



Suspension and Expulsion Policy

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

Ratified: **October 2020**
Review date: **August 2023**

Legal Context

Sandymount Park Educate Together Secondary School is required under Section 23 of the Education Welfare Act 2000 to include procedures for suspension and expulsion in our Code of Behaviour. This policy and the procedures herein have been prepared in line with the NEWB (National Education Welfare Board) guidelines 'Developing a Code of Behaviour - Guidelines for Schools'.

Objectives

The aims of our Suspension and Expulsion Policy are:

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

Roles and Responsibilities

(a) The Principal

The Principal or, in the Principal's absence, the Deputy Principal, has the authority to suspend any student for a limited period of time and may recommend a longer suspension or expulsion of a student to the Board of Management.

(b) Expulsion is the ultimate sanction imposed by the school for serious breaches of the Code of 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 absenting the student from school for a specified period of time.

Grounds for Suspension

Temporary exclusion can be used as a sanction in the following circumstances:

- Where a tutor has exhausted the process outlined in the Code of Behaviour in relation to a student's behaviour and application in class
- Bullying or threatening another student or any member of school staff.
- Verbal abuse of a teacher or any member of school staff
- Sexual harassment verbal or physical of any person in the school
- Physical or verbal assault of any person in the school
- The student's continued presence in the school, at this time, constitutes a threat to safety
- Smoking/vaping in the school grounds or while representing the school



- Stealing from or interfering with the property of the school, its staff or its students
- Being absent from school without parent/guardian permission
- Damaging school property
- Bringing drugs, illegal substances, alcohol or dangerous items or weapons into the school.
- Endangerment of the health and safety of others.
- A single incident or first offence of serious misconduct may be grounds for suspension.

This list is not exhaustive. Such incidences of serious breaches of the Code of Positive Behaviour may also incur the sanction of expulsion.

Rationale for Suspension

Suspensions can provide a respite for the student and others in the school community, 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) responsibilities for taking an active role in partnership with the school in working with their child 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 (EWO) 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 Certificate or Junior Cycle 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 Behaviour have failed to change the behaviour problem.

Where a preliminary assessment of the facts confirms a serious breach of the Code of Behaviour that could warrant suspension, the student and his or her parent(s)/guardian(s) will



be informed about the complaint, the investigation and that it could result in suspension, should the complaint be substantiated. The formal investigation of the complaint will commence as soon as possible after the alleged misbehaviour has occurred.

This initial communication will usually be by email/post although there may be circumstances where, following the preliminary assessment, an immediate suspension is warranted. In such a case a phone call will be made to the parent(s)/guardian(s) and they may be required to come to the school to collect their child.

Opportunity to Respond

The student and parent(s)/guardian(s) will, in most normal circumstances, 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) 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) to discuss the complaint and provide an opportunity to respond.

If a student and his or her parent(s)/guardian(s) fail to attend a scheduled meeting, the Principal will write advising the parent(s)/guardian(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.

In some circumstances agreement may be reached with the parent(s)/guardian(s) for the pupil to remain at home until they and the student are available to meet with the Principal. 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) 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) 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) (for example, parent(s)/guardian(s) and the student may be asked to reaffirm their commitment to the Code of 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 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) have the right to appeal the decision to the Board of Management. **In the event of such an appeal, the pupil still serves the suspension. If the Board upholds the appeal all records in respect of this suspension are removed from the pupil's file.**

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), 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) 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) and the student may be requested to attend a meeting with the Principal, Deputy Principal or Progress Leader 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 Behaviour. It is also an opportunity to stress parental/guardian 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) and/or the student may be requested to sign their commitment to the Code of Behaviour, Student Support Card or other conditions as deemed appropriate by the Principal or Board of Management. The parent(s)/guardian(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 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 (EWO) 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 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) 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 (i.e. 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. There may be exceptional circumstances where the Board of Management forms the opinion that a student should be expelled for a first offence.

