

# EXPULSION POLICY OF



## Tarbert Comprehensive School

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*Ratified by the Board of Management: 15/10/10*

*Amended and approved by the Board of Management: 08/03/16*

*Revised, updated and approved by the Board of Management: 11/6/19*

## **1. Introduction**

As part of its code of behaviour, the Board of Management of Tarbert Comprehensive School has a policy on, and procedures for, expulsion which are in line with NEWB Guidelines (*NEWB Developing a Code of Behaviour: Guidelines for School*) and as set out in this document.

A student is expelled from a school when the Board of Management makes a decision to permanently exclude a student from the school, having complied with the provisions of section 24 of the *Education (Welfare) Act 2000*.

The School, through its pastoral care structures and student support policies, will endeavour to address unacceptable behaviour by encouraging responsible behaviour and applying intervention strategies as appropriate.

The School will seek the support of parents/guardians in encouraging positive behaviour and in responding to incidents.

This Policy should be read in conjunction with other related School Policies including but not limited to the School Code of Behaviour, Anti Bullying Policy, CCTV Policy, ICT Acceptable Use Policy and Substance Use Policy.

This policy is informed by and compliant with the following legislation:

- Education Act 1998
- Education Welfare Act 2000
- Education (Miscellaneous) Provisions Act 2007
- Equal Status Act 2000
- Education for Persons with Special Education Needs 2004

It is the duty of parents/guardians and students to familiarise themselves with this Policy.

## **2. Objective of this Policy**

All individuals should be respectful of the rights of others to go about their business in a safe, caring and nurturing environment. In setting out this policy, in conjunction with the Code of Behaviour, the Board aims to present to pupils, parents and staff the actions to be taken as a result of non-compliance with the School Code of Behaviour and other associated policies.

The Policy is applicable to any School related activities. This includes all trips and outings – foreign or domestic, within or outside School terms/times. The Policy may be applied when and where non-compliance can be associated with and/or affect the School negatively.

## **3. Definition and Purpose of Expulsion**

Expulsion is defined here as the permanent removal of a student from Tarbert Comprehensive School and from attendance at any or all School related activities as a consequence of actions or behaviour that are of such significance as to compromise –

- a) The safety / welfare of any student;

- b) The safety / welfare / ability of an employee to carry out their work without threat or obstruction;
- c) The safety / welfare / entitlement of any student to learn in an environment free from threat or obstruction;
- d) The good reputation and standing of Tarbert Comprehensive School.

Expulsion will normally only be considered after other procedures and interventions have failed or when the action or behaviour is of such seriousness that expulsion is considered the only remaining option having complied with the provisions of Section 24 of the Education (Welfare) Act 2000.

#### **4. Authority to Expel**

The Board of Management of Tarbert Comprehensive School has the sole authority to expel a student. This authority is not delegated.

#### **5. Grounds for Expulsion**

Expulsion is the ultimate sanction and will be enforced for any serious breach(es) of the Code of Behaviour. However School Management recognises that no two situations are ever precisely the same and in enforcing this Policy, the School will, to the best of its ability, act in the best interests of the whole school community.

The Board of Management of Tarbert Comprehensive School has agreed the following in relation to the expulsion of a student.

- I. Expulsion of a student is a very serious step and will only be taken by the Board in extreme cases of unacceptable behaviour. Such behaviour may include:
  - Significant disruption to the learning of others or to the teaching process
  - A serious threat of violence against other students or members of staff
  - Actual violence or physical assault
  - Possession, consumption, and supply of illegal drugs on School grounds and on any and all School related activities, trips and outings, including foreign trips, or in non-school time by any member of the school community. Legally prescribed drugs used inappropriately are considered illegal. Sharing drugs may be seen as supply. It is not necessary for money to change hands.
  - Sexual assault
  - Deliberate serious damage to property
  - Serious misuse of technology
  
- II. In most cases before considering expulsion the School will have taken significant steps to address the student's behaviour. These steps may include:
  - Meeting with parents and the student to try and 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
  - Ensure 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, Education Welfare Officer etc.).

