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Suspension and Expulsion Policy and Procedures of Mercy College Woodford

Introduction

This policy document sets out procedures to be applied when the Suspension or Expulsion of a pupil is being considered. These sanctions affect a pupil's access to education and must be applied having regard to the rights of the individual student.

For the purposes of this policy:

- **suspension** is considered to be the withdrawal of permission from a pupil to attend school for a specified period of time while,
- **expulsion** is considered to be the permanent exclusion of a student from this school.

DEFINITIONS:

1. In this policy the term "parent" includes a guardian of the student and any person at law liable to maintain the student or entitled to his custody.
2. In this policy the term "son/daughter" includes any student whose guardian is any person other than the parent/s.
3. In this policy the term parent or guardian includes a student over 18 years of age.
4. Any reference to the Board in this policy relates to the School Board of Management.

General Principles:

1. All students and teachers have the right to be treated fairly and with dignity, in an environment free from disruption, intimidation, harassment and discrimination. To achieve this, all schools need to maintain high standards of student behaviour.
2. There will be cases of unacceptable behaviour where it will be in the best interests of the school community and/or the student involved, for the student to be removed from the school for a period of time or completely. Suspension and expulsion are the options available to the Principal/Acting Principal and/or the Board of Management in these situations. (Examples of "unacceptable behaviour" are contained in the Code of Behaviour document.)
3. Collaboration between Board of Management, school staff, students and parents is an important feature of Behaviour Management in schools. All should be fully aware of the suspension and expulsion procedures and their place in the context of the school's Code of Behaviour.
4. Suspension is only one strategy within a school's code of behaviour. It's primary purpose is to act as a corrective support rather than a punishment for misbehaviour. The school has a very comprehensive Code of Behaviour Policy through which it endeavours to encourage positive student behaviour. Suspension is most effective when it highlights the parents'/guardians' responsibility for taking an active role, in partnership with the school, to work with their child to enable the child's behaviour to change. The school will work with parents/guardians with a view to assisting a suspended student to rejoin the school community as quickly as possible.
5. Suspension allows students time to reflect on their behaviour, to acknowledge and accept responsibility for the behaviour which led to the suspension and to accept responsibility for changing their behaviour to meet the school's expectations in the future. It also allows time for school personnel to plan appropriate support for the student to assist with successful re-entry.



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6. The Principal (or in his absence the Deputy Principal) has authority, under the Articles of Management for Secondary Schools, to suspend “any pupil for a limited period and shall report any such suspension to the Board of Management at its next meeting”. (Article 19b).
7. If, in the judgement of the Principal, a pupil should be expelled, the Principal shall refer the matter to the Board of Management for decision. (Article 19c).
8. The Board of Management and the Principal will exercise this authority having regard to their responsibilities to the whole school community and to the principles of procedural fairness.
9. In implementing these procedures, the Principal and Board will ensure that no student is discriminated against on any of the following grounds:
 - Gender
 - Marital status
 - Family status
 - Sexual orientation
 - Religion
 - Age
 - Disability
 - Race
 - Membership of the Travelling Community
10. The Board of Management will also ensure that the implementation of these procedures will take into account such factors as:
 - (a) The age and state of health of the pupil
 - (b) The pupil’s previous record at the school
 - (c) Any particular circumstances unique to the pupil which might sensibly be taken into account in connection with the behaviour, e.g. strained or traumatic domestic situations.
 - (d) The extent to which parental, peer or other pressure may have contributed to the behaviour.
 - (e) The degree of severity of the behaviour, the frequency of its occurrence and the likelihood of its recurring.
 - (f) Whether or not the behaviour impaired or will impair the normal functioning of the pupil or other pupils in the school.
 - (g) Whether or not the behaviour occurred on school premises or when the pupil was otherwise in the charge of the school staff or when the pupil was on the way to or from school. An important consideration in cases of doubt is the extent to which behaviour away from the school had a serious impact on the life of the school.
 - (h) The degree to which behaviour was a violation of one or more rules contained in the school’s Code of Behaviour and/or School Policies and the relative importance of the rule(s).
 - (i) Whether the incident was perpetrated by the pupil on his or her own or as a part of a group.
11. Depending on the nature and extent of the misbehaviour the support of other agencies such as the National Education Welfare Board (NEWB) or the National Educational Psychological Service (NEPS) may be sought by the Board of Management.
12. The Principles of Natural Justice are fundamental to the implementation of these procedures.

