



etb

Bord Oideachais agus Oiliúna
an Chabháin agus Mhuineacháin
Cavan and Monaghan
Education and Training Board

INVER COLLEGE

UNDER THE AUSPICES OF

CAVAN AND MONAGHAN EDUCATION AND TRAINING BOARD

BORD OIDEACHAIS AGUS OILIÚNA AN CHABHÁIN AGUS MHUINEACHÁIN

SUSPENSION AND EXPULSION POLICY

1. Policy Statement

- 1.1. The suspensions and expulsions policy applies to all schools under the auspices of Cavan and Monaghan Education and Training Board.

2. Legal framework

- 2.1. Cavan and Monaghan ETB acknowledges the duty of schools under its control to publish their policy concerning admission and participation in the school, including the policy of the school relating to the expulsion and suspension of students pursuant to Section 15 (d) of the Education Act 1998 and Section 23 of the Education Welfare Act 2000. The Code of Behaviour in InverCollege specifies:

- The standards of behaviour that shall be observed by each student attending the school
- The measures that may be taken when a student fails or refuses to observe those standards
- The procedures to be followed before a student may be suspended or expelled from a school
- The grounds for removing a suspension imposed in relation to a student
- The procedures to be followed relating to notification of a child's absence from school.

- 2.2. *Inver* College affirms that its Code of Behaviour is prepared in accordance with the Guidelines issued by the Education Welfare Board 2008. The Code of Behaviour addresses:

- The standards of behaviour expected in the school
 - The plan for promoting good behaviour
 - The ways in which a school responds to unacceptable behaviour
 - The plan for implementing the code of behaviour
 - School procedures for the use of suspension and expulsion
- 2.3. *Inver* College recognises the Right to Appeal pursuant to Section 29 of the Education Act.
- 2.4. In regard to informing the Education Welfare Board, *Inver* College affirms its statutory obligation pursuant to section 21 (4)(a) of the Education Welfare Act.
- 2.5. *Inver* College affirms that data collected in relation to students and parents is in compliance with the Data Protection Acts 1988 and 2003.

3 Suspensions

- 3.1 The Board of Management of *Inver* College holds the authority to suspend a student. This authority is devolved under Section 44 (11(a)) of the Education and Training Boards Act 2013 by Cavan and Monaghan ETB to the Boards of Management of each of the schools under its control.
- 3.2 Cavan and Monaghan ETB recognises that the Boards of Management of *Inver* College may delegate this authority to the Principal of *Inver* College. The Board of Management should make a formal delegation arrangement taking due account of the provisions of the Education and Training Boards Act 2013.
- 3.3 *Inver* College recognises that suspension is only one strategy within the *Inver* College Code of Behaviour in response to inappropriate behaviour.
- 3.4 *Inver* College recognises that when all other strategies have been exhausted, suspension affords a student time to reflect on their behaviour, to acknowledge and accept responsibility for their behaviour and to accept the need for the behaviour to change. *Inver* College works closely with parents to assist a suspended student to re-join the school community successfully.
- 3.5 *Inver* College acknowledges that suspension should be a proportionate response to the behaviour that is causing concern. The decision to suspend a student requires serious grounds such as that:

- The student's behaviour has had a seriously detrimental effect on the education of other students.
 - The students continued presence in the school at this time constitutes a threat to safety.
 - The student is responsible for serious damage to property.
 - The student breaches the Code of Behaviour. (At the discretion of the Principal.)
- 3.6. *Inver* College affirms that all suspensions must be notified to the Board of Management of *Inver* College.
- 3.7. *Inver* College affirms that the Education Welfare Board should be Informed of suspensions in the following circumstances:
- Where the period of suspension is for 6 or more consecutive school days.
 - Where the aggregate number of days on which a student has been suspended /absent in any school year is 20 or more days.
- 3.8. *Inver* College affirms that suspension may occur after the following factors have been considered:
- The nature and seriousness of the behaviour
 - The impact and context of the behaviour
 - The interventions tried to date
 - That all discipline options under the *Inver* College Code of Behaviour have been applied and documented
 - That all actions /decisions taken are recorded and all correspondence copied.
 - Discussion has occurred with the student and parent(s) regarding the specific behaviour which the school considers unacceptable, and which may lead to suspension.
- 3.9. The Board of Management of *Inver* College affirms that students attending *Inver* College may be suspended as follows pending investigation and /or discussion with parents. The following list is not exhaustive:
- For serious misbehaviour
 - For an unacceptable level of repeated misbehaviour
 - For bullying, insulting, aggressive or violent behaviour towards others whether in person, by mobile phone or via social media or other electronic means; in the school, or when identifiable with the school
 - For the supply/possession /use of alcohol and /or illegal drugs
 - For the supply /possession /use of weapons/ hazardous materials
 - For behaviour that may be a danger to self or others

