

St. Mary's C.B.S. Enniscorthy



As a school community committed to the Edmund Rice Charter,

We Care, We Prepare, We Achieve

Code of Behaviour

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**Other relevant Policies (can be found on the school website
www.cbsenniscorthy.ie/policies)**

Anti Bullying Policy

Substance Use Policy

IT Acceptable Use Policy

Sexual Harassment Policy

INTRODUCTION

St Mary's C.B.S. Enniscorthy wishes to ensure that all students have the opportunity to learn in an environment that is safe and where effective teaching and learning can take place

The school values the rights and responsibilities of all staff and students and to give effect to that has formulated a Code of Behaviour as required by the Education (Welfare) Act 2000, section 23.

The Code of Behaviour of St Mary's C.B.S. encourages all members of the school community to be aware of their responsibilities as well as their rights. It is expected that all members of the school community will strive to create an atmosphere that encourages positive behaviour.

Code of Behaviour Review

A staff Working Group was established in September 2014 and met eight times during the 2014/15 school year. With NBSS support, this group drafted a revised Code of Behaviour, which was presented to staff for their input on 25th March 2015.

Consultation

A short questionnaire was distributed to all staff in September 2014, seeking to identify good behaviour management practices.

All staff attended a presentation on the NEWB Guidelines on Code of Behaviour on 25/3/2015. At this two hour session, they were also presented with a draft of the revised Code of Behaviour and were given the opportunity to suggest changes to the document.

The Student Council were presented with a draft of the Code of Behaviour in May 2015 and given the opportunity to suggest changes to the document.

At its meeting on 18th May 2015 the school's Board of Management considered and approved this revised Code of Behaviour.

This Code of Behaviour will be reviewed in 2018

Mission Statement

As a school community committed to the Edmund Rice Charter,

We Care, We Prepare, We Achieve

The mission statement of our school is at the heart of all we do in our school. It is the basis from which we aim to support each individual in achieving their full academic, personal and spiritual potential. We strive to achieve this in a healthy safe and inclusive environment where learning is valued and the rights and responsibilities of all are respected.

As an Edmund Rice school we are also committed to the Edmund Rice Charter and take inspiration from the key elements. The school's commitment to the Charter is a driving force behind the school's Code of Behaviour.

EDMUND RICE CHARTER

The school adopted the Edmund Rice Charter at a Board of Management meeting on the 25th of September 2006.

The school is committed to the vision and mission statement set out in the charter.

Vision

Promoting full personal and social development in caring Christian communities of learning and teaching.

Mission

To provide a Catholic education in the Edmund Rice tradition.

The five key elements of the Edmund Rice School are:

1. Nurturing faith, Christian spirituality and Gospel based values.
2. Promoting partnership in the school community.
3. Excelling in teaching and learning.
4. Creating a caring community.
5. Inspiring transformational leadership

Creating an Environment for Positive Behaviour

The Board of Management and staff in St Mary's strive to maximise the likelihood of positive student behaviour, by doing the following:

- Having a clear set of expectations, rules and routines that are taught to students.
- Having high expectations of students.
- Staff modelling respectful behaviour.
- Offering relevant programmes e.g. L.C.A., TY, and a wide choice in the curriculum.
- Offering a range of extra-curricular activities, thus encouraging the engagement of all students.
- Communicating with parents about positive and negative behaviour patterns.
- Being aware of relevant and appropriate factors in the students' lives.
- Showing fairness.
- Working to ensure excellent staff collaboration and staff induction.
- Providing effective student support services, including Pastoral Care team, Guidance team, H.S.C.L., Behaviour for Learning teacher, Class Tutor system
- Training Meitheal leaders.
- Having a comprehensive Transition and Transfer programme.
- Having a positive ethos/atmosphere in the school.
- Showing an interest in the pupils' lives and achievements outside school.
- Maintaining a clean/tidy environment.

PROMOTING POSITIVE BEHAVIOUR

We believe that noticing and affirming positive student behaviour is essential.

