

**ST DAVID'S HOLY FAITH SECONDARY SCHOOL,
GREYSTONES, CO. WICKLOW**

SUSPENSION AND EXPLUSION POLICY

This Suspension and Expulsion Policy was ratified by the Board of Management on
Monday, January 24th 2022

St David's Holy Faith Secondary School is a Catholic school under the Le Chéile Catholic Schools Trust. Our school espouses the values of inclusion, truth and concern as integral to its core identity. We aim to educate students in a holistic manner. Consequently, our Suspension and Expulsion Policy flows from the underlying commitment our school has to these core values.

Suspension

Our rationale for this policy is as follows:

1. To satisfy the legislative requirements associated with:
Sections 15(2)(d), 28(1) and 29(1) of the Education Act 1998.
Sections 23 and 24 of the Education (Welfare) Act 2000.
Section 7(2)(d) Equal Status Act.
2. To provide a transparent framework for the fair application of the sanctions of suspension and expulsion.

The purpose of suspending a student from any school is to provide the student with time for reflection, to emphasise the seriousness of specific misbehaviours and to give staff time to plan ways of helping the student to change unacceptable behaviour. Reasons for the suspension of a pupil must be linked with the Code of Behaviour, of which the student and parents/guardians must have copies, be familiar with its contents and preferably have signed that they have read and understood the Code of Behaviour. The Principal/Deputy Principal/Board of Management exercises this authority in a fair and non-discriminatory manner having regard to their responsibility to the whole school community and to the principles of natural justice. Procedures followed will include two essential parts:

- The right to be heard
- The right to impartiality

The school has a referral system in place to address issues of ongoing misbehaviour. Teachers will initially deal with disciplinary issues themselves within their own classroom. If this fails to resolve matters then the issue will be referred from teacher to Year Head or to Deputy Principal/Principal. However, incidents of a serious nature may be referred directly to the Principal or Deputy Principal.

Possible Interventions/Supports

- Meeting with student and Year Head to explore the circumstances of the incident/s giving the student an opportunity to be heard.
- Phone contact with parents
- Progress report
- Detention
- Temporary removal from class
- Meeting with parents and student with a view to moving forward

- Student placed 'On Report' for period of time.
- Positive Behaviour Plan
- Referral to School Counsellor
- Refer to appropriate support services in and/or out of school.

Interventions used will be appropriate to each case. If the ongoing misbehaviour has not improved then the option of suspension will be considered. The period of suspension shall be proportionate to the breaches of the school's Code of Behaviour. Suspension is also implemented when an act/comment/incident in a student/students is deemed serious by the school Principal.

The authority to suspend is vested in the Principal or, in the absence of the Principal the Acting Principal, subject to the right of the parents/guardians (or a student who is 18 years and over) to appeal to the Board of Management.

1. Suspension will usually only occur after the Principal has:
 - ensured all relevant discipline options under the Code of Behaviour have been applied and documented
 - ensured all appropriate support personnel (internal and external) have been involved if applicable
 - 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, if possible, that diagnostic assessments (i.e. National Educational Psychological Service - NEPS) have been carried out where appropriate, particularly where unacceptable behaviour is ongoing and consistent
 - provided a formal written warning detailing these behaviours, as well as clear expectations of what is required of the student in the future (except in cases of very serious misconduct)
 - recorded all action taken copied all correspondence
2. The Principal may suspend immediately in some circumstances e.g. violence, threats of violence, presence of weapons, illegal drugs, alcohol, students caught smoking in school uniform, a second or subsequent breach of late policy (as per Code of Behaviour) or in breach of the mobile phone policy, refusing to hand over phone if it goes off in class.
3. The Principal may also decide that a longer period of suspension is warranted and may suspend the student pending a meeting of the Board of Management.
4. Length of suspension: the Board of Management has authorised the school Principal to issue suspension up to and inclusive of five days.
5. If a student is suspended for a period of six days or more, the Principal must inform the local Educational Welfare Officer in writing.
6. If a student is suspended for a cumulative total of twenty days or more in one year the Principal must inform the Educational Welfare Officer in writing.

7. Where a student has been suspended for a total of twenty days in any school year, the suspension is subject to appeal under Section 29 of the Education Act.

