Suspension & Expulsion Policy

Coláiste Iósaef

Introduction

The following is the Suspension and Expulsion Policy of Coláiste Iósaef. Through its Code of Behaviour, Coláiste Iósaef aims to create a calm, ordered, and work-oriented atmosphere in a caring and supportive environment based on respect for self and respect for others. The core elements of the school's Code of Behaviour is to promote and encourage positive behaviour. In cases where students fail to observe the Code of Behaviour it is necessary, for the good of the school community as a whole to impose sanctions on such students, including Suspension or Expulsion where warranted. This policy outlines the school's approach to Suspension and Expulsion and has been formulated taking due consideration of the rights and responsibilities inherent in the Education Act 1998, Education Welfare Act 2000, Equal Status Act 2000 and the principles of fairness and Natural Justice.

Legal framework

As a school under the auspices of Limerick and Clare Education & Training Board, the school acknowledges its duty to publish its policy concerning admission and participation in the school, including the policy of the school relating to the expulsion and suspension of students pursuant to Section 15 (d) of the Education Act 1998 and Section 23 of the Education Welfare Act 2000.

The Code of Behaviour in Coláiste Iósaef specifies:

- ✓ The standards of behaviour that shall be observed by each student attending the school
- ✓ The measures that may be taken when a student fails or refuses to observe those standards
- ✓ The procedures to be followed before a student may be suspended or expelled from a school
- ✓ The grounds for removing a suspension imposed in relation to a student
- ✓ The procedures to be followed relating to notification of a child's absence from school.

Coláiste Iósaef affirms that its Code of Behaviour is prepared in accordance with the Guidelines issued by the Education Welfare Board 2008. The Code of Behaviour addresses:

- ✓ The standards of behaviour expected in the school
- ✓ The plan for promoting good behaviour
- ✓ The ways in which a school responds to unacceptable behaviour
- ✓ The plan for implementing the code of behaviour
- ✓ School procedures for the use of suspension and expulsion

Coláiste Iósaef recognises the Right to Appeal pursuant to Section 29 of the Education Act.

In regard to informing the Education Welfare Board, Coláiste Iósaef affirms its statutory obligation pursuant to section 21 (4)(a) of the Education Welfare Act.

Coláiste Iósaef affirms that data collected in relation to students and parents is in compliance with the Data Protection Acts 1988 to 2018.

Suspensions

The Board of Management of Coláiste Iósaef holds the authority to suspend a student. This authority is devolved under Section 44 (11(a)) of the Education and Training Boards Act 2013 by Limerick & Clare ETB to the Boards of Management of each of the schools under its control.

Limerick & Clare ETB recognises that the Board of Management of Coláiste Iósaef may delegate this authority to the Principal of Coláiste Iósaef. The Board of Management should make a formal delegation arrangement taking due account of the provisions of the Education and Training Boards Act 2013.

Coláiste Iósaef recognises that suspension is only one strategy within the Coláiste Iósaef Code of Behaviour in response to inappropriate behaviour.

Coláiste Iósaef recognises that when all other strategies have been exhausted, suspension affords a student time to reflect on their behaviour, to acknowledge and accept responsibility for their behaviour and to accept the need for the behaviour to change. Coláiste Iósaef works closely with parents to assist a suspended student to re-join the school community successfully.

Coláiste Iósaef acknowledges that suspension should be a proportionate response to the behaviour that is causing concern. The decision to suspend a student requires serious grounds such as that:

- ✓ The student's behaviour has had a seriously detrimental effect on the education of other students.
- ✓ The students continued presence in the school at this time constitutes a threat to safety.
- ✓ The student is responsible for serious damage to property.
- ✓ The student breaches the Code of Behaviour. (At the discretion of the Principal.)

Coláiste Iósaef affirms that all suspensions must be notified to the Board of Management of Coláiste Iósaef.

Coláiste Iósaef affirms that the Education Welfare Services of the Child and Family (Tusla) should be Informed of suspensions in the following circumstances:

- ✓ Where the period of suspension is for 6 or more consecutive school days.
- ✓ Where the aggregate number of days on which a student has been suspended /absent in any school year is 20 or more days.

