

**Moyne Community School
Suspension & Expulsion Policy**

SCHOOL MISSION STATEMENT

‘Moyne Community School offers an holistic education, upholding the Christian values and traditions of the communities from which the school evolved. We are committed to enabling students and staff to develop their full potential within the school’s formal and informal curriculum, in a friendly, safe and caring environment’.

In Moyne Community everyone has the right to develop their full potential in “a friendly, safe and caring environment”. The suspension and expulsion of some students may, unfortunately, be necessary to ensure a safe and happy environment for students and staff and to ensure effective teaching and learning takes place.

Moyne Community School has developed a Code of Behaviour and Rules and Regulations whose purpose and function is to ensure the aims of our mission statement come to fruition.

The School Code and Rules, coupled with our Pastoral Care Policy and Programme aim to ensure that problems are dealt with in the most appropriate and effective manner. The School works under the guiding principles of care, respect and support, collaboration between home and school and natural justice and fairness.

This Policy on suspension and expulsion should be seen in conjunction with the above policies and practices of the school.

This school policy, along with all other school policies, applies to the school grounds and general environs and also to all sanctioned external activities, such as, trips, tours, competitions, where pupils are representing Moyne Community School.

GENERAL PRINCIPLES

- (a) Students have a statutory obligation to attend school up to age 16. Accordingly students have a right to attend school up to that age.
- (b) Having been admitted to a school, all students have the right to learn in an orderly and caring environment. All schools need to establish and maintain high expectations of student behaviour. All members of the school community should be aware of these expectations, and participate in their development.
- (c) All students and teachers have the right to be treated fairly and with dignity, in an environment free from disruption, intimidation, harassment and discrimination.

Any behaviour which infringes on these Rights will be dealt with under the schools policies.

RELEVANT LEGISLATION

In formulating this policy on Suspension and Expulsion consideration has been given to the legal requirements and responsibilities that the school must adhere to. These include the following specific Acts

Education Act (1998)

Function of Board of Management
Section 15 (2)

(d) publish, in such manner as the board with the agreement of the patron considers appropriate, the policy of the school concerning admission to and participation in the school, including the policy of the school relating to the expulsion and suspension of students and admission to and participation by students with disabilities or who have other special educational needs, and ensure that as regards that policy principles of equality and the right of parents to send their children to a school of the parents' choice are respected and such directions as may be made from time to time by the Minister, having regard to the characteristic spirit of the school and the constitutional rights of all persons concerned, are complied with,

Grievance and other procedures
Section 28 (1)

28.—(1) The Minister, following consultation with patrons of recognised schools, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, may from time to time prescribe procedures in accordance with which—

- a) the parent of a student or, in the case of a student who has reached the age of 18 years, the student, may appeal to the board against a decision of a teacher or other member of staff of a school,
- b) grievances of students, or their parents, relating to the students' school (other than those which may be dealt with under *paragraph (a)* or *section 29*), shall be heard, and
- c) appropriate remedial action shall, where necessary, be taken as a consequence of an appeal or in response to a grievance.

Appeals to Secretary General.
Section 29 (1)

Where a board or a person acting on behalf of the board—

- a) permanently excludes a student from a school, or
- b) suspends a student from attendance at a school for a period to be prescribed for the purpose of this paragraph, or
- c) refuses to enroll a student in a school, or
- d) makes a decision of a class which the Minister, following consultation with patrons, national associations of parents, recognised school management organisations, recognised trade unions and staff associations representing teachers, may from time to time determine may be appealed in accordance with this section,

the parent of the student, or in the case of a student who has reached the age of 18 years, the student, may, within a reasonable time from the date that the parent or student was informed of the decision and following the conclusion of any appeal procedures provided by the school or the patron, in accordance with *section 28*, appeal that decision to the Secretary General of the Department of Education and Science and that appeal shall be heard by a committee appointed under *subsection (2)*.

