

Policy Statement

This document sets out the **Suspension and Expulsion** Policy for St Killian's School.

Scope

This policy has been drawn up in consultation with the Board of Management and Staff of St Killian's School and has been approved and adopted by the Board of Management. The policy applies to all staff/parents/pupils within the school.

Relationship to the School's Mission Statement

"If this child doesn't learn the way we teach, can we teach him/her the way he/she learns, and can we extend his learning options?"

Dr. Harry Chasty

School Philosophy

Each child's uniqueness is valued within the school, which fosters a secure, caring and positive environment, to enable each child to develop to their full potential.

Introduction

St. Killian's provides a co-educational, interdisciplinary educational service to children who experience moderate to severe educational disability.

The school depends on grants provided by the Department of Education and Skills and the school operates within the regulations laid down, from time to time, by the Department. Within the context and parameters of the Department regulations and programmes, the rights of the patron as set out in the Education Act (1998) and the funding and resources available, the school supports the principles of:

- Equality of access and participation
- Parental choice in relation to enrolment
- Respect for diversity of values, beliefs, traditions, language and ways of life.

The Department of Health and Children currently provide the services for Speech and Language and Occupational Therapy.

The psychological services are provided by National Educational Psychological Services.

General

1.1 Definitions For the purposes of this policy:

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1. Suspension is considered to be the withdrawal of permission from a student to attend this school for a specific period of time.
2. Expulsion is considered to be the permanent exclusion of a student from this school.

1.2 Scope

1. This policy applies to all pupils of St Killians School, to their parents/guardians, to the staff and to the Board of Management of the school.
2. This policy was drafted in consultation with all stakeholders, including the Board of Management, teachers, parents/guardians and pupils.

1.3 Rationale

Every pupil of St Killian's School has the right to learn in a safe and positive learning environment. The Code of Conduct outlines the expectations with regards to behaviour for all pupils. It plays a valuable role in supporting positive behaviour and discipline, ensuring all pupils feel safe and promoting good relationships among pupils. This in turn supports the highest standards of teaching and learning. Every pupil, teacher and staff member has the right to learn and work in an environment free from interference, intimidation or discrimination. It may arise that a pupil may have to be excluded from the school on a temporary or permanent basis for the well-being of the wider school community and/or the pupil. Suspension/Expulsion are the options for the BOM in this case.

The BOM of St Killians's School endeavours to ensure that the Suspension and Expulsion Policy is fair and reasonable to all. The policy has been drawn up in compliance with the requirements of the Education Act (1998) and the Education (Welfare) Act 2000.

1.4 Context

This policy should be read in conjunction with the following School Policies:

1. Code of Conduct/Behaviours of Concern Policy
2. Anti-Bullying Policy
3. Acceptable Usage of Technology Policy
4. Dignity in the Workplace Policy/ School Charter (under development)
5. Attendance Policy
6. Safeguarding Policy
7. Health and Safety Statement
8. Circular 0047/2021
9. https://www.tusla.ie/uploads/content/guidelines_school_codes_eng.pdf

1.5 Aims

The following are the aims of the Suspension and Expulsion Policy;

1. To reinforce the school principles of respect, fairness and integrity;
2. To put in place an effective process enabling the school to function effectively;
3. To protect the Health and Safety of everybody in the school;

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4. To give clarity on the school's Suspension and Expulsion Policy to parents, pupils, teachers
5. To give the opportunity to pupils/staff and parents/guardians to learn and work in a safe environment preserving equal access to education for all pupils within the limits available to the school/families in terms of staff resources/Teachers/SNAs, access to supports through the Progressing Disability Framework and the physical learning environment, access to quiet spaces/sensory areas/OT activities etc.

2. Suspension

The authority to suspend is delegated by the BOM to the Principal or, in the absence of the Principal, the Acting Principal, subject to the right of the parent(s)/guardian(s) to appeal to the Board of Management.

2.1 Reasons for Suspension

Below is a list of reasons for which the Principal may consider suspension;

- a) Where the health and safety of the student, or of others in the school community could be a risk;
- b) A serious breach of the Code of Behaviour;
- c) Repeated less serious breaches of the Code of Behaviour that have not been rectified by other interventions and disciplinary measures short of suspension;
- d) Abusive behaviour or language towards any other member of the school community;
- e) Persistent bullying;
- f) Consistent/extended behaviours which pose an on-going risk to the rights of peers to an education that have not been reduced by other interventions/supports/reviews and/or involvement of other agencies.
- f) Being involved in a physical fight/Damaging school property/Any interference with school security or fire alarm systems/Inappropriate use of a device/threatening and/or abusive behaviour. This is not an exhaustive list.

