



# **Code of Behaviour**

**2023**

**Liosmór Mochuda National School**

*This Code of Behaviour has been drafted Under Section 23 of the Education (Welfare) Act 2000, which states that the Board of Management of each school must prepare and make available a Code of Behaviour in respect of its pupils. The code was extensively re-drafted after thorough consultation with the staff, Parents Council and Board of Management May/June 2021.*

*The Act requires that the school Code of Behaviour be prepared in accordance with Guidelines issued by the National Educational Welfare Board / TÚSLA. TÚSLA must also advise schools on matters relating to the conduct of pupils and must “promote and foster, in recognised schools, an environment that encourages children to attend school and participate fully in the life of the school.” Education (Welfare) Act, 2000 Section 10.*

*( Referenced material includes ‘Developing a Code of Behaviour: Guidelines for Schools’ NEWB 2008; ‘Managing Challenging Behaviour: Guidelines for School’ INTO 2004)*

## **Preamble**

### ***Pupils’ Rights***

All pupils have the right to expect to be treated fairly, consistently and with respect. They should be able to learn and to be educated in a relatively disruption-free environment, safe from bullying and abuse. Pupils should have the expectation that their individual differences will be recognised and acknowledged, and provision made for them.

Pupils have the right to be listened to, and to question, at appropriate times. As learners, they should be allowed to make mistakes and to learn from them. They should have confidence that their positive behaviour will be affirmed and that misbehaviour will be dealt with appropriately. (‘Towards Positive Behaviour in Primary Schools’ INTO 2004)

### ***Parents***

The code of behaviour will:

- give parents insight into what teachers need in order to be able to teach effectively
- equip parents to reinforce at home the messages about learning and behaviour that are conducive to a happy school

- help parents to have a strong sense of pride in the school and ownership of its work
- help to ensure that parents give consistent messages to students about how to treat others.
- Provide children with the necessary life skills of self reflection, emotional regulation and respect for themselves and others which will prepare them for future success.

*(‘Developing a Code of Behaviour: Guidelines for Schools’ NEWB 2008)*

### ***Teachers’ & SNAs’ Rights***

Teachers and SNAs, like all workers, have the right to be treated with respect and dignity. They should be able to work in a safe, well-mannered, physical environment, relatively free from disruption. They have the right to the support and co-operation of teaching colleagues, other school staff and parents in order to achieve the school’s aims and objectives. (‘Towards Positive Behaviour in Primary Schools’ INTO 2002)

### ***Principles***

The school recognises and celebrates the variety of differences that exist between children and its duty to cater for these differences as facilities and expertise allow. It is agreed that a high standard of behaviour requires a strong sense of community within the school and a high level of co-operation among staff and between staff, parents and pupils. Every effort will be made to ensure that the code of behaviour is implemented in a reasonable, fair and consistent manner.

### ***The aims of the Code of Behaviour of our school are:***

- To develop pupils’ self-esteem and to promote positive behaviour.
- To foster the development of a sense of responsibility and self-discipline in pupils based on respect, consideration and tolerance of others.
- To facilitate the education and development of every child.
- To foster caring attitudes to one another and to the environment.

- To enable teachers to teach without disruption.
- To provide guidance for pupils, teachers and parents on behavioural expectations.
- To provide for the effective and safe operation of the school.

## **School Rules**

School rules are kept to a minimum and are devised with regard for the health, safety and welfare of all members of the school community. If a school is to function efficiently, it is necessary that rules and regulations are clearly stated and enforced consistently and fairly

