



# Suspension & Expulsion Policy

Coláiste Iósaef 2021-2022





## **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.

## **Suspension Principles**

In certain cases of unacceptable behaviour, it will be in the best interests of the school community and/or the student involved, to remove the student from the school for a period of time. The ETB has the authority to suspend a student. Limerick and Clare ETB has devolved this authority under Section 31 of the Vocational Education (Amendment) Act 2001 to the Board of Management of Coláiste Iósaef. The Board of Management has delegated this authority to the Principal and in his absence, the Deputy Principal, to suspend a student from attending school for a period up to three days. The Principal/Board of Management will exercise this authority in a fair manner, having regard to their responsibility to the whole school community and to the principles of Natural Justice.

The Primary purpose of suspension is one of corrective support rather than penalising students for misbehaviour. It is the intention of the school that suspension allows students the time, under the supervision of their parents/guardians to reflect on their unacceptable behaviour; accept responsibility for the behaviour that led to the suspension and to change their future behaviour to meet the expectations of the school.

In general there are two sets of circumstances under which suspension will be imposed:

- a) Serious breaches of the Code of Behaviour that indicate that the student should be removed from the school. In cases where health and safety could be a risk it may be

necessary to suspend a student with immediate effect pending an investigation and the following of due procedures.

- b) Repeated, less serious breaches of the Code of Behaviour that have not been rectified by disciplinary measures, short of suspension. In such cases formal written warning detailing the unacceptable behaviour will have been submitted to parents/guardians along with an explanation of what is required of the student.

Serious breaches of the Code of Behaviour include, but are not limited to:

- Endangering the safety or health of any member of the school community.
- Disrespect or defiance towards or harassment or intimidation of a member of staff or the bullying of another member of the school community.
- Possession, use or supply of prohibited substances (including alcohol, drugs, or associated paraphernalia) in the school, on school trips, or in the course of any school-related activity. Exception will be made only for legitimate medicinal use with the prior notification of the school authorities.
- Deliberate vandalism, including the writing of graffiti, in relation to school property or the property of a member of the school community.
- Interference with or persistent disruption of teaching and learning.
- Refusal to obey clear and reasonable instructions of staff members on a repeated basis.
- Smoking/Vaping anywhere inside or in the immediate vicinity of the school grounds.
- The use of obscene, abusive, or otherwise inappropriate language.
- Stealing, fighting or the possession of offensive weapons. In addition to being serious breaches that incur suspension, these are criminal offences that will be reported to the appropriate authorities.
- Tarnishing the good name and reputation of the school.
- Truancy

Less serious breaches of the Code of Behaviour include, but are not limited to:

- Accumulation of After School Detentions (three or more)
- Failure to complete assigned homework
- Such classroom disruption as inattention, talking without permission, passing notes, and failure to have the books and equipment required for class.
- Running, shouting, or horseplay or any description anywhere in the school.
- Tardiness for school or classes.
- Use of ordinary mobile phones or possession of a picture phone on the school premises.
- Congregating in the toilets.
- Not wearing the full school uniform.

### **Suspension during State Examinations**

This sanction will normally be approved by the Board of Management and will be used where there is:

- A threat to the good order during the examination process
- A threat to the safety of other students and personnel
- A threat to the right of other students to do their examination in a calm atmosphere
- This sanction will be treated like any other suspension, and the principle of natural justice will apply.

### **Suspension Procedure**

In the event that the Principal exercises their authority to suspend a student for a fixed duration, the following procedure will be used.

1. The student will be informed of the precise grounds that gave rise to a potential suspension and will be given an opportunity to respond before a suspension decision is formalised.
2. The parents/guardians of the student will be informed in writing of the situation and invited to come to the school for a meeting.

3. In cases where the suspension is to take effect immediately, such as in the interests of health and safety, parents/guardians will be informed by telephone, with written follow up.
4. Students will not be sent home during a school day unless collected by a parent/guardian or some other suitable arrangement is made.

All suspension decisions will include a formal letter of notification that will include, at least:

- Notice of the suspension
- Effective date of the suspension
- Duration of the suspension
- Reasons for the suspension

Where appropriate, this letter may also include some or all of the following:

- Expectations of the student while on suspension.
- Reference to the importance of parental assistance in resolving the matter causing suspension.
- A statement that the student is under the care and responsibility of parent/carers while suspended.
- A statement that the Education Welfare Board has been informed of the suspension.
- Information of the appeal rights and procedures regarding the suspension.
- Requirements to be met for the student's return to school.

### **Suspension Removal**

As the principles of natural justice demand that there should be available a right of appeal to a higher authority, a student or his parents/guardians may appeal the Principal's decision to suspend to the Board of Management. Such an appeal must be made in writing to the Board of Management stating the grounds on which the appeal is being made. However, the Board may insist that the student remain at home while the appeal proceeds. In the event that an appeal is successful, the suspension will be lifted and if the suspension has already been served, it will be expunged from the student's record.

Beyond success in such appeals, a suspension may be rescinded in the following circumstances:

- New circumstances come to light after the suspension has been applied that would have mitigated the sanction had they been known beforehand.
- Other mitigating factors consistent with the application of the Principles of Natural Justice.

### **Suspension Completion**

Upon completion of a suspension, the following procedures may apply for the formal reintroduction of the student into the school.

- Parents/Guardians may be requested to attend with the student upon his/her return to school.
- A written or verbal apology may be required from the student for his/her misbehaviour. The student may be required to enter into a contract of good behaviour or other conditions that may be specified before returning to school.
- There will be a process of reintegration of the student including the concept of a clean slate as outlined in the National Education Welfare Board “Developing a Code of Behaviour Guidelines for Schools” 2008.
- Plan to support the student to change their behavior.

