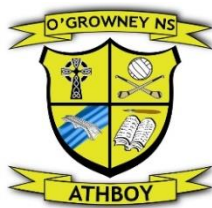


## Policy Document No. 2



### O' Growney National School

# Code of Behaviour & Excellence

O'Growney National School strives to achieve a happy, secure environment in which children can develop to their full potential. Our school promotes constructive behaviour and discourages unacceptable behaviour. We aim to ensure that the individuality of each child is accommodated, while acknowledging the right of each child to an education in a relatively disruption free environment.

## Aims of a Code of Behaviour & Excellence

1. To provide guidance for pupils, teachers and parents on behavioural expectations.
2. To provide for the effective and safe operation of the school
3. To develop pupils' self-esteem and to promote positive behaviour.
4. To foster the development of a sense of responsibility and self-discipline in pupils based on respect, consideration and tolerance of others.
5. To facilitate the education and development of every child.
6. To foster caring attitudes to one another and to the environment.
7. To help create a positive, stimulating, learning environment in which every pupil can benefit from the school.
8. To enable teachers to teach without disruption.

## Implementation

Every member of the school community has a role to play in the implementation of the Code of Behaviour & Excellence. Rules are kept to a minimum, emphasizing positive behaviour and are applied in a fair and consistent manner, with due regard to the age of the pupils and to individual difference. Good behaviour is encouraged and rewarded using stickers on our "Behaviour Wall". Individual pupils are rewarded for their behavior and this leads to the whole class being rewarded when targets are reached. Where difficulties arise, parents are contacted at an early stage in the process.

## General Guidelines for Positive Behaviour

1. Pupils are expected to treat all adults and fellow pupils with respect and courtesy at all times. Behaviour that interferes with the rights of others to learn and to feel safe is unacceptable.
2. Pupils are expected to show respect for all school property and to keep the school environment clean and litter free.
3. Pupils are expected to take pride in their appearance, to have all books and required materials and to be in the right place at the right time.
4. Pupils are expected to obey a teacher's instructions, to work to the best of their ability and to present assignments neatly.
5. Pupils are expected to attend every day, unless there is a genuine reason for absence, in which case the school **must** be informed in writing, stating the reason for this absence.

# O'Growney National School Rules

School rules are kept to a minimum and are devised with regard for the health, safety and welfare of all members of the school community. If a school is to function efficiently, it is necessary that rules and regulations are clearly stated and enforced consistently and fairly.

## “Golden Rules”

Our School Rules are devised with regard for the health, safety and welfare of all members of the school community. If a school is to function properly and efficiently, it is necessary that the rules and regulations are *clearly stated and enforced consistently and wisely*. These rules are displayed throughout the school and in a prominent position in each classroom.

1. Pupils must show respect for teachers, ancillary staff, parents, visitors and fellow pupils at all times. Children will be called by their first name at all times.
2. Foul language, nasty remarks or comments will not be accepted in the school. Our school motto is “Nice not Nasty”, which is known and understood by all pupils.
3. Aggressive behaviour and any sort of rough, dangerous play is not permitted.
4. High standards of hygiene are required at all times.
5. Children are expected to wear the complete school uniform, with tie each day. Tracksuits will only be worn on P.E. or excursion days. No headwear or facial coverage is permitted during class.
6. All absences *must* be explained.
7. School property and the property of others will be treated with respect.
8. No child is allowed to leave the school grounds without permission.
9. The use of a mobile phones *is strictly forbidden* within the school grounds. If a child is found using a phone, it will be confiscated immediately.
10. For Health & Safety reasons, only stud earrings are permitted.
11. Running inside the building is not permitted. The hand rail must be held ascending and descending the stairs.
12. The following are not permitted on the school premises:
  - a) Dangerous articles i.e. knives, sharp objects, aerosols, matches, lighters or any object that is considered a danger to any pupil or others.
  - b) All nuts and their derivatives.
  - c) Chocolate and chocolate products.
  - d) Fast food such as wedges, sausage rolls etc...
  - e) Fizzy drinks & chewing gum.

