



## **St. Mac Dara's Community College Code of Behaviour Policy: Suspension & Expulsion**

### **St Mac Dara's Community College Mission Statement**

We, the community of this College, through a caring and collective approach, aspire to provide a broad based education for all, to foster respect and dignity and to promote a safe and just environment by positively encouraging all to realise their potential.

### **Introduction**

Through co-operation and mutual respect between the partners in education, the students, the teaching staff, parents/guardians and the Board of Management we strive to ensure that each student achieves his/her full potential. The school reserves the right to adapt or modify this code in response to changing patterns of behaviour among students.

This policy applies to students of the school when they are in school uniform, whether in the school building, travelling to and from an organised event and/or on a school trip. The school code of behaviour will apply if there is a clear connection with the school and a demonstrable impact on its work.

The following legislation was considered in the creation of our Code of Behaviour:

- Article 42 of the Irish Constitution

- United Nations Convention on the Rights of the Child
- Education Act 1998- Sections 28 & 29
- Education (Welfare) Act 2000-Section 23
- Equal Status Act 2000
- EPSEN Act 2004.

This policy relates to, and should be read in conjunction with, other school policies including: • Anti-bullying Policy • Acceptable Usage Policy • Child Protection Policy.

### **Restorative Practice**

At all times the school endeavours to employ a restorative approach to promote positive behaviour. Restorative practice is at the core of our school's policy. Restorative practice allows students to reflect on their behaviour and how it has affected them or others in the class. It helps develop and sustain a happy and caring school environment by actively developing positive relationships, preventing the escalation of conflict and handling conflict in a healthy way. It creates an ethos of respect and inclusion and gives students the opportunity to be accountable and take responsibility for their behaviour. See Appendix 1.

### **Inclusion of all students**

St. Mac Dara's Community College places a high value on respect, tolerance and the acceptance of diversity which is central to the policies and practices in the school. Our activities address the needs of all of our students including those with special education needs

The school's policy on suspension is in line with Code of Behaviour Guidelines set down by Tusla, the Child and Family Agency.

Suspension is defined as "requiring the student to absent himself/herself from the school for a specified, limited period of school days".

Suspension should be a proportionate response to the behaviour that is causing concern.

The decision to suspend will be considered when:

- i. The student's behaviour has a seriously detrimental effect on the education of other students.
- ii. The student's continued presence in the class constitutes a threat to safety.
- iii. The student is responsible for serious damage to property.

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

## Forms of Suspension

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, or any other person.

Suspension during a State Examination – This sanction will only be used where there is a threat to good order in the conduct of the examination or a threat to the safety of other students and personnel or there is a threat to the right of other students to do their examination in a calm atmosphere.

Automatic Suspension – Particular named behaviours will result in automatic suspension.

Informal or Unacknowledged Suspension – Exclusion of a student for part of the school day, as a sanction, or asking parents to keep a child from school, as a sanction, is a suspension.

Open-ended Suspension – students will not be suspended for an indefinite period. Any such suspension will be considered a de facto expulsion.

## Procedures in Respect of Suspension

Where a preliminary assessment of the facts confirms serious misbehaviour, which could warrant suspension, the school will observe the following procedures:

- i. The student and the parents will be informed of the complaint.
- ii. The student and the parents will be given a right to respond.

Procedures in Relation to Immediate Suspension – Where an immediate suspension is considered by the Principal to be warranted, a preliminary investigation will be conducted to establish the case for the imposition of the suspension. In the case of an immediate suspension, parents will be notified, and arrangements made with them for the student to be collected. The school will have due regard for its duty of care to the student. In no circumstances will a student be sent home from school without first notifying parents.

The Period of Suspension – A student will not be suspended for more than three days, except in exceptional circumstances where the Principal considers that a period of suspension longer than three days is needed in order to achieve a particular objective. The Board of Management will normally place a ceiling of ten days on any one period of suspension imposed by it. The Board of Management will 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.

Section 29 Appeal – Where the total number of days for which the student has been suspended in the current year reaches twenty days, the parents, or a student aged eighteen years, may appeal the suspension under Section 29 of the Education Act 1998.

