



EXPULSION POLICY

Meán Scoil Mhuire

Chairperson: Mr. Joe Finnegan

Principal: Mrs. Aoife Mulrennan

Date: 17th January 2017

Policy on Expulsion

This is the ultimate sanction imposed by this school and is exercised by the Board of Management in extreme cases of indiscipline, in accordance with the provision of Section 24 of the Education Welfare Act, 2000.

Parents/guardians and the student will be reminded to familiarise themselves with the content of the Code of Behaviour.

Grounds for Expulsion

A proposal to expel a student will only be taken if and when:

- Students for whom interventions have persistently failed and who persistently cause significant disruption to the learning of others or to the teaching process (refer to Code of Behaviour)
- The student's continued presence in the school constitutes a significant threat to the health and safety of the school community.

Automatic Expulsion

The Board of management may make the decision for automatic expulsion of a student for a first offence in the case where:

- A serious threat of violence is made against another student or staff member.
- Actual violence or physical assault.
- Sexual assault.

Automatic expulsion can take place, once the Board is satisfied that the preliminary investigation has been carried out in a fair and impartial manner. An automatic expulsion can take place without the need for a hearing to take place in the presence of parents/guardians of the student in question.

The Expulsion Process – involving a hearing

Fair procedures will be followed throughout this process. Fair procedures mean that the right to be heard and the right to impartiality of all parties will be respected.

Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant expulsion, the following steps will be followed:

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. Board of Management deliberations and actions following the hearing.
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

In investigating an allegation, in line with fair procedures, the Principal will:

- inform the student and their parents about the details of the alleged misbehaviour, how it will be investigated and that it could result in expulsion.
- give parents and the student every opportunity to respond to the complaint of serious misbehaviour.

Before a decision is made and before a sanction is imposed. Parents will be informed in writing of the alleged misbehaviour and the proposed investigation in order to have a permanent record of having let them know. This also ensures that parents are very clear about what their 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 will 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 will 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 will 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 will:

- 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

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 will undertake its own review of all documentation and the circumstances of the case. It will 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 may hold a hearing. 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 will 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 be, impartial as between the Principal and the student. Parents may wish to be accompanied at hearings and the Board will facilitate this, in line with good practice and Board

procedures. After both sides have been heard, the Board will 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, s 24(1)).

The Board of Management will 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, s 4A).

The Board will inform the parents in writing about its conclusions and the next steps in the process.

Where expulsion is proposed, the parents will 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 that 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 will focus on alternative educational possibilities.

In the interests of the educational welfare of the student, those concerned will 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, s 24(5)). A Board may consider it appropriate to suspend a student. Suspension will 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 upholds the view that the student should be expelled, the Board of Management will formally confirm the decision to expel (this task may be delegated to the Chairperson and the Principal). Parents will be notified immediately that the expulsion will now proceed. Parents and the student will be told about the right to appeal and supplied with the standard form on which to lodge an appeal. A formal record will 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 the Secretary General of the Department of Education and Science.

Provision for Review

This policy will be reviewed 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.