

Curragh Post Primary School Student Exclusion Policy

TEMPORARY EXCLUSION FROM SCHOOL

For the purpose of this Exclusion Policy, suspension is defined as the school “Requiring the student to absent himself / herself from the school for a specified, limited period of school days.

This is an extremely serious sanction. It is making a statement to the student that his / her behaviour and the refusal to respond to the requests and encouragement of the teachers and Year Head have placed that student outside the community of the school. It is a de facto statement by that student that he / she does not wish to abide by the minimum standards expected of all students as contained in the school rules. Thus, a student who is suspended from school will not be permitted to represent the school during the period of suspension.

Exclusion (i.e. Suspension):

K.W.E.T.B. holds the authority to exclude a student. Under Section 31 of the Vocational Education (Amendment) Act 2001, K.W.E.T.B. through the Board of Management has delegated the authority to exclude a student to the Principal and in his / her absence to the Deputy Principal.

Used properly exclusion has value. It can provide a respite for the student, for other students and for staff. It gives the excluded student time to reflect on the link between his / her action and its consequences. The supportive role of parents / guardians in encouraging such reflection during the period of exclusion is very important. The period of exclusion gives tutors / year heads and teachers time to plan ways of helping the student change unacceptable behaviour.

Exclusion as an intervention is seen in Curragh Post-Primary as part of a behaviour management plan. The Home School Community Co-ordinator will whenever possible encourage parents / guardians to meet with a member of the school’s Pastoral Care team as part of a behaviour management plan.

Grounds For Excluding a Student:

Exclusion from school should always be a proportionate response to the behaviour that is causing concern, danger and / or disruption to learning.

It is never an appropriate response to poor academic performance, poor attendance or minor breaches of the Code of Behaviour. Exclusion is not considered an appropriate response to truancy, except in the case where a student, having been marked present at roll call, leaves the premises during the school day, without regard for the serious Health & Safety implications of doing so. Normally, other interventions will have been tried before temporary exclusion and school staff will have reviewed the reasons why these have not worked.

The decision to consider excluding a student for a defined number of days requires serious grounds such as:

- The student’s behaviour is persistently disruptive and 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 or is potentially dangerous.
- The student is responsible for serious damage to school property.
- The student is engaged in physical fighting on the school premises.
- The student has been seriously verbally or physically abusive to staff or students
- Repeated, persistent failure to follow instructions, after other interventions have failed.
- Repeated refusal to attend lunchtime detention
- Bullying, after other interventions have failed
- Refusal to comply with the school policy on mobile phones, having been directed by the Principal to do so.
- Leaving the school premises without permission during the school day, without regard for the Health & Safety implications.
- Persistent, recorded failure to follow instructions, the matter having been referred to the Year Head.
- Smoking or consuming alcohol on the school premises or grounds or while on a supervised school outing.

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

In addition to indicating which of the above reasons resulted in a particular exclusion, where appropriate, the exclusion letter will contain a more precise description of the student's behaviour.

Temporary exclusion should be part of an agreed plan to address the student's behaviour. The suspension should:

- Enable the school to set behavioural goals with the student and their parents / guardians;
- Give school staff an opportunity to plan other interventions and
- Impress on a student and his / her parents / guardians the seriousness of the behaviour.

Curragh Post-Primary does not allow rolling exclusion for a single behavioural incident. When a student returns to school after exclusion for a particular documented event, the student's slate is considered wiped clean for that incident. However, should that student engage again in serious misbehavior a separate exclusion may result.

Curragh Post-Primary students are never suspended for an indefinite period.