Suspension is a serious sanction and may be considered in the following circumstances:

- i. In class, and student refuses to hand over phone to teacher/year Head/Deputy Principal/Principal as per Code of Behaviour.
- ii. Direct and serious abuse, verbal and/or otherwise, to teaching administration or ancillary staff, any student or visitor to the school.
- iii. A threat to the safety of others and to self.
- iv. Undermining the dignity of members of the school community.
- v. Serious disruption of teaching and learning and the orderly atmosphere of the school.
- vi. Deliberate damage to school property.
- vii. Theft.
- viii. Failure to or refusal to attend detention.
- ix. On a second or subsequent event of no communication from parent/guardian in relation to a student's being late.
- x. Assault on another student or member of staff.
- xi. Harrassment of any staff member and/or fellow students – sexual, racial, ethnic, homophobic, transphobic, gender and religious in nature.
- xii. Bullying of a student despite warnings
- xiii. Cyber-bullying
- xiv. Misuse of technology; breaches of the Acceptable Use Policy.
- xv. Selling, being in possession of or using alcohol/drugs on school premises or during school events, trips.
- xvi. Any other serious offence or conduct which management believes warrants suspicions.
- xvii. Involved in or organising a fight.
- xviii. Constant disruption of the education of others.
- xix. Persistent breaches of the Code of Behaviour which have not been rectified by normal school interventions.
- xx. Any incident/activity by student/students deemed bringing school into disrepute, whether in or outside the school day.
- xxi. Truancy

This list is not exhaustive.

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 Cycle examinations, constitutes a threat to good order in the conduct of the State examination or a threat to the safety of other students and personnel or a threat to the right of other students to do their examination in a calm atmosphere, then the Board of Management may approve the suspension of that student.

Automatic Suspensions

There are three occasions when an automatic suspension is considered:

1. As per our lates policy (within the Code of Behaviour) for a second or subsequent month, with no note/email or phone call from a parent/guardian for lates, a one day suspension is imposed.
2. If a student is caught smoking, outside or inside school, one day suspension imposed, during a school day.
3. In the event a student refuses to hand over his/her/their phone, in the event it rings/student caught using it, etc., without permission, as per code of behaviour policy, three days suspension is imposed.

Procedures in respect of Suspension

When a Year Head is given a report or receives a complaint, he/she will investigate all matters pertaining to investigation. Upon completion of investigation, the Year Head and Deputy Principal will meet with the student/students and parent(s)/guardian(s) and outline the alleged incident/activity, etc. Under the principles of natural justice and due process, the student(s) have the right to respond. Following this meeting, all findings are brought to the attention of the school Principal. The school Principal, based on all parts of the investigation, will determine if the suspension is appropriate and warranted. The Year Head or Deputy Principal will phone/meet parent(s) and student(s), outlining the decision on said matter. A letter will be issued and signed by the school Principal, if suspension is sanctioned.

Implementing the Suspension

The Principal will notify the parents/guardians and the student in writing of the decision to suspend. Reasonable steps must be taken to ensure that any formal notification is made in a manner that can be understood by the student and the Parents/guardians.

The letter will confirm:

- the period of the suspension and the dates on which the suspension will begin and end.
- the reasons for the suspension.
- that the student will be in the care of his/her/their parents during the period of his/her/their suspension from school.
- the arrangements for returning to school, including any commitments to be entered into by the student and the parents/guardians (for example, parents/guardians and the student 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 is made by the Principal to suspend a student, the parents/guardians have the right to appeal the decision to the Board of Management.

A decision by the Board of Management to suspend a student cannot be appealed unless the total number of days for which the student has been suspended in the current school year reaches twenty days. The parents/guardians, 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. This appeal must be made in writing within forty-two calendar days of the decision of the Board of Management. Such an appeal must be made in writing to the Chairperson of the Board of Management, stating the grounds on which the appeal is being made. However, the school may insist that the student remain at home while the appeal proceeds. In the event that an appeal is successful, the suspension will be lifted and if the suspension has already been served, it will be expunged from the student's record.

Grounds for Removing a Suspension from a Student's Record

A suspension may be removed from the records of a student at the discretion of the Board of Management or if the Secretary General of the Department of Education, directs that it be removed following an appeal under section 29 of the Education Act 1998.

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

The parents/guardians and the student may be requested to attend a meeting with the Year Head or Deputy Principal before the student returns to class. The purpose of this meeting is to emphasise the seriousness of the misbehaviour that gave rise to the suspension and to ensure parental support for the school's Code of Behaviour. It is also an opportunity to stress parental responsibility in supporting the school in its efforts to help the student to behave well when he/she/they return(s) to school. In addition, the supports that the school intends to put in place to support the student on his/her/their return may be outlined at such a meeting.

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

When the suspension is 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 behaviour of this student as of all other students.

In some incidences, there may be no meeting arranged for the students' return, following a suspension. This is a case-by-case basis only.

Records and Reports

Formal written records will be kept of:

- the investigation (including notes of all interviews held).
- the decision-making process.
- the decision and the rationale for the decision.
- the duration of the suspension and any conditions attached to the suspension.

