



Scoil Phobail Bhéara Suspension and Expulsion Policy

This Policy applies to management, students, teachers and parents/guardians.

Suspension

The Board of Management of Scoil Phobail Bhéara in its procedures on suspension complies with sections 22 and 23 of the Education (Welfare) Act 2000

Definition of Suspension

Suspension is defined as: requiring the student to absent himself/herself from the school for a limited period of school days. During the period of suspension, the student retains their place in the school.

Authority to Suspend

The Board of Management of Scoil Phobail Bhéara has the authority to suspend a student. The Board of Management has delegated the authority to suspend to the Principal or person acting in this capacity.

The Principal may suspend a student for a maximum of 3 days.

If the Principal wishes to impose a suspension of 4 or 5 days then he/she must consult with the Chairperson of the Board of Management.

The Board of Management normally places a ceiling of 10 days on any one period of suspension.

The Board undertakes a formal review to suspend a student, when the suspension will bring the number of days suspended to 20 days or more in the school year. Suspensions of 20 days or over may be appealed under section 29 Education Act 1998.

Delegation to the Principal or person acting in this capacity was formally adopted at a Board of Management meeting on

Date _____

All suspensions must be reported to the Board of Management.

Suspensions of a cumulative total of 6 days must be notified to TUSLA.

Grounds for Suspension

Suspension is a proportionate response to behaviour that is a cause for concern.

- The student's behaviour has had a seriously detrimental effect on the education of other students.
- The student's continued presence in the school at this time constitutes a threat to safety.
- The student is responsible for serious damage to property.
- A single incident of serious misconduct may result in suspension.

The following factors will be considered before suspending a student:

- The nature and seriousness of the behaviour
- The context of the behaviour
- The impact of the behaviour
- The interventions tried to date
- Whether suspension is a proportionate response
- The possible impact of suspension

Suspension as part of a behaviour management plan

Suspension is part of an agreed plan to address a student's behaviour.

The suspension will:

- Enable the school to set behavioural goals with the student and his/her parents/guardians.
- Give the school staff an opportunity to plan other interventions.
- Impress on a student and his/her parents/guardians the seriousness of the behaviour.

Forms of Suspension

- **Immediate suspension.** This may be used if the continued presence of the student in the school would represent a serious threat to the safety of the students or school staff. Fair procedures must be applied.
- **Suspension during the state examinations.** The Principal will consult with the Chairperson of the Board of Management. The DES Best Practice Guidelines concerning Certificate Examinations will offer guidance. This sanction will be used where there is
 - 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.Fair procedures must be applied.
- **'Automatic' suspension.** Particular behaviours incur automatic suspension as a sanction. We are committed to follow due process and fair procedures.
- Any exclusion imposed by the school is a suspension, and should follow the guidelines relating to suspension.

Procedures for suspension

The principles of natural justice and due process will be used when proposing to suspend a student

- Inform the student and their parents/guardians about the complaint. Parents/guardians will be informed by phone or by text or in writing.
- Parents/guardians and student will be given an opportunity to respond. A meeting will be arranged to discuss the matter.
- If parents/guardians fail to attend a meeting the Principal will reschedule the meeting and invite the parents/guardians by registered letter which will outline the gravity of the matter and the importance for parents/guardians to attend a meeting.
- When an automatic suspension is considered, a preliminary investigation will be conducted to establish a case for suspension. Parents/guardians will be notified and arrangements made with them for collection of the student.

Right of appeal

Parents /guardians have the right to appeal a Principal's decision to suspend a student. The right of appeal will be communicated to parents/guardians in writing.

Section 29 appeal

Where the total number of days for suspension in the current school year reaches 20 days the parents/guardians or a student over 18 may appeal the suspension under section 29 of the Education Act 1998. Parents will be informed in writing of the right of appeal under section 29.

Implementing the suspension

- Parents/guardians will be notified in writing of the decision to suspend
- The letter will confirm the following:
 - The period of suspension and the dates when the suspension will begin and end.
 - Reasons for the suspension.
 - Any study programme to be followed.
 - The arrangements for returning to school and commitments required.
 - The provision for an appeal to the Board of Management.
 - The right of appeal to the Secretary Department of Education and Skills.
(Education Act 1998) Circular letter M48/01

Re-integrating the student following suspension.

The school will support the student who is returning from suspension through the pastoral care system.

A student will be given the opportunity and support for a fresh start.

Records and Reports

Formal written records will be kept of:

The investigation

The decision and the rationale for the decision

The duration of the suspension and any conditions agreed.

The Principal will report all suspensions to the Board of Management giving reasons and duration of each suspension.

The Principal will report suspensions to Tusla in accordance with the NEWB reporting guidelines.

Review of Suspension

At regular intervals the Board of Management will review the use of suspension.

Expulsion

The Board of Management of Scoil Phobail Bhéara complies with section 24 of the Education (Welfare) Act 2000 in its policy on expulsion.

Definition of Expulsion

A student is expelled from Scoil Phobail Bhéara when the Board of Management makes a decision to permanently exclude him or her from the school.

The Board of Management has the authority to expel a student.