# “Golden Rules Rhyme”

**G**et in line at assembly time.

**O**ur school motto is “Nice not Nasty”.

**L**anguage which is foul or vulgar is unacceptable in our school.

**D**on’t drop litter within the school grounds.

**E**xplain all absences.

**N**o child is allowed to leave the school grounds without permission.

**R**unning inside the building is not allowed.

**U**se of mobile phones *is strictly forbidden*.

**L**earn the “Golden Rules” to the best of your ability.

**E**at proper food, as “junk food” is not permitted.

**S**how respect to teachers, ancillary staff, parents, visitors and fellow pupils at all times.

## Procedures to deal with Misbehaviour

We improve our “Code of Behaviour & Excellence Policy” and “Anti-Bullying Policy” continually, based on the changing requirements of the school. Rules are explained to the children on the first week and are placed in a prominent position in each classroom and throughout the school.

During class, a pupil who misbehaves is made aware of his/her behaviour. The teacher will talk to the child to try and correct the behaviour and agree a way forward. If these interactions are unsuccessful a *cautionary* note may be sent home. If the misbehaviour continues a total of two cautionary notes will be sent home. Please understand that these are only corrections, pointing out that the child should correct his/her behaviour.

Following this, an official school “Continuous Misbehaviour Sheet” will be sent home, outlining the continuous misbehaviour. A meeting may be requested with the parents.

If the behaviour is of a more serious nature an “Unacceptable Behaviour Sheet” or “Serious Incident Sheet” will be immediately sent home.

The rationale behind this process is to make parents aware of difficulties being encountered in school and to make parents aware of the efforts we go to create a good learning environment. It also enables prudent parents to take charge of their own child’s conduct, which is to the benefit of all especially the child.

For “Continuous Misbehaviour”, “Unacceptable Behaviour” or “Serious Incidents” internal detention during break-time is imposed. This will be a staged approach, unless we believe that the child’s behaviour warrants a lengthy detention or suspension, from class or school, due to the seriousness of the misbehaviour.

The following is a list of corrections generally applied for misbehaviour offences. The Principal/Deputy Principal has the overall decision on any correction given:

1<sup>st</sup> offence – 1 day internal detention during break-times

2<sup>nd</sup> offence – 3 days internal detention during break-times

3<sup>rd</sup> offence - 5 days internal detention during break-times

4<sup>th</sup> offence - 10 days internal detention during break-times

5<sup>th</sup> offence and above - 20 days internal detention during break-times

Further offences - 20 days continual internal detention during break-times

**For a serious offences, up to and including 20 days internal detention during break-times may be given.**

We are very happy and proud of the exemplary behaviour of over 99% of the children within our school and continue to strive to have a happy safe environment for all staff and children. We promote a positive approach and appraisal.

**Initially, all issues or problems will be managed by the class teacher.** It is only when all efforts are exhausted or misbehaviour of a serious nature occurs, that the Principal or Deputy Principal will become involved. A lot of disciplinary problems can be rectified between teacher and parent with support and mutual respect.

The following is a guideline to the behaviours that will warrant the issue of a Caution, Continuous Misdemeanour”, “Unacceptable Behaviour” or “Serious Incident” Sheet.

