

De La Salle College Churchtown

Suspension & Permanent Exclusion Policy

1 Introduction

This policy relates to sanctions that the school management may adopt when dealing with serious breaches of the Code of Behaviour.

This policy was drawn up in consultation with all the school partners – the Board of Management, teaching staff, parents/guardians and students.

This policy has been developed in line with our college Mission Statement, whose ethos which has at its core the care and wellbeing of every student and the provision of a safe and secure learning environment for all members of the school community.

2 Rationale

All students have a right to learn in an orderly and caring environment. All members of the school community have a right to be treated fairly and with dignity in an environment free from disruption, intimidation, harassment and discrimination. The Code of Behaviour aims to provide a safe and secure learning environment free from disruption for all our students by promoting a sense of respect for oneself, for others and for our environment. By enrolling in this school, each student and his parents/guardians agree to uphold the Code of Behaviour in detail and in spirit.

There will from time to time be cases of unacceptable behaviour where it will be in the best interests of the school community that the student(s) involved are removed from the school for a period of time or permanently.

3 Objectives

The aims of our suspension and permanent exclusion policy are:

- To maintain a safe, secure learning environment free from disruption for all the members of our school community.
- To outline the strategies to be used where students are in serious breach of our Code of Behaviour.

4 Roles and Responsibilities

Principal

The Principal or, in the Principal's absence, the Deputy Principal has authority to suspend any pupil for a limited period of time (see below) and may recommend a longer suspension or the permanent exclusion of a student to the Board of Management.

The Board of Management

Permanent Exclusion is the ultimate sanction imposed by the school for behaviour problems and may be imposed only by the Board of Management. The Board of Management has the

responsibility to deal with such issues in accordance with the principles of fairness and natural justice.

5 Suspension

Definition

Suspension is defined as a sanction requiring the student to absent himself from the school for a specified limited period of school days.

Grounds for Suspension

The decision to suspend a student requires serious grounds such as that:

- The student's behaviour is a cause of significant/persistent disruption to the learning of others and/or to the teaching process.
- The student's continued presence in the school constitutes a threat to the health and safety of themselves and/or other members of the school community.
- The student is responsible for serious damage to school property.
- The student is responsible for bringing the reputation of the school into disrepute.
- Repeated breaking of school rules.

A single incident or first offence of serious misconduct may be grounds for suspension. Examples of such behaviour would include:

- a serious threat of violence against a member of the school community
- actual violence or assault against a member of the school community
- Sexual Assault
- gross defiance and/or aggressive, disrespectful behaviour
- drug or alcohol offences?? or the possession/consumption/supplying of alcohol and/or illegal substances on school premises, on school related activities or in school uniform
- Possession/circulation of illegal/pornographic material

This list is not exhaustive.

Such incidences of serious misconduct may also incur the sanction of permanent exclusion (see Permanent Exclusion below), following a period of suspension.

Rationale for Suspension

Suspensions can provide a respite for staff and the student, give the student time to reflect on the link between his action and its consequences and give staff time to plan ways of helping the student to change unacceptable behaviour to meet the school's expectations in the future. Suspension is most effective when it highlights the parents'/guardians' responsibilities for taking an active role in partnership with the school in working with their son to help him improve his behaviour as required.

The Period of Suspension

The Principal may suspend a student for up to three school days or for up to five school days having informed the Chairperson of the Board of Management. A longer term of suspension will require approval from the Board of Management.

Where a student is suspended for a period of 6 or more continuous days or for a cumulative total of 20 days in one school year, the Principal is required to inform the Education Welfare Officer who may contact the family.

6 Suspension during a State Examination

If the Principal or, in the Principal's absence, the Deputy Principal forms the opinion that a student's behaviour constitutes a threat to good order in the conduct of the State examination or a threat to the safety of other students and personnel or a threat to the right of other students to do their examination in a calm atmosphere, then the Board of Management may approve the suspension of that student.

7 Procedures in respect of Suspension

As a general rule, suspension will be applied after other sanctions in our Code of Behaviour have failed to change the behaviour problem.

Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant suspension, the student and her parents/guardians will be informed about the complaint, how it will be investigated and that it could result in suspension, should the complaint be substantiated.

The parents/guardians will be informed usually in writing although there may be circumstances where, following a preliminary investigation, an immediate suspension is warranted for the safety of the student, other students, staff or others.

