

PORTMARNOCK COMMUNITY SCHOOL



SUSPENSION AND PERMANENT EXCLUSION POLICY

Introduction

Portmarnock Community School aims to create a calm and ordered atmosphere in a caring and supportive working environment based on respect for self and respect for others in an environment where pupils are encouraged and supported to reach their full potential. The emphasis is placed on quality teaching and learning, positive behaviour and the pursuit of standards of excellence in all areas of school activities.

Our philosophy is based on respect, tolerance and understanding while promoting a happy and safe environment where all may realise their spiritual, educational and personal potential whilst appreciating the diversity of our changing world.

This policy outlines the school's approach to suspension and expulsion and has been formulated taking due consideration of the rights and responsibilities inherent in the Education Act 1998, Education Welfare Act 2000, Equal Status Act 2000 and National Education Welfare Board Guidelines on Code of Behaviour 2008.

This policy relates to sanctions that the school management may adopt when dealing with serious breaches of the Code of Behaviour.

This policy was drawn up in consultation with all the school partners – the Board of Management, teaching staff, parents and students.

This policy has been developed in line with the ethos and philosophy of the school which has at its core the care and wellbeing of every student and the provision of a safe and secure learning environment for all members of the school community.

Rationale

All students have a right to learn in an orderly and caring environment. All members of the school community have a right to be treated fairly and with dignity in an environment free from disruption, intimidation, harassment and discrimination. The Code of Behaviour aims to provide a safe, secure learning environment free from disruption for all our students by promoting a sense of respect for

oneself, for others and for our environment. By enrolling in this school, each student and their parent(s)/ guardian(s) agree to uphold the Code of Behaviour in detail and in spirit.

There will from time to time be serious breaches of the Code of Behaviour where it will be in the best interests of the school community that the student(s) involved are removed from the school for a period of time or permanently.

Objectives

The aims of our suspension and permanent exclusion policy are:

- To maintain a safe, secure learning environment free from disruption for all the members of our school community.
- To outline the strategies to be used where students are in serious breach of our Code of Behaviour.

Roles and Responsibilities

(i) Principal

The Principal or, in the Principal's absence, the Deputy Principal(s) has authority to suspend any pupil for a limited period of time (see below) and may recommend a longer suspension or the permanent exclusion of a student to the Board of Management.

(ii) The Board of Management

Permanent Exclusion is the ultimate sanction imposed by the school for serious breaches of the Code of Behaviour and may be imposed only by the Board of Management. The Board of Management has the responsibility to deal with such issues in accordance with the principles of fairness and natural justice.

SUSPENSION

Definition

Suspension is defined as a sanction requiring the student to absent himself/herself from the school for a specified limited period of school days.

1- Rationale for Suspension

Suspensions can provide a respite for staff and the student, give the student time to reflect on the link between his/her action and its consequences and give staff time to plan ways of helping the student to change unacceptable behaviour to meet the school's expectations in the future.

Suspension is most effective when it highlights the parents/ guardians responsibilities for taking an active role in partnership with the school, to reflect on their son/ daughter's unacceptable behaviour; to accept responsibility for the behaviour that led to the suspension and to change their future behaviour to meet the expectations of the school.

The Principal/Deputy Principal/Board of Management exercises this authority in a fair and non-discriminatory manner having regard to his/her responsibility to the whole school community and to the principles of natural justice. Procedures followed will include two essential parts:

- The right to be heard
- The right to impartiality

2- Grounds for Suspension

Suspension will be a proportionate response to the behaviour that is causing concern. The decision to suspend a student will be based on serious grounds such as that:

(a) A single incident or first offence of serious misconduct may be grounds for suspension.

Examples of such behaviour would include:

- a serious threat of violence against a member of the school community and/or ,
- actual violence or assault against a member of the school community and/or,
- gross defiance and/or,
- Drug, tobacco or alcohol offences

The above list is not exhaustive.

Any one of these incidences may result in a suspension.

(b) Breaches of the Code of Behaviour may result in a suspension.

