



Coláiste Nano Nagle  
Suspension & Exclusion Policy 2019 - 2020

## **1.0 Introduction**

Through its Code of Behaviour Nano Nagle aims to create a calm, ordered, and work-oriented atmosphere in a caring and supportive environment based on respect for self and respect for others. In cases where pupils fail to observe the Code of Behaviour it is necessary, for the good of the school community as a whole to impose sanctions on such pupils, including suspension or exclusion where warranted.

This policy outlines the school's approach to suspension and exclusion and has been formulated taking due consideration of the rights and responsibilities inherent in the Education Act 1998, Education Welfare Act 2000, Equal Status Act 2000 and the principles of fairness and natural justice.

## **2.0 Suspension Principles**

In certain cases of unacceptable behaviour, during the school day or while in school related activities, it will be in the best interests of the school community and/or the pupil involved to remove the pupil from the school for a period of time. The Board of Management has the authority to suspend a student. The authority is delegated to the Principal or Acting Principal in her absence. The Principal/Acting Principal can suspend a student normally for a period of up to and including three days. Suspension beyond three days is the responsibility of the Board of Management. In the event of a Health and Safety issue, the Principal may suspend a student until such time as an emergency Board of Management meeting can be convened. This should take place at the earliest opportunity. The Principal/Board of Management will exercise this authority in a fair and non-discriminatory manner having regard to their responsibility to the whole school community and to the principles of natural justice.

The primary purpose of suspension is one of corrective support rather than punishing pupils for misbehaviour. It is the intention of the school that suspension allows pupils the time, under the supervision of their parent/guardians, to reflect on their unacceptable behaviour, accept responsibility for the behaviour that led to the suspension and to change their future behaviour to meet the expectations of the school.

In general there are two sets of circumstances under which suspension will be imposed:

2.1 Repeated less serious breaches of the Code of Behaviour that has not been rectified by disciplinary measures short of suspension. In such cases formal written warning detailing the unacceptable behaviour will have been submitted to parents/guardians along with an explanation of what is required of the pupil.

2.2 Serious breaches of the Code of Behaviour that indicate that the pupil should be removed from the school. In cases where health and safety could be a risk it may be necessary to suspend a student with immediate effect pending an investigation and the following of due procedures.

## **3.0 Less serious breaches of the Code of Behaviour include, but are not limited to:**

- 3.1 Failure to complete assigned homework.
- 3.2 Such classroom disruption as inattention, talking without permission, passing notes, and failure to have the books and equipment required for class.
- 3.3 Running, shouting, or horseplay of any description anywhere in the school.
- 3.4 Tardiness for school or classes.
- 3.5 Use of a mobile phone without permission.
- 3.6 Congregating in the toilets.
- 3.7 Not wearing the full school uniform.
- 3.8 Wearing of prohibited jewellery, extreme hair (style and/or colour) or nails of an inappropriate length.

## **4.0 Serious breaches of the Code of Behaviour include, but are not limited to:**

- 4.1 Endangering the safety or health of any member of the school community.
- 4.2 Disrespect or defiance towards or harassment or intimidation of a member of staff or the bullying of another member of the school community.

4.3 Possession, use or supply of prohibited substances (including alcohol, drugs, or associated paraphernalia) in the school, on school trips, or in the course of any school-related activity. Exception will be made only for legitimate medicinal use with the prior notification of the school authorities.

4.4 Deliberate vandalism, including the writing of graffiti, in relation to school property or the property of a member of the school community.

4.5 Interference with or persistent disruption of teaching and learning.

4.6 Refusal to obey clear and reasonable instructions of staff members on a repeated basis.

4.7 Smoking anywhere inside or in the immediate vicinity of the school grounds.

4.8 The use of obscene, abusive, or otherwise inappropriate language.

4.9 Stealing, fighting or the possession of offensive weapons. In addition to being serious breaches that incur suspension, these are criminal offences that will be reported to the appropriate authorities.

4.10 Tarnishing the good name and reputation of the school.

4.11 Truancy.

## **5.0 Suspension Procedure**

In the event that the Principal exercises her authority to suspend a pupil for a fixed duration, the following procedure will be used.

5.1 The pupil will be informed of the precise grounds that gave rise to a potential suspension and will be given an opportunity to respond before a suspension decision is formalised.

5.2 The parents/guardians of the pupil will be informed of the situation and invited to come to the school for a meeting.

