

Temple Carrig School

Pupil Exclusion Procedures 2019

Pupil exclusion from Temple Carrig School may occur following repeated misbehaviour on the part of a student or a major breach of school rules. The School's Code of Conductⁱ outlines general behaviour expected of students attending Temple Carrig School.

Specifically, the Code of Conduct states:

- 10.1 Once enrolled a student is subject to the discipline of the school and is entitled to remain as a student for as long as the discipline and rules of the school are obeyed. These rules therefore apply in school, on all school activities and where life in school is affected.

The Code of Conduct further asserts:

- 8.5 Any unauthorised involvement with, or possession of, dangerous objects, tobacco, alcohol, harmful substances or illegal drugs is strictly forbidden and may lead to suspension and/or dismissal from school.

This document, and the approach to managing student behaviour in the School, has been guided by the TUSLA document *Developing a Code of Behaviour: Guidelines for Schools*.

Suspension Procedure

The Dean of Discipline, Deputy Principal or Principal shall have the right to suspend pupils from attendance for continuous or serious misbehaviour, for failure to follow the instructions of the staff of the school, or for any other cause which the Dean of Discipline, Deputy Principal or Principal judges adequate.ⁱⁱ

The parent(s) will be informed of the reason for the suspension, the period of the suspension, any requirements which must be fulfilled to gain reinstatement, and their right to appeal the suspension to the Board of Management.

Suspensions will normally be imposed immediately, although if a parent informs the Principal in writing that they wish to appeal the suspension, the punishment may be deferred until after the Board of Management have heard the appeal at their next meeting. This delay will not apply, however, where, in the opinion of the Principal, the nature of the incident dictates that the student be removed from the school immediately.

Should the Board of Management uphold an appeal, all record of the suspension is removed from the student's file.

All suspensions are reported to the Board of Management as a matter of course. If a suspension extends beyond five school days the TUSLA Educational Welfare Officer will also be informed.

ⁱ See also the *Temple Carrig School Code of Conduct*.

ⁱⁱ See also the *Temple Carrig School Disciplinary Procedures*.

Expulsion Procedure

The Board of Management has the authority to permanently exclude (“expel”) a student. This authority shall not be delegated.

The process of expulsion shall conform in every way to the requirements of natural justice and to the requirements of the TUSLA document *Developing a Code of Behaviour: Guidelines for Schools*.

a. The grounds for expulsion

Expulsion should be a proportionate response to the student’s behaviour. Expulsion of a student is a very serious step, and one that shall only be taken by the Board of Management in extreme cases of unacceptable behaviour. The School will 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 their behaviour
- making sure that the student understands the possible consequences of their behaviour, if it should persist
- ensuring that all other possible options have been tried
- seeking the assistance of support agencies (e.g. TUSLA, NEPS, NBSS, CAMHS, NCSE)

A proposal to expel a student requires serious grounds such as that:

- 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 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, a key difference is that, where expulsion is considered, school authorities have tried a series of other interventions, and believe they have exhausted all possibilities for changing the student’s behaviour.

‘Automatic’ expulsion for Use or Supply of Illegal Drugs

The Board of Management has decided, in conjunction with the School’s *Substance Use and Misuse Policy*, that the use or supply of illegal drugs and mind-altering substances on the Temple Carrig School campus shall mandatorily incur expulsion as a sanction. However, this decision does not remove the duty to follow due process and fair procedures.

Expulsion for a first offence

There may be exceptional circumstances where the Board of Management forms the opinion that a student should be expelled for a first offence. The kinds of behaviour that might result in a proposal to expel on the basis of a single breach of the code could include:

- a serious threat of violence against another student or member of staff
- actual violence or physical assault
- sexual assault

b. Determining the appropriateness of expelling a student

Given the seriousness of expulsion as a sanction, the Board of Management shall undertake a very detailed review of a range of factors in deciding whether to expel a student. The following table is taken directly from the TUSLA document *Developing a Code of Behaviour: Guidelines for Schools*.

Factors to Consider before proposing to expel a student	
The nature and seriousness of the behaviour	<ul style="list-style-type: none"> • What is the precise description of the behaviour? • How persistent has the unacceptable behaviour been and over what period of time? • Has the problem behaviour escalated, in spite of the interventions tried?
The context of the behaviour	<ul style="list-style-type: none"> • What are the circumstances of the incidents of serious misbehaviour (e.g. in class, in a particular teacher's class, in the yard, in a group)? • What factors may have triggered or provoked incidents of serious misbehaviour (e.g. bullying, cultural or family factors)? • Are there any factors that may be associated with the behaviour (e.g. particular home circumstances, special educational needs)?
The impact of the behaviour	<ul style="list-style-type: none"> • How are other students and staff affected by the student's behaviour? • What is the impact of the behaviour on the teaching and learning of the class?
The interventions tried to date	<ul style="list-style-type: none"> • What interventions have been tried? Over what period? • How have the interventions been recorded and monitored? • What has been the result of these interventions? • Have the parents been involved in finding a solution to the problem behaviour? • Has the intervention of NEPS or other psychological assessment or counselling been sought, where appropriate? Has any other agency been asked for assistance (e.g. NEPS, TUSLA, NCSE)? Is the student or parent involved with any support service and has this agency or support service been asked for help in solving this problem? • Is the Board satisfied that no other intervention can be tried or is likely to help the student to change their behaviour?
Whether expulsion is a proportionate response	<ul style="list-style-type: none"> • Is the student's behaviour sufficiently serious to warrant expulsion? • Is the standard being applied to judging the behaviour the same as the standard applied to the behaviour of any other student?
The possible impact of expulsion	<ul style="list-style-type: none"> • To what extent may expulsion exacerbate any social or educational vulnerability of the student? • Will the student be able to take part in, and benefit from, education with their peers? • In the case of a student who is in care, what might be the implications of expulsion for the care arrangements?

