

# Suspension & Exclusion Policy 2016-2018

## Castleknock Community College



### Review Dates

Staff	Oct '09 –Feb '10	Reviewed
Parents	February 2011	Reviewed
Student Council	May 2010	Reviewed
BOM	November 2011	Ratified
BOM	January 2014	Reviewed without amendments
BOM	December 2015	Reviewed without amendments
BOM	March 2016	Reviewed with amendments
BOM	January 2018	Reviewed without amendments

Due for next review January 2021

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## 1. Suspension & Exclusion Policy

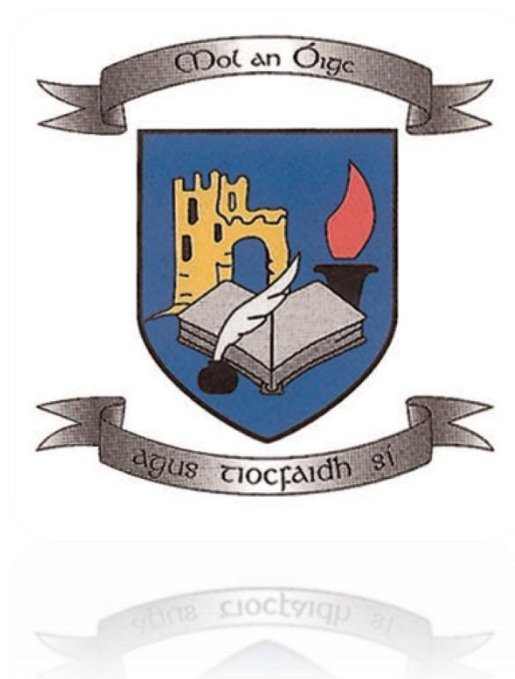
Castleknock Community College in conjunction with Dublin & Dun Laoghaire ETB recognises its obligation to protect the rights of the principal, staff and students and, consequently, endorses the aspiration set out in the Department of Education's "Guidelines towards a Positive Policy for School Behaviour and Discipline" (C/L 33/91) that

*"Expulsion should be resorted to only in the most extreme cases of indiscipline and only after every effort at rehabilitation has failed and every other sanction has been exhausted".*

**(This policy makes reference to exclude and is determined to mean permanently excluded or expel)**

**Natural Justice must be adhered to in all decisions.**

Natural Justice is derived from the Roman belief that some legal principles were "natural" or self-evident and did not require a statutory basis. There are two main principles "*audi alterna partem*" (hear the other side) and "*nemo iudex in causa sua*" (no man/woman is a judge in his/her own case).



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## A Ladder of Intervention

As part of the whole-school approach a ladder of intervention exists in response to inappropriate behaviour. This allows for consistency among teachers as well as ensuring that there is a planned approach to helping students to change their own behaviour. Three levels at which intervention may take place are outlined below. At each level, parental support should be sought.

Support for all	Most students behave appropriately, with the help of consistent and clear rules and routines in class and in school. Occasional, minor misbehaviour is attended to routinely and effectively through the skill of the classroom teacher.
Additional support for some students	Some students need more active intervention to help them to manage their behaviour. Without additional help, they may be at risk of failing, behaviourally, socially and educationally. Additional inputs or interventions employ at Castleknock Community College include: <ul style="list-style-type: none"><li>✓ referral to another teacher or adult who can work with the student</li><li>✓ involving the Pastoral Care team</li><li>✓ setting targets for behaviour and monitoring them with the student in a supportive way</li><li>✓ behaviour contracts.</li></ul>
Specialised support for a small minority of students	<p>A small minority of students may show particularly challenging behaviour. They may have great difficulty in learning new behaviour and may not respond to low-level interventions. These students will need a sustained and systematic response involving the important adults in their lives, in school and at home.</p> <p>The Principal and staff will endeavour to build strong links with any local support services that may be able to assist in responding to the needs of a student with behavioural difficulties. Sources of support may include the Dublin &amp; Dun Laoghaire ETB Psychological Support Services, the Child &amp; Adolescent Mental Health Services (CAHMS), the HSE Community Psychology Services, the National Behavioural Support Service, the National Council for Special Education, Child Guidance Services or Adolescent Mental Health Services.</p> <p>The College is cognisant of its obligations under the Equal Status Acts 2000 to 2004 with regard to making reasonable accommodation for students with disabilities.</p>