### ***School Rules and General Guidelines for Positive Behaviour***

1. Pupils are expected to treat all adults and fellow pupils with respect and courtesy at all times. Behaviour that interferes with the rights of others to learn and to feel safe is unacceptable.
2. Pupils are expected to show respect for all school property and to keep the school environment clean and litter free.
3. Pupils are expected to dress appropriately, to have all their school books and required materials and to be on time for school.
4. Pupils are expected to follow a teacher's instructions, to work to the best of their ability and to present assignments neatly (*Teacher should only ask once*)
5. Pupils are expected to attend every day unless there is a genuine reason for absence, in which case the school must be informed in writing, stating the reason for absence. This is in accordance with the school attendance policy (a return has to be made to the Education Welfare Officer if 20 or more days are missed).
6. Pupils who have to leave school early must be accompanied by a responsible adult (or oral consent over the phone if the child normally walks home from school).
7. Enrolment of a child in the school and acceptance of a place in the school by parents implies an agreement to abide by the school rules and an acceptance of the school's policies and practice. It

is the responsibility of the school to publish current policies on the school website and to have hard copies available for inspection at the school.

8. Pupils are also expected to refrain from all forms of bullying behaviour

*(See also the school's Anti-Bullying Policy)*

*School Rules in child appropriate language to be displayed for the children:*

*We are gentle.*

*We are kind and helpful.*

*We listen.*

*We are honest.*

*We work hard.*

*We look after property.*

### *Golden Rules Song*

"Always be helpful and always be kind, always be gentle and you will find, if you are helpful and you are kind, your goodness shines back on you. Tell the truth always never tell lies, lies roll like monsters right up to the skies. If you keep all of the golden rules in your heart like sparking jewels they'll shine on everything you do and your goodness shines back on you."

### ***Teachers' Responsibilities***

- Support and implement the school's code of behaviour.
- Designate weekly time slot to teach the program "**STOP THINK DO**" (Social skills training)
- Be courteous, consistent and fair.
- Promote positive behaviour.
- Re-inforce classroom rules and yard rules
- Deal appropriately with misbehaviour.

- Keep a record of instances of serious misbehaviour or repeated instances of gross breaches of discipline. *See Appendix A*
- Provide support for colleagues.
- Communicate with parents when necessary and provide reports on matters of mutual concern. *See Appendix B*

### ***Principal's Responsibilities***

- Promote a positive climate in the school.
- Ensure that the Code of Behaviour is implemented in a fair and consistent manner
- Arrange for review of the Code periodically, as required.

### ***Board of Management's Responsibilities***

- Provide a comfortable, safe environment.
- Support the Principal and staff in implementing the code.
- Ratify the code and see that it is reviewed at least once in the Board's term of office (four years).

### ***Before/After School***

Parents are reminded that the staff of the school does not accept responsibility for pupils inside the school railings before official opening time of 9.20 a.m.(9.00 am for children who come to school on the bus) or after the official closing time of 3.00 pm except where pupils are engaged in an extra-curricular activity organised by the school and approved by the Board of Management. Pupils involved in such activities are expected to behave in accordance with the school behaviour policy while engaged in such activities.

### **Implementation of the Code of Behaviour**

Every member of the school community has a role to play in the implementation of the Code of Behaviour. Rules will be kept to a minimum and emphasise positive behaviour. They will be applied in a fair and consistent manner, with due regard to the age of the pupils and to individual difference. Good behaviour will be encouraged and rewarded. Where difficulties arise, parents will be contacted at an early stage.

### ***Affirming Positive Behaviour***

Positive reinforcement of good behaviour leads to better self-discipline and we place a greater emphasis on rewards and incentives than on sanctions.

### ***General Strategies and Incentives when dealing with pupils include***

- An encouraging word or gesture to show approval.
- A positive comment on a child's exercise book.
- A visit to another class or Principal for commendation.
- Praise in front of class group.
- Individual class merit awards, points' awards or award stamps, at the discretion of the class teacher.
- Delegating some special responsibility or privilege.
- Written or verbal communication with parent.
- Award of certificate or prize at assembly
- Whole class golden time or initiatives that will also benefit their mental health.

### **Procedures**

Where there has been a breach of discipline, the degree of severity will be assessed by the teacher in the first instance and will be dealt with at class level. When appropriate, the Principal or Deputy Principal will be informed and will assist in dealing with the incident. The assessment of the seriousness of the misdemeanour i.e. minor, serious or gross, will be judged by the teachers and/or Principal or Deputy Principal based on a common-sense approach with regard to the gravity/frequency of such misdemeanours, the circumstances of the incident and the context.