<b>CAUTION</b>
<ul style="list-style-type: none"> <li>• Incorrect uniform / tracksuit worn (<i>without a note in child's journal from parent explaining why</i>)</li> </ul>
<ul style="list-style-type: none"> <li>• Consistently not paying attention / fidgeting / time wasting / not following instructions (<i>taking too long on tasks, chatting during tasks etc.</i>)</li> </ul>
<ul style="list-style-type: none"> <li>• Constantly interrupting pupils or teacher</li> </ul>
<ul style="list-style-type: none"> <li>• Poor classwork / homework (<i>homework not completed unless acceptable reason given</i>)</li> </ul>
<ul style="list-style-type: none"> <li>• Not taking responsibility for own belongings.</li> </ul>
<ul style="list-style-type: none"> <li>• Running on the stairs</li> </ul>
<ul style="list-style-type: none"> <li>• In the school building without permission during break.</li> </ul>
<ul style="list-style-type: none"> <li>• Pushing / messing in the line</li> </ul>
<ul style="list-style-type: none"> <li>• Consistently not having school materials i.e., a pencil or homework journal</li> </ul>
<ul style="list-style-type: none"> <li>• Wearing inappropriate jewellery</li> </ul>
<b>UNACCEPTABLE BEHAVIOUR</b>
<ul style="list-style-type: none"> <li>• Using abusive / vulgar language</li> </ul>
<ul style="list-style-type: none"> <li>• Excluding children from activities / play</li> </ul>
<ul style="list-style-type: none"> <li>• Repeated rough play on the yard</li> </ul>
<ul style="list-style-type: none"> <li>• Writing or defacing another child's property or school property</li> </ul>
<ul style="list-style-type: none"> <li>• Constantly not following instructions</li> </ul>
<ul style="list-style-type: none"> <li>• Disrespect of another pupil</li> </ul>
<ul style="list-style-type: none"> <li>• Disrespect of any member of school community (<i>saying "no" when asked to do something / insolence of any kind (e.g. imitating a teacher, insulting a member of staff or cheeky comments to a staff member, inappropriately calling or using a teacher's first name)</i>)</li> </ul>
<ul style="list-style-type: none"> <li>• Unacceptable attitude / gestures</li> </ul>
<ul style="list-style-type: none"> <li>• Throwing objects</li> </ul>
<ul style="list-style-type: none"> <li>• Telling lies</li> </ul>
<ul style="list-style-type: none"> <li>• Mobile phone on during school hours <i>{ If it's on it's gone }</i></li> </ul>
<b>SERIOUS</b>
<ul style="list-style-type: none"> <li>• Bullying</li> </ul>
<ul style="list-style-type: none"> <li>• Physical violence in any manner / biting / spitting / pulling hair etc.</li> </ul>
<ul style="list-style-type: none"> <li>• Serious disrespect of any member of school community</li> </ul>
<ul style="list-style-type: none"> <li>• Possession or use of dangerous articles i.e. knife, lighter, aerosol etc.</li> </ul>
<ul style="list-style-type: none"> <li>• Stealing (found in possession of school or other children's property without permission)</li> </ul>
<ul style="list-style-type: none"> <li>• Leaving school grounds without permission</li> </ul>
<ul style="list-style-type: none"> <li>• Sexual talk, gestures or in-appropriate sexual behaviour</li> </ul>

## Sanctions

The following strategies may be used to show disapproval of unacceptable behaviour.

- Reasoning with pupil.
- Verbal reprimand, including advice on how to improve.
- Temporary separation from peers, friends and others.
- Loss of privileges.
- Prescribed additional work signed by parents.
- Recording of incident of misbehaviour on the official school incident sheets.
- Detention during breaks
- Referral to Principal.
- Internal Suspension
- External Suspension {Appendix 1}
- Expulsion from school (in accordance with Rule 130 of the Rules for National Schools as amended by circular and Education Welfare Act 2000). {Appendix 2}

Pupils who misbehave frequently, having no remorse for their actions, will not be allowed to participate in school outings for their own safety and that of others. Parents will be informed at an early stage if problems occur and not simply at the point where a crisis has arisen.

Before serious sanctions such as internal and external suspension or expulsion are used, the normal channels of communication between school and parents will be utilised. Communication with parents may be verbal or by letter depending on the circumstances.

Where there are repeated instances of serious misbehaviour, or a very serious incident, the Chairperson of the Board of Management will be informed and the parents will be requested to attend at the school to meet the Principal.

If the parents do not give an undertaking that the pupil will behave in an acceptable manner in the future, the pupil may be externally suspended for a period of up to three school days. Prior to suspension, where possible, the Principal may review the case in consultation with teachers and other members of the school community involved, with due regard to records of previous misbehaviours, their pattern and context, sanctions and other interventions used and their outcomes and any relevant medical information.

### **Suspension will be in accordance with the Rules for National Schools and the Education Welfare Act 2000. {Appendix 1}**

In the case of gross misbehaviour, where it is necessary to ensure that order and discipline are maintained and to secure the safety of the pupils, the Board of Management may authorise the Chairperson or Principal to sanction an immediate suspension for a minimum of three consecutive days, pending a discussion of the matter with the parents.

