

Salesian Secondary College, Pallaskenry.



Suspensions and Expulsions Policy.

Mission Statement.

The mission of Salesian Secondary College, Pallaskenry, is to provide the best possible education based on Christian / Catholic values, in partnership with parents / guardians and within a caring community.

In order to achieve our mission, we aim to provide opportunities for students to:

- gain skills, knowledge and understanding that will be of lasting value throughout their lives;
- develop each individual's talents to the level of his / her personal potential for the benefit of community and society;
- develop the characteristics appropriate to a member of a Christian community, including those of mutual respect and concern for others, irrespective of race, colour, gender or creed;
- promote the physical and emotional well-being of students by developing self-esteem, personal responsibility and the ability to live and work with others;

work with staff committed to these ideals.

Scope.

This policy applies to all students and visiting students until the completion of their Senior Cycle education in Salesian Secondary College or until the date of the student leaves the school.

Occasions may arise when a student, who has reached 18 years, requests the school to restrict or limit communication with their parent / guardian or to limit parental involvement in matters relating to their education (according to the *Age of Majority Act 1985*). In such circumstances, it is the practice of Salesian Secondary College to inform the parent / guardian of the student about the change in practice and the reasons.

Suspension.

The Suspensions Policy of Salesian Secondary College is aligned to the ratified Code of Behaviour for Students of the College and reflects whatever modifications are made in that Policy over time.

Definition.

Suspension is defined a formal direction from the school that a student absents himself / herself from the school for a specified, limited period of school days, following a breach or series of breaches of the Code of Behaviour.

A student may not be on school premises and grounds, represent the school or attend school activities.

or events during the period of school suspension, except by prior agreement with the suspending authority.

Authority to suspend.

The Board of Management has formally delegated to the Principal the authority to suspend a student. The Principal is accountable to the Board of Management for his / her use of this authority. In implementing a decision to suspend, the Principal shall adhere to The Code of Behaviour for Students of the school and paragraph 11.6 of Developing a Code of Behaviour: Guidelines for Schools (NEWB:2008). The delegation of this authority to suspend should reflect the provisions of Department of Education Guidelines, relevant legal requirements and the Articles of Management, where appropriate.

In the event of the absence of the Principal, the authority to suspend is delegated to the Acting Principal or a Deputy Principal, subject to the provisions of these documents.

Due Process, Natural Justice and Fair Procedure.

In our Salesian School, the principles of due process, natural justice and fair procedure apply to our Code of Behaviour and to matters which are comprehended by the Suspensions Policy.

The Board of Management and Principal should ensure that there are no undue delays in an investigation and in making decisions about the imposition of suspension.

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.

Great care should be taken to ensure that all matters to do with an investigation of alleged misbehaviour are dealt with in confidence, with information shared on a “need to know” basis among the educative partners only.

Thoughtful application of professional judgment and knowledge of the requirements of fair procedures will generally guide decision-making about suspension and expulsion.

In circumstances of particular complexity, school authorities may need to consult with partnership agencies (eg NEPS, Behavioural Support Service, school legal advisors, Management Bodies, Gardai and / or JLO, Social Work etc) to support their own decision-making or to inform.

Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant suspension, the following procedures will be observed:

1. The student will be informed of the complaint, of pending investigation and that a suspension may be appropriate, according to the School Code of Behaviour. Investigation will be conducted by appropriate members of the college Management or

Pastoral Care team, who will report to the Principal. The student may be removed from class during this time.

2. A parent / guardian and the student will be invited to meet the Principal / DP and will be given an opportunity to respond before a decision is made and before any sanction is recommended or imposed by the Principal.
3. In the case of an immediate suspension, following preliminary investigation to establish the case for the imposition of a suspension, the parent / guardian will be notified and arrangements made with them to collect their son / daughter from the school. A formal investigation will follow with a meeting arranged for a later date. The parent / guardian and student will be given an opportunity to respond to the complaint before any decision is made and any further sanction imposed.

