

Suspension Policy

As required under Section 15, Education Act 1998 & Section 23, Education Welfare Act 2000 and in accordance with The National Educational Welfare Board Guidelines of 2008.



Legislation

- Education Act 1998
 - Education Welfare Act 2000
 - Education Provisions Act 2007
 - Equal Status Acts 2000-2015
 - Education Persons with Special Education Needs Act 2004
1. The Code of Behaviour outlines the standards of behaviour expected of our students and the rules and sanctions of the school and the procedures that will be followed in monitoring behaviour. The school community recognises the excellent behaviour, work and cooperation of so many of its students at all times.
 2. Under the Articles of Management for Secondary Schools, the Board of Management has delegated the right to suspend to the Principal. The Principal has authority to suspend “any pupil for a limited period and shall report any such suspension to the Board of Management as its next meeting”. However, when the Principal is away, the Deputy Principal acts as Principal and has the right to suspend a student in such circumstances. This is the practice in Gael-Choláiste Phort Láirge.
 3. In all cases in this policy, the word “parents” shall have the meaning “parents or guardians”.
 4. Below are examples of situations or behaviours which a student may be suspended for. This list is not exhaustive:
 - if a student reaches Stage 6 of the school’s Discipline System as defined in the Code of Behaviour
 - non-compliance with the rules of the Gaelcholáiste as defined in the Code of Behaviour
 - non-compliance with Riail na Gaeilge, as set out in the Code of Behaviour
 - refusal to co-operate with the school’s monitoring and discipline system
 - serious or continued misbehaviour inside or outside class
 - serious or continued misbehaviour on the way to and from school
 - refusal to accept the authority of a teacher, Year Head, Principal or Deputy Principal
 - striking another student or fighting on the school premises, on school outings or going to or from school
 - foul language to or disrespect for a member of staff
 - persistent disruption of class
 - misuse of a mobile phone or social media that impacts on another in the school
 - aggressive or threatening behaviour
 - harassment including sexual harassment
 - bullying – as outlined in the school’s anti-bullying policy and anti-cyber-bullying policy
 - misuse of the internet (see Internet Acceptable Use Policy)
 - damage to property
 - stealing
 - refusal to attend detention
 - persistent mitching
 - breach of school’s policy on Substance Use
 - smoking or in possession of banned substances or dangerous materials on the school premises / grounds/on school activities/trips
 - persistent failure to wear the school uniform.

5. It is recognised that a decision to suspend is a serious matter . Any such decision will be underpinned by fair procedures based on the principles of natural justice. (See Appendix 1). Suspensions will usually only occur after the Principal has:
 - I. Ensured disciplinary options under the Code of Behaviour have been applied and documented.
 - II. Ensured that appropriate support personnel (internal /external) have been involved.
 - III. Ensured that discussion has occurred with the student and their parent/guardian regarding the student's misbehaviour which the school considers unacceptable and which may lead to suspension.
 - IV. Ensured that diagnostic assessments have been carried out where appropriate (e.g. N.E.P.S.) particularly where unacceptable behaviour is on-going and persistent.
6. The Principal may take a decision to suspend on foot of a single serious incident or a serious complaint received directly from a member of staff, another student or from any other person.
7. The college may be obliged to report any suspected criminal behaviour to An Garda Síochána.
8. Where a serious allegation is made against a student the following steps will be followed in investigating the matter:
 - i. An appointed member of the teaching staff, eg. Year Head and/or Deputy Principal will initiate an investigation into the alleged complaint(s) and will get a written report on the matter from the student(s) involved.
 - ii. The investigator will then decide whether or not the matter is one meriting further investigation.
 - iii. If further investigation is required the student's parents will be informed of the alleged complaint, how it will be investigated and that it could result in suspension. They will be invited along with their child to the school to attend a meeting with the investigator in order to discuss the matter and to be given the opportunity to respond.
 - iv. The investigator will consequently present the Principal with the facts and may advise on a sanction to be imposed which may include a proposal of suspension.
 - v. The Principal, having examined all the facts will decide on the sanction to be imposed which may include suspension.
 - vi. Before a decision is taken to suspend a student the Principal will meet with the student involved and his/her parents, inform them of the complaint(s) against the student and allow him/her the right and the opportunity to respond.
 - vii. If the student and / or their parents fail to attend a meeting, the Principal will write to them; indicating the seriousness of the matter, the importance of attending a re-scheduled meeting and, if they do not attend it, the duty of the school authority to make a decision in response to the alleged misconduct.
9. Where the Principal decides to suspend a student, the parents will be informed of the decision in writing or by phone and in writing following a meeting. The notification will include:
 - Notice of the suspension
 - Effective date of the suspension
 - Duration of the suspension
 - Reasons for the suspension
 - A statement that the Education Welfare Board has been informed (this will apply only in the case of a suspension of more than 6 days or where the student has been suspended for more than 20 days during the school year to date).
 - The arrangements for returning to school, including any commitments to be entered into by the student and her parents.
 - The provision of 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).

