

St. Eunan's N.S Laghey,

Co. Donegal Code of

Behaviour Policy

Introduction

In devising our existing Code of Behaviour for St. Eunan's N.S, consideration has been given to the particular needs and circumstances of our school. We aim to ensure in so far as possible that the individuality of each child is accommodated while acknowledging the absolute right of each child to education in a relatively disruption free environment. It has been written in accordance with the guidelines Developing a Code of Behaviour Guidelines for Schools published by the National Welfare Education Board 2008. It also conforms with legislation as required by Section 23 of the Education Welfare Act 2000. This policy needs to be read in conjunction with:

Anti-bullying policy, SPHE, Acceptable Use Policy (ICT), Child Safeguarding Statement, Homework Policy, Safety Statement, Complaints Procedure & Admissions policy.

Children need limits set for them in order to feel secure and help develop the skills for co-operation.

Aims

- To create a positive learning environment that encourages and reinforces good behaviour.
- To promote self-esteem and positive relationships.
- To encourage consistency of response to both positive and negative behaviour.
- To foster a sense of responsibility and self-discipline in pupils and to support good behaviour patterns based on consideration and respect for the right 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 ensure that the school's expectations and strategies are widely known and understood through the parent information booklet (issued to parents on the pupils enrolment) availability of policies and an ethos of open communication.
- To encourage the involvement of both home and school in the implementation of this policy.

Our Mission Statement

We aim to provide a well ordered, happy and secure atmosphere where all individuals feel that they are valued and respected.

We recognise the importance of self esteem and it is our mission to foster and protect a positive self image for each person in our care.

The educational, spiritual, moral and cultural needs of each child will be identified and developed with compassion, enthusiasm and due regard for the child's individuality so that each child may achieve their full potential in this school.

Positive strategies such as:

- Ensuring that pupils are treated fairly, equally, firmly and consistently.
- A quiet word or gesture to show approval. Acknowledge good behaviour immediately (catching them when they are good).
- Matching work with pupil's ability. Making sure children experience success.
- A comment in a pupil's copy book/diary/Seesaw.
- A mention to a parent written or verbal.
- A visit to another teacher's classroom or principal's office for commendation.

- Star/reward charts, (wall charts, computer charts) stickers, homework passes, lucky dips.
- A word of praise in front of a group/class or whole school assembly.
- Recording improvement in behaviour. Informing parents of this.
- Communication with Parents/guardians is important in maintaining a positive approach to dealing with children's behaviour. Parents and teachers should be consistent in their approach and should develop a joint strategy to dealing with specific behaviours. Co-operation and openness is vital. Parents/guardians should be able to talk in confidence about any problems in a child's life past/present that may be contributing to certain behaviours.
- Open discussion on matters of concern so as to resolve issues.
- The SPHE programme supports our Code of Behaviour. It develops the pupil's communication skills, conflict resolution skills, fosters self-esteem and self-worth and accommodates differences, inclusion and acceptance.
- Implementation of circle time as a teaching strategy.
- Share photos of achievement, sports events, work displays, project work and liturgical celebrations.
- Teachers will be afforded the opportunity to attend in-service courses in the area of behaviour management and to liaise with SESS, NEPS and other professionals.
- The effectiveness of the code will be reviewed regularly at staff meetings and Board of Management meetings.
- The policy will be presented to all new staff members and will be included in the enrolment pack for all pupils enrolling in our school.
- Parents/Guardians on the enrolment of their child are asked to sign that they have read and accept the schools Code of Behaviour.

Roles and Responsibilities.

A high level of good behaviour requires a strong sense of community within the school and a high level of co-operation among all levels of the school community. Every effort will be made by all to adopt a positive approach to the question of behaviour in St. Eunan's N.S. The success of this code is the collective responsibility of the Board of Management, Principal, teachers, SNA staff, parents/guardians and pupils.

Board of Management.

The Board of Management has ultimate responsibility for the behaviour in the school.

The Board must provide:

- Provide a safe, comfortable learning and teaching environment for pupils and staff.
- Ratify the Code.
- Support the Principal and staff in implementing a fair Code of Behaviour and Discipline in the school.
- Co-operate with the school principal in reviewing and evaluating the Code from time to time.

