



Dunderrow National School

Revised Code of Behaviour Policy

Introductory Statement

This revised Code of Behaviour Policy was formulated by the Board of Management, staff and parents of Dunderrow National School in December 2009.

Rationale

It is necessary to review a Code of Behaviour at this particular time:

- To ensure an orderly climate for learning in the school
- It is a requirement under the Education Welfare Act, 2000, Section 23 (1) which refers to *the obligation on schools to prepare a code of behaviour in respect of the students registered at the school. It details in Section 23(2), that the code of behaviour shall specify:*
 - A. *The standards of behaviour that shall be observed by each student attending the school;*
 - B. *The measures that shall be taken when a student fails or refuses to observe those standards;*
 - C. *The procedures to be followed before a student may be suspended or expelled from the school concerned;*
 - D. *The grounds for removing a suspension imposed in relation to a student; and*
 - E. *The procedures to be followed in relation to a child's absence from school.*
- To ensure existing policy is in compliance with legal requirements and good practice as set out in *Developing a Code of Behaviour: Guidelines for Schools, NEWB, 2008.*

Relationship to characteristic spirit of the school

In our School Mission Statement we commit ourselves to promoting the well being of all the pupils in our care by developing the spiritual, emotional and physical potential of each individual.

We strive towards developing the full potential of every child in communication, literacy, numeracy and relevant life skills.

Aims

Dunderrow National School hopes to achieve the following by introducing this policy:

- To ensure an educational environment that is guided by our vision statement
- To allow the school to function in an orderly way where children can make progress in all aspects of their development
- To create an atmosphere of respect, tolerance and consideration for others
- To promote positive behaviour and self-discipline, recognising the differences between children and the need to accommodate these differences
- To ensure the safety and well being of all members of the school community

- To assist parent(s) / guardian(s) and pupils in understanding the systems and procedures that form part of the code of behaviour and to seek their co-operation in the application of these procedures
 - To ensure that the system of rules, rewards, and sanctions are implemented in a fair and consistent manner throughout the school.
- provide guidance in regard to behavioural expectations;
 - develop pupils' self-esteem and promote positive behaviour
 - facilitate the education and development of every child;
 - enable teachers to teach without disruption;
 - recognise that every member of the school community has a role to play in the implementation of the Code of Behaviour

Content of policy

The policy is addressed under the following headings.

- 1. Guidelines for behaviour in the school**
- 2. Whole school approach to promoting positive behaviour**
 - **Staff**
 - **Board of Management**
 - **Parent(s) / Guardian(s)**
 - **Pupils**
- 3. Positive strategies for managing behaviour**
 - **Classroom**
 - **Playgrounds**
 - **School related activities**
- 4. Rewards and sanctions**
 - **Rewards and acknowledgement of good behaviour**
 - **Strategies for responding to inappropriate behaviour**
 - **Involving parent(s) / guardian(s) in management of problem behaviour**
 - **Managing challenging, aggressive or violent behaviour**
- 5. Suspension / Expulsion**
 - **Suspension**
 - **Expulsion**
 - **Appeals**
- 6. Keeping records**
 - **School records**
- 7. Procedure for notification of a pupil's absence from school**
- 8. Reference to other policies**

1. Guidelines for behaviour in the school

The Education Welfare Act, Section 23, states that the code of behaviour shall specify “*the standards of behaviour that shall be observed by each student attending the school*”.

The standards of behaviour Dunderrow National School wishes to promote are:

- ❖ Each pupil is expected to be well behaved and to show consideration for other children and adults
- ❖ Each pupil is expected to show respect for the property of the school, other children's and their own belongings
- ❖ Each pupil is expected to attend school on a regular basis and to be punctual
- ❖ Each pupil is expected to do his/her best both in school and for homework.

In devising the code, consideration has been given to the particular needs and circumstances of this school. The aim of this code is to ensure that the individuality of each child is accommodated, while acknowledging the right of each child to education in a relatively disruption free environment.

Section 23 (4) of the Act further states that, prior to registering a pupil, the principal teacher shall provide the parents of the child with a copy of the school's code of behaviour and that the principal ' , as a condition of so registering such child, require his or her parents to confirm in writing that the code of behaviour so provided is acceptable to them and that they shall make all reasonable efforts to ensure compliance with such code by the child'.

2. Whole school approach in promoting positive behaviour

The elements of a whole school approach to behaviour include

- *An ethos, policies and practices that are in harmony*
- *A teamwork approach to behaviour*
- *A whole-school approach to curriculum and classroom management*
- *An inclusive and involved school community*
- *A systematic process for planning and reviewing behaviour policy*

In Dunderrow National School, a whole school approach to the promotion of positive behaviour is implemented by all the school community.

Staff

Every effort will be made by all members of staff to adopt a positive approach to the question of behaviour in the school. The code offers a framework within which positive techniques of motivation and encouragement are utilised by teachers.

Staff are expected to:

- support and implement the school's code of behaviour;
- be cognisant of their duty of care;
- create a safe, welcoming environment for each pupil;
- develop and nurture a sense of self-esteem in each pupil;
- praise desirable behaviour;
- facilitate pupils to reach their full academic potential;
- recognise and provide for individual talents and differences among pupils;
- be courteous, consistent and fair;
- keep opportunities for disruptive behaviour to a minimum;
- deal appropriately with misbehaviour;
- keep a record of serious misbehaviour or repeated instances of misbehaviour;
- listen, at appropriate times, to pupils' explanations for behaviour;

- provide support for colleagues

Staff have the right to :

- be treated with respect;
- teach in a safe, well-maintained physical environment, relatively free from disruption;
- support and co-operation from colleagues, ancillary staff and parents in order to achieve the school's aims and objectives;
- appropriate support services to cater for the psychological, emotional and physical needs of the pupils;
- be listened to, and participate in decision-making which affects their own work and that of the school in general;
- an atmosphere that encourages professional development;
- support and professional advice from the board of management, Department of Education and Science, National Education Welfare Board, National Council for Special Education and National Educational Psychological Service;
- appeal in accordance with agreed procedures.

Board of Management:

The Board has a duty of care for the children attending the school;

The Board has particular responsibility for the ethos of the school, as well as having overall responsibility for school policies.

- ❖ The Board of Management therefore has been consulted in reviewing and redrafting of the code of behaviour
- ❖ The Board ensures that the school has a code of behaviour drawn up in consultation with and known to parents.
- ❖ The Board of Management will support the code of behaviour in the school on an ongoing basis.
- ❖ The Board of Management will support the staff in implementing the code of behaviour through the provision of opportunities for staff development.
- ❖ Procedures are in place for the Board of Management to deal with serious breaches of behaviour. (as outlined in the “Code of Behaviour Guidelines 2008”).
- ❖ The Board is aware of its obligations for all members of the school community under the Safety, Health and Welfare at Work Act (2005);

Parent(s) / Guardian(s)

It is agreed that a high standard of behaviour requires a strong sense of community within the school and a high level of co-operation among staff and between staff, pupils and parent(s) / guardian(s).

