

Suspension/Expulsion

Suspension

The decision to suspend a pupil requires serious grounds such as

- The pupil has engaged in repeated instances of minor misbehaviour and there has been no improvement.
- The pupil's behaviour has had a serious detrimental effect on the education of other students.
- The pupil's continued presence in the school at this time constitutes a threat to safety.
- The pupil is responsible for serious damage to property.

A single incident of serious misbehaviour may be grounds for suspension. Serious misbehaviour is defined as any behaviour or acts that would endanger the health and safety of others in the school and/or are in violation of the law.

Suspension allows staff and the pupil time to reflect and gives the staff an opportunity to plan ways to help the pupil change unacceptable behaviour. Students will not be suspended for longer than three days, unless more time is needed to fulfil a particular objective to assist the student.

Suspension is defined as follows: 'requiring the student to absent himself/herself from the school for a specified, limited period of school days'. (*Developing a Code of Behaviour: Guidelines for Schools, National Educational Welfare*)

Board Authority to Suspend

The Board of Management of Cabra Central School has formally and in writing delegated the authority to impose an Immediate Suspension to the Principal Teacher, in consultation with the Chairperson. An Immediate Suspension may be for a period of one to three school days depending on the severity of the specific behaviour. In exceptional circumstances and with the approval of the Chairperson of the Board the suspension may be for a longer period but in any event will not exceed 5 school days.

Furthermore, the Board of Management has formally and in writing delegated to the Principal Teacher the authority to impose an Automatic Suspension for named behaviours detailed in this policy. An Automatic Suspension may be for a period of one to three school days depending on the severity of the specific behaviour. In exceptional circumstances and with the approval of the Chairperson of the Board the suspension may be for a longer period but in any event will not exceed 5 school days.

The Board retains its authority to suspend a student in all other cases/circumstances.

Immediate Suspension and Automatic Suspension

An Immediate Suspension will be deemed to be necessary where, after a preliminary investigation, the Principal reaches the determination that the continued presence of the pupil in the school at the time would represent a serious threat to the safety and well-being of pupils or staff of the school.

An Automatic Suspension is a suspension imposed for named behaviours. The Board of Management of Cabra Central School, having given due consideration to its duty of care as prescribed by Health & Safety Legislation, has determined that the following named behaviours will incur Automatic Suspension as a sanction:

- Physical assault/violence resulting in bodily harm to a pupil or member of staff/coaches/visitors to school.
- Acts of violence resulting in serious damage to school property.

Parent(s)/Guardian(s) will be informed of an Immediate or Automatic Suspension by telephone, and arrangements will be made with them for the pupil to be collected. In no circumstance will a student be sent home from school prior to his/her parent(s)/guardian(s) being notified. Formal written notification of the suspension will issue in due course, but no later than 2 school days after the imposition of the suspension. Such a notification will detail:

- The duration 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.
- The arrangements for returning to school, including any commitments to be entered into by the pupil and the parent(s)/guardian(s).
- Any further consequences/sanctions.

The Board of Management acknowledges that the decision to impose either an Immediate or Automatic Suspension does not remove the duty to follow due process and fair procedures. In this regard, and following a formal investigation, to be completed no later than 2 school days after the incident, the Board will invite the pupil and his/her parent(s)/guardian(s) to a meeting to discuss:

- The circumstances surrounding the suspension.
- Interventions to prevent a reoccurrence of such misconduct.
- Consequences of the action which lead to the suspension.

The Board of Management of Cabra Central School acknowledges the fundamental importance of impartiality in the investigation process. In this regard the following undertaking is given:

No person with a vested interest or personal involvement in the matter will be involved in the organisation or implementation of the investigation procedure.