Expulsion will not be proposed for:

- poor academic performance
- poor attendance or lateness
- minor breaches of the code of behaviour.

However, any behaviour that is persistently disruptive to learning or dangerous can be a serious matter. Behaviour must be examined in context to understand both the behaviour itself and the response or sanction that is most appropriate.

c. Procedures in respect of expulsion

Schools are required by law to follow fair procedures as well as procedures prescribed under the *Education (Welfare) Act 2000*, when proposing to expel a student. 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.

These procedures recognise that the Board of Management is the decision-making body in relation to expulsions.

It is a matter for the Board of Management to decide which of the tasks involved in these procedural steps requires separate meetings and which tasks can be accomplished together in a single meeting, consistent with giving parents due notice of meetings and a fair and reasonable time to prepare for a Board hearing.

Step 1: A detailed investigation carried out under the direction of the Principal

The Year Head, Deputy-Principal, Dean of Discipline or other appropriate person will conduct investigations into any reported misbehaviour or breach of school rules under the direction of the Principal.

In investigating an allegation, in line with fair procedures, the Principal should:

- 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.

The parents/guardians (hereafter "parents") will be informed in writing of the alleged misbehaviour and the proposed investigation as well as the level of punishment which may result subject to a decision of the Board of Management. A permanent record of having let them know shall be kept.

This also ensures that the parents are very clear about what their son or daughter is alleged to have done. It serves the important function of underlining to parents the seriousness with which the School views the alleged misbehaviour.

The parents and the student must have a fair and reasonable opportunity to respond to the complaint of serious misbehaviour before a decision is made about the veracity of the allegation, and before a sanction is imposed. Where expulsion may result from an investigation, a meeting with the student and their parents will be held to provide the opportunity for them to give their side of the story and to ask questions about the evidence of serious misbehaviour, especially where there is a dispute about the facts. Parents shall be informed of the grounds upon which expulsion is being considered and the nature of 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. Parents shall be provided with a fair opportunity to consider the evidence and to offer evidence in rebuttal. The meeting may also be an opportunity for the parents to make a case for lessening the sanction, and for the School to explore with the parents how best to address the student's behaviour.

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. 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
 - 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
- advise the parents that they can make a written and oral submission to the Board of Management.

Step 3: Consideration by the Board of Management of the Principal's recommendation; and the holding of a hearing

It is the responsibility of the Board to review the initial investigation and satisfy itself that the investigation was properly conducted in line with fair procedures. The Board should undertake its own 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 student).

Where the Board of Management decides to consider expelling a student, it must hold a hearing. The Board meeting for the purpose of the hearing should be properly conducted in accordance with Board procedures.

The student shall stand suspended from school until this hearing.

In advance of this hearing, the Principal should:

- notify the parents of the date of the hearing by the Board of Management and invite them to that hearing
- advise the parents of their right to make a written and/or oral submission to the Board of Management on behalf of the student
- In the interest of the student, parents will be required to give notice to the Principal of their intention to make such representations no later than a specified date to enable an early hearing by the Board of Management.
- ensure that parents have enough notice to allow them to prepare for the hearing.

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 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, 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 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 of Management shall refer to TUSLA 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 (*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 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. Parents will be entitled to seek access to the student's file and to documentation relevant to the expulsion.

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 should focus on alternative educational possibilities.

In the interests of the educational welfare of the student, those concerned should come together with the Educational Welfare Officer to plan for the student's future education. The school will cooperate fully with the Educational Welfare Officer in the fulfilment of their duties under Section 24 of the *Education (Welfare) Act, 2000*.

This is without prejudice to the rights of the Board of Management to preserve the good order and discipline of the School and the safety of all other persons in the School. Pending these consultations about the student's continued education, 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.

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 shall formally confirm the decision to expel (this task might be delegated to the Chairperson and/or the Principal). The parents will be notified immediately that the expulsion will now proceed. The 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.

d. 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 under Section 29 of the *Education Act 1998* within 42 days of the notice of expulsion being issued. For further details about the Appeals process, including requirements for documentation, and the steps in the process, refer to current DES guidance.

e. Review of use of expulsion

The Board of Management should 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.

Approved by the Board of Management following a consultation process with the Student Council, PTA Committee and Teaching Staff:

28th June 2019