Factors To Consider Before Excluding a Student:

Before a Year Head, the Deputy Principal or Principal formally puts in motion the process to exclude a student he / she will

- Ensure that there is a precise, written record of the behaviour
- Consider how persistent the unacceptable behaviour has been
- Consider whether the behaviour has escalated, despite interventions
- Consider how other students and staff are affected by the student's behaviour, in particular the impact on teaching and learning in the student's class
- Review interventions already tried. The Year Head and Tutors will endeavour to ensure that interventions are recorded and monitored

- Consider whether a referral to counselling is appropriate
- Consider whether the support of the Guidance Counsellor and / or the H.S.C.L. Co-ordinator would be of assistance
- Decide whether the student's behaviour warrants suspension.

Forms Of Exclusion:

Immediate Exclusion

In the exceptional circumstances where the continued presence of a student in the school at a particular time would represent a serious threat to the safety of students or staff or any other person in the school, the Principal may decide that an immediate suspension is warranted. In this case, as in all exclusions, fair procedures will be applied. The situation will be explained and written documentation will follow by post.

Automatic Exclusion

Exclusion is automatic for students who engage in physical fighting on the school premises or when attending a supervised school event outside the premises. The school authority will follow due process and fair procedures in all such situations.

During The State Examination Period

Serious misbehavior during the State Examination period which is referred by the examinations superintendent to the school authority is referred by the Principal to the State Examinations Commission. Every measure is taken to protect the integrity of the State Examinations and where appropriate a separate centre will be requested for a student who is disruptive during the state examination period.

Procedures in Respect of Exclusion:

Schools are required by law to follow fair procedures when proposing to suspend a student. 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 in writing and
- Give parents / guardians and the student an opportunity to respond.

Parents / guardians should be informed about the complaint, how it will be investigated, and that it could result in suspension, by phone or in writing, depending on the seriousness of the matter. 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.

The implementation of the process of exclusion should always be fair and impartial. Initially, a preliminary assessment and inquiry into the alleged misbehavior will be conducted by the tutor, Year Head and / or Deputy Principal. The Year Head will discuss the situation with the Principal and he / she will decide whether exclusion is the most appropriate response. Should exclusion of a student occur the following procedures are used:

- There will be a written account of the incident or behaviour
- The student will be informed verbally that he / she may be excluded and that his / her parents / guardians will be informed
- A Year Head may phone a parent / guardian but will always write to the parent / guardian giving a formal account of the behaviour.
- Parents / guardians are always invited by letter to visit the Principal to discuss the (proposed) exclusion
- On occasions, parents / guardians may be requested to attend a meeting with the student's Year Head and / or Principal.

- Parents / Guardians and students are given an opportunity to respond to the proposed exclusion. Parents / guardians are always formally invited in writing to meet with the school authority to discuss the behaviour that led to exclusion and to engage in the process of promoting good behaviour. Copies of these invitations are held in the student's file. When parents / guardians attend a meeting with the school authority this is recorded in the student's file.

- Parents / guardians are expected to meet with the school Principal (or a staff member nominated by the Principal) during or after the suspension to enable the school to make plans with the student and his / her parents / guardians for his / her reintegration into the school and to establish clear expectations for future conduct.

- The original exclusion form will be posted to the parent / guardian.
- A photocopy of the original exclusion form may be given to the H.S.C.L. Co-ordinator to allow him / her to liaise with the parents / guardians as appropriate

- When an immediate exclusion is considered warranted by the Principal for reasons of the safety of the student, other students and / or staff, a preliminary investigation is always carried out to establish the fairness and appropriateness of the proposed exclusion. All of the conditions for exclusion apply to immediate exclusion. Curragh Post-Primary has due regard to its duty of care for the student and in no circumstances should a student be excluded without first notifying parents / guardians so that in the case of an immediate exclusion parents/guardians may make arrangements for the student to be collected.

Periods of Exclusion:

Except in exceptional circumstances, a student should not be excluded for more than 3 days. 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 and to maintain the integrity of the school as a safe teaching and learning environment, the Principal is authorized by K.W.E.T.B. (through the Board of Management) to impose an exclusion of 5 days.

A student who is suspended by the Principal cannot represent the school for five school days after the suspension is served.

