



A.M.D.G.

CRESCENT COLLEGE COMPREHENSIVE S.J.

DOORADOYLE, LIMERICK V94 W6W8

Appendix I

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POLICY ON SUSPENSION AND EXPULSION

Suspension and expulsion are the penultimate and ultimate sanctions available to the Board of Management in dealing with disciplinary issues which arise in the school. They are used sparingly, and with due regard to the rights of both the individual and the whole school community.

The school's policy and procedures in this regard are embedded in its Code of Behaviour, which in turn reflects the characteristic spirit and the Mission Statement of the school.

The Legislative Context

The Constitution

The policy has been considered against the constitutional background from which it emerges and in particular Article 42 (Education) of Bunreacht na hEireann.

The policy has also been considered against a general legislative background but, in particular, the following pieces of legislation:

Education Act (1998)

Section 15 (2)(d):

Section 28 (1)

Section 29 (1)

Education (Welfare) Act 2000

Section 23

Section 24

Equal Status Act 2000

Section 7 (2)(d)

Indenture made between the Minister for Education and Science and the Provincial Superior of the Irish Province of the Society of Jesus, 2003.

Subject to the provisions of these Articles, and to the direction of the Board, the Principal controls the internal organisation, management and discipline of the school; shall exercise supervision over the teaching and non-teaching staff, and **shall have power for any cause which they judge adequate to dismiss, subject to the approval of the Board, or to suspend pupils from attendance, but on the dismissal or suspension of any pupil the parent/guardian shall be informed that they have the right to appeal to the Board.**

Information to Parents/ Guardians and Pupils

Provision will be made to ensure that parents/ guardians and pupils are fully informed of the school's policy on suspension and expulsion. Such information will include:

- The circumstances in which suspension or expulsion might be considered
- The right to appeal such decisions
- The procedures to be adopted in imposing these sanctions

Initially, all parents/ guardians will be sent a copy of this policy, as an appendix of the Discipline Policy along with a letter of agreement (See Appendix 2). Thereafter, all new parents/ guardians will be given a copy of the Discipline Policy and asked to sign the letter of agreement prior to registering their child in the school.

It should be noted that no two disciplinary situations are ever precisely the same. The personalities, circumstances and particular needs of students, teachers and others will vary, together with the particular conditions in which breaches of discipline may occur. The Board of Management and the Principal retain the right to exercise flexibility in judging each case on its merits. The imposition of sanctions such as suspension and expulsion is resorted to with care and with reluctance.

Suspension

Suspension is the withdrawal of permission from a pupil to attend school for a specified period of time, or pending the completion of a particular event or instruction. Withdrawal from a particular class or subject for a period of time is a legitimate sanction which may be used in some circumstances. The effect of suspension on the educational progress of a student is a consideration before the sanction is imposed.

Period of Suspension

The period of suspension will always be limited and will have regard to the need to ensure that the pupil can reasonably resume their studies on the completion of the suspension.

It is also noted that the Principal will, under the Education (Welfare) Act, Section 21, inform the Educational Welfare Officer in writing if a pupil is suspended for six days or more, or if the pupil is absent for an aggregate of twenty days in the school year. All suspensions will also be reported to the Board of Management for noting and review.

Who May Suspend?

The authority to suspend a pupil rests with the Principal of the school, subject to the right of the parents/ guardians (or of a pupil who is over 18 years of age) to appeal to the Board of Management. This authority may be delegated in very limited and specific circumstances to the Deputy Principal and senior management personnel. In all cases, however, the exercise of such delegated authority must be reported to the Principal, who is ultimately accountable to the Board of Management.

Suspension as a Sanction

School Management recognises that suspension is a serious sanction and is only imposed where other efforts to resolve a disciplinary situation have failed, or where the nature of an incident dictates that the student be removed from the school immediately. Circumstances in which suspension might be considered could include:

- Repeated incidents of indiscipline, in spite of warnings and counselling by staff.
- Failure to recognise and submit to legitimate authority
- Behaviour which is considered to interfere with the right to learn of other students.
- Particularly serious incidents which endanger the welfare of others.

At all times contemporaneous notes will be kept of all incidents or events which might be called upon to support a decision to suspend.

Suspension Procedure

Clear procedures for suspension have been approved by the Board and are set out within this policy statement.

- Parents/ guardians will be informed, in writing, of the reasons for the suspension, the period of suspension and the requirements which must be fulfilled to gain reinstatement.
- Parents/ guardians will be informed of their right to appeal the decision to suspend and procedures to be followed in making such an appeal.
- Pupils will only be dismissed from school when arrangements are made for their safe return to the care of their families.
- Records will be kept of all meetings and/or telephone calls in connection with the suspension.

Expulsion

Expulsion is the most severe sanction available to the school against a student. It is only imposed for very serious breaches of school rules, chronic indiscipline or in cases where the rights of a greater number of students, and their teachers, are being denied because of the continual disruptive behaviour of an individual. It is a sanction imposed reluctantly when the school authorities have exhausted all other interventions including pastoral interventions.