Teachers promote positive behaviour by using the following strategies:

- Noticing positive behaviour
 - Thumbs up
 - Tutor feedback
 - Term report
 - Note in journal
 - Call home
 - Positive comments targeted at individuals
- Acknowledging extra-curricular achievements
- Using a reward system in class that acknowledges effort, participation, achievement, and improvement regarding class work and behaviour.
- Homework pass

Whole school strategies to encourage and promote positive behaviour

- Awards night – recognises progress, achievement, participation, and effort in school. Also recognises achievement outside school.
- Sierra Leone ('CBS has talent') concert
- Variety of sports; reports on matches/events
- Encouraging students to take leadership roles in the school incl. Students council, Meitheal etc....
- Public speaking
- Attendance certificates
- Merit awards systems and class rewards
- Outdoor pursuits and adventure trips
- Various class visits/trips/tours
- School teams entered into school competitions

Our School Rules

We Care

Talk nicely to others



One voice at a time



Keep hands, feet and objects to yourself.



We Prepare

Be in all classes on time



Have all equipment



Wear Full uniform



We Achieve

Do your classwork and homework to the best of your ability.



Follow staff instructions



Allow others to work



Responding to Inappropriate Behaviour

Most students behave appropriately with the help of clear, consistent rules and routines. The subject teacher will deal with most incidents of misbehaviour through classroom management strategies.

Some students need more active intervention or support to help them manage their behaviour.

This may involve:

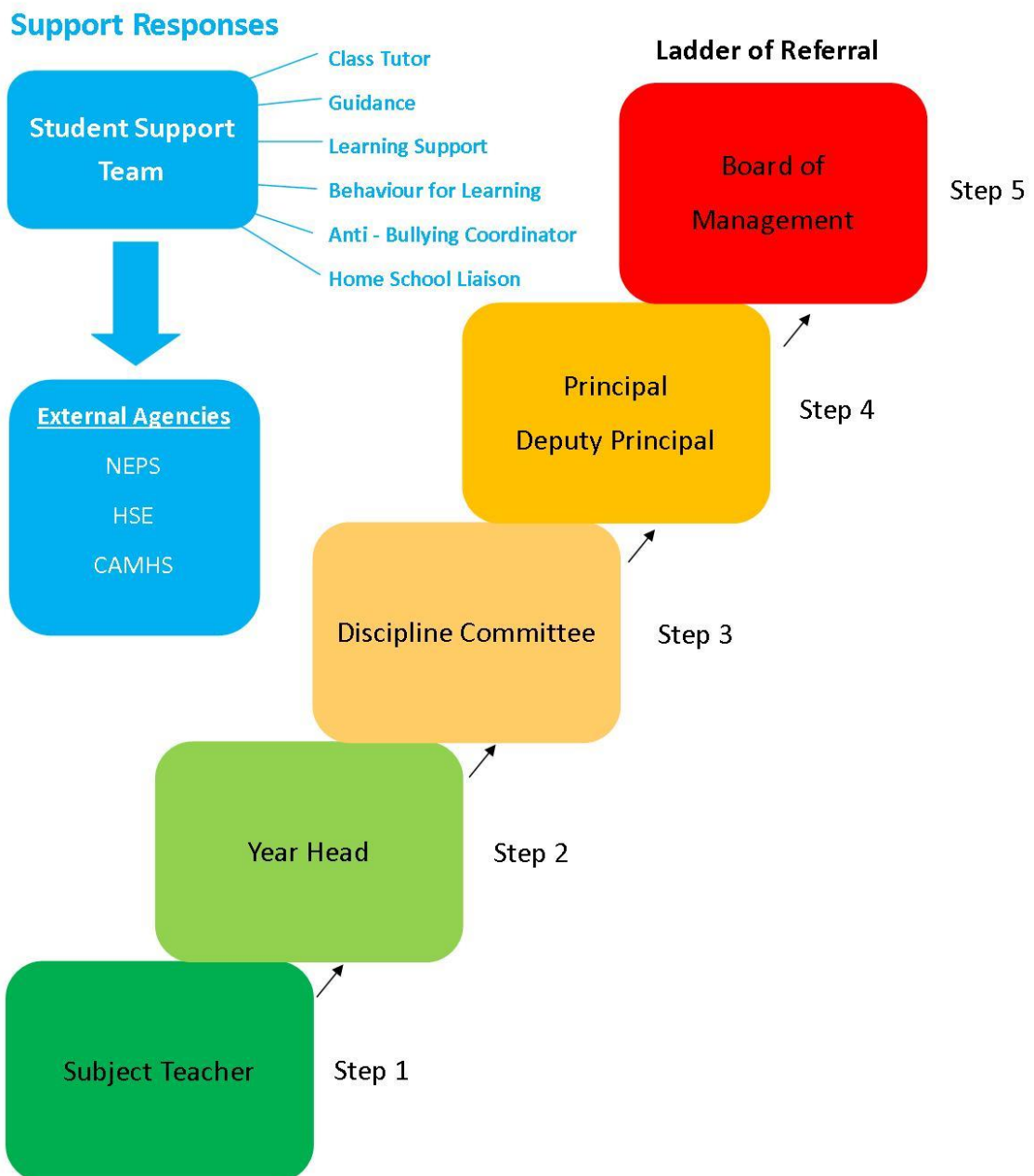
- Referral to pastoral care team, special education needs coordinator, or Behaviour for Learning teacher
- Referral to counsellor, psychologist
- Referral to external support services
- Behaviour support targets and/or contracts