The Board of Management has the authority to suspend a pupil. The Board has also delegated this authority to the principal. This delegation has been proposed, seconded and recorded in the minutes of the Board of Management and authorises the principal to suspend a pupil for a period, not exceeding three school days. The principal is accountable to the Board of Management for her use of this authority and therefore must inform the Board of any suspensions.

Role of the Principal.

Within the school, the overall day to day responsibility for behaviour rests with the Principal.

- Promote a positive school climate that is conducive to the intellectual, social, emotional, moral and spiritual development of the pupils.
- Ensure that the Code of Behaviour is implemented in a fair and consistent manner.
- Ensure that policies are easily available to parents and staff.
- To ensure that the Code of Behaviour is reviewed and evaluated together with the Board of Management, staff, pupils and parents .

Expectations/Responsibilities of Teachers and all School Staff

Staff are expected to

- Support and implement the School's Code of Behaviour.
- Teachers are expected to teach the Code and revise rules regularly.
- Communicate with parents/guardians, staff and pupils in a positive appropriate manner always with courtesy, integrity, respect, consistency and fairness.
- Be familiar with and follow the school's Policy on Child Safeguarding Statement, Anti-bullying and Safety Statement and all other associated policies.
- Be familiar with the Teaching Council's Code of Professional Behaviour and practice for teachers.
- Be cognisant of their duty of care thus creating a safe, inclusive, welcoming, learning environment for all pupils irrespective of age, gender, race, ability or disability which enables all to reach their full academic potential.

- Show appreciation for the efforts and contribution of all pupils as well as recognising the individual talents and differences among some pupils.
- Praise positive behaviour and develop and nurture a sense of self-esteem and self-worth in each pupil.
- Keep opportunity for disruptive behaviour to a minimum by dealing appropriately with minor misbehaviours before they escalate.
- Keep appropriate records.
- Be familiar with and follow the school's policies on Anti-Bullying.
- Support Colleagues.
- Each teacher has responsibility for behaviour in his/her classroom while also sharing a common responsibility for good behaviour throughout the school.
- Classroom Rules should be drawn up and reviewed annually.

Responsibilities of Parents/Guardians.

Parent/Guardians are expected to:

- To ensure their child/children attend school regularly and punctually.
- They must inform their class teacher in writing if their child is absent and the reason for absence.
- To ensure that the school has current addresses for all pupils and that school has up to date phone numbers for parents and other family friends in case of an emergency.
- To insist that their child wears the full school uniform and has suitable clothing for outdoor playtimes.
- To ensure that their child has the correct books and other school requisites.
- To support their child's school work and oversee their homework. (see School's Homework Policy).

- Seesaw is an important communication tool between parents and the school.
- To arrange a meeting with the class teacher/principal if they have any concerns or issues relating to their child/children and to attend formal parent/teacher meetings.
- To support the school with any unacceptable behaviour by dealing with this in an appropriate and responsible manner at home.
- To support the school in devising, adopting and enforcing a behaviour plan (where necessary).
- When communicating with staff always to do so with courtesy, respect thus modelling good behaviour.
- To encourage their child/children to have respect for themselves and others and for school property, their own property and the property of others.
- To familiarise themselves with the schools Code of Behaviour and other associated policies and to support the implementation of these policies.
- To make the school aware of problems which may affect their child's behaviour.
- To strictly supervise pre-school children when on the school premises, (climbing on railings is not allowed).
- As the Board of Management is responsible for the health and safety of all staff and pupils, parents are requested not to approach or reprimand another persons child on the school premises

Pupils are expected to:

- Attend school regularly and punctually.
- Listen to their teachers, SNAs and follow their instruction and advice.
- To enter and exit the school building in an orderly fashion.
- In the interest of health and safety running is not allowed at any time in the classroom or on the corridors.
- Quietness is expected when pupils are exiting/entering classrooms and in toilet areas.
- To treat all staff members, themselves and other pupils with respect and courtesy.
- To welcome visitors.
- Pupils should not bring any electronic equipment, mobile phones or smart watches to school unless under exceptional circumstances
- Pupils are not allowed to leave their classroom, school building or yard without the permission of a teacher.
- They are expected to wear their full school uniform.
- To respect the school building and property. Writing on or marking school property is totally unacceptable. If any deliberate damage is caused the parent/guardian will be responsible for the cost of repair/replacement. This includes book rental items.
- Not to climb on school railings.