Coláiste Iósaef affirms that suspension may occur after the following factors have been considered:

- ✓ The nature and seriousness of the behaviour
- ✓ The impact and context of the behaviour
- ✓ The interventions tried to date
- ✓ That all discipline options under the Coláiste Iósaef Code of Behaviour have been applied and documented
- ✓ That all actions /decisions taken are recorded and all correspondence copied.
- ✓ Discussion has occurred with the student and parent(s) regarding the specific behaviour which the school considers unacceptable, and which may lead to suspension.

The Board of Management of Coláiste Iósaef affirms that students attending Coláiste Iósaef may be suspended as follows pending investigation and /or discussion with parents/guardians.

The following list is not exhaustive:

- ✓ For serious misbehaviour
- ✓ For an unacceptable level of repeated misbehaviour
- ✓ For bullying, insulting, aggressive or violent behaviour towards others whether in person, by mobile phone or via social media or other electronic means; in the school, or when identifiable with the school
- ✓ For the supply/possession /use of alcohol and /or illegal drugs
- ✓ For the supply /possession /use of weapons/ hazardous materials
- ✓ For behaviour that may be a danger to self or others
- ✓ For racist behaviour /supply of racist behaviour/use of racist material
- ✓ For behaviour that is contrary to the terms of the Equal Status Act 2000
- ✓ For sexual harassment and/or the possession/supply/use of pornographic material.

Coláiste Iósaef acknowledges that a single incident of serious misconduct may be grounds for suspension. Such grounds may include where the continued presence of the student in the school at the time would represent a serious threat to the safety or welfare of students, staff of the school or any other person.

A student may be suspended during a state examination and such suspension should normally be approved by the Board of Management of Coláiste Iósaef. This type of suspension should only be used where there is:

- ✓ A threat to good order in the conduct of the examination
- ✓ A threat to the safety or welfare of other students and personnel
- ✓ A threat to the right of the other students to do their exam in a calm atmosphere.

The Board of Management of Coláiste Iósaef may decide as part of the school's policy on sanctions and following consultation process with the Principal, parents, teachers and students, that particular named behaviour incur suspension as a sanction. This does not remove the duty to follow due process and fair procedures in each case.

Inappropriate use of Suspension

Rolling suspension. A student should not be suspended again shortly after they return to Coláiste Iósaef unless they engage in serious misbehaviour that warrants suspension, that fair procedures are observed in full and the standard applied to judging the behaviour is the same as that standard applied to the behaviour of any other student.

Informal / unacknowledged suspension. Exclusion of a student for part of the school day as a sanction is a suspension. This does not apply to the school in-house suspension.

Open-ended suspension. Students should not be suspended for an indefinite period. Any such suspension would be regarded as a de- facto expulsion.

Procedures in respect of Suspension.

Coláiste Iósaef will follow fair procedures when proposing to suspend a student. The school will observe the following procedures

- ✓ The student and parent(s) should be informed about the complaint
- ✓ The student and parent(s) should be given the opportunity to respond
- ✓ In the case of 'immediate' suspension, a preliminary investigation should be conducted to establish the case for the imposition of the suspension. Parents must be notified, and arrangement made for the student to be collected from the school. The school must have due regard for its duty of care for the student.

A student should not be suspended for more than 3 days except in exceptional circumstances. The Board of Management of Coláiste Iósaef will provide guidance to the Principal concerning the kinds of circumstances under which suspensions of longer that 3 days might be approved. If a suspension of longer than 3 days is being proposed the matter should be referred to the Board of Management for consideration and approval.

Limerick & Clare ETB recognises that the Board of Management of Coláiste Iósaef may wish to authorise the Principal, with the approval of the Chairperson of the Board of Management, to impose a suspension of up to 5 days in circumstances where a meeting of the Board cannot be convened in a timely fashion. This authorisation is recorded in the minutes of the Board of Management meeting and is reviewed on an annual basis.

The Board of Management of Coláiste Iósaef will formally review any proposal to suspend a student where the suspension would bring the number of days for which the student has been suspended in the current school year to 20 days for more. Any such suspension is subject to appeal under Section 29 of the Education Act 1998.

Implementing the suspension

The Principal of Coláiste Iósaef should notify the Parent(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.
- ✓ The arrangements for returning to school, including any commitments to be entered into by the student and the parents.
- ✓ The provision for an appeal to the Department of Education, in the case of a suspension which would bring the days suspended in one academic over 20 days.