5.3 In cases where the suspension is to take effect immediately, such as in the interests of health and safety, parents/guardians will be informed by telephone, with written follow up.

5.4 Pupils will not be sent home during a school day unless collected by a parent/guardian or some other suitable arrangement is made.

5.5 All suspension decisions will include a formal letter of notification that will include, at least:

- Notice of the suspension
- Effective date of the suspension
- Duration of the suspension
- Reasons for the suspension
- Where appropriate, this letter may also include some or all of the following:
  - Expectations of the pupil while on suspension
  - Reference to the importance of parental assistance in resolving the matter causing suspension.
  - A statement that the pupil is under the care and responsibility of parent/guardians while suspended.
  - A statement that Tusla – Child and Family Agency has been informed of the suspension where necessary to do so.
  - Information of the appeal rights and procedures regarding the suspension.
  - Requirements to be met for the pupil's return to school.

## **6.0 Suspension during a state examination**

Would normally be approved by the Board of Management and would only be used where there is:

- A threat to good order in the conduct of the examination
- A threat to the safety of other students and personnel
- A threat to the right of other students to do their examination in a calm atmosphere

## **7.0 Suspension Removal**

As the principles of natural justice demand that there should be available a right of appeal to a higher authority, a pupil or her parents/guardians may appeal the Principal's decision to suspend to the Board of Management. Such an appeal must be made in writing to the Chairperson of the Board of Management stating the grounds on which the

appeal is being made. However, the school may insist that the pupil remain at home while the appeal proceeds. In the event that an appeal is successful, the suspension will be lifted and if the suspension has already been served, it will be expunged from the pupil's record.

An appeal of a suspension decision may also be made under Section 29 of the Education Act where a student has been suspended for 20 days or more. Information regarding this right of appeal will be provided with formal notification of the suspension, if applicable.

Beyond success in such appeals, a suspension may be rescinded in the following circumstances:

- 6.1 New circumstances come to light after the suspension has been applied that would have mitigated the sanction had they been known beforehand.
- 6.2 Other mitigating factors consistent with the application of the Principles of Natural Justice.

## **8.0 Suspension Completion**

Upon completion of a suspension, the following procedures may apply for the formal reintroduction of the pupil into the school.

- 7.1 Parents may be requested to attend with the pupil upon her return to school.
- 7.2 A written or verbal apology may be required of the pupil for her misbehaviour.
- 7.3 The pupil may be required to enter into a contract of good behaviour or other conditions that may be specified before returning to school.

## **8.0 Exclusion Principles**

Exclusion is the ultimate sanction imposed by the school on a pupil and as such, will only be exercised by the Board of Management in relation to cases of extreme indiscipline or where the reputation of the school has been brought into disrepute. In cases where the Principal judges that a pupil's actions are such that exclusion should be considered, the Principal will refer the matter to the Board of Management. Given the severity of the potential sanction, the school, in accordance with the principles of Natural Justice, will investigate extreme indiscipline cases thoroughly in advance of any hearing that could result in exclusion.

In general, there are two sets of circumstances in which exclusion may be considered to be appropriate by the school.

8.1 Cases where the in-discipline of a pupil is so pervasive that teaching and learning become extremely difficult. Such cases include but are not limited to:

- The pupil being so disruptive that she is seriously preventing other pupils from learning.
- The pupil being uncontrollable and not amenable to any form of school discipline or authority.
- Parents/Guardians being unable or refusing to exercise their responsibility for the pupil.
- The pupil being a danger to herself or to others.
- When guarantees of reasonable behaviour following repeated suspensions are not forthcoming or not being met.
- The pupil's conduct acting as a source of serious bad example and having an adverse influence on other pupils in the school.

8.2 First time offences of a very serious nature. These can include but are not limited to:

- Serious assault.
- Trafficking in drugs
- Arriving to school under the influence of alcohol or drugs
- Serious burglary or theft.
- Causing major damage to school property
- Gross insubordination to the Principal or other staff members.
- Brandishing of an offence weapon.

- Bringing the reputation of the school into disrepute.

In the interest of ensuring a fair and even-handed system for the imposition of an exclusion, the Board of Management will, among other things, take account of the following factors in determining an exclusion.

