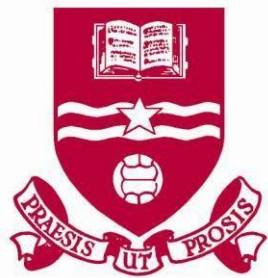


**Suspension and Expulsion Policy 2020/2021**  
**De La Salle College, Waterford (with COVID -19 protocols)**



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## **SUSPENSIONS**

### **Relevant Legislation**

The Board of Management shall... (Education Act 1998 – Section 15 (2))

- Consult with and keep the patron informed of decisions and proposals of the Board
- Publish, in such manner as the Board with the agreement of the patron considers appropriate, the policy of the College concerning admission to and participation in the College, including the policy of the College relating to expulsion and suspension of students and admission to and participation by students with disabilities or who have other educational needs, and ensure that as regards policy principles of equality and the right of Parents to send their children to a College of the Parents' choice are respected and such directions as may be made from time to time by the Minister, having regard to the characteristic spirit of the College and the constitutional rights of all persons concerned, are complied with.

### **Code of Behaviour**

Education Welfare Act 2000 (Section 23)

- The Board of Management of a recognised College shall, after consultation with (Principal, Teachers, Parents, Educational Welfare Officer) prepare a Code of Behaviour in respect of the students registered at the College.
- A Code of Behaviour shall specify –
  - a. the standards of behaviour that shall be observed by each student attending the College
  - b. the measures that may be taken when a student fails or refuses to observe those standards
  - c. the procedures to be followed before a student may be suspended or expelled from the College concerned
  - d. the grounds for removing a suspension imposed in relation to a student; and
  - e. the procedures to be followed relating to notification of a child's absence from College
- The Principal of a recognised College shall, before registering a child as a student at that College ...provide the Parents of such child with a copy of the Code of Behaviour in respect of the College and may, as a condition of so registering such child, require his or her Parents to confirm in writing that the Code of Behaviour so provided is acceptable to them and that they shall make all reasonable efforts to ensure compliance with such code by the child.

(Section 24)

- Where a Board of Management or a "person acting on its behalf" believes that a student should be expelled it must before doing so inform the welfare officer of this belief and the reasons for so believing.

- The welfare officer must consult with the Principal (or his / her nominee), the student and his/her Parents and other appropriate persons, and convene a meeting of those willing to attend.
- A student may not be expelled for twenty College days after the welfare officer receives this notification
- A Board has the right to take such reasonable measures as it considers appropriate “ to ensure that good order and discipline are maintained... and the safety of students is secured” during this twenty-day period”.

### **Equal Status Act 2000**

#### Section 3

“..discrimination shall be taken to occur” where a person is treated less favourably than another on any of the grounds set out in Section 5.

#### Section 5

The prohibited grounds of discrimination are: Gender, marital status, family status, sexual orientation, religion, age, disability, race, membership of the Travelling Community, victimization.

### **Educational establishments**

#### Section 7 (2)

An educational establishment shall not discriminate in relation to:

- a) the admission or the terms or conditions of admission of a person as a student to the establishment,
- b) the access of a student to any course, facility or benefit provided by the establishment,
- c) any other term or condition of participation in the establishment by a student, or
- d) the expulsion of a student from the establishment or any other sanction against the student.

### **GENERAL PRINCIPLES**

1. Students have a statutory obligation to attend school up to age 16. Accordingly students have a right to attend school up to that age.
2. Having been admitted to De La Salle College, all students have the right to learn in an orderly and caring environment. De La Salle College establishes and maintains high expectations of student behaviour. All members of the College community should be aware of these expectations, and participate in their development.
3. All students, teachers and members of the College Community of De La Salle College have the right to be treated fairly and with dignity, in an environment free from disruption, intimidation, harassment and discrimination.
4. There will be cases of unacceptable behaviour where it will be in the best interests of the College community and/or the student involved, for the student to be removed from the College for a period of time or completely. Suspension and expulsion are the options available to the Principal and /or the Board of Management of De La Salle College in these situations. [Examples of “unacceptable behaviour” are contained in the College’s Code of Behaviour].

5. Collaboration between Board of Management, College staff, students and Parents is an important feature of Behaviour Management in De La Salle College. All should be fully aware of the suspension and expulsion procedures and their place in the context of the College's Code of Behaviour.

