



**Harold's Cross  
ETSS**

## **Suspension and Expulsion Policy**

This policy relates to sanctions that the school management may adopt when dealing with serious breaches of the *Code of Positive Behaviour*.

This policy has been developed in line with the ethos and philosophy of Harold's Cross ETSS ("the School") and has at its core the care and wellbeing of every student and the provision of a safe and secure learning environment for all members of the school community.

### **Rationale:**

All students have a right to learn in an orderly and caring environment. All members of the school community have a right to be treated fairly and with dignity in an environment free from disruption, intimidation, harassment and discrimination. The *Code of Positive Behaviour* aims to provide a safe, secure learning environment free from disruption for all our students by promoting a sense of respect for oneself, for others and for our environment. By enrolling in this school, each student and his/her parent(s)/guardian(s)/carer(s) agree to uphold the *Code of Positive Behaviour* in detail and in spirit.

There may from time to time be serious breaches of the *Code of Positive Behaviour* where it will be in the best interests of the school community that the student(s) involved are removed from the school for a period of time or permanently.

### **Objectives:**

The aims of our Suspension and Expulsion Policy are:

- To maintain a safe, secure learning environment free from disruption for all the members of our school community.
- To outline the strategies to be used where students are in serious breach of our *Code of Positive Behaviour*.

## **Roles and Responsibilities:**

### **(i) Principal**

The Principal or, in the Principal's absence, the Deputy Principal has authority to suspend any pupil for a limited period of time (see below) and may recommend a longer suspension or the permanent exclusion of a student to the Board of Management.

### **(ii) The Board of Management**

Expulsion is the ultimate sanction imposed by the school for serious breaches of the *Code of Positive Behaviour* and may be imposed only by the Board of Management. The Board of Management has the responsibility to deal with such issues in accordance with the principles of fairness and natural justice.

## **Suspension:**

Definition: Suspension is defined as a sanction requiring the student to absent him or herself from the school for a specified limited period of school days.

## **Grounds for Suspension:**

The decision to suspend a student requires serious grounds such as that:

- Ongoing persistent low level disruption which sanctions and supports as outlined in the *Code of Positive Behaviour* have failed to resolve
- The student's behaviour has had a seriously detrimental effect on the education/welfare of other students and/or
- The student's continued presence in the school, at this time, constitutes a threat to safety and/or
- The student is responsible for serious damage to property.

A single incident or first offence of serious misconduct may be grounds for suspension.

Examples of such behaviour would include:

- a serious threat of violence against a member of the school community and/or
- actual violence or assault against a member of the school community and/or
- gross defiance and/or
- drug or alcohol offences. This list is not exhaustive.

Such incidences of serious breaches of the *Code of Positive Behaviour* may also incur the sanction of expulsion (see Expulsion below), following a period of suspension.

## **Rationale for Suspension:**

Suspensions can provide a respite for staff and the student, give the student time to reflect on the link between their action(s) and its consequences and give staff time to plan ways of helping the student to change unacceptable behaviour to meet the school's expectations in the future.

Suspension is most effective when it highlights the parent(s)/guardian(s)/carer(s)' responsibilities for taking an active role in partnership with the school in working with their son or daughter to help them to improve their behaviour as required.

### **The Period of Suspension:**

The Principal may suspend a student for up to three school days, or for up to five school days in exceptional circumstance having informed the Chairperson of the Board of Management. A longer term of suspension will require approval from the Board of Management.

Where a student is suspended for a period of six or more continuous days or for a cumulative total of 20 days in one school year, the Principal is required to inform the Education Welfare Officer who may contact the family.

### **Suspension during a State Examination:**

If the Principal or, in the Principal's absence, the Deputy Principal forms the opinion that the behaviour of a student, sitting either Leaving or Junior Certificate examinations, constitutes a threat to good order in the conduct of the State examination or a threat to the safety of other students and personnel or a threat to the right of other students to do their examination in a calm atmosphere, then the Board of Management may approve the suspension of that student.

### **Procedures in respect of Suspension:**

As a general rule, suspension will be applied only after other sanctions in our *Code of Positive Behaviour* have failed to change the behaviour problem.

