

SUSPENSION AND PERMANENT EXCLUSION POLICY 2021

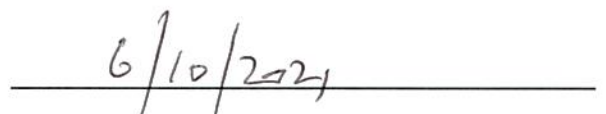
Ardgillan College

Date for review: On an on-going basis


Gerry McGuire

Chairperson

Board of Management


Date ratified by the Board of Management

INTRODUCTION

Ardgillan College promotes a happy and caring school environment where students are encouraged and supported to reach their full potential. The emphasis is placed on quality teaching and learning, positive behaviour and the pursuit of standards of excellence in all areas of college activities. It delivers a six-year cycle from first to sixth year.

Our philosophy is based on respect, tolerance and understanding while appreciating the diversity of our changing world.

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

This 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 ethos and philosophy of the college which has at its core the care and wellbeing of every student and the provision of a safe and secure learning environment for all members of the school community.

RATIONALE

All students have a right to learn in an orderly and caring environment. All members of the school community have a right to be treated fairly and with dignity in an environment free from disruption, intimidation, harassment and discrimination. The Code of Positive 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 college, each student and their parent(s) agree to uphold the Code of Positive Behaviour in detail and in spirit.

There will from time to time be serious breaches 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 college for a period of time or permanently.

OBJECTIVES

The aims of our suspension and permanent exclusion policy are:

- To maintain a safe, secure learning environment free from 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 Positive Behaviour.

ROLES AND RESPONSIBILITIES

(i) Principal

The Principal or, in the Principal's absence, the Deputy Principals has authority to suspend any pupil for a limited period of time (see below) and may recommend a longer suspension or the permanent exclusion of a student to the board of management.

(ii) The Board of Management

Permanent Exclusion is the ultimate sanction imposed by the college for serious breaches of the Code of Positive 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 himself/herself from the school for a specified limited period of school days.

Grounds for Suspension

Suspension will be a proportionate response to the behaviour that is causing concern. The decision to suspend a student will be based on serious grounds such as that:

- The student's behaviour has had a seriously detrimental effect on the education /welfare of other students and/or
- The student is in breach of the Code of Positive Behaviour
- The student's continued presence in the school at this time constitutes a threat to Health & Safety and/or
- The student is responsible 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 serious 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
- Drug, tobacco or alcohol offences.

This list is not exhaustive.

The health, safety, physical and mental wellbeing of all school staff and students are of absolute importance to the school management. A student who is considered to have deliberately contravened the College's health and safety protocols in relation to COVID-19 and by their actions, placed the welfare of students and/or staff at risk, may be suspended from the College.

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

RATIONALE FOR SUSPENSION

Suspensions can provide a respite for staff and the student, give the student time to reflect on the link between his/her action and its consequences and give staff time to plan ways of helping the student to change unacceptable behaviour to meet the college's expectations in the future.

Suspension is most effective when it highlights the parents' responsibilities for taking an active role in partnership with the school in working with their child to help him/her improve their 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 or more continuous days or for a cumulative total of 20 days in one school year, the principal will inform the 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 of other students and personnel or a threat to the right of other students to do their examination in a calm atmosphere, then the Principal may suspend that student. This sanction will normally be approved by the board of management.

PROCEDURES IN RESPECT OF SUSPENSION

As a general rule, suspension will be applied only after other sanctions in our Code of Positive Behaviour have failed to change the behaviour problem.

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

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

OPPORTUNITY TO RESPOND

Parents and student 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, his/her parents and the Principal (or in the Principal's absence, the Deputy Principal/s). If a student and his/her parents fail to attend a meeting, the Principal will write advising the parents 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 findings of the initial assessment. Written records will be retained in the school of all stages of the above procedures.

IMPLEMENTING THE SUSPENSION

The Principal will notify the parents and the student in writing of the decision to suspend.

The letter will confirm some or all of the following:

- the period of the suspension and the dates on which the suspension will begin and end
- the reasons for the suspension
- any study programme to be followed
- that the student will be in the care of his/her parents 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 the parents (for example, parents and the student may be asked to reaffirm their commitment to the Code of Positive Behaviour)
- the provision for an appeal to the board of management
- the right to appeal, if appropriate, to DDLETB

Students are advised to use the period of suspension for serious study and revision. School work may be assigned to be completed during the period of suspension.