Scope

This policy applies to all of our pupils:

- during the school day
- while on school related outings, trips, activities and during after-school study, lunchtime detention and Saturday detention
- while in school uniform outside the school grounds



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- where the misbehaviour, though occurring outside the school grounds, relates to the students membership of the school community, such as an interference with the property or person of a member of the school staff.

Relationship to Mission Statement

This policy derives from the Mission Statement and is directly linked to its aims, in particular: our aims to treat every person with respect and to help all students to achieve full potential at their studies while feeling cared for and safe.

Rationale

Our rationale for this policy is as follows:

1. To satisfy the legislative requirements associated with legislation including:
 - Sections 15(2)(d) and 28(1) of the Education Act 1998
 - Sections 23 and 24 of the Education (Welfare) Act 2000
 - Section 7(2)(d) Equal Status Act
 To satisfy the NEWB Guidelines: Developing a Code of Behaviour: Guidelines for Schools
2. To provide a transparent framework for the fair application of the sanctions of suspension and expulsion.

Review

This policy document will be subject to regular review by the Students' Council, the Parents' Association, the teaching staff (or a committee thereof) and the Board of Management.

Objectives

Our objectives are to:

- set out clearly how to deal with a suspension or an expulsion without impugning the rights of an individual pupil,
- promote good behaviour and to show disapproval of unacceptable behaviour,
- afford all of our pupils a safe environment, and
- encourage an environment in which all pupils can learn.

Policy Content

A. Suspension:

- The authority to suspend for a period of three days (or in exceptional circumstances six days, with the approval of the Chairperson of the Board, where a meeting of the Board cannot be convened in a timely fashion) 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 pupil who is 18 years or more) to appeal to the Board of Management.
- The power to suspend for longer periods or to expel rests with the Board of Management
- The period of suspension shall be proportionate to the breaches of the school rules.

Suspension is a serious sanction and may be considered in the following circumstances, but are not limited thereto:

- Repeated, persistent, cumulative misdemeanours
- Failure to recognise and submit to the authority of the school
- Where other lesser school sanctions have failed to discourage misbehaviour
- Where the behaviour interferes with the learning environment
- Serious incidents that may endanger the health, security, safety or welfare of the school community or any member thereof
- Where the behaviour results in serious damage to school property

- Truancy **and leaving school without permission**
- Behaviour which is illegal in nature
- Non compliance with the school's policies
- Behaviour which seriously damages the reputation of the school and its community
- The use of obscene, offensive or abusive language in word or writing in the school or towards any person.
- Serious theft or wilful damage, abuse of, or destruction of school property, furniture or equipment, or the property of any person associated with the school. In such cases parents will be held liable.
- Serious fighting on the school premises or at any school sponsored activity.
- Bullying as in the Code of Behaviour.
- Physical and/or verbal abuse (including name-calling) of a teacher, or other member of the school staff.
- Wilful disobedience to the clear command of a teacher.
- Any action done with the intention of causing disruption of a class or the school.
- Truancy – unexcused absence from school for any part of a day without the knowledge or consent of the school authorities and/or parents after other measures such as an opportunity to change, a warning, formal letter to parents, and/or a meeting with parents have failed to solve the problem behaviour.
- Anything in the Code of Behaviour which is not allowed on health & safety grounds.
- Any behaviour listed in the School Rules and regarded as Serious or Gross Misbehaviour
- Engaging in any form of unlawful/illegal behaviour.
- Other examples of such behaviour are set out in the Code of Behaviour

Certain of the above actions may also be grounds for expulsion depending on the circumstances. In such circumstances, students engaging in these actions will be referred to the Board of Management.

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

- 1. Suspension for Serious misbehaviour as per the school Code of Behaviour and the circumstances listed above.**
- 2. 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.
- In school suspension
- Meeting with parents and student with a view to moving forward
- Student placed "On Report" for a period of time
- Positive Behaviour Plan.
- 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.