Sanctions are also a response to help students change behaviour. They are necessary to show disapproval of, and to discourage, unacceptable behaviour.

In accordance with *Developing a Code of Behaviour* (NEWB 2008), **sanctions should be proportionate to the nature and seriousness of the behaviour. Certain factors will be considered such as:**

- **The frequency, duration and persistence of the behaviour**
- **Whether it is part of an escalating pattern of poor behaviour**
- **The context of the behaviour, including a student's personal circumstances**

Responding to Inappropriate Behaviour



St. Mary's C.B.S. Enniscorthy

Suspension Policy

Suspension is reserved as a very serious sanction, exceeded in seriousness only by expulsion. A suspension may be imposed where other sanctions outlined in the Code of behaviour have been used but the misbehaviour continues or sometimes a suspension will be imposed after a single serious misbehaviour.

DEFINITION

Suspension is defined as: *requiring the student to absent himself from the school for a specified, limited period of school days.*

During the period of a suspension, the student retains their place in the school.

AUTHORITY TO SUSPEND

The Board of Management of St Mary's C.B.S. secondary school has the authority to suspend a student. The board of management has formally delegated to the principal the authority to suspend a student for a period of time up to a maximum of 5 days.

In implementing a decision to suspend the Principal shall adhere to the procedures for suspension as set down in the code of behaviour of the school and in accordance with this policy which was formulated using the guidelines set out by the NEWB 'Developing a code of behaviour: Guidelines for Schools'.

FOUNDATIONS FOR SUSPENSION

Suspension in St. Mary's C.B.S. will be a proportionate response to the behaviour that is causing concern. Normally, other interventions will have been tried before suspension, and the Year Head with the discipline committee will have reviewed the reasons why these have not worked. The decision to suspend a student requires serious grounds such as that:

- the student's behaviour has had a seriously detrimental effect on the education of other students
- the student's continued presence in the school at this time constitutes a threat to safety
- the student is responsible for serious damage to property.

A single incident of serious misconduct may be grounds for suspension.

In the event of the absence of the Principal on approved leave or school business the authority to suspend is delegated to the Acting Principal.

DETERMINING THE APPROPRIATENESS OF SUSPENDING A STUDENT

The purpose of suspension is to highlight to the student that the seriousness of his misbehaviour has reached a limit. His behaviour is such that his presence in his class is detrimental to the teaching and learning for that class. In some cases the suspension highlights that a single incidence of misbehaviour is so unacceptable that no other sanction is sufficient to convey that message.

FACTORS TO CONSIDER BEFORE SUSPENDING A STUDENT

The nature and seriousness of the behaviour

- What is the precise description of the behaviour?
- How persistent has the unacceptable behaviour been?
- Has the problem behaviour escalated, in spite of the interventions tried?

The context of the behaviour

- What are the circumstances of the incidents of serious misbehaviour (e.g. in class, in a particular teacher's class, in the yard, in a group)?
- What factors may have triggered incidents of serious misbehaviour (e.g. bullying, cultural or family factors)?
- What is the age, stage of development and cognitive ability of the student?
- Are there any factors that may be associated with the behaviour (e.g. particular home circumstances, special educational needs)?