School-Parent co-operation is very important.

Responsibilities of Parents/Guardians

Parents/Guardians are expected to:

- read the code of behaviour and sign the consent form on child's enrolment .
- encourage children to have a sense of respect for themselves, for others, for their own property and that of others;
- ensure that children attend school regularly and punctually;
- be interested in, support and encourage their children's school work;
- ensure that their children have the correct books and other materials;
- support the implementation of school policies
- co-operate with teachers in instances where their child's behaviour is causing difficulties for others;
- communicate to the school problems which may affect a child's behaviour.
- be aware of and cooperate with the school's rules and system of rewards and sanctions
- attend meetings at the school if requested
- help their children with homework and ensure that it is completed
- encourage their children to wear their full school uniform

Parents and Guardians should:

- be treated with respect;
- have a safe and welcoming environment for their child;
- obtain recognition of individual differences among pupils, having due regard for the resources that are available;
- have fair and consistent procedures applied to the school's dealings with pupils;
- communicate with teachers on matters of mutual interest or concern;
- have contact at an early stage to discuss difficulties / problems;
- receive progress reports in accordance with agreed school policy;
- receive information on school policies and procedures.
- be consulted in relation to the school's code of behaviour;
- appeal in accordance with agreed procedures.

In the belief that the most effective schools tend to be those with the best relationships with parent(s) / guardian(s), every effort will be made by the Principal Teacher and staff to ensure that parent(s) / guardian(s) are kept well informed, that the school provides a welcoming atmosphere towards parent(s) / guardian(s), that the parent(s) / guardian(s) are not only told when their children are in trouble but when they have behaved well also. We ask all parent(s) / guardian(s) to uphold school policies and teachers decisions. Problems arising over school matters should be discussed with the class teacher initially and the Principal Teacher in a spirit of confidence and trust.

Parent(s) / guardian(s) are involved in the formulation and implementation of this policy through reviewing the draft policy and making submissions if required.

Please note final authority rests with the Board in accepting or rejecting such amendments.

The code of behaviour is provided to all parent(s) / guardian(s) on the enrolment of their child at Dunderrow National School .

Pupils

- Pupils are involved in drafting the code of behaviour through the development of class rules and general school rules
- Pupils play an important part in the ongoing implementation of the code of behaviour by
 - Revising rules for the classroom at the start of each term
 - Co – operating with the Code of behaviour in their school life
 - Reading, discussing and signing the Code of Behaviour along with their parent(s) / guardian(s)

Pupils are encouraged to:

- attend school regularly and punctually;
- work quietly, safely and to the best of their ability at all times;
- listen to their teachers and act on instructions / advice;
- listen to other pupils and await their turn to speak;
- show respect for all members of the school community;
- respect the right of other pupils to learn;
- care for their own property;
- respect all school property and the property of other pupils;
- avoid behaving in any way which would endanger others
- avoid all nasty remarks, swearing or name-calling;
- include other pupils in games and activities;
- move quietly around the school;
- keep the school clean and tidy;
- bring the correct materials and books to school;
- stay on school premises and within designated areas during school times;
- follow school and class rules.

Pupils can expect to:

- be treated fairly, consistently and with respect;
- to be educated and to learn and in a relatively disruption-free environment;
- be safe from bullying and abuse;
- have their individual differences recognised and catered for;
- be listened to, and to question, at appropriate times;
- make mistakes and to learn from them;
- have positive behaviour affirmed;
- have misbehaviour dealt with appropriately.

From the above it is accepted that:

- ❖ The school places greater emphasis on rewards than on sanctions in the belief that this will, in the long run, give the best results.
- ❖ The school recognises the variety of differences that exist between children and the need to accommodate these differences
- ❖ The rules are devised with the health, safety and welfare of all members of the school community in mind.

- ❖ The overall responsibility for discipline within the school rests with the Principal Teacher. Each teacher has responsibility for the maintenance of discipline within his/her classroom while sharing a common responsibility for good order within the school premises. A pupil may be referred to the Principal Teacher by a member of staff for serious breaches of discipline, disruptive behaviour or for repeated incidents of minor misbehaviour.
- ❖ At the start of each school year class and school rules are revised and developed by the teacher in consultation with the children through SPHE lessons. Through our visual arts curriculum the pupils get opportunities to present and display their classroom rules.
- ❖ The staff insists on honest effort and commitment from the pupils and a high standard of behaviour.
- ❖ The teaching staff will meet the parent(s) / guardian(s) formally once a year.
- ❖ The teachers of Dunderrow National School base their work on the philosophy that each student is directed and helped to be the best person he/she is capable of becoming. In order to undertake this task, the teachers need the help and co-operation of the parent(s) / guardian(s) at all times. Parent(s) / guardian(s) are encouraged to help their children to learn, practise good behaviour, and have a positive attitude towards themselves, towards other people, and towards the school.
- ❖ When the teacher wishes to contact a parent / guardian, he/she may do so by arranging a meeting with the parent / guardian giving some idea of the matter to be discussed. Parent(s) / guardian(s) are welcome to call to the school to discuss children's progress. If possible try to call at a time when class will not be disrupted. If a parent / guardian wishes to meet a teacher it is appropriate to make an appointment so that the teacher may give the parent / guardian his/her undivided attention. In this way it will be possible to make arrangements for the class to be supervised in the interest of their safety and the confidentiality of the matter under discussion.
- ❖ The code of behaviour caters for children who may present behavioural difficulties arising from their individual special education needs through use of specific strategies outlined in their I.E.P. with behavioural targets.
Every effort will be made to have an emotionally disturbed child referred for psychological assessment without delay. Help will be sought from the support services within the wider community, e.g. Community Care Services provided by the Health Boards, N.E.P.S. or Co Action.

The school's SPHE curriculum is used to support the code of behaviour. It aims to help our children develop communication skills, appropriate ways of interacting and behaving, and conflict resolution skills. It also aims to foster self-esteem and to help children accommodate differences and develop citizenship.

Parents of newly enrolled children are informed about the SPHE curriculum and are given a copy of the RSE programme agreed in Dunderrow National School

3. Positive strategies for managing behaviour

Classroom

The positive strategies we use to effectively manage behaviour in the classroom include:

- Behavioural expectations in each class that are consistent with the ethos as expressed in the code of behaviour and which set a positive atmosphere for learning are promoted on an ongoing basis
- Pupil input in devising the class rules
- Teachers ensure that pupils understand and are frequently reminded of how they are expected to behave
- Good behaviour is acknowledged and rewarded and sanctions for misbehaviour are clearly understood
- Pupil interest and motivation is sustained through a variety of activities and methodologies.
- Timetabling.