10. In exceptional circumstances an immediate suspension may be warranted by the Principal for reasons including the safety / wellbeing of the student or the continued presence of the student in the school at the time could present a serious threat to a member of the school community, or could prevent the orderly functioning of the school. Such circumstances could include the use of abusive or threatening language to a member of staff or an instance or instances of serious insubordination or actual physical violence. (This list is not exhaustive). In such circumstances the student's parents will be contacted by the school to inform them of the situation and to request them to collect their child from the school. A formal investigation will follow such a suspension. The student and his/her parents will be asked to attend a meeting where the matter will be discussed and the student given the opportunity to respond. Following this meeting a final decision will be made on the matter and the parents informed in writing of the duration of the suspension and the reasons for it.

11. Where it is proposed to suspend a student, the parent/guardian will have the right to appeal the suspension to the Board of Management but only after meeting with the Principal. The Principal will have the right to insist that the student remains at home while the appeal of a suspension is in progress. In the case of a successful appeal and the suspension has already been served, the suspension will be removed from the student's record in the school.

12. A suspension may be removed where:
 - The Principal, having met with the student's parent/guardian deems that the circumstances are such that the suspension should be lessened or removed.
 - New information or circumstances are brought to the Principal's notice.
 - The Board of Management removes the suspension following an appeal

The Policy on Suspension was ratified by the Board on Management on 25/02/2019.

Síniú an Chathaoirligh:

Síniú an Phríomhoide:

POLICY ON EXPULSION



As required under Section 15, Education Act 1998 & Section 23, Education Welfare Act 2000 and in accordance with The National Educational Welfare Board Guidelines of 2008.

Legislation

- Education Act 1998
- Education Welfare Act 2000
- Education Provisions Act 2007
- Equal Status Acts 2000-2015
- Education Persons with Special Education Needs Act 2004

1. Article 19 (c) of the Articles of Management states that “if, in the judgement of the principal, a student should be expelled, the principal shall refer the matter to the Board of Management for decision”

2. Expulsion is the ultimate sanction imposed by the school and is exercised by the Board of Management in cases such as:

- very serious or persistent indiscipline or misbehaviour causing 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

3. In all cases in this policy, the word “parents” shall have the meaning “parents or guardians”.

4. When, in the judgement of the Principal, a student should be expelled, the Principal refers a student to the Board of Management and the following procedures will be followed:

- The parents will be informed of the decision of the Principal by registered letter.
- A meeting of the board of Management will be convened.
- The parents will be given at least five days notice of this meeting of the Board of Management.
- The parents will be invited to attend and to speak at the meeting of the Board of Management.
- In advance of the meeting, the Principal will prepare a report for members of the Board. The report will contain all relevant material relating to the case including the previous record of the student and details of the incident(s) leading to the decision to refer the case to the Board. It will also include copies of previous correspondence with the parents (if any) and where relevant, the efforts made by the school to assist the student in the past and the various warnings given to the student.
- A copy of the report will be sent out by post to the parents of the student in advance of the meeting
- Two people may attend the meeting of the Board of Management on behalf of the student. Normally this will be the parents, but where one parent only wishes to attend the meeting, this parent may be accompanied by another person.
- In the case of a student over the age of 18, that student may be present at the meeting of the Board. Students under the age of 18 shall not attend the meeting.

5. The meeting of the Board of Management will be conducted as follows:

- The Board will examine the report and seek clarifications (if any) from the Principal.
- The parents will be invited to attend the meeting at a particular time. The chairperson will request the Principal to outline the case against the student.
- The Chairperson will give the parents sufficient time to respond and to make representations on behalf of the student.
- The Board will discuss the matter and makes its decision in the absence of parents and without the Principal being present.

6. The decision of the Board of Management will be communicated in writing to the parents as soon as practicable following the Board meeting.

7. If the decision of the Board is to expel, the parents will be informed of:

- The effective date of the expulsion - 20 school days following the decision being communicated to the Educational Welfare Officer , under Section 24(1) of the Education (Welfare) Act 2000
- The reasons for the expulsion
- The appeals procedure under Section 29 of the Education Act.