The process of expulsion is clearly set out in this policy statement, and conforms in every way to the requirements of natural justice. Each step in the process will be conducted in the presence of a witness, and contemporaneous notes will be kept. The following steps will be observed:

- (i) The case against the student will be put to them and they will be given an opportunity to respond. The parents/ guardians will be informed of the grounds upon which expulsion is being considered, and the nature of the evidence being relied upon. It is accepted that the quality of proof required for expulsion need not be of the quality required in a Court of Law.
- (ii) The parents/ guardians will also be provided with a fair opportunity to consider the evidence, and to offer evidence in rebuttal.
- (iii) Having considered all aspects of the case, if the Principal decides to recommend to the Board of Management that the student be expelled, they will inform the student's parents/ guardians in writing of the decision, the reasons for it and of their right to make representations to the Board of

- Management on behalf of the student. In the interest of the student, parents/guardians will be required to give notice to the Secretary of the Board of Management of their intention to make such representations no later than a specified date, to enable an early hearing by the Board of Management.
- (iv) The parents/guardians are entitled to seek access to the student's file and to documentation relevant to the expulsion.
 - (v) Arrangements will be made at the earliest date possible for a joint meeting of the Board of Management with the Principal and the parents/guardians. The recommendation of the Principal and the representations (if requested) of the parents/guardians will be heard by the Board at this meeting. No new evidence or information which had not been previously made known to the parents/guardians will be introduced at this meeting. The student may need to stand suspended from school pending the decision of the Board of Management.
 - (vi) When the Board has heard all of the evidence, the parents/guardians and/or their representatives and the Principal will withdraw to allow the Board to consider the case. Even though the Principal is also Secretary to the Board, they may not be party to the consideration of the case, as they are an involved party. The Board should also ensure that any member of the Board who might have a conflicting interest should be excused and not participate in the decision.
 - (vii) To ensure its independence as the final authority in the case, the Board of Management will not be involved in the process leading to the decision of the Principal to recommend the expulsion of the student.
 - (viii) If the recommendation of the Principal is rejected, it is a matter for the Board to decide on what conditions, if any, the student will be allowed back to school.
 - (ix) If the recommendation of the Principal is approved, the parents/guardians, or in the case of a student over 18 years of age, the student must be informed of their right to appeal the decision to the Secretary General of the Department of Education & Science under Section 29 of the Education Act 1998.
 - (x) Where the Board of Management has taken the decision to expel a student, it is obliged to notify the designated Educational Welfare Officer of its opinion, and the reasons thereof. A student shall not be considered expelled before the passing of twenty school days from the receipt of such notification by the Educational Welfare Officer. The Board will co-operate fully with the Educational Welfare Officer in the fulfilment of their duties under Section 24 of the Education (Welfare) Act, 2000.
 - (xi) The N.E.W.B. has the right, under Section 29 of the Education Act, 1998, to appeal a decision of the Board of Management to expel, and, in the event that such an appeal is initiated by a parent/guardian or student, to make submissions to the Appeals Committee.
 - (xii) The school will assist, where possible, in finding a place in another school for a dismissed pupil, particularly if the pupil is under school-leaving age.

Appeal Procedure under Section 29 of the Education Act, 1998

Currently, Section 29 of the Education Act provides that the following decisions may be appealed to the Secretary-General of the DES:

- (i) Permanent exclusion from a school

- (ii) Suspension for a period which would bring the cumulative period of suspension to twenty school days, or longer, in any one school year, or
- (iii) Refusal to enrol.

Appeals must generally be made within forty-two calendar days from the date the decision of the school was notified to the parent/ guardian or student. Accordingly, the Principal will advise parents/ guardians of this right of appeal, and associated time-frame, when informing them of any of the above categories of decisions.

This policy is not a legal document. In good faith, the Board of Management of Crescent College Comprehensive S.J. is setting out the procedures which will apply to suspensions and expulsion.

CODE OF BEHAVIOUR – Letter of Agreement

Dear Parents/ Guardians,

I wish to refer you to the following sections of The Education Welfare Act 2000.

23 (4) The principal of a recognised school shall, before registering a child as a student at that school in accordance with section 20, provide the parents/ guardians of such child with a copy of the code of behaviour in respect of the school and may, as a condition of so registering such child, require his or her parents/ guardians to confirm in writing that the code of behaviour so provided is acceptable to them and that they shall make all reasonable efforts to ensure compliance with such code by the child.

In accordance with the act, I wish to inform you that our Code of Behaviour, along with the Suspensions and Expulsion Policy is contained in the student journals.

I would be grateful if you would read this code with your child or children and discuss the implication of the code. In order that all students are registered, please fill out the return slip below, detach and return it to the school office.

Thank you for your co-operation, should you have any queries please do not hesitate to contact the school.

Mise le meas,

Karin Fleming

Karin Fleming
Principal & Secretary to the Board of Management

Name of Parents/Guardians: _____

Student Name: _____

Class: _____

We wish to confirm that we have read the Code of Behaviour and that we have discussed the code with this student. We also confirm that the Code of Behaviour is acceptable.

Signatures: _____
