



***THE SUSPENSION AND EXPULSION POLICY
OF COLAISTE NA SCEILGE***

May, 2013

Signed: _____

Date ratified at the Board of Management meeting: _____

The representatives of the following people were consulted:

The Parents Council, the Students and the Staff.

The Policy was communicated to the following people:

The Board of Management, the Parents Council, the Students Council and the Staff.

Date of review: _____

POLICY CONTENTS

The Relationship to the School's Mission Statement

The Rationale

The Objectives

The Roles and Responsibilities

The Relevant Legislation

Education Act 1998

Education Welfare Act 2000

Equal Status Act 2000

General Principles

Suspension

Essential Elements in the Procedure for Suspension

Grounds for Removing a Suspension

Appeals

Expulsion

Essential Elements in the Procedure for Expulsion

Success Criteria

Monitoring Procedures

Review Procedures

Timeframe

Implementation Programme

Appendices

Appendix I Principles of Natural Justice

Appendix II Mission Statement

Bibliography

RELATIONSHIP TO SCHOOL'S MISSION STATEMENT

In Coláiste na Sceilge, "Everyone has an opportunity to develop in a challenging, caring and happy environment." (See Appendix II page) The suspension and expulsion of some students may be necessary to ensure a safe and happy environment for students and staff.

RATIONALE

The recent legislation on education (see page 4-5) and the principles of natural justice (see Appendix I page 14-15) are the basis of this policy.

OBJECTIVES

1. This policy states the procedures for suspension, expulsion and appeals in Coláiste na Sceilge.
2. The roles and responsibilities of the various members of the school community in relation to this policy are noted.
3. A success criterion is outlined.
4. A monitoring procedure is formulated.
5. An evaluation procedure is drawn up.
6. The time frame is stated.
7. The Implementation Programme is outlined

ROLES AND RESPONSIBILITIES

The Parents, Students and Staff were involved in the development of this policy. The Representatives of the Parents, the Students, the Teachers and all the Staff met to draft a policy on suspension and expulsion for Coláiste na Sceilge. A draft document was circulated to the Parents Council, The Students Council and the Staff for their comments and suggestions. Further meetings were held to edit the draft document in response to suggestions and observations from Parents, Students and Staff.

The roles and responsibilities of the Board of Management, the Principal, the Parents, the Students and the Staff in relation to implementation of the suspension and expulsion policy are outlined in the relevant sections throughout the policy document.

The Principal in co-operation with Parents, Students and Staff representatives are responsible for the evaluation of the policy.

RELEVANT LEGISLATION

Education Act 1998: The Board of Management shall...Section 15 (2)

Admissions and participation policies

d) Publish, in such manner as the Board with the agreement of the patron considers appropriate, the policy of the school concerning admission to and participation in the school, including the policy of the school relating to expulsion and suspension of students and admission to and participation by students with disabilities or who have other educational needs, and ensure that as regards policy principles of equality and the right of parents to send their children to a school of the parents' choice are respected and such directions as may be made from time to time by the Minister, having regard to the characteristic spirit of the school and the constitutional rights of all persons concerned, are complied with.

Education Welfare Act 2000

Code of Behaviour Section 23

1. The board of management of a recognised school shall, after consultation with principal, teachers, parents, and students prepare a code of behaviour in respect of the students registered at the school.
2. A code of behaviour shall specify:
 - a. The standards of behaviour that shall be observed by each student attending the School.
 - b. The measures that may be taken when a student fails or refuses to observe those Standards.
 - c. The procedures to be followed before a student may be suspended or expelled from the school concerned.
 - d. The grounds for removing a suspension imposed in relation to a student and
 - e. The procedures to be followed relating to notification of a child's absence from school.

Parents and the Code of Behaviour

(4) The principal of a recognised school shall, before registering a child as a student at that school ...provide the parents of such child with a copy of the code of behaviour in respect of the school and may, as a condition of so registering such child, require his or her parents to confirm in writing that the code of behaviour so provided is acceptable to them and that they shall make all reasonable efforts to ensure compliance with such code by the child.