## 2. Principles drawn from recent legislation.

- 2:1 Students have a statutory obligation to attend school up to age 16. Accordingly students have a right to attend school up to that age.
- 2:2 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.
- 2:3 All students and staff have the right to be treated fairly and with dignity, in an environment free from disruption, intimidation, harassment and discrimination.
- 2:4 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 in these situations. [Examples of “unacceptable behaviour” are contained in the Student Behaviour Policy document].
- 2:5 Collaboration between Board of Management, school staff, students and parents is an important feature of Behaviour Management in schools. All should be fully aware of the suspension and expulsion procedures and their place in the context of the school’s *Student Behaviour Policy*.
- 2:6 Suspension is only one strategy within a school’s Student Behaviour Policy. 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. The school will work with parents / guardians with a view to assisting a suspended student to re-join the school community as quickly as possible.
- 2:7 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 personnel to plan appropriate support for the student to assist with successful re-entry.
- 2:8 The Principal has authority to suspend any pupil for a limited period and shall report any such suspension to the Board of Management at its next meeting.

- 2:9 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 of Natural Justice.
- 2:10 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
- 2:11 The Board of Management will also ensure that the implementation of these procedures will take into account such factors as :
- a. The age and state of health of the pupil
  - b. The pupil's previous record at the school
  - 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, 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 the school;
  - 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 Student Behaviour Policy 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.

2:12 Depending on the nature and extent of the misbehaviour the support of other agencies such as the Education Welfare Board (NEWB) or the Child & Adolescent Mental Health Services (CAMHS) may be sought by the Board of Management

2:13 The Principles of Natural Justice are fundamental to the implementation of these procedures.

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## 3: Suspension

- 3:1 Reasons for the suspension of a pupil must be linked with *The Student Behaviour Policy*, of which the student and Parents/Guardian must have copies, be familiar with its contents, and preferably have signed that they have read and understood the Code.
- 3:2 Suspension will usually only occur after the Principal has:
- ✓ ensured all discipline options under *The Student Behaviour Policy* have been applied and documented
  - ✓ ensured all appropriate support personnel ( internal and external) 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. Child & Adolescent Mental Health Services (CAHMS)), particularly where unacceptable behaviour is on-going 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
- 3:3 The Principal may suspend immediately in some circumstances e.g. violence, threats of violence, presence of weapons, illegal drugs etc.
- 3:4 Length of suspension: the Board of Management have placed a maximum of five (5) days on a suspension which may be applied by the Principal in most circumstances.
- 3:5 If a student is suspended for a period of six (6) days or more, the Principal must inform the Board of Management and the local Educational Welfare Officer.
- 3:6 If a student is suspended for a cumulative total of twenty (20) days or more in one school year, the Principal must inform the Educational Welfare Officer.
- 3:7 The Board of Management may dismiss, or otherwise disbar from attendance at school, a student for more than a total of twenty-eight (28) calendar days or until the next meeting of the Dublin & Dun Laoghaire ETB
- 3:8 The Principal must inform the Parent(s)/Guardian(s), of their right to appeal to the Board of Management where dismissal or suspension is invoked under Section 29 of the 1998 Education Act.



## 4. Essential Elements in the Procedure for Suspension

- 4:1 The Principal makes decision (or, in the Principal's absence, the acting or Deputy Principal) on the basis of the reasons set out in *The Student Behaviour Policy*, and the parameters set out by the Board of Management.
- 4:2 The student must be informed of the grounds which gave rise to a possible suspension, and be given an opportunity to respond, before a decision to suspend is reached and formalised.
- 4:3 The Parents of the suspended student are informed by post and/or phone and invited to come to the school for a meeting.
- 4:4 If suspension is to be immediate (e.g. in the interests of health and safety) every effort will be made to contact by phone the Parents/Guardians. This contact will be followed-up with a letter.
- 4:5 The student will be supervised or remain in class until suspension takes effect.
- 4:6 A student will never be sent home during school day, unless collected by Parent /Guardian (or other suitable arrangement made).
- 4:7 The formal letter of notification may include:
- ✓ Notice of the suspension
  - ✓ Effective dates of the suspension
  - ✓ Duration of the suspension
  - ✓ Reasons for the suspension
  - ✓ Expectations of the student while on suspension if required a 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 5 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)
  - ✓ Requirements, which need to be in place when student returns (e.g. written apology, completed assignments etc.)

- ✓ If consideration is being given to proceeding to expulsion, then the letter **must make this clear**.
- 4:8 Procedures for the formal re-introduction of the student into the school may include the following
  - ✓ 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 where appropriate.