General School Rules

Assembly time/Dismissal time:

- Doors open at 8.50am.
- All pupils are to be in school by 9am for start of class.
- Pupils should not be in school before doors open in the morning.
- School finishes at 1.30pm for Junior and Senior Infants and 2.30pm for all other pupils.
- Junior & Senior Infant parents must collect their children at the designated doors.
- The senior pupils should proceed to their arranged pick-up places immediately after 2.30pm.
- Pupils should not be in the school yard before 8.50am or after 2.30pm. The Board of Management will not be responsible for pupils outside of these times.

Children are strictly forbidden to play in the school yard out of school hours.

Rules for the corridors/ around the school:

- Do not run. Walk carefully and give way to grown-ups and to smaller children.
- Be polite - say hello teacher, good morning teacher, dia duit, maidin mhaith etc.
- Respect school property and other children's work - do not touch displays or notice boards.
- Do as you are told by those in charge.

Classroom Rules:

Each class teacher will draw a set of rules for his/her own classroom.

Toilet Rules:

- Ask permission to go to the toilet, where necessary.
- Respect the privacy of others.
- Only one pupil in a toilet at the same time.
- No food to be taken into the toilets.
- Do not stuff the toilet bowl with toilet paper or empty toilet rolls.
- Always wash hands & use an appropriate amount of hand towels to dry your hands.

Behaviour in the playground:

- Pupils must play safely at all times. Anti-social, dangerous or hurtful behaviour is forbidden, (e.g. pushing, shoving wrestling, headlocks, jockey backs, bullying, intimidation, teasing, jeering, fighting, spitting, kicking, charging in groups, bad language, exclusion) unfair treatment, bullying or isolation of any child is not only unacceptable but could, in serious cases, lead to suspension.
- When using equipment in the playground, pupils should use the equipment for the purpose it is meant for e.g. skipping ropes for skipping.
- If choosing to play football/basketball at break times no rough or unfair play is permitted.
- Pupils are not allowed to swing off any railings or basketball poles.
- Climbing up or over any fence within the playground is forbidden.
- Climbing on the school building itself is forbidden.

- Climbing on any items within the school yard is forbidden.
- Pupils must remain in their designated area in the school yard.
- Pupils must respond to the bell promptly at the end of break time and proceed to their designated line.
- Pupils must not return to their classroom or leave the playground during break time except with the permission of the teacher/SNA on yard duty.
- Pupils must report incidents or accidents to the teacher/SNA on duty.
- Bad language or arguing with staff when corrected will not be tolerated.
- The yard is a litter free zone and this must be observed.

On Wet days

Children remain in their classrooms during break time and they are expected to:

- Do the activities given to them by the class teacher or "supervising teacher".
- Not to leave their classroom without the permission of the supervising teacher.
- Not to run around the classroom or interfere with the ICT equipment or the teachers desk.
- Avoid movement around the room as much as possible

Swimming Lessons

Classes that go swimming are expected to:

- Take their swimming gear to school. Always have a swimming hat, goggles and pool socks (if necessary). If lessons are being taught in Ballyshannon, children must wear their swimming togs under their uniform to get changed at the pool side.
- To follow the instructions of the class teacher with regard to designated crossing areas.

- To listen to and follow the instructions of the swimming instructor.
- To dress quickly after their session.
- No rough play, pushing or shoving in the pool, pool area or dressing room will be tolerated.

School Outings/Trips

- To be on time for departure.
- If a pupil is going to be late or not going on the tour parents are asked to notify the class teacher or secretary at the earliest opportunity.
- School uniforms must be worn.
- To enter and leave the bus in an orderly manner.
- To sit in their seat, wear their seat belt and to avoid distracting the driver
- No mobile phones or electronic equipment.

Behaviour whilst in School Uniform

When children are wearing their school uniform outside of school hours, children and parents are responsible for upholding a standard of behaviour as set out in the school's behavioural policy i.e bad or inappropriate behaviour outside of the school grounds while wearing our school uniform is a poor reflection of our school.