Section 24

1. Where a board of management or a "person acting on its behalf" believes that a student should be expelled it must before doing so inform the welfare officer of this belief and the reasons for so believing.
2. The welfare officer must consult with the principal (or his / her nominee), the student and his/her parents and other appropriate persons, and convene a meeting of those willing to attend.
3. A student may not be expelled for twenty school days after the welfare officer receives

this notification

4. A board has the right to take such reasonable measures, as it considers appropriate “ to ensure that good order and discipline are maintained... and the safety of students is secured” during this twenty-day period”.

Equal Status Act 2000

Section 3

“ ..discrimination shall be taken to occur” where a person is treated less favourably than another on any of the grounds set out in Section 5.

Grounds of discrimination Section 5

The prohibited grounds of discrimination are:

Gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Travelling Community.

Educational establishments Section 7 (2)

An educational establishment shall not discriminate in relation to:

- (a) The admission or the terms or conditions of admission of a person as a student to the establishment,
- (b) The access of a student to any course, facility or benefit provided by the establishment,
- (c) Any other term or condition of participation in the establishment by a student, or
- (d) The expulsion of a student from the establishment or any other sanction against the student.

GENERAL PRINCIPLES

1. Rights

- (a) Students have a statutory obligation to attend school up to age 16. Accordingly students have a right to attend school up to that age.
- (b) Having been admitted to a school, all students have the right to learn in an orderly and caring environment. All schools need to establish and maintain high expectations of student behaviour. All members of the school community should be aware of these expectations, and participate in their development.
- (c) All students and teachers have the right to be treated fairly and with dignity, in an environment free from disruption, intimidation, harassment and discrimination.

2. Options available

There will be cases of unacceptable behaviour where it will be in the best interests of the school community and/or the student involved, for the student to be removed from the school for a period of time or completely. Suspension and expulsion are the options available to the Principal and /or the Board of Management in these situations.

3. All need to be fully aware of procedures

Collaboration between Board of Management, school staff, students and parents is an important feature of Behaviour Management in schools. All should be fully aware of the suspension and expulsion procedures and their place in the context of the school's Code of Behaviour.

4. Importance of parental role

Suspension is only one strategy within a school's Code of Behaviour. It is most effective when it highlights the parents'/guardians' responsibility for taking an active role, in partnership with the school, to work with their child to enable the child's behaviour to change. The school will work with parents / guardians with a view to assisting a suspended student to rejoin the school community as quickly as possible.

5. Time to reflect and accept responsibility

Suspension allows students time to reflect on their behaviour, to acknowledge and accept responsibility for the behaviour, which led to the suspension and to accept responsibility for changing their behaviour to meet the school's expectations in the future. It also allows time for school personnel to plan appropriate support for the student to assist with successful re-entry.

6. Principal's authority

The Principal has authority, under the Articles of Management for Secondary Schools, to suspend "any pupil for a limited period and shall report any such suspension to the Board of Management at its next meeting where suspension is for a period of five days or more or where it is cumulatively more than twenty days for a particular school year.

7. Recommend expulsion

If, in the judgement of the Principal, a pupil should be expelled, the Principal shall refer the matter to the Board of Management for decision. [Article 19 (c)]

8. Principles of Natural Justice

The Board of Management and the Principal will exercise this authority having regard to their responsibilities to the whole school community and to the Principles of Natural Justice.

9. Grounds for discrimination

In implementing these procedures, the Principal and Board will ensure that no student is discriminated against on any of the following grounds:

- Gender
- Marital status
- Family status

- Sexual orientation
- Religion
- Age
- Disability
- Race
- Membership of the Travelling Community

10. Considerations for the Board

The Board of Management will also ensure that the implementation of these procedures will take into account such factors as:

- a. The age and state of health of the pupil
- b. The pupil's previous record at the school
- c. Any particular circumstances unique to the pupil, which might sensibly be taken into account in connection with the behaviour, e.g. strained or traumatic domestic situations
- d. The extent to which parental, peer or other pressure may have contributed to the behaviour
- e. The degree of severity of the behaviour, the frequency of its occurrence and the likelihood of its recurring
- f. Whether or not the behaviour impaired or will impair the normal functioning of the pupil or other pupils in the school
- g. Whether or not the behaviour occurred on school premises or when the pupil was otherwise in the charge of the school staff or when the pupil was on the way to or from school. An important consideration in cases of doubt is the extent to which behaviour away from the school had a serious impact on the life of the school
- h. The degree to which behaviour was a violation of one or more rules contained in the school's Code of Behaviour and the relative importance of the rule(s);
- i. Whether the incident was perpetrated by the pupil on his or her own or as a part of a group.