Playground(s)

- Playground rules which emphasise positive behaviour are clearly understood by all staff and pupils
- Supervision is maintained in the playground at all breaks and clear playing boundaries are established
- Playground games are taught to children in the junior classes.
- On wet days children remain in their class room under teacher supervision
- Procedures are in place to manage incidents of misbehaviour: i.e time-out, withdrawal of privileges.

School related activities

Standards and rules contained in the code of behaviour will apply in any situation where pupils are still the responsibility of the school. e.g. school tours, games and extra curricular activities, other school-linked events ...

4. Rewards and Sanctions

Rewards and acknowledgement of good behaviour

Good behaviour is recognised and acknowledged by both the class teacher and the Principal and good reports are communicated verbally.

Strategies to Affirm Desirable Behaviour

Strategies for Individual Pupils may include:

- Certificates or Merit Awards.
- Comments and "smiley" faces on children's work.
- Stickers, badges or ink stamps in book
- Special activity.
- Photographs of award winners taken and displayed.
- Work displayed. Quality Circle Time.

Class/Group Rewards may include:

- Class treat

- Positive comment from principal.
- Outdoor activities.
- Work exhibited.
- Reward assemblies.
- Class prizes.

Undesirable Behaviour in Pupils

Some misdemeanours include:

- being unkind to any member of the school community;
- speaking out of turn, interrupting others and being inattentive;
- preventing others from learning;
- being unwilling or unable to abide by accepted conventions;
- defacing or destroying other pupils' belongings or school property;
- directing abusive language at any members of the school community;
- acting aggressively or with violence towards members of the school community;
- refusing to co-operate with instructions and advice;

Strategies and Sanctions for Dealing with undesirable behaviour

The strategies used in Dunderrow National School in response to incidents of inappropriate behaviour may include the following:

- reprimand;
- reasoning with the pupil
- make it clear that it is the behaviour which is being criticised and not the person;
- sanctions should be logical, and leave the child's dignity intact;
- sanctions should be proportionate to the misdemeanour committed e.g;
 - temporary separation from peers;
 - extra work either in school or for homework;
 - detention at breaks
 - time out in another class
- early escalation to severe sanctions should be avoided;
- avoid where possible whole class/whole group sanctions;
- encourage children to contribute to the solving of behaviour problems;
- apply rules consistently but take of account of individual circumstances;
- limit use of participation in a curricular area such as Physical Education as a sanction;
- teachers should keep a record of continuous inappropriate behaviour and all instances of serious unacceptable behaviour;
- design a behaviour management plan;
- inform parents as soon as difficulties develop with regard to behaviour

Strategies to Prevent Escalation of undesirable behaviour

- a non-verbal signal such as a look or a frown;
- change in tone of voice;
- stop speaking and wait for attention;
- overlook or ignore the undesirable behaviour;
- move the child to another seat;
- speak to the child, remind the child of the rule which is being broken and encourage him / her to keep the rule.

Challenging Behaviour

There is no universally accepted definition of challenging behaviour. Behaviour is defined as acceptable or not in a social context, and is also shaped by the broader environment in which people interact with each other.

Emerson et al (1987) have developed a definition of challenging behaviour that has become widely used in the context of learning disabilities:

"behaviour of such intensity, frequency and duration that the physical safety of the person or others is likely to be placed in serious jeopardy or behaviour which is likely to seriously limit or delay access to, and use of ordinary facilities"

In general terms, teachers accept that challenging behaviour in the school context encompasses behaviour that:

- interferes with the pupil's own and/or other pupils' learning;
- challenges the day to day functioning of the school;
- challenges the right of staff and pupils to a safe and orderly environment;
- has a duration, frequency, intensity or persistence that is beyond the normal range of what schools tolerate;
- Pupil is less likely to be responsive to the usual range of stereotypical behaviour interventions used by the school for pupil misbehaviour.

An examination of the behaviour records of most primary schools will provide clear examples of different types of challenging behaviour which are displayed by children. These include:

- **aggressive behaviour**, which can include pushing, punching, kicking, biting, scratching and threatening behaviour;
- **disruptive behaviour**, which can include screaming, tantrums, verbal abuse, non co-operation, running away;
- **destructive behaviour**, which can include destruction of property and the environment;
- **withdrawn behaviour**, which can include failure to respond, or avoidance of people or activities.
- **self-injurious behaviour**, including head banging, scratching and poking.

Sanctions as outlined above will be applied to help pupils change inappropriate behaviour

- A staged approach is used so that initially misbehaviour is dealt with by class teacher by way of warning and/or advice but, if it is more serious or persistent, the parent(s) / guardian(s) may be involved.
- The Principal will be involved in cases of serious misbehaviour. The Chairperson of the Board of Management Dunderrow National School will be involved at the discretion of the Principal in cases of serious misbehaviour.
- Dunderrow National School ensures consistency in the application of all sanctions in line with fair procedures as outlines in the "Code of Behaviour Guidelines 2008"
Teachers shall keep a record of all instances of serious misbehaviour as well as a record of improvements in the behaviour of disruptive pupils.
Before resorting to serious sanctions, e.g. suspension, the normal channels of communication between school and parent(s) / guardian(s) will be utilised.
Parent(s) / guardian(s) will be involved at an early stage, rather than as a last resort.

Involving parent(s) / guardian(s) in management of problem behaviour

Communication with parent(s) / guardian(s) will be verbal or by letter, depending on the circumstances.

The parent(s) / guardian(s) concerned will be invited to come to school to discuss their child's case.

For gross misbehaviour or repeated instances of serious misbehaviour suspension will be considered.

Aggressive, threatening or violent behaviour towards a member of staff will be regarded as serious or gross misbehaviour, depending on circumstances.

Where there are repeated instances of serious misbehaviour, the Chairperson of the Board of Management will be informed and the parent(s)/ guardian(s) will be requested in writing to attend at the school to meet the Chairperson the Principal Teacher and the class teacher.

If the parent(s) / guardian(s) do not give an undertaking that the pupil will behave in an acceptable manner in the future the pupil may have to be suspended for a temporary period.

Suspension will be in accordance with the terms of Rule 130(5) of the Rules for National Schools.

In the case of gross misbehaviour the Board shall authorise the Chairperson or Principal Teacher to sanction an immediate suspension, pending a discussion of the matter with the parent(s) / guardian(s).