- For racist behaviour /supply of racist behaviour/use of racist material
 - For behaviour that is contrary to the terms of the Equal Status Act 2000
 - For sexual harassment and/or the possession/supply /use of pornographic material.
- 3.10. *Inver* College acknowledges that a single incident of serious misconduct may be grounds for suspension. Such grounds may include where the continued presence of the student in the school at the time would represent a serious threat to the safety or welfare of students, staff of the school or any other person.
- 3.11. A student may be suspended during a state examination and such suspension should normally be approved by the Board of Management of *Inver* College. This type of suspension should only be used where there is:
- A threat to good order in the conduct of the examination
 - A threat to the safety or welfare of other students and personnel
 - A threat to the right of the other students to do their exam in a calm atmosphere.
- 3.12. Cavan and Monaghan ETB recognises that the Board of Management of *Inver* College may decide as part of the school's policy on sanctions and following consultation process with the Principal, parents, teachers and students, that particular named behaviour incur suspension as a sanction. This does not remove the duty to follow due process and fair procedures in each case.
- 3.13. The following forms of suspension are not appropriate
- Rolling suspension. A student should not be suspended again shortly after they return to *Inver* College unless they engage in serious misbehaviour that warrants suspension, that fair procedures are observed in full and the standard applied to judging the behaviour is the same as that standard applied to the behaviour of any other student.
 - Informal / unacknowledged suspension. Exclusion of a student for part of the school day as a sanction is a suspension.
 - Open-ended suspension. Students should not be suspended for an indefinite periods. Any such suspension would be regarded as a de-facto expulsion.

4 Procedures in respect of Suspension.

- 4.1 Cavan and Monaghan ETB affirms that *Inver* College is required to follow fair procedures when proposing to suspend a student. The school should observe the following procedures

- The student and parent(s) should be informed about the complaint
 - The student and parent(s) should be given the opportunity to respond
 - In the case of 'immediate' suspension, a preliminary investigation should be conducted to establish the case for the imposition of the suspension. Parents must be notified and arrangement made for the student to be collected from the school. The school must have due regard for its duty of care for the student.
- 4.2 A student should not be suspended for more than 3 days except in exceptional circumstances. Cavan and Monaghan ETB recognises that the Board of Management of *Inver* College should provide guidance to the Principal concerning the kinds of circumstances under which suspensions of longer than 3 days might be approved. If a suspension of longer than 3 days is being proposed the matter should be referred to the Board of Management for consideration. However Cavan and Monaghan ETB recognises that the Board of Management of *Inver* College may wish to authorise the Principal to impose a suspension of up to 5 days in circumstances where a meeting of the Board cannot be convened in a timely fashion.
- 4.3 Cavan and Monaghan ETB affirms the Boards of Management of *Inver* College should 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 20 days or more. Any such suspension is subject to appeal under section 29 of the Education Act 1998.

5 Section 29 Appeal

- 5.1 Where the total number of days for which the student has been suspended in the current school year reaches 20 days, the parent(s) or a student aged over 18 years, may appeal the suspension under Section 29 of the Education Act 1998.
- 5.2 Parents and the student should be informed about their right to appeal to Cavan and Monaghan ETB
- 5.3 Where an appeal to Cavan and Monaghan ETB is concluded, Parents and the student may appeal to the Secretary General of the Department of Education and Skills.