The formal investigation of the complaint should commence as soon as possible after the alleged misbehaviour has occurred.

8 Opportunity to Respond

Parents/Guardians and student will normally be given an opportunity to respond to the complaint before a decision to suspend is made. Ideally this response will be made at a meeting involving the student, his parents/guardians and the Principal (or in the Principal's absence, the Deputy Principal). If a student and his parents/guardians fail to attend a meeting, the Principal should write advising the parents/guardians 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 negative behaviour. The school will record the invitations made to parents/guardians and their response.

Right to Appeal

Where a decision is made by the Principal to suspend a student the parents/guardians have the right to appeal the decision to the Board of Management. The suspension will not normally be implemented until after such an appeal unless the behaviour in question warrants an immediate suspension (see above).

If the appeal is heard after the suspension has been implemented and if the appeal is upheld, then the record of the student will not include the suspension.

A decision by the Board of Management to suspend a student cannot be appealed unless the total number of days for which the student has been suspended in the current school year reaches twenty days. In such a case, 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*. This appeal must be made within 42 days of receipt of the notification of the suspension.

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 should be given information about how to appeal.

9 Implementing the Suspension

The Principal will notify the parents/guardians and the student in writing of the decision to suspend. The letter will confirm:

- the period of the suspension and the dates on which the suspension will begin and end
- the reasons for the suspension
- any study programme to be followed
- a student self reflection
- that the student will be in the care of his parents/guardians during the period of his suspension from school
- the arrangements for returning to school, including any commitments to be entered into by the student and the parents/guardians (for example, parents/guardians and the student may be asked to reaffirm their commitment to the Code of Behaviour)
- the provision for an appeal to the Board of Management
- the right to appeal, if appropriate, to the Secretary General of the Department of Education and Skills (*Education Act 1998*, section 29).

Students are advised to use the period of suspension for serious study and revision. School work may be assigned to be completed during the period of suspension.

10 Grounds for Removing a Suspension

A suspension may be removed if the Board of Management decides to remove the suspension for any reason or if the Secretary General of the Department of Education and Skills directs that it be removed following an appeal under section 29 of the *Education Act 1998*.

11 Procedures for the Re-Introduction of the Student into the School

The parents/guardians and the student may be requested to attend a meeting with a sub-committee of the Board of Management, Principal or another staff member delegated by the Principal before the student returns to class. The purpose of this meeting is to emphasise the seriousness of the misbehaviour that gave rise to the suspension and to ensure parental/guardian support for the school's Code of Behaviour. It is also an opportunity to stress parental/guardian responsibility in supporting the school in its efforts to help their son to behave well when he returns to school. In addition, the supports that the school intends to put in place to support the student on his return may be outlined at such a meeting.

The parents/guardians and/or the student may be requested to sign their commitment to the Code of Behaviour or other conditions as deemed appropriate by the Principal or Board of Management. The parents/guardians and the student will be informed in advance of any such other conditions.

When the suspension is completed, the student will be given the opportunity and support for a fresh start.

Although a record is kept of the behaviour and any sanction imposed, once the sanction has been completed, the school will expect the same behaviour of this student as of all other students.

12 Records and Reports

Formal written records will be kept of:

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

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

The Principal is required to report to the Educational Welfare Officer all suspensions of six days and longer, or any suspension where the total number of days for which the student has been suspended in the current school year reaches twenty days.

13 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.

14 Permanent Exclusion

Permanent exclusion is the ultimate sanction imposed by the school and may only be exercised by the Board of Management.

Grounds for Expulsion

Expulsion of a student is a very serious step, and one that will only be taken by the Board of Management in extreme cases of unacceptable behaviour.

The school will usually have taken significant steps to address the misbehaviour and to avoid expulsion of a student including, as appropriate:

- meeting(s) with parents/guardians and the student to try to find ways of helping the student to change his behaviour and to make sure that the student understands the possible consequences of his behaviour, if it should persist
- meeting(s) with a sub- committee of the Board
- ensuring that all other possible options have been tried

- seeking the assistance of support agencies (e.g. National Educational Psychological Service, Health Service Executive Community Services, the National Behavioural Support Service, Child and Adolescent Mental Health Services, National Council for Special Education).