**A child may be *immediately* suspended from the school, for a minimum of three consecutive days, for any serious offence or for any of the following:**

- a) **Striking a teacher**
- b) **Verbally abusing or seriously disrespecting a teacher**
- c) **Assault of another child**
- d) **Continuous bullying of a child or children with no effort to reform**
- e) **Continuous disobedience**
- f) **Sexual talk, gestures or in-appropriate sexual behaviour**

## Removal of Suspension (Reinstatement)

The parent/s must give a satisfactory undertaking that a suspended pupil will behave in accordance with the Code of Behaviour & Excellence and the Principal must be satisfied that the pupil's reinstatement will not constitute a risk to the pupil's own safety or that of the other pupils or staff. The Principal will facilitate the preparation of a "Behaviour Plan" for the pupil, if required, and will re-admit the pupil formally to the class.

**A written apology will be given to the Principal before the child is allowed return to the school.**  
{Appendix 1}

## Expulsion

Expulsion may be considered in an extreme case, in accordance with the Rule for National Schools and the Education Welfare Act 2000. {Appendix 2}

### Before/After School

Parents are reminded that the staff of the school does not accept responsibility for pupils before official opening time of 9.20 a.m. or after the official closing time of 2 p.m. (infants) – 3p.m. (other classes), except where pupils are engaged in an extra-curricular activity organised by the school and approved by the Board of Management. Pupils involved in such activities are expected to behave in accordance with school behaviour policy during these times.

### Review and Monitoring:

This policy will be made available to school personnel and the Parents' Association and is readily accessible to parents on request. A copy of this policy will be made available to the Department and the Patron, if requested.

This policy will be monitored and reviewed annually by the Board of Management.

*Policy ratified by the Board of Management on Friday, 23<sup>rd</sup> October, 2020.*

# Suspension {Appendix 1}

## Definition of Suspension

The student will be required to absent himself/herself from the school for a specified, limited period of school days. During the period of a suspension, the student will retain their place in the school.

### The grounds for suspension

**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 student's continued presence in the school at this time constitutes a threat to safety.
- the student is responsible for serious damage to property.

A single incident of serious misconduct may be grounds for suspension.

### Forms of suspension

#### Immediate suspension

In exceptional circumstances, the Principal may consider an immediate suspension to be necessary, where the continued presence of the student in the school, at the time, would represent a serious threat to the safety of students or staff of the school, or any other person. Fair procedures must still be applied.

#### 'Automatic' suspension

A Board of Management may decide, as part of the school's policy on sanctions and following the consultation process with the Principal, parents, teachers and students, that particular named behaviours incur suspension as a sanction. However, a general decision to impose suspension for named behaviours does not remove the duty to follow due process and fair procedures in each case.

#### **Inappropriate use of suspension**

Students *will not* usually be suspended for:

- poor academic performance
- poor attendance or lateness
- minor breaches of the Code of Behaviour & Excellence.

However, any behaviour that is persistently disruptive to learning or potentially dangerous can be a serious matter. Behaviour must be examined in context to understand both the behaviour itself and the response or sanction that is most appropriate.

### Rolling suspension

A student will not be suspended again shortly after they return to school unless:

- they engage in serious misbehaviour that warrants suspension
- fair procedures are observed in full
- the standard applied to judging the behaviour is the same as the standard applied to the behaviour of any other student.

### Informal or Unacknowledged Suspension

Exclusion of a student for part of the school day, as a sanction, or asking parents to keep a child from school, as a sanction, is a suspension. Any exclusion imposed by the school is a suspension, and should follow the guidelines relating to suspension.



## Open-ended suspension

Students will not be suspended for an indefinite period. Any such suspension would be regarded as a de-facto expulsion and would be treated as such under section 29 of the *Education Act 1998*.

## Procedures in respect of suspension

Our school will observe the following procedures:

- inform the student and their parents about the complaint
- give parents and student an opportunity to respond.

## Inform the student and parents

Let the student and their parents know about the complaint, how it will be investigated, and that it could result in suspension.

