

NETNS - CODE OF BEHAVIOUR POLICY

APPENDIX A - SECTION 23 EDUCATION (WELFARE) ACT 2000

23.—(1) The Board of Management of a recognised school shall, after consultation with the Principal of, the teachers teaching at, the parents of students registered at, and the educational welfare officer assigned functions in relation to, that school, prepare, in accordance with subsection (2), a code of behaviour in respect of the students registered at the school (hereafter in this section referred to as a "code of behaviour").

(2) A code of behaviour shall specify—

- (a) the standards of behaviour that shall be observed by each student attending the school;
- (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 school 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 school.

(3) A code of behaviour shall be prepared in accordance with such guidelines as may, following consultation by the Board with national associations of parents, recognised school management organisations and trade unions and staff associations representing teachers, be issued by the Board.

(4) The Principal of a recognised school shall, before registering a child as a student at that school in accordance with section 20, provide the parents of such child with a copy of the code of behaviour in respect of the school 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.

(5) The Principal of a recognised school shall, on a request being made by a student registered at the school or a parent of such a student, provide the student or parent, as the case may be, with a copy of the code of behaviour in respect of the school concerned.

APPENDIX B – STRATEGIES USED TO PROMOTE ACCEPTABLE BEHAVIOUR

Strategies in use within the school to encourage and promote good behaviour include:

- positive everyday interactions between teachers and students
- good school and class routines
- clear boundaries for students
- helping students themselves to recognise and affirm good learning behaviour
- recognising and giving positive feedback about behaviour
- exploring with students how people should treat each other
- Reward systems such as 'Golden Time'.

Systems for acknowledging positive behaviour are in use in classrooms and at times form part of a planned intervention to help an individual student to manage their own behaviour.

When using reward systems teachers are mindful that:

- any reward systems used will be meaningful
- students will understand that rewards acknowledge behaviour that is valued and wanted
- rewards can be given for effort and not only for achievement but this needs to be balanced with fairness towards other students.
- systems for acknowledging positive behaviour will be inclusive and used consistently throughout the school.
- rewards should not become the goal of learning or result in unhelpful competition.

APPENDIX C: - SUSPENSIONS AND EXPULSIONS: LEGAL AND PROCEDURAL REQUIREMENTS

Access to education shapes the life chances of children and young people in a fundamental way. For this reason, a proposal to exclude a student, through suspension or expulsion, is a serious step, warranted only by very serious misbehaviour.

C.1 THE LEGAL CONTEXT

The entitlement to education is protected in a range of constitutional and legal provisions and in human rights Conventions. These 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 to judicial review by the High Court.

Schools are required, under section 23(2) of the Education (Welfare) Act 2000, to include their procedures for suspension and expulsion in their code of behaviour.

C.2 THE RESPONSIBILITY OF THE BOARD OF MANAGEMENT

The Board of Management will:

- ensure that the school has a policy on, and procedures for, the use of suspension and expulsion that are in line with these Guidelines and with any additional requirements set down by the Patron
- ensure that all students and parents / guardians are advised about, and aware of, the school's policy for suspension and expulsion
- ensure that fair procedures are used for suspension and expulsion and that all staff are aware of those procedures
- take special care to ensure that the fair procedures are accessible to people with disabilities or those from different language or cultural backgrounds
- ensure that the Board of Management and the Principal are equipped for their roles in relation to the use of suspension and expulsion.

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 about the imposition of suspension or expulsion.

Confidentiality

All matters to do with an investigation of alleged misbehaviour are dealt with in confidence.

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C.3 FAIR PROCEDURES BASED ON THE PRINCIPLES OF NATURAL JUSTICE

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.

Fair procedures have two essential parts:

- **the right to be heard**
- **the right to impartiality.**

The **right to be heard** means:

- the right to know that the alleged misbehaviour is being investigated
- the right to know the details of the allegations being made and any other information that will be taken into account
- the right to know how the issue will be decided
- the right to respond to the allegations
- where the possible sanction is of a serious nature, the right to be heard by the decision-making body
- where the possible sanction is of a serious nature, the right to ask questions of the other party or witnesses where there is a dispute about the facts.

The **right to impartiality** means:

- the right to an absence of bias in the decision-maker
- the right to impartiality in the investigation and the decision-making.

Freedom from bias entails ensuring that a person with an interest in the matter is not involved in the investigation or decision-making. If a person has pre-conceived opinions, a vested interest or personal involvement in the matter, they will not attempt to settle that matter.

An impartial process is one that allows a decision to be made based on an unbiased evaluation of information and evidence. Generally, impartiality requires that the investigation is separated from the process of making a decision so that the decision-maker comes to the task with an open mind.

