

Last updated 8 May 2023

Lucan Community College Suspension and Expulsion Policy

Coláiste Phobail Leamhcáin
Lucan Community College



Last Updated: 8 May 2023

Signed: Guss O'Connell

Chairperson of Board

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Suspension Policy for Lucan Community College

Definition

Suspension is defined as “requiring the student to absent himself/herself from the school for a specified, limited period of school days”. This suspension policy is part of the wider Code of Behaviour Policy of the school. Parents are asked to sign the Code of Behaviour upon enrolling their child in the school and also to sign the code of behaviour, rules and regulations statements, annually, with their son/daughter, in the student college journal.

Authority to suspend

The Board of Management of Lucan Community College has the authority to suspend a student (as devolved under section 31 of the Vocational Education (Amendment) Act 2001 by Dublin and Dun Laoghaire Education and Training Board). This authority has been delegated to the Principal and is recorded in the minutes of a meeting of the Board.

Each Year Head, as part of their role in the school pastoral care system, has the responsibility for the application and administration of a suspension as a sanction in line with the Code of Behaviour of the school. In carrying out these duties the Year Head will discuss the application of a suspension as a sanction with the Principal (or the Deputy Principal or their nominee).

All suspensions will be recorded in the school file.

Appropriateness of Suspension as a Sanction

Lucan Community College has a grid of misconducts and sanctions to guide staff in their application that can be seen in the Code of Behaviour.

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;
- ongoing breaches of the code of behaviour.

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

Suspension can give the student time to reflect on the action and its consequences and give staff time to plan ways to support the student in changing unacceptable behaviour and can provide a respite for staff and other students.

There are times when the school may decide not to invoke suspension of a student when it may appear warranted if it is felt that a suspension would be counter-productive given the specific circumstances.

Suspension should:

- enable the school to set behavioural goals with the student and their parents
- give school staff an opportunity to plan other interventions
- impress on the student and their parents the seriousness of the behaviour.

Last updated 8 May 2023

Forms of Suspension

Immediate Suspension may be applied where the continued presence of the student in the school would represent a serious threat to the safety of the students or staff of the school, or any other person.

Suspension during a state examination which will be applied where there is a threat to good order in the conduct of the examination, a threat to the safety of other students and personnel or a threat to the right of other students to do their examination in a calm atmosphere. This sanction will be applied in line with the DES *Best Practice Guidelines concerning Certificate Examinations*.

Automatic suspension can be applied where the Board of Management, as part of the school's policy on sanctions, and in consultation with the Principal, parents, teachers and students, that particular named behaviours incur suspension as a sanction. Our current code of behaviour (or school rules) outlines behaviour that is considered to be a serious misconduct or offence and our sanctions grid includes suspension as an appropriate punishment for any high level (i.e. serious) misconduct.

Rolling suspension (where the student is immediately suspended again upon returning to school) will only be applied in Lucan Community College when the student engages in serious misbehaviour that warrants suspension immediately after returning from an initial suspension as long as fair procedures are observed and the standard applied to judging the behaviour of the student in question is the same as the standard applied to any other student.

Informal/unacknowledged suspension is defined as where a student is excluded for part of the school day or a parent is asked to keep a child from school as a sanction. A parent/guardian may decide to keep a student at home for a short period of time to aid student reflection on inappropriate behaviour and to support them in their efforts to change. The school may support this action by providing a list of work for the student to complete during their absence. In certain circumstances, the structure of a student's day may be altered to facilitate the application of a sanction similar to suspension. For example, a student may be assigned to shadow a member of staff for a number of days or to engage in appropriate course work outside their timetabled class under the supervision of an Assistant Principal, Deputy Principal or Principal. This is referred to as internal suspension. The Principal will decide whether or not to issue a formal record of suspension in these cases.

Open-ended suspension (where a student is suspended for an indefinite period of time) is considered a de-facto expulsion and will not be applied in Lucan Community College.