Where a preliminary assessment of the facts confirms a serious breach of the *Code of Positive Behaviour* that could warrant suspension, the student and his or her parent(s)/guardian(s)/carer(s) will be informed about the complaint, how it will be investigated and that it could result in suspension, should the complaint be substantiated. This will normally take place after a Disciplinary Committee has been formed and have met to discuss the incident.

This initial communication will usually be by post although there may be circumstances where, following the preliminary assessment, an immediate suspension is warranted for the safety of the student, other students, staff or others. In such a case a phone call will be made to the parent(s)/guardian(s)/carer(s) /guardians and they may be required to come to the school to collect their child.

The formal investigation of the complaint will commence as soon as possible after the alleged misbehaviour has occurred.

**Opportunity to Respond:**

Parent(s)/guardian(s)/carer(s) and student will normally be given an opportunity to respond to the complaint before a decision to suspend is made. Ideally this response will be made at a meeting involving the student, the student's parent(s)/guardian(s)/carer(s) and the Principal (or in the Principal's absence, the Deputy Principal). If this is not possible, a phone call will be made to the parent(s)/guardian(s)/carer(s) /guardians to discuss the complaint and provide an opportunity to respond. If a student and his or her parent(s)/guardian(s)/carer(s) fail to attend a scheduled meeting, the Principal will write advising the parent(s)/guardian(s)/carer(s) of the gravity of the matter, 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 findings of the initial assessment. Written records will be retained in the school of all stages of the above procedures.

**Implementing the Suspension:**

The Principal will notify the parent(s)/guardian(s)/carer(s) and the student in writing of the decision to suspend. The letter will confirm:

- the period 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
- that the student will be in the care of their parent(s)/guardian(s)/carer(s) during the period of their suspension from school
- the arrangements for returning to school, including any commitments to be entered into by the student and the parent(s)/guardian(s)/carer(s) (for example, parent(s)/guardian(s)/carer(s) and the student may be asked to reaffirm their commitment to the *Code of Positive Behaviour*)
- the provision for an appeal to the Board of Management
- the right to appeal, if appropriate, to the *Secretary General of the Department of Education and Skills (Education Act 1998, section 29)*. Students are advised to use the period of suspension for serious study and revision. School work may be assigned to be completed during the period of suspension.

**Right to Appeal:**

Where a decision is made by the Principal to suspend a student, the parent(s)/guardian(s)/carer(s) have the right to appeal the decision to the Board of Management. The suspension will not normally be implemented until after such an appeal unless the behaviour in question warrants an immediate suspension (see above).

If the appeal is heard after the suspension has been implemented and if the appeal is upheld, then the record of the student will not include the suspension.

A decision by the Board of Management to suspend a student cannot be appealed unless the

total number of days for which the student has been suspended in the current school year reaches twenty days. In such a case, the parent(s)/guardian(s)/carer(s), or a student aged over eighteen years, may appeal the suspension under *section 29 of the Education Act 1998*, as amended by the Education (Miscellaneous Provisions) Act 2007. This appeal must be made within 42 days of receipt of the notification of the suspension.

At the time when parent(s)/guardian(s)/carer(s) are being formally notified of such a suspension, they and the student will be told about their right to appeal to the *Secretary General* of the *Department of Education and Skills* under *section 29 of the Education Act 1998*, and should be given information about how to appeal.

### **Grounds for Removing a Suspension from a Student's Record:**

A suspension may be removed from the records of a student at the discretion of the Board of Management or if the *Secretary General* of the *Department of Education and Skills* directs that it be removed following an appeal under *section 29 of the Education Act 1998*.

### **Procedures for the Re-Introduction of the Student into the School:**

The parent(s)/guardian(s)/carer(s) and the student may be requested to attend a meeting with the Principal or another staff member delegated by the Principal before the student returns to class. The purpose of this meeting is to emphasise the seriousness of the misbehaviour that gave rise to the suspension and to ensure parental support for the school's *Code of Positive Behaviour*. It is also an opportunity to stress parental/guardian/carer responsibility in supporting the school in its efforts to help their son/daughter to behave well when he/she returns to school. In addition, the supports that the school intends to put in place to support the student on his/her return may be outlined at such a meeting.

The parent(s)/guardian(s)/carer(s) and/or the student may be requested to sign their commitment to the *Code of Positive Behaviour* or other conditions as deemed appropriate by the Principal or Board of Management. The parent(s)/guardian(s)/carer(s) and the student will be informed in advance of any such other conditions.

