

BOHERBUE COMPREHENSIVE SCHOOL POLICY ON SUSPENSION AND EXPULSION

Boherbue Comprehensive School is committed to creating and maintaining a learning environment based on human dignity and mutual respect. The school is committed to ensuring that every member of the school community enjoys the right to participate in school life to the full. Any behaviour which undermines and is contrary to the Ethos, Mission Statement, Aims and Code of Behaviour violates that right.

SCOPE:

This policy has been drawn up in consultation with the Board of Management, Staff, Parents and Students of Boherbue Comprehensive School. This policy applies to all our pupils during the school day and while on school related activities.

LEGISLATIVE CONTEXT:

Boherbue Comprehensive School operates a Code of Behaviour and a Policy on Suspension and Expulsion set out under the terms of the Education Act 1998, the Education (Welfare) Act 2000 and the Equal Status Act 2000. It is also guided by the N.E.W.B. “Developing a Code of Behaviour: Guidelines for Schools”.

1. Policy Objectives:

- To promote good behaviour and to show disapproval of unacceptable behaviour
- To set out clearly measures to be taken when a student fails or refuses to observe those standards.
- The procedure to be followed in dealing with a suspension or expulsion without impugning the rights of an individual pupil.
- The grounds for removing an imposed suspension.

2. SUSPENSION:

Boherbue Comprehensive School affirms that suspension is a serious sanction. It aims to allow students time to reflect on their behaviour, to acknowledge the inappropriateness of their behaviour and to accept responsibility for changing their behaviour to meet the school's expectations in the future.

Pending the conclusion of or having concluded an investigation, suspension may be considered in any of the following circumstances:

- A serious breach of School Rules, considered to interfere with the right to learn of other students, as contained in the Code of Behaviour document.
- Repeated incidents of indiscipline.
- An act of vandalism.
- Theft of other student's or school property.
- Bullying, intimidating, aggressive, threatening or violent behaviour towards others in the school environment. Ref: Boherbue Comprehensive School Anti-Bullying Policy.
- Behaviour which may endanger the welfare and education of self or others, under the Health and Safety Act 1989.
- Behaviour contrary to the terms of the Equal Status Act 2000.
- Supply / possession / use of tobacco, alcohol and / or other illegal or dangerous substances.
- Supply / possession / use of any weapons / dangerous materials or substances.
- Sexual harassment.
- Possession / supply / use of any pornographic material, including improper internet / mobile phone / telephone use.

2.1 Suspension Procedure:

Where a pupil's behaviour is deemed inappropriate, the pupil may be suspended for a period to be determined by the Principal or the Board of Management as appropriate.

Duration of Suspension:

- The Principal may suspend a student for a maximum period of 3 days.
- Should the Principal wish to suspend a student for more than 3 days but a maximum of 5 days, he/she will seek the approval of the Chairperson of the Board of Management.
- Any proposal to suspend a student in excess of 5 days will require the approval of the Board of Management (see Appendix 1).

Procedure for Imposing a Suspension:

- The Principles of Natural Justice will apply to the procedure adopted when dealing with a serious breach of school rules.
- The investigation process will ensure impartiality, i.e. the person conducting the investigation will not be involved in the decision relating to the imposition of a suspension.
- Parents/Guardians and pupil will be kept fully informed throughout the investigation and given an opportunity to respond before the decision to suspend is made.
- In the event of the Board of Management suspending the pupil, any Board member, the presence of whom could give rise to a conflict of interest, will absent him/herself from the decision making process.

The Board of Management affirms that the procedure outlined hereunder should be followed when a suspension is being considered:

- If it is decided that a suspension will take place, the parents/guardians are informed by letter and by phone, where possible. The parents/guardians shall be requested to attend the school for discussion.
- Pending the implementation of the suspension the pupil may be withdrawn from class.
- The parents/guardians or student over 18 will be informed of their right to appeal to the Board of Management.
- If the suspension is for 20 days or more or a cumulative of 20 days in a school year, the parents/guardian will be informed of his/her right to appeal the decision to the Secretary General of the Department of Education and Skills.

2.2 Appealing a Suspension to the Board of Management:

- In the event of a suspension being applied by the Principal for 1 to 3 days, the parents/guardians may appeal the decision to the Board of Management in writing. No hearing will take place. It is a procedural appeal.
- In the event of the decision to suspend being imposed by the Board of Management, for the period of less than 20 days, or a cumulative of less than 20 days in the school year, the parents/guardians may appeal to the Board of Management.
- In the event of the decision to suspend being imposed by the Board of Management, for the period of 20 days or more, or a cumulative of 20 days in the school year, the parents/guardians may appeal the decision to the Board of Management and subsequently to the Secretary General of the Department of Education and Skills, under Section 29 of the Education Act, 1998.

An Appeal to the Board of Management:

- An appeal must be submitted, in writing and clearly outlining the ground for the appeal, within seven days of the decision to suspend.
- The appeal will be considered at the next Board meeting.
- The parents/guardians will be invited to attend the meeting to present on behalf of their son/daughter and will be given a copy of the report of evidence that will be presented to the Board.