6 Implementing the suspension

- 6.1 The Principal of *Inver* College should notify the Parent(s) and the student in writing of the decision to suspend. 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.
 - Any study programme to be followed.
 - The arrangements for returning to school, including any commitments to be entered into by the student and the parents.
 - The provision for an appeal to the Board of Management of *Inver* College.
 - The provision to appeal to Cavan and Monaghan ETB.
- 6.2 In the case where Parents do not agree to meet with the Principal, Cavan and Monaghan ETB confirms that written notice will serve as notice to impose a suspension.
- 6.3 A suspension may be removed if the Board of Management of *Inver* College decides to remove the suspension for any reason.

7 Expulsion

- 7.1 Cavan and Monaghan ETB has the authority to expel a student. This authority may be devolved under Section 44 (11(a)) of the Education and Training Boards Act 2013 by Cavan and Monaghan ETB to the Board of Management of *Inver* College.
- 7.2 Expulsion should be a proportionate response to the student's behaviour. *Inver* College acknowledges that expulsion of a student is a very serious step and one that should only be taken by the Board of Management of *Inver* College in extreme cases of unacceptable behaviour.
- 7.3 The Board of Management of *Inver* College affirms that *Inver* College needs to have taken significant steps to address the misbehaviour and to avoid expulsion.

Such measures may include:

- Meeting with parents and students to try and find ways of helping the student to change their behaviour.
 - Making sure that the student understands the possible consequences of their behaviour should it persist
 - Ensuring that all possible options have been tried.
 - Seeking the assistance of relevant support agencies.
- 7.4 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 the safety and welfare of others.
- The student is responsible for serious damage to property.

7.5 Before expulsion is considered schools authorities must satisfy themselves that all possibilities have been exhausted for changing the student's behaviour.

7.6 The Board of Management of *Inver* College may decide in consultation with the Principal, parents, teachers and students that particular named behaviours would result in 'Automatic' expulsion. This does not remove the duty to follow due process and fair procedure.

7.7 There may be exceptional circumstances where the Board of Management of *Inver* College decides that a student should be expelled for a first offence. The kinds of behaviour that might result in a proposal to expel on the basis of a single breach of the Code of Behaviour could include:

- A serious threat of violence against another student or member of staff
- Actual violence or physical assault
- Supplying illegal drugs to students in the school
- Sexual assault

8 Factors to Consider before proposing to expel a student

8.1 The Board of Management of *Inver* College should take the following factors into consideration before considering expelling a student:

- The nature and seriousness of the behaviour
- The context of the behaviour
- The impact of the behaviour
- The interventions already tried to change the student's behaviour
- Whether expulsion is an appropriate response
- The possible impact of expulsion

8.2 Expulsion would not be appropriate for the following:

- Poor academic performance
- Poor attendance or lateness
- Minor breaches of the Code of Behaviour

