

Procedures for Expulsion

Where a preliminary assessment of the facts confirms serious behaviour 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 Education Welfare Officer.
6. Confirmation of the decision to expel.

Some of these meetings could be held together as long as due notice of meetings and a fair and reasonable time to prepare for a Board hearing are given to parents.

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 his/her 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 a sanction is imposed.

Parents should be informed in writing of the alleged misbehaviour and the proposed investigation.

Where expulsion may result from an investigation, a meeting with the student and his/her parents is essential. They can give their side of the story, ask questions about the evidence, and perhaps make a case for lessening the sanction and the school can explore with parents how best to address the student's behaviour.

If a student and his/her 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

Authority to expel

The VEC holds the authority to expel 'which it devolves to the Board of Management under section 31 of the Vocational Education (Amendment) Act 2001 bearing in mind the NEWB Guidelines, Articles of Management and the Model Agreement and all relevant legal requirements.

Grounds for Expulsion

Expulsion of a student is a very serious step, which will usually only be taken by the Board of Management in extreme cases of unacceptable behaviour. The school will usually 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 his/her behaviour
- making sure that the student understands the possible consequences of his her behaviour, if it should persist
- ensuring that all other possible options have been tried
- seeking the assistance of support agencies (e.g. Psychological Services, Health Service Executive, Community services, the National Behavioural Support Service, Child and Adolescent Mental Health Services, National Council for Special Education.

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 school authorities have tried a series of other interventions, and believe they have exhausted all possibilities for changing the student's behaviour.

Expulsion for a first Offence

The Board of Management may decide to expel a student on the basis of a single breach of the Code of Behaviour, such as:

- 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
- a sexual assault

N.B. See Appendix 'Factors to consider before proposing to expel a student' NEWB Guidelines.

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 the parents might be asked to reaffirm their commitment to the Code of Behaviour)
- the provision for appeal to the Board of Management
- the provision for an appeal to the Co. Dublin VEC

Records and Reports

Records of investigation and decision-making

Formal written records should be kept of:

- the investigation
- 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 the NEWB

The Principal is required to report suspensions in accordance with the NEWB reporting guidelines.

Expulsion

- In the above procedures the principles of the right to be heard and the right to impartiality in the decision-making will be applied.
- It may not be appropriate to suspend a student for a variety of reasons.

Step 3. Where appropriate the student's behaviour may be referred to the Board of Management

Authority to Suspend

The VEC holds the authority to suspend. This authority is devolved under section 31 of the 'Vocational Education (Amendment) Act 2001' by the VEC to the Board of Management of the school, bearing in mind all relevant legislation.

The Board of Management hereby delegates this authority to the Principal taking due account of the provisions of the 'Vocational Education (Amendment) Act 2001'

The Period of Suspension

A student should 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 necessary in order to achieve a particular objective.

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

However, the 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. The Board of Management should normally place a ceiling of ten days on any one period of suspension proposed 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 Principal's decision to suspend a student may be appealed to the Board of Management by a parent or student (if over eighteen). The parent(s) will be invited to attend a meeting of the Board to make his/her appeal. The parent(s) will be advised of the Board's decision in writing. If the appeal is upheld the record of suspension will be wiped from the student's record. If the appeal fails the parent will be informed that the decision may be appealed in writing to the Co. Dublin VEC. Where an appeal is concluded, parents may appeal to the Secretary General of the Department of Education and Science.

Implementing the Suspension

White Form Incident

Examples of incidents that might be recorded on a white form are:

Violence, physical/verbal to a staff member. Violence against student(s).

Sexual harassment student-school employee

Bullying - student-student
- student-school employee

Deliberate damage to teacher, school or student property.

Stealing from teacher, school or fellow students.

Violation of School Substance Use Policy

Leaving school without permission / Truancy

This is not an exhaustive list. Any incident of a very serious nature may be recorded on a white form.

Procedure

When a white form is given in the case of very serious misbehaviour or incident, the teacher notes the student's name, date, place where incident occurred. The following steps are then taken:

- Step 1. The white form is given to the Principal/ Deputy Principal. If appropriate the student may be removed from class. His/Her parents will be invited to the school to discuss the student's behaviour.
 - Step 2. The Principal may decide to suspend the student. Parents will be given notice in writing of the length of the suspension and of their right to appeal the decision. (See 'implementing the suspension')
- Where allegations of criminal behaviour are made about a student, these will usually be referred to the Gardai.
 - The student may be referred to Chaplain/Guidance Counsellor or other appropriate service.
 - 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.
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Section from old 'Code of behaviour' for information of the committee for the preparation of a new suspension and expulsion policy

D. Plan for Implementing the Code of Behaviour

Yellow Form Incident

When a yellow form is given in a case of serious misbehaviour, having duly noted student's name, date, place, details of the behaviour and action taken by the teacher, the following steps are taken:

- Step 1. Yellow form is given to tutor. Tutor speaks to student about behaviour, may note receipt of form in student's journal, may phone parent if necessary, notes intervention on yellow form. Yellow forms are filed in the Deputy Principal's office.
- Step 2. When a student has 3 yellow forms, Tutor sends a standard note home to parents.
- Step 3. When a student has 4 yellow forms Tutor informs Year Head/Deputy Principal. The Principal will invite the parent(s) and student for a meeting to inform the parent(s) and the student about the complaint/to discuss the student's behaviour and to allow for an opportunity to respond before making a decision as to whether to suspend*(See note below) the student. The result of the decision will be notified to the parent in writing. In the case of a decision to suspend the letter will state the length of the suspension. The right to appeal the decision to the Board of Management will also be stated. If it is decided not to suspend a student at this time Step 3 will be revisited if the student receives another yellow form.

Student may be referred to Chaplain/Guidance Counsellor.

* Note: According to the NEWB Guidelines for Schools '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'

- Step 4. On return to school the student should attend either the Principal or Deputy Principal as directed. The student will be put on a behaviour sheet for two weeks. The Deputy Principal will give him/her a behaviour sheet. The tutor will collect the sheet and give the remaining sheets, monitoring the student's behaviour. This should assist the student in reflecting on his/her behaviour. Satisfactory behaviour means that this process is finished. Further misbehaviour during the two weeks may lead to a review of the student's behaviour which may include suspension.
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made for the student to continue in education. These consultations may result in an agreement that would avoid expulsion.

Pending these consultations, 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 presence of the student during this time will seriously disrupt the learning of others, or will 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 the notification to the EWO has elapsed, and where the Board of Management remains of the view that the student should be expelled, the Board of Management should 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, over eighteen years, may appeal a decision to expel to the VEC. Where an appeal to the VEC has been concluded, parents, or a student over eighteen years, may go on to appeal to the Secretary General of the Department of Education and Science.

- invite them to that hearing
- 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 should review the initial investigation to check that it was properly conducted in line with fair procedures. The Board should review all documentation and circumstances of the case. It should ensure that no party who has had an 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 expulsion, it must hold a hearing called 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 the 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, the Board will decide whether or not the allegation is substantiated and, if so, whether or not expulsion is the appropriate sanction.

Where the Board of Management 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.

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

The purpose of the consultations and the meeting is to ensure that arrangements are