6. Suspension is only one strategy within our College's Code of Behaviour. It is most effective when it highlights the Parents'/Guardians' responsibility for taking an active role, in partnership with the College, to work with their child to enable the child's behaviour to change. De La Salle College will work with Parents /Guardians with a view to assisting a suspended student to rejoin the College community as quickly as possible.

7. Suspension allows students time to reflect on their behaviour, to acknowledge and accept responsibility for the behaviour which led to the suspension and to accept responsibility for changing their behaviour to meet the College's expectations in the future. It also allows time for College Authorities to plan appropriate support for the student to assist with successful re-entry.

8. The Principal has authority, under the Articles of Management for Secondary Schools, to suspend "any pupil for a limited period and shall report any such suspension to the Board of Management at its next meeting". [Article19(b)]

9. If, in the judgement of the Principal, a pupil should be expelled, the Principal shall refer the matter to the Board of Management for decision. [Article 19 (c)]

10. The Board of Management and the Principal will exercise this authority having regard to their responsibilities to the whole College Community and to the Principles of Natural Justice.

11. 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.

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

- a) The age and state of health of the pupil
- b) The pupil's previous record at De La Salle College
- c) Any particular circumstances unique to the pupil which might sensibly be taken into account in connection with the behaviour, e.g.; strained or traumatic domestic situations

- d) The extent to which Parental, peer or other pressure may have contributed to the behaviour
- e) The degree of severity of the behaviour, the frequency of its occurrence and the likelihood of its recurring;
- f) Whether or not the behaviour impaired or will impair the normal functioning of the pupil or other pupils in De La Salle College.
- g) Whether or not the behaviour occurred on College premises or when the pupil was otherwise in the charge of the College staff or when the pupil was on the way to or from College. An important consideration in cases of doubt is the extent to which behaviour away from the College had a serious impact on the life or reputation of the College;
- h) The degree to which behaviour was a violation of one or more rules contained in the College's Code of Behaviour and the relative importance of the rule(s);
- i) Whether the incident was perpetrated by the pupil on his or her own or as a part of a group.

13. Depending on the nature and extent of the misbehaviour the support of other agencies such as the National Education Welfare Board (NEWB) or the National Educational Psychological Service (NEPS) may be sought by the Board of Management.

14. The Principles of Natural Justice are fundamental to the implementation of these procedures. [See Appendix 3]

## **SUSPENSION**

1. Reasons for the suspension of a pupil must be linked with the Code of Behaviour, of which the student and Parents/Guardian have copies in a student's diary/journal, be familiar with its contents, and have signed that they have read and understood the Code prior to a student's enrolment into De La Salle College.

2. Suspension will usually only occur after the Principal has:

- ensured all discipline options under the Code of Behaviour have been applied and documented
- ensured all appropriate support personnel (internal and external) have been involved
- ensured that discussion has occurred with the student and Parent / Guardian regarding specific misbehaviour which the College considers unacceptable and which may lead to suspension
- Students have been supported with the help of outside agencies such as referrals for psychological assessments (i.e. NEPS), particularly where unacceptable behaviour is ongoing and consistent.
- (except in cases of very serious misconduct) provided a formal written warning detailing these behaviours, as well as clear expectations of what is required of the student in the future
- recorded all action taken, and copied all correspondence

3. The Principal may suspend immediately in some circumstances for example, violence, threats of violence, presence of weapons or illegal drugs. This list is not exhaustive.

4. The Principal has authority, under the Articles of Management for Secondary Schools, to suspend “any pupil for a limited period and shall report any such suspension to the Board of Management at its next meeting”. [Article 19 (b)]

5. If a student is suspended for a period of 6 days or more, the Principal must inform the local Educational Welfare Officer.

6. If a student is suspended for a cumulative total of 20 days or more in one School year, the Principal must inform the Educational Welfare Officer.

### **Essential Elements in the Procedure for Suspension**

1. The Principal makes a decision (or, in the Principal’s absence, the Acting or Deputy Principal) on the basis of the reasons set out in the Code of Behaviour, and the parameters set out by the Board of Management.

2. The student is informed of the decision. The student must be informed of the precise grounds which gave rise to a possible suspension, and be given an opportunity to respond, before a decision to suspend is reached and formalised.

3. Parents/Guardians must be informed by post and/or telephone and requested to come to the College without delay for a meeting with College Management.

4. If suspension is to be immediate (e.g. in the interests of health and safety) Parents/Guardians may be informed by phone, with written follow-up.

5. A Student may be supervised ‘out of class’ in College where deemed appropriate until suspension takes effect.

6. A student will not be sent home during the School day, unless collected by Parent / Legal Guardian (or other suitable arrangement made with the consent of the Parent/Guardian).