Appeals:

The Board of Management offers an opportunity to appeal the Principal's decision to exclude a student in the case of exclusions of more than 3 days.

A Section 29 Appeal may be taken where the total number of days for which an individual student has been excluded in the current school year exceeds 20 days (Ref: Section 29 of the Education Act 1998) as amended by the Education (Miscellaneous Provisions) Act 2007).

When parents / guardians are being formally notified of a permanent exclusion they are, also, informed of their right to appeal – in the first instance to K.W.E.T.B. and thereafter, following the conclusion of an appeal to K.W.E.T.B., to the Secretary General of the Department of Education and Skills.

Implementing an Exclusion

The Principal will notify the parents / guardians and the student in writing of the decision to exclude. 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 K.W.E.T.B. and
- If appropriate, the right to appeal to the Secretary General of the Department of Education and Skills (Education Act, 1998, Section 29).

Engaging with the student and parents / guardians

Where a decision to suspend has been made, it can maximise the impact and value of suspension if the Principal or another staff member delegated by the Principal 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.

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

Grounds for Removing an Exclusion:

An exclusion may be removed if K.W.E.T.B. or the Secretary General of the Department of Education and Skills directs that it be removed.

Re-integrating the student

A student will always be given the opportunity for a fresh start. A student returning to school after the end of a period of exclusion must report to the Principal or another designated teacher to facilitate re-integration. The school, through the Year Head(s) concerned, will devise 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. Where possible, the Year Head will provide support to the student during the re-integration process.

Clean Slate

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

Records and reports

Records of investigations 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 and
- The duration of the suspension and any conditions attached to the suspension.
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Records and Reports:

Formal written records are to be kept of

- Investigation prior to the decision to exclude a student
- The duration of the exclusion and any conditions attached to the exclusion.
- As the Principal is required to report exclusions in accordance with the N.E.W.B. reporting guidelines, a log of exclusion will be kept by the school attendance co-ordinator.
- **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 the N.E.W.B. (National Education Welfare Board)**
- The Principal is required to report suspensions in accordance with the N.E.W.B. reporting guidelines (Education Welfare) Act, 2000, section 21 (4)(a).

Review of the Use of Suspension

The In-School Management Team should monitor the use of exclusion on an annual basis to ensure that its use is fair and consistent with school policies. It is the responsibility of the Board of Management to review the use of exclusion at regular intervals.

The Board will formally review any proposal to exclude 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.

These provisions enable school management 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. They recognise the serious nature of the sanction of suspension and ensure that this seriousness is reflected in school procedures. The 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.

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 the use of suspension is appropriate and effective.

PERMANENT EXPULSION / EXCLUSION FROM SCHOOL

Expulsion:

The authority to permanently exclude a student from Curragh Post-Primary School, having complied with the provisions of Section 24 of the Educational (Welfare) Act 2000, belongs to K.W.E.T.B.

Grounds for Expulsion:

Expulsion is a very grave step and one that is only taken

- a) in extreme cases of unacceptable behaviour
- b) in situations where a student's behaviour poses a real and significant disruption to the learning of others
- c) when the student's behaviour is a persistent cause of significant disruption to the learning of others
- d) in situations where the student is responsible for **serious** damage to school property

In the cases of a or b or c or d above the school will already have taken and recorded significant steps to address the misbehavior, recognizing that the decision to seek permanently exclude is a serious step. Such steps may include, as appropriate:

- meeting with parents / guardians to try to find ways of helping the student to change his / her behaviour
- explaining to the student the possible consequences of his / her behaviour, if it should persist
- seeking the assistance of support agencies, as relevant.

Permanent Exclusion for First Offence:

In exceptional circumstances, the Board of Management of Curragh Post-Primary School may form the opinion that a student should be referred to K.W.E.T.B. for expulsion for a first offence. A proposal to expel on the basis of a single breach of the code may include situations such as:

- Actual violence or physical assault on another student or member of staff occurring on the school premises or during a supervised school event.
- Supplying illegal drugs to other students in the school.
- Sexual assault.