Procedures in Respect of Other Suspensions

In cases other than those of Immediate or Automatic Suspension the following procedures will apply:

Where a preliminary assessment of the fact confirms serious misbehaviour that could warrant suspension, the Board of Management will initiate a formal investigation of the matter. The following procedures will be observed:

A written letter containing the following information will issue to parent(s)/guardian(s) containing:

- Details of the alleged misbehaviour.
- Details of the impending investigation process.
- Notification that the allegation could result in suspension.
- An invitation to a meeting, to be scheduled no later than 5 school days from the date of the letter, where parent(s)/guardian(s) are provided with an opportunity to respond before a decision is made or a sanction imposed.
- Consequences and sanctions.

We acknowledge the fundamental importance of impartiality in the investigation and decision-making process. In this regard the following undertakings are given:

- No person with a vested interest or personal involvement in the matter will be involved in the organisation or implementation of the investigation procedure, nor will such a person be involved in the decision-making process.
- The person(s) involved in the investigation process will on presentation of a full report of the facts absent himself/herself/themselves from the decision-making process.

Where a decision to suspend has been made the Chairperson of the Board of Management will provide written notification to the parent(s)/guardian(s) and the pupil of the decision. The letter will confirm:

- The duration 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.
- The arrangements for returning to school, including any commitments to be entered into by the pupil and the parent(s)/guardian(s)
- The provision for an appeal to the Board of Management.

Where a suspension brings the total number of days for which the pupil has been suspended in the current school year to twenty days the parent(s)/guardian(s) will be informed of their right to appeal to the Secretary General of the Department of Education and Science under Section 29 or the Education Act 1998 and will be provided with information on the submission of such an appeal.

Expulsion

In extreme cases and when all possible avenues of discussion, negotiation and mediation open to us have been exhausted, as a last resort it may be deemed necessary for the Board of Management to expel a pupil from the school in accordance with Section 23 of the Educational Welfare Act, 2000.

Prior to this, the school will have taken significant steps to address the misbehaviour, such as

- Meeting with parents and the student to try to find ways to help the student change his/ her behaviour.
- Ensure the student understands the consequences of their behaviour, if it persists.
- Ensuring all other possible options have been tried.
- Seek the assistance of support agencies, such as the N.E.P.S, H.S.E. Community Services, Student and Adolescent Mental Health Services, National Behavioural Support Services and National Council for Special Education, if appropriate

The decision to expel a student requires serious grounds such as

- The student's behaviour has had a serious 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.

While these are similar to the grounds for suspension, factors such as persistence and seriousness of the behaviour as well as a belief the school has exhausted all possibilities for changing the student's behaviour will influence the decision of the Board to expel a student.

Definition of Expulsion:

'A student is expelled from a school when a Board of Management makes a decision to permanently exclude him/her from the school, having complied with the provisions of section 24 of the Education (Welfare) Act 2000.' (*Developing a Code of Behaviour: Guidelines for Schools, National Educational Welfare Board*)

Authority to Expel

The authority to expel a pupil is reserved by the Board of Management.

Procedures in Respect of Expulsion

Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant expulsion the following procedures will apply:

- a) A detailed investigation will be carried out under the direction of the Principal (or a Nominee of the Board if required) As part of the investigation a written letter containing the following information will issue to parent(s)/guardian(s):
 - Details of the alleged misbehaviour.
 - Details of the impending investigation process.

- Notification that the allegation could result in expulsion.
 - An invitation to a meeting, to be scheduled no later than 5 school days from the date of the letter, where parent(s)/guardian(s) are provided with an opportunity to respond.
- b) The Principal (or BoM nominee) will make a recommendation to the Board of Management Where the Principal (or nominee) forms a view, based on the investigation of the alleged misbehaviour, that expulsion may be warranted, the Principal (or nominee) makes a recommendation to the Board of Management to consider expulsion. In this event the Principal (or nominee) will:
- inform the parent(s)/guardian(s) that the Board of Management is being asked to consider expulsion
 - ensure that parent(s)/guardians have records of:
 - the allegations against the student
 - the investigation
 - 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 parent(s)/guardian(s)
- c) If, having considered the Principal's report, the Board of Management decides to consider expelling a student a hearing will be scheduled. The parent(s)/guardian(s) will be notified in writing
- As to the date, location and time of the hearing.
 - Of their right to make a written and oral submission to the Board of Management.
 - That they may if they so choose be accompanied at the hearing.
 - The Board of Management undertakes that the timing of such written. Notification will ensure that parent(s)/guardian(s) have enough notice to allow them to prepare for the hearing.
- In respect of the expulsion hearing the Board gives an undertaking that:
- The meeting will be properly conducted in accordance with Board procedures.
 - The principal (or BoM nominee) and parent(s)/guardian(s) will present their case to the Board in each other's presence.
 - Each party will be given the opportunity to directly question the evidence of the other party.
 - The parent(s)/guardian(s) may make a case for a lesser sanction if they so choose.
- d) Board of Management Deliberations & Actions: Following the hearing where the Board of Management, having considered all the facts of the case, is of the opinion that the pupil should be expelled the Board