Children with Special Needs

All children are required to comply with the school's Code of Behaviour. However the school recognises that children with special needs may require assistance in understanding certain rules. Professional advice recommended in Assessment Reports, (NEPS) etc will be included in any behaviour plans which will need to be put in place to accommodate the needs of these pupils. Parents, support teachers, class teacher and the pupil will input this plan. Cognitive and emotional development will be taken into account at all times and sanctions will be applied with due discretion having consideration for the health and safety of all pupils and staff. The children in the class or school may be taught strategies to assist pupils with special needs adhere to the rules, thus providing peer support/buddy system. This will be done in a supportive way acknowledging and respecting the differences in all individuals.

Sanctions

The general standard of behaviour in our school is very good. This reflects great credit on parents, pupils and staff alike.

However from time to time some pupils misbehave and consequently sanctions need to be applied.

The use of a sanction or consequences should be characterised by certain features such as:

- It must be clear why the sanction is being applied.
- The consequences must relate as closely as possible to the behaviour.
- It must be made clear what changes in behaviour are required to avoid further sanctions.
- Group punishment should be avoided as it breeds resentments.
- There should be a clear distinction between minor and major offences.
- It should be the behaviour rather than the pupils that is the focus.

The purpose of a sanction is to bring about a change in behaviour by:

- Helping the pupils to learn that their behaviour is unacceptable.
- Helping pupils to recognise the effect of their behaviour and actions on others.
- Helping pupils (in ways appropriate to their age and development) to understand that they have choices about their own behaviour and that all choices have consequences.
- Helping pupils to learn to take responsibility for their behaviour.
- Prevent the behaviour occurring again and if necessary, to help pupils devise strategies for this.
- To prevent serious disruption of teaching and learning.

- To keep the pupil or other pupils/staff safe.

A sanction may also:

- Reinforce the boundaries set out in the Code of Behaviour.
- Signal to other pupils and to staff that their wellbeing is being protected.
- Sanctions will always be applied according to the gravity of the misbehaviour, with due regard for the age and emotional development of the child.

The degree of misdemeanours ie. minor, serious or gross will be judged by the class teacher, teacher on yard duty or Principal based on a common sense approach with regard to the gravity, frequency of such misdemeanours.

Following an audit of the pupil's misbehaviour the teachers have categorised the behaviour as follows:

Minor Misbehaviours (Not limited to this list)

- Homework not done, no note
- Rudeness
- Running on the corridors and in the classroom
- Borrowing items without asking
- Throwing objects e.g. rubbers, paper planes around the classroom
- Speaking out of turn
- Messing or loitering in the toilet areas
- Not wearing school uniform
- Swinging on chairs
- Bringing chewing gum to school
- Littering
- Pushing in the line
- Not obeying the bell

- Talking out of turn
- Distracting other pupils
- Sitting or laughing deliberately and needlessly
- Passing notes around
- Moving out of seat
- Regularly forgetting books

The class teacher will deal with minor misbehaviours in the classroom and the teacher on yard duty will deal with minor misbehaviours in the yard.

Sanctions for Minor Misbehaviours:

- Verbal reprimand
- Temporary separation from peers in classroom (move to another seat/ yard) (time out area).
- Loss of privileges or rewards.
- Patterns of persistent repetitive misbehaviour will lead to a note being sent home from the class teacher and the Principal.
- If behavior does not improve a meeting will be arranged with the parents, the class teacher and the Principal.
- Persistent minor misbehaviour will be regarded as serious misbehaviour

Serious Misbehaviour (Not limited to this list)

- Consistently failing to do homework
- Fighting
- Theft of/or damage to school or other people's property (including book rental)
- Using bad language
- Rough play
- Telling lies
- Bullying (be guided by our Anti Bullying Policy)
- Disrupting the teaching and learning
- Excluding, blaming, disrespecting others
- Talking back to teachers and SNAs
- Uncooperativeness with staff
- Un-acceptance of reprimand
- Verbal taunting or name calling
- Deliberately kicking the ball out of bounds
- Belittling or ongoing personal comments
- Making an inappropriate reference to another persons race, gender, religion, physical condition, disability or ethnic origin
- Interfering with other children's belongings
- Endangering self or fellow pupils
- Taking mobile phones/electronic equipment/smart watches to school
- Encouraging and/or supporting unacceptable behaviour in others.