Code of Behaviour
Section 23

(2) A code of behaviour shall specify—

(a) the standards of behaviour that shall be observed by each student attending the school;

(b) the measures that may 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 relating to notification of a child's absence from school.

(3) A code of behaviour shall be prepared in accordance with such guidelines as may, following consultation by the Board with national associations of parents, recognised school management organisations and trade unions and staff associations representing teachers, be issued by the Board.

(4) The principal of a recognised school shall, before registering a child as a student at that school in accordance with [section 20](#), provide the parents of such child with a copy of the code of behaviour in respect of the school and may, 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.

(5) The principal of a recognised school shall, on a request being made by a student registered at the school or a parent of such a student, provide the student or parent, as the case may be, with a copy of the code of behaviour in respect of the school concerned.

Expulsion of student from recognized school
Section 24

(1) Where the board of management of a recognised school or a person acting on its behalf is of the opinion that a student should be expelled from that school it shall, before so expelling the student, notify the educational welfare officer to whom functions under this Act have been assigned, in writing, of its opinion and the reasons therefor.

(2) The educational welfare officer concerned shall, as soon as may be after receiving a notification under *subsection (1)*, make all reasonable efforts to ensure that provision is made for the continued education of the student to whom the notification relates.

(3) For the purposes of *subsection (2)*, the educational welfare officer concerned shall, as soon as may be after receiving the said notification—

- (a) make all reasonable efforts to consult with the principal of the school concerned or a person nominated by him or her, the student concerned and his or her parents, and such other persons as the educational welfare officer considers appropriate, and
- (b) convene a meeting attended by him or her of such of those persons as agree to attend such meeting.

(4) A student shall not be expelled from a school before the passing of 20 school days following the receipt of a notification under this section by an educational welfare officer.

(5) *Subsection (4)* is without prejudice to the right of a board of management to take such other reasonable measures as it considers appropriate to ensure that good order and discipline are maintained in the school concerned and that the safety of students is secured.

Equal Status Act 2000

Section 7 (2)

Section 7(2)(d) provides specifically that an educational establishment shall not discriminate in relation to:

The expulsion of a student from the establishment or any other sanction against the student.

The prohibited grounds for discrimination are:

Gender, marital status, family status, sexual orientation, religion, age, disability, race, membership of the Travelling Community.

Deed of Trust for Community Schools

Articles of Management 10. (i)

Subject to the provisions of these articles and to the direction of the Board, the Principal shall control the internal organisation, management and discipline of the School, shall exercise supervision over the teaching and non-teaching staff and **shall have power, for any cause which he or she judges adequate to dismiss, subject to the approval of the Board, or to suspend pupils from attendance but on the dismissal or suspension of any pupil the parent shall be informed that he or she has the right to appeal to the Board.**

PROCEDURES FOR SUSPENSIONS

The reasons a student may be suspended are given in the Code of Behaviour and School Rules and Regulations, which is based on a points system. These documents have been given to all parents/guardians and pupils and their acceptance indicated by signing them.

While every effort is made to develop and improve a good working environment in the school, there will be cases where misconduct can only be sanctioned by a suspension from school.

The Code of Behaviour and School Rules and Regulations set out the schedule of points and After School Detentions. This points schedule is a developing and evolving system that often changes through negotiation between Management, staff, parents and pupils. Every effort is made to inform all parties of changes and it is the responsibility of all parties to ensure they are aware of and comply with changes.

If points are being accumulated the school will make every reasonable effort to assist through its Pastoral Care Policy and consultation with parents/guardians.

Should pupils reach the point where suspension is warranted it would indicate that the pupil has shown no willingness to change his/her behaviour and the suspension will be carried out for the following purposes

- ❖ to make it clear to him/her that their behaviour is becoming seriously unacceptable,
- ❖ to allow them to reflect, in consultation with his/her parents/guardians, on a response to the situation and

- ❖ to realise that even more serious consequences may ensue if his behaviour is not modified.

Immediate suspension The Principal may suspend immediately in exceptional circumstances e.g. violence, threats of violence, presence of weapons, illegal drugs, threats to Health and Safety, abusive language, leaving the school without permission etc.