### ***Examples of minor breaches of disciplines: ( See Appendix A , page 2)***

The following breaches are categorised into either Parental Responsibility or pupil responsibility. Pupil responsibility breaches warrants different actions depending on what the behaviour is;

### **Parental Responsibility**

Inform parent in appropriate way on case by case basis eg text, chat, phone call

- Arriving late for school regularly;
- Not completing homework without good reason regularly

## **Pupil Responsibility**

Oral reminder x 1 “Teacher only asks once/ Choose the correct behaviour-choice)

Persistent misbehaviour: Reflection Sheet

- Disrespectful (teacher’s judgement)
- Telling lies (double the reflective walk-two breaks)
- Fighting
- Refusing to carry out a specific instruction given by a teacher;
- Refusing to do assigned schoolwork;
- Misbehaviour in yard generally deemed to be a minor breach of discipline and encompasses any action that upsets another pupil or puts the safety of self/other pupil or staff member at risk.

***Procedures and actions that can be carried out by teachers when dealing with minor breaches of discipline:***

### ***Step by step procedure***

- 1) Verbal reprimand and reasoning with pupil;
- 2) ***Teacher- Child in the form of a reflection sheet*** . Temporary reflection time (Walk with teacher on yard)
- 3) ***Teacher- Parents/Guardians (teacher will contact parent/ guardian addressing behaviour of concern following a second reflection sheet. Individual behaviour plan/chart or interventions can be devised at this stage depending on the needs of the student)***. Where appropriate, a copy of the ‘Reminder Letter to Parents regarding the school Code of Behaviour’ will be sent home. *(See Appendix B)*
- 4) ***Teacher- child (where appropriate)- parents/guardians - principal and deputy principal (teacher will address the behaviours of concern with principal or deputy where appropriate. This may happen if various interventions and behaviour plan or chart are not successful. Breaches of the code of discipline here will be recorded on databiz under the relevant section (ie SEN, minor breaches, bullying). Temporary separation from peers (work in another class) could be considered here, depending on the situation.***
- 5) ***Teacher- parent/guardian- principal- Chairperson of the BOM. This can be where further interventions, charts or conferencing efforts have been exhausted. Board of management acts as an external party to the situation to ensure fairness. A behaviour***



***promise contract may be made at this point where the pupil promises to reform their behaviour. Behaviour up to this point can be considered as a mistake, however any mistake from there on after will result in a serious penalty which may result in a more serious sanction e.g suspension.***

## Behaviours of Concern

Behaviours of concern require interventions such as restorative practice, lessons on social skills and regular reminder of rules.

Looking at Our Schools states that schools are expected to ***‘foster a commitment to inclusion, (and) equality of opportunity ... establish an orderly, secure and healthy learning environment... and manage challenging and complex situations in a manner that demonstrates equality, fairness and justice’***. To this end, schools must try everything possible to provide a safe and suitable learning environment for children and staff, including having a code of behaviour that takes account of individual needs.

The Department has set out the Continuum of Support framework to assist schools in identifying and responding to students’ needs. This framework recognises that special educational needs occur along a continuum, ranging from mild to severe, transient to long term and students require different levels of support depending on their identified educational needs. Using this framework helps to ensure that interventions are incremental, moving from class-based interventions to more intensive and individualised support and informed by careful monitoring of progress.

An Individual Behaviour Plan for a particular child would outline clearly:

- the difficulties the child has in relation to teaching and learning in the school.
- the triggers and behaviours of concern the child exhibits in the school environment and clearly states the school’s concerns about each behaviour.
- the Behaviour Plan to address the behaviours of concern, specifically
  - o Which behaviours are to be addressed and in what order
  - o What indicators for success will apply to each behaviour
- a record of the child’s progress, or lack of progress, in relation to the Behaviour Plan
- a record of home / school communication in relation to the Behaviour Plan.