*Reasonable steps must be taken to ensure that any formal notification is made in a manner which can be understood by the student and the parents/guardians. This is essential when parents have difficulty reading or understanding English*

## 5. 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:

- ✓ Successful appeal to the Board of Management
- ✓ Successful appeal under Section 29 of the Education Act
- ✓ New circumstances come to light

## 6. Guidelines for Appeals

6:1 The Principles of Natural Justice demand that there should always be an appeal to a higher authority.

6:2 The practicalities of school life mean that having a formal appeal to the Board of Management on short suspensions imposed by the Principal may be inappropriate, very time-consuming, and render the suspension meaningless. It is possible that a suspension may already be served before the appeal is actually heard. If the appeal is successful the suspension will be removed from the student's file / record.

6:3 In certain circumstances the College may wish to establish a formal appeal system for long suspensions (e.g. 6+ days ), which may involve a sub-committee of the Board being set up.

6:4 It may also be appropriate to formalise a meeting before the suspension is actually imposed, perhaps comprising of the Principal, Deputy Principal, Guidance Counsellor and the parents, in an attempt to resolve matters and / or to explain the reasons for the long suspension.

6:5 The College may insist that the student remain at home while any appeal on a suspension is in process.

6:6 All appeals will be heard as soon as is practically possible.

## 7. Expulsion

7:1 This is the ultimate sanction imposed by the College and is exercised by the Board of Management in extreme cases of indiscipline.

7:2 In advance of any hearing, which could result in an expulsion, the College will investigate the matter in accordance with the principles of natural justice.

7:3 Reasons for the expulsion of a pupil will be linked with the *Student Behaviour Code*, of which the student and Parents/Guardian have copies, be familiar with its contents, and preferably have signed that they have read and understood the Code.

### 7:4 Expulsion for a first offence

There may be exceptional circumstances where the Board of Management forms the opinion that a student should be excluded for a first offence. The kinds of behaviour that might result in a proposal to exclude on the basis of a single breach of the code could include:

- 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

## **8. Essential Elements in the Procedure for Expulsion**

### **8:1 Expulsion can only occur after the Principal has:**

- ✓ ensured all discipline options under the Student Behaviour Policy have been applied and documented
- ✓ ensured all appropriate support personnel (internal and external) have been involved
- ✓ ensured all other 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

### **8:2 Expulsion(s) can only occur after the Board of Management has**

- ✓ 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
- ✓ considered the student's record in the school

- ✓ taken legal / expert advice (if appropriate)
- ✓ ensured the Principal is not present for the Board's discussion and decision on the matter.
- ✓ discussed the case in detail
- ✓ made a final decision to exclude
- ✓ 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.

## **8:3 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 student's 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)

## **9. The Principles of Natural Justice**

### **9:1 Procedural Fairness**

Procedural fairness is a basic right of all individuals dealing with authorities. All communities have a legitimate expectation that schools (Boards, Principals and teaching staffs) will follow these principles in all circumstances, particularly when dealing with suspensions and expulsions.

Procedural fairness is generally recognised as having two essential elements.

- ✓ **The right to be heard which includes.**
- ✓ **The right of a person to an impartial decision which includes.**

## **9:2 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.

## **9:3 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 will establish if parents / guardians require an interpreter or any other assistance and, if so, make arrangements for one to be available.
- ✓ The Principal will also ensure that students and parents / guardians have access to policies and procedures under which the 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, he or she 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 assistant principal, 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 or to recommend to the Board the expulsion of a student from the College. This responsibility is not to be delegated to any officer other than one acting in the Principal's position.

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- ✓ To ensure the elements of procedural fairness are met, it is appropriate to provide a student and their parents / guardians with details of all allegations relating to the incident. This usually will involve providing copies of any relevant statements. Should the Principal be of the view that it is not appropriate to provide copies of statement, for example, because of a fear that witnesses may be intimidated, 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.
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## Appendix 1. ~ Discipline Procedures in School