## Give an opportunity to respond

Parents and student should be given an opportunity to respond before a decision is made and before any sanction is imposed.

A meeting with the student and their parents provides an opportunity for them 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. It may 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 their parents fail to attend a meeting, the Principal should write advising 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 negative behaviour. The school should record the invitations made to parents and their response.

## Procedures in relation to immediate suspension

Where an immediate suspension is considered by the Principal to be warranted for reasons of the safety of the student, other students, staff or others, a preliminary investigation should be conducted to establish the case for the imposition of the suspension. The formal investigation should immediately follow the imposition of the suspension. All of the conditions for suspension apply to immediate suspension. No suspension, including an immediate suspension, should be open-ended.

In the case of an immediate suspension, parents must be notified, and arrangements made with them for the student to be collected. The school must have regard to its duty of care for the student. In no circumstances should a student be sent home from school without first notifying parents.

## The period of suspension

A student should not be suspended for no more than three days, except in exceptional circumstances where the Principal considers that a period of suspension longer than three days is needed in order to achieve a particular objective. Each Board of Management should provide guidance to the Principal concerning the kinds of circumstances under which suspensions of longer than three days might be approved.

If a suspension longer than three days is being proposed by the Principal, the matter will be referred to the Board of Management for consideration and approval, giving the circumstances and the expected outcomes.

However, a Board of Management may wish to authorise the Principal, with the approval of the Chairperson of the Board, to impose a suspension *of up to five days* in circumstances where a meeting of the Board cannot be convened in a timely fashion, subject to the guidance concerning such suspensions.



The Board of Management should normally place a ceiling of ten days on any one period of suspension imposed by it.

The Board 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 twenty days or more. Any such suspension is subject to appeal under section 29 of the *Education Act 1998*.

### Appeals

The Board of Management should offer an opportunity to appeal a Principal's decision to suspend a student. In the case of decisions to suspend made by the Board of Management, an appeals process may be provided by the Patron.

### Section 29 Appeal

Where the total number of days for which the student has been suspended in the current school year reaches twenty days, the parents, or a student aged over eighteen years, may appeal the suspension under section 29 of the *Education Act 1998*, as amended by the *Education (Miscellaneous Provisions) Act 2007*.

At the time when parents are being formally notified of such a suspension, they and the student should be told about their right to appeal to the Secretary General of the Department of Education and Science under section 29 of the *Education Act 1998*, and should be given information about how to appeal.

### Implementing the suspension

#### Written notification

The Principal should notify the parents and the student in writing of the decision to suspend. The letter should 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 (for example, parents might be asked to reaffirm their commitment to the Code of Behaviour & Excellence)
- the provision for an appeal to the Board of Management
- the right to appeal to the Secretary General of the Department of Education and Science (*Education Act 1998*, section 29).

The letter should be clear and easy to understand. Particular care should be taken in communicating with parents who may have reading difficulties, or whose first language is not the language of the school.

## Grounds for removing a suspension

A suspension may be removed if the Board of Management decides to remove the suspension for any reason or if the Secretary General of the Department of Education and Science directs that it be removed following an appeal under section 29 of the *Education Act 1998*.

## After the suspension ends

A period of suspension will end on the date given in the letter of notification to the parents about the suspension.

## Re-integrating the student

The school should have a plan to help the student to take responsibility for catching up on work missed. This plan will help to avoid the possibility that suspension starts or amplifies a cycle of academic failure. Successful re-integration goes beyond academic work. A suspended student may feel angry or resentful about their suspension, and these feelings can trigger problems with re-integration which, in turn, may lead to further problem behaviour. Where possible, the school should arrange for a member of staff to provide support to the student during the re-integration process.

## Clean slate

When any sanction, including suspension, is completed, a student should be given the opportunity and support for a fresh start. Although a record is kept of the behaviour and any sanction imposed, once the sanction has been completed the school should expect the same behaviour of this student as of all other students.

## Records and reports - Records of investigation and decision-making

Formal written records should be kept of:

- the investigation (including notes of all interviews held)
- the decision-making process
- the decision and the rationale for the decision
- the duration of the suspension and any conditions attached to the suspension.