11. Support

Depending on the nature and extent of the misbehaviour the support of other agencies such as the National Education Welfare Board (NEWB) or the National Educational Psychological Service (NEPS) may be sought by the Board of Management.

12. Natural Justice

The Principles of Natural Justice are fundamental to the implementation of these procedures. (See Appendix I page 14-15)

SUSPENSION

1. Link to Code of Behaviour

Reasons for the suspension of a pupil must be linked with the Code of Behaviour, of which the student and Parents/Guardian must have copies, be familiar with its contents, and preferably have signed that they have read and understood the Code.

2. Principal's or Deputy Principal's responsibilities in circumstances where suspension is for a period of five days or more or where it is cumulatively more than twenty days for a particular school year.

Suspension will usually only occur after the Principal or Deputy Principal has:

- Ensured all discipline options under the Code of Behaviour have been applied and documented.
- Ensured all appropriate support personnel (internal and external) have been involved.
- Ensured that discussion has occurred with the student and parent / guardian regarding specific misbehaviour which the school considers unacceptable and which may lead to suspension.
- Ensured that diagnostic assessments have been carried out where appropriate (i.e. National Educational Psychological Services), particularly where unacceptable behaviour is ongoing and consistent.
- Provided a formal written warning detailing these behaviours, as well as clear expectations of what is required of the student in the future (except in cases of very serious misconduct).
- Recorded all action taken.
- Copied all correspondence.

3. Immediate suspension

Principal or Deputy Principal may suspend immediately in exceptional circumstances e.g. violence, threats of violence, presence of weapons, illegal drugs, threats to Health and Safety, abusive language, leaving the school without permission etc.

4. Length of suspension

The Board may wish to put a maximum on the number of days (e.g. 5 days), which can be applied by the Principal, or Deputy Principal in most circumstances.

5. Informing the Education Welfare Officer

- (a) If a student is suspended for a period of 5 days or more, the Principal or Deputy Principal must inform the local Educational Welfare Officer.
- (b) If a student is suspended for a cumulative total of 20 days or more in one school year, the Principal must inform the Education Welfare Officer.

6. Essential Elements in the Procedure for Suspension where suspension is for a period of five days or more or where it is cumulatively more than twenty days for a particular school year.

1. Principal makes decision (or, in the Principal's absence, the acting or Deputy Principal) on the basis of the reasons set out in the Code of Behaviour, and the parameters set out by the Board of Management.
2. Student is informed of the decision
The student must be informed of the precise grounds, which gave rise to a possible suspension, and be given an opportunity to respond, before a decision to suspend is reached and formalised.
3. Parents/Guardians are informed by post or by a phonecall and invited to come to the school for a meeting.
4. If suspension is to be immediate (e.g. in the interests of health and safety)
Parents/Guardians are informed by phone, with written follow-up.
5. Student to be supervised /in class until suspension takes effect.
6. Student will never be sent home during school day, unless collected by Parent / Guardian (or other suitable arrangement made).
7. The formal letter of notification should include:
 - Notice of the suspension.
 - Effective date of the suspension.
 - Duration of the suspension.
 - Reasons for the suspension.
 - Expectations of the student while on suspension (Study Programme may be attached).
 - Importance of parental assistance in resolving the matter.
 - A statement that the student is under the care and responsibility of the Parents/Guardians, while on suspension.
 - A statement that the Education Welfare Board has been informed (If the suspension is longer than 6 days, or the student has been suspended for more than 20 days during the school year to date).
 - Information on Appeal rights (internal school appeal /Kerry Educational Services/ Section 29 Appeal)
 - Requirements which need to be in place when student returns (e.g. written apology, completion of restorative practice sheet senior cycle sheet – worksheet 1. See appendix III, junior cycle sheet- worksheet 2, see appendix III b. Contract of good behaviour. See Appendix III c)

If consideration is being given to proceeding to expulsion, then the letter **must make this clear.**

8. Procedures for the formal re-introduction of the student into the school

- (a) Parents may be requested to attend with the student on the day of his/her return to the school.
- (b) Undertakings of good behaviour may be requested in writing.
- (c) Agreed conditions (e.g. Counseling, referral to National Educational Psychological Services, other pastoral supports), should be signed by parent and pupil.
- (d) Interview with the Deputy Principal, Principal or Discipline Committee to review the student's attitude towards their behavior. A red card and/or detention may also be issued.

