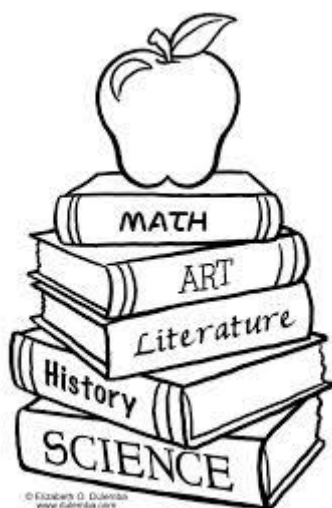


# **Suspension and Expulsion Policy**

**January 2019**



# **Suspension and Expulsion Policy**

**Coláiste Mhuire Co-Ed**

## **Suspension Policy**

### **Definition of Suspension:**

Suspension is requiring the student to absent himself/herself from the school for a specified, limited period of school days.

### **Authority to suspend**

The Board of Management has the authority to suspend a student. The Board of Management of Coláiste Mhuire Co-Ed has delegated to the Principal, the authority to suspend a student for up to three days. For very serious offences, which will be reported to the Board of Management, the authority to suspend may be increased to up to five days. This decision was made at a Board of Management meeting on 7/4/2014 and agreed again (upon review of this policy) on 29/1/2019. The Principal is accountable to the Board of Management for the use of suspension.

If **Health & Safety issues** arise and cannot be dealt with within the school, the Gardaí may be called. Where possible, parents/guardians should be informed if Gardaí are to be involved.

### **Automatic suspension:**

All offences will be looked at on an individual basis. However, it should be noted that in line with policy documents any extreme breach (when investigated and proved true) will result in suspension.

Suspension will be considered for very serious breaches of the code of behaviour. Immediate suspension will be considered if the health & safety of staff and/or students is an issue.

### **Work assigned during suspension**

All suspensions will be accompanied with a substantial amount of written work. Students are not permitted to return from suspension without the work (specified on the suspension letter) completed.

### **The following factors will be considered before suspending a student:**

#### ***The nature and seriousness of the behaviour***

- What is the precise description of the behaviour?
- How persistent has the unacceptable behaviour been?
- Has the problem behaviour escalated, in spite of the interventions tried?
- Is there an extreme breach of school policies?

#### ***The context of the behaviour***

- What are the circumstances of the incidents of serious misbehaviour (e.g. in class, in a particular teacher's class, in the yard, in a group)?
- What factors may have triggered incidents of serious misbehaviour (e.g. bullying, cultural or family factors)?

- What is the age, stage of development and cognitive ability of the student?
- Are there any factors that may be associated with the behaviour (e.g. particular home circumstances, special educational needs)?

#### ***The impact of the behaviour***

- How are other students and staff affected by the student's behaviour?
- What is the impact of the behaviour on the teaching and learning of the class?
- Does the behaviour have a particular or greater impact on some students or teachers?
- Does the student understand the impact of their behaviour on others?

#### ***The interventions tried to date***

- What interventions have been tried? Over what period of time?
- How have the interventions been recorded and monitored?
- What has been the result of those interventions?
- Have the parents/guardians been involved in finding a solution to the problem behaviour?
- Has the intervention of NEPS or other psychological assessment or counselling been sought, where appropriate?
- Is the student or parent/guardians involved with any support service and has this agency or support service been asked for help in solving this problem?
- Has any other agency been asked for assistance (e.g. Child and Adolescent services)?

#### ***Whether suspension is a proportionate response***

- Does the student's behaviour warrant suspension?
- Is the standard being applied to judging the behaviour the same as the standard applied to the behaviour of any other student?

#### ***The possible impact of suspension***

- Will suspension help the student to change the inappropriate behaviour?
- How will suspension help teachers or other students affected by the behaviour?

### **Return to school after suspension**

When returning to school after a suspension the student must be brought to the school by a Parent/Guardian at an agreed time. A meeting will take place with the Principal and/or his/her representative. Student must have all work completed prior to this meeting. At the meeting the student and parent/guardian must sign an agreed behaviour contract before the student returns to class. Student will return from suspension on yellow or red report.

### **Suspension during a state examination:**

Suspension will be considered if any of the following circumstances arise:

- A threat to good order in the conduct of the examination
- A threat to the safety of other students and personnel
- A threat to the right of other students to do their examination in a calm atmosphere
- A breach of Coláiste Mhuire's State Examination policy

### **Procedures in respect of suspension**

Fair procedures in line with natural justice will be applied in all cases where suspension is considered.

Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant suspension has occurred, the school will observe the following procedures:

- Investigate the matter
- Inform parents/guardians about the situation
- Parents/guardians to come into the school – suspension will not be discussed with student unless parent/guardian is present.
- Give parents/guardians and students an opportunity to respond

- Impose the sanction – parents/guardians will receive written notification of the suspension period, the arrangements for returning to school and the appeals procedures.
- Reintegrate the student

### **Procedures in relation to immediate suspension**

Immediate suspension will be considered if the health & safety of staff and/or students is an issue.