The impact of the behaviour

- How are other students and staff affected by the student's behaviour?
- What is the impact of the behaviour on the teaching and learning of the class?
- Does the behaviour have a particular or greater impact on some students or teachers?
- Does the student understand the impact of their behaviour on others?

The interventions tried to date

- What interventions have been tried? Over what period?
- How have the interventions been recorded and monitored?
- What has been the result of those interventions?
- Have the parents been involved in finding a solution to the problem behaviour?
- Has the intervention of NEPS or other psychological assessment or counselling been sought, where appropriate?
- Are any other interventions such as peer mediation, restorative justice approaches or family conferencing available?

- Is the student or parent involved with any support service and has this agency or support service been asked for help in solving this problem?
- Has any other agency been asked for assistance (e.g. Child Guidance Clinic, Child and Adolescent services)?

Whether suspension is a proportionate response

- Does the student's behaviour warrant suspension?
- Is the standard being applied to judging the behaviour the same as the standard applied to the behaviour of any other student?

The possible impact of suspension

- Will suspension allow additional or alternative interventions to be made?
- Will suspension help the student to change the inappropriate behaviour?
- How will suspension help teachers or other students affected by the behaviour?
- Will suspension exacerbate any educational vulnerability of the student?

Suspension as part of a behaviour management plan

Suspension in this school is part of a continuum of responses to address a student's behaviour. The suspension will:

- enable the school to set behavioural goals with the student and their parents
- give school staff an opportunity to plan other interventions
- impress on a student and their parents the seriousness of the behaviour.

FORMS OF SUSPENSION

Immediate suspension

In exceptional circumstances, the Principal may consider an immediate suspension to be necessary where the continued presence of the student in the school at the time would represent a serious threat to the safety of students or staff of the school, or any other person. Fair procedures will still be applied.

Suspension during a State examination

This sanction will normally be approved by the Board of Management and will 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 examinations in a calm atmosphere.

The sanction will be a proportionate response to the behaviour. For example, it would rarely be appropriate for a first offence, unless there is a threat to the good order of the conduct of the examination.

This sanction will be treated like any other suspension, and the principles and fair procedures governing suspensions will be applied.

INAPPROPRIATE USE OF SUSPENSION

Students will not usually be suspended 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 potentially dangerous can be a serious matter. Behaviour will be examined in context to understand both the behaviour itself and the response or sanction that is most appropriate.

Rolling suspension

A student will not be suspended again shortly after they return to school unless:

- they engage in serious misbehaviour that warrants suspension and
- fair procedures are observed in full and
- the standard applied to judging the behaviour is the same as the standard applied to the behaviour of any other student.

Exclusion of a student for part of the school day, as a sanction, or asking parents to keep a child from school, as a sanction, is a suspension. Any exclusion imposed by the school is a suspension, and will follow the guidelines relating to suspension.

Students will not be suspended for an indefinite period.

PROCEDURES IN RESPECT OF SUSPENSION

St Mary's C.B.S. will follow fair procedures when proposing to suspend a student (see Appendix A and B for more detail). Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant suspension, the school will observe the following procedures:

- inform the student and their parents about the complaint
- give parents and student an opportunity to respond.

Inform the student and parents

The student and his parents will be informed about the complaint, how it will be investigated, and that it could result in suspension.

Parents will be informed by phone or in writing, depending on the seriousness of the matter. Parents will be informed about what their son is alleged to have done.

Give an opportunity to respond

Parents and student will be given an opportunity to respond before any decision on suspension is made.

A meeting with the student and their parents will be facilitated to provide an 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 (in the case of immediate suspension, this conversation may be more appropriate over the phone). There is also an opportunity 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 negative behaviour. The school will record the invitations made to parents and their response.

Procedures in relation to immediate suspension

Where an immediate suspension is considered by the Principal to be warranted for reasons of the safety of the student, other students, staff or others, a preliminary investigation will be conducted to establish the case for the imposition of the suspension. The formal investigation will immediately follow the imposition of the suspension. All of the conditions for suspension apply to immediate suspension. No suspension, including an immediate suspension, will be open-ended.

In the case of an immediate suspension, parents will be notified, and arrangements made with them for the student to be collected. The school will have regard to its duty of care for the student. In no circumstances will a student be sent home from school without first notifying parents.

