



Expulsion Policy

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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. This authority is reserved to the Board of Management and should not be delegated.

Expulsion should be a proportionate response to the student's behaviour.

Grounds for Expulsion:

Expulsion should be a proportionate response to the student's behaviour. Expulsion of a student is a very serious step, and one that should only be taken by the Board of Management in extreme cases of unacceptable behaviour. The school should have taken significant steps to address the misbehaviour and to avoid expulsion of a student including, as appropriate:

- Meeting with parents and student to try to find ways of helping the student to change their behaviour.
- Making sure that the student understands the possible consequences of their behaviour if it should persist.
- Ensuring that all other possible options have been tried.
- Seeking the assistance of support agencies, e.g., NEPS, Tusla/TESS, CAHMS, NCSE.

A proposal to expel a student requires serious grounds such as that:

- The student's behaviour is a persistent cause of significant disruption to the learning of others or to the teaching process.
- 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.

The grounds for expulsion may be similar to the grounds for suspension. Repeated extreme breaches of our code of behaviour may be grounds for expulsion. In addition to factors such as the degree of

seriousness and the persistence of the behaviour, a key difference is that, where expulsion is considered, school authorities have tried a series of other interventions, and believe they have exhausted all possibilities for changing the student's behaviour.

'Automatic' expulsion

A Board of Management may decide, as part of the school's policy on sanctions, and following the consultation process with the Principal, teachers, parents and students, that particular named behaviours incur expulsion as a sanction. However, a general decision to impose expulsion for named behaviours does not remove the duty to follow due process and fair procedures.

Expulsion for a first offence

There may be exceptional circumstances where the Board of Management forms the opinion that a student should be expelled for a first offence. The kinds of behaviour that might result in a proposal to expel on the basis of a single breach of the code could include:

- A serious threat of violence against another student or member of staff
- Actual violence or physical assault
- Supplying illegal drugs to other students in the school
- Sexual assault

Given the seriousness of expulsion as a sanction the Board of Management should undertake a very detailed review of a range of factors in deciding whether to expel a student.

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 Guidance Clinic, 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?

Inappropriate use of expulsion

Expulsion should not be proposed for:

- Poor academic performance
- Poor attendance or lateness
- Minor breaches of the code of behaviour

However, any behaviour that is persistently disruptive to learning or dangerous can be a serious matter. Behaviour must be examined in context to understand both the behaviour itself and the response or sanction that is most appropriate.

Procedures in respect of Expulsion:

Coláiste Mhuire Co-Ed is required by law to follow fair procedures as well as procedures prescribed under the Education (Welfare) Act 2000, when proposing to expel a student. Where 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.
2. A recommendation to the Board of Management by the Principal.
3. Consideration by the Board of Management of the Principal's recommendation; and the holding of a hearing.
4. Board of Management deliberations and actions following the hearing.
5. Consultations arranged by the Education Welfare Officer.
6. Confirmation of the decision to expel.

These procedures assume that the Board of Management is the decision-making body in relation to expulsions.

It is a matter for each Board of Management to decide which of the tasks involved in these procedural steps requires separate meetings and which tasks can be accomplished together in a single meeting, consistent with giving parents due notice of meetings and a fair and reasonable time to prepare for a Board hearing.

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

In investigating an allegation, in line with fair procedures, the Principal should:

- 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 should be informed in writing of the alleged misbehaviour and the proposed investigation in order to have a permanent record of having let them know. This also ensures that parents are very clear about what their son or daughter is alleged to have done. It serves the important function of underlining to parents the seriousness with which the school views the alleged misbehaviour.

Parents and students must have every opportunity to respond to the complaint of serious misbehaviour before a decision is made about the veracity of the allegation, and before a serious sanction is imposed. Where expulsion may result from an investigation, a meeting with the student and their parents is essential. It provides the opportunity for them to give their side of the story and to ask questions about the evidence of serious misbehaviour, especially where there is a dispute about the facts. It may also be an opportunity for parents to make their case for lessening the sanction, and for the school to explore with parents how best to address the student's behaviour.

If a student and their parents fail to attend a meeting, the Principal should write advising of the gravity of the matter, the importance of attending a re-scheduled meeting and, failing that, the duty of the school authorities to make a decision to respond to the inappropriate behaviour. The school should record the invitation issued to the parents and their response.

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

Where the Principal forms a view, based on the investigation of the alleged misbehaviour, that expulsion may be warranted, the Principal makes a recommendation to Board of Management to consider expulsion. The Principal should:

- 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
- ensure that parents have enough notice to allow them to prepare for the hearing

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

It is the responsibility of the Board to review the initial investigation and satisfy itself that the investigation was properly conducted in line with fair procedures. The Board should undertake its own review of all documentation and the circumstances of the case. It should 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 must hold a hearing. The Board meeting for the purpose of the hearing should 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/students (when over 18) may wish to be accompanied 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 must notify the Educational Welfare Officer in writing of its opinion, and the reasons for this opinion. (Education (Welfare) Act 2000, s24(1)). The Board of Management

should refer to Tusla's reporting procedures for proposed expulsions¹. 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)).

An appeal against an expulsion under Section 29(1)(a) of the 1998 Education Act will automatically succeed if it is shown that the Education Welfare Officer was not notified in accordance with section 24(1) or that twenty days did not elapse from the time of notification to the Educational Welfare Officer to the implementation of the expulsion (Education (Miscellaneous Provisions) Act 2007, s4A).

The Board should inform the parents/guardians in writing about its conclusions and the next steps in the process. Where expulsion is proposed, parents/guardians should be told that the Board of Management will now inform the Educational Welfare Officer.

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).

The purpose of the consultations and the meetings is to ensure that arrangements are made for the student to continue in education. These consultations may result in an agreement about an alternative intervention that would avoid expulsion. However, where the possibility of continuing in school is not an option, at least in the short term, the consultation should focus on alternative educational possibilities. In the interests of the educational welfare of the student, those concerned should come together with the Educational Welfare Officer to plan for the student's future education.

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

¹ [Re draft \(tusla.ie\)](https://tusla.ie)

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 – this task might be delegated to the Chairperson and the Principal. Parents/guardians should 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 (Education Act 1998 section 29). An appeal may also be brought by the National Educational Welfare Board on behalf of a student.

For further details about the Appeals process please refer to current Department of Education guidelines.

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.