**Report to the Board of Management** The Principal should report all suspensions to the Board of Management, with the reasons for and the duration of each suspension.

**Report to NEWB** The Principal is required to report suspensions in accordance with the NEWB reporting guidelines (*Education (Welfare) Act, 2000*, section 21(4)(a)).

# Expulsion {Appendix 2}

## Definition of Expulsion

A student is expelled from a school when a Board of Management makes a decision to permanently exclude him or her from the school, having complied with the provisions of section 24 of the *Education (Welfare) Act 2000*. As part of the Code of Behaviour & Excellence, the Board of Management should ensure that the school has a policy on, and procedures for, expulsion which are in line with these Guidelines and with any additional requirements set down by the Patron.

## Authority to expel

The Board of Management of a recognised school has the authority to expel a student. As a matter of best practice, that authority should be reserved to the Board of Management and should not be delegated.

**Expulsion should be a proportionate response to the student's behaviour.**

## The grounds for expulsion

Expulsion should be a proportionate response to the student's behaviour. Expulsion of a student is a very serious step, and one that should only be taken by the Board of Management in extreme cases of unacceptable behaviour. The school should have taken significant steps to address the misbehaviour and to avoid expulsion of a student including, as appropriate:

- meeting with parents and the student to try to find ways of helping the student to change their behaviour
- making sure that the student understands the possible consequences of their behaviour, if it should persist
- ensuring that all other possible options have been tried
- seeking the assistance of support agencies (e.g. National Educational Psychological Service, Health Service Executive Community Services, the National Behavioural Support Service, Child and Adolescent Mental Health Services, National Council for Special Education).

## 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 safety
- the student is responsible for serious damage to property.

The grounds for expulsion may be similar to the grounds for suspension. In addition to factors such as the degree of seriousness and the persistence of the behaviour, a key difference is that, where expulsion is considered, school authorities have tried a series of other interventions, and believe they have exhausted all possibilities for changing the student's behaviour

## **‘Automatic’ expulsion**

A Board of Management may decide, as part of the school’s policy on sanctions, and following the consultation process with the Principal, parents, teachers and students, that particular named behaviours incur expulsion as a sanction. However, a general decision to impose expulsion for named behaviours does not remove the duty to follow due process and fair procedures.

## **Expulsion for a 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 might result in a proposal to expel on the basis of a single breach of the Code could include:

- 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.

## **Determining the appropriateness of expelling a student**

Given the seriousness of expulsion as a sanction the Board of Management should undertake a very detailed review of a range of factors in deciding whether to expel a student.

## **Inappropriate use of expulsion**

Expulsion should not be proposed for:

- poor academic performance
- poor attendance or lateness
- minor breaches of the Code of Behaviour & Excellence.

However, any behaviour that is persistently disruptive to learning or dangerous can be a serious matter. Behaviour must be examined in context to understand both the behaviour itself and the response or sanction that is most appropriate.

## **Procedures in respect of expulsion**

Schools are required by law to follow fair procedures as well as procedures prescribed under the *Education (Welfare) Act 2000*, when proposing to expel a student (see **10.3** and **10.4** for information about fair procedures). Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant expulsion, the procedural steps will include:

1. A detailed investigation carried out under the direction of the Principal.
2. A recommendation to the Board of Management by the Principal.
3. Consideration by the Board of Management of the Principal’s recommendation; and the holding of a hearing.
4. Board of Management deliberations and actions following the hearing.
5. Consultations arranged by the Educational Welfare Officer.
6. Confirmation of the decision to expel.

These procedures assume that the Board of Management is the decision-making body in relation to expulsions.

It is a matter for each Board of Management to decide which of the tasks involved in these procedural steps requires separate meetings and which tasks can be accomplished together in a single meeting, consistent with giving parents due notice of meetings and a fair and reasonable time to prepare for a Board hearing.

## **Step 1: A detailed investigation carried out under the direction of the Principal**

In investigating an allegation, in line with fair procedures, the Principal should:

- inform the student and their parents about the details of the alleged misbehaviour, how it will be investigated and that it could result in expulsion
- give parents and the student every opportunity to respond to the complaint of serious misbehaviour before a decision is made and before a sanction is imposed.