7. The formal letter of notification should include:

- Notice of the suspension
- Effective date of the suspension
- Duration of the suspension
- Reasons for the suspension
- Expectations of the student while on suspension
- Importance of Parental assistance in resolving the matter
- A statement that the student is under the care and responsibility of the Parents/Guardians while on suspension
- A statement that the Education Welfare Board has been informed (If the suspension is longer than 6 days, or the student has been suspended for more than 20 days during the College year to date)
- Information on Appeal rights (internal College appeal /Section 29 Appeal)
- Requirements which need to be in place when student returns (e.g. written apology, completed assignments etc.)

8. If consideration is being given to proceeding to expulsion, then the letter must make this clear.

### **Re-integrating the student on return to College**

- Parents may be requested to attend with the student on the day of his return to the College.
- Undertakings of good behaviour may be requested in writing.
- Students to resign Code of Behaviour contract and go on daily report to monitor behaviour on return from suspension.
- Agreed conditions (e.g. Counselling, referral to NEPS, other pastoral supports) where appropriate, should be signed by Parent and pupil.

### **Grounds for Removing a Suspension**

Section 23 (2) d of the Education Welfare Act 2000 requires the College to publish the grounds for removing a suspension. This implies that a system is in place for review / appeal of a suspension.

Grounds may include:

- The Principal / Board may agree that another sanction be applied after discussion with the Parents
- Successful appeal to the Board of Management
- Successful appeal under Section 29 of the Education Act
- New circumstances come to light
- Other grounds under General Principals

### **Appeals**

The Principles of Natural Justice demand that there should always be an appeal to a higher authority.

Any appeal lodged to the Principal/Secretary, Board of Management by a Parent/Guardian of a student that has been suspended from De La Salle College will be brought to the attention of the Board of Management at its next scheduled meeting. It is possible that a student would have served in full his suspension and returned to College prior to the appeal being heard at a Board of Management Meeting.

An appeal to a suspension must be lodged, in writing, to the Principal/Secretary, Board of Management, by the Parent/Guardian of the student suspended, within 10 College days from the time of suspension. A date for final submission of an appeal will be stated in the letter of suspension to Parents/Guardians.

The Board of Management consider the appeal to a suspension of a student after;

- The Principal's report to the Board of Management has been heard in the presence of the Parents.
- The Parent's response has been heard by the Board of Management.
- All the documentation has been examined.
- Ensuring the Principal is not present for the Board's discussion and decision on the matter.
- The case in detail is discussed.
- All matters in General Principals are discussed as outlined previously and are considered.



- The decision of the Board of Memembers is communicated to the Parents formally through the Secretary to the Board

As already stated it is possible that a suspension may already be served before the appeal is actually heard. If the appeal is successful, the only remedy may then be to have the suspension removed from the student's file/record.

In general, the College must, in its suspension procedures be seen to be fair, and to have practical and reasonable procedures in place.

All appeals will be heard as soon as is practically possible.

See Appendix 1.

## **EXPULSIONS**

### **4.2.6 EXPULSION OF A STUDENT**

#### **SECTION 24**

**When the Board “is of the opinion that a student should be expelled” it must, before expelling the student, notify the EWO assigned to the school, in writing, “of its opinion and the reasons therefor”**

**Section 24 (4) states that “a student shall not be expelled from a school before the passing of 20 school days following the receipt of a notification “by the EWO.**

**This is “without prejudice to the right of a Board of Management to take such other reasonable measures as it considers appropriate to ensure that good order and discipline are maintained in the school concerned and that the safety of students is secured”.**

#### **EXPULSION PROCEDURE**

**It is important to follow Section 24 (1) of the education (Welfare) Act 2000. Where the Board of Management, having considered all the facts of the case, is of the opinion that the pupil should be expelled, the Board must notify the Educational Welfare Officer (EWO) in writing of its opinion and the reasons for this opinion. The pupil cannot be expelled before the passage of twenty school days from the date on which the EWO receives this written notification.**

**The Board should inform the parents in writing about its conclusions and the next steps in the process. Within twenty days of receipt of a notification from a Board of Management of its opinion that a pupil should be expelled, the EWO must:**

- Make all reasonable efforts to hold individual consultations with the Principal, the parents and the pupil and anyone else who may be of assistance**
- Convene a meeting of those parties who agree to attend.**