***Examples of serious breaches of discipline (See Appendix A, page 2)***

- Repeated minor breaches of discipline *may* be considered to be a serious breach of discipline. (6)
- Bullying (*see Anti-Bullying Policy on school website and note below*)
- Regularly being disruptive in class
- Stealing or damaging another pupil's property
- Leaving the school premises during school day without permission of the Teacher, Deputy Principal or Principal;
- Endangering self or fellow pupils in the school environs
- Using inappropriate language which is offensive
- Bringing weapons, drugs or alcohol to school
- Any action that is physically or verbally injurious to another member of the school community including the dissemination of any material that could be offensive to a member of the school community.

***Bullying***

*(See Anti-Bullying Policy for detailed description)*

Bullying is repeated verbal, psychological or physical aggression by an individual or group against others. The most common forms of bullying are aggressive physical contact, name-calling, cyber-bullying, intimidation, extortion, isolation and taunting. Bullying will not be tolerated in the school and parents will be expected to co-operate with the school at all times in dealing with instances of bullying in accordance with the school's Anti-Bullying Policy. Reports of bullying will be investigated thoroughly, and parents will be informed and consulted with at the earliest opportunity. Parents will be expected to assist in investigations and to work with the school towards a solution in cases of suspected or proven bullying. The degree and nature of the bullying will be assessed and acted upon in line with the procedures outlined above.

***Procedures to be followed when dealing with serious breaches of discipline:***

1. The incident will be record on Databiz by the pupil's teacher or supervising teacher.
2. Pupil is to be sent to Deputy Principal or Principal for investigation and the parents will be invited to attend the interview.
3. In cases where the parents cannot attend, the Principal communicates by telephone or in writing with the parents alerting them of the offence. The parents may be asked to commit in writing that they will do all they can to encourage the child not to indulge in similar misbehaviour in the future.
4. The child will be expected to apologise to the class teacher and any other member of the school community who has been offended by the pupil's actions.
5. The child will be asked to commit to not engage in any similar behaviour in the future that may cause offence or injury to another member of the school community.
6. In cases of bullying, the pupil will be asked to apologise to the 'victim' and to refrain from the activity that has caused upset. The pupil may be asked to sign a 'Pupil's Behaviour Promise' which acts in the spirit of a contract. A breach of the promise will be seen as a serious offence.
7. In cases where the behaviour is deemed to be of a more serious nature, the school may impose a sanction of 'Separation from Peers'. Here the child will be placed in the care of another teacher in the same stream and will attend class as normal in a classroom other than his own. Parents will be notified of the imposition of such sanction. *In general, pupils will not be deprived of engagement in a Curricular Area, except on the grounds of health and safety to pupils and staff.*
8. Where the child's presence in another class other than his own is thought not to be appropriate, the pupil may be placed in the care and under the supervision of the Deputy Principal or Principal and assigned appropriate work by the class teacher to be completed over the course of the school day. The maximum period of such 'Separation from Peers' will be two days. This consequence is reserved for occasions where the child's presence in class is detrimental to the education or well-being of others.
9. Where serious breaches of behaviour have occurred and continue to occur, the school may devise an 'Individual Behaviour Plan' (See Appendix D) that includes steps to be adhered to in order to prevent the re-occurrence of the misdemeanours.
10. The Principal will report to the Board at each Board meeting any serious breaches of discipline that have occurred since the last meeting. The identity of the children involved will be protected as far as possible.

11. Where necessary, the Chairperson of Board of Management will be informed of the incident and parents will be requested to meet with the Chairperson and Principal to discuss the behaviour and how to ensure good behaviour in the future.

***Gross Breaches of Discipline*** (See Appendix A, page 2)

- Repeated occurrence of serious breaches of discipline will be considered to be gross breaches of discipline;
- Wilfully causing serious damage to school property or buildings;
- Aggressive, threatening or violent behaviour towards a teacher/pupil or any member of the school community.
- Any behaviour that is a persistent cause of significant disruption to the learning of others or to the teaching process.