Report to the Board: The Principal should report all suspensions to the Board of Management, with the reasons for and the duration of each suspension.

Report to the NEWB: The Principal is required to report suspensions in accordance with the NEWB reporting guidelines (Education (Welfare) Act, 2000, Section 21(4)(a)).

Review of 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.

Expulsion

A student is expelled from a school when the Board of Management makes a decision to expel the student from the school, having complied with the provisions of Section 24 of the Education (Welfare) Act 2000.

Grounds for Expulsion

The expulsion of a student is a 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. Given the severity of the potential sanction, the school, in accordance with the principles of natural justice, will investigate extreme indiscipline cases thoroughly in advance of any hearing that could result in expulsion. The school will usually have taken significant steps to address the misbehaviour and to avoid expulsion of a student including, as appropriate:

- meeting with parents/guardians and the student to try to find ways of helping the student to change his/her/their behaviour.
- making sure that the student understands the possible consequences of his/her/their behaviour, if it should persist.

- ensuring that all other possible options have been tried.
- seeking the assistance of support agencies (e.g. National Educational Psychological Service, Health Service Executive Community Services, the National Behavioural Support Service, Child and Adolescent Mental Health Services, National Council for Special Education).

A proposal to expel 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 safety.
- the student is responsible for serious damage to property.
- when guarantees of reasonable behaviour following repeated suspensions are not forthcoming or are not being met.

There may be exceptional circumstances where the Board of Management forms the opinion that a student should be expelled for a first offence.

Examples of such serious breaches of the Code of Behaviour include but are not limited to:

- 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.

This list is not exhaustive.

Determining the appropriateness of permanently excluding a student

Given the seriousness of expulsion as a sanction, the Board of Management will undertake a very detailed review of a range of factors in deciding whether or not to expel 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 expulsion is a proportionate response.
- The possible impact of expulsion.

Procedures in respect of expulsion

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.

Step 1: A detailed investigation will be carried out under the direction of the Principal

In investigating an allegation, in line with fair procedures, the Principal will:

- Inform the student and his/her/their parents/guardians about the details of the alleged misbehaviour and that it could result in expulsion.
- Give parents/guardians 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/guardians will 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/guardians are very clear about what the student is alleged to have done. It serves the important function of underlining to parents/guardians the seriousness with which the school views the alleged misbehaviour.

Parents/guardians 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/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 their parents/guardians fail to attend a meeting, the Principal will write advising 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 inappropriate behaviour. The school will record the invitation issued to parents and their response.

Step 2: A recommendation will be given to the Board of Management by the Principal

Where the Principal forms the 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/guardians and the student that the Board of Management is being asked to consider expulsion.

- ensure that parents/guardians 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/guardians of the date of the hearing by the Board of Management and invite them to that hearing.
- advise the parents/guardians 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 and in line with fair procedures. The Board of Management will undertake its own review of the documentation and the circumstances of the case. It will ensure that any party who has involvement in the case will not be party to any deliberations.

Where the Board of Management decides to consider expelling a student, it must hold a hearing. The Board of Management meeting, for the purpose of the hearing, should be properly conducted in accordance with Board of Management procedures. At the hearing, the Principal and the parents/guardians, or a student aged eighteen years or over, put their case to the Board of Management 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/guardians to make their case for lessening the sanction. In the conduct of the hearing, the Board of Management must take care to ensure that they are, and are seen to be, impartial as between the Principal and the student. Parents/guardians may wish to be accompanied at hearings and the Board may facilitate this, in line with good practice and Board of Management procedures. After both sides have been heard, the Board of Management should ensure that the Principal and parents/guardians are not present for the Board of Management's deliberations.

Step 4: Board of Management deliberations and actions following the hearing

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 of Management 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 will 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 Educational Welfare Officer 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 will inform the parents in writing about its conclusions and the next steps in the process. Where expulsion is proposed, the parents/guardians will 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:

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

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 (Education (Welfare) Act 2000, s24(5)). The Board may consider it appropriate to suspend a student during this time where there is a likelihood that the continued presence of the student 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 days following notification to the Educational Welfare Officer has elapsed, and where the Board of Management remains of the opinion that the student should be expelled, the Board of Management will formally confirm the decision to expel the student. Parents/guardians will be notified immediately that the expulsion will now proceed. The Board of Management may delegate this task to the Chairperson or the Principal. Parents/guardians will be told about their right to appeal within forty-two days 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.

Appeals

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

An appeal may also be brought by the National Educational Welfare Board on behalf of the student.

Review of Use of Expulsion

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, that 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.

This policy was ratified by the Board of Management on the 24th January 2022 with a recommendation that it be reviewed every three years or earlier if legislative or other factors suggest the need for a review.