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C.4 APPLYING FAIR PROCEDURES IN OUR SCHOOL

In our school, fair procedures apply to:

- the **investigation** of alleged misbehaviour that may lead to suspension or expulsion and
- the process of **decision-making** as to
 - (a) whether the student did engage in the misbehaviour and
 - (b) what sanction to impose.

The way in which fair procedures are applied will take account of the seriousness of the alleged misbehaviour and will have regard to what is reasonable in the context of a particular school.

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.

Even informal processes, however, must be fair and be seen to be fair. The principles of ensuring *the right to be heard* and *the right to impartiality* apply in all cases.

The **right to be heard** means that a student and their parents / guardians are fully informed about an allegation and the processes that will be used to investigate and decide the matter; and that they must be given an opportunity to respond to an allegation **before** a decision is made and before a serious sanction is imposed.

Absence of bias in the decision-maker would mean, for example that if the child of the Principal was accused of misconduct that might warrant suspension or expulsion, the Principal would not be involved in the decision. Similarly, if the child of a member of the Board of Management was accused of misconduct, that parent / guardian would absent themselves from the Board for any consideration of the matter by the Board.

The principle of **impartiality in decision-making** means it is preferable that, where possible, the Principal arranges for another member or members of staff to conduct the investigation and to present a full report on the facts of the case and any other relevant information to the Principal. The Principal is then free to take a view about whether the student did engage in the behaviour and about the sanction, based on the report of the investigation.

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Where circumstances require the Principal to conduct the investigation as well as making a finding and proposing the sanction, he or she must not only act fairly but be seen to act fairly. It is incumbent upon the Principal to review the investigation to ensure that it has been fully and fairly conducted. It will be evident to the student, parents / guardians, staff and other students that the Principal, as decision-maker, is basing their decision, in an objective way, on the findings of the investigation.

The person alleging the misbehaviour, or who is a victim, or a witness will not usually conduct the investigation.

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.

C.5 INVOLVING THE GARDAÍ

Where allegations of criminal behaviour are made about 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.

APPENDIX D: SUSPENSION

For the purpose of this policy, suspension is defined as:

requiring the student to absent himself/herself from the school for a specified, limited period of school days.

During the period of a suspension, the student retains their place in the school.

This Code of Behaviour Policy on, and procedures for, the use of suspension are in line with the Developing a Code of Behaviour: Guidelines for Schools (NEWB 2008) and any additional requirements set down by the Patron.

D.1 AUTHORITY TO SUSPEND

The Board of Management has the authority to suspend a student. Where this authority is delegated to the Principal, the delegation will be done formally and in writing.

The authority delegated to the Principal in respect of suspension will state any limits on that authority, and specify how the Principal is accountable to the Board of Management for his / her use of that authority. The delegation of authority will reflect the provisions of the Developing a Code of Behaviour: Guidelines for Schools (NEWB 2008), any relevant legal requirements and Articles of Management, where appropriate.

D.2 THE GROUNDS FOR SUSPENSION

Suspension will be a proportionate response to the behaviour that is causing concern.

Suspension will be a proportionate response to the behaviour that is causing concern. Normally, other interventions will have been tried before suspension, and school staff will have reviewed the reasons why these have not worked.

The decision to suspend a student requires serious grounds such as that:

- the student's behaviour has had a seriously detrimental effect on the education of other students
- the student's continued presence in the school at this time constitutes a threat to safety
- the student is responsible for serious damage to property.

A single incident of serious misconduct may be grounds for suspension.

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D.3 DETERMINING THE APPROPRIATENESS OF SUSPENDING A STUDENT

Where the purpose of a proposed suspension is clearly identified, and that purpose cannot be achieved in any other way, suspension can have value.

Suspensions can provide a respite for staff and the student, give the student time to reflect on the link between their action and its consequences and give staff time to plan ways of helping the student to change unacceptable behaviour.

However, suspension can be counter-productive if used without a clear rationale or without measuring its impact and value. School management will consider the risk of any unwanted outcomes from suspension, such as an increased sense of alienation from school that could lead to a cycle of behavioural and academic problems.

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?

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FACTORS TO CONSIDER BEFORE SUSPENDING A STUDENT

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

Whether suspension is a proportionate response

- 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?

SUSPENSION AS PART OF A BEHAVIOUR MANAGEMENT PLAN

Suspension will be part of an agreed plan to address the student's behaviour. The suspension will:

- enable the school to set behavioural goals with the student and their parents / guardians

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- give school staff an opportunity to plan other interventions
- impress on a student and their parents / guardians the seriousness of the behaviour.