3. 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 himself or of others in the school community or where the student's behaviour is such that it is a serious threat to the learning process and/or a direct threat to the authority of the Principal. Where there is repeated truancy or repeated and flagrant violation of the Code of Discipline a student may be sent home the next day he arrives in school or suspended the following day pending a meeting with the parents. Fair procedures will still be applied. The parents will be notified by phone of the immediate suspension and will be requested to attend the school without delay to discuss the matter.

4. Automatic Suspensions

Suspensions will also be imposed for named behaviours as per the school's Code of Behaviour. Fair procedures will still apply.

5. Suspension during State Exams

This sanction will normally be approved by the Board of Management and will be used where 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.

6. Suspensions pending a meeting with parents

Parents may be instructed to keep a pupil at home until they attend with him to discuss a serious incident or ongoing disruptive behaviour. It will be the responsibility of the parents to make arrangements for such a meeting. Fair procedures will apply.

7. Suspension pending a decision of the Board of Management on a reference from the Principal where the student is a danger to the health and safety of himself or other members of the school community and/or a serious and ongoing impediment to the learning process and/or unwilling to accept the Code of Discipline and/or the authority of management and/or staff members.

8. Suspension after a decision to expel is taken by the Board of Management pending consultation with the Education Welfare Officer and the expiration of 20 school days, where the student, because of his prior record of misbehaviour, is expected to be a danger to the health and safety of himself or other members of the school community and/or a serious and ongoing impediment to the learning process and/or unwilling to accept the Code of Discipline and/or the authority of management and/or staff members.

Suspension Procedure

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

- The Principal/Deputy Principal or other teacher delegated to do so by the Principal/Deputy Principal (Year Head, Deputy Principal, Class Tutor or other teacher) will interview the pupil who is given the opportunity to respond. The student will be informed of the precise allegations/grounds/evidence that gave rise to the potential suspension. An investigation will be carried out by Principal, Deputy Principal, Year Head or other teacher. Other witnesses will be interviewed (if any and if necessary). A written account may be requested from all witnesses including the accused student/s.
- The parents/guardians of the student will be informed of the situation and may be invited to come to the school for a meeting to respond to the misbehaviour/incident, if there is any dispute as to the facts. In the interim parents may be instructed to keep the pupil at home until they attend with him to discuss the matter.
- Where parents do not comply with the request to contact/attend the school or otherwise make themselves available to discuss the matter within a reasonable time of the request to contact/attend then the Principal will decide the course of action to be taken. Such action may include a sanction of up to three days suspension (six days in exceptional circumstances) and/or a reference to the Board of Management for a longer term of suspension or expulsion.
- In cases where the suspension is to take effect immediately, such as in the interests of health and safety or good order and discipline, parents/guardians will be informed by telephone and/or text, with written follow up, if required.
- Pending the implementation of the suspension, the student may be withdrawn from class.
- If it is decided that a suspension will take place parents will be informed in writing.
- Students will not be sent home during a school day unless collected by a parent/guardian, left home or some other suitable arrangement is made.
- If an incident is of a very grave nature the Principal may decide to suspend the student pending a Board of Management meeting, where all sanctions up to and including expulsion will be considered.
- Parents will be informed of their right to appeal, to the Board of Management in the first instance.
- If a student is suspended for greater than 6 days cumulatively the Board/Principal will inform the EWO.
- Pending any appeal, the short term suspension remains in force.

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
- Reasons for the suspension

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

- Expectations of the student while on suspension
- Procedure on return to school.
- 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.
- Information of the appeal rights and procedures regarding the suspension.
- Requirements to be met for the student's return to school.
- A statement that the student is under the care and responsibility of parent/guardians while suspended.

