LAUREL HILL SECONDARY SCHOOL F.C.J.

SUSPENSIONS AND EXPULSIONS POLICY

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Relevant Legislation :

The Board of Management stall …. (Education Act 1998 – Section 15 (2)

Consult with and keep the patron informed of decisions and proposals of the Board. 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 expulsion and suspension of students and admission to and participation by students with disabilities or who have other educational needs and ensure that as regards 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.

Code of Behaviour :

Education Welfare Act 2000 (Section 23):

The Board of Management of a recognised school shall, after consultation with (Principal, Teachers, Parents, Educational Welfare Officer) prepare a Code of Behaviour in respect of the students registered at the school.

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.
(e) The procedures to be followed relating to notification of a child's absence from school. The Principal of a recognised school shall, before registering a child as a student at that school, 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.

Section 24 :

Where a Board of Management or a "person acting on its behalf" believes that a student should be expelled it must before doing so inform the welfare officer of this belief and the reasons for so believing.

The welfare officer must consult with the Principal (or his/her nominee). The student and his/her parents and other appropriate persons, and convene a meeting of those willing to attend. A student may not be expelled for twenty school days after the welfare officer received this notification. A Board has the right to take such reasonable measures as it considers appropriate "to ensure that good order and discipline are maintained and the safety of students is secures" during this twenty day period.

Equal Status Act 2000:

Section 3;
"…discrimination shall be taken to occur" where a person is treated less favourably than another on any of the grounds set out in Section 5.

Section 5;
The prohibited grounds of discrimination are : gender, marital status, family status, sexual orientation, religion, age, disability, race, membership of the travelling Community, victimization.

Educational establishments:

Section 7 (2);
An educational establishment shall not discriminate in relation to :

(a) the admission or the terms or conditions of admission of a person as a student to the establishment,
(b) the access of a student to any course, facility or benefit provided by the establishment,
(c) any other term or condition of participation in the establishment by a student or
(d) the expulsion of a student from the establishment or any other sanction against the student.

GENERAL PRINCIPLES :

1. Students have a statutory obligation to attend school up to age 16. Accordingly students have a right to attend school up to that age.

2. Having been admitted to Laurel Hill Secondary School FCJ, all students have the right to learn in an orderly and caring environment. Laurel Hill Secondary School FCJ establishes and maintains high expectations of student behaviour.

3. All students and teachers of Laurel Hill Secondary School FCJ have the right to be treated fairly and with dignity, in an environment free from disruption, intimidation, harassment and discrimination.

4. There will be cases of unacceptable behaviour where it will be in the best interests of the school community and/or the student involved, for the student to be removed from the school for a period of time or completely. Suspension and expulsion are the options available to the Principal and/or the Board of Management of Laurel Hill Secondary School FCJ in these situations.

5. Collaboration between Board of Management, school staff, students and parents is an important feature of Behaviour Management in Laurel Hill Secondary School FCJ. All should be fully

aware of the suspension and expulsion procedures and their place in the context of the school's Code of Behaviour.

6. Suspension is only one strategy within our school's Code of Behaviour. It is most effective when it highlights the Parents'/Guardians' responsibility for taking an active role, in partnership with the school, to work with their child to enable the child's behaviour to change. Laurel Hill Secondary School FCJ will work with Parents/Guardians with a view to assisting a suspended student to rejoin the school community as quickly as possible.

7. Suspension allows students time to reflect on their behaviour, to acknowledge and accept responsibility for the behaviour which led to the suspension and to accept responsibility for changing their behaviour to meet the school's expectations in the future. It also allows time for School Authorities to plan appropriate support for the student to assist with successful re-entry.

8. The Principal has authority, under the Articles of Management for Secondary Schools to suspend "any pupil for a limited period and shall report any such suspension to the Board of Management at its next meeting". [Article 19(b)]

9. If, in the judgement of the Principal, a pupil should be expelled, the Principal shall refer the matter to the Board of Management for decision. [Article 19(c)]

10. The Board of Management and the Principal will exercise this authority having regard to their responsibilities to the whole school community and to the Principles set out in Appendix1.

11. In implementing these procedures, the Principal and Board will ensure that no student is discriminated against on any of the following grounds :-

    - **Gender**
    - **Marital Status**
    - **Family Status**
    - **Sexual Orientation**
    - **Religion**
    - **Age**
    - **Disability**
    - **Race**
    - **Membership of the Travelling Community**

12. The Board of Management will also ensure that the implementation of these procedures will take into account such factors as (without limitation) :-

    (a) The age and state of health of the pupil.
    (b) The pupil's previous record at Laurel Hill Secondary School FCJ.

(c) Any particular circumstances unique to the pupil which might sensibly be taken into account in connection with the behaviour, e.g.; strained or traumatic domestic situations.

(d) The extent to which parental, peer or other pressure may have contributed to the behaviour.

(e) The degree of severity of the behaviour, the frequency of its occurrence and the likelihood of its recurring.

(f) Whether or not the behaviour impaired or will impair the normal functioning of the pupil or other pupils in Laurel Hill Secondary School FCJ.

