



Procedures in respect of Suspension & Expulsion

SUSPENSION

If the Home-School Correction Plan is unsuccessful and the pupil's behaviour is still unacceptable despite communication with the parents, the matter will be referred to the Board of Management, and a meeting will be arranged between the Chairperson, the Principal and the Parents/Guardians, to discuss the situation and to suspend the pupil if necessary.

Procedures in respect of Suspension

Gaelscoil Thaobh na Coille is required by law to follow fair procedures when proposing to suspend a pupil. Where a preliminary assessment of the facts confirm serious misbehaviour that could warrant suspension, the school will observe the following procedures:

- inform the pupil and the parents/guardians/guardians about the complaint
- give parents/guardians and pupil an opportunity to respond.

If a pupil and his/her parents/guardians/guardians 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 will record the invitations made to parents/guardians/guardians and their response.

Immediate Suspension

Where an immediate suspension is considered by the Principal to be warranted for reasons of the safety of the pupil, other pupils, staff or others, a preliminary investigation should be conducted to establish the case for the imposition of the suspension. All of the conditions for suspension apply to

immediate suspension. In the case of an immediate suspension, parents/guardians will be notified, and arrangements made with them for the pupil to be collected.

The Period of Suspension

A pupil will not be suspended for 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. If a suspension longer than three days is 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.

Appeals

The Board of Management will offer an opportunity to appeal a Principal's decision to suspend a pupil. In the case of decisions to suspend made by the Board of Management (see **11.6**), an appeals process may be provided by the Patron.

Section 29 Appeal

Where the total number of days for which the pupil has been suspended in the current school year reaches twenty days, the parents/guardians 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/guardians are being formally notified of such a suspension, they and the pupil should be told about their right to appeal to the Secretary General of the Department of Education and Skills under section 29 of the Education Act 1998, and should be given information about how to appeal.

Implementing the suspension

The Principal will notify the parents/guardians in writing of the decision to suspend. The letter will confirm the following details:

- 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 pupil and the parents/guardians (for example, parents/guardians might be asked to reaffirm their commitment to the code of behaviour)
- the provision for an appeal to the Board of Management
- the right to appeal to the Secretary General of the Department of Education and Skills (Education Act 1998, section 29).

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

Engaging with pupil and parents/guardians

Where a decision to suspend has been made, it can maximise the impact and value of suspension if the Principal or another staff member delegated by the Principal meets with the parents/guardians to emphasise their responsibility in helping the pupil to behave well when the pupil returns to school and to offer help and guidance in this. Where parents/guardians do not agree to meet with the Principal, written notification will serve as notice to impose a suspension.

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 Skills 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/guardians about the suspension.

Re-integrating the pupil

The school will implement a plan to help the pupil to re-integrate in his/her class and to catch up on work missed. This plan will help to avoid the possibility that suspension contributes to a cycle of academic failure. Successful re-integration goes beyond academic work.

Clean slate

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

Records and reports

Records of investigation and decision-making

Formal written records will 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 will report all suspensions to the Board of Management.

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)).

Review of use of suspension

The Board of Management will review the use of suspension in the school at regular intervals to ensure that its use is consistent with school policies, that patterns of use are examined to identify factors that may be influencing behaviour in the school and to ensure that use of suspension is appropriate and effective.

EXPULSION

The Board of Management is the decision-making body in relation to expulsions. If suspension is unsuccessful the matter will be referred to the Board of Management, a meeting will be arranged between the Chairperson, the Principal and the Parents/Guardians, to discuss the situation and to expel the pupil.

Procedures in respect of expulsion

Gaelscoil Thaobh na Coille is required by law to follow fair procedures as well as procedures prescribed under the Education (Welfare) Act 2000, when proposing to expel a pupil. 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.

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

- inform the parents/guardians and the pupil that the Board of Management is being asked to consider expulsion
- ensure that parents/guardians have records of: the allegations against the pupil; 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/guardians
- notify the parents/guardians of the date of the hearing by the Board of Management and invite them to that hearing
- advise the parents/guardians that they can make a written and oral submission to the Board of Management
- ensure that parents/guardians 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

The Board will undertake a 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 pupil). Where a Board of Management decides to consider expelling a pupil, it must hold a hearing. At the hearing, the Principal and the parents/guardians 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. In the conduct of the hearing, the Board must take care to ensure that they are impartial as between the Principal and the pupil. After both sides have been heard, the Board should ensure that the Principal and parents/guardians 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 pupil 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 pupil 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/guardians in writing about its conclusions and the next steps in the process. Where expulsion is proposed, the parents/guardians 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 pupil should be expelled, the Educational Welfare Officer must:

- make all reasonable efforts to hold individual consultations with the Principal, the parents/guardians and the pupil, 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 pupil 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 pupil, those concerned should come together with the Educational Welfare Officer to plan for the pupil's future education.

Pending these consultations about the pupil's continued education, a Board of Management may take steps to ensure that good order is maintained and that the safety of pupils is secured (*Education (Welfare) Act 2000*, s24(5)). A Board may consider it appropriate to suspend a pupil during this time. Suspension should only be considered where there is a likelihood that the continued presence of the pupil during this time will seriously disrupt the learning of others, or represent a threat to the safety of other pupils 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 pupil 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/guardians should be notified immediately that the expulsion will now proceed. Parents/guardians and the pupil 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 pupil.

Appeals

A parent/guardian may appeal a decision to expel to the Secretary General of the Department of Education and Skills (*Education Act 1998* section 29). An appeal may also be brought by the National Educational Welfare Board on behalf of a pupil.

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 Skills). For further details about the Appeals process, including requirements for documentation, and the steps in the process, refer to current DES guidance.

Review of use of expulsion

The Board of Management will review the use of expulsion in the school at regular intervals to ensure that its use is consistent with school policies, that patterns of use are examined to identify factors that may be influencing behaviour in the school, and to ensure that expulsion is used appropriately.