*(It should be noted that these lists consist of examples only. Other actions not listed above may be classed as gross misdemeanours.)*

***Procedures to be followed when dealing with gross breaches of discipline:***

All incidents of gross breaches of discipline will be thoroughly investigated using the investigative procedures listed on page 4 above, and may lead to suspension or expulsion. If so, see ‘Procedures in Respect of Suspension’ and ‘Procedures in Respect of Expulsion’ below.

**Suspension & Expulsion**

***Preamble***

The Education Welfare Act accepts the right of the Board to take reasonable measures to “ensure the good order and discipline are maintained in the school and that the safety of pupils (and staff) is secured.” **The Board of Management’s duty of care** extends to all pupils and staff and includes providing a safe environment for all staff and pupils.

In the case of gross misbehaviour, the Board has authorised the Principal or Chairperson to sanction an immediate suspension pending a discussion of the matter with the parent(s) or guardian(s). The sanction of Suspension or Expulsion will be applied in accordance with the Rules for National Schools and the Education Welfare Act 2000.

In accordance with the revised practice of Boards of Management, the Principal will report any and all serious and gross breaches of discipline to the school Board of Management at scheduled Board meetings.

Where a pupil has been suspended and has re-offended, the Board reserves the right to expel the pupil from the school. Expulsion will be considered in an extreme case in accordance with legislation, due process and fairness procedures.

The procedures for imposing Suspension and Expulsion as outlined in full in the publication 'Developing a Code of Behaviour: Guidelines for School' NEWB 2008 will be adhered to. What follows serves as a summary.

### ***Fair Procedures***

Schools are required by law to follow fair procedures when proposing to suspend or expel a pupil. *Fair procedures have two essential parts: The right to be heard, and 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 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-making process;*
- *The right to impartiality in the investigation and the decision making.*

*Applying Fair Procedures in the School:*

In 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 whether the pupil did engage in the misbehaviour and in what sanction to impose.

The principle of impartiality in decision making means that 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 whether the child did engage in the behaviour and about the sanction, based on the report of the investigation. It is incumbent on the Principal to ensure that the investigation has been fully and fairly conducted.

In circumstances of particular difficulty, school authorities may need to seek legal advice to support their decision making. *(NEWB Guidelines Page 66, 67)*

***Suspension is defined as requiring the pupil to absent himself/herself from the school for a specified, limited period of school days.*** Exclusion of a pupil for part of the school day, as a sanction, or asking parents to keep a child from school, as a sanction, is a suspension. Any exclusion imposed by the school is a suspension and will follow the NEWB Guidelines relating to suspension listed on page 74.

Suspension as part of a behaviour management plan should

- Enable the school to set behavioural goals with the pupil and their parents;
- Give school staff an opportunity to plan interventions;
- Impress on a pupil and their parents the seriousness of the behaviour.

Where Suspension is imposed, it is to be proportionate to the behaviour that is causing concern. The decision to suspend a pupil requires serious grounds such as that:

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

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

Factors to be considered before suspending a pupil:

- The nature and seriousness of the behaviour;
- The context of the behaviour;
- The impact of the behaviour;
- The interventions tried to date;
- Whether suspension is a proportionate response;
- The possible impact of suspension.

## ***Forms of Suspension***

*Immediate Suspension:* In exceptional circumstances, the Principal may consider an immediate suspension to be necessary where the continued presence of the pupil in the school at the time would represent a serious threat to the safety of pupils or staff of the school, or any other person. Fair procedures as outlined above must be applied. (NEWB Guidelines for Schools p 73)

### *Automatic Suspension:*

A Board of management may decide, as part of the school's policy on sanctions, and following the consultation process with the Principal, parents, teachers and pupils, that particular behaviours incur suspension as a sanction. (NEWB Guidelines for Schools p 73)

The following breaches of discipline will merit an automatic suspension:

- Bullying, where repeated offending has occurred, and a programme of interventions has failed to arrest the behaviour;
- Leaving the school premises during school day without the permission of the Teacher, Deputy Principal or Principal;
- Endangering self or fellow pupils in the school environs;
- Bringing weapons, drugs or alcohol to school;
- Any action that is physically or verbally injurious to another member of the school community including the dissemination of any explicit or defamatory material that could be grossly offensive to a member of the school community.

