

Suspension & Exclusion Policy

September 2020



Suspension Policy

Introduction

Clogher Road Community College promotes a happy and caring school environment where students are encouraged and supported to reach their full potential. The learning environment in Clogher Road Community College will be a positive one with a strong emphasis on the promotion and reward of positive behaviours. Our school will provide a caring and safe environment for our students where the values of respect, fairness, kindness, self-discipline and hard-work will be expected from all of us.

Our Behaviour for Learning Policy supports the school community to work together to encourage good conduct and to create an atmosphere which is conducive to teaching and learning.

Legal context to the Suspension Policy & procedures

Schools are required under Section 23 of the Education Welfare Act 2000 to include procedures for suspension in their code of behaviour. This policy and the procedures herein have been prepared in line with the NEWB guidelines *'Developing a code of Behaviour; guidelines for Schools'*

Context of support to Behaviour for Learning Policy

In support of our Behaviour for Learning Policy a system of interventions exists in response to inappropriate behaviour. This allows for consistency among staff as well as ensuring that there is a planned approach to helping students to change their own behaviour.

Support for all:

Most students behave appropriately, with the help of consistent and clear rules and routines in class and in school. Occasional, minor misbehaviour is attended to routinely and effectively through the skill of the classroom teacher.

Additional support for some students:

Some students need more active intervention to help them to manage their behaviour. Without additional help, they may be at risk of failing, behaviourally, socially and educationally.

Additional inputs or interventions employed at Clogher Road Community College include

- Referral to another teacher or adult who can work with the student
- Involving the pastoral care team
- Setting targets for behaviour and monitoring them with the student in a supportive manner.
- Behaviour contracts

Specialised support for a small minority of students:

A small minority of students may show particularly challenging behaviour. They may have great difficulty in learning new behaviour and may not respond to low-level interventions. These students will need a sustained and systematic response involving the important adults in their lives, in school and at home. The Principal and staff will endeavour to build strong links with any local support services that may be able to assist in responding to the needs of a student with behavioural difficulties. Sources of support may include the school based care team, CDETB Psychological Support Services, the HSE Community Psychology Services, the National Behavioural Support Service, the National Council for Special Education, Child Guidance Services or Adolescent Mental Health Services

Clogher Road Community College is cognisant of its obligations under the Equal Status Acts 2000 to 2004 with regard to making reasonable accommodation for students with disabilities.

Unacceptable behaviour

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 for example:

- The student's behaviour is persistently disruptive and 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 school property.
- The student has engaged in assault or fighting.
- The student has been seriously verbally or physically abusive to staff or fellow students.
- The student has behaved in a manner that has brought the school into disrepute.
- The student has repeatedly refused to follow legitimate instructions.
- The student has repeatedly failed to attend reflection opportunities.
- The student has engaged in bullying behaviour and other interventions have failed.

- The student has repeatedly absented him/herself from school without permission.
- The student is under the influence of alcohol or drugs.
- The student brings alcohol, illegal drugs or any substance that may be abused onto the school grounds.
- The student engages in the inappropriate use of cameras or other recording equipment.
- The student engages in theft.
- The student engages in inappropriate use of school IT facilities.

Principles drawn from recent legislation

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

All students and teachers have the right to be treated fairly and with dignity, in an environment free from disruption, intimidation, harassment and discrimination

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 ***Behaviour for Learning Policy***.

Suspension is only one strategy within a school's Student Behaviour Policy. 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 re-join the school community as quickly as possible.

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.

The Principal has delegated authority to suspend any pupil for a limited period and shall report any such suspension to the Board of Management at its next meeting.

If a student is suspended for a cumulative total of 20 days in one school year the Principal must inform the Educational Welfare Officer.

If, in the judgement of the Principal, a pupil should be expelled, the Principal shall refer the matter to the Board of Management and as a matter of course to the CDET for decision.

The Principal must inform the parents/guardians of their right to appeal to the Board of Management where dismissal or suspension is invoked under Section 29 of the Education Act 1998.

In implementing any procedures the Principal and the Board will ensure that no student is discriminated on the grounds of gender, race, religion, disability or sexual orientation.

