

## **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:

Suspension allows students time to reflect on their behaviour, to acknowledge and accept responsibility for changing the behaviour which led to the suspension and to accept responsibility for changing their behaviour to meet the school's expectations in the future. Boherbue Comprehensive School affirms that suspension is a serious sanction and may be considered in the following circumstances, pending investigation and /or discussion with parents:

- For serious breaches of School Rules, considered to interfere with the right to learn of other students, as contained in the Code of Behaviour document.
- For unacceptable repeated incidents of indiscipline.
- For bullying, intimidating, aggressive, threatening or violent behaviour towards others in the school environment.
- For behaviour which may endanger the welfare and education of self or others, under the Health and Safety Act 1989.
- For behaviour contrary to the terms of the Equal Status Act 2000.
- For the supply / possession / use of tobacco, alcohol and / or other substances.
- For supply / possession / use of any weapons / dangerous materials or substances.
- For sexual harassment.
- For the 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. The period of suspension shall be proportionate to the breaches of the school rules following Fair Procedures for Serious Sanctions:

- The way in which fair procedures are applied will take account of the seriousness of the alleged misbehaviour and what is reasonable in the context of the school.
- The right to be heard – parents and pupil fully informed and given an opportunity to respond before the decision is made.
- Absence of bias in the decision maker – e.g. parent representative on Board of Management not present when deciding on sanction for their child.
- Impartiality in decision making – where possible staff member investigates and reports, Principal then free to take impartial decision.

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 / or by phone. The parents shall be requested to attend the school for discussion.
- Pending the implementation of the suspension the pupil may be withdrawn from class.
- The parents will be informed of their right to appeal to the Board of Management.

## **2.2 Suspension Appeals:**

- The principles of Natural Justice apply in any investigation. Students are afforded the opportunity to appeal the decision to suspend to the Board of Management.
- A parent / guardian has seven days in which to lodge an appeal. If the pupil appealing is 18 years he / she may appeal in their own right.
- The grounds for the appeal may be communicated orally to the Principal or submitted in writing.
- The appeal will be considered at the next Board meeting, part of which the parents / guardians can attend at a specific time, subject to giving two days notice of their intention to attend the meeting.
- At the board meeting the Principal outlines the reason/s for his recommendation.
- The parents' appeal is then heard by written submission and / or orally.
- The Principal may take no further part in the discussion other than to clarify matters raised in the appeal.
- The Principal and parents (if present) leave before the Board makes its decision and communicates it to the parents / guardians.

## **2.3 Grounds for Removing a Suspension:**

A suspension may be terminated following a meeting of student, parent and Principal provided a satisfactory written undertaking is given about the future conduct of the student. Grounds for removal of a suspension are as follows:

- The Principal / Board may agree that another sanction be applied after discussion with parents.
- Successful appeal to the Board of Management.
- Successful appeal under Section 29 of the Education Act.
- 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) The pupil is interviewed by the Principal and he / she is given the opportunity to respond.
- b) The parents / guardians are informed in writing of the grounds for expulsion and the nature of the evidence being relied upon.
- c) The parents / guardians are given the opportunity to respond.
- d) If the Principal decides to recommend expulsion to the Board of Management, the Principal must:
  - Inform the student's parents / guardians by registered post of the decision.
  - State the reasons for the recommendation.
  - Give at least five days notice of the Board Meeting at which the recommendation will be considered.
  - Inform the student's parents / guardians of their right to make representations to the Board of Management on behalf of the student.
  - Prepare a report for the Board containing all relevant material relating to the case.
  - Send out a copy of the report by post to the parents / guardians of the pupil.

### **3.2 Meeting of the Board of Management**

- Each side shall be afforded the opportunity to seek clarification / ask questions of each other through the Chair.
- Each side shall be afforded the opportunity to sum up.
- The Principal, the parents of a student under 18, and the student if he / she has reached 18, shall withdraw to enable the Board to make a decision, but shall remain available for purposes if required.
- In the absence of the Principal, the Board members shall select a recording secretary from among their members.
- 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.
  4. To reinstate the student in the School.

#### **Following the Board Decision:**

- If the Board decides that the student should be expelled, the Board must notify the parents 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.

#### **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.
- While these negotiations are taking place, and before the expulsion is finalised, the Board may consider it necessary to continue the student's suspension from school.
- 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 and the student in a registered letter signed by the Chairperson and the Principal.

### **3.3 Expulsion Appeals:**

- The principles of Natural Justice apply in any investigation. Students are afforded the opportunity to appeal the decision to expel to the Secretary General of the Department of Education and Science under Section 29 of the Education Act, 1998.
- The Board informs the designated Educational Welfare Officer of its decision. NEWB has the right to appeal a decision of the Board of Management to expel, and to make submissions to the appeals committee.

#### **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 6<sup>th</sup> October, 2008, and reviewed and approved by the Board of Management on 12<sup>th</sup> April, 2010. The policy will be reviewed in 2012.