(Persistent serious misbehaviour will be regarded as gross misbehaviour)

Sanctions for Serious Misbehaviour

- Pupils will be immediately removed from activities if endangering self or others.
- A full investigation will follow by the relevant teacher/s.
- Pupil is sent to Principal/Deputy Principal.
- After a "calming down period" the pupil will be asked to recall what they have done and where appropriate provide a written account.
- Parent/guardian is informed/or sent for.
- Separation from peers for a period (remove from classroom as arranged by class teacher with colleagues).
- Detention (Supervised).
- Class teacher keeps records of all serious misbehaviours.
- If serious misbehaviour is being repeated a written contract or an Individual Behaviour Plan is drawn up by teacher and pupil.

If the above school interventions are not effective outside agencies such as NEPS, CAHMS, SESS will be contacted for advice on how to deal with the behaviours.

Gross Misbehaviours (not limited to this list)

- Deliberate and malicious damage to school building, contents, grounds and property belonging to another pupil or member of staff.
- Seriously assaulting another pupil or member of staff (Hitting, Punching, Biting, Kicking, Spitting etc.).
- Making false allegations against another pupil or member of staff.
- Serious physical violence which threatens the safety of self and others.
- Taking drugs, alcohol, cigarettes or other harmful substances to school.
- Taking weapons to school.
- Leaving the school premises without permission.
- Premeditated stealing.
- Sexual Assault.
- Behaving in or encouraging others to engage in behaviour that is sexually inappropriate and offensive to others.
- A single incident of gross misbehaviour may be grounds for immediate suspension.

Sanctions for Gross Misbehaviours

Principal/Deputy Principal contacts parents/guardians (by phone) immediately to attend a meeting in the school.

While waiting for the parents/guardian presence in the school the pupil is removed from the class/yard.

After a "cooling down period" where appropriate, the pupil writes an account of what happened. Parents/guardian may be asked to remove the pupils from the school until such time as they can give an undertaking that this type of behaviour will not be repeated.

The Board of Management has authorised the Chairperson/Principal to sanction immediate suspension of up to three days following discussion with parents/guardian.

If the parent/guardian does not attend this meeting the pupil may be suspended and the parents/guardian informed by email/letter.

Written records of the incident are kept.

Procedures for Suspension and Expulsion

Suspension

In the case of a single incident of gross misbehaviour or repeated incidents of serious behaviour the Board of Management has the authority to suspend a pupil. The Board of Management of St. Eunan's N.S has delegated the authority to the School Principal to suspend a child for **three days**. If a Board of Management Meeting is required to further consider the issue and/or to apply further sanctions this period may be extended to a maximum of 5 days.

Fair procedures based on the principles of natural justice will prevail when a suspension is being considered

Fair procedures have two essential parts as per pages 67 and 68 Developing a Code of Behaviour Guidelines for schools (see appendix 1).

- The right to be heard.
- The right to impartiality.

Factors to consider before suspending a student

The appropriate teachers will refer to 'Factors to consider before suspending a student as per page 72 Developing a Code of Behaviour Guidelines for schools (see appendix 1).

Procedures in respect of Suspension as per NEWB Guidelines for Developing a Code of Behaviour 2008.

The decision to suspend a pupil requires serious grounds, for example:

- The pupil's behaviour is infringing on the education of other pupils.
- The pupil's continued presence in the school constitutes a threat to other pupils, staff and school community.
- The pupil's risk to damaging property.
- **A single incident of gross misbehaviour may be grounds for suspension.**

The following steps will be taken in the event of the decision by the Board to suspend:

- The Board of Management will convene a meeting as soon as possible.
- Investigation of the facts to confirm misbehaviour will be conducted.
- Parents/Guardians will be informed by phone, in writing or verbally about the incident.
- Principal/ Chairperson notifies Parents/Guardians in writing of the decision to suspend.
- The email/letter should state the dates for which the suspension applies.
- The reason for the suspension.
- Arrangements in place, if any at this point for pupils return to school.

Records and Reports

Formal written records will be kept of:

- The investigation.
- The decision-making process.
- The decision and the rationale for the decision.
- The duration of the suspension and any conditions attached to the suspension.