Examples of circumstances under which suspension may be imposed, but are not limited to:

- Unauthorised departures from school, within school hours. Students **MUST ALWAYS** sign out at the main office before leaving the school grounds.
- Breaches of the school's Acceptance Use Policy
- In cases where the health and safety of a student himself/herself or of others in the school community could be a risk, it may be necessary to suspend a student with immediate effect pending an investigation and the following of due procedures
- A serious breach of the Code of Behaviour that indicates that the student should be removed from the school
- Repeated less serious breaches of the Code of Behaviour that have not been rectified by other interventions and disciplinary measures short of suspension
- Abusive behaviour or language towards staff
- Persistent bullying as per school Anti-Bullying Policy.
- Smoking anywhere in school uniform and/or on school outings
- The possession of alcohol or any illegal substance on school premises or at school events
- Possession, use of or supply of drugs or drug paraphernalia or misuse of any substance in the school grounds, on school trips or during any school related activity. This also applies to students coming and going to school and at any time in school uniform

- Any interference with school security or fire alarm systems
- Being involved in a physical fight on the school premises or anywhere in school uniform
- Damaging school property
- Threatening and/or abusive behaviour
- Sexual harassment

The above list is not exhaustive.

Such incidences of serious breaches of the Code of Behaviour, and/or any of the breaches listed above, may also incur the sanction of permanent exclusion (see Permanent Exclusion below), following a period of suspension.

3-The circumstances under which suspensions may be imposed:

A. Suspensions as a result of ongoing misbehaviour

The school has a ladder of referral system in place to address issues of ongoing misbehaviour. Teachers will initially deal with disciplinary issues themselves within their own classroom. If this fails to resolve matters, then the issue will be referred from the teacher to the Tutor and/or Year Head to Deputy Principal / Principal.

Incidents of a serious nature, however, may be referred directly to the Deputy Principal or Principal.

Possible Interventions /Supports, prior to consideration of suspension:

- Contact with Class Teacher/Tutor
- Meeting with student and Year Head to explore the circumstances of the incident/s giving the student an opportunity to be heard
- Phone contact with parents/guardians
- Detention
- Temporary removal from a class
- In school suspension.
- Meeting with parents/guardians and student with a view to moving forward
- Student placed “On Report” for a period of time
- Positive Behaviour Plan
- Restorative meetings
- Referral to school counsellor/CARE Team
- Referral to appropriate support services in and/or out of school

The interventions used will be appropriate to each case.

If the ongoing misbehaviour has not improved, then the option of suspension will be considered.

Immediate Suspensions

In exceptional circumstances, the Principal may consider an immediate suspension to be necessary. This will include a situation where the continued presence of the student in the school at that time

would represent a serious threat to the health and safety of either the student himself/ herself or of others in the school community. Fair procedures will still be applied.

Automatic suspensions

Suspensions will also be imposed for named behaviours as per the school's Code of Behaviour, as per the list under Section: "Grounds for Suspension".

Suspension during the period of the State Exams:

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

- A threat to the good order during the examination process
- A threat to the safety of other students and personnel
- A threat to the right of other students to do their examination in a calm atmosphere

This sanction will be treated like any other suspension, and the principle of natural justice will apply.

4-The Period of Suspension

The Principal may suspend a student for up to three school days or for up to five school days having informed the Chairperson of the Board of Management. A longer term of suspension will require approval from the Board of Management.

Where a student is suspended for a period of 6 or more continuous days or for a cumulative total of 20 days in one school year, the Principal will inform the Education Welfare Officer who may contact the family.

5- Procedures in respect of Suspension

As a general rule, suspension will be applied only after other sanctions in our Code of Behaviour have failed to change the behaviour problem.

Where a preliminary assessment of the facts confirms a serious breach of the Code of Behaviour that could warrant suspension, the student and his/her parent/guardians will be informed about the complaint, how it will be investigated and that it could result in suspension, should the complaint be substantiated.

A formal investigation of the complaint will commence as soon as possible after the alleged misbehaviour has occurred. In cases where the suspension is to take effect immediately, such as in the interests of health and safety, parent/guardians will be informed by telephone, with written follow up.

Students will not be sent home during a school day unless collected by a parent/guardian or some other suitable arrangement is made. All suspension decisions include a formal letter of notification that will include:

- Notice of the suspension
- Effective date of the suspension
- Duration of the suspension
- Reasons for the suspension
- Information of the appeal rights and procedures regarding the suspension

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

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

6- Opportunity to Respond

Parents/guardians and student will normally be given an opportunity to respond to the complaint before a decision to suspend is made. Ideally this response will be made at a meeting involving the student, his/her parents/guardians and the Principal (or in the Principal's absence, the Deputy Principal). If a student and his/her parents/guardians fail to attend a meeting, the Principal will write advising the parents/guardians 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 findings of the initial assessment. Written records will be retained in the school of all stages of the above procedures.