The Principal and the Board of Management will ensure that fair procedures have been applied. (See Note)*

***Applying fair procedures in school** *In a school, fair procedures apply to:*

- *the **investigation** of alleged misbehaviour that may lead to suspension or expulsion*
- *the process of **decision-making** as to (a) whether the student did engage in the misbehaviour and (b) what sanction to impose.*

The way in which fair procedures are applied will take account of the seriousness of the alleged misbehaviour and will have regard to what is reasonable in the context of a particular school.

*The **principles** of fair procedures always apply, but the degree of formality required in implementing fair procedures will depend on the gravity of the alleged misbehaviour and on the seriousness of the possible sanction. The level of formality required, for example for a suspension of fewer than three days, would be less than that required in the case of a longer suspension or in circumstances that might lead to an expulsion.*

*Even informal processes, however, must be fair and be seen to be fair. The principles of ensuring **the right to be heard** and **the right to impartiality** apply in all cases.*

Before deciding to suspend the Principal will:

- Consider the age, state of health, student's previous record at the school and any particular circumstances which might sensibly be taken into account e.g. traumatic home life.
- Take into account the extent to which peer, parental or other pressure may have contributed to the behaviour.

- Consider how persistent the unacceptable behaviour has been.
- Consider whether the behaviour has escalated, despite interventions.
- Consider how other students and staff are affected by the student's behaviour, in particular the impact on teaching and learning in the student's class.
- Review interventions already tried.
- Consider whether a referral to counselling is appropriate.
- Ensure that there is a written record of the behaviour.

Immediate Suspension:

In exceptional circumstances, where the continued presence of a student in the school at a particular time would represent a serious threat to the safety of students or staff or any other person in the school, the Principal may decide that an immediate suspension is warranted. In this, as in all suspensions, fair procedures will be applied. In such a situation a parent/guardian will be contacted by telephone to collect the student. The situation will be explained and written documentation will follow by post.

'Automatic' Suspension:

The Board of Management may decide, following discussion with staff, parents and students, that particular named behaviours incur suspension as a sanction. Due process and fair procedures will apply in all such situations.

Suspension Procedures:

Schools are obliged by law to follow fair procedures when proposing to suspend a student. Where a preliminary assessment of the alleged misbehaviour indicates that suspension may be an appropriate sanction the following procedures will apply:

The Principal makes the decision (or, in the absence, the acting or Deputy Principal) on the basis of the reasons set out in the ***Behaviour for Learning*** Policy and the examples aforementioned.

The student must be informed of the grounds which gave rise to a possible suspension, and be given an opportunity to respond, before a decision to suspend is reached and formalised.

The Parents of the suspended student are informed by phone and/or post and invited to come to the school for a meeting.

If suspension is to be immediate (e.g. in the interests of health and safety) every effort will be made to contact by phone the Parents/Guardians. This contact will be followed-up with a letter.

The student will be supervised or remain in class until suspension takes effect.

A student will never be sent home during school day, unless collected by Parent /Guardian (or other suitable arrangement made).

The formal letter of notification may include:

- Notice of the suspension
- Effective dates and duration of the suspension
- Reasons for the suspension
- Expectations of the student while on suspension if required a 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 5 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 / Section 29 Appeal)
- Requirements, which need to be in place when student returns (e.g. written apology, completed assignments etc.)

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

Procedures for the formal re-introduction of the student into the school may include the following: Parents may be requested to attend with the student on the day of his/her return to the school

- Undertakings of good behaviour may be requested in writing
- Agreed conditions (e.g. Counselling, referral to NEPS, other pastoral supports) should be signed by parent and pupil where appropriate.

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:

- Successful appeal to the Board of Management
- Successful appeal under Section 29 of the Education Act
- New circumstances come to light
- Following discussion with parents/guardians.

Guidelines for Appeals:

CDETБ offers an opportunity to parents/guardians and students over 18 years of age to appeal the Principal's decision to suspend.

- All appeals will be made in writing to the Board of Management.
- All appeals will be heard as soon as is practically possible.
- A section 29 Appeal may be taken in the case where a student cumulative number of suspensions in one academic year exceed 20 days.

For practical reasons having a formal appeal to the Board of Management on short suspensions imposed may be inappropriate, very time-consuming and render the suspension meaningless. It is possible the suspension may already be served before the appeal is actually heard.

