



## SALESIAN COLLEGE CELBRIDGE SUSPENSIONS POLICY

### Contents:

- Introduction
- Time and timeliness
- Confidentiality
- The Principles of fair procedures
- Students aged eighteen years or more
- Involving the Gardaí
- Who can suspend?
- Grounds for Suspension
- Forms of Suspension
- Procedures in respect of Suspension
- Procedures in relation to immediate suspension
- The period of suspension
- Appeals
- Written notification
- After a decision to Suspend has been taken
- Grounds for revoking a suspension
- After the suspension ends
- Records and Reports will be kept of
- Review of use of suspension

### Appendix

- Factors to consider before suspending a student
- The nature and seriousness of the behaviour
- The context of the behaviour
- The impact of the behaviour
- The interventions tried to date
- Whether suspension is a proportionate
- The possible impact of suspension

## Salesian College, Celbridge

### Suspensions Policy

Salesian College recognizes that access to education shapes the life chances of young people in a fundamental way. For this reason, a proposal to exclude a student, through suspension or expulsion, is seen as a serious step, warranted only by very serious misbehaviour.

Schools are required by law to follow fair procedures when proposing to suspend or expel a student. The requirement for fair procedures derives from the Constitution of Ireland, international Conventions and case law. Legal protections for the individual student's right to education mean that decisions to suspend or expel a student are open to appeal and may be subject, ultimately, to judicial review by the High Court.

#### **Time and timeliness**

The Board of Management and Principal have a duty to ensure that there are no undue delays in an investigation and in making decisions in relation to the imposition of suspension

#### **Confidentiality**

Great care should be taken to ensure that all matters concerned with an investigation of alleged misbehaviour are dealt with in confidence.

**The Principles of fair procedures** always apply, but the degree of formality required in implementing fair procedures will depend on the gravity of the alleged misbehaviour and on the seriousness of the possible sanction. The level of formality required, for example for a suspension of fewer than three days, would be less than that required in the case of a longer suspension or in circumstances that might lead to an expulsion. Even informal processes, however, must be fair and be seen to be fair. The principles of ensuring *the Right of the affected party to be heard* and *the right to impartiality* apply in all cases.

Thoughtful application of professional judgement and knowledge of the requirements of fair procedures will generally guide decision-making about suspension and expulsion. However, in circumstances of particular complexity, school authorities may need to seek legal advice to support their decision-making.

#### **Students aged eighteen years or more**

The provisions of the Guidelines relating to parents/guardians apply to the student, where the student has reached eighteen years (*Age of Majority Act 1985*). Occasions may, therefore, arise when an adult student requests the school to restrict or limit communication with his parents/guardians or to limit parental/guardian involvement in matters relating to his education. In such circumstances, it is the duty of Salesian College to inform the student's parents/guardians of the change in and reasons for the practice.

#### **Involving the Gardaí**

Where allegations of criminal behaviour are made in respect of a student, these will usually be referred to the Gardaí who have responsibility for investigating criminal matters. The Juvenile Liaison Officer can be a significant source of support and advice for the school and the student.

#### **Who can suspend?**

The principal may suspend a student for a period not exceeding three days. In the absence of the school Principal, this authority to suspend is delegated by the Board of Management to the Deputy Principals. However, in

exceptional circumstances, the Principal may be of the view that the student's offending behaviour merits a longer term of suspension – in these special circumstances, the Principal will seek the authority of the Board of Management to suspend for a longer period. Where, for logistical reasons, it is impossible to hold a formal Board meeting to consider any individual case, the Chairperson, having discussed the matter with the Principal, may authorize the imposition of a suspension not to exceed five days.

Save for exceptional cases, the Board will not suspend a student for a period longer than ten school days

### **Grounds for Suspension**

Suspension should be a proportionate response to the behaviour that is causing concern. Normally, other interventions will have been tried before suspension (for example, conversations with Form Teacher and/or Year Head, Counselling, Behaviour monitoring card), and school staff will have reviewed the reasons why these have not worked. A single incident of serious misconduct may be grounds for suspension.