1. The age and state of health of the pupil
2. The pupil's previous record of behaviour at the school.
3. Any mitigating circumstances unique to the pupil that might reasonably be taken into account in connection with the behaviour leading to the suspension.
4. The degree to which parental, peer, or other pressure might have contributed to the behaviour.
5. The severity of the behaviour, its frequency, and the likelihood of recurrence.
6. The extent to which the behaviour impaired or will impair the normal functioning of the pupil and others in the school community.
7. The degree to which the behaviour was a breach of the Code of Behaviour.
8. Whether the incident leading to the suspension was the result of the pupil acting alone or as part of a group.
9. The degree to which the pupil recognises and accepts that her behaviour was unacceptable and is prepared to exhibit genuine contrition.

## 9.0 Exclusion Procedure

Except in exceptional circumstances, exclusion will only be resorted to after the Principal has:

- Ensured that all discipline options under the Code of Behaviour have been applied and documented.
- Ensured that all appropriate support personnel, both internal and external, have been involved.
- Ensured all other procedures, referrals, supports have been exhausted.
- Ensured that discussion has occurred with the pupil and parents/guardians regarding specific misbehaviour that the school considers unacceptable and that may lead to permanent exclusion.
- Provided formal verbal and written warnings at appropriate times dealing with such behaviours and provided clear expectations of what was required of the pupil in the future.
- Recorded all action taken and copied all correspondence.
- Informed the parents/guardians of her intention to recommend exclusion to the Board of Management.
- Invited the parents/guardians to the Board of Management hearing.
- Invited parents/guardians to make a written submission in advance of the Board Meeting.
- Provided in advance the parents/guardians with a full, written description of the allegations against the pupil and the case being made at the Board, together with copies of all documentation, statements, and other materials supporting that case.
- Made a formal recommendation to the Board with full supporting documentation following these actions by the Principal, exclusion will still only occur after the Board of Management has:
  - Heard the Principal's case against the pupil, which should be made in the presence of the parents/guardians and student.
  - Heard the response of the parents/guardians.
  - Examined all the documentation.
  - Considered the pupil's record in the school.
  - Ensured that the Principal is not present for the Board's decision on the matter.
  - Discussed the case in detail.
  - Considered all the commitments made in the Code of Behaviour.
  - Made a final decision to exclude.
  - Communicated the decision to exclude to the parents/guardians formally by registered letter.
  - Informed Tusla – Child and Family Agency as is required under Section 24 (1) of the Education Welfare Act 2000.

The formal letter of notification will include:

- Notice of the exclusion.
- Effective date of the exclusion.
- Reasons for the exclusion.

- A statement that Tusla – Child and Family Agency has been informed of the exclusion.
- A statement that the pupil is under the care and responsibility of the parents/guardians for the period of 20 days required to examine alternative provisions for the education of the pupil.
- Information and documentation on Appeal rights.

### **10.0 Exclusion Appeals**

Parents/guardians have the right to appeal a decision of the Board of Management to exclude a student to the Minister for Education or to an authority delegated for such appeals by the Minister under Section 29 of the Education Act 1998.

Permanent exclusion may be appealed by a parent/guardian, by a student (over 18 years), or by Tusla. Any such appeal must be lodged within 42 calendar days of the decision of the Board of Management.

### **11.0 If the board decides not to expel the student**

The board will prepare an alternative sanction in consultation with the principal.

### **12.0 Related Policies**

Discipline Policy, Admissions Policy, Substance Use Policy, Anti-Bullying Policy.

### 13.0 Policy Adoption

This policy was reviewed by the Parent's Council on \_\_\_\_\_

This policy was reviewed by the Student Council on \_\_\_\_\_

This policy was review by Teachers on \_\_\_\_\_

This policy was adopted by the Board of Management on \_\_\_\_\_ (date).

### 13. Dissemination and Publication

This policy has been made available to school personnel, published on the school website or is readily available to parents and pupils on request. A copy will be provided to the Parents' Association. A copy of this policy will be made available to the Department of Education and Skills and CEIST if requested.

### 14. Review

This policy and its implementation will be reviewed by the Board of Management once in every school year. Written notification that the review has been completed will be made available to school personnel, published on the school website (or be otherwise readily accessible to parents and pupils on request) and provided to the Parents' Association. A record of the review and its outcome will be made available, if requested, to CEIST and the Department of Education and Skills.

Signed: \_\_\_\_\_  
(Chairperson of Board of Management)

Signed: \_\_\_\_\_  
(Principal)

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

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

Date of next review: \_\_\_\_\_