7-Right to Appeal

As the principles of natural justice demand that there should be available a right of appeal to a higher authority, a student aged over 18 years or his/ her parents/guardians may appeal the Principal's decision to suspend to the Board of Management, or if the Secretary General of the Department of Education and Skills directs that it be removed following an appeal under section 29 of the Education Act 1998.

Such an appeal must be made in writing to the Chairperson of the Board of Management, stating the grounds on which the appeal is being made. However, the school may insist that the student remain at home while the appeal proceeds. In the event that an appeal is successful, the suspension will be lifted and if the suspension has already been served, it will be expunged from the student's record.

Where the total number of days for which the student has been suspended in the current school year reaches 20 days, the parents/guardians, or a student aged over 18 years, may appeal the suspension under section 29 of the Education Act 1998, and will be given information on how to appeal.

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

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

8- Procedures for the Re-Introduction of the Student into the School

The parents/guardian and the student may be requested to attend a meeting with the Principal or another staff member delegated by the Principal before the student returns to class. The purpose of this meeting is to emphasise the seriousness of the misbehaviour that gave rise to the suspension and to ensure parental/guardians support for the school's Code of Behaviour. It is also an opportunity to stress parental/guardian responsibility in supporting the school in its efforts to help their son/daughter to behave well when he/she returns to school. In addition, the supports that the school intends to put in place to support the student on his/her return may be outlined at such a meeting.

The parents/guardians and/or the student may be requested to sign their commitment to the Code of Behaviour or other conditions as deemed appropriate by the Principal or Board of Management. The parents/guardian and the student will be informed in advance of any such other conditions.

When the suspension is completed, the student will be given the opportunity and support for a fresh start.

Although a record is kept of the breach of the Code of Behaviour and any sanction imposed, on completion of the sanction the school will expect the same behaviour of this student as of all other students.

9- Records and Reports

Formal written records will be kept of:

- the investigation
- the decision and the rationale for the decision
- the duration of the suspension and any conditions attached to the suspension

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

The Principal is required to report to the Educational Welfare Officer all suspensions of six days and longer, or any suspension where the total number of days for which the student has been suspended in the current school year reaches twenty days.

10- Review of Use of Suspension

The Board of Management will 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.

PERMANENT EXCLUSION

Permanent exclusion is the ultimate sanction imposed by the school and may only be exercised by the Board of Management.

1- Grounds for Permanent Exclusion

The permanent exclusion of a student is a very serious step, and one that will only be taken by the Board of Management in extreme cases of breaches of the Code of Behaviour. In cases where the Principal judges that a student's actions are such that expulsion should be considered, the Principal will refer the matter to the Board of Management. Given the severity of the potential sanction, the school, in accordance with the principles of natural justice, will investigate extreme indiscipline cases thoroughly in advance of any hearing that could result in expulsion.

The school will usually have taken significant steps to address the misbehaviour and to avoid permanent exclusion of a student including, as appropriate:

- meeting with parents/guardians and the student to try to find ways of helping the student to change his/her behaviour
- making sure that the student understands the possible consequences of his/her behaviour, if it should persist
- ensuring that all other possible options have been tried, including seeking the assistance of support agencies where appropriate

Exclusion will be considered in cases where the indiscipline of a student is so persistent that teaching and learning become extremely difficult and where school authorities have tried a series of other interventions and believe they have exhausted all possibilities of changing the student's behaviour. Such cases include but are not limited to:

- The student being so disruptive that he/she is seriously preventing other students from learning
- The student being uncontrollable or grossly insubordinate to school management or other staff members and not amenable to any form of school discipline or authority
- The student's behaviour being a danger to himself/herself or to others
- When guarantees of reasonable behaviour following repeated suspensions are not forthcoming or are not being met
- The student's conduct acting as a source of serious bad example and having an adverse influence on other students in the school

A proposal to permanently exclude a student requires serious grounds such as that:

- the student's behaviour is a persistent and ongoing 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

There may be exceptional circumstances where the Board of Management forms the opinion that a student should be permanently excluded for a first offence. The kinds of behaviour that will result in a proposal to expel on the basis of a single breach of the Code of Behaviour include but are not limited to:

- 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
- sexual harassment

The above list is not exhaustive.