## ***Procedures in Respect of Suspension***

- A preliminary investigation should be conducted to establish the case for the imposition of the suspension.
- The formal investigation into the circumstances that led to the suspension, should immediately follow the imposition of the suspension.
- Inform the pupil and parents about the complaint;
- Give the parents and the pupil a chance to respond.



The school may inform the parents by telephone or in writing depending on the circumstances in question and the parents will be given an opportunity to respond before the decision is made and before any sanction is imposed. Fair procedures as listed above will be followed.

### ***Implementing the Suspension***

The Principal will notify the parents in writing of the intention to suspend. The letter should confirm:

1. The duration of the suspension and the dates on which the suspension will begin and end;
2. The reasons for suspension;
3. Any programme of school-work that should be followed;
4. The arrangements for returning to school including any commitments that should be entered into by the pupil and the parents;
5. The provision for an appeal to the Board;
6. The right to appeal the decision to the Secretary General of the DES.

### ***Procedures In Respect Of Immediate Suspension***

Where the decision has been taken and the sanction of immediate suspension has been imposed for the safety of the pupil or for the well-being of other members of the school community, the parents may respond to the sanction. The imposition of the sanction will remain in place. The duration of the suspension will be decided by the Principal and will be proportionate to the alleged offence committed.

- A preliminary investigation will be conducted to establish the case for the imposition of the suspension.
- The formal investigation into the circumstances that led to the suspension, should immediately follow the imposition of the suspension.
- Parents will be notified, and arrangements will be made for the pupil to be collected as the school must have regard to its duty of care for the pupil. (*NEWB Guidelines for Schools p 75*)
- Once the imposition of the suspension has taken place, steps 1-6 above will be followed.

### ***The Period of Suspension***

Rule 130- Rules for National Schools (5) *Where the Board of management deems it necessary to make provision in the code of discipline to deal with continuously disruptive pupils, or with a serious breach of discipline, by authorising the chairperson or principal to exclude a pupil from school, the maximum initial period of such exclusion shall be three school days. A special decision of the BoM is necessary to authorise a further period up to 10 school days to allow for consultation with the child's parent(s) or guardians(s).* (Managing Challenging Behaviour appendix 1)

If a period of suspension longer than three days is proposed by the Principal, the matter will be referred to the Board for consideration and approval, given the circumstances and the expected outcomes. However, the Board of Management has further authorised the Principal, with the approval of the Chairperson, 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. (*NEWB Guidelines for Schools p 75*) The Board places a ceiling of ten days on any one period of suspension imposed by it. (*Rules for National Schools 130 (5)*)

The Board will formally review any proposal to suspend a pupil, where the suspension would bring the number of days for which the pupil has been suspended in the current school year to 20 days or more. Any such suspension is subject to appeal under section 29 of the Education Act 1998. (*NEWB Guidelines for Schools p 76*).

Before serious sanctions such as suspension or expulsion are used, the procedures outlined above will have been followed. The normal channels of communication between school and parents will be utilised. Communication with parents may be verbal or by letter depending on the circumstances.

### ***Repeated Offence***

Where there are repeated instances of serious or gross misbehaviour, the Chairperson of the Board of Management will be informed, and the parents will be requested in

writing to attend at the school to meet the Chairperson and the Principal. Prior to suspension, where possible, the Principal may review the case in consultation with teachers and other members of the school community involved, with due regard to records of previous misbehaviours, their pattern and context, sanctions and other interventions used and their outcomes and any relevant medical information.

