

## **POLICY ON EXPULSION**

The Board of Management of a recognised school has the authority to expel a student. This authority should not be delegated.

### **Grounds for Expulsion**

Expulsion should be a proportionate response to the student's behaviour. Expulsion is a serious step and should only be taken in extreme cases of unacceptable behaviour. The School should have taken significant steps to address the misbehaviour and to avoid expulsion of a student including an appropriate:-

- **meeting with parents/guardians and the student to try and find ways of helping the student to change their behaviour.**
- **Ensuring 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. HSC Community Services, NCSE, National Behavioural Support Services, NEWB, NEPS, Child and Adolescent Mental Health Services).**

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.**

All possibilities for changing the student's behaviour having been exhausted, the Board may consider expulsion.

### **Expulsion for a First Offence**

There may be exceptional circumstances where the Board forms the opinion that a student should be expelled for a first offence. The kind 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.
- Supplying illegal drugs to other students in the School.
- Sexual assault.

### **Factors to consider before proposing to expel a student**

The nature and seriousness of the behaviour

- 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**

- 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**

- 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**

- 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/guardians 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?
- Is the student or parent/guardian involved with any support service and has this agency or support service been asked for help in solving this problem?
- Has any other agency been asked for assistance (e.g. Child Guidance Clinic, Child and Adolescent Mental Health services)?
- 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**

- 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**

- **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?**

### **Procedures in respect of Expulsion**

#### **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 their parents (in writing) 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.

#### **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/guardians 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/guardians 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/guardians 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**

**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 a 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. **At the hearing, the Principal and the parents/guardians, 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 /guardians 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 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 (Education (Welfare) Act 2000, s24(1)).**

#### **STEP 5:**

**Within twenty days of receipt of a notification from a Board of Management of its opinion that a student should be expelled, the Education Welfare Officer must:-**

- **make all reasonable efforts to hold individual consultations with the Principal, the parents/guardians 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).**

Suspension should only be considered 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 should formally confirm the decision to expel (this task might be delegated to the Chairperson and the Principal). Parents/Guardians should be notified immediately that the expulsion will now proceed. Parents/Guardians 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.

**12.5 Appeals:**

A Parent/Guardian, 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 the National Educational Welfare Board on behalf of a student.

**12.6 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.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_