D.4 FORMS OF SUSPENSION

A decision to impose suspension for whatever reason does not remove the duty to follow due process and fair procedures in each case.

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.

'Automatic' suspension

The 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 named behaviours incur suspension as a sanction.

INAPPROPRIATE USE OF SUSPENSION

Students will not usually be suspended for:

- poor academic performance
- poor attendance or lateness
- minor breaches of the code of behaviour.

However, any behaviour that is persistently disruptive to learning or potentially dangerous can be a serious matter.

Rolling suspension

A student will not be suspended again shortly after they return to school unless:

- they engage in serious misbehaviour that warrants suspension and
- fair procedures are observed in full and
- the standard applied to judging the behaviour is the same as the standard applied to the behaviour of any other student.

Informal or unacknowledged suspension

Exclusion of a student for part of the school day, as a sanction, or asking parents / guardians to keep a child from school, as a sanction, is a suspension. Any exclusion imposed by the school is a suspension, and must follow the Guidelines relating to suspension.

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Open-ended suspension

Students will not be suspended for an indefinite period. Any such suspension would be regarded as a de-facto expulsion and would be treated as such under section 29 of the Education Act 1998.

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D.5 PROCEDURES IN RESPECT OF SUSPENSION

Schools are required by law to follow fair procedures when proposing to suspend a student (see *Appendix C.3 Fair procedures based on the principles of natural justice* and *Appendix C.4 Applying fair procedure in our school* for more detail). Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant suspension, the school will observe the following procedures:

- inform the student and their parents / guardians about the complaint
- give parents / guardians and student an opportunity to respond.

Inform the student and parents / guardians

The school will let the student and their parents / guardians know about the complaint, how it will be investigated, and that it could result in suspension.

Parents / guardians will be informed in writing (and by phone where urgency demands). Informing parents / guardians in writing has the benefit of ensuring that there is a formal and permanent record of having let parents / guardians know. It also ensures that parents / guardians are clear about what their child 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.

Give an opportunity to respond

Parents / guardians and student will be given an opportunity to respond before a decision is made and before any sanction is imposed.

A meeting with the student and their parents / guardians provides an 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 may also be an opportunity for parents / guardians to make their case for lessening the 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 will 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 negative behaviour. The school will record the invitations made to parents / guardians and their response.

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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 will 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. No suspension, including an immediate suspension, will be open-ended.

In the case of an immediate suspension, parents / guardians will be notified, and arrangements made with them for the student to be collected. The school must have regard to its duty of care for the student. In no circumstances will a student be sent home from school without first notifying parents / guardians.

D.6 THE PERIOD OF SUSPENSION

A student will 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 needed in order to achieve a particular objective.

Each member of the Board of Management can provide guidance to the Principal concerning the kinds of circumstances under which suspensions of longer than three days might be approved.

If a suspension longer than three days is being proposed by the Principal, the matter will be referred to the Board of Management for consideration and approval, giving the circumstances and the expected outcomes.

However, the Board of Management may wish to authorise the Principal, with the approval of the Chairperson of the Board, 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 normally place a ceiling of ten days on any one period of suspension imposed by it.

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 (see 11.7 Appeals).

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These provisions enables the school to give the student a reasonable time to reflect on their behaviour while avoiding undue loss of teaching time and loss of contact with the positive influences of school. These provisions recognise the serious nature of the sanction of suspension and ensure that this seriousness is reflected in the school procedures. These provisions mean that the Board of Management takes ultimate responsibility for sanctions of significant length, especially where such suspensions might reach twenty days in one school year and therefore might lead to an appeal.

D.7 APPEALS

The Board of Management will offer an opportunity to appeal a Principal's decision to suspend a student. In the case of decisions to suspend made by the Board of Management (see 11.6), an appeals process may be provided by the Patron.

Section 29 Appeal

Where the total number of days for which the student has been suspended in the current school year reaches twenty days, the parents / guardians 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 will be informed about their right to appeal to the Secretary General of the Department of Education and Science under section 29 of the Education Act 1998, and will be given information about how to appeal.

D.8 IMPLEMENTING THE SUSPENSION

Written notification

The Principal will notify the parents / guardians and the student in writing of the decision to suspend. The letter will 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
- the arrangements for returning to school, including any commitments to be entered into by the student and the parents / guardians (for example, parents / guardians might be asked to reaffirm their commitment to the code of behaviour)
- the provision for an appeal to the Board of Management

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- the right to appeal to the Secretary General of the Department of Education and Science (Education Act 1998, section 29).

The letter will be clear and easy to understand. Particular care will be taken in communicating with parents / guardians who may have reading difficulties, or whose first language is not the language of the school.