A student can be recommended for expulsion in the following circumstances:

- Where there is an on-going refusal by a student to abide by the regulations of the school, and where the Principal, in consultation with the Board of Management, has, in their considered judgment, exhausted all reasonable options
- Bringing alcohol, drugs, illegal substances or dangerous items or weapons into the school, and selling or distributing same at any time
- Physical or verbal assault or threats on any person in the school community
- Sexual harassment verbal or physical of any person in the school community
- Gross misuse of social media and/or other online platforms such as to cause potential professional damage to a member of staff or to systematically bully a student or member of staff
- Serious damage to school property
- Breaking the law of the land while in school
- Endangerment of the health and safety of others



- A single incident or first offence of serious misconduct may be grounds for expulsion

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 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

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:

- a) Inform the student and his/her parent(s)/guardian(s) about the details of the alleged serious breach of the Code of Behaviour, the investigation and that it could result in expulsion.
- b) Give parent(s)/guardian(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) will be informed in writing/by email of the alleged breach of the Code of Positive Behaviour and the proposed investigation.



The student and parent(s)/ guardian(s) 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) will be arranged so that parent(s)/ guardian(s) and their son or daughter will have the opportunity to respond to the allegation 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 the school to explore with parent(s)/guardian(s) how best to address the student's behaviour.

If a student and his/her parent(s)/guardian(s) fail to attend a meeting, the Principal will write to the parent(s)/guardian(s) advising them of the gravity of the matter, the importance of attending a rescheduled meeting and, failing that, the duty of the school authorities to make a decision to respond to the serious breach of the Code of Behaviour.

The school will record the invitation issued to parent(s)/guardian(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 Behaviour, that expulsion may be warranted, the Principal will make such a recommendation to the Board of Management. The Principal will:

- a) Inform the parent(s)/guardian(s) and the student that the Board of Management is being asked to consider expulsion
- b) Ensure that parent(s)/guardian(s) have records of the allegations against the student, the investigation, and that the Board of Management is being asked to consider expulsion
- c) Provide the Board of Management with the same comprehensive records as are given to parent(s)/guardian(s)
- d) Notify the parent(s)/guardian(s) of the date of the hearing by the Board of Management and invite them to that hearing
- e) Advise the parent(s)/guardian(s) that they can make a written and oral submission to the Board of Management
- f) Ensure that parent(s)/guardian(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

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), 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) may also use the occasion to make their case for lessening the sanction.

Parent(s)/guardian(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) 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 (EWO) 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 there are firm grounds 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) in writing about its conclusions and the next steps in the process. Where expulsion is proposed, the parent(s)/guardian(s) will be told that the Board of Management will be informing the Educational Welfare Officer (EWO) in writing.

Step 5: Consultations arranged by the Educational Welfare Officer (EWO)

Within twenty days of receipt of a notification from a Board of Management of its opinion, the Principal and /or Deputy Principal may meet the Educational Welfare Officer (EWO) 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 (EWO) 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) will be notified immediately that the expulsion will now proceed.

Parent(s)/guardian(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, 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 Behaviour.

Vaessa Barcroft,
Chairperson BOM
Date

Paula Mulhall,
Principal
Date



A Brief Guide to The Disciplinary Process

When investigating serious breaches of the Code of Behaviour the Principles of Natural Justice must be observed:

- Case set out in full
- Right to be heard
- Right to respond
- Fair procedures

- To avoid bias it is desirable that the functions of investigation and decision making are carried out by different people but in the school setting this may not always be possible. There may be times when there is no alternative to the Principal exercising both roles. If the Principal is conducting both the investigative and decision-making stages, she/he will be reasonable and objective.
- The Class Teacher, Tutor, Progress Leaser and Deputy Principal have the right to impose minor sanctions but if suspension or expulsion are being considered the matter must be referred to the Principal.
- It is contrary to the principles of natural justice for one person to conduct a hearing and for another to impose a sanction. The investigation of the facts may be carried out by, say, a Progress Leader but the Principal or the Board of Management, as appropriate, must carry out the hearing and decide the sanction to impose if suspension or expulsion is being considered.
- Establishing the facts of the incident: this may involve speaking to the student, other students, staff, members of the school community, reviewing CCTV. Records will be kept of all such meetings. In the case of suspension and expulsion this responsibility rests with the Principal, though the Principal may consider reports from a Progress Leader or Deputy Principal or others. Put the facts to the student. Record the response and consider it carefully.
- In case of possible criminal offences, e.g. an allegation that a student is selling illicit drugs etc, the parent/guardian may be asked to be present before a student is questioned.
- Accurate records will be maintained on all aspects of an incident(s).

