



November 2021

Code of Behaviour: Suspension and Expulsion Policy

Suspension

In certain circumstances of unacceptable behaviour, it is necessary in the best interests of the whole school community for a student to be suspended or expelled.

The Board of Management has the authority to suspend a student. The Board delegates the authority to the Principal to suspend a student for a period not exceeding three school days. This may be extended to five school days in exceptional circumstances where a meeting of the Board cannot be convened in a timely fashion.

Possible Grounds for Suspension

The Board recognises that the suspension of a student is a very serious step and suspension will only be used as a sanction for very serious misbehaviour which could include any of the following:

- Student behaviour that has had a seriously detrimental effect on the education of other students.
- Student behaviour that results in the student's continued presence in the school constituting a threat to safety in the school.
- Disrespect, or continuous defiance towards, or harassment or intimidation of any staff member, or the harassment/ bullying of any member of the school community. This includes the use of obscene, abusive, or inappropriate language.
- Possession, use or supply of prohibited substances e.g. alcohol, drugs in the school or on school-related activities.
- Serious damage to property by a student.
- Stealing
- Fighting, or possession of offensive weapons (which may also be reported to the appropriate authorities)
- Recording and/or sharing of images or video or posting other content online which harms another member of the school community regardless of whether this happens in school or outside.
- Damaging the good name and reputation of the school

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

In certain circumstances suspension may be considered appropriate in that:

- It enables the school to impress on the student and his parents/guardians the seriousness of the behaviour.
- It may enable the school to set behavioural goals with the student and his parents/guardians.

Procedure

Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant suspension, the student and his parents will be informed of the complaint and given an opportunity to respond.

Factors to consider before suspending a student

The following factors must be considered before suspending a student:

- The nature and seriousness of the behaviour
- The context of the behaviour
- The intervention tried to date (where applicable)
- Whether suspension is a proportionate response

Implementation of Suspension

The Principal shall notify the parents / guardians and the student in writing of the decision to suspend. This notification shall confirm:

- The period of suspension, the date on which the suspension will begin and the date which it will end
- The reason(s) for suspension
- The study programme to be followed
- Any commitments to be entered into by the student on return to school and any support programme to be in place for student
- The right for an appeal to the Board of Management

- The right of appeal to the Department of Education and Skills (under Section 29 of the Education Act 1998) where the period or periods of suspension total not less than 20 school days in the school year.

Before imposing the suspension, for an accumulation of breaches of the Code of Behaviour, the Principal needs to be satisfied that, as far as practicable, all other interventions have been tried and that the student has failed to respond to such interventions.

Immediate Suspension

In exceptional circumstances, the Principal may consider an immediate suspension to be necessary where the continued presence of the student in the school at the time would represent a serious threat to the safety of students or staff of the school.

In the case of an immediate suspension, the student's parents / guardians will be notified, and arrangements will be made for the student to be collected. The parents / guardians will be given details of the length of the suspension.

The Period of Suspension

Except in exceptional circumstances the period of suspension for a student shall not exceed three school days. If the period of suspension proposed by the Principal is in excess of three school days, the Board of Management shall meet to decide on the matter. In the event of the Board of Management being unable to convene a meeting in timely fashion, the Principal may suspend the student for up to five school days. The period of suspension imposed by the Board on any student shall not exceed ten school days in any one period.

Suspension of a Student during a State Examination

A student may be suspended during State Examinations. The suspension must be approved by the Board of Management and suspension will only be considered if any of the following circumstances pertain:

- A threat to good order in the conduct of the examination.
- A threat to the safety of other students or personnel.
- A threat to the right of other students to do their examination in a calm atmosphere.

Before making a decision to suspend a student during State Examinations the Principal shall contact the State Examinations Commission and seek its advice.

Expulsion

Authority to Expel a Student

The authority to expel a student is reserved solely by the Board of Management of Blackwater Community School.