Managing aggressive or violent misbehaviour

- Strategies used for dealing with serious emotional and behavioural problems are:
 - Children who are emotionally disturbed are immediately referred for psychological assessment.
 - Through the Special Educational Needs Organiser, appropriate support is sought from services available e.g. Health Service Executive, NEPS, ...
- In the event of seriously violent or threatening behaviour causing a risk to the safety of the pupil himself/herself or the safety of other pupils or staff, immediate contact would be made with the parent(s) / guardian(s) and an immediate suspension may be put in place.

5. Suspension / Expulsion

Dunderrow National School implements the procedures in relation to Suspension and Expulsion as laid out in *Developing a Code of Behaviour: Guidelines for Schools, NEWB, 2008*

{See Appendix 1, 2, 3.}

- Appendix 1 - Ch. 10 Suspensions and expulsions: legal and procedural requirements
- Appendix 2 - Ch. 11 Suspension
- Appendix 3 - Ch. 12 Expulsion

Suspension

Refer to Appendix 2 (pages 70-78, "*Developing a Code of Behaviour: Guidelines for Schools*", *NEWB, 2008*)

Expulsion

Refer to Appendix 3 (pages 80-87, “*Developing a Code of Behaviour: Guidelines for Schools*”, *NEWB, 2008*)

Appeals

Under Section 29 of the Education Act, 1998, parents (or pupils who have reached the age of 18) are entitled to appeal to the Secretary General of the Department of Education and Science against some decisions of the Board of Management, including (1) permanent exclusion from a school and (2) suspension for a period which would bring the cumulative period of suspension to 20 school days or longer in any one school year. Accordingly, schools should advise parent(s) / guardian(s) of this right of appeal and associated timeframe if it has been decided to suspend or permanently exclude a pupil. Appeals must generally be made within 42 calendar days from the date the decision of the school was notified to the parent / guardian or student. (See Appendix 4: Circular 22/02)

- The parent(s)/guardian(s) are informed of their entitlement to appeal a decision of the Board of Management in relation to suspension or expulsion by the Chairperson of the Board of Management of Dunderrow National School. (See Appendix 2; 11.7)
- The Chairperson of the Board of management will prepare a response if and when an appeal is being investigated by the Dept. of Education and Science (Appendix 4, Circular 22/02 – Processing of an Appeal)

6. Keeping records

- o Teachers maintain records in relation to misbehaviour when necessary and the Principal is kept informed of all serious misbehaviour.
- o When a misbehaviour is reported to principal, child interviewed by principal and written records will be kept when warranted. These written records will be stored in “Incidents File” in principals office.

7. Procedures for notification of pupil absences from school

- Parent(s) / guardian(s) are expected to communicate the reasons for the non-attendance of their child in Dunderrow National School by:
 - ❖ Notifying the Principal of the cause of absence not later than the third day of absence (Notifying the Principal by phone)
 - ❖ Sending a signed, dated explanation of absence when the pupil returns to school.
- All absence notes are recorded by the class teacher on an individual monitoring sheet maintained for all pupils.

(See Attendance Policy of Dunderrow National School)

8. Reference to other Policies

Other school policies that have a bearing on the code of behaviour include:

- o SPHE plan
- o Anti-bullying

- o Positive Staff Working Relations. Bullying / Harassment Policy
- o Enrolment
- o Data Protection and Record keeping
- o Home / School links
- o Health & Safety
- o Equal Opportunity / Gender Equity
- o Attendance
- o Positive School Atmosphere
- o Supervision
- o Substance Use

Success Criteria

Some practical indicators of the success of the policy

- *Observation of positive behaviour in class rooms, playground and school environment*
- *Practices and procedures listed in this policy being consistently implemented by teachers*
- *Positive feedback from teachers, parents and pupils*

Roles and Responsibility

People who have particular responsibilities for this policy include

- *Principal*
- *Class teacher*
- *Resource and Learning Support teachers,*
- *Parent(s) / guardian(s)*
- *Pupils*
- *Education Welfare Officer*
- *Board of Management*

Implementation Date

This policy will apply from January 2010.

Timetable for Review

The operation of this new policy will be reviewed and, if necessary, amended within two years.

Ratification & Communication

This policy has been ratified by the Board of Management of Dunderrow National School at a meeting held on _____

and will be implemented as and from January 2010..

Signed: _____ Date: _____
 Chairperson Board of Management
 Dunderrow National School.

The ratified policy will be available on request at the school.

Revised Code Of Behaviour December 2009

10

Suspensions and expulsions:
legal and procedural requirements



Suspensions and expulsions: legal and procedural requirements

Access to education shapes the life chances of children and young people in a fundamental way. For this reason, a proposal to exclude a student, through suspension or expulsion, is a serious step, warranted only by very serious misbehaviour.

10.1 The legal context

The entitlement to education is protected in a range of constitutional and legal provisions and in human rights Conventions. These legal protections for the individual student's right to education mean that decisions to suspend or expel a student are open to appeal and may be subject to judicial review by the High Court.

Schools are required, under section 23(2) of the *Education (Welfare) Act 2000*, to include their procedures for suspension and expulsion in their code of behaviour.

10.2 The responsibility of the Board of Management

The Board of Management should:

- ensure that the school has a policy on, and procedures for, the use of suspension and expulsion that are in line with these Guidelines and with any additional requirements set down by the Patron
- ensure that all students and parents are advised about, and aware of, the school's policy for suspension and expulsion
- ensure that fair procedures are used for suspension and expulsion and that all staff are aware of those procedures
- take special care to ensure that the fair procedures are accessible to people with disabilities or those from different language or cultural backgrounds
- ensure that the Board of Management and the Principal are equipped for their roles in relation to the use of suspension and expulsion.

Time and timeliness

The Board of Management and Principal have a duty to ensure that there are no undue delays in an investigation and in making decisions about the imposition of suspension or expulsion.

Confidentiality

Great care should be taken to ensure that all matters to do with an investigation of alleged misbehaviour are dealt with in confidence.

10.3 Fair procedures based on the principles of natural justice

Schools are required by law to follow fair procedures when proposing to suspend or expel a student. The requirement for fair procedures derives from the Constitution of Ireland, international Conventions and case law.

Fair procedures have two essential parts:

- **the right to be heard**
- **the right to impartiality.**

The **right to be heard** means:

- the right to know that the alleged misbehaviour is being investigated
- the right to know the details of the allegations being made and any other information that will be taken into account
- the right to know how the issue will be decided
- the right to respond to the allegations
- where the possible sanction is of a serious nature, the right to be heard by the decision-making body
- where the possible sanction is of a serious nature, the right to ask questions of the other party or witnesses where there is a dispute about the facts.

