

## *Hartstown Community School* *Expulsion Policy*

**Revised May 2018**

A student is expelled from a school when a Board of Management decides to permanently exclude him or her from the school, having complied with the provisions of *Section 24 of the Education (Welfare) Act 2000*.

The Board of Management of Hartstown Community School has the authority to expel a student and this authority is not delegated. Expulsion will be an appropriate response to the student's behaviour. Expulsion will apply in extreme cases of unacceptable behaviour. Expulsion is usually considered where the Board of Management believes that it has exhausted all possibilities of changing the student's behaviour.

**The school will have taken significant steps to address the misbehaviour of the student in order to avoid expulsion, including:**

- meeting with parents/guardians 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 the behaviour if they persist with such behaviour
- ensuring that all other possible options have been tried
- seeking the advice and support of the relevant outside support agencies

**The proposal to expel a student requires serious grounds such as that:**

- the student's behaviour is a persistent cause of significant disruption to the learning of others and/or to the teaching process
- the student's continued presence in the school is a real and significant risk/threat to health and safety
- the student's continued presence in the school has a detrimental effect on the morale of the school community
- the student is responsible for theft or serious damage to property

**The following factors will have been considered before proposing to expel a student:**

- the nature and seriousness of the behaviour
- the context of the behaviour
- the impact of the behaviour
- the interventions tried to date
- whether expulsion is an appropriate response
- the possible impact of that expulsion

**Expulsion for a first offence**

The Board of Management reserves the right to impose expulsion for a first offence if it deems that offence to be of a most serious nature. Some of these offences may include:

- a serious threat of violence against another student or member of the school community
- actual violence or physical assault
- being in possession of and/or supplying illegal drugs to students of the school
- inappropriate sexual behaviour or sexual assault
- cyber bullying
- any other offence impacting on the rights of any member of the school community to feel safe and protected

**The Board of Management will consider the following factors in considering the expulsion:**

- the precipitating incident
- the behaviour of the student and the effect of that behaviour on the school
- the track record of the pupil up to the point of the precipitating incident
- attempts by the school to divert, correct or check the behaviour
- merits of any contrition and explanation offered for the behaviour and the response by the student to the school's efforts
- the age of the student

### **Procedures in respect of expulsion**

The Board of Management recognises its obligation to follow fair procedures as well as procedures prescribed under the Education (Welfare) Act 2000 when proposing to expel a student. The right to be heard and the right to impartiality are central to the process. Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant expulsion. The procedural steps will include:

- A detailed investigation carried out under the direction of the Principal
- A recommendation to the Board of Management by the Principal
- Consideration by the Board of Management of the Principal's recommendation and the holding of a hearing
- Board of Management deliberations and actions following the hearing
- Consultations arranged by an Educational Welfare Officer
- Confirmation of the decision to expel

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

Parents/Guardians will be informed in writing of the alleged misbehaviour following the preliminary investigation. Where expulsion may result from the investigation a meeting with the student and parents/guardians will be arranged. If the student and the parents/guardians fail to attend that meeting, a further meeting will be arranged.

In all cases the Principal must satisfy the Board of Management that the investigation was fully and fairly conducted.

The Principal will

- inform the student and parents/guardians of the alleged misbehaviour, how it will be investigated and that it could result in expulsion
- give parents/guardians every opportunity to respond to the complaint before a decision is made and before a sanction is imposed

Where the Principal is allegedly implicated in the complaint he/she will arrange for another person to conduct the investigation.

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

Where the Principal forms the view, following the investigation that expulsion may be warranted, he/she will make a recommendation to the Board of Management to consider expulsion.

The Principal will

- inform the parent/guardian and the student that the Board of Management is being asked to consider expulsion
- ensure that parents/guardians have records of the allegation/s 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 members with the same records as the parents/guardians
- notify the parents/guardians of the date of the hearing and invite them to that hearing
- advise the parents/guardians that they can make a written and oral submission and that they may be accompanied
- ensure that parents/guardians 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 the hearing**

The Board of Management will satisfy itself that the investigation was properly conducted in line with fair procedures having reviewed all the documentation and the circumstances of the case.

The hearing will be properly conducted in accordance with Board of Management procedures.

The Principal and the parents/guardians will put their case to the Board of Management in each other's presence. Each party can question each other's evidence. The Board of Management will be impartial as between the Principal and the student and parents/guardians. When the hearing is concluded, the Principal and the student and parents/guardians will leave the room and will not be present for the Board of Management's deliberations.

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

Where the Board of Management forms the opinion that the student should be expelled, the Board of Management will notify the Educational Welfare Officer in writing of its opinion and the reasons for its intention to expel. The student cannot be expelled before the passage of twenty school days from the date on which the Educational Welfare Officer acknowledges receipt of the written notification. *Education (Welfare) Act 2000 Section 24(1)*. The Board of Management will inform the parents/guardians of its decision, the next steps in the process and that the Educational Welfare Officer has been informed.

#### **Step 5: Consultations arranged by the Educational Welfare Officer**

The Educational Welfare Officer must

- make all reasonable efforts to hold individual consultations with the Principal, the parents/guardians and the student, and anyone else who may be of assistance.
- convene a meeting of those parties who wish to attend

The purpose of the meeting is to ensure that arrangements are made for the student to continue in education. If continuing in the school is not an option, the consultation should focus on alternative educational possibilities.

The Board of Management will take steps to ensure that good order is maintained, and that the safety of the school community is secured. Where appropriate, the Board of Management will suspend a student during this time, where there is a likelihood that the continued presence of that student in the school will

- seriously disrupt teaching and learning
- have a detrimental impact on the morale of the school community
- represent a threat to the health and/or safety of the school community.

The school will make arrangements for homework for the student.

#### **Step 6: Confirmation of the decision to expel**

Where the twenty school day period as notified to the Educational Welfare Officer has elapsed and where the Board of Management remain of the view that the student should be expelled, the Board of Management or the Chairperson and Principal, will confirm the decision to expel and that the expulsion will now proceed. The parents/guardians will be advised of their right to appeal the decision.

**Appeal:** The appeal is made to the Secretary General of the Department of Education and Skills and must be lodged with the Department within 42 days of receipt of the expulsion notice. The form is available from the school and the Principal will advise on the Appeals process.

#### **Review of use of expulsion**

The Board of Management reviews the use of expulsion at regular intervals to ensure that its use is consistent with school policies, that patterns of use are examined to identify factors that may be influencing behaviour in the school, and to ensure that expulsion is being used appropriately.