When the suspension is completed, the student will be given the opportunity and support for a fresh start.

Although a record is kept of the breach of the *Code of Positive Behaviour* and any sanction imposed, on completion of the sanction the school will expect the same behaviour of this student as of all other students.

### **Records and Reports:**

Formal written records will be kept of:

- the investigation (including notes of all interviews held)

- the decision-making process
- the decision and the rationale for the decision
- the duration of the suspension and any conditions attached to the suspension.

The Principal will report all suspensions to the Board of Management, with the reasons for and the duration of each suspension.

The Principal is required to report to the *Educational Welfare Officer* all suspensions of six days and longer, or any suspension where the total number of days for which the student has been suspended in the current school year reaches twenty days.

### **Review of Use of Suspension:**

The Board of Management will review the use of suspension 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 use of suspension is appropriate and effective.

### **Expulsion:**

Expulsion is the ultimate sanction imposed by the school and may only be exercised by the Board of Management.

### **Grounds for Expulsion:**

The expulsion of a student is a very serious step, and one that will only be taken by the Board of Management in extreme cases of breaches of the *Code of Positive Behaviour*.

The school will usually have taken significant steps to address the misbehaviour and to avoid expulsion of a student including, as appropriate:

- meeting with parent(s)/guardian(s)/carer(s) and the student to try to find ways of helping the student to change their behaviour
- making sure that the student understands the possible consequences of their behaviour, if it should persist
- ensuring that all other possible options have been tried
- seeking the assistance of support agencies (e.g. *National Educational Psychological Service, Health Service Executive Community Services, the National Behavioural Support Service, Child and Adolescent Mental Health Services, National Council for Special Education*).

A proposal to expel a student requires serious grounds such as that 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.

- the student has had a second incident involving possession of drugs/ drug paraphernalia on the school grounds.

There may be exceptional circumstances where the Board of Management forms the opinion that a student should be expelled for a first offence. Examples of such serious breaches of the *Code of Positive Behaviour* are:

- a serious threat of violence against another student or member of staff.
- gross misuse of social media such as to cause potential professional damage to a member of staff or to systematically bully a student or member of staff.
- actual violence or physical assault against a student or staff member.
- supplying illegal drugs to other students in the school.
- sexual assault.

This list is not exhaustive. There may be other times where the Principal decides to refer a student to the Board of Management for possible expulsion for a first offence.

#### **Determining the appropriateness of expulsion:**

Given the seriousness of expulsion as a sanction, the Board of Management will undertake a very detailed review of a range of factors in deciding whether or not to expel a student. These factors will include:

- The nature and seriousness of the behaviour
- The context of the behaviour
- The impact of the behaviour
- The interventions tried to date
- Whether expulsion is a proportionate response
- The possible impact of expulsion

#### **Procedures in respect of expulsion:**

Where a preliminary assessment of the facts confirms serious mis-behaviour 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.

**Step 1:** A detailed investigation carried out under the direction of the Principal. In investigating an allegation, in line with fair procedures, the Principal will:

- inform the student and his/her parent(s)/guardian(s)/carer(s) about the details of the alleged serious breach of the *Code of Positive Behaviour*, how it will be investigated and that it could result in expulsion.
- give parent(s)/guardian(s)/carer(s) and the student an opportunity to respond to the complaint before a decision is made and before a sanction is imposed.

Parent(s)/guardian(s)/carer(s) will be informed in writing of the alleged breach of the *Code of Positive Behaviour* and the proposed investigation.

Parent(s)/guardian(s)/carer(s) and the student will be given an opportunity to respond to the complaint before a decision is made about the veracity of the allegation, and before a sanction is imposed.

Where expulsion may result from an investigation, a meeting with the student and their parent(s)/guardian(s)/carer(s) will be arranged so that parent(s)/guardian(s)/carer(s) and their son or daughter will have the opportunity to give their side of the story and to ask questions about the evidence of serious misbehaviour, especially where there is a dispute about the facts.

This meeting will also be an opportunity for parent(s)/guardian(s)/carer(s) to make their case for lessening the sanction, and for the school to explore with parent(s)/guardian(s)/carer(s) how best to address the student's behaviour.