The **right to impartiality** means:

- the right to an absence of bias in the decision-maker
- the right to impartiality in the investigation and the decision-making.

Freedom from bias entails ensuring that a person with an interest in the matter is not involved in the investigation or decision-making. If a person has pre-conceived opinions, a vested interest or personal involvement in the matter, they should not attempt to settle that matter.

An impartial process is one that allows a decision to be made based on an unbiased evaluation of information and evidence. Generally, impartiality requires that the investigation is separated from the process of making a decision so that the decision-maker comes to the task with an open mind.

10.4 Applying fair procedures in school

In a school, fair procedures apply to:

- the **investigation** of alleged misbehaviour that may lead to suspension or expulsion and
- the process of **decision-making** as to (a) whether the student did engage in the misbehaviour and (b) what sanction to impose.

The way in which fair procedures are applied will take account of the seriousness of the alleged misbehaviour and will have regard to what is reasonable in the context of a particular school.

The **principles** of fair procedures always apply, but the degree of formality required in implementing fair procedures will depend on the gravity of the alleged misbehaviour and on the seriousness of the possible

sanction. The level of formality required, for example for a suspension of fewer than three days, would be less than that required in the case of a longer suspension or in circumstances that might lead to an expulsion.

Even informal processes, however, must be fair and be seen to be fair. The principles of ensuring *the right to be heard* and *the right to impartiality* apply in all cases.

The **right to be heard** means that a student and their parents are fully informed about an allegation and the processes that will be used to investigate and decide the matter; and that they must be given an opportunity to respond to an allegation **before** a decision is made and before a serious sanction is imposed.

Absence of bias in the decision-maker would mean, for example that if the child of the Principal was accused of misconduct that might warrant suspension or expulsion, the Principal would not be involved in the decision. Similarly, if the child of a member of the Board of Management was accused of misconduct, that parent would absent themselves from the Board for any consideration of the matter by the Board.

The principle of **impartiality in decision-making** means it is preferable that, where possible, the Principal arranges for another member or members of staff to conduct the investigation and to present a full report on the facts of the case and any other relevant information to the Principal. The Principal is then free to take a view about whether the student did engage in the behaviour and about the sanction, based on the report of the investigation.

Where circumstances require the Principal to conduct the investigation as well as making a finding and proposing the sanction, he or she must not only act fairly but be seen to act fairly. It is incumbent upon the Principal to review the investigation to ensure that it has been fully and fairly conducted. It should be evident to the student, parents, staff and other students that the Principal, as decision-maker, is basing their decision, in an objective way, on the findings of the investigation.

The person alleging the misbehaviour, or who is a victim, or a witness should not usually conduct the investigation.

Thoughtful application of professional judgement and knowledge of the requirements of fair procedures will generally guide decision-making about suspension and expulsion. However, in circumstances of particular complexity, school authorities may need to seek legal advice to support their decision-making.

10.5 Students aged eighteen years or more

The provisions of the Guidelines relating to parents apply to the student, where the student has reached eighteen years (*Age of Majority Act 1985*). Occasions may therefore arise when an adult student requests the school to restrict or limit communication with their parents or to limit parental involvement in matters relating to their education. In such circumstances, schools are advised, particularly in relation to suspension and expulsion matters, to inform the parents of the student about the change in practice and the reasons.

10.6 Involving the Gardaí

Where allegations of criminal behaviour are made about a student, these will usually be referred to the Gardaí who have responsibility for investigating criminal matters. The Juvenile Liaison Officer can be a significant source of support and advice for the school and the student.

11

Suspension



Suspension

For the purpose of these Guidelines, suspension is defined as:

requiring the student to absent himself/herself from the school for a specified, limited period of school days.

During the period of a suspension, the student retains their place in the school.

As part of the code of behaviour, the Board of Management should ensure that the school has a policy on, and procedures for, the use of suspension which are in line with these Guidelines and with any additional requirements set down by the Patron.

11.1 Authority to suspend

The Board of Management of a recognised school has the authority to suspend a student. Where this authority is delegated to the Principal, the delegation should be done formally and in writing.

The authority delegated to the Principal in respect of suspension should state any limits on that authority, and specify how the Principal is accountable to the Board of Management for his or her use of that authority. The delegation of authority should reflect the provisions of these Guidelines, any relevant legal requirements and Articles of Management, where appropriate.

Schools and colleges established or maintained by a VEC

In the case of schools and colleges established or maintained by a VEC, the VEC holds the authority to suspend a student. That authority may be devolved under section 31 of the *Vocational Education (Amendment) Act 2001* by the VEC to the Board of Management of a school. The VEC should ensure that the scope of the authority given is in line with the provisions of these Guidelines, Articles of Management or Model Agreement and any relevant legal requirements.

Where a Board of Management proposes to delegate this authority to the Principal, the Board should make a formal delegation arrangement taking due account of the provisions of the *Vocational Education (Amendment) Act 2001*.

11.2 The grounds for suspension

Suspension should be a proportionate response to the behaviour that is causing concern.

Suspension should be a proportionate response to the behaviour that is causing concern. Normally, other interventions will have been tried before suspension, and school staff will have reviewed the reasons why these have not worked. 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 student's continued presence in the school at this time constitutes a threat to safety
- the student is responsible for serious damage to property.

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

11.3 Determining the appropriateness of suspending a student

Where the purpose of a proposed suspension is clearly identified, and that purpose cannot be achieved in any other way, suspension can have value.

Suspensions can provide a respite for staff and the student, give the student time to reflect on the link between their action and its consequences and give staff time to plan ways of helping the student to change unacceptable behaviour.

However, suspension can be counter-productive if used without a clear rationale or without measuring its impact and value. School management should consider the risk of any unwanted outcomes from suspension, such as an increased sense of alienation from school that could lead to a cycle of behavioural and academic problems.

Factors to consider before suspending a student

The nature and seriousness of the behaviour

- What is the precise description of the behaviour?
- How persistent has the unacceptable behaviour been?
- Has the problem behaviour escalated, in spite of the interventions tried?

The context of the behaviour

- What are the circumstances of the incidents of serious misbehaviour (e.g. in class, in a particular teacher's class, in the yard, in a group)?
- What factors may have triggered incidents of serious misbehaviour (e.g. bullying, cultural or family factors)?
- What is the age, stage of development and cognitive ability of the student?
- Are there any factors that may be associated with the behaviour (e.g. particular home circumstances, special educational needs)?

The impact of the behaviour

- How are other students and staff affected by the student's behaviour?
- What is the impact of the behaviour on the teaching and learning of the class?
- Does the behaviour have a particular or greater impact on some students or teachers?
- Does the student understand the impact of their behaviour on others?