2.2 Where Suspension is deemed necessary:

The Principal will:

- a) Ensure that in the circumstances deemed to warrant a suspension, the behaviour poses a serious and immediate risk to the education and well-being of a pupil's class peers and self, and/or an immediate, serious risk to the health and safety of staff.
- b) Identify the serious misbehaviours outlined in the Code of Conduct.;
- c) Ensure that all appropriate support personnel have been involved;
- d) Ensure that all actions are recorded and filed in the pupil pink file.
- e) Part of this process is the reintegration meeting between the pupil/parent/guardian and school to share a reviewed pupil support plan and/or additional support measures that will help the pupil reintegrate into school successfully.
- f) In some instances immediate suspension may be necessary where behaviour poses an immediate/unacceptable risk to the health and safety of peers/self or staff.

2.3 The Suspension Process

1. Following a review of incidents of serious mis-behaviour/dynamic review of one serious incident of behaviour a suspension may be deemed an appropriate response to escalating behaviours which pose an unacceptable risk to the health and safety of peers/self and/or staff.
2. The parent/guardians and pupil are informed of the grounds which give rise to the suspension;
3. Parent(s)/Guardian(s) are informed by phone where possible, with written follow-up by post, and invited to come to the school for a meeting with the Principal and/or the Deputy Principal and/or the Class Teacher;
4. The letter of notification will include, where appropriate some or all of the following: a) Notice of the suspension; b) Effective date of the suspension; c) Duration of the suspension; d) Reason(s) for the suspension; e) A statement that the Education Welfare Board have been informed of the suspension; f) Information on appeal rights.
5. The Principal has a duty to report to the Education Welfare Officer if the student is suspended for twenty or more days in any school year;
6. A meeting is arranged between the Principal, the student and his/her parents/guardians prior to the students returning to school, where additional support/measures and targets will be recorded on the pupil support plan if relevant.
7. Where a suspension of more than 3 days is deemed appropriate the Principal will refer the matter to the BOM for approval.
8. When a child has been suspended for a cumulative 10 days a BOM meeting will be held to discuss the case.
9. The BOM will request a meeting of all involved services and SENO to plan further interventions in the case of a cumulative 10 day suspension or where circumstances are so serious that such a meeting is deemed in the best interests of safeguarding the child, and their peers.
10. The EWO will be informed where a child is suspended for more than 10 days or 6 days cumulatively. However the EWO may already be involved with the child at an earlier stage if needed.
11. A reduced day may be put in place for a period of time, which must be reviewed weekly/fortnightly to facilitate the child's positive experiences at school. This may only be used in compliance with circular 0047/2021. The advice and support and agreement for such a measure will be sought from parents/guardians/MDT and external agencies where relevant.

2.4 Grounds for Removing a Suspension

1. A successful appeal.
2. New circumstances come to light.

2.5 Appeals The principles of Natural Justice demand that there should always be an appeal available to a higher authority. The parents/guardians can appeal the decision to the Board of Management.

Section 29 Appeal Where the total number of days for which the student has been suspended in the current school year reaches twenty days, the parents, or a student aged over eighteen years, may appeal the suspension under section 29 of the Education Act 1998, as amended by the Education (Miscellaneous Provisions) Act 2007. At the time when parents are being formally notified of such a

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suspension, they and the student should be told about their right to appeal to the Secretary General of the Department of Education and Science under section 29 of the Education Act 1998, and should be given information about how to appeal. If the student is attending a school under the management of a VEC, the appeal must be made in the first instance to the VEC. Where an appeal to the VEC is concluded, parents, or a student aged over eighteen years, may appeal to the Secretary General of the Department of Education and Science.

2.6 Removal of 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 Science directs that it be removed following an appeal under section 29 of the Education Act 1998.

2.7 Expulsion

Procedures in respect of expulsion Schools are required by law to follow fair procedures as well as procedures prescribed under the Education (Welfare) Act 2000, when proposing to expel a student.

Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant expulsion, 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 and actions following the hearing.
5. Consultations arranged by the Educational Welfare Officer.
6. Confirmation of the decision to expel.

These procedures assume that the Board of Management is the decision-making body in relation to expulsions. It is a matter for each Board of Management to decide which of the tasks involved in these procedural steps requires separate meetings and which tasks can be accomplished together in a single meeting, consistent with giving parents due notice of meetings and a fair and reasonable time to prepare for a Board hearing.

Step 1: A detailed investigation carried out under the direction of the Principal, in investigating an allegation, in line with fair procedures, the Principal should:

- inform the student and their parents about the details of the alleged misbehaviour, how it will be investigated and that it could result in expulsion
- give parents 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 should be informed in writing of the alleged misbehaviour and the proposed investigation in order to have a permanent record of having let them know. This also ensures that parents are very clear

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about what their son or daughter is alleged to have done. It serves the important function of underlining to parents the seriousness with which the school views the alleged misbehaviour.

Parents and the student must have every opportunity to respond to the complaint of serious misbehaviour before a decision is made about the veracity of the allegation, and before a sanction is imposed. Where expulsion may result from an investigation, a meeting with the student and their parents is essential. It provides the opportunity for them 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. It may also be an opportunity for parents 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 their parents fail to attend a meeting, the Principal should write advising 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 inappropriate behaviour. The school should record the invitation issued to parents 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 misbehaviour, that expulsion may be warranted, the Principal makes a recommendation to the Board of Management to consider expulsion.