THE PERIOD OF SUSPENSION

A student will not be suspended for more than three days, except in exceptional circumstances where the Principal considers that a period of suspension longer than three days is needed in order to achieve a particular objective.

In this school the Board of Management has authorised the Principal, with the approval of the Chairperson of the Board, to impose a suspension of up to five days in circumstances where a meeting of the Board cannot be convened in a timely fashion, subject to the guidance concerning such suspensions.

The Board of Management places a ceiling of ten days on any one period of suspension imposed by it.

The Board will formally review any proposal to suspend a student, where the suspension would bring the number of days for which the student has been suspended in the current school year to twenty days or more. Suspensions of twenty days duration or more are subject to appeal under section 29 of the Education Act 1998 (see section on Appeals below).

These provisions enable school authorities to give the student a reasonable time to reflect on their behaviour while avoiding undue loss of teaching time and loss of contact with the positive influences of school. They recognise the serious nature of the sanction of suspension and ensure that this seriousness is reflected in school procedures. The provisions mean that the Board of Management takes ultimate responsibility for sanctions of significant length, especially where such suspensions might reach twenty days in one school year and therefore might lead to an appeal.

APPEALS

An appeal may be made to the Board of management of the school against the imposition of a suspension.

Procedures for making an appeal against a suspension

1. A letter from the parents of the suspended student or from the student himself if he is over 18 years of age should be sent to the secretary of the board of management outlining the reasons for appealing the suspension. This appeal must be received within ten days after the date of issue of the suspension.
2. The board of management will review the procedures that were carried out leading to the issue of a suspension at their next meeting. The board will consider if the procedures were carried out correctly. The board will consider the imposition of a sanction other than suspension.
3. The secretary of the board of management will write to the appellant(s) notifying them of the decision of the board.

Grounds for removing a suspension

A suspension may be removed if the Board of Management decides to remove the suspension for any reason or if the Secretary General of the Department of Education and Science directs that it be removed following an appeal under section 29 of the Education Act 1998.

The school may insist that the student remain at home while any appeal on a suspension is in process. All appeals will be heard as soon as is practically possible but it is possible that a suspension may already be served before the appeal is actually heard. If the appeal is successful, the only remedy then is to have the suspension removed from the student's record.

Section 29 Appeal

Where the total number of days for which the student has been suspended in the current school year reaches twenty days, the parents, or a student aged over eighteen years, may appeal the suspension under section 29 of the Education Act 1998, as amended by the Education (Miscellaneous Provisions) Act 2007.

At the time when parents are being formally notified of such a suspension, they and the student will be told about their right to appeal to the Secretary General of the Department of Education and Science under section 29 of the Education Act 1998, and will be given information about how to appeal.

IMPLEMENTING THE SUSPENSION

The Principal will notify the parents of the student in writing of the decision to suspend. The letter will confirm:

- the period of the suspension and the dates on which the suspension will begin and end
- the reasons for the suspension
- any study programme to be followed (usually for longer suspensions)
- the arrangements for returning to school, including any commitments to be entered into by the student and the parents (for example, parents might be asked to reaffirm their commitment to the code of behaviour)
- the provision for an appeal to the Board of Management
- the right to appeal to the Secretary General of the Department of Education and Science (Education Act 1998, section 29).

The letter will be clear and easy to understand.

AFTER THE SUSPENSION ENDS

A period of suspension will end on the date given in the letter of notification to the parents about the suspension.

Re-integrating the student

The school will help the student to re-integrate after a suspension. The student will be supported by the Year Head and where deemed helpful a member of the Student Care team.

- Parents may be requested to attend with the student on the day of his return to the school
- Undertakings of good behaviour from the student may be requested in writing
- Student may be put on report for a week or a number of weeks. This involves being given a report card at the beginning of the school day and presenting it to each teacher at the beginning of each class. The teacher will write a comment on the

student's behaviour, quality of work done in class and homework. The card will be reviewed by the discipline committee.

- Student might be encouraged to engage with supports (e.g. counselling, referral to NEPS, other pastoral supports)

Clean slate

When any sanction, including suspension, is completed, a student will be given the opportunity and support for a fresh start. Although a record is kept of the behaviour and any sanction imposed, once the sanction has been completed the school will expect the same behaviour of this student as of all other students.

