



**CBS Secondary School, Mitchell Street, Dungarvan.**

## **Suspension and Expulsion Policy and Procedures**

In line with the Mission Statement- CBS Secondary School Dungarvan aims to create a calm and ordered atmosphere in a caring and supportive working environment based on respect for self and respect for others. When a student fails to observe the Code of Behaviour it may result in the student incurring sanctions including suspension or expulsion where warranted.

This policy outlines the school's approach to suspension and expulsion and has been formulated taking due consideration of the rights and responsibilities inherent in the Education Act 1998, Education Welfare Act 2000, Equal Status Act 2000 and National Education Welfare Board Guidelines on Code of Behaviour 2008.

Suspension takes place in certain cases of unacceptable behaviour when it may be in the best interests of the school community and/or the student involved to remove the student from the school or from class for a period of time. Under the Articles of Management for Secondary Schools and with authority granted from the Board of Management, the Principal, and in the absence of the Principal, the Deputy Principal, has the authority to suspend a student for a period up to and including 5 school days.

The Principal/Deputy Principal/Board of Management exercises this authority in a fair and non-discriminatory manner having regard to his/her/its 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

It is the intention of the school that suspension allows students the time, under the supervision of their parent/guardians, to reflect on their unacceptable behaviour; to accept responsibility for the behaviour that led to the suspension and to change their future behaviour to meet the expectations of the school.

### **Examples of circumstances under which suspension may be imposed, but are not limited to:**

In cases where the health and safety of a student himself or of others in the school community could be a risk it may be necessary to suspend a student with immediate effect pending an investigation and the following of due procedures.

A serious breach of the Code of Behaviour that indicates that the student should be removed from the school.

Repeated less serious breaches of the Code of Behaviour that have not been rectified by other interventions and disciplinary measures short of suspension.

Abusive behaviour or language towards staff.

Persistent bullying.

Smoking anywhere in school uniform and/or on school outings.

The possession of alcohol or any illegal substance on school premises or at school events.

Possession, use of or supply of drugs or drug paraphernalia or misuse of any substance in the school grounds, on school trips or during any school related activity. This also applies to students coming and going to school and at any time in school uniform.

Any interference with school security or fire alarm systems.

Being involved in a physical fight on the school premises or anywhere in uniform.

Failure to turn up for evening detention.

Truancy i.e. missing school or classes.

Damaging school property.

Threatening and/or abusive behaviour.

Inappropriate use of camera phone.

The circumstances under which suspensions may be imposed can be divided into four groups:

**1. Suspensions as a result of ongoing misbehaviour**

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 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 a class.
- Meeting with parents and student with a view to moving forward
- Student placed "On Report" for a period of time
- Referral to school counsellor
- Referral to appropriate support services in and/or out of school.
- The intervention/s used will be appropriate to each case.

If the ongoing misbehaviour has not improved, then the option of suspension will be considered.

The school also operates a Demerit System, where a student is awarded points related to his misbehaviour. If a student reaches five demerits, his parents/guardians are informed in writing that their son will be required to attend Detention. They are also furnished with a copy of the Demerit slips. If their son accumulates three Detentions his parents/guardians are asked to attend a Board of Discipline meeting. This meeting is chaired by the Deputy Principal and the Year Head also attends.

## **2. Immediate Suspensions**

In exceptional circumstances, the Principal may consider an immediate suspension to be necessary. This will include a situation where the continued presence of the student in the school at that time would represent a serious threat to the safety of either the student herself or of others in the school community. Fair procedures will still be applied.

## **3. Automatic suspensions**

Suspensions will also be imposed where it is felt the nature of the incident warrants such action by the Principal.

## **4. Suspension during House and State Exams**

Suspensions will be issued if there is: -

- A threat to the good order in the conduct of the examination
- A threat to the safety of other students and personnel
- A threat to the right of other students to do their examination in a calm atmosphere.

This sanction will be treated like any other suspension, and the principle of natural justice will apply. In the event that the Principal exercises his authority to suspend a student for a fixed duration, the following procedure will be used: -

The student will be informed of the precise grounds that gave rise to a potential suspension and will be given an opportunity to respond before a suspension decision is formalised

The parents/guardians of the student will be informed of the situation and may be invited to come to the school for a meeting

In cases where the suspension is to take effect immediately, such as in the interests of health and safety, parents/guardians will be informed by telephone or meeting, with written follow up.