In the case where Parents do not agree to meet with the Principal, the Board of Management and ETB confirms that written notice will serve as notice to impose a suspension.

A suspension may be removed if the Board of Management of Coláiste Iósaef decides to remove the suspension for any reason.

Section 29 Appeal against Suspension

Where the total number of days for which the student has been suspended in the current school year reaches 20 days, the parent(s) or a student aged over 18 years, may appeal the suspension under Section 29 of the Education Act 1998 to the Minister for Education.

An appeal may be made by the parent of the student concerned, or by the student concerned where the student has reached the age of 18 years. In accordance with section 26 of the Education (Welfare) Act, 2000, the Child and Family Agency (Tusla) may appoint a person, independent of that Agency, to appeal a decision of a board of management or person acting on behalf of the board of management to permanently exclude a student from a school.

An appeal must be made within 42 calendar days from the date of the decision of the board of management or a person acting on behalf of the board of management.

Appeals must be made in writing on the Section 29 Appeal Form and submitted to the Section 29 Appeals Administration Unit which has been established within the Department of Education to provide administrative support to enable appeals committees perform their functions. The Section 29 Appeal Form may be downloaded from the Department's website or obtained directly from the Section 29 Appeals Administration Unit. Contact details for the Unit are available on the Department's website www.education.ie .

Expulsion

Limerick & Clare ETB has the authority to expel a student. This authority may be delegated under Section 44 (11(a)) of the Education and Training Boards Act 2013 by Limerick & Clare ETB to the Board of Management of Coláiste Iósaef.

Expulsion should be a proportionate response to the student's behaviour. Coláiste Iósaef acknowledges that expulsion of a student is a very serious step and one that should only be taken by the Board of Management of Coláiste Iósaef in extreme cases of unacceptable behaviour.

The Board of Management of Coláiste Iósaef affirms that Coláiste Iósaef needs to have taken significant steps to address the misbehaviour and to avoid expulsion.

Such measures may include:

- ✓ Meeting with parents and students to try and find ways of helping the student to change their behaviour.
- ✓ Making sure that the student understands the possible consequences of their behaviour should it persist
- ✓ Ensuring that all possible options have been tried.

- ✓ Seeking the assistance of relevant support agencies, e.g. Child and Family Agency (Tusla) Education Welfare Services, HSE Child and Adolescent Mental Health Services. National Behavioural Support Service JLO, NEPS, NCSE.

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 the safety and welfare of others.
- ✓ The student is responsible for serious damage to property.

Before expulsion is considered, school authorities must satisfy themselves that all possibilities have been exhausted for changing the student's behaviour.

'Automatic' Expulsion

The Board of Management of Coláiste Iósaef may decide in consultation with the Principal, parents, teachers and students that particular named behaviours would result in 'Automatic' expulsion. This does not remove the duty to follow due process and fair procedure.

Expulsion for first or once-off offence

There may be exceptional circumstances where the Board of Management of Coláiste Iósaef decides that a student should be expelled for a first offence. The kinds of behaviour that might result in a proposal to expel on the basis of a single breach of the Code of Behaviour could include:

- ✓ A serious threat of violence against another student or member of staff
- ✓ A serious act of violence or physical assault against another student or member of staff
- ✓ Supplying illegal drugs to others in or out of school
- ✓ Sexual assault
- ✓ Sexual harrassment

Factors to Consider before proposing to expel a student

The Board of Management of Coláiste Iósaef should take the following factors into consideration before considering expelling a student:

- ✓ The nature and seriousness of the behaviour
- ✓ The context of the behaviour
- ✓ The impact of the behaviour
- ✓ The interventions already tried to change the student's behaviour
- ✓ Whether expulsion is a proportionate response
- ✓ The possible impact of expulsion

Expulsion would not be appropriate for the following:

- ✓ Poor academic performance
- ✓ Poor attendance or lateness
- ✓ Minor breaches of the Code of Behaviour

However, any behaviour that is persistently disruptive to learning or dangerous can be a serious matter. Behaviour must be examined in context to understand both the behaviour itself and the response or sanction that is most appropriate.

Procedures in respect of expulsion

A detailed investigation will be carried out under the direction of the Principal. The Principal should ensure that no party who has had any involvement with the circumstances of the case is part of the investigation.