If a student and their parent / guardian decline this invitation to meet, the Principal should make every reasonable effort to reschedule this meeting or, failing that, agree to correspond in the short term by telephone. In such circumstances, the decision to suspend can be communicated by telephone. The school should record the correspondence made to a parent / guardian and their response.

The school will have regard to its duty of care for the student. In no circumstances should a student be sent home from school without agreement from a parent / guardian that it is safe to do so, save in the case of a student who has reached the age of 18.

The Senior Management team, working together, should ensure unbiased decisions in the case of negative behaviour expressly directed at a member of the SMT eg period of reflection / guidance from appropriate sources.

Forms of Suspension.

- Immediate suspension.

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 or wellbeing of students or staff of the school or any other person.

An immediate or an automatic suspension may be imposed if the grounds referred to in section “The Grounds for Suspension” are met. Due process must apply.

- Suspension during a State examination.

This sanction should normally be approved by the Board of Management and should only be used where there has been a gross breach of the School Code AND where there is

- a threat to the good order of 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

- In House Suspension.

Is a student is removed from class for a period of time in school, this is not a suspension.

Exclusion of a student *from school* for part of the school day, *as a sanction*, or asking parent to keep a student at home, *as a sanction*, is a suspension.

Where a suspension may exacerbate the educational vulnerability of the student and where resources allow, the Principal may impose an “in house suspension”. In this case, the student will be required to remain on site for a period determined by the Principal, under supervision. She / he will not be permitted to attend class or extracurricular activities. Appropriate work may be set. Alternative break times may be arranged.

Notes:

- Students may not participate in extracurricular activities / trips or represent the school while on suspension.
- Suspension does not automatically restrict a student’s attendance at future extracurricular activities / school trips etc. In each case, the nature of the concerning behaviour will be examined and the appropriateness of the student’s participation in future events will be considered. The Principal reserves the right to grant, refuse or remove permission to participate in extracurricular activities and school trips.
- Similarly, suspension does not automatically bar a student from an offer of a place in Transition Year or Leaving Cert Applied in future. Instead, the particular behaviours comprehended by the suspension will be examined on a case-by-case basis, before a decision about TY / LCA offers are made by the school. The Principal reserves the right to grant, refuse or remove an offer of a place in TY and LCA.

The Grounds for suspension.

Suspension is a serious sanction and should be a proportionate response to the behaviour that is causing concern. It may be considered in the following circumstances:

- The student’s behaviour has had a seriously detrimental effect on the learning and / or welfare of other students
- Repeated breaches of the Code of Behaviour for Students
- The student’s continued presence in the school at the time constitutes a threat to his / her safety / wellbeing or that of others
- The student is responsible for damage to property

- The student's behaviour has endangered the good name of the school
- A single incident of serious misconduct may be grounds for suspension
- Theft
- Smoking or vaping
- Being out of bounds
- Violence or threat of violence
- Continued or serious breach of the Personal Technology Policy
- Continued or serious breach of the Anti-Bullying Policy
- Behaviour which continually gives rise to concerns about the misuse or sale of substances which are banned by the school (note: where concerns of this nature are expressed by the school, the student bears the responsibility to address the concerning behaviour immediately and visibly.)
- Ongoing failure to follow reasonable directions given by school Management and staff
- Failure to accept lower sanctions, as outlined in the School Code of Behaviour for Students.

This list is not exhaustive.

Please refer to the Code of Behaviour for Students.

Students should not usually be suspended for:

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

However, any behaviour that is persistently disruptive to teaching and learning or which potentially poses a health and safety concern 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.

Factors to consider before suspending a student.

- The nature and seriousness of the behaviour
- The context of the behaviour, as it presents at the time

- The impact of the behaviour
- The interventions tried to date
- Whether suspension is a proportionate response
- The possible impact of suspension.

The period of suspension.

The Principal may suspend a student for period not exceeding three days. In the case of a student who has been suspended before, or in exceptional circumstances, the Principal may be of the view that the student's offending behaviour warrants a longer term of suspension. In these circumstances, the Principal will seek the authority of the Board of Management to suspend for a longer period. Where for logistical reasons it is impossible to hold a formal Board meeting to consider an individual case, the Chairperson (having been consulted by the Principal) may authorise the imposition of a suspension not to exceed five days.