RECORDS AND REPORTS

Records of investigation and decision-making

Formal written records will be kept of:

- the investigation (including notes of all interviews held)
- the decision-making process
- the decision and the rationale for the decision
- the duration of the suspension and any conditions attached to the suspension.

Report to the Board of Management

The Principal will report all suspensions to the Board of Management, with the reasons for and the duration of each suspension.

Report to TUSLA

The Principal will report suspensions in accordance with the TUSLA reporting guidelines (Education (Welfare) Act, 2000, section 21(4)(a)).

REVIEW OF THE USE OF SUSPENSION

The Board of Management will review the use of suspension 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 use of suspension is appropriate and effective.

Expulsion Policy

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

Authority to expel

The Board of Management of St Mary's C.B.S. secondary school has the authority to expel a student. That authority is reserved to the Board of Management and is not delegated.

The grounds for expulsion

The board of management of St. Mary's C.B.S. will treat expulsion as a proportionate response to the student's behaviour. Expulsion of a student is a very serious step, and one that will only be taken by the Board of Management in extreme cases of unacceptable behaviour. The school will already have taken significant steps to address the misbehaviour and to avoid expulsion of a student including, as appropriate:

- meeting with parents 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 their behaviour, if it should persist
- ensuring 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).

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 constitutes 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.

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 could include:

- a serious threat of violence against another student or member of staff
- 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 will undertake a very detailed review of a range of factors in deciding whether to expel a student.

FACTORS TO CONSIDER BEFORE PROPOSING TO EXPEL A STUDENT

The nature and seriousness of the behaviour

- What is the precise description of the behaviour?
- How persistent has the unacceptable behaviour been and over what period of time?
- Has the problem behaviour escalated, in spite of the interventions tried?

The context of the behaviour

- What are the circumstances of the incidents of serious misbehaviour (e.g. in class, in a particular teacher's class, in the yard, in a group)?
- What factors may have triggered incidents of serious misbehaviour (e.g. bullying, cultural or family factors)?
- What is the age, stage of development and cognitive ability of the student?
- Are there any factors that may be associated with the behaviour (e.g. particular home circumstances, special educational needs)?

The impact of the behaviour

- How are other students and staff affected by the student's behaviour?
- What is the impact of the behaviour on the teaching and learning of the class?

The interventions tried to date

- What interventions have been tried? Over what period?
- How have the interventions been recorded and monitored?
- What has been the result of these interventions?
- Have the parents been involved in finding a solution to the problem behaviour?
- Has the intervention of NEPS or other psychological assessment or counselling been sought, where appropriate?
- Is the student or parent involved with any support service and has this agency or support service been asked for help in solving this problem?
- Has any other agency been asked for assistance (e.g. Child Guidance Clinic, Child and Adolescent services)?
- Is the board satisfied that no other intervention can be tried or is likely to help the student to change their behaviour?

Whether expulsion is a proportionate response

- Is the student's behaviour sufficiently serious to warrant expulsion?

- Is the standard being applied to judging the behaviour the same as the standard applied to the behaviour of any other student?

The possible impact of expulsion

- To what extent may expulsion exacerbate any social or educational vulnerability of the student?
- Will the student be able to take part in, and benefit from, education with their peers?
- In the case of a student who is in care, what might be the implications of expulsion for the care arrangements?

INAPPROPRIATE USE OF EXPULSION

Expulsion will not be proposed 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 is a serious matter. Behaviour will be examined in context to understand both the behaviour itself and the response or sanction that is most appropriate.

PROCEDURES IN RESPECT OF EXPULSION

St Mary's C.B.S., as required by law, will follow fair procedures as well as procedures prescribed under the Education (Welfare) Act 2000, when proposing to expel a student (see Appendix A and B below for information about fair procedures). 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. 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.
- allow student and parents to give their side of the story; to ascertain the facts; to present a case for lessening the sanction

Parents will be informed in writing of the alleged misbehaviour and the proposed investigation. Parents will be informed very clearly about what their son is alleged to have done.

Parents and the student will be given an 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 will take place. An opportunity will be provided 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.