In the case of an immediate suspension parents/guardians will be notified and requested to arrange collection of the student from the school. The matter will then be investigated as for any other suspension.

### **Period of suspension:**

The Board of Management has authorised the Principal to suspend students for periods up to three days. This may be increased to five days when the issue causing concern needs to be referred to the Board of Management. The Board of Management may impose a suspension of up to ten days.

### **Reintegrating the student:**

The school will have a plan to help the student to take responsibility for catching up on work missed during the suspension. The Year Head will support the student with reintegration following a suspension.

While a record will be kept of the incidents that caused the suspension the student will be given the opportunity of a fresh start when returning to school after a suspension. Students returning from suspension will be on report in line with the code of discipline.

### **Appeals**

The Board of Management will offer an opportunity to appeal the Principal's decision to suspend a student. If the Board of Management imposes a suspension, this can be appealed to Tipperary Education and Training Board.

### Section 29 Appeal

Where the total number of days for which the student has been suspended in the current school year reaches twenty days, the parents/guardians, or a student aged over eighteen years, may appeal the suspension under section 29 of the Education Act 1998, as amended by the Education Miscellaneous Provisions) Act 2007.

At the time when parents/guardians are being formally notified of such a suspension, they and the student will be told about their right to appeal to the Secretary General of the Department of Education and Skills under section 29 of the Education Act 1998, and will be given information about how to appeal. As Coláiste Mhuire Co-Ed is under the management of Tipperary Education and Training Board, the appeal must be made in the first instance to Tipperary Education and Training Board. Where an appeal to Tipperary Education and Training Board is concluded, parents/guardians, or a student aged over eighteen years, may appeal to the Secretary General of the Department of Education and Skills.

### **Records and reports**

Formal written records of investigation and decision-making will be kept of:

- the investigation (including notes of all interviews held)
- the decision and the rationale for the decision
- the duration of the suspension and any conditions attached to the suspension.

Report to the Board of Management: The Principal will report all suspensions to the Board of Management, with the reasons for and the duration of each suspension.

Report to NEWB: The Principal is required to report suspensions in accordance with the NEWB reporting guidelines (Education (Welfare) Act, 2000, section 21(4)(a)).

### **Review of use of suspension**

The Board of Management will review the use of suspension in the school at regular intervals to ensure that its use is consistent with school policies, that patterns of use are examined to identify factors that may be influencing behaviour in the school and to ensure that use of suspension is appropriate and effective.

## **Expulsion Policy**

### **Definition:**

A student is expelled from a school when a Board of Management makes a decision to permanently exclude him or her from the school, having complied with the provisions of section 24 of the Education (Welfare) Act 2000.

### **Authority to expel:**

The Board of Management of Coláiste Mhuire Co-Ed has the authority to expel a student.

### **Grounds for Expulsion:**

Expulsion will be considered in the following cases:

- The student is involved in extreme cases of unacceptable behaviour
- The student persistently refuses to abide by the Code of Behaviour
- The student's behaviour is a persistent cause of significant disruption in the school
- The student's continued presence in the school constitutes a real and significant threat to safety
- The student is responsible for serious damage to property
- Serious breach of substance use policy.
- Supply of illegal substances to other students

### **The following factors will be considered before expelling a student:**

#### **The nature and seriousness of the behaviour**

- What is the precise description of the behaviour?
- How persistent has the unacceptable behaviour been and over what period of time?
- Has the problem behaviour escalated, in spite of the interventions tried?

#### **The context of the behaviour**

- What are the circumstances of the incidents of serious misbehaviour (e.g. in class, in a particular teacher's class, in the yard, in a group)?
- What factors may have triggered or provoked incidents of serious misbehaviour (e.g. bullying, cultural or family factors)?
- Are there any factors that may be associated with the behaviour (e.g. particular home circumstances, special educational needs)?

#### **The impact of the behaviour**

- How are other students and staff affected by the student's behaviour?
- What is the impact of the behaviour on the teaching and learning of the class?

#### **The interventions tried to date**

- What interventions have been tried? Over what period of time?
- How have the interventions been recorded and monitored?
- What has been the result of these interventions?
- Have the parents/guardians been involved in finding a solution to the problem behaviour?
- Has the intervention of NEPS or other psychological assessment or counselling been sought, where appropriate?
- Is the student or parent/guardian involved with any support service and has this agency or support service been asked for help in solving this problem?
- Has any other agency been asked for assistance (e.g. Child and Adolescent Mental Health services)?
- Is the Board satisfied that no other intervention can be tried or is likely to help the student to change their behaviour?

#### **Whether expulsion is a proportionate response**

- Is the student's behaviour sufficiently serious to warrant expulsion?
- Is the standard being applied to judging the behaviour the same as the standard applied to the behaviour of any other student?

**The possible impact of expulsion**

- To what extent may expulsion exacerbate any social or educational vulnerability of the student?
- Will the student be able to take part in, and benefit from, education with their peers?
- In the case of a student who is in care, what might be the implications of expulsion for the care arrangements?

