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Bord Oideachais agus  
Oiliúna Thiobraid Árann  
*Tipperary Education and  
Training Board*

**Coláiste Dún Iascaigh**

**SUSPENSION AND EXPULSION POLICY**

Policy Area	Schools
Document Reference number	CDI/S&E/043/2
Version	1
Document Drafted by	<b>Coláiste Dún Iascaigh</b>
Date previous version adopted by TETB	7 <sup>th</sup> February 2017
Reviewed/Amendment	<i>Reviewed at BOM 15<sup>th</sup> August 2018</i>
Date Review/Amendment Adopted/Implemented by TETB	4 <sup>th</sup> September, 2018
Date of Withdrawal of Obsolete Document	04.09.18  Document Ref. No. CDI/S&E/043/1  Version No. 1

# Coláiste Dún Iascaigh

## Suspension & Exclusion Policy

### Introduction

#### Code of Behaviour and Discipline

Our college endeavours to provide a caring environment where each person can grow and mature to the utmost of their potential intellectually, emotionally, spiritually and physically. Good personal relationships and mutual respect are key to this aim.

The code of behaviour of this college is founded on respect for self, respect for other and respect for our environment. The rules of conduct relate directly to these by enhancing the rights and encouraging the responsibilities of every member of the college community.

It is the right of every student to learn and of every teacher to teach. Behaviour that disrupts or interferes with the process of teaching and learning or interferes with the rights of others and must be considered a breach of this behaviour.

The Board of Management of the college has the ultimate responsibility for managing all aspects of the code.

The Principal has final responsibility for the day to day running of the college and, together, with the staff enforces the code of discipline fairly and consistently.

Enrolment in this college implies acceptance of the Code of Behaviour. Parents/guardians are expected to cooperate fully with the college in implanting the code. The Code of Behaviour complies with Government legislation, Education Act 1998, Education (Welfare) Act 200, Health & Safety and Equal Status legislation and other relevant legislation.

#### Suspension Principles

In certain cases of unacceptable behaviour, it may be in the best interest of the college community and/or student involved to remove him/her from the college for a period of time. Under the agreed code of discipline the Principal has the authority to suspend a pupil from attending school for a period of up to and including 5 days consecutively. Suspensions beyond 5 days consecutively are the responsibility of the Board of Management. The Principal/Board of Management will exercise this authority in a fair and non-discriminatory manner having regard to his/her responsibility to the whole college community and to the principle of natural justice.

The purpose of suspension is one of corrective support rather than punishing pupils for misbehaviour. Suspension allows pupils the time, under the supervision of their parents/guardians, to reflect on their unacceptable behaviour, accept responsibility for the behaviour that led to the

suspension and to change their behaviour to meet the expectations of the College. Condition may be set for a student's return from suspension.

In general there are three sets of circumstances where suspension will be imposed:

1. Breaches of the code of behaviour which are of such a serious nature that they endanger the safety and/or health of other members of the college community.
2. Repeated less serious breaches of the code of behaviour that have not been rectified by disciplinary measures short of suspension
3. Situations where students are not prepared to participate in the sanction system of the college as laid down in the code of discipline. As this pattern of behaviour undermines the code of behaviour it is not acceptable to the management of the college. As a result students who are not willing to participate in the detention system may be suspended for infringements of the code of behaviour which would normally only warrant detention.

Serious breaches of the code of behaviour may lead to automatic suspensions include but are not limited to:

1. Fighting within the college grounds or in uniform outside the college.
2. Interfering with the safety apparatus and equipment in the college.
3. Abusive behaviour and behaviour which is disrespectful, insulting or hurtful towards a member of the staff and other members of the college community (see College Anti-Bullying Policy)
4. Vandalism of college property or the property of others. (The student may also be required to cover the cost of the repair or replacement)
5. Possession of objects which might be dangerous to themselves or others.
6. Possession of or use of illegal substances including alcohol, un-prescribed drugs or other harmful substances. Breaches of this nature will also be dealt with under the College Substances Abuse Policy.
7. Theft or any form of serious dishonesty.

Some of these breaches by virtue of their nature may also be reported to the appropriate authorities.

## Suspension Procedure

In the event that the Principal exercises his/her authority to suspend a student for a fixed duration, the following procedure is used:

1. The student is informed on the precise grounds that gives rise to a potential suspension and will be given the opportunity to respond. The discipline committee may meet to finalise the suspension recommendation to the Principal.
2. The parents/guardians will be informed in writing of the situation and of the Right to Appeal the suspension to the Board of Management.
3. In cases where the suspension is to take place immediately, such as interests of health and safety etc., the parents may be informed by telephone.
4. Students will not be sent home during a school day unless collected by parent/guardian.

All suspensions will include notification of the:

1. Precise grounds that gives rise to the suspension.
2. Effective date of the suspension.
3. Duration of the suspension.
4. Parents'/guardians' right of appeal to the Board of Management. Where are appropriate, this notification may also include some or all of the following:
  - a) expectations of the student on suspension
  - b) Reference to the importance of parental assistance in resolving the matter causing suspension.
  - c) Statement that the student is under the care and responsibility of the parents/guardians while suspended.
  - d) Statement the Education Welfare Board has been informed of the suspension.
  - e) Requirements to be met on return of the student to the College.