Implementing the Suspension – The Principal will notify the parents and the student in writing of the decision to suspend. The letter will confirm:

- i. The period of the suspension and the dates on which the suspension will begin and end.
- ii. The reasons for the suspension.

- iii. The arrangements for returning to school, including a reaffirming by the student and the parents of their commitment to the school's code of behaviour.
- iv. The provision of a right of appeal to the Board of Management.

Suspension shall be a proportionate response to the behaviour that is causing concern. Normally the College will have tried other interventions before suspension, and College staff will have reviewed the reasons why these have not worked.

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

- The student's behaviour has had a serious detrimental effect on the education of other students.
- The student has engaged in a serious breach of the Learning Code
- The student poses a Health and Safety concern
- The student's continued presence in the school at this time constitutes a threat to safety.
- The student is responsible for serious damage to property.
- A single incident of serious misconduct may be grounds for suspension.
- Repeated breaches of the Learning Code in spite of warnings and counselling by staff.
- Failure to recognise and adhere to the legitimate authority of the College.
- Behaviour which is considered to interfere with the right to learn of other students.
- Particularly serious incidents which endanger the welfare of others or themselves
- The student has engaged in activity contrary to the lunchtime arrangements.
- Inappropriate behaviour outside the school environs.

This list is not exhaustive of the possible grounds for suspension

After the Suspension Ends – Every effort will be made to reintegrate the student as quickly as possible. Although a record is kept of the behaviour and of any sanction imposed, once the sanction has been completed the school will expect the same standards of good behaviour from this student as of all other students.

Records and Reports – Formal written records will be kept of all matters relating to a suspension including the investigation, the decisions taken, the duration of the suspension and any conditions attached to the suspension. The Principal will report regularly to the Board of Management on all matters relating to suspensions. The Board of Management will review the use of suspension in the school at regular intervals.

## **Expulsion**

The school's policy on, and procedures for, expulsion are in line with the Code of Behaviour Guidelines laid down by the Tusla. A student is expelled from the school when the Board of Management makes a decision to permanently exclude him or her from the school, having complied with the provisions of Section 24 of the Education (Welfare) Act 2000.

The Grounds for Expulsion – Expulsion will be a proportionate response to the student's behaviour. The school will have taken significant steps to address the misbehaviour and to avoid expulsion of the student including, as appropriate:

- i. Meeting with parents of the student to try to find ways to change the behaviour.
- ii. Ensuring that the student understands the consequences of the behaviour if it should persist.
- iii. Ensuring that all other options have been tried.
- iv. Seeking the assistance of support agencies.

Expulsion of a student may be considered on serious grounds such as:

- i. The student's behaviour is a persistent cause of significant disruption to the learning of others or to the teaching process.
- ii. The student's continued presence in the school constitutes a real and significant threat to safety.
- iii. The student is responsible for serious damage to property.

Expulsion for a First Offence – There may be exceptional circumstances where the Board of Management forms the opinion that a student should be expelled for a first offence. The types of behaviour that might result in a proposal to expel on the basis of a single breach of the code of behaviour could include:

- i. A serious threat of violence against another student or member of staff.
- ii. Actual violence or physical assault.
- iii. Supplying illegal drugs to other students in the school.
- iv. Sexual assault.
- v.

### **Procedures in Respect of Expulsion**

The school will follow fair procedures when proposing to expel a student. These procedures will include the following steps:

- i. A detailed investigation carried out under the direction of the Principal.
- ii. A recommendation to the Board of Management by the Principal.
- iii. Consideration by the Board of Management of the Principal's recommendation and the holding of a hearing.
- iv. Board of Management deliberations and actions following the hearing.
- v. Consultation arranged by the Educational Welfare Officer.

Step 1 In line with fair procedures, the Principal will inform the student and the parents, in writing, of the alleged misbehaviour and the proposed investigation in order to have a permanent record of having informed them and to ensure that the student will be given 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. A meeting with the student and the parents will be arranged by the Principal. If a student and their parents fail to attend a meeting, the Principal will 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 will record the invitation issued to the parents and their response.

