham CEC community.

Students will have items such as alcohol, drugs or weapons confiscated and may be reported to police.

In all of the above instances, students will receive as a **minimum**, a warning letter. Three warning letters will mean a student is at risk of being exited from the program.

For students in Community VCAL, no action will be taken until the enrolling home-school is consulted and a plan implemented.

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For students under-18 and for vulnerable students, no action will be taken until the matter is discussed with a parent / guardian and /or relevant case-worker and intervention, support and/or transition arrangements agreed upon.

### **Smoking**

Smoking is not permitted anywhere on the premises of Wyndham CEC as per Wyndham CEC's *Smoke-free Environment Policy & Procedure*. Staff will follow the *Guidelines for Managing students in the VCAL & Youth* and the *Smoke-free Environment Policy & Procedure*.

### **Alcohol and drugs**

Wyndham CEC is an alcohol and drug free environment. Use of alcohol or drugs will not be tolerated. Consequences for use of alcohol or drugs at Wyndham CEC will be determined by the CEO or her delegate and may lead to a student being exited from the VCAL & Youth programs at Wyndham CEC as outlined above.

- Students found to be under the influence of drugs or alcohol will need to be picked up by a parent / guardian and taken home. They will be supervised by VCAL & Youth Manager until a parent/ carer picks them up.
- Students will not be allowed to participate in class activities on the day.
- The student will receive a warning letter
- Alcohol that is in the possession of any person under the age of 18 years will be confiscated and returned only to a parent or guardian.
- A student may be reported to police depending on the circumstances
- A student in consultation with his/her parent/ carer will be encouraged to undergo drug and alcohol counselling which will be undertaken when the student is not timetabled for a class.

### **Supervision**

#### ***Breaks***

Students will be supervised at lunchtime and during morning and afternoon breaks by VCAL & Youth staff. VCAL & Youth staff have a yard duty roster and are expected to turn up to yard duty at the allocated time. Students are expected to behave appropriately while on breaks.

- Students who behave inappropriately while outside of the classroom will be subject to disciplinary procedures.
- Students will be supervised before class from 8.30am and after class until 3.45pm.

#### ***Kitchen & Mitchell Room***

Students accessing the kitchen during breaks are expected to keep the kitchen clean. The Mitchell room can be used by students for lunch but must be left clean and tidy.

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- Students who breach these privileges will be dealt with according to the *Guidelines for Managing Students in VCAL & Youth programs*.

### ***Classroom***

Students are expected to attend all scheduled classes and remain in the classroom until a break is scheduled. Students leaving the room without permission during a scheduled class or, taking a longer than normal time to return to class, will be subject to the following disciplinary procedures:

- If this is a first occurrence, the student will be reminded by the VCAL & Youth Manager of the requirement to remain in class without a valid or approved reason to leave the classroom.
- If this is an ongoing issue, the student will be required to meet with the VCAL & Youth Manager to discuss strategies to improve this behaviour.
- A student who shows no improvement within a week will be required to attend a follow up meeting with a parent/guardian if under-18. In some circumstances, students aged 18 or above will also have a parent/guardian or a case worker required to attend depending on the individual circumstances of that student and/or concerns about the safety and well-being of the student. A student may need to be referred to an external agency for support.
- Following the above steps, if no improvement occurs, a warning letter will be issued. Three warning letters will lead to the student being exited from the program at Wyndham CEC.

### **Damage to property**

Vandalism or damage to any Wyndham CEC property or other student or staff property will not be tolerated. Students are expected to treat all property with respect. See reference above on page 6, under 'Dangerous or Violent Behaviour.'

The following consequences will apply:

- Students who wilfully damage property may be required to pay for repair or replacement of the item or property.
- A warning letter will be issued.
- In the event of serious or dangerous damage to property, a student may be exited from the program.
- The damage may be reported to police.