The Principal should inform the student and his/her parents about the specific details of the alleged breach of behaviour, how it will be investigated and that it could result in expulsion.

The Principal must ensure that the student and parents are given every opportunity to respond to the complaint of serious misbehaviour. The Principal should communicate this in writing to ensure that parents have a permanent record of having been informed.

A meeting should be arranged between the student and their parent(s) and the Principal of Coláiste Iósaef before a sanction is imposed.

Should a student and their parent(s) fail to attend a meeting the Principal should write advising:

- ✓ the seriousness of the matter
- ✓ the importance of attending a re-scheduled meeting
- ✓ Failing that, the duty of the school authorities to make a decision to respond to the inappropriate behaviour
- ✓ Record all correspondence

Where the Principal of Coláiste Iósaef forms a view, based on the investigation of the alleged misbehaviour, that expulsion may be warranted, the Principal shall make a recommendation to the Board to consider expulsion.

The Principal should:

- ✓ Inform the student and parents in writing that the Board of Management is being asked to consider expulsion.
- ✓ Ensure that parents have written records of (a) the allegation, (b) the investigation, (c) written notice of the grounds on which the Board of Management is being asked to consider expulsion.
- ✓ Provide the Board with the same comprehensive records as are given to the student and the parents.
- ✓ Notify the parents in good time of the date of the hearing with the Board of management and invite them to that hearing.

- ✓ Advise the parents that they can make a written and oral submission to the Board of Management.
- ✓ Ensure parents are given enough notice to allow them to prepare for the meeting.

It is the responsibility of the Board of Management of Coláiste Iósaef to review the initial investigation and satisfy itself that the investigation was properly conducted in line with fair procedures.

The Board of Management should undertake its own review of documentation and all circumstances of the case.

The Board of Management should ensure that no party who has had any involvement with the circumstances of the case is part of the Board's deliberations.

Where the Board of Management of Coláiste Iósaef decides to expel a student it must hold a hearing and this meeting should be properly conducted in accordance with Board procedures.

Parent(s) may be accompanied at the Board hearing but, as this is a lay forum; legal representation is not the normal practice, however it may be allowed due to the potentially serious consequences for the student. The Board Secretary should be informed in writing who shall be attending this meeting at least two days prior to the meeting taking place.

At the start of the meeting the Chairperson shall enquire whether any member has an objective bias in respect of the matter being considered by the Board. Where the Board is satisfied that an objective bias exists, the member(s) involved shall withdraw from the meeting.

At the hearing the Principal and the parents, or a student aged 18 or over, put their case to the Board in each other's presence and will be available to answer questions from Board Members. Each party should be allowed question the evidence of the other party. Questions should be directed through the Chairperson at the end of each presentation.

Once the Principal and the Parent(s) have made their cases, they will withdraw from the meeting.

Should the Board require the professional advice of the Principal, the Principal may be invited to return to the meeting briefly for that purpose. While the Principal is present, there will be no discussion on the merits of the particular case being considered.

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

When both sides have been heard the Board should ensure that the Principal and Parents are not present for the Board's deliberations.

In hearing and considering a proposed expulsion the Board shall have regard to:
(a) the nature, scale and persistence of any behaviour alleged to have given rise to, or contributed to, the decision made by or on behalf of the Board,
(b) the reasonableness of any efforts made by the school to enable the student to whom the appeal relates (the 'student concerned') to participate in and benefit from education,
(c) the educational interests of the student concerned and the desirability of enabling the student as far as practicable to participate in and benefit from education with his or her peers,
(d) the educational interests of, and the effective provision of education for, other students of the school and the maintenance of a classroom and school environment which is supportive of learning among the students of the school and ensures continuity of instruction provided to students in any classroom concerned and the school,
(e) the safety, health and welfare of teachers, students and staff of the school,
(f) the code of behaviour under section 23 of the Education (Welfare) Act of 2000 and other relevant policies of the school and —

(i) in the case of that code of behaviour, the extent to which it is in compliance with that section 23 and any guidelines issued under subsection (3) of that section, and

(ii) in the case of those other policies, the extent to which each of them is implemented, promotes equality of access to and participation in education and is in compliance with —

(I) any enactment that imposes duties on schools or their boards,

(II) any relevant guidelines or policies of the Minister,

(g) the duties on schools or their boards imposed by or under any enactment,

(h) guidelines issued pursuant to section 22(7) of the Act of 2000, and

(i) such other matters as the Board considers relevant.

