

Cabinteely Community School



Expulsion Policy

Ratified November 2021

1. Introduction

1.1. School Mission Statement

**Cabinteely Community School is a kind, caring and vibrant learning community which supports the wellbeing and the academic, spiritual and creative growth of every student. We welcome students of all ethnicities, abilities, genders and faith traditions, as equal members of our community
We identify with our Ursuline founders and their love of education.**

Our Core Values

Our core values guide our policies, our procedures and how we work with our staff and students.

These core values are;

Care - We all need to belong and be cared for in a safe environment in order to learn

Courage - We show courage by making the right choices and committing to learning

Support - We will be the best we can be by working hard and working together

1.2 Policy Aim

This policy has been prepared for approval by the Board of Management following consultation and discussion with the representatives of parents, teachers and students, while complying with the provisions of Section of the Education Welfare Act 2000. This policy is in line with the Educational Welfare Guidelines.

The aim of this policy is to put in place clearly understood set of procedures for dealing with serious incidents of misbehaviour and have the effect of disrupting learning, undermining good order and discipline or creating health and safety risk for themselves and others in the school.

A student is expelled from school when the Board of Management makes a decision to permanently exclude them from the school.

This is an option which is never undertaken lightly. It will be used in the case of conduct which is considered to be a serious infringement of the rights of other students or staff.

1.3 Implementation and Review

Following the implementation of this policy by the Board of Management, copies will be made available to parents. Thereafter the policy will be included in the staff handbook which will be made available online to every teacher at the start of each year. The school will hold assemblies/workshops for each year group at the beginning of each school year to remind students of their obligations under the terms of each policy. Students who for any reason are not present at any or all of these assemblies are, nonetheless, bound by all school policies. Attendance at the school is an implied acceptance of all of the rules and policies of the school.

2. Policies and procedures for Expulsion

2.1 General Principles drawn from Recent Legislation

- Students have a statutory obligation to attend to school up to age 16. Accordingly, students have a right to attend school up to that age.
- Having been admitted to a school, all students have the right to learn in an orderly, caring and safe environment. All schools need to establish and maintain high expectations of student behaviour. All members of the school community should be aware of these expectations, and have agreed to support and uphold them.
- All students and staff have the right to be treated fairly and with dignity, in an environment free from disruption, intimidation, harassment and discrimination.
- There will be cases of unacceptable behaviour where it will be in the best interests of the school community and/or the student involved, for the student to be removed from the school completely. Expulsion is an option available to the Principal and for the Board of Management in these situations. [Examples of "unacceptable behaviour" are contained in the School's Learning Code].
- Collaboration between the Board of Management, school staff, students, parents is an important feature of behaviour management in schools. All the partners should be fully aware of the expulsion procedures and its place in the context of the school's Learning Code.
- If, in the judgement of the Principal, a student should be excluded, the Principal shall refer the matter to the Board of Management for approval.
- The Board of Management and the Principal will exercise this authority having regard to their responsibilities to the whole school community and to the Principles of Natural Justice. with successful re-entry.

2.2 Discrimination

In implementing these procedures, the Principal and Board will ensure that no student is discriminated against on any of the following grounds:

- gender
- marital status
- family status
- sexual orientation
- religion
- age
- disability
- race
- membership of the Travelling Community

2.3 Factors to be considered

The Board of Management will also ensure that the implementation of these procedures will take into account such factors as:

- The age and state of health of the student;
- The student's previous record at the school;
- Any particular circumstances unique to the student which might sensibly be taken into account in connection with the behaviour, e.g. strained or traumatic domestic situations;
- The extent to which parental, peer or other pressure may have contributed to the behaviour;
- The degree of severity of the behaviour, frequency of its occurrence and the likelihood of its recurring;
- Whether or not the behaviour occurred on school premises or when the student was otherwise in the charge of the school staff or when the student was on the way to or from school. An important consideration in cases of doubt is the extent to which behaviour away from the school had a serious impact on the life or reputation of the school;
- The degree to which behaviour was a violation of one or more rules contained in the school's Learning Code
- Whether the incident was perpetrated by the student on his or her own or as a part of a group.
- Depending on the nature and extent of the misbehaviour the Board of Management may also seek the support of other agencies such as Tusla, the National Educational Psychological Service (NEPS), Social Services, Garda Juvenile Liaison Officer (JLO).

The principles of Natural Justice are fundamental to the implementation of these procedures.

However, the school will take into consideration the Charleton Judgement (City of Waterford VEC vs Department of Education, 2011), which determined that in considering whether to require a student to leave a school, it was appropriate to focus on the behaviour of the pupil and its effect on the school; the track record of the pupil prior to the precipitating incident, and any mitigating or aggravating circumstances. Mr Justice Charleton stated that it was not appropriate to take into account whether there was another place for the pupil.

2.4 Authority to Expel

The Board of Management of the Cabinteely Community School has the authority to expel a student. This authority is reserved to the Board of Management and is not delegated.

3. The Grounds for Expulsion

Expulsion is a proportionate response to the student's behaviour. Expulsion of a student is a very serious step, and shall only be taken by the Board of Management in extreme cases of

unacceptable behaviour. The school shall take 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 students understand the possible consequences of their behaviour, if it shall persist.
- Ensuring that all other possible options have been tried.
- Seeking the assistance of support agencies (e.g. NBSS and Tusla).

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 the safety.
- The student is responsible for serious damage to property.