Grounds for Expulsion

Expulsion will be a proportionate response to the student's behaviour. The school will take significant steps to address misbehaviour and to avoid expulsion of a student.

The following steps will be included:

- Meeting with parents/guardians and student to find ways of helping student to change behaviour.
- Ensuring that the student understands the possible consequences of their behaviour.
- Ensuring that all possible options have been explored.
- The assistance of support agencies will be sought e.g. NEPS, TUSLA, NBSS, CAMHS, NCSE.

A proposal to expel a student will require serious grounds such as:

- The student's behaviour is a persistent cause of significant disruption to the learning of others and/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.

Automatic Expulsion

The Board of Management may decide following consultation with the Principal, parents/guardians, teachers and student that named behaviours incur expulsion .

Expulsion as a first offence

The Board of Management will expel a student for the first offence of the one or more of the following :

- 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
- Serious damage to school property

Determining the appropriateness of expelling a student and factors to be considered

When determining the appropriateness of expelling a student The Board of Management will undertake a very detailed review of all the factors in the case.

These factors will include the following:

- The nature and seriousness of the behaviour
- The context of the behaviour
- The impact of the behaviour
- The interventions tried to date
- Whether expulsion is a proportionate response
- The impact of the expulsion.

Procedures that will be followed in respect of expulsion

Scoil Phobail Bhéara will follow fair procedures when proposing to expel a student. These are:

The right to be heard

The right to impartiality

Parents/guardians will be given due notice of the meeting and will be allowed a reasonable time to prepare for a Board hearing.

The procedural steps will include:

1. A detailed investigation will be carried out under the direction of the Principal.
 - The parents/guardians and the student will be informed in writing about the details of the alleged behaviour and informed that it could result in expulsion.
 - The parents/guardians and the student will be given every opportunity to respond to the complaint of a serious misbehaviour before a decision is made and a sanction is imposed.

- A meeting will be held with the student and his/her parents/guardians if following the investigation expulsion is proposed.
- If the student and his/her parents/guardians fail to attend a meeting they will be invited in writing to attend another meeting. The letter will explain the importance of attendance and the gravity of the situation.
- A record of all letters, responses and meetings will be kept.

2. The Principal will make a recommendation for expulsion to the Board of Management.

- The Principal will inform the parents/guardians and student that the Board of Management is being asked to consider expulsion
- The Principal will ensure that the Parents/Guardians have records of: the allegations against the student, the investigation and written notice of the reasons why the Board of Management is being asked to consider expulsion.
- The Board of Management will be provided with the same records as were given to the Parents/Guardians.
- The Parents/Guardians will be notified of the date of the hearing and invited to the hearing.
- The Parents/Guardians will be advised that they can make a written and an oral submission to the Board of Management.
- The Parents/Guardians will be given enough notice of the hearing.

3. The Board of Management will consider the recommendation of the Principal and will hold a hearing.

- The Board will review the initial investigation to ensure it was conducted properly and fairly.
- The Board will review all documentation and circumstances of the case.
- No party who had involvement in the case will be part of the Board's deliberations. (e.g. a member of the Board)
- The Board will organise a hearing where the Principal, the Parents/Guardians or a student over 18 will put their case to the Board in each other's presence. Each party may question the evidence of the other directly.
- The Board will be impartial in the conduct of the hearing.
- Parents/Guardians may request to be accompanied at the hearing and this will be facilitated by the Board.
- After both sides have been heard, The Principal and Parents/Guardians may not be present for the Board's deliberations.

4. The Board of Management will deliberate and decide on an action(s)

- If the Board decides that the student should be expelled, the Board must notify the Educational Welfare Officer in writing of the decision giving the reasons.
- The student cannot be expelled for 20 school days from the date on which the EWO receives the written notification. Education Welfare Act s24(1)
- The Board will inform the parents in writing of its conclusions and the next steps in the process.
- If expulsion is proposed the parents/guardians will be informed that the Board of Management will inform the Educational Welfare Officer (TUSLA)

5. Consultations will be arranged by the Education Welfare Officer

- Within 20 days of receipt of a notification from a Board of Management of its opinion that a student should be expelled the EWO 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.
- The EWO must convene a meeting of those parties who agree to attend.
- The purpose of the consultations is to ensure that the student remains in education and to consider an alternative intervention that would avoid expulsion.
- If the possibility of continuing in the school is not an option the consultation will focus on alternative educational possibilities.
- Pending consultations about the student's continued education the Board may take steps to ensure good order is maintained in school and the safety of students is secured.
- The Board may consider suspending the student during this time particularly if 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. The decision to expel will be confirmed.

- When 20 days following the notification of the EWO has elapsed and the decision of the Board of Management is still to expel the student the Board of Management will confirm the decision to expel the student in writing to the parents/guardians.
- The Board may delegate this task to the Chairperson of the Board of Management or the Principal.
- The parents/guardians should be informed of their right to appeal and be supplied with the standard form on which to lodge the appeal.

- A formal record should be kept of the decision to expel the student.

Appeals

A parent/guardian or a student over eighteen 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 Tusla on behalf of a student. Current DES guidelines for appeals should be used for guidance.

Review

At regular intervals the Board of Management will review the use of expulsion.