Reasonable steps must be taken to ensure that any formal notification is made in a

manner which can be understood by the student and the parents/guardians. This is essential when parents have difficulty reading or understanding English.

Grounds for Removing a Suspension

Section 23 (2) d of the Education Welfare Act 2000 requires the school to publish the grounds for removing a suspension. **This implies that a system is in place for review / appeal of a suspension.**

Grounds may include:

- The Principal / Board may agree that another sanction be applied after discussion with the parents
- Successful appeal to the Board of Management
- Successful appeal to the Committee of Kerry Educational Services.
- Successful appeal under Section 29 of the Education Act
- New circumstances come to light
 - Other grounds under GENERAL PRINCIPLES (see page 5-7)

Appeals

The Principles of Natural Justice demand that there is an appeal to a higher authority. The practicalities of school life mean that having a formal appeal to the Board of Management on short suspensions imposed by the Principal may be inappropriate, very time-consuming, and render the suspension meaningless.

For long suspensions (e.g. where suspension is for a period of five days or more or where it is cumulatively more than twenty days for a particular school year.) a student may appeal the decision to the Board of Management.

For suspensions for periods less than five days the student may appeal the decision to the Board of Management.

For long suspensions (e.g. where suspension is for a period of five days or more or where it is cumulatively more than twenty days for a particular school year.) before the suspension is actually imposed, the Principal, Deputy Principal, Guidance Counsellor and the Parents should meet formally in an attempt to resolve matters and / or to explain the reasons for the long suspension.

The school may insist that the student remain at home while any appeal on a suspension is in process.

It is possible that a suspension may already be served before the appeal is actually heard. If the appeal is successful, the only remedy may then be to have the suspension removed from the student's file / record.

All appeals should be heard as soon as is practically possible.
(See Appendix I page.14-15).

EXPULSION

Ultimate sanction

This is the ultimate sanction imposed by the school and is exercised by the Board of Management in extreme cases of indiscipline.

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 safety
- The student is responsible for serious damage to property.

Natural justice

In advance of any hearing, which could result in an expulsion, the school will investigate the matter in accordance with the principles of natural justice.

(See Appendix 1 page. 14-15)

Link with Code of Behaviour

Reasons for the expulsion of a pupil must be linked with the Code of Behaviour in the student's journal, of which the student and Parents/Guardian must have copies, be familiar with its contents, and preferably have signed that they have read and understood the Code.

Essential Elements in the Procedure for Expulsion

The Principal's Responsibilities

Expulsion can only occur after the Principal has:

- Ensured all discipline options under the Code of Behaviour have been applied and documented.
- Ensured all appropriate support personnel (internal and external) have been involved.
- Ensured all other procedures, referrals, supports have been exhausted.
- Ensured that discussion has occurred with the student and parent / guardian regarding specific misbehaviour which the school considers unacceptable and which may lead to expulsion.
- Provided formal verbal and written warnings at appropriate times detailing these behaviours, as well as clear expectations of what was required of the student in the future.
- Recorded all action taken.
- Copied all correspondence.
- Informed the parents/guardians of his/her intention to recommend expulsion to the Board of Management.
- Invited the parents/guardians to the Board of Management hearing.
- Invited the parents/guardians to make a written submission in advance of the Board Meeting

- Provided the parents with a full, written description of the allegations against the student and the case being made at the Board, together with copies of all documentation, statements etc. supporting that case.
- Made a formal expulsion recommendation to the Board with full supporting documentation.

The Board's responsibilities

Expulsion can only occur after the Board of Management has

- Heard the Principal's case against the student (this case should be made in the presence of the Parents/Guardians).
- Heard the Parents'/Guardians' response.
- Examined all the documentation.
- Considered the student's record in the school.
- Taken legal / expert advice.
- Ensured the Principal is not present for the Board's discussion and decision on the matter.
- Discussed the case in detail.
- Considered all matters in GENERAL PRINCIPLE (see page 5-7).
- Made a final decision to expel.
- Communicated the decision to the parents formally through the Secretary of the Board (in a registered letter).
- Informed the Education Welfare officer under Section 24(1) of the Education Welfare Act 2000.