### **Visitors to Wyndham CEC**

All visitors must report to the VCAL & Youth Admin office. Students should not invite friends or relatives to visit them on Wyndham CEC premises without the permission of the VCAL & Youth Manager or her representative.

All visitors must sign in and out in the VCAL & Youth Admin office where they will

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receive an accompanied visitor's lanyard. Visitors will only be permitted on the premises if approved by the VCAL & Youth Manager, CEO or her representative.

- Students who ignore this requirement will be spoken to and reminded of the guidelines.

### **Warning letters**

Wyndham CEC uses a system of warning letters as outlined in the *VCAL & Youth Student Contract* and the *Guidelines for Managing students in the VCAL & Youth Programs*.

- A student will receive three (3) warnings before they are exited from the course in which they are enrolled (see VCAL Suspension and Expulsion Policy and Procedure).
- Each warning will be discussed with the student and the parent/carer (as required).
- A student or parent/ carer is able to make a complaint if not satisfied with the process followed at Wyndham CEC. Students receive a *Complaints and Appeals Policy and Procedure* in the student package at enrolment. This is also available on the website at [www.wyndhamcec.org.au](http://www.wyndhamcec.org.au)
- Wyndham CEC's CEO reserves the right to exit a student immediately if he/she is judged to be a serious threat to any person or property of Wyndham CEC. This action will only be taken in extreme cases and will take into account the student's age and circumstances.
- For students under 17, no action will be taken until the matter is discussed with a parent / guardian and /or relevant case-worker and transition arrangements to another program agreed upon.
- For students enrolled in Community VCAL, the enrolling-home school will be consulted on all matters of discipline before any action is taken.

### **Intervention Orders and/or Legal Custody Orders**

Students who are subject to Intervention Orders or Legal Custody Orders are required to provide up-to-date information to the VCAL & Youth Manager so that legal obligations in regard to the Orders can be fulfilled as required. This information will be updated onto Wyndham CEC's VCAL & Youth Legal Register. They can also access Wyndham CEC's school lawyer.

### **Privacy and Confidentiality**

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- Wyndham CEC is bound by the Privacy and Data Protection Act 2014, and will ensure that privacy and confidentiality is maintained to protect the rights of the individual student and / or his or her family.
- Information shared with staff will remain private and confidential and only staff who need to know information will be provided as such.
- Staff must follow Wyndham CEC's *Privacy Policy and Procedure* (students & clients) and *Data Breach Response Policy and Procedure* in relation to disciplinary matters.

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### Guidelines for Managing Students in VCAL & Youth Programs

*These guidelines relate to the contract each student signs upon enrolment.*

#### **Student Class Times**

The VCAL & Youth Programs timetables must be adhered to at all times. There are two sessions per day. The operating hours are 9am to 3.30pm, the office remains open until 5pm. Teachers are not to dismiss students before the scheduled times of 9AM -12PM & 12:30PM - 3:30PM. Students will be supervised from 8.30am and until 3.45pm.

#### **Break Times**

There is one mini-break per session: 10:20AM-10:40AM (morning session) and 1:50PM-2:10PM (afternoon session). If a student is late returning to class after a mini-break, follow the late procedure outlined below.

#### **Arriving late for timetabled class**

A student is required to sign the 'VCAL, & Youth Programs' *Late Arrival / Early Leaving Book* located in the VCAL & Youth Admin office. The student will be given a 'VCAL, & Youth Programs' Attendance Slip by VCAL & Youth Admin / VCAL- & Youth Manager to present to the teacher who will file this into the plastic pocket located in the roll. The teacher must enter the time of arrival onto the daily student attendance roll.

#### **Leaving early from timetabled class**

A teacher is required to complete a 'VCAL, Youth Programs' Attendance Slip after being notified by the VCAL- & Youth Manager / VCAL & Youth Admin and give it to a student to present to the VCAL & Youth Manager / VCAL & Youth Admin. The student will sign the 'VCAL & Youth Programs' *Late Arrival / Early Leaving Book* located in the VCAL & Youth Admin office.