*Excerpt from some legal advice by Ian O'Herlihy (Arthur O'Hagan Solicitors)*

- a. It seems at least prudent that schools should adopt a policy so that when others interview pupils in relation to wrongdoing, that brief notes of those interviews are taken.
  - b. Further, in advance of any hearing, which could result in the expulsion (or probably in respect of lengthy suspension), the pupil and his parents should be supplied with copies of the notes of the interviews.
  - c. The school should also have set out in clear terms the allegations against the pupil
  - d. It would also be advisable that the notification of the meeting of the Board should make it clear that having regard to the seriousness of the allegations the punishment might well be expulsion.
  - e. **In all circumstances he would advise that schools have clearly defined written procedures for dealing with serious misconduct.**
1. Those procedures should be:
    - ✓ be known or at least made known in appropriate cases to the parents
    - ✓ be rigorously followed
    - ✓ provide that the Principal, or other appropriate person, will conduct an investigation, but during the course of that investigation notes will be taken of any interviews.
    - ✓ provide that the parents of the pupils are written to setting out in clear terms the allegations, which their child faces, and the level of punishment, which could result.
  2. Copies of all notes or other statements assembled should, where appropriate, accompany such notification.
  3. The parents should also be advised that they will have the opportunity to be heard (and the pupils should be heard if they request) by the Board of Management or other deciding authority.
  4. The procedures should also provide that the deciding authority will hear the case made by the investigating teacher, and will also hear the parents and the pupils and any other persons who the parents of the pupils wish to bring before the Board.
  5. It must of course be emphasised that the investigating teacher should take no part whatsoever in the decision making process.
  6. Further the Board should ensure that any member of the Board who might have a conflicting interest should be excused and not partake in the decision.
  7. The Board should also of course ensure that it complies with its own rules.



**Appendix 2. ~ Relevant Legislation**

<p><i>Education Act 1998</i></p> <p><i>Consultation with Patron</i></p> <p><i>Admissions and participation policies the challenges</i></p>	<p><b>The Board of Management shall...</b> Section 15 (2)</p> <p>(c) <b>Consult with and keep the patron informed of decisions and proposals of the Board</b></p> <p>(d) <b>Publish, in such manner as the Board with the agreement of the patron considers appropriate,</b> the policy of the school concerning admission to and participation in the school, including the <b>policy of the school relating to expulsion and suspension of students</b> 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.</p>
<p><i>Education Welfare Act 2000</i></p> <p><i>Student Behaviour Policy</i></p> <p><i>Parents and the Student Behaviour Policy</i></p>	<p style="text-align: center;"><b>Student Behaviour Policy</b></p> <p>Section 23</p> <p>(1) <b>The board of management</b> of a recognised school <b>shall</b>, after consultation with (principal, teachers, parents, educational welfare officer) <b>prepare a code of behaviour</b> in respect of the students registered at the school.</p> <p>(2) A Student Behaviour Policy shall <b>specify</b> –</p> <ol style="list-style-type: none"> <li>a. the standards of behaviour that shall be observed by each student attending the school</li> <li>b. the measures that may be taken when a student fails or refuses to observe those standards</li> <li>c. <b>the procedures to be followed before a student may be suspended or expelled from the school concerned</b></li> <li>d. <b>the grounds for removing a suspension imposed in relation to a student;</b> and</li> <li>e. the procedures to be followed relating to notification of a child's absence from school</li> </ol> <p>(4) The principal of a recognised school <b>shall</b>, before registering a child as a student at that school ...provide the parents of such child with a copy of the Student Behaviour Policy in respect of the school and <b>may</b>, as a condition of so registering such child, require his or her parents to confirm in writing that the Student Behaviour Policy so provided is acceptable to them and that they shall make all reasonable efforts to ensure compliance</p>

	<p style="text-align: center;">with such code by the child.</p> <p><b>Section 24</b></p> <p>(1) 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.</p> <p>(2) 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.</p> <p>(3) A student may not be expelled for twenty school days after the welfare officer receives this notification</p> <p>(4) 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 secured” during this twenty-day period”.</p>
<p><b>Equal Status Act 2000</b></p> <p><b>Grounds of discrimination</b></p> <p><b>Admission</b></p> <p><b>Access</b></p> <p><b>Participation</b></p> <p><b>Expulsion</b></p>	<p>Section 3  <i>“ ..discrimination shall be taken to occur” where a person is treated less favourably than another on any of the grounds set out in</i>  <i>Section 5.</i></p> <p>Section 5  <i>The prohibited grounds of discrimination are:</i></p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p><b>Gender, marital status, family status, sexual orientation, religion, age, disability, race, membership of the Travelling Community, victimisation .</b></p> </div> <p style="text-align: center;"><b>Educational establishments</b></p> <p>Section 7 (2)</p> <p><b>An educational establishment shall not discriminate in relation to:</b></p> <p>(a) the admission or the terms or conditions of admission of a person as a student to the establishment,</p> <p>(b) the access of a student to any course, facility or benefit provided by the establishment,</p> <p>(c) any other term or condition of <b>participation</b> in the establishment by a student, or</p> <p>(d) the <b>expulsion of a student</b> from the establishment or any other sanction against the student.</p>