Students should not usually be suspended for:

- poor academic performance
- poor attendance or lateness unless, in the opinion of the Principal, such poor attendance or lateness merits a suspension.
- minor breaches of the code of behaviour.

However, any behaviour that is persistently disruptive to learning or potentially 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.

A student should not be suspended again shortly after his return to school unless:

- he engages in serious misbehaviour that warrants suspension and
- fair procedures are observed in full and the standard applied to judging the errant behaviour is consistent with the standard applied to the behaviour of any other student.

### **Forms of Suspension**

- **Immediate suspension:** In exceptional circumstances, the Principal may consider an immediate suspension to be necessary where the continued presence of the student in the school at the time would represent a serious threat to the safety of students or staff of the school, or any other person. Fair procedures must still be applied.
- **Suspension during a State Exam:** This sanction should normally be approved by the Board of Management and should only be used where there is:
  - a threat to good order in the conduct of the examination
  - a threat to the safety of other students and personnel
  - a threat to the right of other students to do their examination in a calm and quiet atmosphere.The sanction should be a proportionate response to the behaviour.
- **'Automatic' suspension:** A Board of Management may decide, as part of the school's policy on sanctions, and following a consultation process with the Principal, parents, teachers and students, that particular types of errant behaviour incur suspension as a sanction.
  - Incidents of breaches of the school Code of Behaviour which merit an automatic suspension are detailed in the school Code of Behaviour.

### **Procedures in respect of Suspension**

Schools are required by law to follow fair procedures when engaged in the decision process to suspend a student (see Appendix). Where a preliminary assessment of the facts confirms serious misbehaviour that may warrant suspension, the school should observe the following procedures:

SCC Suspensions Policy 09-09-2019

- **Inform the student and parents/guardians** about the complaint, how it will be investigated, and that it could result in suspension. Parents/guardians will be informed by phone and/or in writing, depending on the seriousness of the matter.
- **Parent/guardian and student are given an opportunity to respond** before a decision is made and before any sanction is imposed. A meeting with the student and his parents/guardians provides an opportunity for them to give their side of the story and to ask questions concerning 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 to the parents/guardians 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 negative behaviour. The school should record the invitations made to parents/guardians and their response.

- **Procedures in relation to immediate suspension**

Where an immediate suspension is considered by the Principal to be warranted for reasons of the safety of the student, other students, staff or others, a preliminary investigation should be conducted to establish the case for the imposition of the suspension. The formal investigation will immediately follow the imposition of the suspension. All of the conditions for suspension apply to immediate suspension. In the case of an immediate suspension, parents/guardians must be notified, and arrangements made with them for the collection of the student from the school. The school must have regard to its duty of care for the student. In no circumstances should a student be sent home from school without first notifying parents/guardians.

- **The period of suspension**

A student should not be suspended for more than three days, except in exceptional circumstances where the Principal considers that a period of suspension longer than three days is required in order to achieve a particular objective.

If a suspension longer than three days is being proposed by the Principal, the matter should be referred to the Board of Management for its consideration and approval. However, the Chairperson of the Board may authorize the Principal, having discussed the case with him/her, to impose a suspension of up to five days in circumstances where a meeting of the Board cannot be convened in a timely fashion, subject to the guidance concerning such suspensions.

The Board of Management will observe a ceiling of ten days on any one period of suspension imposed by it. There may, however, be individual cases which, on account of their exceptional circumstances, merit a longer suspension. In all cases, the Board will formally review any proposal to suspend a student, where the suspension would bring the number of days for which the student has been suspended in the current school year to twenty days or more. Any such suspension is subject to appeal under section 29 of the *Education Act 1998*

- **Appeals**

Where a decision to suspend has been imposed by the Principal, an appeal may be made in writing to the Secretary of the Board of Management of the Salesian College.

The Board of Management, in these circumstances, may confirm or rescind the record of the suspension, which is likely to have been served in any event by the student, from the student's school record.