The formal letter of notification should include:

- Notice of the expulsion.
- Effective date of the expulsion.
- Reasons for the expulsion.
- A statement that the Education Welfare Board has been informed.
- A statement that the student is under the care and responsibility of the parents/guardians for the period of 20 days required by the Education Welfare Officer to examine alternative provisions for the education of the student.
 - Information and documentation on Appeal rights (i.e. Section 29 Appeal).

RELEVANT LEGISLATION

The Board of Management shall

- Consult with and keep patrons informed of decisions and proposals of the Board
- Publish, in such manner as the Board with the agreement of the patron considers appropriate, the policy of the school concerning admission to and participation in the school, including the policy of the school relating to expulsion and suspension of students and admission to and participation by students with disabilities or who have other educational needs.

- Ensure that as regards policy and principles of equality, the right of parents to send their children to a school of the parents' choice are respected and such directions as may be made from time to time by the Minister having regard to the characteristic spirit of the school and the constitutional rights of all persons concerned, are complied with.

SUCCESS CRITERIA

The following indicators will be used to gauge the effectiveness of the policy:

Is the policy document accessible to the Students Council, the Parents Council, the Staff and the Board of Management?

Is the procedure fair to Students, Parents and Staff?

Is the process efficient?

MONITORING PROCEDURES

The Board of Management, the Parents Council, the Students Council, the Principal and the Year Heads will all be responsible for monitoring the suspension and expulsion policy.

The Students Council will make suggestions and recommendation to the Principal and Year Heads and also to the Parents Council whenever they consider it appropriate.

The Parents Council will make suggestions and recommendation to the Principal and the Board of Management whenever they consider it appropriate.

The Principal and Year Heads will evaluate the policy with regard to fairness and efficiency annually.

EVALUATION AND REVIEW

The Principal and Year Heads will evaluate the procedures for suspension and expulsion with particular reference to fairness and efficiency annually. They will review the policy as appropriate.

The Parents Council and the Students Council will ask the Principal and the Board of Management to review the policy whenever they consider it appropriate.

The Board of Management will review this policy at least every two years.

TIMEFRAME

The completed policy on suspension and expulsion will be circulated to the Parents Council, the Students Council and the Staff as soon as possible after it has been ratified by the Board of Management (within ten days)). The policy will come into force ten days after the Board of Management has signed it. The policy will be subject to a review two years after it comes into force.

IMPLEMENTATION PROGRAMME

The Principal will ensure that the Parents Council and the Students Council have received a copy of the policy document signed by the Board of Management within ten days of the policy being ratified and signed by the Board.

The Principal will ensure that the Year Heads have received a copy of the policy document signed by the Board of Management within ten days of the policy being ratified and signed by the Board.

The Principal will ensure that the Staff has access to the policy document signed by the Board of Management within ten days of the policy being ratified and signed by the Board.

APPENDIX I PRINCIPLES OF NATURAL JUSTICE

PROCEDURAL FAIRNESS

Procedural fairness is a basic right of all individuals dealing with authorities. All communities have a legitimate expectation that schools (Boards, Principals and teaching staffs) will follow these principles in all circumstances, particularly when dealing with suspensions and expulsions.

Procedural fairness is generally recognised as having two essential elements.

1. The right to be heard which includes:

- The right to know why the action is happening
- The right to know the way in which the issues will be determined
- The right to know the allegations in the matter and any other information which will be taken into account
- The right of the person against whom the allegations have been made to respond to the allegations.
- The right to an appeal.

2. The right of a person to an impartial decision which includes:

- The right to impartiality in the investigation and decision making phases
- The right to an absence of bias in the decision maker

As part of ensuring the right to be heard principals should establish if parents / guardians require an interpreter and, if so, make arrangements for one to be available.

Principals should also ensure that students and parents / guardians have access to policies and procedures under which action is being taken.

While it is generally preferable for the functions of investigating and deciding to be carried out by different people, in the school setting this may not always be possible.