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:

- provide the board of management with the reasons why expulsion should be considered.
- inform the parents and the student that the Board of Management is being asked to consider expulsion
- suspend the student pending the board of management meeting
- 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
- organise a special meeting of the board of management
- notify the parents of the date of the hearing by the Board of Management and invite them to that hearing
- provide the Board of Management with the same comprehensive records as are given to parents
- advise the parents that they can make a written and/or 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

The Board will

- review the initial investigation and satisfy itself that the investigation was properly conducted in line with fair procedures.
- undertake its own review of all documentation and the circumstances of the case.
- 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).
- Hold a hearing at a Special Meeting of the Board of Management
- accord due process
- allow principal and parents/student 18+ to put the case in each other's presence
- allow questioning of the evidence of each party
- be impartial
- allow parents to be accompanied – if they suggest being accompanied by a lawyer it will be discouraged.
- ensure that the principal and parents/student are not present during deliberations

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

Having heard from all the parties, the Board of Management will 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 will notify the Educational Welfare Officer in writing of its opinion, and the reasons for this opinion. (Education (Welfare) Act 2000, s24(1)). The Board of Management will refer to National Educational Welfare Board reporting procedures for proposed expulsions.

The student will not 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 might suspend the student if there is a threat to safety of others or that the student poses a risk to good order and discipline in the school during this time

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 will:

- 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.

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 may consider it appropriate to suspend a student during this time. 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 remains of the view that the student should be expelled, the Board of Management will formally confirm the decision to expel (this task might 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 (Education Act 1998 section 29). An appeal may also be brought by the National Educational Welfare Board on behalf of a student.

The appeals process

The appeals process under section 29 of the Education Act 1998 begins with the provision of mediation by a mediator nominated by the Appeals Committee (Department of Education and Skills). For further details about the Appeals process, including requirements for documentation, and the steps in the process, refer to current DES guidance.

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.

APPENDIX A

Fair procedures based on the principles of natural justice

St Mary's C.B.S., as required by law, will follow fair procedures when proposing to suspend or expel a student. The requirement for fair procedures derives from the Constitution of Ireland, international Conventions and case law.

Fair procedures have two essential parts:

- **the right to be heard**
- **the right to impartiality.**

The **right to be heard** means:

- the right to know that the alleged misbehaviour is being investigated
- the right to know the details of the allegations being made and any other information that will be taken into account
- the right to know how the issue will be decided
- the right to respond to the allegations
- where the possible sanction is of a serious nature, the right to be heard by the decision-making body
- where the possible sanction is of a serious nature, the right to ask questions of the other party or witnesses where there is a dispute about the facts.

The **right to impartiality** means:

- the right to an absence of bias in the decision-maker
- the right to impartiality in the investigation and the decision-making.

Freedom from bias entails ensuring that a person with an interest in the matter is not involved in the investigation or decision-making. If a person has pre-conceived opinions, a vested interest or personal involvement in the matter, they should not attempt to settle that matter.

An impartial process is one that allows a decision to be made based on an unbiased evaluation of information and evidence. Generally, impartiality requires that the investigation is separated from the process of making a decision so that the decision-maker comes to the task with an open mind.

APPENDIX B

Applying fair procedures in school

In our school, fair procedures apply to:

- the **investigation** of alleged misbehaviour that may lead to suspension or expulsion and
- the process of **decision-making** as to (a) whether the student did engage in the misbehaviour and (b) what sanction to impose.

The way in which fair procedures are applied will take account of the seriousness of the alleged misbehaviour and will have regard to what is reasonable in the context of a particular school.

The **principles** of fair procedures always apply, but the degree of formality required in implementing fair procedures will depend on the gravity of the alleged misbehaviour and on the seriousness of the possible sanction. The level of formality required, for example for a suspension of fewer than three days, would be less than that required in the case of a longer suspension or in circumstances that might lead to an expulsion.

Even informal processes, however, must be fair and be seen to be fair. The principles of ensuring *the right to be heard* and *the right to impartiality* apply in all cases.

The **right to be heard** means that a student and their parents are fully informed about an allegation and the processes that will be used to investigate and decide the matter; and that they must be given an opportunity to respond to an allegation **before** a decision is made and before a serious sanction is imposed.

Absence of bias in the decision-maker would mean, for example that if the child of the Principal was accused of misconduct that might warrant suspension or expulsion, the Principal would not be involved in the decision. Similarly, if the child of a member of the Board of Management was accused of misconduct, that parent would absent themselves from the Board for any consideration of the matter by the Board.