Procedures

1. The Principal makes a decision (or, in the Principal's absence, the acting or Deputy Principal) on the basis of the reasons set out in the Code of Behaviour, and the parameters set out by the Board of Management.
2. The student is informed of the decision. The student must be informed of the precise grounds, which gave rise to the possible suspension, and be given an opportunity to respond, before a decision to suspend is reached and formalised.
3. If the suspension is to be immediate (e.g. in the interests of health and safety). Parents/Guardians are informed by phone, with written follow-up.
4. If this is the case the student is to be supervised /in class until suspension takes effect.
5. The student will never be sent home during school day, unless collected by Parent / Guardian (or other suitable arrangement made).
6. A formal letter of notification will be sent to parents/guardians and may include :
 - Notice of the suspension.
 - Effective date of the suspension.
 - Duration of the suspension.
 - Reasons for the suspension.
 - Expectations of the student while on suspension (Study Programme may be attached).
 - Importance of parental assistance in resolving the matter.
 - A statement that the student is under the care and responsibility of the Parents/Guardians, while on suspension.
 - A statement that the Education Welfare Board has been informed (If the suspension is longer than 6 days, or the student has been suspended for more than 20 days during the school year to date).
 - Information on Appeal Rights
 - Requirements which need to be in place when the student returns (e.g. written apology, completed assignments etc.)
7. If consideration is being given to proceeding to the expulsion of the student, then the letter must make this clear.

8. Procedures for the formal re-introduction of the student into the school
- (a) Parents may be requested to attend with the student on the day of his/her return to
 - (b) Undertakings of good behaviour may be requested in writing.
 - (c) Agreed conditions (e.g. Counseling, referral to National Educational Psychological Services and other pastoral supports), should be signed by parent and pupil.

Informing the Education Welfare Officer

- (a) If a student is suspended for a period of 6 days or more, the Principal must inform the local Educational Welfare Officer.
- (b) If a student is suspended for a cumulative total of 20 days or more in one school year, the Principal must inform the Education Welfare Officer

Appeals

A parent/guardian or a student over 18 years of age may appeal a suspension by the Principal to the Board of Management. A letter of appeal should be written to the Secretary of the Board of Management setting out the grounds for the appeal.

The student will remain at home while any such appeal is in process. It is possible that the suspension may be served before the hearing by the Board of Management of the appeal. In this case, if the appeal is successful the record of suspension will be removed from the student's record. Appeals will be heard as soon as is practically possible.

1. The appeals process will at all times follow the principles of natural justice.
2. Appellants have the right to be made aware of all the details relating to all allegations against the student.
3. Internal appeals may be made to the Board of Management. The Board may appoint a sub-committee to hear the appeal, especially where this will facilitate an early hearing.
4. The parents/guardians and the Principal will present their arguments to the Board/committee after which they will leave the meeting while the decision is being made.
5. They should remain available to the Board/committee who may seek further clarification from either party
6. The decision of the Board/committee will be binding and will be communicated in writing to the parents/guardians.
7. If dissatisfied the appellants have the right to appeal to the Department of Education under Section 29 of the Education Act 2000.

EXPULSION

Ultimate sanction This is the ultimate sanction imposed by the school and is exercised by the Board of Management in extreme cases of indiscipline.

Only the Board of Management may finally decide to expel a pupil. It is a last resort and an admission that the school can do absolutely nothing more to help the pupil.

The circumstances which would justify the expulsion of a pupil may include the following:

1. The pupil is so disruptive that he/she is seriously preventing other pupils from learning.
2. The pupil is not amenable to any form of school authority.
3. The parents refuse to exercise their responsibility for the pupil.
4. The pupil's conduct is a source of serious bad example and is having an adverse influence on other pupils in the school.
5. The incident warrants expulsion as set down in the school Code of Behaviour /Rules and Regulations

Expulsion will generally be considered by the Board of Management, when all other sanctions in the Code of Behaviour have been exhausted.