The interventions tried to date

- What interventions have been tried? Over what period?
- How have the interventions been recorded and monitored?
- What has been the result of those interventions?
- Have the parents been involved in finding a solution to the problem behaviour?
- Has the intervention of NEPS or other psychological assessment or counselling been sought, where appropriate?
- Are any other interventions such as peer mediation, restorative justice approaches or family conferencing available?
- Is the student or parent involved with any support service and has this agency or support service been asked for help in solving this problem?
- Has any other agency been asked for assistance (e.g. Child Guidance Clinic, Child and Adolescent services)?

Whether suspension is a proportionate response

- Does the student's behaviour warrant suspension?
- Is the standard being applied to judging the behaviour the same as the standard applied to the behaviour of any other student?

The possible impact of suspension

- Will suspension allow additional or alternative interventions to be made?
- Will suspension help the student to change the inappropriate behaviour?
- How will suspension help teachers or other students affected by the behaviour?
- Will suspension exacerbate any educational vulnerability of the student?

Suspension as part of a behaviour management plan

Suspension should be part of an agreed plan to address the student's behaviour. The suspension should:

- enable the school to set behavioural goals with the student and their parents
- give school staff an opportunity to plan other interventions
- impress on a student and their parents the seriousness of the behaviour.

11.4 Forms of suspension

| | |
|--|---|
| Immediate suspension | In exceptional circumstances, the Principal may consider an immediate suspension to be necessary where the continued presence of the student in the school at the time would represent a serious threat to the safety of students or staff of the school, or any other person. Fair procedures must still be applied. |
| Suspension during a State examination | <p>This sanction should normally be approved by the Board of Management and should only be used where there is:</p> <ul style="list-style-type: none"> • a threat to good order in the conduct of the examination • 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. <p>The sanction should be a proportionate response to the behaviour. For example, it would rarely be appropriate for a first offence, unless there is a threat to the good order of the conduct of the examination.</p> <p>This sanction should be treated like any other suspension, and the principles and fair procedures governing suspensions should be applied.</p> <p>The DES <i>Best Practice Guidelines concerning Certificate Examinations</i> offer guidance to schools.</p> |
| 'Automatic' suspension | A Board of Management may decide, as part of the school's policy on sanctions, and following the consultation process with the Principal, parents, teachers and students, that particular named behaviours incur suspension as a sanction. However, a general decision to impose suspension for named behaviours does not remove the duty to follow due process and fair procedures in each case. |

Inappropriate use of suspension

Students should not usually be suspended for:

- poor academic performance
- poor attendance or lateness
- minor breaches of the code of behaviour.

However, any behaviour that is persistently disruptive to learning or potentially 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.

Rolling suspension

A student should not be suspended again shortly after they return to school unless:

- they engage in serious misbehaviour that warrants suspension and
- fair procedures are observed in full and
- the standard applied to judging the behaviour is the same as the standard applied to the behaviour of any other student.

Informal or unacknowledged suspension

Exclusion of a student for part of the school day, as a sanction, or asking parents to keep a child from school, as a sanction, is a suspension. Any exclusion imposed by the school is a suspension, and should follow the Guidelines relating to suspension.

Open-ended suspension

Students should not be suspended for an indefinite period. Any such suspension would be regarded as a de-facto expulsion and would be treated as such under section 29 of the *Education Act 1998*.

11.5 Procedures in respect of suspension

Schools are required by law to follow fair procedures when proposing to suspend a student (see **10.3** and **10.4** for more detail). Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant suspension, the school should observe the following procedures:

- inform the student and their parents about the complaint
- give parents and student an opportunity to respond.

Inform the student and parents

Let the student and their parents know about the complaint, how it will be investigated, and that it could result in suspension.

Parents may be informed by phone or in writing, depending on the seriousness of the matter. Informing parents in writing has the benefit of ensuring that there is a formal and permanent record of having let

parents know. It also ensures that parents are clear about what their son or daughter is alleged to have done. It serves the important function of underlining to parents the seriousness with which the school views the alleged misbehaviour.

Give an opportunity to respond

Parents and student should be given an opportunity to respond before a decision is made and before any sanction is imposed.

A meeting with the student and their parents provides an opportunity for them 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. It may also be an opportunity for parents to make their case for lessening the sanction, and for the school to explore with parents how best to address the student's behaviour. If a student and their parents fail to attend a meeting, the Principal should write advising 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 negative behaviour. The school should record the invitations made to parents and their response.

Procedures in relation to immediate suspension

Where an immediate suspension is considered by the Principal to be warranted for reasons of the safety of the student, other students, staff or others, a preliminary investigation should be conducted to establish the case for the imposition of the suspension. The formal investigation should immediately follow the imposition of the suspension. All of the conditions for suspension apply to immediate suspension. No suspension, including an immediate suspension, should be open-ended.

In the case of an immediate suspension, parents must be notified, and arrangements made with them for the student to be collected. The school must have regard to its duty of care for the student. In no circumstances should a student be sent home from school without first notifying parents.

11.6 The period of suspension

A student should not be suspended for more than three days, except in exceptional circumstances where the Principal considers that a period of suspension longer than three days is needed in order to achieve a particular objective. Each Board of Management should provide guidance to the Principal concerning the kinds of circumstances under which suspensions of longer than three days might be approved.

If a suspension longer than three days is being proposed by the Principal, the matter should be referred to the Board of Management for consideration and approval, giving the circumstances and the expected outcomes.

However, a Board of Management may wish to authorise the Principal, with the approval of the Chairperson of the Board, to impose a suspension of up to five days in circumstances where a meeting of the Board cannot be convened in a timely fashion, subject to the guidance concerning such suspensions.

The Board of Management should normally place a ceiling of ten days on any one period of suspension imposed by it.

The Board should 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 twenty days or more. Any such suspension is subject to appeal under section 29 of the *Education Act 1998* (see **11.7 Appeals**).

These provisions enable school authorities to give the student a reasonable time to reflect on their behaviour while avoiding undue loss of teaching time and loss of contact with the positive influences of school. They recognise the serious nature of the sanction of suspension and ensure that this seriousness is reflected in school procedures. The provisions mean that the Board of Management takes ultimate responsibility for sanctions of significant length, especially where such suspensions might reach twenty days in one school year and therefore might lead to an appeal.

11.7 Appeals

The Board of Management should offer an opportunity to appeal a Principal's decision to suspend a student. In the case of decisions to suspend made by the Board of Management (see **11.6**), an appeals process may be provided by the Patron.

Section 29 Appeal

Where 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, may appeal the suspension under section 29 of the *Education Act 1998*, as amended by the *Education (Miscellaneous Provisions) Act 2007*.