Students will not be sent home during a school day unless collected by a parent/guardian or some other suitable arrangement is made. All suspension decisions include a formal letter of notification that will include:

- Notice of the suspension
- Effective date of the suspension
- Duration of the suspension

- A statement that the student is under the care and responsibility of parent/guardians while suspended.
- Information of the appeal rights and procedures regarding the suspension.

Where appropriate, this letter may also include some or all of the following:

- Expectations of the student while on suspension
- Reference to the importance of parental assistance in resolving the matter causing suspension.
- A statement that the Education Welfare Board has been informed of the suspension.
- Requirements to be met for the student's return to school.

As the principles of natural justice demand that there should be available a right of appeal to a higher authority, a student aged over 18 years or his parents/guardians may appeal the Principal's decision to suspend to 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.

Beyond success in such appeals, a suspension may be rescinded in the following circumstances:

New circumstances come to light after the suspension has been applied that would have mitigated the sanction had they been known beforehand.

Other mitigating factors consistent with the application of the principles of natural justice.

Upon completion of a suspension the student may be met by the Principal / Deputy Principal on return to school. After suspension the following procedures may also apply for the formal reintroduction of the student into the school.

Parents/guardians may be requested to attend with the student upon his return to school.

A written or verbal apology may be required from the student for his misbehaviour.

The student may be required to enter into a contract of good behaviour or other conditions that may be specified before returning to school.

## **Expulsion**

Expulsion is the ultimate sanction imposed by the school on a student and as such, will only be exercised by the Board of Management in relation to cases of extreme indiscipline. In cases where the Principal judges that a student's actions are such that expulsion should be considered, the Principal will refer the matter to the Board of Management. 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.

Expulsion will be considered in cases where the indiscipline of a student is so pervasive that teaching and learning become extremely difficult and where school authorities have tried a series of other interventions, and believe they have exhausted all possibilities of changing the student's behaviour. Such cases include but are not limited to:

The student being so disruptive that he is seriously preventing other students from learning

The student being uncontrollable or grossly insubordinate to school management or other staff members and not amenable to any form of school discipline or authority.

Parents/Guardians being unable or refusing to exercise their responsibility for the student's behaviour

The student's behaviour being a danger to himself or to others

When guarantees of reasonable behaviour following repeated suspensions are not forthcoming or are not being met

The student's conduct acting as a source of serious bad example and having an adverse influence on other students in the school.

### **Expulsion for 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 kinds of behaviour that will result in a proposal to expel on the basis of a single breach of the Code of Behaviour include but are not limited to:

A serious threat of violence against another student or member of staff

A serious act of violence or serious physical assault

Supplying drugs to others in or out of school

Sexual assault

Sexual harassment

In the interest of ensuring a fair and even-handed system for the imposition of expulsion, the Board of Management will take account the following factors in determining expulsion:

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 the expulsion

## **Expulsion Procedure**

The school will 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:

### **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 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.

### **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 will:

Inform the parents/guardians and the student that the Board of Management is being asked to consider expulsion

Notify the parents/guardians of the date of the hearing of the Board of Management and invite them to that hearing

Advise the parents/guardians that they can make both a written and an oral presentation to the hearing.

### **Step 3:**

**Consideration by the Board of Management of the Principal's recommendation.**

The Board will review the initial investigation and satisfy itself that the investigation was properly conducted and in line with fair procedures. The Board will undertake its own review of all 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 a Board of Management decides to consider expelling a student, it will hold a hearing where the Principal and the parents, or a student aged 18 years 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.

After both sides have been heard, the Board will ensure that the Principal and parents /guardians are not present for the Board's deliberations.

**Step 4:****Deliberations of the Board and actions to follow 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 will notify the Educational Welfare Officer in writing of its opinion, and the reasons for its decision. The Board will inform the parents/guardians in writing about its conclusions, the next steps in the process, and that the Education Welfare Officer has been informed.

**Step 5:****Consultations arranged by the Educational Welfare Officer.**

The Principal will make all reasonable efforts to take part in consultations and meetings arranged by the Education Welfare Officer within the twenty days after notification of intention to expel.

**Step 6:****Confirmation of the decision to expel.**

Where the 20-day period following notification to the Education 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. Parents/guardians will be notified immediately that the expulsion will now proceed. Parents/guardians will be told about their right to appeal and supplied with the standard form on which to lodge an appeal.

Expulsion Appeals Parents/guardians have the right to appeal a decision of the Board of Management to expel a student to the Secretary General of the Department of Education and Science under Section 29 of the Education Act 1998. An appeal may also be brought by the National Educational Welfare Board on behalf of a student.