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

Parents/Guardians have the right to appeal a Board of Management decision to suspend to the Secretary General of the Department of Education and skills where the total number of days for which the student has been suspended in the current school year reaches **twenty days**.

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. In this instance the Parents/Guardians will be required to collect the child before the full investigation is complete, but otherwise the procedures above apply.

Removal of Suspension

Following a period of suspension, the parents/guardians must give a satisfactory undertaking that the pupil will behave in accordance with the school Code of Behaviour on his/her return to school. The principal must be satisfied that the reinstatement of the pupil will not constitute a risk to the pupil's own safety or to that of the other pupils or staff.

Fair procedures based on the principles of natural justice will prevail when a permanent exclusion is being considered.

Fair procedures have two essential parts as per pages 67 and 68 Developing a Code of Behaviour Guidelines for schools.

- The right to be heard.
- The right to impartiality.

Expulsion/Permanent Exclusion

- The Board of Management has the authority to permanently exclude a student.
- When all other avenues have been exhausted with regard to pupil management the Board may have to permanently exclude a pupil from the school.
- In the event of a permanent exclusion the Board of Management adopts fully the procedures outlined in Chapter 12 (pages 80/87) of "Developing a Code of Behaviour, NEWB Guidelines (See Appendix 2).
- A detailed investigation directed by the Board of Management to be carried out by the Principal.
- Inform the parents in writing of alleged misbehaviour, how it will be investigated and that it could result in expulsion.
- A recommendation to the Board of Management by the Principal (pg 84 NEWB Guidelines) - (See Appendix 3).
- Consideration by the Board of Management of the Principal's recommendation/professional view that a permanent exclusion may be warranted.
- The holding of a Hearing.
- Give the Parent(s) and pupil the opportunity to respond before a decision is made by inviting them to this hearing.
- Board of Management deliberations and actions following the hearing (pge 85 NEWB Guidelines) - (See Appendix 4).
- If the Board of Management is of the opinion that the student should be expelled, the Board must notify the Educational Welfare Officer (EWO) in writing, of its opinion and the reasons for this opinion. The intention to expel a student does not take effect until 20 days have elapsed after NEWB have received written notification. The NEWB should be notified

using a **Notice of Intention to Expel form** which is available on ww.schoolreturn.ie or from their helpline (1890 36 3666). This form should be completed and sent to **School Return Section, National Educational Welfare Board, 16-22 Green St. Dublin 7.**

- Consultations arranged by the EWO.
- Confirmation of the decision to expel.

Success Criteria for this Policy

- Atmosphere of discipline in the school.
- Children are aware of school rules.
- Staff apply sanctions fairly and consistently.
- Growth in self-discipline.
- Co-operation between parents/guardians, pupils, teachers and SNA staff in implementing the Code.
- Positive feed- back on behaviour.
- All children working and behaving to the best of their ability.

Monitoring and Review

All staff members have responsibility for the implementation of the Code of Behaviour and Anti-Bullying Policy.

Each class teacher is responsible for discipline in his/her own classroom and is responsible for recording all necessary incidents.

Teacher/staff should also respond to any incidents of misbehaviour that they encounter, outside their own classroom, corridors/yard etc.

The Principal is responsible for monitoring the effectiveness of the policy and review at staff level regularly and reporting any areas that need review to the Board of Management.

The Board of Management has ultimate responsibility for discipline in the school and a duty to ensure that a fair Code of Discipline applies therein.

This policy was written in consultation with all school staff, with the parent body by means of the Parents' Association and with the Board of Management.

It will be reviewed regularly/when the need arises and will be amended accordingly.

The policy was ratified by the Board of Management at a meeting on 09/11/23.

Signed: 
Chairperson, BOM

Date: 9th Nov 2023

Appendix 1

10.3 Fair procedures based on the principles of natural justice

Schools are required by law to follow fair procedures when proposing to suspend or expel a student. The requirement for fair procedures derives from the Constitution of Ireland, international Conventions and case law.

Fair procedures have two essential parts:

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

The **right to be heard** means:

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

The **right to impartiality** means:

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

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

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

10.4 Applying fair procedures in school

In a school, fair procedures apply to:

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

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

The **principles** of fair procedures always apply, but the degree of formality required in implementing fair procedures will depend on the gravity of the alleged misbehaviour and on the seriousness of the possible

sanction. The level of formality required, for example for a suspension of fewer than three days, would be less than that required in the case of a longer suspension or in circumstances that might lead to an expulsion.

