



Negotiated Transfer of Students Information for parents and carers



This information sheet explains when and how a school may consider the negotiated transfer of a student, and what steps are involved. Negotiated transfer is a serious decision and is considered as an alternative to expulsion.

What is a negotiated transfer?

A **negotiated transfer** is a mutually agreed process where a student's enrolment is transferred to another education setting. It is considered as an **alternative to expulsion** and aims to support the student in finding a learning environment that better meets their needs.

Why might a negotiated transfer be considered?

The principal may consider a negotiated transfer when a student has met one or more of the grounds for negotiated transfer. This may be considered when:

- **Unacceptable behaviour** has occurred or risen to a level where continuing enrolment is not in the best educational interests of the student or the interests of others in the school community.
- **Interventions and reasonable adjustments** have been tried, but have not resulted in positive change to behaviour.

Grounds for negotiated transfer

The grounds for negotiated transfer include when a student:

- (a) has **breached the school's enrolment agreement**, including but not limited to the MACS Student Code of Conduct, Student Behaviour Support Policy, Student Bullying Prevention and Response Policy, and ICT Acceptable Usage Policy – Students, **which is determined to be sufficiently serious**
 - (b) behaves in a way that poses a **serious risk to the health, wellbeing or safety** of any person
 - (c) **verbally or physically abuses** another student, staff member or member of the community
 - (d) engages in behaviour that **vilifies, defames or humiliates** another person who is identified or perceived by reference to any characteristics protected under the Equal Opportunity Act
 - (e) does not comply with a **clear and reasonable instruction** from a staff member which disrupts class activities or places a person at risk
 - (f) **causes significant damage** or destruction to property
 - (g) brings an item to be used as a **weapon** onto school property
 - (h) commits, attempts to commit or is knowingly involved in the **theft of property**
 - (i) possesses, uses or sells, or deliberately assists another person to possess, use or sell, **illicit substances or weapons**
 - (j) commits a serious offence which **jeopardises the safety or security** of other members of the school community, or which has the potential to seriously harm individuals and/or the reputation of the school
 - (k) engages in **cyberbullying**, exchanges violent imagery or text, and/or inappropriately uses artificially generated materials and/or deepfakes within online environments against others regardless of where the content was created
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- (l) engages in **inappropriate conduct** with, or in relation to, staff online or on social media platforms
- (m) is alleged to have **broken the law**
- (n) engages in behaviour that **consistently disrupts the learning environment** or **impacts the safety and wellbeing** of others, despite existing supports and reasonable adjustments.

The grounds for negotiated transfer also include **other exceptional circumstances** requiring approval from the MACS General Manager (Region).

Where can the student transfer to?

The principal will follow the MACS order of priority in transferring to a new education setting:

- (a) another MACS school
- (b) a Catholic school
- (c) any other appropriate education setting.

If the principal decides to proceed with a negotiated transfer, what happens next?

Initial consultation

The principal will:

- consult with the relevant MACS regional office for advice
- notify you verbally that a behaviour incident has occurred. They may inform you at this time that the suspension process has also been initiated
- inform you in writing of the incident and invite you to a meeting.

Meeting with parents and carers

- The purpose of the meeting is for the principal to outline the allegations and proposed negotiated transfer, and to allow you and your child to respond.
- The meeting will be accessible and culturally safe.
- A support person is welcome to attend.
- Following the meeting, you will have **seven working days** to consider the proposed transfer of enrolment.

Agreement and next steps

- If the proposed transfer is **agreed to**:
 - The principal will contact up to three alternative education settings and share these with you.
 - You may choose to accept or decline the alternative education settings. If you decline, it will become your responsibility to make enquiries at other education settings.
 - From the date of the agreement, you will have **14 days** (or longer if needed) to nominate and confirm enrolment at an alternative education setting.
 - Your child will continue to receive **learning and wellbeing support** from the school until the transfer of enrolment is complete.
- If the proposed transfer is **not agreed to**:
 - You must notify the principal in writing within **seven days** of the date of the meeting.
 - The principal may then initiate the **expulsion process**.

Finalisation

The principal will confirm the transfer in writing and share relevant documentation with the new school (in line with privacy requirements).

Questions or support

If you have any questions or need support during this process, please contact the school office or your dedicated school contact.