### ***Notification of the Education Welfare Officer***

The Education Welfare Act (2000) obliges the school to notify in writing the Education Welfare Board (Túsla and Education Welfare Officer) of instances where pupils have been suspended for 6 days or more (cumulatively) and proscribes schools from expelling pupils until 20 days have elapsed following the notification to the Education Welfare Board (Túsla) via the EWO. *(The EWO may be notified by way of the returns sent to Túsla at the end of each term.)*

### ***Appeals***

The Board of Management will offer the opportunity to appeal the decision to suspend a pupil. Where the total number of days for which the pupil is suspended reaches twenty days in the current school year, the parents 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 the parents are being formally notified of such a suspension, they should be told about their right to appeal to the Secretary General of the Department of Education and Science and should be given information about how to appeal. See Circular letter M48/01 Appeal Procedures Under Section 29 of the Education Act, 1998 at the Department of Education and Science website at [www.education.ie](http://www.education.ie) for full details.

### ***Removal of Suspension (Reinstatement)***

Following or during a period of suspension, the parents/guardians may apply to have the pupil reinstated to the school. They must give a satisfactory undertaking that a suspended pupil will behave in accordance with the school Code of Behaviour and the Principal must be satisfied that the pupil's reinstatement will not constitute a risk to the pupil's own safety or that of the other pupils or staff. The Principal will facilitate the preparation of a behaviour plan for the pupil if required and will re-admit the pupil formally to the class.

## **Expulsion**

Expulsion may be considered in an extreme case, in accordance with the Rules for National Schools and the Education Welfare Act 2000. Before expelling a pupil, the Board shall notify the local Education Welfare Officer in writing in accordance with Section 24 of the Education Welfare Act. *Rule 130 Rules for National Schools.*

A pupil is expelled from a school when a 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.

In line with the Education (Welfare) Act, the school reserves the right to impose a suspension or expulsion on a pupil from school activities where:

- **The pupil's behaviour is a persistent cause of significant disruption to the learning of others or to the teaching process;**
- **The pupil's continued presence constitutes a real and significant threat to safety;**
- **The pupil is responsible for serious damage to property.**

Where expulsion is considered, the school authorities will generally have tried a series of other interventions and believe that they have exhausted all possibilities for changing the pupil's behaviour. These will include:

- Meeting with parents and the pupil to try to find ways of helping the pupil to change their behaviour;
- Ensuring that the pupil understands the possible consequences of their behaviour should they persist;
- Ensure that other possibilities have been tried;
- Seeking the assistance of support agencies such as NEPS, CAMHS, NCSE and the National Behaviour Support Service.

### ***Expulsion for a First Offence***

The Board notes that the NEWB (TUSLA) lists the following for possible inclusion in a list of single breaches of discipline that may lead to expulsion:

- A serious threat of violence against another pupil or member of staff;
- Actual violence or physical assault;
- Supplying illegal drugs to other pupils in the school;
- Sexual assault.

### ***Factors to be Considered Before Proposing to Expel a Pupil***

(Listed NEWB (TUSLA) Guidelines for Schools p 82 under the following headings)

1. The nature and seriousness of the behaviour
2. The context of the behaviour
3. The impact of the behaviour
4. The interventions to date
5. Whether expulsion is a proportional response
6. The possible impact of expulsion

### ***Procedures in Respect of Expulsion***

*(as listed by the (NEWB Guidelines for Schools chapter 12 and summarised here.)*

#### ***Step 1: A detailed investigation is carried out under the direction of the Principal.***

The Principal will:

- Inform the parents and the pupil in writing about the details of the alleged misbehaviour, how it will be investigated and that it could result in expulsion.
- Give parents and the pupil every opportunity to respond to the complaint of serious misbehaviour before a decision is made and before a sanction is imposed.
- Where expulsion may result from an investigation, the parents will be afforded the opportunity to respond to the complaint of serious misbehaviour before a decision is made about the veracity of the allegation.

## ***Step 2: A recommendation to the Board is made by the Principal***

The Principal will:

- Inform the parents that the Board of Management is being asked to consider expulsion.
- Ensure that the parents have records of the allegations made against the pupil, the investigation itself and written notice of the grounds on which the Board is being asked to consider expulsion.
- Provide the Board with a copy of the same records as are given to the parents
- Notify the parents of the date of the hearing and invite them to the hearing
- Advise the parents that they can make a written and oral submission to the Board of Management
- Ensure that the parents have enough notice to allow them time to prepare for the hearing.