At the time when parents are being formally notified of such a suspension, they and the student should be told about their right to appeal to the Secretary General of the Department of Education and Science under section 29 of the *Education Act 1998*, and should be given information about how to appeal.

If the student is attending a school under the management of a VEC, the appeal must be made in the first instance to the VEC. Where an appeal to the VEC is concluded, parents, or a student aged over eighteen years, may appeal to the Secretary General of the Department of Education and Science.

11.8 Implementing the suspension

Written notification

The Principal should notify the parents and the student in writing of the decision to suspend. The letter should 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 (for example, parents might be asked to reaffirm their commitment to the code of behaviour)
- the provision for an appeal to the Board of Management
- the provision for an appeal to the VEC, if appropriate
- the right to appeal to the Secretary General of the Department of Education and Science (*Education Act 1998*, section 29).

The letter should be clear and easy to understand. Particular care should be taken in communicating with parents who may have reading difficulties, or whose first language is not the language of the school.

Engaging with student and parents

Where a decision to suspend has been made, it can maximise the impact and value of suspension if the Principal or another staff member delegated by the Principal meets with the parents to emphasise their responsibility in helping the student to behave well when the student returns to school and to offer help and guidance in this.

Where parents do not agree to meet with the Principal, written notification will serve as notice to impose a suspension.

11.9 Grounds for removing a suspension

A suspension may be removed if the Board of Management decides to remove the suspension for any reason or if the Secretary General of the Department of Education and Science directs that it be removed following an appeal under section 29 of the *Education Act 1998*.

11.10 After the suspension ends

A period of suspension will end on the date given in the letter of notification to the parents about the suspension.

Re-integrating the student

The school should have a plan to help the student to take responsibility for catching up on work missed. This plan will help to avoid the possibility that suspension starts or amplifies a cycle of academic failure. Successful re-integration goes beyond academic work. A suspended student may feel angry or resentful about their suspension, and these feelings can trigger problems with re-integration which, in turn, may lead to further problem behaviour. Where possible, the school should arrange for a member of staff to provide support to the student during the re-integration process.

Clean slate

When any sanction, including suspension, is completed, a student should be given the opportunity and support for a fresh start. Although a record is kept of the behaviour and any sanction imposed, once the sanction has been completed the school should expect the same behaviour of this student as of all other students.

11.11 Records and reports

Records of investigation and decision-making

Formal written records should 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.

Report to the Board of Management

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

Report to NEWB

The Principal is required to report suspensions in accordance with the NEWB reporting guidelines (*Education (Welfare) Act, 2000, section 21(4)(a)*).

11.12 Review of use of suspension

The Board of Management should 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.

Key Requirements: Suspension

Applying the Guidelines means:

Ensuring that the school has a policy on, and procedures for, the use of suspension that are approved by the Board of Management and in line with these Guidelines and any additional requirements set down by the Patron

Ensuring the policy is widely communicated

Developing and documenting good practice in relation to the use of suspension

Having fair procedures for investigation and decision-making

Having procedures for informing parents and students about their right to appeal

Having a system for regular review by the Board of Management of the use of suspension in the school

12

Expulsion



Expulsion

A student is expelled from a school when a Board of Management makes a decision to permanently exclude him or her from the school, having complied with the provisions of section 24 of the *Education (Welfare) Act 2000*. As part of the code of behaviour, the Board of Management should ensure that the school has a policy on, and procedures for, expulsion which are in line with these Guidelines and with any additional requirements set down by the Patron.

12.1 Authority to expel

The Board of Management of a recognised school has the authority to expel a student. As a matter of best practice, that authority should be reserved to the Board of Management and should not be delegated.

Schools and colleges established or maintained by a VEC

In the case of schools and colleges established or maintained by a VEC, the VEC itself holds the authority to expel. That authority may be devolved (under section 31 of the *Vocational Education (Amendment) Act 2001*) by the VEC to the Board of Management of individual schools. In devolving authority to a Board of Management, the VEC should ensure that the scope of the authority given is in line with the provisions of these Guidelines, Articles of Management and/or Model Agreement and all relevant legal requirements.

Expulsion should be a proportionate response to the student's behaviour.

12.2 The grounds for expulsion

Expulsion should be a proportionate response to the student's behaviour. Expulsion of a student is a very serious step, and one that should only be taken by the Board of Management in extreme cases of unacceptable behaviour. The school should have taken significant steps to address the misbehaviour and to avoid expulsion of a student including, as appropriate:

- meeting with parents 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 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, school authorities have tried a series of other interventions, and believe they have exhausted all possibilities for changing the student's behaviour.

'Automatic' expulsion

A Board of Management may decide, as part of the school's policy on sanctions, and following the consultation process with the Principal, parents, teachers and students, that particular named behaviours incur expulsion as a sanction. However, a general decision to impose expulsion for named behaviours does not remove the duty to follow due process and fair procedures.

Expulsion for a first offence

There may be exceptional circumstances where the Board of Management forms the opinion 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 could include:

- a serious threat of violence against another student or member of staff
- actual violence or physical assault
- supplying illegal drugs to other students in the school
- sexual assault.

12.3 Determining the appropriateness of expelling a student

Given the seriousness of expulsion as a sanction the Board of Management should undertake a very detailed review of a range of factors in deciding whether to expel a student.

Factors to consider before proposing to expel a student

The nature and seriousness of the behaviour

- What is the precise description of the behaviour?
- How persistent has the unacceptable behaviour been and over what period of time?
- Has the problem behaviour escalated, in spite of the interventions tried?

The context of the behaviour

- What are the circumstances of the incidents of serious misbehaviour (e.g. in class, in a particular teacher's class, in the yard, in a group)?
- What factors may have triggered or provoked incidents of serious misbehaviour (e.g. bullying, cultural or family factors)?
- Are there any factors that may be associated with the behaviour (e.g. particular home circumstances, special educational needs)?

The impact of the behaviour

- How are other students and staff affected by the student's behaviour?
- What is the impact of the behaviour on the teaching and learning of the class?

The interventions tried to date

- What interventions have been tried? Over what period?
- How have the interventions been recorded and monitored?
- What has been the result of these interventions?
- Have the parents been involved in finding a solution to the problem behaviour?
- Has the intervention of NEPS or other psychological assessment or counselling been sought, where appropriate?
- Is the student or parent involved with any support service and has this agency or support service been asked for help in solving this problem?
- Has any other agency been asked for assistance (e.g. Child Guidance Clinic, Child and Adolescent Mental Health services)?
- Is the Board satisfied that no other intervention can be tried or is likely to help the student to change their behaviour?

Whether expulsion is a proportionate response

- Is the student's behaviour sufficiently serious to warrant expulsion?
- Is the standard being applied to judging the behaviour the same as the standard applied to the behaviour of any other student?

