



Sancta Maria College

Suspension and [Permanent] Exclusion Policy

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

The 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 mission of our Trustees, Ceist, whose ethos and philosophy validates the care and wellbeing of every member of the school community.

RATIONALE

Each student has a right to learn in an orderly and caring environment. Every member of the school community has a right to be treated fairly and with dignity in an environment free from disruption, intimidation, harassment, discrimination, exploitation or any abuse. 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 her parents /guardians agree to uphold the Code of Behaviour in detail and spirit.

There may occur from time to time a serious breach 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.

OBJECTIVES

The aims of our Suspension and [Permanent] Exclusion policy are:

- To maintain a safe, secure learning environment free from unnecessary 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 has authority to suspend a student/students for a limited period of time (see below) and may recommend a longer suspension or the permanent exclusion of a student/students 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 herself from the school for a specified and limited period of school days.

Grounds for Suspension

The decision to suspend a student requires serious grounds such as that:

- The student's behaviour has had a seriously detrimental effect on the education /wellbeing of other students and/or
- The student's continued presence in the school at that particular time constitutes a threat to health, safety or wellbeing and/or
- The student is responsible for personal injury to others or for serious damage to property.

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

Examples of such behaviour would include

- a 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
- possession, use or supply of alcohol or illegal narcotics on school premises or during school related activities and/or
- libel of a member of the school community in any medium

This list is not exhaustive.

- In the event of a student being in serious/continuous breach of Code of Behaviour, the Principal may deem it necessary to propose her exclusion to the Board of Management.

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

Rationale for Suspension

Suspension can provide a respite for members of the school community and the student; it can give the student time to reflect on the link between her action and its consequences and give staff time to plan ways of helping the student to change unacceptable behaviour in order to meet the school's expectations in the future.

Suspension is most effective when it highlights the parents'/the guardians' responsibility to take an active role in partnership with the school in working with their daughter to help her improve her behaviour as required.

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 days or more cumulatively in one school year, the Principal is required to inform the National Education Welfare Officer who may contact the family.

Suspension during a State Examination

If the Principal or, in the Principal's absence, the Deputy Principal forms the opinion that the behaviour of a student, sitting either Leaving or Junior Certificate examinations, constitutes a threat to good order in the conduct of the State Examination or a threat to the safety/wellbeing of other students or school personnel or a threat to the right of other students to sit their examination in a calm atmosphere, then the Board of Management may approve the suspension of that student.

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 problem behaviour - for example as of on the fourth entry of a student's name into the Conduct Book.

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

This initial communication will usually be in writing although there may be circumstances where following the preliminary assessment, an immediate suspension is warranted for the safety/wellbeing of the student herself, of other students, members of staff or others. In such a case a phone call followed by an email will be made to the parents/guardians.

The formal investigation of the complaint will commence as soon as possible after the alleged misbehaviour has occurred.

Opportunity to Respond

Parents/Guardians 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, her parents/guardians and the Principal (or in the Principal's absence, the Deputy Principal). If a student and her parents/guardians fail to attend the meeting, the Principal will write advising the parents/guardians of the gravity of the matter, the importance of attending a rescheduled meeting and failing that, the duty of the school authorities to make a decision to respond to the findings of the initial assessment of the problem behaviour.

Implementing the Suspension

The Principal will notify the parents/guardians and the student in writing of the decision to suspend. The letter will confirm:

- the period of suspension and the dates on which the suspension will begin and end
- the reasons for the suspension

- that the student will be in the full care of her parents/guardians during the period of her suspension from school
- the arrangements for returning to school, including any commitments to be entered into by the student and her parents/guardians – (for example the student and her parents/guardians may be asked to reaffirm their commitment to the Code of Behaviour
- the provision for an appeal to the Board of Management
- the right to appeal, if appropriate, to the Secretary General of the Department of Education and Skills (*Education Act 1998*, Section 29).

Students are advised to use the period of suspension for serious study and revision.

Right to Appeal

Where a decision to suspend a student is made by the Principal, the parents/guardians have the right to appeal the decision to the Board of Management. The suspension will not normally be implemented until after such an appeal unless the behaviour in question warrants an immediate suspension. (See above).

If the appeal is heard after the suspension has been implemented and if the appeal is upheld, then the record of the student will not include the suspension.

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

Where the total number of days for which the student has been suspended in the t#current school year reaches twenty days, the parents of a student aged over ithteenyears, may appeal the suspension under section 20 of the *Education Act 1998*, as amended by the *Education (Miscellaneous Proviions) Act 2007*.

At the time when parents/guardians are being formally notified of such a suspension, they and the student will be told about their right to appeal to the Secretary General of the Department of Education and Skills under Section 29 of the *Education Act 1998* and should be given information about how to appeal.

Grounds for Removing a Suspension from a Student's Record

A suspension may be expunged from the record of a student at the discretion of 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*.