Where the total number of days for which the student has been suspended in the current school year reaches twenty days, the parents/guardians, or a student aged over eighteen years, may appeal the suspension under section 29 of the *Education Act 1998*, as amended by the *Education (Miscellaneous Provisions) Act 2007*.

At the time when parents/guardians are being formally notified of such a suspension, they and the student should be informed of their right to appeal to the Secretary General of the Department of Education and Science by reference to section 29 of the *Education Act 1998*, and should be given information about how to appeal.

- **Written notification**

The Principal should notify the parents/guardians and the student in writing of the decision to suspend. The letter should confirm:

- the period of the suspension and the dates on which the suspension will begin and end
- the reasons for the suspension
- any study programme to be followed where possible
- the arrangements for returning to school, including any commitments to be entered into by the student and the parents
- the provision for an appeal to the Board of Management
- the right to appeal to the Secretary General of the Department of Education and Science (*Education Act 1998*, section 29).

Particular care should be taken in communicating with parents/guardians who may have reading difficulties, or whose first language is not the language of the school.

- **After a decision to Suspend has been taken** it can maximise the impact and value of the suspension if the Principal, or another staff member delegated by the him/her, meets with the parents/guardians to emphasise their responsibility in helping the student to behave well when the student returns to school and to offer help and guidance in this. In this regard, the Principal and/or Deputy Principal may impose specific conditions on the student concerning his return to the school following suspension. These conditions will be made known to the parents/guardians and the student and will always be proportionate.

- **Grounds for revoking a suspension**

A suspension may be revoked if the Board of Management decides to revoke it for any reason or if the Secretary General of the Department of Education and Science directs that it be revoked following an appeal under section 29 of the *Education Act 1998*.

- **After the suspension ends**

On his return to school after the suspension the student will be monitored for a period by the Form Teacher/Year Head with a view to supporting his reintegration into the school programme.

When any sanction, including suspension, is completed, a student should be given the opportunity and support for a fresh start. Although a record is kept of the behaviour and the relevant sanction imposed, once the sanction has been completed the school should expect the same behaviour of this student as of all other students.

- **Records and Reports will be kept of**

- the investigation
- the decision-making process
- the decision and the rationale for the decision

- the duration of the suspension and any conditions attached to the suspension.

The Principal should report all suspensions to the Board of Management, with the reasons for and the duration of each suspension.

The Principal is required to report suspensions in accordance with the NEWB reporting guidelines including the obligation to inform by notice in writing an educational officer where a student is suspended for a period of not less than 6 days. (*Education (Welfare) Act, 2000*, section 21(4)(a)).

- **Review of use of suspension**

The Board of Management should review the use of suspension 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 the use of suspension is appropriate, consistent and effective.

**This policy was formally ratified by the Board of Management 09-09-2019**

**Salesian College has a published Data Protection Policy which was ratified by the Board of Management 09-09-2019. Copies of all school policies are available on request from the school office.**

## Appendix

### Factors to consider before suspending a student

#### **The nature and seriousness of the behaviour**

- What is the precise description of the behaviour?
- How persistent has the unacceptable behaviour been?
- 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 incidents of serious misbehaviour (e.g. bullying, cultural or family factors)?
- What is the age, stage of development and cognitive ability of the student?
- 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?
- Does the behaviour have a particular or greater impact on some students or teachers?
- Does the student understand the impact of their behaviour on others?

#### **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 those 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?
- Are any other interventions such as peer mediation, restorative justice approaches or family conferencing available?
- 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 services)?

#### **Whether suspension is a proportionate**

- Does the student's behaviour warrant suspension?
- 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 suspension**

- Will suspension allow additional or alternative interventions to be made?
- Will suspension help the student to change the inappropriate behaviour?
- How will suspension help teachers or other students affected by the behaviour?
- Will suspension exacerbate any educational vulnerability of the student?

**This Policy was put in place by the Board of Management at its meeting on 09-09-2019**

**Salesian College has a published Data Protection Policy which was ratified by the Board of Management 09-09-2019. Copies of all school policies are available on request from the school office.**