## ***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 procedures.
- The Board should undertake its own review of all documentation and the circumstances of the case.
- Where the Board decides to consider expelling a pupil, it must hold a hearing.
- At the hearing, the Principal and the parents put their case to the Board in each other's presence. Each party should be allowed to question the evidence of the other party directly.
- In the conduct of the hearing, the Board must take care to ensure that they are and are seen to be impartial as between the Principal and the pupil. Parents may wish to be accompanied at hearings and the Board should facilitate this in line with good practice and Board procedures.

## ***Step 4: Board deliberations and actions following the meeting***

- Having heard from all of the parties, the Board must decide whether or not the allegation is substantiated and, if so, whether or not expulsion is the appropriate sanction.
- Where the opinion of the Board is that the pupil should be expelled, the Board must notify the Education Welfare Officer in writing of its opinion and the reasons for this opinion. (Education (Welfare) Act 2000, s24(1)).

- The pupil cannot be expelled before the passage of 20 school days from the date on which the EWO receives this written notification. (Education (Welfare) Act 2000, s24(1)).
- The Board should inform the parents in writing about its conclusions and the next steps in the process. Where expulsion is proposed, the parents should be told that the Board will now inform the Education Welfare Officer (EWO).

### ***Step 5: Consultations arranged by the EWO***

Within 20 days of receipt of the notification from the Board of Management of its opinion that a pupil should be expelled, the EWO must:

- Make all reasonable efforts to hold individual consultations with the Principal, the parents and the pupil and anyone else who may be of assistance.
- Convene a meeting of those parties who agree to attend. (Education (Welfare) Act 2000, section 24).
- In the interests of the educational welfare of the child, those who come together should with the EWO, plan for the pupil's future education.
- Pending these consultations, the Board may take steps to ensure that good order is maintained and that the safety of pupils is secured (Education (Welfare) Act 2000, s24(5)).
- The Board may consider it appropriate to suspend a pupil during this time. The suspension should only be considered if the presence of the pupil during this time will seriously disrupt the learning of others or represent a threat to the safety of other pupils or staff.

### ***Confirmation of the Decision to Expel***

- Where the 20-day period following notification to the EWO has elapsed and where the Board of Management remains of the view that the pupil is to be expelled, the Board should formally confirm the decision to expel. This task may be delegated to the Chairperson or the Principal.
- Parents should be notified immediately that the expulsion will now proceed.
- The Parents should be told of the right to appeal and be supplied with the standard form on which to lodge an appeal.
- A formal record should be made in the minutes of the Board of the decision to expel a pupil.

## *Appeals*

A parent 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 be brought by the NEWB (TÚSLA) on behalf of a pupil. The process begins with the provision of mediation by a mediator nominated by the Appeals Committee (DES)

### **SUMMARY:**

The procedures will include:

1. A detailed investigation will be carried out under the direction of the Principal.
2. A recommendation to the Board of Management to expel the pupil is made by the Principal.
3. Consideration by the Board of the Principal's recommendation and the holding of a hearing.
4. The deliberations of the Board will be recorded, and the actions proposed following such a hearing.
5. Consultations will be held with the Education Welfare Officer.
6. Confirmation of the decision to expel will be recorded and communicated to the parents and TUSLA in writing.
7. The parents may appeal the decision to the Secretary General of the DES.



This policy was drawn up and written by Alanna Nichol, Principal, after extensive consultation with all members of the school teaching staff, children, Board of Management and Parent's.

The policy will be reviewed yearly.

The policy was ratified by the staff and board on \_\_\_\_\_.

## **Ratification and Communication**

**The Board of Management ratified this policy on the \_\_\_\_\_ of \_\_\_\_\_.**

Signed: \_\_\_\_\_  
**(School Principal)**

Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
**Brian Dungan (Chairperson B.O.M.)**

Date: \_\_\_\_\_