The Principal should:

- inform the parents and the student that the Board of Management is being asked to consider expulsion
- ensure that parents 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 expulsion
- provide the Board of Management with the same comprehensive records as are given to parents
- notify the parents of the date of the hearing by the Board of Management and invite them to that hearing
- advise the parents that they can make a written and oral submission to the Board of Management
- ensure that parents 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 It is the responsibility of the Board to review the initial investigation and satisfy itself that the investigation was properly conducted in line with fair procedures.

The Board should undertake its own review of all documentation and the circumstances of the case. It should ensure that no party who has had any involvement with the circumstances of the case is part of the Board's deliberations (for example, a member of the Board who may have made an allegation about the student). Where a Board of Management decides to consider expelling a student, it must hold a hearing.

The Board meeting for the purpose of the hearing should be properly conducted in accordance with Board procedures. At the hearing, the Principal and the parents, or a student aged eighteen years or

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over, put their case to the Board in each other's presence. Each party should be allowed to question the evidence of the other party directly. The meeting may also be an opportunity for parents to make their case for lessening the sanction. In the conduct of the hearing, the Board must take care to ensure that they are, and are seen to be, impartial as between the Principal and the student.

Parents may wish to be accompanied at hearings and the Board should facilitate this, in line with good practice and Board procedures. After both sides have been heard, the Board should ensure that the Principal and parents are not present for the Board's deliberations.

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 expulsion 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 expelled, the Board must 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 should refer to National Educational Welfare Board reporting procedures for proposed expulsions. The student cannot be expelled before the passage of twenty school days from the date on which the EWO receives this written notification (Education (Welfare) Act 2000, s24(1)).

An appeal against an expulsion under section 29 of the Education Act 1998 will automatically succeed if it is shown that the Educational Welfare Officer was not notified in accordance with section 24(1) or that twenty days did not elapse from the time of notification to the Educational Welfare Officer to the implementation of the expulsion (Education (Miscellaneous Provisions) Act 2007, s4A).

The Board should inform the parents in writing about its conclusions and the next steps in the process. Where expulsion is proposed, the parents should be told that the Board of Management will now inform the Educational Welfare Officer.

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 that a student should be expelled, the Educational Welfare Officer must:

- make all reasonable efforts to hold individual consultations with the Principal, the parents and the student, and anyone else who may be of assistance
- convene a meeting of those parties who agree to attend (Education (Welfare) Act 2000, section 24).

The purpose of the consultations and the meeting is to ensure that arrangements are made for the student to continue in education. These consultations may result in an agreement about an alternative intervention that would avoid expulsion. However, where the possibility of continuing in the school is not an option, at least in the short term, the consultation should focus on alternative educational possibilities. In the interests of the educational welfare of the student, those concerned should come together with the Educational Welfare Officer to plan for the student's future education. Pending these

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consultations about the student's continued education, a Board of Management may take steps to ensure that good order is maintained and that the safety of students is secured (Education (Welfare) Act 2000, s24(5)). A Board may consider it appropriate to suspend a student during this time. Suspension should only be considered where 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 of other students or staff.

Step 6: Confirmation of the decision to expel

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 expelled, the Board of Management should formally confirm the decision to expel (this task might be delegated to the Chairperson and the Principal). Parents should be notified immediately that the expulsion will now proceed. Parents and the student should be told about the right to appeal and supplied with the standard form on which to lodge an appeal. A formal record should be made of the decision to expel the student.

2.8 Appeals

A parent, or a student aged over eighteen years, may appeal a decision to expel to the Secretary General of the Department of Education and Science (Education Act 1998 section 29).

The appeals process

The appeals process under section 29 of the Education Act 1998 begins with the provision of mediation by a mediator nominated by the Appeals Committee (Department of Education and Science). For further details about the Appeals process, including requirements for documentation, and the steps in the process, refer to current DES guidance.

2.9 Review of use of expulsion

The Board of Management should review the use of expulsion 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 expulsion is used appropriately.

Related Documents/Policies

Code of Conduct
Behaviours of Concern
Dignity at Work
Anti-Bullying Policy
Safeguarding Policy

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Definitions / Acronyms

SEN	Special Educational Needs
SPHE	Social Personal and Health Education
NEPS	National Educational Psychological Services
BOM	Board of Management
DES	Department of Education and Skills

Policy Approval

This policy has been reviewed and accepted by the school Board of Management

Chairperson of BOM-Sean Oakes

Date- November 2021

Policy Review

It is acknowledged and accepted by all parties that this policy may be revised/modified annually or more frequently as required in light of on-going evaluation of statutory requirements or situations that arise during the school year.

Next Policy Review Date March 2024