Engaging with student and parents / guardians

Where a decision to suspend has been made, the Principal or another staff member delegated by the Principal will meet 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.

Where parents / guardians do not agree to meet with the Principal, written notification will serve as notice to impose a suspension.

D.9 GROUNDS FOR REMOVING A SUSPENSION

The Education Welfare Act 2000 details in Section 23(2) that the Code of Behaviour shall specify:

D. The grounds for removing a suspension imposed in relation to a student;

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

11.10 AFTER THE SUSPENSION ENDS

A period of suspension will end on the date given in the letter of notification to the parents / guardians about the suspension.

Re-integrating the student

The school will have a plan to help the student to take responsibility for catching up on work missed. This plan will help to avoid the possibility that suspension starts or amplifies a cycle of academic failure. Successful re-integration goes beyond academic work. A suspended student may feel angry or resentful about their suspension, and these feelings can trigger problems with reintegration which, in turn, may lead to further problem behaviour. Where possible, the school will arrange for a member of staff to provide support to the student during the re-integration process.

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Clean slate

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

D.11 RECORDS AND REPORTS

Records of investigation and decision-making

Formal written records will be kept of:

- the investigation (including notes of all interviews held)
- the decision-making process
- the decision and the rationale for the decision
- the duration of the suspension and any conditions attached to the suspension.

Report to the Board of Management

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

Report to National Education Welfare Board (NEWB)

The Principal is required to report suspensions in accordance with the NEWB reporting guidelines (Education (Welfare) Act, 2000, section 21(4)(a)).

D.12 REVIEW OF USE OF SUSPENSION

The Board of Management will 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 use of suspension is appropriate and effective.

APPENDIX E: EXPULSION

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

As part of the Code of Behaviour, the Board of Management ensures that the school has a policy on, and procedures for, expulsion which are in line with the Developing a Code of Behaviour: Guidelines for Schools (NEWB 2008) and with any additional requirements set down by the Patron.

E.1 AUTHORITY TO EXPEL

The Board of Management has the authority to expel a student. As a matter of best practice, that authority is reserved to the Board of Management and will not be delegated.

Expulsion will be a proportionate response by this school to the student's behaviour.

E.2 THE GROUNDS FOR EXPULSION

Expulsion will be a proportionate response to the student's behaviour.

Expulsion of a student is a very serious step, and one that will 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 change their behaviour
- making sure 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. 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 that:

- the student's behaviour is a persistent cause of significant disruption to the learning of others or to the teaching process

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- 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.

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

'Automatic' expulsion

The Board of Management may decide, as part of the school's policy on sanctions that particular named behaviours incur expulsion as a sanction. However, a general decision to impose expulsion for named behaviours 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. 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
- supplying illegal drugs to other students in the school
- sexual assault.

E.3 DETERMINING THE APPROPRIATENESS OF EXPELLING A STUDENT

Given the seriousness of expulsion as a sanction the Board of Management will undertake a very detailed review of a range of factors in deciding whether to expel a student.

FACTORS THAT MAY BE CONSIDERED BEFORE PROPOSING TO EXPEL A STUDENT
<h4>The nature and seriousness of the behaviour</h4> <ul style="list-style-type: none">• What is the precise description of the behaviour?• How persistent has the unacceptable behaviour been and over what period of time?

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FACTORS THAT MAY BE CONSIDERED BEFORE PROPOSING TO EXPEL A STUDENT

- 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

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FACTORS THAT MAY BE CONSIDERED BEFORE PROPOSING TO EXPEL A STUDENT

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?

Inappropriate use of expulsion

Expulsion will not be proposed for:

- poor academic performance
- poor attendance or lateness
- minor breaches of the code of behaviour.

However, any behaviour that is persistently disruptive to learning or dangerous can be a serious matter.

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E.4 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 10.3 and 10.4 for information about fair procedures). Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant expulsion, the 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.

The Board of Management is the decision-making body in relation to expulsions.

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 / guardians due notice of meetings and a fair and reasonable time to prepare for a Board hearing.

STEP 1: A DETAILED INVESTIGATION CARRIED OUT UNDER THE DIRECTION OF THE PRINCIPAL
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In investigating an allegation, in line with fair procedures, the Principal will:

- inform the student and their parents / guardians about the details of the alleged misbehaviour, how it will be investigated and that it could result in expulsion
- give parents / guardians 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 having let them know. This will ensure that parents / guardians are very clear about what their son or daughter is alleged to have done. It also serves the important function of underlining to parents / guardians the seriousness with which the school views the alleged misbehaviour.