In extraordinary circumstances, the school will facilitate the removal of a student from classes by a parent where all parties are agreed that this is in the best interests of all for a short period of time. This will not prevent the student from participating in state examinations.

Procedures for suspension

The Year Head, Deputy Principal or Principal will inform the student and parents about the misconduct and the fact that it may or will lead to suspension. Information regarding the investigation of the incident will be communicated giving due regard to the need for the protection of other individuals or of information given in confidence. A student will have the right to present his/her information and opinion as part of the investigation process.

Parents may be informed by phone initially and subsequently in writing. A written record of the suspension will be included on the student's file and in the records of suspension maintained by the Deputy Principal. The school has a *pro forma* letter which year heads will use when informing parents in writing about a suspension.

Last updated 8 May 2023

Where possible, parents and students will be given an opportunity to respond before the decision is made and before a sanction is imposed.

Procedures for Immediate Suspension

Where an immediate suspension is being considered, a preliminary investigation should be conducted to establish the case for the imposition of the suspension. A further formal investigation can occur if further information becomes available.

In the case of immediate suspension, parents must be notified and arrangements made with them for the student to be collected or for the student to be allowed to make their own way home. (This will be decided on a case by case basis at the discretion of the Principal). A copy of the letter of suspension will be posted and/or given to the student to pass on to parents.

Parents and students should be given an opportunity to respond and it is normal practice to ask a parent to make an appointment to meet the Year Head prior to, or soon after the student returns to school. This serves to underline the gravity of the situation and to address possible ways to support the student in changing their inappropriate behaviour.

Period of Suspension

A student should not be suspended for more than three school days except in exceptional circumstances where the Principal considers that a period of suspension longer than three days is needed. The Principal will consult with the Board of Management concerning the kinds of circumstances under which suspensions of longer than three days might be approved and a suspension of up to five days can be applied by the Principal with the prior approval of the Chairperson of the Board in this case.

Suspensions that bring the number of days for which a student has been suspended in the current school year to twenty days or more must be reported to the National Education Welfare Board/Tusla and are subject to appeal under Section 29 of the Education Act 1998.

Appeals

A parent/guardian will be informed in writing of their right to appeal the suspension in the first instance in writing to the Principal. This appeal should be lodged within 20 days of the receipt of the letter of suspension.

Where an appellant is unsuccessful in their appeal to the Principal, and wishes to appeal further, the Board of Management offers an opportunity to parents/guardians/students (over 18) to appeal a decision to suspend a student.

This appeal can be made in writing to the Secretary of the Board of Management at the school address, clearly stating the grounds for the appeal and supplying any relevant documentation. The appeal will usually be included on the agenda of the next scheduled Board meeting provided it is received in time to allow for the necessary administration to be completed.

Suspensions that bring the number of days for which a student has been suspended in the current school year to twenty days may be appealed to the Department of Education under Section 29 of the Education Act 1998.

An appeal will not prevent the issuing or implementation of a suspension by the school but will cause the record of suspension to be removed from the student's records if the appeal is upheld.

Implementing the suspension

The Principal (or delegated authority) should notify the parent/guardian and the student in writing of the decision to suspend. The letter should confirm:

- the period of suspension and the dates on which the suspension will begin and end;
- the reasons for 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. This may include:
 - reaffirming their commitment to the code of behaviour
 - referral to a guidance counsellor or other support staff
 - putting the student on a Report Form (a sheet which supports the student by asking each teacher to record the student's work and behaviour in each class. This sheet is collected from the Year Head each morning and returned at the end of each school day.)
 - community service (where the student engages in some work to support the school community and to make reparation for the misbehaviour)
- whether or not it is required for the parent/guardian to meet with the Year Head or other member of staff
- the provision for an appeal to the Principal or Board of Management
- the right to appeal to the Secretary General of the Department of Education (Education Act 1998, section 29), if appropriate (see appeals section).

The letter should be clear and easy to understand. In certain circumstances aspects of this letter may be replaced or repeated by verbal communication.