Board of Management deliberations and actions following the hearing

Having heard from all the parties involved it is the responsibility of the Board to decide whether or not the allegation is substantiated and if expulsion is the appropriate sanction.

When the Board of Management having considered all the facts of the case, is of the opinion that the student should be expelled, the Board must notify the Education Welfare Officer in writing of its opinion and the reasons for this opinion pursuant to section 24 91) of the Education Welfare Act 2000. The Board should refer to the Child and Family Agency (Tusla) Education Welfare Services reporting procedures for proposed expulsions.

The student cannot be expelled before the passage of 20 school days from the date on which the EWO receives this written notification.

The Board of Management should inform the parents in writing about its conclusions and where expulsion is proposed the parents should be informed that the Board of Management will inform the Education Welfare Officer.

Consultations arranged by the Educational Welfare Officer

Within 20 days of receipt of a notification from a Board of Management the EWO will make all reasonable attempts to hold individual consultations with the Principal, the parent and the student. The EWO will convene a meeting of those parties. These consultations will focus on alternative educational arrangements for the student.

Pending the consultations with the EWO, the Board of Management may consider it appropriate to suspend a student during this time. This should only be considered where the continued presence of the student during this time would seriously disrupt the learning of others or represent a risk to the safety and health of students or staff.

Confirmation of the decision to expel

When the 20 day period following notice to the EWO has elapsed and the Board of Management remains of the view that the student should be expelled, the Board of Management should formally confirm the decision to expel. The Board of Management may delegate authority to the Chairperson and Secretary to review this decision of expulsion after the twenty days has expired.

Parent(s) should be notified immediately that the expulsion will now proceed. Parents and the student must be informed of their right to appeal to the Minister for Education.

Section 29 Appeal against Expulsion

The parent(s) or a student aged over 18 years, may appeal the expulsion under Section 29 of the Education Act 1998.

Parent(s) and the student should be informed about their right to appeal to the Minister for Education.

An appeal may be made by the parent(s) of the student concerned, or by the student concerned where the student has reached the age of 18 years. In accordance with section 26 of the Education (Welfare) Act, 2000, the Child and Family Agency (Tusla) may appoint a person, independent of that Agency, to appeal a decision of a board of management or person acting on behalf of the board of management to permanently exclude a student from a school.

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Review of use of Expulsion

The Board of Management of Coláiste Iósaef should review the use of expulsion in the school at regular intervals.

Implementation and Review of Policy

The Principal and Board of Management of Coláiste Iósaef will be responsible for the implementation of this policy.

This policy shall be reviewed periodically, in light of emerging legislation and circulated Guidelines from the Department of Education from its official adoption by the Limerick and Clare Education and Training Board and Coláiste Iósaef Board of Management.

Definitions under the Education Act, 1998

‘‘parent’’ includes a foster parent, a guardian appointed under the Guardianship of Children Acts, 1964 to 1997, or other person acting in loco parentis who has a child in his or her care subject to any statutory power or order of a court and, in the case of a child who has been adopted under the Adoption Acts, 1952 to 1998, or, where the child has been adopted outside the State, means the adopter or adopters or the surviving adopter;

‘‘Principal’’ means a person appointed under section 23;

‘‘school’’ means an establishment which—

(a) provides primary education to its students and which may also provide early childhood education, or

(b) provides post-primary education to its students and which may also provide courses in adult, continuing or vocational education or vocational training, but does not include a school or institution established in accordance with the Children Acts, 1908 to 1989, or a school or institution established or maintained by a health board in accordance with the Health Acts, 1947 to 1996, or the Child Care Act, 1991;

‘‘student’’, in relation to a school, means a person enrolled at the school.

Accessibility:

The policy is available on-line, a copy was e-mailed to staff and SNA’s

Review Process

The policy will be reviewed in line with Coláiste Iósaef procedures regarding policy reviews and updates.

Signed: Rev William Fitzmaurice

(Chairperson of Board of Management)

Date: 18th August 2025

Signed: Noel Kelly

(Principal)

Date: 18th August 2025

Date of Policy Review: August 2026