As permanent exclusion is a most serious sanction the Board of Management and K.W.E.T.B. will undertake a detailed and documented review of the circumstances and behaviour which have led to the decision to seek to expel a student.

Procedures in Respect of Permanent Exclusion:

Procedures will be fair and will comply with the Education (Welfare) Act 2000. In particular

the student in respect of whom expulsion is being sought, together with his/her parents / guardians has

- The right to be heard
- 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
- The right to be heard by K.W.E.T.B.
- The right to ask questions of the other party or witnesses where there is a dispute about the facts
- The right to impartiality
- The right to an absence of bias
- The right to impartiality in the investigation and the decision-making process.

The procedural steps which follow a preliminary investigation will include:

- A detailed investigation undertaken
- A recommendation to the Board of Management by the Principal
- If deemed appropriate by the Board of Management, a recommendation to K.W.E.T.B. to seek expulsion
- The holding of a hearing by an Education Sub Committee of K.W. E.T.B.
- Consultations arranged by the Educational Welfare Officer
- Confirmation of the decision to permanently exclude.

Parents / guardians will be given due notice of meetings in writing and a fair and responsible time to prepare for hearings. At each stage, the student and his / her parents / guardians will be informed and will be given every opportunity to respond before a decision is made and before the sanction of expulsion is imposed. If a student and his / her parents / guardians fail to attend a meeting they should be informed in writing of the gravity of the matter and 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 student's behaviour.

Step 1: A recommendation for the permanent exclusion of a student to the Board of Management / E.T.B. by the Principal.

Where the Principal forms a view, based on the investigation of the alleged misbehavior, that permanent exclusion may be warranted, the Principal makes a recommendation to the Board of Management / E.T.B. to consider permanent exclusion. The Principal should:

- Inform the parents / guardians and the student that the Board of Management / E.T.B. is being asked to consider permanent exclusion
- 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 / E.T.B. is being asked to consider permanent exclusion
- Provide the Board of Management / E.T.B. 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 / E.T.B. and invite them to that hearing
- Advise the parents / guardians that they can make a written and oral submission to the Board of Management / E.T.B.
- Ensure that parents / guardians have enough notice to allow them to prepare for the hearing

Step 2: Consideration by the Board of Management / E.T.B. of the Principal's recommendation and the holding of a hearing

It is the responsibility in the first instance of the Board of Management of Curragh Post-Primary School and, then, to K.W.E.T.B. to review the initial investigation and satisfy themselves that the preliminary investigation was properly conducted in line with fair procedures. The Board / E.T.B. should undertake their own reviews of all documentation and the circumstances of the case. They should ensure that no party who has had any involvement with the circumstances of the case is part of the Board's / E.T.B.'s deliberations (for example, a member of the Board / E.T.B. who may have made an allegation about the student).

When K.W.E.T.B. decides to proceed with the exclusion process, it must hold a hearing. The meeting for the purpose of the hearing should be properly conducted in accordance with E.T.B. procedures. At the hearing, the Principal and the parents / guardians, or a student aged eighteen years or over, put their case to the E.T.B. in each other's presence. Each party should be allowed to question the evidence of the other party directly. The meeting may, also, be an opportunity for parents / guardians to make their case for lessening the sanction. In the conduct of the hearing, the E.T.B. must take care to ensure that the members 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 E.T.B. should facilitate this, in line with good practice and E.T.B. procedures. After both sides have been heard, the Principal or parents / guardians or student, if over 18 years of age, is not permitted to be present for the Board's / E.T.B.'s deliberations.

