



## SALESIAN COLLEGE CELBRIDGE EXPULSION POLICY

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## Salesian College, Celbridge

### Expulsion Policy

#### Authority to Expel

A student is expelled from a school when a Board of Management makes a decision to permanently exclude him or her from the school, having complied with the relevant provisions of section 24 of the *Education (Welfare) Act 2000*.

#### 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 should 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/guardians and the student to try to find ways of helping the student to understand and change his behaviour
- making sure that the student understands the possible consequences of his behaviour, should it persist
- ensuring that all other possible options have been tried
- seeking the assistance of support agencies (e.g. National Educational Psychological Service, Health Service Executive Community Services, the National Behavioural Support Service, Child and Adolescent Mental Health Services, National Council for Special Education).

A proposal to expel a student requires serious grounds such as, non-exhaustively, the following

- the student's behaviour is a persistent cause of significant disruption to the learning of other students or to the teaching process
- the student's continued presence in the school constitutes a real and significant threat to the safety of other students, teachers or other party.
- the student is responsible for serious damage to property.

The student has engaged in behaviour which may constitute sexual harassment of a fellow student or teacher or other party.

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 concluded that they have exhausted all possibilities for changing the student's behaviour.

#### 'Automatic' expulsion

A Board of Management may decide, as part of the school's policy on sanctions, and following the consultation process with the Principal, parents/guardians, teachers and students, that particular types of errant behaviour automatically incur expulsion as a sanction. However, a general decision to impose expulsion for such errant behaviour 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. Typical kinds of behaviour that might result in a proposal to expel on the basis of a single breach of the code could include, on a non-exhaustive basis, the following:

- 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.

#### Inappropriate use of expulsion

Expulsion should not be proposed for:

- poor academic performance
- poor attendance or lateness

SCC Expulsion Policy

- 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 most appropriate response or sanction

### **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 (see Appendix). Where a preliminary assessment of the facts confirms serious misbehaviour that may warrant expulsion, the procedural steps will include:

1. A detailed investigation carried out by or 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.

#### **Step 1: A detailed investigation carried out by or under the direction of the Principal**

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

- inform the student and his parents/guardians 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/guardians will be informed in writing of the alleged misbehaviour and the proposed investigation in order to have a permanent record of their having been so informed. This also ensures that parents/guardians are very clear about what their son is alleged to have done. It serves the important function of underlining to parents/guardians the seriousness with which the school views the alleged misbehaviour.

Parents and the student will have the 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/guardians is essential. It provides the opportunity for them to give their side of the story and to ask questions about and test the evidence of serious misbehaviour, especially where there is a dispute in relation to the facts. It may also be an opportunity for parents/guardians to make their case for a lesser sanction, and for the school to explore with parents/guardians how best to address the student's behaviour.

If a student and their parents/guardians fail to attend a meeting, the Principal should write advising them 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/guardians 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/guardians and the student that the Board of Management is being asked to consider expulsion
- ensure that parents/guardians 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/guardians
- notify the parents/guardians of the date of the hearing by the Board of Management and invite them to that hearing
- advise the parents/guardians 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

- Offer the parents/guardians the choice of being accompanied to the hearing by a member of the School's Pastoral Care Team whose only role is that of support and accompaniment

### **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 it was properly conducted in conformity 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 the expulsion of 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, will 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 provide an opportunity for parents/guardians 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/guardians 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. It is entirely a matter for the Board, within its discretion, to decide whether the process is best served or not, in any individual case, to permit a parent or guardian to be accompanied by a legal practitioner. In the event that a parent or guardian wishes to be accompanied by a legal practitioner, sufficient notice must be given to the Board in order for the Board to consider whether, in the individual case, it will permit this, exceptionally, and in order for the Board to decide whether it too should have a legal practitioner present.

### **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)). 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/guardians in writing of its conclusions and the next steps in the process. Where expulsion is proposed, the parents/guardians should be informed that the Board of Management will, in turn, 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/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). 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.

Pending these consultations concerning the student's continued education, 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 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 will be notified immediately that the expulsion will now proceed. Parents/guardians and the student will be informed of the right to appeal and will be supplied with the standard form on which to lodge an appeal. A formal record will be made of the decision to expel the student.

#### **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 requirements for documentation, and the steps in the process, refer to current DES guidance.

#### **Review of use of Expulsion**

The Board of Management will 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 and consistently.

*This policy was formally ratified by the Board of Management 23-10-2017*

## Appendix

### 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 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 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?

This Policy was put in place by the Board of Management at its meeting on April 27<sup>th</sup> 2009