

# **SUSPENSION AND EXCLUSION POLICY**

## **Introduction**

Through its Code of Behaviour- and in line with the Mission Statement- Our Lady of Lourdes Secondary School aims to create a calm and ordered atmosphere in a caring and supportive working environment based on respect for self and respect for others. In cases where students fail to observe the Code of Behaviour it may be necessary, for the good of the school community as a whole, to impose sanctions on such students including suspension or exclusion where warranted.

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

## **Suspension Principles**

In certain cases of unacceptable behaviour it will be in the best interests of the school community and/or the student involved to remove the student from the school for a period of time. Under the Articles of Management for Secondary Schools and with authority granted from the School Board of Management the Principal has the authority to suspend a student from attending school for a period up to and including 3 days. Suspensions beyond 3 days require the permission of the Board of Management. All suspensions are noted to the Board.

The Principal/Board of Management will exercise this authority in a fair and non-discriminatory manner having regard to his responsibility to the whole school community and to the Principles of Natural Justice.

The primary purpose of suspension is one of **corrective support** rather than punishing students for misbehaviour. It is the intention of the school that suspension allows students the time, under the supervision of their parent/guardians to reflect on their unacceptable behaviour; accept responsibility for the behaviour that led to the suspension and to change their future behaviour to meet the expectations of the school.

In general there are **two sets of circumstances** under which suspension will be imposed:

1. **Serious breaches of the Code of Behaviour** that indicate that the student should be removed from the school. In cases where health and safety could be a risk it may be necessary to suspend a student with immediate effect pending an investigation and the following of due procedures.

Serious breaches of the Code of Behaviour include, but are not limited to:

- Endangering the safety or health of any member of the school community
- Bullying (as outlined in the school's Anti-Bullying policy)
- Disrespect or defiance towards or harassment or intimidation of a member of staff
- Possession, use or supply of prohibited substances or alcohol (outlined in policy on Substance Abuse) in the school, on school trips, or in the course of any school-related activity.
- Deliberate vandalism to school property or the property of a member of the school community.
- Interference with or persistent disruption of teaching and learning.
- Refusal to obey clear and reasonable instructions of staff members on a repeated basis
- Smoking anywhere inside the school grounds.
- The use of obscene, abusive, or otherwise inappropriate language.
- Stealing, fighting or the possession of offensive weapons. In addition to being serious breaches that incur suspension, these are criminal offences that will be reported to the appropriate authorities.
- Tarnishing the good name and reputation of the school.
- Truancy and leaving school without permission

2. **Repeated less serious breaches of the Code of Behaviour** that have not been rectified by disciplinary measures short of suspension. In such cases formal written warning detailing the unacceptable behaviour will have been submitted to parents/guardians along with an explanation of what is required of the student.

## **Suspension Procedure**

The School has a referral system in place to address issues of ongoing serious and persistent misbehaviour. Teachers will initially try to deal with disciplinary issues themselves within their own classroom. If this fails to resolve matters a line of referral from teacher to Tutor to Year Head to Deputy Principal / Principal will be pursued. Parents will be informed of emerging difficulties as part of the referral process. If at this stage matters are still not resolved the option of suspension will be considered. Sometimes incidents of a very serious once off nature can occur and these can result in the immediate suspension of a student without the need for referral.

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

- The student will be informed of the precise grounds that gave rise to a potential suspension and will be given an opportunity to respond before a suspension decision is formalised
- The parents/guardians of the student will be informed of the situation and invited to come to the school for a meeting
- If parents fail to attend this meeting the student can still be suspended
- In cases where the suspension is to take effect immediately, such as in the interests of health and safety, parents/guardians will be informed by telephone, with written follow up.

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

- 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
- Reference to the importance of parental assistance in resolving the matter causing suspension.

- A statement that the student is under the care and responsibility of parent/guardians while suspended.
- 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.

### **Suspension Removal**

As the Principles of Natural Justice demand that there should be available a right of appeal to a higher authority, a student 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.

An appeal of a suspension decision may also be made under Section 29 of the Education Act where a student has been suspended for 20 days or more. Information regarding this right of appeal will be provided with formal notification of the suspension, if applicable.

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

- New circumstances come to light after the suspension has been applied that would have mitigated the sanction had they been known beforehand.
- Other mitigating factors consistent with the application of the Principles of Natural Justice.