If the Principal is conducting both the investigative and decision-making stages, he or she must be reasonable and objective. Ultimately, the Principal must act justly and be seen to act justly. While it is difficult to combine the roles of investigator and adjudicator, given the nature of the Principal's responsibilities, there may at times be no alternative to the Principal exercising both roles, but this should be the exception rather than the rule.

Nevertheless, it is preferable to have another appropriate officer, such as a deputy or assistant principal, Year Head or teacher carry out the investigation, if possible.

The availability of a line of appeal to a more senior officer adds to the fairness of the process and offers a check in case there is a perception of a conflict of interest. It is the

principal's responsibility to suspend a student from the particular school or to recommend to the Board the expulsion of a student from the school. This responsibility is not to be delegated to any officer other than one acting in the Principal's position.

To ensure the elements of procedural fairness are met, it is appropriate to provide the student and their parents / guardians with details of all allegations relating to the incident. This usually will involve providing copies of any relevant statements. Should Principals be of the view that it is not appropriate to provide copies of a statement, for example, because of a fear that witnesses may be intimidated, full details of the allegations outlined in the statements should be provided without identifying the individual or individuals who made the statement.

In matters where a long suspension or expulsion is contemplated, the gravity of the circumstances requires particular emphasis being given to procedural fairness. This includes the availability of a support person/observer at formal interviews, the key features of which should be taken down in writing.

[Adapted from PROCEDURES FOR THE SUSPENSION AND EXPULSION OF SCHOOL STUDENTS, NSW Department of Education and Training 1998]

The Board of Management should ensure that any member of the Board who might have a conflicting interest should be excused and not partake in the decision to suspend or expel a student.

The Board should also of course ensure that it complies with its own rules generally in relation to such matters as having a sufficient quorum.

Appendix II

School Mission Statement

MISSION STATEMENT - We respect, we care,
We learn, we develop,
We belong.

VISION

Coláiste na Sceilge is committed to creating a community in which everyone is respected, where everyone has an opportunity to develop in a challenging, caring and happy environment. Coláiste na Sceilge is committed to developing people who are fair, caring, assertive and who are knowledgeable and appreciative of their locality: its beauty, history, culture and amenities. People who have a clear sense of their worth and the valuable role they can play in the betterment of their communities. People who can enjoy their lives to the full.

AIMS

The educational aims of Coláiste na Sceilge are:

To encourage a pursuit of excellence appropriate to each student so that he/she may develop to the full his/her particular gifts.

To offer an education that strives to empower and motivate students to use their individual gifts with confidence, creativity and generosity.

To offer a broad holistic curriculum to enable students to reach their full potential and to develop a love of learning.

To promote the moral, spiritual, academic, social and personal development of students in partnership with their parents.

To cherish all students equally regardless of gender, marital status, family status, sexual orientation, religion, disability and ethnicity.

To give every opportunity to students to develop powers of critical reflection thereby building independence of mind as a means towards responsible citizenship.

To nurture an interest in the creative arts and an appreciation of heritage and culture.

Bibliography

1. Guidelines for a Positive Policy of School Behaviour, Discipline and Procedures (St. Helen's Education Office, Christian Brothers, 1999).
2. The Principal's Legal Handbook by Oliver Mahon BL (I.V.E.A. 2002).
2. Achieving Positive Behaviour by Patricia Dwyer (Marino Institute of Education 2003).
4. Manual for Boards of Management for Catholic Secondary Schools (CMCSS 1999 Revised edition, 2003 new edition).
5. Guidelines towards a Positive Policy for School behaviour and Discipline (Department of Education and Science Circular M33/91).
6. Appeals under Section 29 of the Education Act 1998 (Department of Education and Science Circular 48/01).
7. Discipline in Schools – Maeve Martin (Report to the Minister for Education 1997).
8. Articles of Management for Catholic Voluntary Secondary Schools (JMB / ASTI 1989, revised 1998).
9. Procedures for the Suspension and Expulsion of School Students (NSW Department of Education and Training 1998).
10. Education Act 1998.
11. Education (Welfare) Act 2000.
12. Equal Status Act 2000.
13. Supporting Schools in Policy Development (Marino Policy Website).