Step 2 Where the Principal forms the view that expulsion may be warranted, the Principal makes a recommendation to the Board of Management to consider expulsion. The Principal will:

- i. Inform the parents and the student that the Board of Management is being asked to consider expulsion.
- ii. 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.
- iii. Provide the Board of Management with the same comprehensive records as are given to parents.
- iv. Notify the parents of the date of the hearing by the Board of Management and invite them to that hearing.
- v. Advise the parents that they can make a written and oral submission to the Board of Management.
- vi. Ensure that parents have sufficient notice to allow them to prepare for the hearing.

Step 3 The Board of Management will review the initial investigation and all documentation and circumstances of the case. The Board will then invite the Principal and the parents, or a student aged eighteen years or over, to put their case at a hearing of the Board. The parents may wish to be accompanied at the hearing by the student. If so, the Board will facilitate this wish. Each party will be allowed question the evidence of the other party directly. The Board will take care to ensure that they are, and seen to be, impartial as between the Principal and the student.

Step 4 Having heard all the parties, the Board of Management will decide whether or not the allegation is substantiated and, if so, whether or not expulsion is the appropriate sanction. Where the Board is of the opinion that the student should be expelled, the Board will notify the Educational Welfare Officer (E.W.O.) in writing of its opinion. The student cannot be expelled before the passage of twenty school days from the date on which the E.W.O. receives this written notification. The Board will inform the parents in writing of its conclusions and the next steps in the process. Where expulsion is proposed, the parents will be told that the Board of Management will now inform the E.W.O.

Step 5 Within twenty days of receipt of a notification from the Board of Management of its opinion that a student should be expelled, the E.W.O. 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 and also convene a meeting of those parties who agree to attend. The purpose of the consultations and meeting is to ensure that arrangements are made for the student to continue in education.

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 students is secured. The Board may consider it appropriate to suspend a student during this time. Suspension will 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. When the twenty-day period following notification to the E.W.O. has elapsed, and where the Board of Management remains of the view that the student should be expelled, the Board of Management will formally confirm the decision to expel. Parents and the student will be informed of their right to appeal and will be supplied with the standard form to lodge an appeal. A formal record will be made of the decision to expel the student.



The appeal must be made in the first instance to the DDLETB. Where an appeal to the DDLETB has been concluded, parents, or a student aged eighteen years or more, may make a further appeal to the Secretary General of the Department of Education and Skills.

The Board of Management will review the use of expulsion in the school at regular intervals to ensure that its use is consistent with school policies, and to ensure that expulsion is used appropriately.

APPENDIX 1.

**RESTORATIVE PRACTICE**

Cultivating positive behaviour at school

Date \_\_\_\_\_

Name \_\_\_\_\_ Class \_\_\_\_\_ Year \_\_\_\_\_

RESTORATIVE Questions to deal with a negative incident.

1. What happened? Describe the incident.
2. What were you thinking of at that time?
3. Did you think about the incident since then? What did you think?
4. Who did the incident influence or affect? How did the incident influence/affect those others?
5. Would there be another way to influence an incident like this in the future? Describe how?
6. What actions should we do now as a result of this incident.

1. What happened? Describe the incident. \_\_\_\_\_  
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2. What were you thinking of at that time? \_\_\_\_\_  
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3. Did you think about the incident since then? What did you think? \_\_\_\_\_  
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4. Who did the incident influence or affect? How did the incident influence/affect those others? \_\_\_\_\_  
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5. Would there be another way to influence an incident like this in the future? Describe how? \_\_\_\_\_  
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\_\_\_\_\_

6. What actions should we do now as a result of this incident? \_\_\_\_\_  
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This policy has been made available to school personnel, published on the school website (or where none exists, is otherwise readily accessible to parents and pupils on request) and provided to the Parents' Association (where one exists). A copy of this policy will be made available to the Department and the patron if requested.

This policy and its implementation will be reviewed by the Board of Management every school year. Written notification that the review has been completed will be made available to school personnel, published on the school website (or where none exists, be otherwise readily accessible to parents and pupils on request)



and provided to the Parents' Association (where one exists). A record of the review and its outcome will be made available, if requested, to the patron and the Department.

This policy was adopted by the Board of Management on 2 Feb 2021

Signed: Pamela Keens  
(Chairperson of Board of Management)

Signed: DEREK WARD 2/2/2021  
(Principal)

Date: 2 Feb 2021

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