## **6. Automatic Expulsion**

There may be exceptional circumstance where the Board of Management forms the opinion that a student should be expelled for a first offence. Due process and fair procedures will be followed in all cases and the principles of natural justice will apply.

## **7. Inappropriate use of expulsion**

Expulsion will not occur for:

- poor academic performance
- poor attendance or lateness
- minor breaches of the Code of Behaviour.

However, any behaviour that is persistently disruptive to learning or dangerous can be a serious matter. Behaviour must be examined in context to understand both the behaviour itself and the response or sanction that is most appropriate.

## **8. Procedures in respect of Expulsion**

The following are the procedures for the investigation of misbehaviour which may lead to expulsion:

### **Stage 1**

- The Principal will ensure that there is a thorough investigation of the incident. The student may be suspended from school while this investigation is taking place
- As part of this thorough investigation, the School retains the right to conduct searches if there is reasonable cause to believe an item/substance in breach of this Policy (and/or Substance Use Policy) may be present. If the student refuses to comply, for example in the case of rooms, clothing, bags or lockers, then access may be denied until the Gardaí are consulted
- The Principal will inform the student and their parents, in writing, of the details of the alleged misbehaviour and the possibility that it could result in expulsion. Parents will be given the opportunity to consider this information
- The student and parents will be given every opportunity to respond to the complaint before a final decision is made. If the final decision is that the Principal intends to recommend expulsion to the Board of Management then the parents will be invited to a meeting with the Principal before the recommendation is taken to the Board.
- The Principal will provide the parents and the Board of Management with records of the allegations, the investigation and also the grounds on which the Board is being asked to consider expulsion. In the interest of confidentiality, student safety and to mitigate against intimidation or interference, some names and details may be redacted from the records.
- The parents will be notified of the date of the Board of Management hearing and will be invited to attend. They will be given adequate notice of the meeting and will be informed that they may make a written and/or oral submission to the Board. The written submission may be made in advance. The student may continue to be suspended following the conclusion of the investigation pending the Board meeting



## Stage 2

The Board of Management Hearing:

- The Board will ensure impartiality and a Board member who has had any involvement in the circumstances of the case will not take part in the hearing
- At the hearing the Principal and the parents, or a student who is eighteen years or over, will put their case to the Board in each other's presence
- Parents may wish to be accompanied at such hearings and the Board will facilitate this; legal accompaniment is not acceptable at this stage
- Neither Principal nor parents will be present when the Board is making its decision.

## Stage 3

Following the Board Decision:

- If the Board decides that the student should be expelled, the Board must notify the parents and the Education Welfare Officer (through Túsla), in writing, of its decision and the reasons for its decision
- The expulsion will not be implemented until at least twenty school days from the date on which the Education Welfare Officer receives written notification of the expulsion
- In the event that the recommendation of the Principal is not upheld, it is a matter for the Board to decide on what conditions, if any, the student will be allowed back to school.

## Stage 4

Involvement of the Education Welfare Officer:

- Within this twenty school-day period, the Education Welfare Officer will convene meetings with relevant parties to ensure that arrangements are made for the student to continue in education
- While these negotiations are taking place, and before the expulsion is finalised, the Board may consider it necessary to continue the student's suspension from school
- After the twenty days has elapsed, where the Board remains of the view that the student should be expelled, the decision will be formally confirmed to the parents and the student in a registered letter signed by the Chairperson and the Principal
- The parents will be told about the right to appeal and supplied with the appropriate form. This appeal is made to the Secretary General of the Department of Education and Skills.

## **9. Review of use of Expulsion**

The Board of Management 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.

This policy was ratified by the Board of Management initially on the 5-10-2010 and again on 08-03-16. It was updated on the 11-6-19.

It will be reviewed again in 2022. The Policy may also be reviewed at the request of the Board in the light of legislation or other developments.