The grounds for expulsion may be similar to the grounds for suspension. (*Please refer to Suspension Policy*).

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

3.1 Expulsion for a First Incident

There may be exceptional circumstances where the Board of Management forms the opinion that a student shall be expelled for a first incident. 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
- Bringing any weapon into school or on a school trip and/or carrying a weapon in school or on a school trip or using any implement as a weapon;
- Interference with safety equipment or any other act which would endanger the safety of others.
- Major damage to school property
- The possession, use or distribution of illegal substances on the school premises, on school trips or while in school uniform;
- Bullying and harassment whether it is directed against students or staff;
- Continued behaviour which prevents staff from their right to work or which undermines the right of staff to dignity at work.
- Sexual assault
- A serious breach of the Learning Code

- Non-adherence to Health and Safety Guidelines and in particular, continuous failure to adhere to Covid-19 protocols in a manner which threatens the safety of staff or students

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.

3.2 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 following 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.

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 meeting and a fair and reasonable time to prepare for a Board hearing.

2.1 The Process

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

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

- 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

Parents shall be informed in writing of the alleged misbehaviour and the proposed investigation in order to have a permanent record of having let them know. This ensures that parents are very clear about what their child is alleged to have done. It serves the important function of underlining to parents the seriousness with which the school views the alleged misbehaviour.

Parents and the student shall have every 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 shall be essential.

It shall 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.

It shall also be an opportunity for parents to make their case for lessening the sanction, and for the school to explore with parents how best to address the student's behaviour.

If a student and their parents fail to attend a meeting, the Principal shall 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 will 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 shall make a recommendation to the Board of Management for expulsion. The Principal shall:

- Inform the parents and the student that the Board of Management is being asked to consider expulsion.
- Ensure that parents have: all relevant records: the allegation(s) against the student; the matters investigated by the Principal; 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 invite them to that hearing.
- Offer the support of the Home School Community Liaison Teacher throughout the process
- Advise the parents that they may 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

Consistent with its obligation to give parents sufficient notice of a hearing, the Board shall hold a meeting to consider the Principal's recommendation as soon as is feasible. Its first duty at this meeting is to review the Principal's investigation and satisfy itself that the investigation was properly conducted according to fair procedures. The Board shall also undertake its own review of all documentation and the circumstances of the case. It shall

ensure that no party who has any involvement with the circumstances of the case is party to the Board's deliberations.

Where the Board of Management decides that the initial investigation was conducted by fair and proper procedures it shall hold a hearing. In the normal event, this hearing will be held immediately after (that is, for instance, on the same evening as) the meeting referred to in the previous paragraph. The board meeting for the purpose of the hearing shall be properly conducted in accordance with the board procedures.

At the hearing, the Principal and the parents, or a student aged eighteen years or over, shall put their case to the Board in each other's presence. Each party shall be allowed to question the evidence of the other party. The meeting shall also be an opportunity for

Parents/guardians to make their case for imposing a sanction less onerous than expulsion. In the conduct of the hearing, the board shall take special care to ensure that it is impartial as between the Principal and the student. Parents may wish to be accompanied at hearings and the board shall facilitate this, in line with good practice and Board procedures.

After both sides have been heard, the Principal and parents shall withdraw and not be present while the Board deliberates and makes its decision.

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 shall be expelled, the board shall notify the Education Welfare Officer in writing of its opinion, and the reason for this opinion. (Education (Welfare) Act 2000, S.24 (1)).

The Board of Management shall refer to Tusla reporting procedures for the proposed expulsion.

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, S.24 (1)).

An appeal against an expulsion under Section 29 of the Education Act 1998 will automatically succeed if it is shown that the Education 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 Education Welfare Officer to the implementation of the expulsion (Education (Miscellaneous Provisions) Act 2007, S4A).

The Board shall inform the parents in writing about its conclusion and the next steps in the process. Where expulsion is proposed, the parents shall be told that the Board of Management will now inform the Educational Welfare Officer.

Step 5: Consultation 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 shall be expelled, the Educational Welfare Officer must:

- Make all reasonable efforts to hold individual consultation 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 shall focus on alternative education possibilities.

In the interests of the educational welfare of the students, those concerned shall come together with the Educational Welfare Officer to plan for the student's future education.

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, S.24(5)) during this time. Suspension during this timeframe shall only be considered where there is 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 shall be expelled, the Board of Management shall formally confirm the decision to expel (this task may be delegated to the Chairperson and the Principal). Parents shall be notified immediately that the expulsion will now proceed. Parents and the student shall be told about the right to appeal and supplied with the standard form on which to lodge an appeal. A formal record shall be made of the decision to expel the student.

5. 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 Science (Education Act 1998, Section 29). An appeal may also be brought by Tusla on behalf of a student.

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

5.2 Review of Use of Expulsion

The Board of Management shall 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.

5.3 Key Requirements: Expulsion

Applying the Guidelines means:

- Having a policy on, and procedures for, expulsion that are approved by the Board of Management, and in line with these Guidelines, and with any additional requirements set down by the Patron
- Ensuring the policy is widely communicated
- Developing and documenting good practice in the use of expulsion
- Having fair procedures for investigation and decision making
- Having procedures for informing parents and students about their right to appeal
- Having a system for regular review by the Board of Management of the use of expulsion in the school.

This policy was adopted by the Board of Management on 2 November 2021

Signed: _____ Date: _____
(Chairperson of Board of Management)

Signed: _____ Date: _____
(Principal)

Date for next review: _