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

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

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

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

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

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

Thoughtful application of professional judgement and knowledge of the requirements of fair procedures will generally guide decision-making about suspension and expulsion. However, in circumstances of particular complexity, school authorities may need to seek legal advice to support their decision-making.

10.5 Students aged eighteen years or more

The provisions of the Guidelines relating to parents apply to the student, where the student has reached eighteen years (*Age of Majority Act 1985*). Occasions may therefore arise when an adult student requests the school to restrict or limit communication with their parents or to limit parental involvement in matters relating to their education. In such circumstances, schools are advised, particularly in relation to suspension and expulsion matters, to inform the parents of the student about the change in practice and the reasons.

10.6 Involving the Gardai

Where allegations of criminal behaviour are made about a student, these will usually be referred to the Gardai who have responsibility for investigating criminal matters. The Juvenile Liaison Officer can be a significant source of support and advice for the school and the student.

Factors to consider before suspending a student

The nature and seriousness of the behaviour

- What is the precise description of the behaviour?
- How persistent has the unacceptable behaviour been?
- Has the problem behaviour escalated, in spite of the interventions tried?

The context of the behaviour

- What are the circumstances of the incidents of serious misbehaviour (e.g. in class, in a particular teacher's class, in the yard, in a group)?
- What factors may have triggered incidents of serious misbehaviour (e.g. bullying, cultural or family factors)?
- What is the age, stage of development and cognitive ability of the student?
- Are there any factors that may be associated with the behaviour (e.g. particular home circumstances, special educational needs)?

The impact of the behaviour

- How are other students and staff affected by the student's behaviour?
- What is the impact of the behaviour on the teaching and learning of the class?
- Does the behaviour have a particular or greater impact on some students or teachers?
- Does the student understand the impact of their behaviour on others?

The interventions tried to date

- What interventions have been tried? Over what period?
- How have the interventions been recorded and monitored?
- What has been the result of those interventions?
- Have the parents been involved in finding a solution to the problem behaviour?
- Has the intervention of NEPS or other psychological assessment or counselling been sought, where appropriate?
- Are any other interventions such as peer mediation, restorative justice approaches or family conferencing available?
- Is the student or parent involved with any support service and has this agency or support service been asked for help in solving this problem?
- Has any other agency been asked for assistance (e.g. Child Guidance Clinic, Child and Adolescent services)?

Whether suspension is a proportionate response

- Does the student's behaviour warrant suspension?
- Is the standard being applied to judging the behaviour the same as the standard applied to the behaviour of any other student?

The possible impact of suspension

- Will suspension allow additional or alternative interventions to be made?
- Will suspension help the student to change the inappropriate behaviour?
- How will suspension help teachers or other students affected by the behaviour?
- Will suspension exacerbate any educational vulnerability of the student?

Appendix 2

12

Expulsion

A student 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*. As part of the code of behaviour, the Board of Management should ensure that the school has a policy on, and procedures for, expulsion which are in line with these Guidelines and with any additional requirements set down by the Patron.

12.1 Authority to expel

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

Schools and colleges established or maintained by a VEC

In the case of schools and colleges established or maintained by a VEC, the VEC itself holds the authority to expel. That authority may be devolved (under section 31 of the *Vocational Education (Amendment) Act 2001*) by the VEC to the Board of Management of individual schools. In devolving authority to a Board of Management, the VEC should ensure that the scope of the authority given is in line with the provisions of these Guidelines, Articles of Management and/or Model Agreement and all relevant legal requirements.

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

12.2 The grounds for expulsion

Expulsion should be a proportionate response to the student's behaviour. Expulsion of a student is a very serious step, and one that should only be taken by the Board of Management in extreme cases of unacceptable behaviour. The school should have taken significant steps to address the misbehaviour and to avoid expulsion of a student 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 should persist
- ensuring that all other possible options have been tried
- seeking the assistance of support agencies (e.g. National Educational Psychological Service, Health Service Executive Community Services, the National Behavioural Support Service, Child and Adolescent Mental Health Services, National Council for Special Education).