RIGHT TO APPEAL

Where a decision is made by the Principal to suspend a student the parents have the right to appeal the decision to the board of management. In the case of decisions to suspend made by the board of management an appeals process may be provided by DDLETB.

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.

At the time when parents are being formally notified of such a suspension, they and the student will be told about their right to appeal and will be given information about how to appeal.

GROUND 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 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 INTO THE SCHOOL

The parents and the student may be requested to attend a meeting with the Principal, or another staff member delegated by the 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 Positive Behaviour. It is also an opportunity to stress parental responsibility in supporting the college in its efforts to help their son/daughter to behave well when he/she returns to school. In addition, the supports that the college intends to put in place to support the student on his/her return may be outlined at such a meeting.

The parents and/or the student may be requested to sign their commitment to the Code of Positive 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 Positive 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.

RECORDS AND REPORTS

Formal written records will be kept of:

- the investigation
- 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, with the reasons for and the duration of each suspension.

The Principal is required to report to the Educational Welfare Officer all suspensions of six days and longer, or any suspension where the total number of days for which the student has been suspended in the current school year reaches twenty days.

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.

PERMANENT EXCLUSION

Permanent exclusion is the ultimate sanction imposed by the college and may only be exercised by the board of management.

GROUND FOR PERMANENT EXCLUSION

The permanent exclusion 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 Positive Behaviour.

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

- meeting with parents and the student to try to find ways of helping the student to change his/her behaviour

- making sure that the student understands the possible consequences of his/her behaviour, if it should persist
- ensuring that all other possible options have been tried, including seeking the assistance of support agencies where appropriate.

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

- the student's behaviour is a persistent and ongoing 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.

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 Positive Behaviour are:

- 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 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:

- An investigation carried out under the direction of the Principal.
- A recommendation to the board of management by the Principal.
- Consideration by the board of management of the Principal's recommendation and the holding of a hearing.
- Board of management deliberations and actions following the hearing.
- Consultations arranged by the Educational Welfare Officer.
- Confirmation of the decision to permanently exclude.

Step 1: An 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 his/her parents about the details of the alleged serious breach of the Code of Positive Behaviour, how it will be investigated and that it could result in permanent exclusion.
- give parents and the student an opportunity to respond to the complaint before a decision is made and before a sanction is imposed.

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 the student and his/her parents will be arranged so that parents and their son/daughter will have the opportunity 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.

This meeting will 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 his/her parents fail to attend a meeting, the Principal will write to the parents 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 Positive Behaviour.

The school will 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 breach of the Code of Positive 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 and the student that the board of management is being asked to consider permanent exclusion
- 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 permanent exclusion.
- 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

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 will undertake its own review of all documentation and the circumstances of the case. It will ensure that no party who has had any involvement with the circumstances of the case is part of the Board's deliberations.

Where a board of management decides to consider permanently excluding a student, it will hold a hearing.

At the hearing, the Principal and the parents, or a student aged eighteen years or over, 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 may also use the occasion to make their case for lessening the sanction.

If parents wish to be accompanied at hearing the Board must be notified in advance and will facilitate this, in line with good practice and Board procedures.

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

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 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 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 follow the National Educational Welfare Board reporting procedures for proposed permanent exclusions. While the Board 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's opinion that the student should be permanently excluded and the reasons for this opinion. (Education (Welfare) Act 2000, s24(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 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 twenty days of receipt of a notification from a board of management of its opinion, the Principal and /or other school staff delegated by the Principals 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, s24(5)). The Board may consider it appropriate to suspend a student during this time especially where there is 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 permanently exclude

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 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 will be notified immediately that the permanent exclusion will now proceed. Parents 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

The parents, or a student aged over eighteen years, may appeal the decision permanently exclude to The Department of Education (DE). You will need to complete a Section 29 Appeal Form available to download from the DE website. You must also include a copy of the decision of the board of management confirming the expulsion/suspension with your completed appeal form. Any further clarification or information required will be sought from you by the Section 29 Appeals Administration Unit.