Parents should be informed in writing of the alleged misbehaviour and the proposed investigation in order to have a permanent record of having let them know. This also ensures that parents are very clear about what their son or daughter is alleged to have done. It serves the important function of underlining to parents the seriousness with which the school views the alleged misbehaviour.

Parents and the student must have every opportunity to respond to the complaint of serious misbehaviour before a decision is made about the veracity of the allegation, and before a sanction is imposed. Where expulsion may result from an investigation, a meeting with the student and their parents is essential. It provides the opportunity for them 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. It may 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 their parents fail to attend a meeting, the Principal should write advising 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 inappropriate behaviour. The school should 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 misbehaviour, that expulsion may be warranted, the Principal makes a recommendation to the Board of Management to consider expulsion. The Principal should:

- inform the parents and the student that the Board of Management is being asked to consider expulsion
- 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 expulsion
- 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**

It is the responsibility of the Board to review the initial investigation and satisfy itself that the investigation was properly conducted in line with fair procedures. The Board should undertake its own review of all documentation and the circumstances of the case. It should ensure that no party who has had any involvement with the circumstances of the case is part of the Board's deliberations (for example, a member of the Board who may have made an allegation about the student).

Where a Board of Management decides to consider expelling a student, it must hold a hearing. The Board meeting for the purpose of the hearing should be properly conducted in accordance with Board procedures. 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 should be allowed to question the evidence of the other party directly.

The meeting may also be an opportunity for parents to make their case for lessening the sanction. In the conduct of the hearing, the Board must take care to ensure that 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.

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

#### **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 expulsion 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 expelled, the Board must 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 should refer to National Educational Welfare Board reporting procedures for proposed expulsions. The student cannot be expelled before the passage of twenty school days from the date on which the EWO receives this written notification (*Education (Welfare) Act 2000*, s24 (1)).

An appeal against an expulsion under section 29 of the *Education Act 1998* will automatically succeed if it is shown that the Educational Welfare Officer was not notified in accordance with section 24(1) or that twenty days did not elapse from the time of notification to the Educational Welfare Officer to the implementation of the expulsion (*Education (Miscellaneous Provisions) Act 2007*, s4A).

The Board should inform the parents in writing about its conclusions and the next steps in the process. Where expulsion is proposed, the parents should be told that the Board of Management will now inform the Educational Welfare Officer.

#### **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 that a student should be expelled, the Educational Welfare Officer must:

- make all reasonable efforts to hold individual consultations with the Principal, the parents and the student, and anyone else who may be of assistance
- convene a meeting of those parties who agree to attend (*Education (Welfare) Act 2000*, section 24).

The purpose of the consultations and the meeting is to ensure that arrangements are made for the student to continue in education. These consultations may result in an agreement about an alternative intervention that would avoid expulsion. However, where the possibility of continuing in the school is not an option, at least in the short term, the consultation should focus on alternative educational possibilities.

In the interests of the educational welfare of the student, those concerned should come together with the Educational Welfare Officer to plan for the student's future education.

Pending these consultations about the student's continued education, a Board of Management may take steps to ensure that good order is maintained and that the safety of students is secured (*Education (Welfare) Act 2000*, s24(5)). A Board may consider it appropriate to suspend a student during this time. Suspension should only be considered where there is a 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 expel

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 expelled, the Board of Management should formally confirm the decision to expel (this task might be delegated to the Chairperson and the Principal). Parents should be notified immediately that the expulsion will now proceed. Parents and the student should be told about the right to appeal and supplied with the standard form on which to lodge an appeal. A formal record should be made of the decision to expel the student.

## Appeals

A parent, or a student aged over eighteen years, may appeal a decision to expel to the Secretary General of the Department of Education and Science (*Education Act 1998* section 29). An appeal may also be brought by the National Educational Welfare Board on behalf of a student.

## The appeals process

The appeals process under section 29 of the *Education Act 1998* begins with the provision of mediation by a mediator nominated by the Appeals Committee (Department of Education and Science). For further details about the Appeals process, including requirements for documentation, and the steps in the process, refer to current DES guidance.