Key Requirements: Expulsion**Applying the Guidelines means:**

Having a policy on, and procedures for, expulsion that are approved by the Board of Management, and in line with these Guidelines, and with any additional requirements set down by the Patron

Ensuring the policy is widely communicated

Developing and documenting good practice in the use of expulsion

Having fair procedures for investigation and decision-making

Having procedures for informing parents and students about their right to appeal

Having a system for regular review by the Board of Management of the use of expulsion in the school

Appendix 3

12

Expulsion

clear about what their son or daughter is alleged to have done. It serves the important function of underlining to parents the seriousness with which the school views the alleged misbehaviour.

Parents and the student must have every opportunity to respond to the complaint of serious misbehaviour before a decision is made about the veracity of the allegation, and before a sanction is imposed. Where expulsion may result from an investigation, a meeting with the student and their parents is essential. It provides the 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 to make their case for lessening the sanction, and for the school to explore with parents how best to address the student's behaviour.

If a student and their parents fail to attend a meeting, the Principal should write advising of the gravity of the matter, the importance of attending a re-scheduled meeting and, failing that, the duty of the school authorities to make a decision to respond to the inappropriate behaviour. The school should record the invitation issued to parents and their response.

Step 2: A recommendation to the Board of Management by the Principal

Where the Principal forms a view, based on the investigation of the alleged misbehaviour, that expulsion may be warranted, the Principal makes a recommendation to the Board of Management to consider expulsion. The Principal should:

- inform the parents and the student that the Board of Management is being asked to consider expulsion
- ensure that parents have records of: the allegations against the student; the investigation; and written notice of the grounds on which the Board of Management is being asked to consider expulsion
- provide the Board of Management with the same comprehensive records as are given to parents
- notify the parents of the date of the hearing by the Board of Management and invite them to that hearing
- advise the parents that they can make a written and oral submission to the Board of Management
- ensure that parents have enough notice to allow them 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 fair procedures. The Board should undertake its own review of all documentation and the circumstances of the case. It should ensure that no party who has had any involvement with the circumstances of the case is part of the Board's deliberations (for example, a member of the Board who may have made an allegation about the student).

Where a Board of Management decides to consider expelling a student, it must hold a hearing. The Board meeting for the purpose of the hearing should be properly conducted in accordance with Board procedures. At the hearing, the Principal and the parents, or a student aged eighteen years or over, 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. The meeting may also be an opportunity for parents to make their case for lessening the sanction. In the conduct of the hearing, the Board must take care to ensure that they are, and are seen to

Appendix 4

be, impartial as between the Principal and the student. Parents may wish to be accompanied at hearings and the Board should facilitate this, in line with good practice and Board procedures.

After both sides have been heard, the Board should ensure that the Principal and parents are not present for the Board's deliberations.

Step 4: Board of Management deliberations and actions following the hearing

Having heard from all the parties, it is the responsibility of the Board to decide whether or not the allegation is substantiated and, if so, whether or not expulsion is the appropriate sanction.

Where the Board of Management, having considered all the facts of the case, is of the opinion that the student should be expelled, the Board must notify the Educational Welfare Officer in writing of its opinion, and the reasons for this opinion. (*Education (Welfare) Act 2000, s24(1)*). The Board of Management should refer to National Educational Welfare Board reporting procedures for proposed expulsions. The student cannot be expelled before the passage of twenty school days from the date on which the EWO receives this written notification (*Education (Welfare) Act 2000, s24(1)*).

An appeal against an expulsion under section 29 of the *Education Act 1998* will automatically succeed if it is shown that the Educational Welfare Officer was not notified in accordance with section 24(1) or that twenty days did not elapse from the time of notification to the Educational Welfare Officer to the implementation of the expulsion (*Education (Miscellaneous Provisions) Act 2007, s4A*).

The Board 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 of Management will now inform the Educational Welfare Officer.

Step 5: Consultations arranged by the Educational Welfare Officer

Within twenty days of receipt of a notification from a Board of Management of its opinion that a student should be expelled, the Educational Welfare Officer must:

- make all reasonable efforts to hold individual consultations with the Principal, the parents 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, a Board of Management may take steps to ensure that good order is maintained and that the safety of students is secured (*Education (Welfare) Act 2000, s24(5)*). A Board may consider it appropriate to suspend a student