Removal of a suspension

A suspension may be removed from a student's record if the Principal or Board of Management decides to remove the suspension for any reason or where relevant if the Secretary General of the Department of Education directs that it be removed following a Section 29 Appeal.

After the suspension ends

Written records of all suspensions should be kept including relevant notes regarding the investigation and the decision-making process. A copy of the suspension letter should be copied and given to the Principal and a copy of the suspension letter should be stored in the student's file. The Principal should be consulted on all suspensions.

The Principal should report all suspensions to the Board of Management as part of the Principal's Report.

The Principal is responsible for the reporting of suspensions in accordance with the NEWB/Tusla reporting guidelines (Education (Welfare) Act 2000).

Upon return of a student from suspension, the standard applied to judge any future behaviour of the student in question should be the same as the standard applied to any other student.

Review of Suspension Policy and Procedures

The Board of Management should review the use of suspension in the school at regular intervals to ensure that its use is consistent with school policies, that patterns of use are examined to identify factors that may be influencing behaviour in the school and to ensure that use of suspension is appropriate and effective.

Last updated 8 May 2023

Other related policies

This policy should be read in conjunction with our:

- Code of Behaviour;
- School Rules;
- Anti-Bullying Policy;
- Substance Misuse Policy;
- Pastoral Care Policy;
- Special Educational Needs Policy;
- Expulsion policy;
- Child Protection policy;
- Extra-curricular policy;
- Inclusion policy;

and any other relevant policies.

Last updated 8 May 2023

Expulsion Policy for Lucan Community College

Expulsion is when a Board of Management makes a decision to permanently exclude a student from the school. This policy outlines the procedures for an expulsion in accordance with the provisions of Section 24 of the Education (Welfare) Act 2000.

Authority to Expel

The authority to expel rests with the Board of Management of Lucan Community College having been devolved (under section 31 of the Vocational Education (Amendment) Act 2001) by Dublin and Dun Laoghaire Education and Training Board to our Board.

Grounds for Expulsion

As with all sanctions, expulsion should be a proportionate response to the student's behaviour. Prior to expulsion the school will have taken the following steps to avoid expulsion including, as appropriate:

- Meeting with parents 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 continues;
- Referral of student to support services, both within school and outside school (if appropriate);
- Use of other sanctions as listed in the sanctions section of the policy.

Expulsion as a sanction requires serious grounds such as

- The student's behaviour is a persistent cause of significant disruption to the learning of others or to the teaching process;
- 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 within the vicinity of the school, during the school day or on school activities.
- The school authorities believe that they have exhausted all possibilities for changing the student's behaviour.

The following behaviours may automatically incur expulsion as a sanction as approved by the Board of Management, including for a first offence:

- Serious breach of the Substance Misuse Policy (e.g. having or selling drugs on school property or on a school trip or event)
- A serious breach or repeated breaches of the Code of Behaviour (e.g. seriously challenging the authority of a teacher, ongoing disruption of the education of others)
- Threatened or actual sexual assault, threatened or actual physical assault against a student or staff member
- Ongoing serious bullying behaviour (e.g. serious physical or mental bullying of a student or member of staff, cyber bullying of a student or staff member with refusal to remove offending material)
- Stealing on school grounds or during a school activity.

In each case, due process and fair procedures must be followed.

Appropriateness of expulsion as a sanction

The Board of Management shall consider the following factors when deciding whether to expel a student:

- Nature and seriousness of the behaviour

Last updated 8 May 2023

- Context of the behaviour
- Impact of the behaviour
- Interventions tried to date
- Whether expulsion is a proportionate response
- The possible impact of expulsion

Expulsion should not be proposed for:

- Poor academic performance
- Poor attendance or lateness
- Minor breaches of the code of behaviour

unless these matters are coupled with behaviour that is persistently disruptive to learning or is dangerous.