Suspension Removal

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 an appeal a suspension may be lifted in the following circumstances:

- An appeal against the suspension has been lodged pending the outcome of the appeal, (subject to the proviso, as set out above, that a short term suspension of three days or less (six days in exceptional circumstances) must be served pending the appeal, in the interest of health and safety and/or good order and discipline) OR
- The term (length of time) of the suspension has been served, OR
- The student with his parents/guardians have met with the school authorities and have given assurances that the misbehaviour that gave rise to the sanction is regretted and/or will not be repeated OR
- In particular circumstances, when a formal apology in writing is submitted to the principal by the student and signed by a parent OR
- If the sanction is imposed for reasons due to concern for safety and health, the cause of the concern no longer exists OR
- New circumstances come to light after the suspension has been applied that would have mitigated the sanction had they been known beforehand OR
- Other mitigating factors consistent with the application of the principles of natural justice.

The letter of suspension will state what needs to be done (if necessary) for the particular suspension to be lifted.

Where the total number of days for which the student has been suspended in the current school year reaches 20 school days, the parents/guardians, or a student aged over 18 years, may appeal the suspension under section 29 of the Education Act 1998, and will be given information on how to appeal.



Suspension Completion

Upon completion of a suspension the student may be met by the Principal / Deputy Principal/Year Head 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 Principles

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 she 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
- Possession of and/or brandishing of an offensive weapon

- A serious act of violence or serious physical assault against any member of the school community or against any visitor thereto.
- Serious burglary or theft which results in substantial loss or damage to school property or the property of members of the school community.
- Using and/or supplying drugs or other dangerous and illegal substances to others during school time or whilst on school trips/activities.
- Supplying drugs or other dangerous and illegal substances outside of school.
- Serious damage to school property or the property of members of the school community.
- Sexual assault and/or Sexual harassment.
- Gross insubordination to the Principal or other staff members.

In the interest of ensuring a fair and even-handed system for the imposition of expulsion, the Board of Management will take account of 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 by the Principal or 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:



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- Inform the parents/guardians and the student that the Board of Management is being asked to consider expulsion
- Ensure that parents/guardians have copies of records of the allegations against the student and copies of records of the investigation and written notice of the grounds on which the Board of Management is being asked to consider the expulsion
- Provide the Board of Management with copies of the same comprehensive records as are given to parents/guardians
- 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.
- The Principal may suspend the student pending the Board meeting, if necessary to protect health and safety, good order and discipline and the learning process.

Step 3: Consideration by the Board of Management of the Principal's recommendation and the holding of a hearing

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. It will give the parents/guardians (student if over 18 years) at least five days notice of the hearing. Parents/guardians must give two days notice in writing that they wish to make representations to the hearing. 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, parents and student 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 **SCHOOL** days after notification of intention to expel.

Step 6: Confirmation of the decision to expel

Where the 20 **SCHOOL** 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 forms on which to lodge an appeal. If the Board does not expel the student, it may recommend an alternative sanction in consultation with the Principal.

The formal letter of notification to parents will include:

- The notice of exclusion
- The effective date of the exclusion
- The reasons for the exclusion
- A statement that the Education Welfare Board has been informed of the exclusion
- A statement that the student is under the care and responsibility of the parents/guardians for the period of 20 **SCHOOL** days required by the Education Welfare Officer to examine alternative provisions for the education of the student.
- Information and documentation on Appeal rights.

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. Permanent exclusion may be appealed by a parent/guardian or by a student (over 18 years of age). An appeal may also be brought by the National Educational Welfare Board on behalf of a student. Any such appeal must be lodged within 42 calendar days of the decision of the Board of Management.

Footnote: Mr Justice Kearns (High Court 1999) expressed the opinion that there shouldn't be legal representation at B.O.M. meetings when dealing with pupil disciplinary matters. Ref. Developing a Code of Behaviour: Guidelines for Schools-NEWB Chapter 12

Related Policies

Code of Behaviour and School Rules, Admissions Policy, Substance Use Policy, Anti-bullying Policy.

Monitoring and Review (Roles and Responsibilities)

The Principal assumes the responsibility for monitoring the effective implementation of this policy. Review and evaluation will be consistent with the whole school planning process. This policy will be reviewed on a regular basis, but not less often than every three years.

Implementation

Details of procedures to be followed in implementing the policy are included in the Policy Content section of this document. The implementation of this policy will be consistent with the whole school planning process.

This policy was updated on September 1st 2017