Save for exceptional circumstances, the Board will not suspend a student for a period longer than ten days.

A "rolling suspension" is not appropriate. However, circumstances may dictate that a student's breaches of different elements of the school Code of Behaviour might be reasonably considered as separate instances of misconduct, warranting differentiated responses and individualised suspensions, which may be successive.

The Board will formally review any proposal to suspend a student, where the suspension would bring the number of days for which the student is suspended in the current school year to 20 days or more. Any such suspension is subject to appeal under section 29 of the Education Act 1998.

Implementing the suspension.

The Principal will notify the parent and the student in writing of the decision to suspend. The letter should confirm the following:

- the period of the suspension and the dates on which the suspension will begin and end
- the reasons for the suspension
- the arrangements on return to school, including any commitments to be entered into by the student and the parent / guardian
- the provision of an appeal to the Board of Management, within 10 days from the date of the start of the suspension

- in particular circumstances, the right to appeal to the Secretary General of the Department of Education and Skills (Education Act : Section 29).

The student will be requested to complete a Reflection Sheet while on suspension, which should be given to a specified member of the Management or pastoral care team on return to school. This is an exercise in restorative practice, reflective of our Salesian ethos, and seeks to enable the student to come out of a difficult moment in his / her school life with dignity and the certainty of forgiveness.

In some cases, it may be appropriate to plan for a return-meeting with the student, parent / guardian and members of the Management and pastoral care teams. In addition, the suspension process may uncover the need for interventions by the pastoral care team on the student's return to school, for the student or for others.

Appeals.

The decision of the Principal to suspend a student may be appealed to the Board of Management by a parent / guardian or by a student who has reached the age of 18 years, within ten days of the first day of the suspension period.

Where the total number of days for which the student has been suspended in the current year reaches 20 days, the parent / guardian, or a student aged over 18 years, may appeal the suspension under section 29 of the Education Act 1998.

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 Skills directs that it be removed following an appeal under Section 29 of the Education Act.

Records and Reports.

Written records will be kept of:

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

The Principal reports all suspensions to the Board of Management, with the reasons for and the duration of each suspension. Students are not named in these reports.

Suspension is a tool by which the school hopes to encourage learning. Where learning occurs, this is a very positive outcome for all involved. Where learning does not occur, or where

breaches of the Code of Behaviour lead to further suspension, this may be considered in References prepared by the school.

The Principal is required to report suspensions in accordance with the NEWB reporting guidelines including the obligation to inform by notice in writing an educational officer where a student is suspended for a period of not less than 6 days.(Education (Welfare) Act, 2000, section 21(4)(a)

Review.

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.

Expulsion.

Definition.

A student is expelled from school when the Board of Management makes a decision to permanently exclude him / her from the school, having complied with Section 24 of the Education (Welfare) Act 2000.

Authority to expel.

The Board of Management has the authority to expel a student.

The grounds for expulsion.

In our Salesian School, the principles of due process, natural justice and fair procedure apply to our Code of Behaviour and to matters which are comprehended by the Expulsions Policy.

Expulsion should be a proportionate response to the student's behaviour and should only be taken in extreme cases of unacceptable behaviour.

A proposal to expel a student requires serious grounds ie:

- 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 / wellbeing of other members of the school community.

There may be grounds for considering that a student be expelled for a first offence. The kind of behaviours that might result in a proposal to expel include the following:

- Violence or physical assault, or serious threat of same, against another member of the school community
- Repeated use of banned substances or failure of a student to provide adequate reassurances to school management, where concerns of this nature have been raised in the past

Supplying banned substances to other students in the school, or failure of a student to provide adequate reassurances to school management, where concerns of this nature have been raised in the past

- Sexual assault or physical assault
- Gross misuse of school IT
- Gross misconduct online with reference to the school or school community
- Illegal behaviour.
- An accumulation of serious behaviour incidents which indicate that the student's educational welfare cannot be met by continuance in the school

This list is not exhaustive.