2-Determining the appropriateness of permanently excluding a student

The school will follow fair procedures as well as procedures prescribed under the Education(Welfare) Act 2000, when proposing to expel a student. Given the seriousness of permanent exclusion as a sanction, the Board of Management will undertake a very detailed review of a range of factors in deciding whether or not to permanently exclude a student. These factors will include:

- The nature and seriousness of the behaviour
- The context of the behaviour
- The impact of the behaviour
- The interventions tried to date
- Whether permanent exclusion is a proportionate response
- The possible impact of permanent exclusion

3-Procedures in respect of permanent exclusion

Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant permanent exclusion, the procedural steps will include:

- An investigation carried out under the direction of the Principal
- A recommendation to the Board of Management by the Principal
- Consideration by the Board of Management of the Principal's recommendation and the holding of a hearing
- Board of Management deliberations and actions following the hearing
- Consultations arranged by the Educational Welfare Officer
- Confirmation of the decision to permanently exclude

Step 1: An investigation carried out under the direction of the Principal

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

- inform the student and his/her parents/ guardians about the details of the alleged serious breach of the Code of Behaviour, how it will be investigated and that it could result in permanent exclusion
- give parents/ guardians 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/ Guardians and the student will be given an opportunity to respond to the complaint before a decision is made about the veracity of the allegation, and before a sanction is imposed.

Where permanent exclusion may result from an investigation, a meeting with the student and his/her parents/guardians will be arranged so that parents/guardians and their son/daughter will have the opportunity 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.

This meeting will also be an opportunity for parents/guardians 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 his/her parents/guardians fail to attend a meeting, the Principal will write to the parents/guardians advising them 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 serious breach of the Code of Positive Behaviour.

The school will record the invitation issued to parents/guardians 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 breach of the Code of Behaviour, that permanent exclusion may be warranted, the Principal will make such a recommendation to the Board of Management. The Principal will:

- inform the parents/guardians and the student that the Board of Management is being asked to consider permanent exclusion
- ensure that parents/guardians 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 permanent exclusion
- provide the Board of Management with the same comprehensive records as are given to parent/guardians
- notify the parents/guardians of the date of the hearing by the Board of Management and invite them to that hearing
- advise the parents/guardians that they can make a written and oral submission to the Board of Management
- ensure that parents/guardians 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

The Board of Management will review the initial investigation and satisfy itself that the investigation was properly conducted in line with fair procedures. The Board will undertake its own review of all documentation and the circumstances of the case. It will ensure that no party who has had any involvement with the circumstances of the case is part of the Board's deliberations.

Where a Board of Management decides to consider permanently excluding a student, it will hold a hearing.

At the hearing, the Principal and the parents/guardians, or a student aged eighteen years or over, put their case to the Board in each other's presence. Each party will be allowed to question the evidence of the other party directly. The parents/guardians may also use the occasion to make their case for lessening the sanction.

If parents/guardians wish to be accompanied at hearing the Board must be notified in advance and will facilitate this, in line with good practice and Board procedures.

After both sides have been heard, both the Principal and the parents/guardians will leave the meeting while the Board considers the issue.

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 permanent exclusion 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 permanently excluded it will 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 will follow the National Educational Welfare Board reporting procedures for proposed permanent exclusions. While the Board may be of the opinion that the student should be permanently excluded, the actual decision to permanently exclude the student cannot be taken before the passage of twenty school days from the date on which the Educational Welfare Officer receives written notification of the Board's opinion that the student should be permanently excluded and the reasons for this opinion. (Education (Welfare) Act 2000, s24(1)).

The Board of Management will inform the parents/guardians in writing about its conclusions and the next steps in the process. Where permanent exclusion is proposed, the parents/guardians will be told that the Board of Management will be informing the Educational Welfare Officer (see above).

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, the Principal and /or other school staff delegated by the Principals may meet the Educational Welfare Officer to plan for the student's future education in the interests of the educational welfare of the student.

Pending these consultations about the student's continued education, the Board of Management may take steps to ensure that good order is maintained and that the safety of all students is secured (Education (Welfare) Act 2000, s24(5)). The Board may consider it appropriate to suspend a student during this time especially where there is 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 permanently exclude

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 permanently excluded the Board of Management will formally confirm the decision to permanently exclude the student. The Board of Management may delegate this task to the Chairperson and the Principal.

Parents/guardian will be notified immediately that the permanent exclusion will now proceed. Parents/guardian and the student will be told about the right to appeal within 42 days and supplied with the standard form on which to lodge an appeal.

A formal record should be made of the decision to permanently exclude the student.

2- Appeals

The parents/guardians, or a student aged over eighteen years, may appeal the decision permanently exclude to the Secretary General of the Department of Education and Skills.

An appeal may also be brought by the National Educational Welfare Board on behalf of a student.

This Policy was reviewed on: **27 November 2018**

Signed: **Ms Cora Fitzgerald Tighe**/ Chairperson/Board of Management

Date: **27 November 2018**