Possible Grounds for Expulsion

The decision to expel a student is a very serious step and will only be considered by the Board of Management in extreme cases of unacceptable behaviour. Possible grounds for expulsion include:

1. Where breaches of the Code of Behaviour continue following repeated suspensions, the Principal may recommend expulsion to the Board of Management and inform the parents of this recommendation.
2. Expulsion may be recommended where the behaviour of the student is seriously disrupting learning and having a negative effect on other students.
3. Expulsion may be recommended where there is serious disrespect, harassment, or abuse of others.
4. Expulsion may be recommended where the student has no respect for, or is not amenable to, any form of school authority.
5. Expulsion may also be recommended for certain breaches of policy in relation to substance abuse, one example would be trafficking drugs.
6. Expulsion may be recommended where there is serious concern for the safety of others.
7. Serious assault.
8. Serious theft.
9. Causing major damage to school property.
10. Possession of or brandishing an offensive weapon.

Before considering the expulsion of a student, the Board of Management of the school shall first satisfy itself that the school has taken significant steps to address the student's unacceptable behaviour including where practicable some or all the following:

- Meetings with parents / guardians of student to facilitate the school to work together with them to enable the student to change his behaviour.
- Ensuring that the student understands the possible consequences of his/her unacceptable behaviour if it should persist.

- Seeking the advice and assistance of agencies / organizations / bodies that provide assistance / guidance / support to students experiencing difficulties in relation to behaviour, their families, and their schools.

Expulsion for a Once-Off Offence

In exceptional circumstances, the Board of Management may consider the expulsion of a student for a once-off offence. The kinds of behaviour that might result in the Board considering an expulsion of a student could include any of the following:

- A serious act of violence or serious physical or sexual assault of a student or others.
- A serious threat of violence against another student or others.
- Supplying illegal substances to others.

Factors to be considered before the Board of Management proposes to expel a student

Before deciding to expel a student, the Board of Management shall consider the following:

- the nature and seriousness of the behaviour
- the context of the behaviour
- the impact of the behaviour
- interventions tried to date
- is the behaviour sufficiently serious to warrant expulsion?

Procedures in Respect of Expulsion

The Principal shall inform parents / guardians in writing of the alleged misbehaviour, how it will be investigated and that it could result in expulsion. Parents / Guardians shall be given every opportunity to respond to the complaint of the student's misbehaviour. The parents / guardians shall be given the opportunity to meet with the Principal. The parents / guardians shall be given the opportunity to ask questions, make their case for lessening the sanction and explore ways how best to address the student's behaviour.

Where the Principal is making a recommendation to have a student expelled, the Principal shall ensure that parents / guardians have been given a report of the allegation, the investigation and written notice of the grounds on which the Board of Management is being asked to consider expulsion. The Principal shall notify the parents / guardians of the date of the hearing by the Board of Management and invite them to attend. The Principal shall

advise the parents /guardians that they can make a written or oral submission to the Board of Management. The Principal shall ensure that parents / guardians have enough notice to allow them to prepare for the hearing. At the hearing, the Principal and the parents / guardians, or a student who is 18 years or older, put their case to the Board in each other's presence. Each party is allowed to question the evidence of the other party directly. In the conduct of the hearing, the Board must take care to ensure that they are, and are seen to be, impartial between the Principal and the student.

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

The Board of Management of the school shall inform the parents / guardians in writing of its conclusions regarding the expulsion. Where expulsion is proposed, the parents / guardians shall be informed that the Board shall now inform the Education Welfare Officer of their intention to expel. The Principal shall attend any meeting/s organised by the Education Welfare Officer regarding the future provision of education for the student.

From the time notification is received by the Educational Welfare Service of the intention to expel, a period of twenty school days must elapse before the expulsion can be confirmed. During this time, all those involved with the student may meet with the Educational Welfare Officer to plan for the student's future education. The Board of Management may decide to suspend the student for this period during this time if the continued presence of the student would seriously disrupt the learning of other students or represent a threat to the safety of other students and staff.

Following the elapse of the twenty school days, and where the Board of Management remains of the view that the student should be expelled, the Board of Management shall formally confirm to the student and his/her parents/guardians the Board's decision to expel the student. Parents / guardians and the student shall also be informed about their right to appeal the Board's decision to expel the student and given information to enable them to lodge an appeal to the Secretary General of the Department of Education and Skills under Section 29 of the Education Act 1998.

Involving the Gardaí

Where allegations of criminal behaviour are made about a student, or where incidents of bullying behaviour relate to student safety or protection, the school may report the matter to the Garda Síochána.

Policy Review

This Policy will be reviewed as necessary and particularly to comply with any relevant legislative changes.

This Policy was reviewed adopted by the Board of Management of Blackwater Community School on: **November 16th, 2021**