Factors to consider before proposing to expel a student.

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

Procedures in respect of expulsion.

1. Preliminary Assessment.

Where a preliminary assessment of the facts confirms serious misbehaviour which could warrant expulsion, the following procedural steps will be taken:

- A detailed investigation is carried out under the direction of the Principal

- The Principal will inform the student and his / her parent / guardian in writing about the details of the alleged misbehaviour, the nature of the investigation and the possibility of expulsion.
- A meeting will be arranged with the Principal to give the parent / guardian and student opportunity to respond before a decision is made and a sanction is imposed.
- If the parent / guardian and student decline to attend the meeting, the Principal will write explaining the gravity of the issue, the importance of attending a rescheduled meeting, and failing that, the duty of the School Management to make a decision to respond to the inappropriate behaviour.
- A record of the invitation issued and the response of the parent guardian will be kept on file.

2. Recommendation to the Board of Management by the Principal.

Where the Principal forms a view, based on the investigation of the alleged misbehaviour(s), that expulsion may be warranted, the Principal makes a recommendation to the Board of Management to consider expulsion. The Principal will:

- inform the parent / guardian and student that the Board of Management is being asked to consider expulsion
- ensure that the parent / guardian has 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 these same comprehensive records
- notify the parent / guardian of the date of the hearing by the Board of Management and invite them to that hearing
- advise the parent / guardian that they may make a written and oral submission to the Board of Management
- ensure that parent / guardian have enough notice to allow them to prepare for the hearing.

3. Consideration by the Board of Management of the Principal's recommendation and the holding of a hearing.

The Board will review the initial investigation and ensure that the investigation was properly conducted in line with fair procedures.

The Board will review all documentation and the circumstances of the case. No party who has had any involvement with the case will be part of the Board's deliberations.

If the Board decides to consider expelling a student, a hearing will be arranged.

At the hearing, the Principal and the parent / guardian, or a student aged 18 years or over, will be invited put their case to the Board in each other's presence. Each party should be allowed to question the other party directly. A parent / guardian may wish to be accompanied to the hearing and this should be facilitated if requested.

After both sides have been heard, the Principal and parent /guardian will withdraw and the Board will deliberate in private.

4. Board of Management deliberations and actions following the hearing.

It is the responsibility of the Board of Management to decide whether or not allegations are substantiated and, if so, whether or not expulsion is the appropriate sanction.

Where the Board, having considered all the facts of the case, is of the opinion that the student should be expelled, the Board will notify Tusla in writing of its opinion, and the reasons for this opinion. The student cannot be expelled before the passage of twenty school days from the date on which the Tusla receives the written notification.

The Board will inform the parent / guardian in writing of its conclusions and the next steps in the process. The parent / guardian will be informed that Tusla will be notified of the decision.

5. Consultations arranged by Tusla.

Within twenty days of receipt of the notification from the Board of Management of its opinion that a student be expelled, Tusla must:

- Consult with the Principal, parent / guardian and student
- Convene a meeting of those parties who agree to attend.

The purpose of the meeting is to ensure that arrangements are made for the student to remain in education. Pending these consultations about the future education of the student, the Board may consider it appropriate to suspend the student if 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 / wellbeing of other students or staff.

6. Confirmation of the decision to expel.

Where the twenty-day period following notification to Tusla has elapsed and where the Board of Management remains of the view that the student should be expelled, the Chairperson and the Principal will be delegated to formally confirm the decision to expel. Parent guardian will be notified that the expulsion will now proceed. The parent / guardian will be informed about the right to appeal and will be supplied with a form on which to lodge an appeal. A formal record will be kept of the decision to expel the student.

Appeals.

A parent / guardian, or a student over 18 years, may appeal a decision to expel to the Secretary General of the Department of Education and Skills. An appeal may also be brought by the Tusla on behalf of the student.

Review.

The Board of Management will review the use of expulsion in the school annually 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.

Ratification.

This policy was ratified by the Board of Management.

Signed: _____

Date: _____