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Parents / guardians and the student will 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 / guardians is essential. It provides the opportunity for the parents / guardians 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 may also be an opportunity for parents / guardians to make their case for lessening the 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 will 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 / 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 will:

- 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.

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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 will undertake its own review of all documentation and the circumstances of the case. It will 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 the Board of Management decides to consider expelling a student, it will hold a hearing.

The Board meeting for the purpose of the hearing will be properly conducted in accordance with Board procedures. At the hearing, the Principal and the parents / guardians put their case to the Board in each other's presence. Each party will be allowed to question the evidence of the other party directly. The meeting may also be an opportunity for parents / guardians to make their case for lessening the sanction. In the conduct of the hearing, the Board will 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 will facilitate this, in line with good practice and Board procedures.

After both sides have been heard, the Board will 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 will 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 will 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 Educational Welfare Officer receives this written notification (Education (Welfare) Act 2000, s24(1)).

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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 about its conclusions and the next steps in the process.

Where expulsion is proposed, the parents / guardians will be told that the Board of Management will now inform the Educational Welfare Officer.

STEP 5: CONSULTATIONS ARRANGED BY THE EDUCATIONAL WELFARE OFFICER

Within twenty days of receipt of a notification from the 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 will 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 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, s24(5)). The Board may consider it appropriate to suspend a student during this time. Suspension will 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.

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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 will formally confirm the decision to expel (this task may 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 about the right to appeal and supplied with the standard form on which to lodge an appeal. A formal record will be made of the decision to expel the student.

E.5 APPEALS

A parent / guardian 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.

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.

E.6 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.

APPENDIX F: REPORTING STUDENT ABSENCES & EXPULSIONS

The National Educational Welfare Board (NEWB) has developed *GUIDELINES FOR REPORTING STUDENT ABSENCES & EXPULSIONS* which is available on their website for download (http://www.newb.ie/downloads/pdf/NEWB_Guidelines_Eng.pdf).

This guide was prepared to assist and advise schools on their responsibilities under the Education (Welfare) Act, 2000. The timely reporting of student absences impacts directly upon the National Educational Welfare Board's (NEWB) ability to meet the educational welfare needs of individual students.

Under sections 20 and 21 of the Education (Welfare) Act, 2000, recognised schools are required to:

- establish and maintain a school register and school attendance records
- monitor the attendance of all students enrolled
- report on student attendance in certain circumstances

THE SCHOOL REGISTER

Under section 20 of the Education (Welfare) Act, 2000, recognised schools are required to establish and maintain a School Register.

The School Register must include the names of all children who have a place in the school and the date of first attendance. (Primary Schools - please note the Register referred to in this Section is not the traditional Register maintained in Primary Schools. Schools should follow the requirements of the Department of Education and Science on this issue).

Under the Act, a student's name can only be removed from a School Register where:

- A student has been expelled and all internal and external appeals processes have been exhausted

or

- A school has received confirmation that the student is registered in another school

or

- A school has received confirmation that a student has been registered with the NEWB as in receipt of an education in a place other than a recognised school

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SCHOOL ATTENDANCE RECORD

Under section 21 of the Education (Welfare) Act, 2000, the school Principal must maintain a 'record of the attendance or non-attendance on each school day of each student registered at that school'.

The school attendance record should contain the following information for each student whose name is on the School Register:

- Attendance or non attendance on each school day. A student is in attendance if he/she is present when attendance is checked under the school's normal procedures.
- If a student has been suspended for any number of days these should be recorded as absences in the normal way, and categorised appropriately.
- Reasons for failure to attend on each school day.

Activities organised by the school which have been authorised by the Principal e.g. school trips, participation in sporting or cultural activities or work experience, should be **recorded as attendance** in the school attendance record, provided the student is in attendance.

An attendance record must be kept for all students **regardless of age**. Information from a student's school attendance record will be required by the Educational Welfare Officer if a parent is being prosecuted under Section 25 of the Act.

STUDENT ABSENCE REPORTING

REPORTING OF STUDENT ABSENCES

Under the Act, a school is obliged to report to the NEWB every time:

- a student has reached 20 days absence cumulatively
- a Principal is concerned about a student's attendance
- the Board of Management decides to expel a student
- a student has been suspended for 6 days or more cumulatively
- a student's name is to be removed from the school register for whatever reason

All schools are asked to submit information about individual student absences four times a year on designated dates, and only if they have students in the categories stated above. Reporting dates are circulated at the beginning of each school year.

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For more information please refer to the NEWB publication *GUIDELINES FOR REPORTING STUDENT ABSENCES & EXPULSIONS* which is available on their website for download (http://www.newb.ie/downloads/pdf/NEWB_Guidelines_Eng.pdf).