(g) Whether or not the behaviour occurred on school premises or when the pupil was otherwise in the charge of the school staff or when the pupil was on the way to or from school. An important consideration in cases of doubt is the extent to which behaviour away from the school had a serious impact on the life of the school.

(h) The degree to which behaviour was a violation of one or more rules contained in the school's Code of Behaviour and the relative importance of the rule(s).

(i) Whether the incident was perpetrated by the pupil on his or her own or as a part of a group.

13. Depending on the nature and extent of the misbehaviour the support of other agencies such as the National Education Welfare Board (NEWB) or the National Educational Psychological Service (NEPS) may be sought by the Board of Management.

14. The Principles set out in Appendix 1 are fundamental to the implementation of these procedures.

SUSPENSION :

1. Reasons for the suspension of a pupil must be linked with the Code of Behaviour.

2. Suspension will usually only occur after the Principal has:
   - ensured all other appropriate discipline options under the Code of Behaviour have been applied and documented.
   - ensured all appropriate support personnel have been involved.
   - ensured that discussion has occurred with the student and parent/guardian regarding specific misbehaviour which the school considers unacceptable and which may lead to suspension.
   - ensured that diagnostic assessments have been carried out where appropriate (i.e. NEPS), particularly where unacceptable behaviour is ongoing and consistent. (except in cases of very serious misconduct) provided a formal written warning detailing these behaviours, as well as clear expectations of what is required of the student in the future.
   - recorded all action taken, and
   - copied all correspondence.

3. The Principal may suspend immediately in some circumstances e.g. violence, threats of violence, presence of weapons, illegal drugs etc.

4. The Principal has authority, under the Articles of Management for Secondary Schools, to suspend "any pupil for a limited period and shall report any such suspension to the Board of Management at its next meeting". [Article 19 (b)].

5. If a student is suspended for a period of 6 days or more, the Principal must inform the local Educational Welfare Officer.

6. 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.

Essential Elements in the Procedure for Suspension :-

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 a possible suspension and be given an opportunity to respond, before a decision to suspend is reached and formalised.

3. Parents/Guardians informed by (registered) post and/or telephone and invited to come to the school for a meeting.
4. If suspension is to be immediate (e.g. in the interests of health and safety) Parents/Guardians may be informed by phone, with written follow-up.

5. A student may be supervised 'out of class' in school until suspension takes effect.

6. A student will never be sent home during the school day, unless collected by Parent/Legal Guardian (or other suitable arrangement made).

7. The formal letter of notification should include:-

- Notice of the suspension
- Effective date of the suspension
- Duration of the suspension
- Reasons for the suspension
- 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 (internal school appeal / Section 29 Appeal).

8. If consideration is being given to proceeding to expulsion, then the letter must make this clear.

Procedures for the formal re-introduction of the student into the school :-
- Parents may be requested to attend with the student on the day of his/her return to the school.
- Undertakings of good behaviour may be requested in writing.
- Agreed conditions (e.g. Counselling, referral to NEPS, other pastoral supports) should be signed by parent and pupil
- Grounds for removing a Suspension.

Section 23 (2) d of the Education Welfare Act 2000 requires the school to publish the grounds for removing a suspension. This implies that a system is in place for review/appeal of a suspension.

Grounds may include :-
- The Principal / Board may agree that another sanction be applied after discussion with the parents.
- Successful appeal to the Board of Management.
- Successful appeal under Section 29 of the Education Act.
- New circumstances come to light.
- Other grounds under General Principles 10 above.
- Appeals

Any appeal lodged to the Principal/Secretary, Board of Management by a Parent/Guardian of a student that has been suspended from Laurel Hill Secondary School FCJ will be brought to the attention of the Board of Management at it's next scheduled meeting. It is possible that a student would have served in full her suspension and returned to school prior to the appeal being heard at a Board of Management Meeting.

An appeal to a suspension must be lodged, in writing, to the Principal/Secretary, Board of Management, by the Parent/Guardian of the student suspended, within 10 school days from the time of suspension. A date for final submission of an appeal will be stated in the letter of suspension to Parents/Guardians.

The Board of Management consider the appeal to a suspension of a student after;

- heard the Principal's case against the student (this case should be made in the presence of the parents).
- heard the Parents' response.
- examined all the documentation.

- ensured the Principal is not present for the Board's discussion and decision on the matter.
- discussed the case in detail.
- considered all matters in GENERAL PRINCIPLE 10 above.
- made a final decision.
- communicated the decision to the parents' formally through the Secretary to the Board (registered letter).

As already stated it is possible that a suspension may already be served before the appeal is actually heard. If the appeal is successful, the only remedy may then be to have the suspension removed from the student's file / record.

All appeals will be heard as soon as is practically possible.

See Appendix 1.

EXPULSIONS :

This is the ultimate sanction imposed by the school and is exercised by the Board of Management in extreme cases of indiscipline. In advance of any hearing, which could result in an expulsion, the school will investigate the matter in accordance with the principles (set out in Appendix 1). Reasons for the expulsion of a pupil must be linked with the Code of Behaviour.