Procedures for the Re-Introduction of the Student to the School

The parents/guardians and the student may be requested to attend a meeting with the Principal or another member of staff designated by the Principal before the student returns to class. The purpose of this meeting will be to emphasise the seriousness of the misbehaviour that gave rise to the suspension and to ensure the support of parents/guardians for the school's Code of Behaviour.

It is also an opportunity to stress the responsibility of parents/guardians to support the school in its efforts to help their daughter to behave well when she returns to school. In addition the supports

that the school has in place or intends to put in place to help the student on her return to school may be outlined at such a meeting.

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

When the suspension has been 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 good behaviour of this student as of all other students.

Records and Reports

Formal written records will be kept of:

- the investigation (including notes of all interviews held)
- 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 together with the reasons for and the duration of each suspension.

The Principal is required to report to the National Education Welfare Board all suspensions of 6 days and longer.

Review of the 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.

Grounds for Permanent Exclusion

The permanent exclusion of a student is 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.

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

- meeting of parents and the student to try to find ways of helping the student to change her behaviour
- making sure that the student understands the possible consequences of her behaviour, if it should persist
- ensuring that all other possible options have been tried

- seeking the assistance of support agencies (e.g. the National Educational Psychological Service, Child and Adolescent Mental Health Services, the National Council for Special Education).

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

- 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 the safety, health or wellbeing of others there
- 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. Examples of such serious breaches of the Code of Behaviour are:

- a serious threat of violence against another student or member of staff
- actual violence or physical assault
- possession, use or supply of alcohol or illegal narcotics on the school premises or during school related activities
- sexual assault
- serious libel of a member of the school community

This list is not exhaustive.

Determining the Appropriateness of the Permanent Exclusion of 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

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:

1. A detailed investigation carried out under the direction of the Principal.
2. A recommendation to the Board of management by the Principal.
3. Consideration by the Board of Management of the Principal's recommendation and the holding of a hearing.
4. Board of Management deliberations after the hearing.
5. Consultations arranged by the Educational Welfare Officer.

6. Confirmation of the decision to permanently exclude.

Step 1: A detailed 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 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 the permanent exclusion of the student
- Give parents/guardians and the student an opportunity to respond to the complaint before a decision is made and before a sanction is imposed.

Parents/guardians will be informed in writing of the alleged breach of the Code of Behaviour and of the proposed investigation.

Parents 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 her parents will be arranged so that the parents and their daughter will have the opportunity to tell their side of the story and 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/guardians how best to address the student's behaviour.

If a student and 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 Behaviour.

The school will record the invitation 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
- Insure that parents/guardians have records of the allegations against the student, the investigation and the 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 the parents/guardians
- Notify the parents/guardians of the date of the hearing by the Board of Management and invite them to the hearing
- Advise parents/guardian 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 of Management will undertake its own review of all documentation and the circumstances of the case. It will ensure that no party who has any involvement in the case is part of the Board of Management's deliberations.

Where the Board of Management decides to consider the permanent exclusion of a student it will hold a hearing.

At the hearing the Principal and the parents/guardians or the student if aged 18 or over will 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 the lessening of the sanction. Parents/guardians may wish to be accompanied at the hearing and the Board of Management will facilitate this, in line with good practice and Board of Management procedures.

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

Step 4 Board of Management Deliberations after the Hearing.

Having heard from all the parties, it is the responsibility of the Board of Management to decide whether or not the allegation is substantiated and 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 Education Welfare Officer in writing of its opinion, (*Education (Welfare) Act 2000, Section 24 (1)*). The Board of Management will follow the National Educational Welfare Board's reporting procedures for proposed permanent exclusions. While the Board of Management 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 of Management's opinion that the student should be permanently excluded and the reasons for this opinion, (*Education (Welfare) Act 2000, Section 24 (1)*).

The Board of Management will inform the parents 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 20 days of a notification from the Board of Management of its opinion, the Principal and/other school staff delegated by the Principal 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, Section 24 (1)*). The Board of Management may consider it appropriate to suspend a student during this time especially where there is likelihood that the

continued presence of the student during the time will seriously disrupt the learning of others, or present a threat to the safety or wellbeing of other students or staff members.

Step 6 Confirmation of the Decision to Permanently Exclude.

Where the 20 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/guardians will be notified immediately that the permanent exclusion will now proceed. Parents/guardians 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.

APPEALS

A parent/guardian or a student over 18 years of age, may appeal within 42 days a decision to 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.

REVIEW OF USE OF PERMANENT EXCLUSION

The Board of Management will review the use of Permanent Exclusion in the school at regular intervals to ensure that its use is consistent with school policies, that the patterns of use are examined to identify factors that may be influencing behaviour in the school and to ensure that this measure is used appropriately.

The Board of Management reserves the right - with due notice to and in consultation with all their educational partners - to review and modify this Suspension and Exclusion Policy Statement as it may be deemed necessary by them from time to time.

Adopted by the Board of Management on: Tuesday, June 3rd 2014.

Signed: John Shortt

Signed: Gerardine Kennedy

(Chairperson of Board of Management)

(Principal)

Date: June 3rd 2014

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