In the interest of ensuring a fair and even handed system, the following factors will be taken into account in determining the duration of the suspension:-

1. previous behavioural record
2. age and state of health of student
3. any mitigating circumstances unique to the student that might reasonably be taken into account in connection with the behaviour leading to the suspension
4. the degree to which parental, peer or other pressure might have contributed to the behaviour
5. the severity of the behaviour, its frequency and the likelihood of recurrence
6. the extent to which the behaviour impaired or may impair the normal functioning of the students and other members of the college community the degree to which the behaviour was a breach of the code of behaviour
7. the degree to which the student recognises and accepts that his/her behaviour was unacceptable and is prepared to exhibit genuine contrition

## Suspension Removal

Natural justice demands that there be available a right of appeal to a higher authority. As a result a student (over 18 years) or his/her parents/guardians or Educational Welfare Board may appeal the Principal's decision to suspend to the Board of Management. Such an appeal may be made in writing to the Secretary of the Board of Management stating the grounds on which the appeal is being made. However, the college may insist that the student remains 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 pupil's record.

Following this an appeal of suspension may also be made under Section 29 of the Education Act to the Minister for Education and Science, and details regarding this right of appeal will be provided with formal notification of the suspension, if applicable.

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

- the Principal may agree that an alternative sanction be applied following discussion with the parents/guardians/Board of Management
- 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 Natural Justice

## Suspension Completion

Upon completion of suspension the following procedures may apply on the reintroduction of the student into the college.

- Parents/guardians may be required to meet the Deputy Principal/Principal with the student if he/she has not already done so.
- The student may be required to give a guarantee of future good behaviour, enter into a contract of behaviour or satisfy conditions that may be specified.

## Expulsion Principles

In exceptional circumstances, it may be necessary that a student may be expelled from the college. A decision to expel a student will only be taken by the Board of Management, and only after a full investigation. In any such investigation the parents/guardians of the student will be informed, in writing, of the facts or reasons giving rise to the possible expulsion and will be afforded an opportunity to meet with the Board of Management and to make such responses or representations to the Board on the issue as they may wish.

In general there are two sets of circumstances in which expulsion may be considered:-

1. Cases where the in-discipline of a student is so pervasive that teaching and learning and/or running of the college is extremely difficult after all reasonable efforts at behaviour modification has been exhausted.
2. First time offences of a very serious nature.

## Expulsion Procedure

Except in exceptional circumstances, expulsion will only formally be recommended by the Principal to the Board of Management after the Principal has:

- Ensured that all discipline options under the Code of Behaviour have been applied and documented.
- Ensures that all appropriate support personnel, both internal and external, have been involved.
- Ensured all other procedures, referrals, supports have been exhausted.
- Ensured that discussion has occurred with the student and parents/guardians regarding specific misbehaviour that the school considers unacceptable and that may lead to permanent exclusion.

- Provided formal verbal and written warnings at appropriate times dealing with such behaviours and provided clear expectations of what was required of the student in the future.
- Recorded all action and copied all correspondence.
- Informed the parents/guardians of his/her intention to recommend expulsion to the Board of Management.
- Invited the parents/guardians of his/her intention to recommend expulsion to the Board of Management.
- Invited the parents/guardians to the Board of Management hearing.
- Invited the parents/guardians to make a written submission in advance of the Board meeting.
- Provided the parents/guardians with a full written description of the allegations against the pupil and the case being made at the Board, together with copies of all documentation, statements, and other materials supporting the case.
- Made a formal recommendation to the Board with full support documentation.

Following these actions by the Principal, expulsion will still only occur after the Board of Management has:

- Heard the Principal's case against the student which should be made in the presence of the parents/guardians.
- Heard the response of the parents/guardians.
- Examined all the documentation.
- Considered the pupil's record in the college.
- Taken legal/expert advice.
- Ensured that the Principal is not present for the Board's discussion and decision on the matter.
- Discussed the case in detail.
- Considered all the commitments made in the Code of Behaviour.
- Made a final decision to expel.
- Communicate the decision to expel to the parents/guardians formally by registered letter.
- Informed the Education Welfare Officer under Section 24 (1) of the Education Welfare Act 2000.

The formal letter of notification will include:

- Notice of the expulsion.
- Effective date of the expulsion.
- Reasons for the expulsion.
- A statement that the pupils is under the care and responsibility of the parents/guardians for the period of 20 days required by the Education Welfare Officer to examine alternative provisions for the education of the pupil.
- Information and documentation on Appeal rights.

## **Expulsion Appeals**

Students (over 18), parents/guardians have the right to appeal a decision to the Board of Management to expel a student to the Tipperary Education & Training Board, Western Road, Clonmel, and the Minister of Education.

Permanent expulsion may be appealed by a parent/guardian, by a student (over 18 years), or by the National Educational Welfare Board. Any such appeal must be lodged within 42 calendar days of the decision of the Board of Management. The decision of the Tipperary Education & Training Board may in turn be appealed to the Minister of Education and Science.



This policy was presented to the  
Board of Management of  
Coláiste Dún Iascaigh on

10/8/2018

Chairperson:

Liam Ahearn

Secretary:

Robert Cooney