- Will notify the Educational Welfare Officer in writing by registered post of its opinion, and the reasons for this opinion.
 - Will not expel the student before the passage of 20 school days from the date on which the Educational Welfare Officer receives this written notification.
 - Will in writing notify the parent(s)/guardian(s) of their decision and inform them that the Educational Welfare Officer is being contacted.
 - Will be represented at the consultation to be organized by the Educational Welfare Officer.
 - Will suspend the student, if it is deemed likely 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 pupils or staff.
- e) 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. Parent(s)/guardian(s) will be notified in writing that the expulsion will now proceed. They will also be informed of their right to appeal to the Secretary General of the Department of Education and Science under Section 29 of the Education Act 1998 and will be provided with information on the submission of such an appeal.

The Board of Management of Cabra Central School, acknowledges the fundamental importance of impartiality in the investigation and decision-making process. In this regard the following undertakings are given:

- No person with a vested interest or personal involvement in the matter will be involved in the organisation or implementation of the investigation procedure, nor will such a person be involved in the decision-making process.
- The person(s) involved in the investigation process will on presentation of a full report of the facts absent himself/herself/themselves from the decision-making process.

Appealing Suspension/Expulsion

Parents have the right to appeal under Section 29 of the Education Act, 1998, a decision to expel or a decision to suspend where cumulative suspensions reach or exceed 20 days in any school year. The full details of the procedures to be followed can be found in the Guidelines for Developing a Code of Behaviour, section 11 p 70 - 78 http://www.newb.ie/codes_of_behaviour_guidelines/download_guidelines.asp

Record-keeping

A standardised record sheet (Appendix B) will be used to track an individual pupil's behaviour, when teachers feel that a child is moving from regular minor misdemeanours to regular serious misdemeanours. Such records will contain:

- Incidents of misbehaviour
- Interventions used to improve behaviour, including contact with parent(s)/guardian(s) or referral to other agencies
- Evidence of improved behaviour
- Any sanctions imposed, and the reasons they were imposed
- Pupils and parents will be told when a record is being made about behaviour, and the reasons for keeping a record will be explained.

Teachers may also keep records on children to monitor behaviour. When a child is sent to the Principal for a serious misdemeanour she will record any accounts of the misdemeanour, from the pupil and from others who may be involved.

All records will be kept in accordance with the Data Protection Act 1988 and the Data Protection (Amendment) Act 2003

Communication with Parents

When it comes to behaviour, parents/guardians will be involved at an early stage, rather than as a last resort. Communication will be verbal or written, depending on the circumstances. The staff is willing to meet parents at any mutually agreeable time to discuss any concerns. One aim of the code of behaviour is to provide a clear, consistent method of communication between home and school to inform the parents about their children's behaviour in school.

In situations where there is evidence of serious ongoing emotional and behavioural difficulties, teachers will work with parents/guardians to have their student referred for assessment by the relevant services.

Evaluation

The success of this Code of Behaviour Policy will be measured through:

- Maintaining or improving the current good behaviour levels in the school.
- Fostering happy, confident, well-adjusted children.
- Positive feedback from teachers and parents and others involved with the pupils in the school.

Ratified by the Board of Management on 9th April 2019

Signed: _____

Date: _____