If the appeal is successful the suspension will be removed from the student's file/record.

Review of the use of Suspension:

The use of suspension needs to be reviewed on an annual basis to ensure that its use is fair and consistent with school policies and ethos. It is the responsibility of the Board of Management to review the use of suspension at regular intervals.

Expulsion Policy

Legal context

Clogher Road Community College recognises its obligation to protect the rights of the principal, teachers and students and, consequently, endorses the aspiration set out in the Department of Education's

"Guidelines towards a Positive Policy for School Behaviour and Discipline" (C/L 33/91) that

"Expulsion should be resorted to only in the most extreme cases of indiscipline and only after every effort at rehabilitation has failed and every other sanction has been exhausted".

The CDETB reserves to itself the sole right to expel a student from its schools and colleges. The Boards of Management have the authority to recommend the exclusion of a student to the CDETB. Any decision to exclude/expel a student must comply with section 24 of the Education Welfare Act 2000 and in line with the National Educational Welfare board's ***developing a Behaviour for Learning policy: guidelines for Schools.***

Expulsion is the ultimate sanction imposed by Clogher Road Community College and is exercised in extreme cases of indiscipline.

The reasons for the expulsion of a student will be linked with the ***Behaviour for Learning*** Policy.

Before proposing to expel a student the College will already have taken significant steps to address the misbehaviour and to avoid expulsion:

- Ensured that all other possible discipline options and supports have been applied.
- Ensured all assistance and supports have been sought and exhausted and that all support personnel have been involved.
- Ensured that discussion has occurred with student and parents/guardians regarding the behaviours and that they have been advised that these behaviours could lead to expulsion.
- Provided formal written warnings at appropriate times which have detailed the behaviours and the expectations of the student in the future.
- All actions have been recorded and copied in correspondence.

Procedures in respect of expulsion:

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

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.

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

- The Principal should inform student and parents/guardians about the details of the alleged misbehaviour, how it will be investigated and that it could result in expulsion.
- Parents/guardians and student will be given every opportunity to respond to the complaint of serious misbehaviour before a decision is made and before a sanction is imposed.
- Parents/guardians will be given due notice of meetings in writing and a fair and reasonable time to prepare for meetings.
- If a student and his/her parents/guardians fail to attend a meeting they should be informed in writing of the gravity of the matter and 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 student's alleged behaviour.

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 makes a recommendation to the 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/guardians have enough notice to allow them to prepare for the hearing.

Step 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 of Management of Clogher Road Community College to review the initial investigation and satisfy itself that the preliminary investigation was properly conducted in line with fair procedures. The Board should undertake its own reviews 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 (for example, a member of the Board who may have made an allegation about the student).

Where the Board decides to consider expelling a student, it must hold a hearing. The 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 to make their case for lessening the sanction.

In the conduct of the hearing, the Board must take care to ensure that the members are, and are seen to be, impartial as between the Principal and the student. Parents/guardians may wish to be accompanied at hearings and the Board should facilitate this, in line with good practice and Board procedures.

After both sides have been heard, the Board should ensure that the Principal and parents/guardians or student, if over 18 years of age, are not present for the Board's deliberations.

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, 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 should refer to National Educational Welfare Board reporting procedures for proposed expulsions

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)*).

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

Step 5: Consultations arranged by the Educational Welfare Officer

Within twenty days of receipt of a notification from the 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 meeting 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 the 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, 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 of Management may consider it appropriate to suspend a student during this time. Suspension should only be considered where there is 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.

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 should formally confirm the decision to expel (this task might be delegated to the Chairperson of the Board of Management and the Principal).

Parents/guardians should be notified immediately that the expulsion will now proceed. Parents/guardians and the student should 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.

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.

- **The right to be heard.**
- **The right of a person to an impartial decision.**

Appeals:

A parent, or a student aged over eighteen years, may appeal a decision to expel to City of Dublin Education and Training Board. Where an appeal to the ETB has been concluded, parents/guardians, or a student aged over eighteen years, may subsequently go on to appeal to the Secretary General of the Department of Education and Skills under the provisions of the Education Act 1998, section 29.

The appeals process

The appeals process begins with the provision of mediation by a mediator nominated by the ETB.

Review of the Use of Expulsion:

The Board of Management of Clogher Road Community College 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.