**Procedures in respect of Expulsion:**

Coláiste Mhuire Co-Ed is committed to following fair procedures as well as procedures under the Education (Welfare) Act 2000, when proposing to expel a student.

When a preliminary assessment of the facts confirms serious misbehaviour that could warrant expulsion, the procedural steps will include:

*1. A detailed investigation carried out under the direction of the Principal.*

In line with fair procedures, the Principal will:

- inform the student and their parents/guardians about the details of the alleged misbehaviour, how it will be investigated and that it could result in expulsion
- give parents/guardians and the student every opportunity to respond to the complaint of serious misbehaviour before a decision is made and before a sanction is imposed.

Parents/guardians will be informed in writing of the alleged misbehaviour and the proposed investigation.

*2. A recommendation to the Board of Management by the Principal.*

The Principal will:

- inform the parents/guardians and the student that the Board of Management is being asked to consider expulsion
- ensure that parents/guardians have records of: the allegations against the student; the investigation; and written notice of the grounds on which the Board of Management is being asked to consider expulsion
- provide the Board of Management with the same comprehensive records as are given to parents/guardians
- notify the parents/guardians of the date of the hearing by the Board of Management and invite them to that hearing
- advise the parents/guardians that they can make a written and oral submission to the Board of Management

*3. Consideration by the Board of Management of the Principal's recommendation; and the holding of a hearing.*

The Board will review the initial investigation, all documentation and circumstances of the case. It will ensure that no party who has had any involvement with the circumstances of the case is part of the Board's deliberations. Where the Board of Management decides to consider expelling a student, it will hold a hearing. The Board meeting for the purpose of the hearing will be properly conducted in accordance with Board procedures. At the hearing, the Principal and the parents/guardians, or a student aged eighteen years or over, put their case to the Board in each other's presence. Each party should be allowed to question the evidence of the other party directly. The meeting may also be an opportunity for parents/guardians to make their case for lessening the sanction. In the conduct of the hearing, the Board will take care to ensure that they are, and are seen to be, impartial as between the Principal and the student. Parents/guardians may wish to be accompanied (by one other non legal person) at hearings and the Board will facilitate this, in line with good practice and Board procedures.

After both sides have been heard, the Board will ensure that the Principal and parents/guardians are not present for the Board's deliberations.

*4. Board of Management deliberations and actions following the hearing.*

Having heard from all the parties, it is the responsibility of the Board to decide whether or not the allegation is substantiated and, if so, whether or not expulsion is the appropriate sanction. Where the Board of Management, having considered all the facts of the case, is of the opinion that the student should be expelled, the Board will notify the Educational Welfare Officer in writing of its opinion, and the reasons for this opinion. (Education (Welfare) Act 2000, s24(1)). The student cannot be expelled before the passage of twenty school days from the date on which the EWO receives this written notification (Education (Welfare) Act 2000, s24(1)). The Board will inform the parents/guardians in writing about its conclusions and the next steps in the process.

*5. Consultations arranged by the Educational Welfare Officer.*

Within twenty days of receipt of a notification from a Board of Management of its opinion that a student should be expelled, the Educational Welfare Officer must:

- make all reasonable efforts to hold individual consultations with the Principal, the parents/guardians and the student, and anyone else who may be of assistance
- convene a meeting of those parties who agree to attend (Education (Welfare) Act 2000, section 24).

Pending these consultations about the student's continued education, a Board of Management may take steps to ensure that good order is maintained and that the safety of students is secured (Education (Welfare) Act 2000, s24(5)). A Board may consider it appropriate to suspend a student during this time. Suspension should only be considered where there is a likelihood that the continued presence of the student during this time will seriously disrupt the learning of others, or represent a threat to the safety of other students or staff.

*6. Confirmation of the decision to expel.*

Where the twenty-day period following notification to the Educational Welfare Officer has elapsed, and where the Board of Management remains of the view that the student should be expelled, the Board of Management will formally confirm the decision to expel.

Parents/guardians will be notified immediately that the expulsion will now proceed.

Parents/guardians and the student will be told about the right to appeal and supplied with the standard form on which to lodge an appeal. A formal record should be made of the decision to expel the student.

## **Appeals**

A parent/guardian, or a student aged over eighteen years, may appeal a decision to expel to the Secretary General of the Department of Education and Skills (Education Act 1998 section 29). An appeal may also be brought by the National Educational Welfare Board on behalf of a student.

As Coláiste Mhuire Co-Ed is a school under Tipperary Education and Training Board, the appeal must be made in the first instance to the Tipperary Education and Training Board, Church Road, Nenagh, Co. Tipperary. Telephone 067-31250. Where an appeal to Tipperary Education and Training Board has been concluded, parents/guardians, or a student aged over eighteen years, may go on to appeal to the Secretary General of the Department of Education and Skills.

## **Review of use of expulsion**

The Board of Management will review the use of expulsion in the school at regular intervals to ensure that its use is consistent with school policies, that patterns of use are examined to



identify factors that may be influencing behaviour in the school and to ensure that use of expulsion is appropriate and effective.