



## **St Fintan's High School, Sutton, Dublin 13**

### **SUSPENSION AND EXPULSION POLICY**

#### **Mission Statement**

We at St Fintan's High School value all students and promote and encourage positive attitudes to the optimum development of pupils in a community that promotes Christian, Catholic values. Every student is encouraged to develop a sense of responsibility and a caring attitude for others and these values are reflected in this policy.

#### **Ethos**

As an Edmund Rice School, St Fintan's High School seeks to promote the five key elements of an Edmund Rice School as espoused by the ERST Charter:

- nurturing faith, Christian spirituality and Gospel-based values
- promoting partnership in the school community
- excelling in teaching and learning
- creating a caring school community
- inspiring transformational leadership.

#### **Rationale**

Through its Code of Behaviour, St Fintan's High School aims to create a calm, ordered, and work-oriented atmosphere in a caring and supportive environment based on respect for self and respect for others. In cases where students fail to observe the Code of Behaviour it is necessary, for the good of the school community, to impose sanctions on such students, including suspension or expulsion, where warranted.

This policy outlines the school's approach to suspension and expulsion and has been formulated taking due consideration of relevant legislation and legal instruments, including Education Act, 1998, Education Welfare Act 2000, Equal Status Act 2000, related school policies, The Educational Welfare Service Túsla (formerly NEWB) 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 students involved, to remove the student from the school for a period of time. The Board of Management has delegated to the Principal the authority to suspend a student from attending school for 3 days, where necessary, or 5 days with the approval of the Chairperson of the Board of Management. The Principal will exercise this authority in a fair and non-discriminatory manner, having regard to the Principal's responsibility to the whole school community, its Health & Safety policies 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 parents/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.

## **Grounds for Suspension**

May include instances where:

- 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 the health and safety of himself or others in the school community
- the student is responsible for serious damage to property
- there has been a single incident of serious misconduct. Such misconduct may include but is not limited to:
  - (a) disrespect or defiance towards a member of staff
  - (b) harassment or intimidation of a member of staff or the bullying of another member of the school community
  - (c) possession, use or supply of prohibited substances (including alcohol, drugs, or associated paraphernalia) in the school, on school trips, while in school uniform, or in the course of any school-related activity, or when a link can be made to the school in line with school policies
  - (d) inappropriate use of social media
  - (e) stealing, fighting, or the possession of offensive weapons
  - (f) tarnishing the good name and reputation of the school or the school community
  - (g) failure to report for detention on two consecutive occasions
  - (h) matters which are deemed by the Principal to be of a serious nature.

## **Factors considered before suspending a student**

In the interest of ensuring a fair and even-handed system for the imposition of a suspension, the following factors will be considered before suspending a student:

- the nature and seriousness of the behaviour
- the context of the behaviour
- the impact of the behaviour
- the interventions tried to date
- whether suspension is a proportionate response
- the possible impact of a 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 will still be applied.

### **Suspension during State examinations**

A student may be suspended during a State examination if there is:

- a threat to 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 is normally imposed by the Principal on behalf of the Board of Management. The principles of natural justice and fair procedures governing the suspension will be applied. The DES 'Best Practice Guidelines' concerning Certificate Examinations will be consulted in this regard.

## **Procedures in respect of suspension**

Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant suspension, the school will observe the following procedures:

- the student and their parents will be informed about the complaint
- a formal investigation will take place before the imposition of the suspension
- the student and their parents will be given the opportunity to respond

## **Procedures in respect of an immediate suspension**

Where an immediate suspension is considered by the Principal to be warranted for reasons of the safety and wellbeing of the student, other students, staff or others:

- a preliminary investigation will be conducted to establish the case for the imposition of the suspension
- a formal investigation will immediately follow the imposition of the suspension
- all of the conditions for suspension will apply to immediate suspension
- parents will be notified, and arrangements made with them for the student to be collected

## **Period of Suspension**

A student will not be suspended for more than 3 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.

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

The Board will 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.