Essential Elements in the Procedure for Expulsion:

Expulsion can only occur after the Principal has :

- Ensured all discipline options under the Code of Behaviour have been considered and
- where appropriate applied and documented.
- Ensured all appropriate support personnel (internal and external) have been involved.
- Ensured all other appropriate procedures, referrals, supports have been exhausted.
- Ensured that discussion has occurred with the student and Parent/Guardian regarding specific misbehaviour which the school considers unacceptable and which may lead to expulsion provided formal verbal and written warnings at appropriate times detailing these behaviours, as well as clear expectations of what was required of the student in the future.
- Recorded all action taken, and
- Copied all correspondence.
- Informed the Parents/Guardians of his/her intention to recommend expulsion to the Board of Management.
- Invited the Parents/Guardians to the Board of Management hearing and
- Invited the Parents/Guardians to make a written submission in advance of the Board Meeting.
- Provided the Parents with a full, written description of the allegations against the student and the case being made at the Board, together with copies of all documentation, statements etc. supporting that case.

- Made a formal expulsion recommendation to the Board with full supporting documentation.

Notwithstanding the above, in very extreme cases expulsion may occur without other discipline options, procedures, warnings etc. being conducted.

Expulsion can only occur after the Board of Management has:

- **heard the Parents' response.**
- **examined all the documentation.**
- **considered the student's record in the school.**
- **taken legal / expert advice.**
- **ensured the Principal is not present for the Board's discussion and decision on the matter.**
- **discussed the case in detail.**
- **considered all matters in GENERAL PRINCIPLE 10 above.**
- **made a final decision to expel.**
- **communicated the decision to the parents formally through the Secretary to the board (registered letter).**
- **informed the Education Welfare Officer under Section 24 (1) of the Education welfare Act 2000.**

The formal letter of notification should include :

- **notice of the expulsion.**
- **effective date of the expulsion.**
- **reasons for the expulsion.**
- **a statement that the Education Welfare Board has been informed.**
- **a statement that the student is under the care and responsibility of the Parents/Guardians for the period of 20 days required by the Education Welfare Officer to examine alternative provisions for the education of the student.**
- **information and documentation on Appeal Rights (i.e. Section 29 Appeal) NOTE : an appeal to an expulsion of a student from Laurel Hill Secondary School FCJ is lodged to the Secretary General of the Department of Education and Science under Section 29 of the Education Act 1988.**

APPENDIX 1:-

APPLICABLE PRINCIPLES OF NATURAL JUSTICE :-

PROCEDURAL FAIRNESS :-

Procedural fairness is a basic right of all individuals dealing with authorities.
All communities have a legitimate expectation that we as a school (Laurel Hill Secondary School FCJ) (Board, Principal and Teaching Staff) will follow these principles in all circumstances, particularly when dealing with suspensions and expulsions.

Procedural fairness is generally recognised as having two essential elements:-

1. The right to be heard which includes :

The right to know why the action is happening.
The right to know the way in which the issues will be determined.
The right to know the allegations in the matter and any other information which will be taken into account.
The right of the person against whom the allegations have been made to respond to the allegations, and
The right to an appeal.

2. The right of a person to an impartial decision which includes :

The right to impartiality in the investigation and decision making phases.
The right to an absence of bias in the decision maker.
As part of ensuring the right to be heard the Principal should establish if Parents / Guardians require an interpreter and, if so, make arrangements for one to be available.
The Principal will ensure that students and Parents/Guardians have access to policies and procedures under which action is being taken.
While it is generally preferable for the functions of investigating and deciding to be carried out by different people, in the school setting this may not always be possible.

If the Principal is conducting both the investigative and decision making stages, the Principal must be reasonable and objective. Ultimately, the Principal must act justly and be seen to act justly. While it is difficult to combine the roles of investigator and adjudicator, given the nature of the Principal's responsibilities, there may at times be no alternative to the Principal exercising both roles.

Nevertheless, it is preferable to have another appropriate officer, such as a Deputy or Year Head, carry out the investigation, if possible.

The availability of a line of appeal to a more senior officer adds to the fairness of the process and offers a check in case there is a perception of a conflict of interest. It is the Principal's responsibility to suspend a student from the particular school or to recommend to the Board the expulsion of a student from the school. This responsibility is not to be delegated to any officer other than one acting in the Principal's position.

To ensure the elements of procedural fairness are met, it is appropriate to provide student and their Parents/Guardians with details of all allegations relating to the incident. This usually will involve providing copies of any relevant statements. The principal may decide that it is not appropriate to provide copies of statement, for example, because of a fear that witnesses may be intimidates, full details of the allegations outlined in the statements should be provided.

In matters where a long suspension or expulsion is contemplated, the gravity of the circumstances requires particular emphasis being given to procedural fairness. This includes the availability of a support person/observer at formal interviews, the key features of which should be taken down in writing.

Monitoring, Review and Evaluation of this Policy and all related work and procedures will take place on an ongoing basis in order to keep the school up to date with current best practice in this area.

Board of Management
Laurel Hill Secondary School FCJ
Limerick

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