The possible impact of expulsion

- To what extent may expulsion exacerbate any social or educational vulnerability of the student?
- Will the student be able to take part in, and benefit from, education with their peers?
- In the case of a student who is in care, what might be the implications of expulsion for the care arrangements?

Inappropriate use of expulsion

Expulsion should not be proposed for:

- 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.

12.4 Procedures in respect of expulsion

Schools are required by law to follow fair procedures as well as procedures prescribed under the *Education (Welfare) Act 2000*, when proposing to expel a student (see **10.3** and **10.4** for information about fair procedures). 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.

These procedures assume that the Board of Management is the decision-making body in relation to expulsions.

It is a matter for each Board of Management to decide which of the tasks involved in these procedural steps requires separate meetings and which tasks can be accomplished together in a single meeting, consistent with giving parents due notice of meetings and a fair and reasonable time to prepare for a Board hearing.

Step 1: A detailed investigation carried out under the direction of the Principal

In investigating an allegation, in line with fair procedures, the Principal should:

- inform the student and their parents about the details of the alleged misbehaviour, how it will be investigated and that it could result in expulsion
- give parents and the student every opportunity to respond to the complaint of serious misbehaviour before a decision is made and before a sanction is imposed.

Parents should be informed in writing of the alleged misbehaviour and the proposed investigation in order to have a permanent record of having let them know. This also ensures that parents are very

clear about what their son or daughter is alleged to have done. It serves the important function of underlining to parents the seriousness with which the school views the alleged misbehaviour.

Parents and the student must have every opportunity to respond to the complaint of serious misbehaviour 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 parents is essential. It provides the opportunity for them 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. It may also be an opportunity for parents to make their case for lessening the sanction, and for the school to explore with parents how best to address the student's behaviour.

If a student and their parents fail to attend a meeting, the Principal should write advising 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 inappropriate behaviour. The school should record the invitation issued to parents 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 misbehaviour, that expulsion may be warranted, the Principal makes a recommendation to the Board of Management to consider expulsion. The Principal should:

- inform the parents and the student that the Board of Management is being asked to consider expulsion
- ensure that parents 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 parents
- notify the parents of the date of the hearing by 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 that parents 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

It is the responsibility of the Board to review the initial investigation and satisfy itself that the investigation was properly conducted in line with fair procedures. The Board should undertake its own review of all documentation and the circumstances of the case. It should ensure that no party who has had any involvement with the circumstances of the case is part of the Board's deliberations (for example, a member of the Board who may have made an allegation about the student).

Where a Board of Management decides to consider expelling a student, it must hold a hearing. The Board meeting for the purpose of the hearing should be properly conducted in accordance with Board procedures. At the hearing, the Principal and the parents, or a student aged eighteen years or over, put their case to the Board in each other's presence. Each party should be allowed to question the evidence of the other party directly. The meeting may also be an opportunity for parents to make their case for lessening the sanction. In the conduct of the hearing, the Board must take care to ensure that 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.

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

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, the Board must 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 should refer to National Educational Welfare Board reporting procedures for proposed expulsions. The student cannot be expelled before the passage of twenty school days from the date on which the EWO receives this written notification (*Education (Welfare) Act 2000*, s24(1)).

An appeal against an expulsion under section 29 of the *Education Act 1998* will automatically succeed if it is shown that the Educational Welfare Officer was not notified in accordance with section 24(1) or that twenty days did not elapse from the time of notification to the Educational Welfare Officer to the implementation of the expulsion (*Education (Miscellaneous Provisions) Act 2007*, s4A).

The Board should inform the parents in writing about its conclusions and the next steps in the process. Where expulsion is proposed, the parents should be told that the Board of Management will now inform the Educational Welfare Officer.

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 that a student should be expelled, the Educational Welfare Officer must:

- make all reasonable efforts to hold individual consultations with the Principal, the parents and the student, and anyone else who may be of assistance
- convene a meeting of those parties who agree to attend (*Education (Welfare) Act 2000*, section 24).

The purpose of the consultations and the meeting is to ensure that arrangements are made for the student to continue in education. These consultations may result in an agreement about an alternative intervention that would avoid expulsion. However, where the possibility of continuing in the school is not an option, at least in the short term, the consultation should focus on alternative educational possibilities.

In the interests of the educational welfare of the student, those concerned should come together with the Educational Welfare Officer to plan for the student's future education.

Pending these consultations about the student's continued education, a Board of Management may take steps to ensure that good order is maintained and that the safety of students is secured (*Education (Welfare) Act 2000*, s24(5)). A Board may consider it appropriate to suspend a student

during this time. Suspension should only be considered where there is a 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 should formally confirm the decision to expel (this task might be delegated to the Chairperson and the Principal). Parents should be notified immediately that the expulsion will now proceed. Parents and the student should be told about the right to appeal 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.

12.5 Appeals

A parent, or a student aged over eighteen years, may appeal a decision to expel to the Secretary General of the Department of Education and Science (*Education Act 1998* section 29). An appeal may also be brought by the National Educational Welfare Board on behalf of a student.

If the student is attending a school established or maintained by a VEC, the appeal must be made in the first instance to the VEC. Where an appeal to the VEC has been concluded, parents, or a student aged over eighteen years, may go on to appeal to the Secretary General of the Department of Education and Science.

The appeals process

The appeals process under section 29 of the *Education Act 1998* begins with the provision of mediation by a mediator nominated by the Appeals Committee (Department of Education and Science). For further details about the Appeals process, including requirements for documentation, and the steps in the process, refer to current DES guidance.

12.6 Review of use of expulsion

The Board of Management should 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 expulsion is used appropriately.

Key Requirements: Expulsion

Applying the Guidelines means:

Having a policy on, and procedures for, expulsion that are approved by the Board of Management, and in line with these Guidelines, and with any additional requirements set down by the Patron

Ensuring the policy is widely communicated

Developing and documenting good practice in the use of expulsion

Having fair procedures for investigation and decision-making

Having procedures for informing parents and students about their right to appeal

Having a system for regular review by the Board of Management of the use of expulsion in the school

Expert Group

The members of the Expert Group appointed by NEWB to assist the Board in the development of these Guidelines were:

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Director of Educational Welfare Services, National Educational Welfare Board *

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Acting Director of Educational Welfare Services, National Educational Welfare Board **

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Parent representative on the Board of the National Educational Welfare Board

Mr Fergal McCarthy

Teacher union representative on the Board of the National Educational Welfare Board

Sr Eileen Randles

School management representative on the Board of the National Educational Welfare Board

Ms Clare Ryan

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* October 2006 – present

** December 2005 – October 2006