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

- 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 health and safety.
- The student is responsible for serious damage to property.
- The student is responsible for bringing the reputation of the school into disrepute.
- Repeated breaking of School Rules

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 may result in a proposal to expel on the basis of a single breach of the code could include:

- a serious verbal assault or threat of violence against another student or member of staff
- actual violence or physical assault against a member of the school community
- sexual assault
- gross defiance and/or aggressive, disrespectful behaviour
- the possession/consumption/supplying of alcohol and/or illegal substances on school premises, on school related activities or in school uniform
- Possession/circulation of illegal/pornographic material

This list is not exhaustive.

Determining the appropriateness of expelling a student

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

- 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 possible impact of expulsion

15 Procedures in respect of expulsion

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 Educational Welfare Officer.
6. Confirmation of the decision to expel.

16 Step 1: A detailed investigation carried out under the direction of the Principal

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

- a) Inform student and parent of details of alleged misbehaviour
- b) How it will be investigated
- c) That it could result in expulsion
- d) Give parents every opportunity to respond before a sanction is imposed; to give their side of the story; to ascertain the facts; to present a case for lessening the sanction
- e) Inform parents in writing of above which will underline the seriousness of the matter
- f) Invite them to a meeting at a mutually suitable time

If a student and his parents/guardians fail to attend a meeting, the Principal will write to the parents/guardians advising them 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 will record the invitation issued to parents/guardians and their response.

17 Step 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 will make a recommendation to the Board of Management to consider expulsion. 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 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/guardians have enough notice to allow them to prepare for the hearing.

18 Step 3: Consideration by the Board of Management of the Principal's recommendation and the holding of a hearing

- The Board of Management will review the initial investigation and satisfy itself that the investigation was properly conducted in line with fair procedures.
- The Board will undertake its own review of all documentation and the circumstances of the case.
- The Board will establish that there is an absence of bias among BOM members
- Where a Board of Management decides to consider expelling a student, it will hold a hearing at a Special meeting of the Board and accord due process.
- 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 will be allowed to question the evidence of the other party directly.
- BOM must be seen to be impartial.
- Parents/guardians may wish to be accompanied at hearing and the Board will facilitate this, in line with good practice and Board procedures. (Allow parents to be accompanied – if they suggest being accompanied by a lawyer it should be discouraged. Seek advice.)
- After both sides have been heard, both the Principal, the parents/guardians/students will leave the meeting while the Board considers the issue.

19 Step 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 that the student should be expelled and the reasons for this opinion. (*Education (Welfare) Act 2000*, s24(1)).
- The Board of Management will follow the National Educational Welfare Board reporting procedures for proposed expulsions.
- While the Board may be of the opinion that the student should be expelled, the actual decision to permanently exclude the student cannot be taken before the passage of twenty school days from the date on which the Educational Welfare Officer receives written notification of the Board's opinion that the student should be expelled and the reasons for this opinion. (*Education (Welfare) Act 2000*, s24(1)).
- The Board will inform the parents/guardians/Student18+ in writing about its conclusions and the next steps in the process.
- Where expulsion is proposed, the parents/guardians will be told that the Board of Management will be informing the Educational Welfare Officer of the Board's opinion that the student should be expelled and the reasons for this opinion.

20 Step 5: Consultations arranged by the Educational Welfare Officer - intervention to avoid expulsion or alternative educational possibilities

- Within twenty days of receipt of a notification from a Board of Management of its decision, the Principal and/or other school staff delegated by the Principals may attend a meeting convened by the Educational Welfare Officer to plan for the student's future education in the interests of the educational welfare of the student, looking at options such as alternative interventions or alternative educational possibilities
- Pending these consultations about the student's continued education, the 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)*).
- The Board may consider it appropriate to suspend a student during this time especially where there is a likelihood that the continued presence of the student during this time will seriously disrupt the learning of others, or if there is a threat to the safety of other students or staff.

21 Step 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 the student.
- The Board of Management may delegate this task to the Chairperson and the Principal, at the earlier meeting that considered the issue of permanently excluding the student.
- Parents/guardians will be notified immediately in writing that the expulsion will now proceed. Parents/Guardians and the student should be told about the right to appeal within 42 days 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.

22 Appeals

A parent/guardians, or a student aged over eighteen years, may appeal within 42 days a decision to expel to the Secretary General of the Department of Education and Skills. An appeal may also be brought by the National Educational Welfare Board on behalf of a student.

23 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 expulsion is used appropriately.