### **Expulsion Principles**

Expulsion is the ultimate sanction imposed by the school on a student and as such, will only be exercised by the Board of Management in relation to cases of extreme indiscipline. In cases where the Principal is of the opinion that a student’s actions are such that Expulsion should be considered, the Principal will refer the matter to the Board of Management. Given the severity of the potential sanction, the school, in accordance with the Principles of Natural Justice, will investigate extreme indiscipline cases thoroughly in advance of any hearing that could result in expulsion.

In general, there are two sets of circumstances in which expulsion may be considered to be appropriate by the school.

**a ) Cases where the indiscipline of a student is so pervasive that teaching and learning become extremely difficult.**

Such cases include but are not limited to:

- The student's behaviour is a persistent cause of significant disruption to the learning of others or to the learning process.
- The student being uncontrollable and not amenable to any form of school discipline or authority.
- Parents/Guardians being unable or refusing to exercise their responsibility for the student.
- The student's continued presence in the school constitutes a real and significant threat to safety.
- When guarantees of reasonable behaviour following repeated suspensions are not forthcoming or not being met.
- The student's conduct acting as a source of serious bad example and having an adverse influence on other students in the school.

The grounds for expulsion may be similar to the grounds for suspension. In addition to factors such as the degree of seriousness and the persistence of the behaviour, a key difference is that, where expulsion is considered, the school authorities have tried a series of other interventions, and believe they have exhausted all possibilities for changing the student's behaviour.

## **b ) First time offences of a very serious nature.**

Such cases include but are not limited to:

- A serious threat of violence against another student or member of staff.
- Remarks of a sexually explicit nature directed at school personnel and/or other students.
- Inappropriate touching or behaviour.
- Racist and or homophobic remarks directed at school personnel and/or other students.
- Trafficking in drugs.
- Arriving in school under the influence of alcohol or drugs.
- Serious burglary or theft.
- Causing major damage to school property.
- Gross insubordination to the Principal or other staff members.
- Brandishing of an offence weapon.

In the interest of ensuring a fair and even-handed system for the imposition of an expulsion, the Board of Management will, among other things, take account of the following factors:

1. The age and state of health of the student
2. The student's previous record of behaviour at the school.
3. Any mitigating circumstances unique to the student that might reasonably be taken into account, in connection with the behaviour leading to the suspension.
4. The severity of the behaviour, its frequency, and the likelihood of recurrence.
5. The extent to which the behaviour impaired or will impair the normal functioning of the student and others in the school community.
6. The degree to which the behaviour was a breach of the Code of Behaviour.
7. The degree to which the student recognizes and accepts that his behaviour was unacceptable and is prepared to exhibit genuine contrition.



## Expulsion Procedure

A detailed investigation will be carried out under the direction of the Principal. 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 recommendations and the holding of a hearing
4. Board of Management deliberation and actions following the hearing
5. Consultations arranged by the Education Welfare Officer
6. Confirmation of the decision to exclude

Except in exceptional circumstances, expulsion will only be resorted to after the Principal has:

- Ensured that all discipline options under the Code of Behaviour have been applied and documented.
- Ensured that all appropriate support personnel, both internal and external, have been involved.
- Ensured all other procedures, referrals, supports have been exhausted.
- Ensured that discussion has occurred with the student and parents/guardians regarding specific misbehaviour that the school considers unacceptable and that may lead to expulsion.
- Provided formal verbal and written warnings at appropriate times dealing with such behaviours and provided clear expectations of what was required of the student in the future.
- Recorded all action taken and copied all correspondence.
- Informed the parents/guardians of his/her intention to recommend expulsion to the Board of Management.
- Invited the parents/guardians to the Board of Management hearing.

- Invited to parents/guardians to make a written submission in advance of the Board Meeting.
- Provided in advance the parents/guardians with a full, written description of the allegations against the student and the case being made at the Board, together with copies of all documentation, statements, and other materials supporting that case.
- Made a formal recommendation to the Board with full supporting documentation.

Following the actions outlined above, expulsion will still only occur after the Board of Management has:

- Heard the Principal's case against the student, which should be made in the presence of the parents/guardians.
- Heard the response of the parents/guardians.
- Examined all the documentation.
- Considered the student's record in the school.
- Ensured that the Principal is not present for the Board's decision on the matter.
- Discussed the case in detail.
- Considered all the commitments made in the Code of Behaviour.
- Made a final decision to exclude.
- Communicated the decision to exclude to the parents/guardians, formally by registered letter.
- Informed TUSLA using the appropriate documentation/templates.

The formal letter of notification by registered letter will include:

- Notice of the expulsion.
- Effective date of the expulsion.
- Reasons for the expulsion.
- A statement that TUSLA has been informed of the expulsion.
- A statement that the student is under the care and responsibility of the parents/guardians for the period of 20 days required by TUSLA to examine alternative provisions for the education of the student.



- Information and documentation on Appeal rights.

### **Suspension/Expulsion Appeals**

If the total number of days for which the student has been suspended in the current school year reaches **twenty days**, the parents, or a student aged over eighteen years of age, may appeal the suspension under Section 29 of the *Education Act 1998*.

At the time when parents are being formally notified of such a decision, they and the student shall be informed of the right to appeal. The appeal must be made in the first instance to the Education Officer of Limerick and Clare ETB or Designated Officer. Where an appeal to the ETB is concluded, parents, or a student aged over eighteen years, may appeal to the Secretary General of the Department of Education and Skills.

This policy was reviewed and ratified by the Board of Management on the 26<sup>th</sup> August 2020.