## **Appeals**

A student aged eighteen years or over, or his parents/guardians, may appeal the Principal's decision to suspend to the Board of Management.

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.

## **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.

## **Implementing the suspension**

The Principal will notify the parents and student in writing of a decision to suspend. The letter will confirm:

- the period of the suspension and the dates on which the suspension will begin and end
- the reasons for the suspension
- the arrangements for returning to school
- 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).

## **Suspension Completion**

Upon completion of a suspension, the following procedures may 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 of the student for his misbehaviour.

## **Review of use of suspension**

The Board of Management will review the use of suspension in the school at regular intervals.

## **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 extreme cases of unacceptable behaviour. 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 cases of unacceptable behaviour thoroughly in advance of any hearing that could result in an expulsion.

## **Grounds for expulsion**

Behaviour that might result in a proposal to expel a student may include, but is not limited to, instances where:

- 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 student is involved in serious burglary or theft
- the student is uncontrollable and not amenable to any form of school discipline or authority
- guarantees of reasonable behaviour following repeated suspensions are not forthcoming or not being met
- an incident is deemed by the Principal to be of a serious nature

## **Expulsion as a first offence**

Behaviour that might result in a proposal to expel a student based on a single breach of the code, could include, but is not limited to:

- a serious threat of violence against another student or member of staff
- actual violence or physical assault
- being in possession of or supply or selling of illegal substances to other students in the school
- sexual assault
- arriving in school under the influence of alcohol or drugs
- serious burglary or theft
- causing serious damage to school property
- gross insubordination towards any staff member
- being in possession of an offensive weapon
- matters which are deemed by the Principal to be of a serious nature

### **Factors considered before proposing to expel a student:**

- 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 expulsion

### **Procedures in respect of expulsion**

**Step 1: A detailed investigation will be carried out under the direction of the Principal.** The Principal will:

- 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
- arrange a meeting with the student and their parents. If a student and their parents fail to attend a meeting, the Principal will 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.
- 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 that expulsion may be warranted, the Principal will make a recommendation to the Board of Management to consider expulsion. The Principal will:

- 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 the 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.**

The Board of Management will:

- undertake its own review of all documentation and the circumstances of the case.
- ensure that no party who has had any involvement with the circumstances of the case is part of the Board's deliberations
- hold a hearing in accordance with Board procedures
- allow the Principal and the parents, or a student aged eighteen years or over, to put their case to the Board at the hearing, in each other's presence
- allow each party to question the evidence of the other party directly
- take care to ensure that they are, and are seen to be, impartial as between the Principal and the student
- allow parents to be accompanied at hearings, if they so wish, and will facilitate this in line with good practice and Board procedures
- 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**

- The Board of Management will decide whether or not the allegation is substantiated and, if so, whether or not expulsion is the appropriate action
- Should the Board decide that the student should be expelled, the Board will notify the Educational Welfare Officer in writing of its opinion and the reasons for this opinion (Education (Welfare) Act 2000, s24(1)). The Board will refer to National Educational Welfare Board reporting procedures for proposed expulsions
- The student will not be expelled before the passage of twenty school days from the date on which the EWO receives the 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 2007m s4A).
- The Board will inform the parents in writing about its conclusions and the next steps in the process. Where expulsion is proposed, the parents will 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 will:

- 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 will focus on alternative educational possibilities.

Pending these consultations, the 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)). The Board may consider it appropriate to suspend a student during this time 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 will formally confirm the decision to expel (this task might be delegated to the Chairperson and the Principal).
- Parents will be notified immediately that the expulsion will now proceed
- Parents and student will be told about the right to appeal and will be supplied with the standard form on which to lodge an appeal.
- A formal record will 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 Skills (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 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)

### Review of use of expulsion

The Board of Management will review the use of expulsion in the school at regular intervals.

This policy was adopted by the Board of Management on 7/10/21

Signed WON

**Chairperson of the Board of Management**

Signed: Mulligan

**Principal**

Date: 7/10/21

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