At the Appeal Hearing:

- The Chairperson will invite the Principal to make his/her case.
- The Chairperson will then invite the parents/guardians to respond.
- Each side shall be afforded the opportunity to seek clarification / ask questions of each other through the Chair.
- Members of the Board will be afforded an opportunity to ask questions of either party.
- Each side shall be afforded the opportunity to sum up.
- The Principal, the parents/guardians of a student under 18, and the student if he/she has reached 18, shall withdraw to enable the Board to make a decision.
- The Board may take the following decisions:
 1. Refer the matter back to the Principal for further investigation.
 2. To recommend that the student be suspended for the period of time previously imposed.
 3. Lengthen or reduce the period of suspension.
 4. Apply an alternative sanction.

2.3 Grounds for Removing a Suspension:

A suspension, imposed by the Principal, may be terminated following a meeting of student, parents/guardians and Principal, provided a satisfactory written undertaking is given about the future conduct of the student.

A suspension, imposed by the Board of Management, may be terminated following a meeting of student, parent/guardians and Board of Management or its representatives, provided a satisfactory written undertaking is given about the future conduct of the student.

Grounds for removal of a suspension are as follows:

- The sanction is deemed to be inappropriate for the misbehaviour.
- New circumstances come to light.

3. EXPULSION

Expulsion is the most severe sanction available to the School against a student. The Board of Management affirms that expulsion should be considered only in the gravest of circumstances and only after every reasonable effort at rehabilitation has failed and every other sanction has been exhausted.

3.1 Expulsion Procedure:

The Board of Management affirms that the procedure outlined hereunder should be followed in the course of a Board of Management hearing at which it is proposed to expel a student. The procedure conforms to the requirements of natural justice.

- a) An investigation is undertaken and the outcome of the investigation is made available to all parties involved. The Principal informs the parents/guardians and the pupil of his/her intention to recommend an expulsion to the Board of Management.
- b) The parents/guardians are informed in writing of the grounds for expulsion and the nature of the evidence being relied upon. This correspondence will be received by the parents/guardians at least five days in advance of the meeting of the Board of Management at which the recommendation will be considered.
- c) The parents/guardians will be given a copy of the report to be presented to the Board of Management and will be informed of their right to attend the meeting of the Board of Management to make representations on behalf of their son/daughter.

3.2 Meeting of the Board of Management

- The Chairperson will invite the Principal to make his/her case.
- The Chairperson will then invite the parents/guardians to respond.
- Each side shall be afforded the opportunity to seek clarification / ask questions of each other through the Chair.
- Members of the Board will be afforded an opportunity to ask questions of either party.
- Each side shall be afforded the opportunity to sum up.
- The Principal, the parents/guardians of a student under 18, and the student if he/she has reached 18, shall withdraw to enable the Board to make a decision.
- The Board may make the following decisions:
 1. To recommend that the student be expelled.
 2. To suspend for a period of time.
 3. To refer the matter back to the Principal for further investigation.

Following the Board Decision:

- If the Board decides that the student should be expelled, the Board must notify the parents/guardians and the Education Welfare Officer, in writing, of its decision and the reasons for its decision.
- The expulsion will not be implemented until twenty days from the date on which the Education Welfare Officer receives written notification of the expulsion. In the meantime, the Board of Management may impose a suspension for the period leading up to the expulsion.

Involvement of the Education Welfare Officer:

- Within this twenty-day period, the Education Welfare Officer will convene meetings with relevant parties to ensure that arrangements are made for the student to continue in education.
- After the twenty days has elapsed, where the Board remains of the view that the student should be expelled, the decision will be formally confirmed to the parents/guardians or the student if over the age of eighteen, and the Education Welfare Officer, by registered letter signed by the Chairperson and the Principal.

3.3 Appealing an Expulsion:

- Parents/guardians and students over the age of eighteen, will be informed of their right to appeal the decision to expel to the Secretary General of the Department of Education and Skills, under Section 29 of the Education Act, 1998.

Review:

This policy will be subject to review by staff, students, parents/guardians and Board of Management.

The policy is informed by and compliant with the following legislation:

- Education Act 1998.
- Education Welfare Act 2000.
- Education (Miscellaneous) Provisions Act 2007.
- Equal Status Act 2000.
- Education for Persons with Special Education Needs 2004.

It is also guided by the NEWB Developing a Code of Behaviour: Guidelines for Schools.

This policy was ratified by the Board of Management on **6th October, 2008**, and reviewed and approved by the Board of Management on **9th May 2017** The policy will be reviewed in **2018**

Appendix 1

Scenarios which may merit 5 days or more suspension.

1. Threatening and violent behaviour.
2. Possession, use or supply of illegal drugs.
3. Serious damage to the fabric of the building.
4. Putting health and safety of the school community at serious risk.
5. Repeated incidents of theft.
6. Deliberate damage to staff property.
7. Inappropriate use of social media to humiliate and or embarrass a member of the school community.