#### **Leaving a class**

If a student needs to leave class for any reason, the teacher must complete a 'VCAL & Youth Programs' Attendance Slip and give it to the student to present at the VCAL & Youth Admin office to the VCAL & Youth Manager / VCAL & Youth Admin. Students are not permitted to leave a class to use the Kitchen during scheduled class time.

#### **Mobile Phones and Electronic Devices**

Mobile Phones and Electronic Devices are not to be used during class time, unless a teacher has given permission and it is for the purpose of a task being undertaken. Students are not to have such items of equipment on view at anytime. If a student uses a mobile phone or electronic device during class time the teacher will ask the student to put the device away. If it happens again, the teacher will ask for the device. If the student refuses, he/she will be asked to go to the VCAL & Youth Manager with a *Student Attendance Slip*.

#### **Teacher giving a student permission to work in an area other than timetabled classroom**

A student cannot be sent into another teacher's class without prior consultation and agreement between teachers. The timetabled Teacher is responsible for the students on their student attendance roll at all times. If a student is disruptive, he/she will have to return to the timetabled classroom.

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### **Eating and drinking in classrooms**

Eating or drinking while in computer rooms or when using laptops is not permitted at anytime. Food is not permitted in classrooms at any time, other than the Mitchell Room between 12 PM and 12:25PM for lunch. The Mitchell room must be left clean for any class beginning at 12:30PM. Students are permitted to have water in non-computer classrooms

### **Classroom set up and cleanliness**

It is expected that all classrooms will be left clean according to the usual set up of rooms ready for the next teacher and class.

### **Verbal warnings to the student by the teacher**

If a student's behaviour in the classroom or on an excursion is inappropriate, the teacher will inform the student that they are receiving a warning. On the third warning the student will be directed to the VCAL & Youth Manager's Office with a *VCAL & Youth Student Attendance slip*. If on excursion the teacher in charge will make contact with the VCAL & Youth Manager.

### **Offensive comments**

Students using offensive language including comments deemed to be racist or bullying in intent, will be asked by the teacher to stop immediately. The student will be warned that they will be referred to the VCAL & Youth Manager if they persist. If the student continues after being warned twice, they will be referred to the VCAL & Youth Manager immediately after the second warning. If required, a Wyndham CEC *Incident Report Form* will be completed.

### **Threatening Behaviours**

If a student displays any threatening behaviour, the student is to be asked to leave the room and must be directed to the VCAL & Youth Manager. The teacher is to report the incident to the VCAL & Youth Manager, and if required, complete the Wyndham CEC *Incident Report Form*.

### **Removing students from the classroom**

If a teacher asks a student to remove themselves from a classroom to work in the VCAL & Youth Manager's Office, the teacher is required to bring work for the student to the Office for the student to complete.

### **Student Reflection Form**

The VCAL & Youth Manager will allocate this form to the student. The student is to take responsibility for the management of this form. The student is to present this form to each teacher at the beginning of each session. The teacher will complete the teacher column at the end of the session and return it to the student. The VCAL & Youth Manager will make an appointment/s to review the Student Reflection Form.

### **Warning Letters / Student Exits**

The VCAL & Youth Manager will allocate warning letters to students and complete exits of students.

### **Yard Duty**

Teachers have been allocated a specific time for-supervision. The times are reflected on the 'VCAL & Youth Timetable'. All teachers on duty must wear a reflective vest and be on time to

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supervise students within the Kelly Park area. It is the responsibility of the teacher on yard duty to inform all students when the break is finished and direct them back to their scheduled classes.

### **Individual Student Communication Forms**

Teachers are encouraged to use these or to email the VCAL- & Youth directly. Student Communication Forms are a tool for teachers to the VCAL & Youth Manager/VCAL Coordinator. Individual Student Communication Forms are located in the daily student attendance rolls folder.

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