If a student and his/her parent(s)/guardian(s)/carer(s) fail to attend a meeting, the Principal will write to the parent(s)/guardian(s)/carer(s) advising them of the gravity of the matter, 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 serious breach of the *Code of Positive Behaviour*.

The school will record the invitation issued to parent(s)/guardian(s)/carer(s) and their response.

### **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 breach of the *Code of Positive Behaviour*, that expulsion may be warranted, the Principal will make such a recommendation to the Board of Management. The Principal will:

- inform the parent(s)/guardian(s)/carer(s) and the student that the Board of Management is being asked to consider expulsion
- ensure that parent(s)/guardian(s)/carer(s) 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 parent(s)/guardian(s)/carer(s)
- notify the parent(s)/guardian(s)/carer(s) of the date of the hearing by the Board of Management and invite them to that hearing



- advise the parent(s)/guardian(s)/carer(s) that they can make a written and oral submission to the Board of Management
- ensure that parent(s)/guardian(s)/carer(s) 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 the Board of Management will review the initial investigation and satisfy itself that the investigation was properly conducted in line with fair procedures. The Board will undertake its own review of all documentation and the circumstances of the case. It will ensure that no party who has had any involvement with the circumstances of the case is part of the Board's deliberations.

Where a Board of Management decides to consider expelling a student, it will hold a hearing.

At the hearing, the Principal and the parent(s)/guardian(s)/carer(s), or a student aged eighteen years or over, put their case to the Board in each other's presence. Each party will be allowed to question the evidence of the other party directly. The parent(s)/guardian(s)/carer(s) may also use the occasion to make their case for lessening the sanction.

Parent(s)/guardian(s)/carer(s) may wish to be accompanied at hearing and the Board will facilitate this, in line with good practice and Board procedures.

After both sides have been heard, both the Principal and the parent(s)/guardian(s)/carer(s) will leave the meeting while the Board considers the issue.

**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 of Management, having considered all the facts of the case, is of the opinion that the student should be expelled it will notify the Educational Welfare Officer in writing of its opinion and the reasons for this opinion (*Education (Welfare) Act 2000, s24 (1)*). The Board of Management will follow the National Educational Welfare Board reporting procedures for proposed permanent exclusions. While the Board may be of the opinion that the student should be expelled, the actual decision to expel the student cannot be taken before the passage of twenty school days from the date on which the *Educational Welfare Officer* receives written notification of the Board's opinion that the student should be expelled and the reasons for this opinion (*Education (Welfare) Act 2000, s24(1)*).

The Board of Management will inform the parent(s)/guardian(s)/carer(s) in writing about its conclusions and the next steps in the process. Where expulsion is proposed, the parent(s)/guardian(s)/carer(s) will be told that the Board of Management will be informing the Educational Welfare Officer (see above).

### **Step 5:** Consultations arranged by the *Educational Welfare Officer*

Within twenty days of receipt of a notification from a Board of Management of its opinion, the Principal and /or other school staff delegated by the Principals may meet the *Educational Welfare Officer* to plan for the student's future education in the interests of the educational welfare of the student.

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 all students is secured (*Education (Welfare) Act 2000, s24(5)*). The Board may consider it appropriate to suspend a student during this time especially 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 of Management will formally confirm the decision to expel student. The Board of Management may delegate this task to the Chairperson and the Principal.

Parent(s)/guardian(s)/carer(s) will be notified immediately that the expulsion will now proceed. Parent(s)/guardian(s)/carer(s) and the student will be told about the right to appeal within 42 days 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.

### **Appeals**

A parent/guardian/carers, or a student aged over eighteen years, may appeal within 42 days a decision to expel to the Secretary General of the Department of Education and Skills.

An appeal may also be brought by the *National Educational Welfare Board* on behalf of a student.

### **Review of Use of Expulsion**

The Board of Management 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 this measure is used appropriately.

This policy has been drafted in conjunction with the School Ethos and other relevant policies of the School such as *the Code of Positive Behaviour*.

This policy will be formally adopted by the Board of Management when it is formally constituted.

Signed:  
Gerry McKeivitt  
School Manager/ on behalf of Patron  
Educate Together

Signed:  
Pádraig Conaty  
Principal

Date of next review: May 2020