Step 3: E.T.B. deliberations and actions following the hearing

Having heard from all the parties, it is the responsibility of the E.T.B. to decide whether or not the allegation is substantiated and, if so, whether or not permanent exclusion is the appropriate sanction. Where the E.T.B., having considered all the facts of the case, is of the opinion that the student should be permanently excluded, the E.T.B. must notify the Educational Welfare Officer in writing of its opinion, and the reasons for this opinion. (Education (Welfare) Act 2000, s.24(1) The E.T.B. should refer to National Educational Welfare Board reporting procedures for proposed permanent exclusions. The student cannot be expelled before the passage of **twenty school days** from the date on which the E.W.O. receives this written notification (Education (Welfare) Act 2000, s 24 (1).

An appeal against a permanent exclusion 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 permanent exclusion (Education (Miscellaneous provisions) Act 2007, s 4A). The Board of Management / E.T.B. should inform the parents / guardians in writing about its conclusions and the next steps in the process. Where permanent exclusion is proposed,

the parents / guardians should be told that the Board of Management / E.T.B. will now inform the Educational Welfare Officer.

Step 4: Consultations arranged by the Educational Welfare Officer

Within twenty days of receipt of a notification from the E.T.B. of its opinion that a student should be permanently excluded, 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 about the student's continued education, the Board of Management / E.T.B. 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 of Management / E.T.B. may consider it appropriate to temporarily exclude a student during this time. Exclusions should 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.

Step 5: 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 / E.T.B. remains of the view that the student should be permanently excluded, the E.T.B. should formally confirm the decision to permanently exclude (this task might be delegated to the Chairperson of the Board of Management and the Principal). Parents / guardians should be notified immediately that the permanent exclusion will now proceed. Parents / guardians and the student should be told about the right to appeal and supplied with the standard form on which to lodge an appeal. A formal record should be made of the decision to permanently exclude the student.

Appeals

A parent / guardian, or a student aged over eighteen years, may appeal a decision to permanently exclude to the Secretary General of the Department of Education and Skills (Education Act 1998 Section 29). An appeal may also be brought by the National Educational Welfare Board on behalf of a student. As a student of Curragh Post-Primary, the student is attending a school established or maintained by a E.T.B. Therefore, the appeal must be made in the first instance K.W.E.T.B. Where an appeal to the E.T.B. has been concluded, parents / guardians, or a student aged over eighteen years, may subsequently go on to appeal to the Secretary General of the Department of Education and Skills.

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 Skills).

Review of the Use of Expulsion. The Board of Management of Curragh Post-Primary School will review the use of permanent exclusion 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.

Health and Safety Considerations

All members of the school community, students, parents / guardians and staff are asked to note that, where the school Principal or the Deputy Principal acting on behalf of the Principal, forms the considered opinion that there is a viable threat to the health and safety of any student, staff or school visitors, the student's bag, locker or other such private spaces may be searched by the Principal (or the Deputy Principal acting on behalf of the Principal).

All members of the school community, students, parents / guardians and staff are asked to note that, where the school Principal or the Deputy Principal acting on behalf of the Principal, forms the considered opinion that the presence of a particular individual in the school environment poses a threat to the health and safety of students, staff or school visitors, the student involved may be temporarily excluded from school at least until the next Board of Management meeting, where the matter will be dealt with.

These two measures are expected to be seldom used and are recognitions that the needs and rights of the majority to either learn or work in Curragh Post Primary School are of paramount concern. Where students are excluded from school on these grounds, it will be recorded on file that the student was excluded on Health and Safety grounds, to protect / prevent harm to any / all members of the school community.

Section 7: Conclusion

The Exclusion Policy has been approved by the Board of Management and will be subject to on-going review in light of the changing environment the school may find itself in. The school reserves the right to modify this Code of Behaviour at short notice. Any change(s) made will be communicated to parents / guardians and students as soon as is realistically possible after the change(s) is made.

Formal Adoption of the Exclusion Policy by the Board of Management of Curragh Post-Primary.

Signed: _____
Chairperson of Board of Management

Date: _____