

Expulsion Policy

Adopted by the Board of Management: 27th May 2014

LEGAL CONTEXT

Schools are required, under section 23(2) of the Education (Welfare) Act 2000, to include procedures for expulsion in their code of behaviour.

AUTHORITY TO EXPEL

The authority to expel a student from Kishoge Community College rests with Dublin and Dún Laoghaire Education and Training Board. DDLETB devolves this authority to the Board of Management of Kishoge Community College.

The Board of Management in making a decision to expel a student from the school must comply with section 24 of the Education Welfare Act 2000. The Board's decision must also be in line with the National Educational Welfare Board's *Developing a Code of Behaviour: Guidelines for Schools*.

GROUND FOR EXPULSION

Expulsion of a student is a very grave step and one that is only taken in extreme cases of unacceptable behaviour.

Before proposing to expel a student the school will already have taken significant steps to address the misbehaviour and to avoid expulsion including, as appropriate:

- Meeting with parents and the student to try to find ways of helping the student to change his/her behaviour
- Making sure that the student understands the possible consequences of his/her behaviour if it should persist
- Ensuring that all other possible options have been tried
- Seeking the assistance of relevant support agencies

A 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 or to the teaching process

- the student's continued presence in the school poses a real and significant threat to safety
- the student is responsible for serious damage to property

The grounds for expulsion may be similar to the grounds for suspension. In addition to factors such as the degree of seriousness and the persistence of the behaviour, a key difference is that, where expulsion is considered, school authorities have tried a series of other interventions and believe they have exhausted all possibilities for changing the student's behaviour.

'Automatic' Expulsion

The Board of Management may decide, following consultation with stakeholders, that particular named behaviours incur expulsion as a sanction.

Expulsion for a first offence

There may be exceptional circumstances where the Board of Management forms the opinion that a student should be expelled for a first offence. The kinds of behaviour that might result in a proposal to expel on the basis of a single breach of the Code of Discipline could include:

- A serious threat of violence against another student or member of staff or any person connected with the school
- Actual violence or physical assault
- Supplying illegal drugs to other students in the school
- Sexual assault.

DETERMINING THE APPROPRIATENESS OF EXPELLING A STUDENT

Given the seriousness of expulsion as a sanction the Board of Management should undertake a very detailed review of a range of factors in deciding whether to expel a student. These should include:

- 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 a proportionate response
- The possible impact of expulsion

Inappropriate use of expulsion

Expulsion should not be proposed for poor academic performance, poor attendance or minor breaches of the Code of Discipline.

However, any behaviour that is dangerous or persistently disruptive to learning can be a serious matter.

PROCEDURES IN RESPECT OF EXPULSION

Schools are required by law to follow fair procedures, based on the principles of natural justice, when proposing to expel a student. Fair procedures have two essential parts: the right to be heard and the right to impartiality.

Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant expulsion, the procedural steps will include:

1. A detailed investigation carried out under the direction of the Principal
2. A recommendation to the Board of Management by the Principal
3. Consideration by the Board of Management of the Principal's recommendation and the holding of a hearing
4. Following the hearing, the Board of Management deliberates and decides on a course of action
5. Consultations arranged by the Educational Welfare Officer
6. Confirmation of the decision to expel.

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

- The Principal should inform student and parents about the details of the alleged misbehaviour, how it will be investigated and that it could result in expulsion.

- Parents and student will be given every opportunity to respond to the complaint of serious misbehaviour before a decision is made and before a sanction is imposed.
- Parents/guardians will be given due notice of meetings in writing and a fair and reasonable time to prepare for meetings.
- If a student and his/her parents/guardians fail to attend a meeting they should be informed in writing of the gravity of the matter and 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 student's alleged behaviour.

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 of Management of Kishoge Community College to review the initial investigation and satisfy itself that the preliminary investigation was properly conducted in line with fair procedures. The Board should undertake its own reviews 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 the Board decides to consider expelling a student, it must hold a hearing. The 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 the members are, and are seen to 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 or student, if over 18 years of age, 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, 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 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)).

The Board of Management 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 the 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, the 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)). The Board of Management may consider it appropriate to suspend a student during this time. Suspension should only be considered where there is a likelihood that the continued presence of the student during this time will seriously disrupt the learning of others or represent a threat to the safety of other students or staff.

Step 6: Confirmation of the decision to expel

Where the twenty-day period following notification to the Educational Welfare Officer has elapsed, and where the Board of Management remains of the view that the student should be expelled, the Board should formally confirm the decision to expel (this task might be delegated to the Chairperson of the Board of Management and the Principal). Parents should be notified immediately that the expulsion will now proceed. Parents and the student should be told about the right to appeal and supplied with the standard form on which to lodge an appeal. A formal record should be made of the decision to expel the student.

APPEALS

A parent, or a student aged over eighteen years, may appeal a decision to expel to Dublin and Dun Laoghaire Education and Training Board. Where an appeal to the ETB has been concluded, parents, or a student aged over eighteen years, may subsequently go on to appeal to the Secretary General of the Department of Education and Skills under the provisions of the Education Act 1998, section 29.

The appeals process

The appeals process begins with the provision of mediation by a mediator nominated by the ETB.

REVIEW OF USE OF EXPULSION

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