8. The parents will also be informed that:

- TUSLA has been informed and that an Educational Welfare Officer will be in contact with the family regarding the student's future education
- The student will remain suspended and will remain under the care and responsibility of the parents for the period of 20 days referred to above.

9. When the 20 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 Principal and Chairperson of the Board, on behalf of the Board of Management, will formally confirm the decision to expel.

10. The Board may decide to expel a student for a **first offence**. Such circumstances may include, among others: a serious assault of another student or a member of staff, supplying illegal drugs to other students, sexual harassment or sexual assault, evidence of any form of extreme bullying – homophobic bullying, cyber bullying, any form of digital bullying, serious damage to school property, the school premises or the property of staff or students.

Where the Board of Management is of the opinion that a student should be expelled it shall, before expelling the student notify the Educational Welfare Officer assigned to the school in writing of its opinion and the reasons thereof. The EWO shall make all reasonable efforts to ensure that provision is made for the continued education of the student. The EWO will consult with the Principal, the student concerned and his parents or guardians and others deemed to be appropriate. The EWO may convene a meeting of these persons. A student shall not be expelled before the passing of 20 school days following the receipt of notification by the EWO. This is without prejudice to the right of the Board of Management to take such reasonable measures as it considers appropriate to ensure that good order and discipline are maintained in the school and that the safety of staff and students is secured. The Board may decide that the student should be suspended until the expulsion procedures have been completed and/or a place found for him in another school.

The Right of Appeal: Section 29 of the Education Act 1998 provides for appeals against a Board of Management decision. Where a Board or a person acting on behalf of the Board permanently excludes a student from school, appeals must be made in writing on the Section 29 Appeals Application Form. This may be obtained from the Department of Education and Skills. An appeal must be made within 42 calendar days of the date of the Board of Management decision was notified to the parent/guardian of the student concerned.

The Policy on Expulsion was ratified by the Board on Management on 25/02/2019.

Síniú an Chathaoirligh:

Síniú an Phríomhoide:

Procedural Fairness

Procedural fairness is a basic right of all individuals dealing with authorities. All communities have a legitimate expectation that we as a school, Gael-Choláiste Phort Láirge, Board of Management, Principal, Deputy Principal and teaching staff, will follow these principles in all circumstances, particularly when dealing with suspensions and expulsions.

Procedural fairness is generally recognised as having two essential elements:

1. The right to be heard which includes:

- The right to know why the action is happening.
- The right to know the way in which the issues will be determined.
- The right to know the allegations in the matter and any other information which will be taken into account.
- The right of the person against whom the allegations have been made to respond to the allegations.
- The right to appeal.

2. The right of a person to an impartial decision which includes:

- The right to impartiality in the investigation and decision making phases.
- The right to an absence of bias in the decision maker.

As part of ensuring the right to be heard the Principal should establish if parent/guardian require an interpreter and, if so, make arrangements for one to be available.

The Principal will ensure that students and parent/guardian have access to policies and procedures under which action is being taken.

While it is generally preferable for the functions of investigating and deciding to be carried out by different people, in the school setting this may not always be possible.

If the Principal is conducting both the investigative and decision making stages, the Principal must be reasonable and objective. Ultimately, the Principal must act justly and be seen to act justly. While it is difficult to combine the roles of investigator and adjudicator, given the nature of the Principal's responsibility, there may at times be no alternative to the Principal exercising both roles.

Nevertheless, it is preferable to have another appropriate officer, such as Deputy Principal or Year Head, carry out the investigation, if possible.

The availability of a line of appeal to a more senior officer adds to the fairness of the process and offers a check in case there is perception of a conflict of interest. It is the Principal's responsibility to suspend a student from the particular school or to recommend to the Board of Management the expulsion of a student from the school. The responsibility is not to be delegated to any officer other than one acting in the Principal's position.

To ensure the elements of procedural fairness are met, it is appropriate to provide the student and his parent/guardian with details of all allegations relating to the incident. This usually will involve providing copies of any relevant statements. The Principal may decide that it is not appropriate to provide copies of statements; for example, because of a fear that witnesses may be intimidated. In this case, full details of the allegations outlined in the statements should be provided without names provided.

In matters where a long suspension or expulsion is contemplated, the gravity of the circumstances requires that particular emphasis be given to procedural fairness. This includes the availability of a support person/observer at formal interviews, the key features of which should be taken down in writing.