Procedures for expulsion

When an initial assessment of facts confirms serious misbehaviour that could warrant expulsion, the following steps will be carried out:

1. A detailed investigation will be carried out under the direction of the Principal (or delegated agent).
 - a. The Principal will inform the student and their parents in writing about the details of the alleged misbehaviour, how it will be investigated and that it could result in expulsion
 - b. The Principal will give parents and the student every opportunity to respond to the complaint of serious misbehaviour before a decision is made and before a sanction is imposed.
 - c. If a student and their parents fail to attend a meeting, the Principal will write to advise the gravity of the matter, to stress the importance of attending a re-scheduled meeting and the need for school authorities to make a decision even in the absence of parental contact.
2. A recommendation will be made to the Board of Management by the Principal (or delegated agent).
 - a. The Principal will inform the parents and student that the Board is being asked to consider expulsion as a sanction.
 - b. The Principal shall provide records to the parents and the Board of the allegations against the student, the investigation and written notice of the grounds on which the Board is being asked to consider expulsion.
 - c. The Principal will notify the parents of the date of the hearing by the Board, invite them to attend, inform them that they can be accompanied if they wish, ensure that they have sufficient notice to prepare for the hearing, and inform them that they can make a written and oral submission to the Board.
3. The Board shall consider the Principal's recommendation. The Board shall hold a hearing.
 - a. The Board shall review the initial investigation and satisfy itself that the investigation was conducted in line with fair procedures. It shall review all documentation and shall ensure that no party who has had any involvement with the circumstance of the case is part of the Board's deliberations.
 - b. At the hearing the Principal and the parents (or a student who is aged eighteen or over) will put their case to the Board in each other's presence.
 - c. Each party will be allowed to question the evidence of other party directly.
 - d. It is the role of the Board to be impartial in this hearing.
 - e. Neither Principal nor parents/student shall be present for the Board's deliberations.
4. The Board shall deliberate and propose action following the hearing
 - a. Where the Board propose the expulsion of the student, the Board must notify the Educational Welfare Officer in writing of its opinion and the reasons for this opinion

Last updated 8 May 2023

following the NEWB/Tusla's reporting procedures for proposed expulsions. The student cannot be expelled before the passage of twenty school days from the date on which the EWO receives this written notification.

- b. The Board will inform the parents in writing about its conclusions, about the next steps in the process and that the EWO will now be informed.
5. Consultation shall be arranged with the Educational Welfare Officer
- a. Within twenty days of receipt of a notification from the Board of its opinion that a student should be expelled, the EWO must make all reasonable efforts to hold individual consultation with the Principal, the parents and the student and anyone else who may be of assistance and convene a meeting of those who wish to attend.
 - b. The consultation and meeting is to ensure that arrangements are made for the future education of the student.
 - c. Pending these consultations, the Board may take steps to ensure that good order is maintained and that the safety of students and staff is secured. A Board may consider it appropriate to suspend a student during this time or whether the student can be facilitated to attend school during this time. Specific procedures will accompany a decision to allow a student to attend school during this period and the student will report directly to the Principal for this period.
6. Confirmation of the decision to expel shall be communicated.
- a. Where the twenty day period following notification of the EWO has elapsed and where the Board remains of the view that the student should be expelled, the Board (or its delegates – Chairperson and Principal) should formally confirm the decision to expel.
 - b. Parents will be informed in writing and advised of the right to appeal this decision.
 - c. A formal record will be kept of the decision to expel a student.

The Board of Management shall decide the number of meetings needed to accomplish these tasks ensuring that parents have due notice and a fair and reasonable time to prepare for a Board hearing.

Appeal

A parent, or student over eighteen years, may appeal a decision to expel to the Secretary General of the Department of Education. Details of the appeals process is available from the Department.

Review of Expulsion Policy and Procedures

The Board of Management should 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 use of expulsion is appropriate and effective.

Other related policies

This policy should be read in conjunction with our:

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- Substance Misuse Policy;
- Pastoral Care Policy;
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- Inclusion policy;

and any other relevant policies.