The principle of **impartiality in decision-making** means it is preferable that, where possible, the Principal arranges for another member or members of staff to conduct the investigation and to present a full report on the facts of the case and any other relevant information to the Principal. The Principal is then free to take a view about whether the student did engage in the behaviour and about the sanction, based on the report of the investigation.

Where circumstances require the Principal to conduct the investigation as well as making a finding and proposing the sanction, he or she must not only act fairly but be seen to act fairly. It is incumbent upon the Principal to review the investigation to ensure that it has been fully and fairly conducted. It should be evident to the student, parents, staff and other students that the Principal, as decision-maker, is basing their decision, in an objective way, on the findings of the investigation.

The person alleging the misbehaviour, or who is a victim, or a witness should not usually conduct the investigation.

Thoughtful application of professional judgement and knowledge of the requirements of fair procedures will generally guide decision-making about suspension and expulsion. However, in circumstances of particular complexity, school authorities may need to seek legal advice to support their decision-making.

Appendix I

Absences from School

If a student is unable to attend school because of illness or some other serious reason, the following steps should be taken:

1. A parent/guardian should ring the school between 9.00 am and 10.00 am to inform the school of the absence and to give a reason for the absence.
2. A note explaining the absence, signed by a parent/guardian, must be entered in the student's journal on the day of his return to school, or a letter brought to the school that day.

The school is obliged under the Education Welfare Act 2000 to notify the Education Welfare Board if a student is absent for more than 20 days.

Appendix II

Arrangements for Students Leaving School

Appointments (doctor/dentist etc.)

- Student must have a note from parent/guardian, including date, time and reason for being excused. This should be presented to the Tutor or relevant subject teacher.
- For unforeseen appointment (e.g. appointment made after student has left for school), the parent/guardian must come to school Reception to have student excused.

Students must **SIGN OUT** at Reception before leaving the building

If returning to school on same day, the student must **SIGN IN** at Reception.

Student attendance at St. Mary's CBS events e.g. sporting events, during school time, is decided by school management

If you wish to contact your child, or leave a message for him, please contact Reception.

Reminder: students are not allowed to have mobile phones or other devices switched on during class time.

Appendix III

School Uniform

The official school uniform consists of grey trousers, navy V-neck jumper with school crest, blue shirt with a wine tie or blue polo shirt with school crest.

The official school uniform must be worn by all students when attending school or representing the school. The wearing of jewellery is restricted to a watch and a ring. Ear-rings, eye-brow studs and other similar jewellery is strictly forbidden. Inappropriate slogans, badges or logos are not permitted. Caps, hats or “hoodies” are not to be worn inside school buildings.

All students are advised to have a spare uniform. If a student comes to school out of uniform he will be provided with the missing item(s). This will incur a cost for rental of ties and jumpers and the cost of dry cleaning of trousers or shirts.

All students are expected to keep their hair neat and tidy.

All students will be expected to wear appropriate sportswear for physical education classes.

Appendix IV

Out of School Behaviour

Students are expected to behave in a respectful and dignified manner both on and off the school premises. The school management will cooperate with parents/guardians, local businesses, members of the public and the Gardai to ensure that breaches of behaviour will be dealt with. The sanctions outlined in this Code of Behaviour will be applied to deal with misbehaviour that occurs outside the school grounds.

Appendix V

Mobile Phones (and other communication devices)

Any use of a mobile phone, iPod, mp3 player etc. is not allowed in class. If a student breaks this rule the phone (or other item) will be confiscated and may be collected from the school by a parent/guardian from the end of that school day. In exceptional circumstances, if a parent/guardian is unable to collect a phone, it will be returned to the student at the end of five school days.

Mobile phones and other devices must be turned off and cannot be used between classes and may only be used during break time and at lunch time.

Taking photographs or videoing of students, teachers or other staff members is strictly forbidden.

No inappropriate images should be stored on phones. The above rule also applies to iPods, MP3 players and other similar devices.

The school cannot take responsibility for any loss or damage to any of the items covered by the above rule.

The policy was approved by the board of management at its meeting on 18 May 2015.

Chairperson: Pat McDonald

Date: 18 May 2014

Next date for review is May 2018.