Natural justice In advance of any hearing, which could result in an expulsion, the school will investigate the matter in accordance with the principles of natural justice.

The Process

- (i) The case against the student will be put to her/him and s/he will be given an opportunity to respond. Parents/Guardians will be informed of the grounds upon which expulsion is being considered, and the nature of the evidence being relied upon.
- (ii) The parents will also be provided with a fair opportunity to consider the evidence and to offer evidence in rebuttal.
- (iii) Having considered all aspects of the case, if the Principal decides to recommend to the Board of Management that the student be expelled, s/he must inform the student's parents in writing of the decision, the reason/s for it and of their right to make representations to the Board of Management on behalf of the student. In the interest of the student, parents should be required to give notice to the Secretary of the Board of Management of their intention to make such

- representations no later than a specified date to enable an early hearing by the Board of Management.
- (iv) The parents are entitled to seek access to the student's file and to documentation relevant to the expulsion. If the Principal, for whatever reason, refuses to hand over copies of documentation, the parents may subsequently have a legitimate complaint that full details of the 'case to answer' were not furnished in advance.
 - (v) Arrangements should be made at the earliest possible date for a joint meeting of the Board of Management with the Principal and the parents. The recommendation of the Principal and the representations (if requested) of the parents should be heard by the Board at this meeting. No new evidence or information which had not previously been made known to the parents should be introduced at this meeting. The student may need to stand suspended from school pending the decision of the Board of Management.
 - (vi) When the Board has heard all of the evidence, the parents and/or their representative/s and the Principal must withdraw to allow the Board to consider the case. Even though the Principal is a member of the Board, s/he may not be party to the consideration of the case as s/he is an involved party. Further the Board should ensure that any member of the Board who might have a conflicting interest should be excused and not participate in the decision
 - (vii) To ensure its independence as the final authority in the case, the Board of Management must not be involved in the process leading to the decision of the Principal to recommend the expulsion of the student.
 - (viii) If the recommendation of the Principal is rejected, it is a matter for the Board to decide on what conditions, if any, the student will be allowed back to school.
 - (ix) If the recommendation of the Principal is approved the parents or, (in the case of a student over 18 years) the student must be informed of their right to appeal the decision to the Secretary General of the Department of Education and Science under Section 29 of the Education Act, 1998.
 - (x) Where a Board of Management has taken the decision to expel a student, it is obliged to notify the designated educational welfare officer of its opinion and the reasons. A student shall not be considered expelled before the passing of 20 school days from the receipt of such notification by the educational welfare officer. The Board is obliged to co-operate fully with the educational welfare officer in the fulfilment of his/her duties under section 24 of the Education (Welfare) Act, 2000.
 - (xi) The NEWB has the right, under section 29 of the Education Act, 1998, to appeal a decision of the Board of Management to expel and, in the event that such an appeal is initiated by a parent or student, to make submissions to the appeals committee.

Appeal procedure under Section 29 of the Education Act 1998

Currently, Section 29 of the Education Act provides that the following decisions may be appealed to the Secretary General of the DES:

- (i) Permanent exclusion from a school;
- (ii) Suspension for a period which would bring the cumulative period of suspension to 20 school days or longer in any one school year; or
- (iii) Refusal to enrol.

Appeals must generally be made within **42** calendar days from the date the decision of the school was notified to the parent or student. Accordingly, schools should advise parents of this right of appeal and associated timeframe when informing them of any of the above categories of decisions.

There are three layers to the procedures for processing these appeals:

- (a) Both parties are asked in the first instance to see if an accommodation can be reached at local level;
- (b) Should that fail, and where the Appeals Committee considers that it may be possible to facilitate agreement between the appellant and school, a facilitator will be appointed to contact the parties at the earliest opportunity;
- (c) Finally, an appeal may be referred for hearing by an Appeals Committee established by the Minister for Education and Science.

Full details of these procedures are contained in DES C/L M48/01