### **Suspension Completion**

Upon completion of a suspension, the following procedures may apply for the formal reintroduction of the student into the school.

- Parents may be requested to attend with the student upon her return to school.
- The student will be reinstated back to class by the Principal.
- The student may be required to enter into a contract of good behaviour or other conditions that may be specified before returning to school.

## **Exclusion Principles**

Exclusion 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 exclusion 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 exclusion.

In general, there are **two sets of circumstances** in which exclusion may be considered to be appropriate by the school:

1. **Cases where the in-discipline of a student is so pervasive that teaching and learning become extremely difficult.** 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 and not amenable to any form of school discipline or authority.
  - Parents/Guardians being unable or refusing to exercise their responsibility for the student.
  - The student being a danger to herself or to others.
  - When guarantees of reasonable behaviour following repeated suspensions are not forthcoming or 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.
  
2. **First time offences of a very serious nature.** Such cases include but are not limited to:
  - Serious assault.
  - Trafficking/ using drugs during the school day, including lunch breaks
  - Serious burglary or theft causing major damage to school property
  - Gross insubordination to the Principal or other staff members.
  - Brandishing of an offensive weapon.

In the interest of ensuring a fair and even-handed system for the imposition of exclusion, the Board of Management may, among other things, take account of the following factors in determining exclusion:

- The age and state of health of the student
- The students's previous record of behaviour at the school
- Any mitigating circumstances unique to the student that might reasonably be taken into account in connection with the behaviour leading to the suspension.
- The degree to which parental, peer, or other pressure might have contributed to the behaviour.
- The severity of the behaviour, its frequency, and the likelihood of recurrence.
- The extent to which the behaviour impaired or will impair the normal functioning of the student and others in the school community.
- The degree to which the behaviour was a breach of the Code of Behaviour.
- Whether the incident leading to the suspension was the result of the student acting alone or as part of a group
- The degree to which the student recognises and accepts that her behaviour was unacceptable and is prepared to exhibit genuine contrition and commit to acceptable behaviour in the future

### **Exclusion Procedure**

Except in exceptional circumstances, exclusion will only be resorted to after the Principal has:

- Ensured that all discipline options under the Code of Behaviour have been applied and documented.
- Ensured that all appropriate support personnel have been involved
- Ensured all other procedures, referrals, supports have been exhausted
- Ensured that discussion has occurred with the student and parents/guardians regarding specific misbehaviour that the school considers unacceptable and that may lead to permanent exclusion
- Provided formal verbal and written warnings at appropriate times dealing with such behaviours and provided clear expectations of what was required of the student in the future
- Recorded all action taken and copied all correspondence

- Informed the parents/guardians of his intention to recommend exclusion to the Board of Management.
- Invited the parents/guardians to the Board of Management hearing.
- Invited the parents/guardians to make a written submission in advance of the Board Meeting
- Provided in advance the parents/guardians with a full, written description of the allegations against the student and the case being made at the Board, together with copies of all documentation, statements, and other materials supporting that case.
- Made a formal recommendation to the Board with full supporting documentation. (It may happen that following consultation with the EWO the student is suspended pending the outcome of this Board meeting).

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

- Heard the Principal's case against the student, which should be made in the presence of the parents/guardians
- Heard the response of the parents/guardians
- Examined all the documentation
- Considered the student's record in the school
- Ensured that the Principal is not present for the Board's decision on the matter and discussed the case in detail
- Considered all the commitments made in the Code of Conduct and made a final decision to exclude.
- Communicated the decision to exclude to the parents/guardians formally by registered letter
- Informed the Education Welfare Officer under Section 24 (1) of the Education Welfare Act 2000.

The formal letter of notification will include:

- Notice of the exclusion
- Effective date of the exclusion
- 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 days required by the Education Welfare Officer to examine alternative provisions for the education of the student.
- Information and documentation on Appeal rights.

### **Exclusion Appeals**

Parents/guardians have the right to appeal a decision of the Board of Management to exclude a student to the Minister for Education or to an authority delegated for such appeals by the Minister under Section 29 of the Education Act 1998.

Permanent exclusion may be appealed by a parent/guardian, by a student (over 18 years), or by the National Education Welfare Board. Any such appeal must be lodged within 42 calendar days of the decision of the Board of Management.