**Pending these consultations about the pupil’s continued education, a Board of Management may take steps to ensure that good order is maintained and that the safety of pupils is secured. A Board may consider it appropriate to suspend a pupil during this time.**

**Where the twenty school days following notification to the EWO have elapsed and where the Board of Management remains of the view that the pupil should be expelled, the Board should formally confirm the decision to expel (this task may be delegated to the Chairperson and Principal). Parents and the pupil should be notified immediately 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 pupil.**

**This is the ultimate sanction imposed by De La Salle College and is exercised by the Board of Management in extreme cases of indiscipline. In advance of any hearing, which could result in an expulsion, the College will**

**investigate the matter in accordance with the principles of natural justice (see Appendix 3). Reasons for the expulsion of a pupil must be linked with the Code of Behaviour, of which the student and Parents/Guardian have copies in a student's diary/journal, be familiar with its contents, and have signed that they have read and understood the Code prior to a student's enrolment into De La Salle College.**

### **Essential Elements in the Procedure for Expulsion**

1. Expulsion can occur after the Principal has:
  - ensured all discipline options under the Code of Behaviour have been applied and documented
  - ensured all appropriate support personnel (internal and external) have been involved
  - ensured all other procedures, referrals, supports have been exhausted
  - ensured that discussion has occurred with the student and Parent /Guardian regarding specific misbehaviour which the College considers unacceptable and which may lead to expulsion
  - provided formal verbal and written warnings at appropriate times detailing these behaviours, as well as clear expectations of what was required of the student in the future
  - recorded all action taken, and
  - copied all correspondence
  - Informed the Parents/Guardians of his/her intention to recommend expulsion to the Board of Management.
  - Invited the Parents/Guardians to the Board of Management hearing and
  - Invited the Parents/Guardians to make a written submission in advance of the Board Meeting
  - Provided the Parents with a full, written description of the allegations against the student and the case being made at the Board, together with copies of all documentation, statements etc. supporting that case.
  - Made a formal expulsion recommendation to the Board with full supporting documentation.
  
2. Expulsion can only occur after the Board of Management has:
  - Heard the Principal's case against the student (this case should be made in the presence of the Parents)
  - Heard the Parents' response
  - Examined all the documentation
  - Considered the student's record in the College
  - Ensured the Principal is not present for the Board's discussion and decision on the matter.
  - Discussed the case in detail
  - Considered all matters in GENERAL PRINCIPLES above
  - Made a final decision to expel
  - Communicated the decision to the Parents formally through the Secretary to the Board (registered letter)
  - Informed the Educational Welfare officer under Section 24(1) of the Education Welfare Act 2000.

3. The formal letter of notification should include:
- Notice of the expulsion
  - Effective date of the expulsion
  - Reasons for the expulsion
  - A statement that the Education Welfare Board has been informed
  - A statement that the student is under the care and responsibility of the Parents/Guardians for the period of 20 days required by the Educational Welfare Officer to examine alternative provisions for the education of the student
  - Information and documentation on Appeal rights (i.e. Section 29 Appeal)
  - NOTE: An appeal to an expulsion of a student from De La Salle College is lodged to the Secretary General of the Department of Education & Skills under Section 29 of the Education Act 1988

Monitoring, Review and Evaluation of this Policy and all related work and procedures will take place on an ongoing basis in order to keep the College up to date with current best practice in this area.

This Policy was ratified by the Board of Management on 18/03/21

This Policy will be reviewed on: November 2021.....

Signed: *Nora Widger*

**Chairperson BOM  
Nora Widger**

Signed: *Michael Walsh*

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**Principal  
Michael Walsh**

DATE: 18/03/21

**Appendix 1: TEMPLATE SUSPENSION LETTER**

Date:

Name

Address

Dear Parent / Guardian

***I write to inform you that after a thorough investigation carried out by XXXXXXXX ,  
I am suspending your son NAME from School for X days (Date to Date inclusive) because  
STUDENT NAME displayed unacceptable behaviour (REASON).***

You have the right to appeal this decision to the Board of Management within 10 days of the date of this letter. I wish to advise you that STUDENT NAME will be regarded as being in your care during the period of his suspension.

When he returns on RETURN DATE, please ensure that STUDENT NAME presents himself to Deputy Principal's Office at 8.50 a.m.

Please note that students on suspension do not participate or attend any extra-curricular activities/events.

To comply with the Education Act 1998 I have informed the Educational Welfare Officer in writing of STUDENT NAME's X day suspension from the College.

Yours sincerely,

Principal