9 Procedures in respect of expulsion

- 9.1 A detailed investigation will be carried out under the direction of the Principal. The Principal should ensure that no party who has had any involvement with the circumstances of the case is part of the investigation.
- 9.2 The Principal should inform the student and his/her parents about the details of the alleged breach of behaviour, how it will be investigated and that it could result in expulsion. The Principal must ensure that the student and parents are given every opportunity to respond to the complaint of serious misbehaviour. The Principal should communicate this in writing to ensure that parents have a permanent record of having been informed.
- 9.3 A meeting should be arranged between the student and their parents and the Principal of *Inver* College before a sanction is imposed.
- 9.4 Should a student and their parent(s) fail to attend a meeting the Principal should write advising:
- the seriousness of the matter
 - the importance of attending a re-scheduled meeting
 - Failing that, the duty of the school authorities to make a decision to respond to the inappropriate behaviour
 - Record all correspondence
- 9.5 Where the Principal of *Inver* College forms a view, based on the investigation of the alleged misbehaviour, that expulsion may be warranted, the Principal shall make a recommendation to the Board to consider expulsion.
- 9.6 The Principal should:
- Inform the student and parents in writing that the Board of Management is being asked to consider expulsion.
 - Ensure that parents have written records of (a) the allegation, (b) the investigation, (c) written notice of the grounds on which the Board of Management is being asked to consider expulsion.
 - Provide the Board with the same comprehensive records as are given to the student and the parents.
 - Notify the parents in good time of the date of the hearing with 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.
- 9.7 It is the responsibility of the Board of Management of Inver College to review the initial investigation and satisfy itself that the investigation was properly conducted in line with fair procedures.
 - 9.8 The Board of Management should undertake its own review of documentation and all circumstances of the case.
 - 9.2 The Board of Management should ensure that no party who has had any involvement with the circumstances of the case is part of the Board's deliberations.
 - 9.9 Where the Board of Management of *Inver* College decides to expel a student it must hold a hearing and this meeting should be properly conducted in accordance with Board procedures.
 - 9.10 Parents may be accompanied at the Board hearing but, as this is a lay forum; legal representation is not the normal practice. The Board Secretary should be informed in writing who shall be attending this meeting at least two days prior to the meeting taking place.
 - 9.11 At the start of the meeting the Chairperson shall enquire whether any member has a conflict of interest in respect of the matter being considered by the Board. Where the Board is satisfied that a conflict of interest exists, the member(s) involved shall withdraw from the meeting.
 - 9.12 At the hearing the Principal and the parents, or a student aged 18 or over, put their case to the Board in each other's presence and will be available to answer questions from Board Members. Each party should be allowed question the evidence of the other party. Questions should be directed through the Chairperson at the end of each presentation.
 - 9.13 Once the Principal and the Parents have made their cases, they will withdraw from the meeting.
 - 9.14 Should the Board require the professional advice of the Principal, the Principal may be invited to return to the meeting briefly for that purpose. While the Principal is present, there will be no discussion on the merits of the particular case being considered.
 - 9.15 In the conduct of the hearing the Board must take care to ensure they are and are seen to be impartial as between the Principal and the student. Parents may wish to be accompanied at hearings and the Board should facilitate this in line with good practice and Board procedures.

9.16 When both sides have been heard the Board should ensure that the Principal and Parents are not present for the Board's deliberations.

10 Board of Management deliberations and actions following the hearing

10.1 Having heard from all the parties involved it is the responsibility of the Board to decide whether or not the allegation is substantiated and if expulsion is the appropriate sanction.

10.2 When the Board of Management having considered all the facts of the case, is of the opinion that the student should be expelled, the Board must notify the Education Welfare Officer in writing of its opinion and the reasons for this opinion pursuant to section 24 91) of the Education Welfare Act 2000. The Board should refer to the NEWB reporting procedures for proposed expulsions.

10.3 The student cannot be expelled before the passage of 20 school days from the date on which the EWO receives this written notification.

10.4 The Board of Management should inform the parents in writing about its conclusions and where expulsion is proposed the parents should be informed that the Board of Management will inform the Education Welfare Officer.

11 Consultations arranged by the Educational Welfare Officer

11.1 Within 20 days of receipt of a notification from a Board of Management the EWO will make all reasonable attempts to hold individual consultations with the Principal, the parent and the student. The EWO will convene a meeting of those parties. These consultations will focus on alternative educational arrangements for the student.

11.2 Pending the consultations in 11.1 the Board of Management may consider it appropriate to suspend a student during this time. This should only be considered where the continued presence of the student during this time would seriously disrupt the learning of others or represent a risk to the safety and health of students or staff.

12 Confirmation of the decision to expel

- 12.1 When the 20 day period following notice to the EWO has elapsed and the Board of Management remains of the view that the student should be expelled, the Board of Management should formally confirm the decision to expel.
- 12.2 Parents should be notified immediately that the expulsion will now proceed. Parents and the student must be informed of their right to appeal to Cavan and Monaghan ETB and they should be supplied with the standard form on which to lodge an appeal.

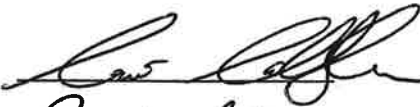
13 Review of use of Expulsion

- 13.1 The Board of Management of *Inver* College should review the use of expulsion in the school at regular intervals.

This policy was adopted by Cavan and Monaghan Education and Training Board on 13 November 2013.

This policy was ratified by the *Inver* College Board of Management on

Date: 11/12/13

Signed: Chairperson: 
Secretary: 