

Meánscoil na mBráithre Críostaí, Cill Chainnigh
Christian Brothers Secondary School, Kilkenny.

Phone: 056 7721402

Fax: 056 7763652

email: office@cbskilkenny.ie



SUSPENSION AND EXPULSION POLICY March 2021

School Name:	Christian Brothers Secondary School, Kilkenny
School Address:	James's Street, Kilkenny
School Details:	CBS Kilkenny is a Voluntary Roman Catholic Secondary School under the Trusteeship and the Patronage of the Edmund Rice Schools Trust. The School is grant aided by the Department of Education & Skills and is a single sex (boys) school.
School Management:	The Board of Management of CBS Kilkenny is a statutory Board appointed pursuant to the provisions of the Education Act 1998.

Mission Statement

Inspired by its founder, CBS Kilkenny aims to provide Catholic education in the Edmund Rice tradition. The school endeavours to be a caring Christian Community which promotes to the best of its ability the personal, spiritual, physical and intellectual development of its students.

Ethos

As an Edmund Rice School, CBS Kilkenny seeks to promote the five key elements of an Edmund Rice School as espoused by the ERST Charter:

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

Rationale

Through its Code of Behaviour, CBS Kilkenny aims to create a calm, ordered, and work-oriented atmosphere in a caring and supportive environment based on respect for self and respect for others. In cases where students fail to observe the Code of Behaviour it is necessary, for the good of the school community as a whole, to impose sanctions on such students, including suspension or expulsion where warranted.

This policy outlines the school's approach to suspension and expulsion and has been formulated taking due consideration of relevant legislation, and legal instruments, including Education Act 1998, Education Welfare Act 2000, Equal Status Act 2000, Education (Admissions) Act 2018, Circular letter M48/01 and related school policies, the Educational Welfare Service Túsła Guidelines and the principles of fairness and natural justice.

This policy has been reviewed in accordance with CBS Kilkenny Child Safeguarding Statement and in line with the Children First Act 2015 and the Child Protection Procedures for Primary and Post-Primary Schools 2017.

While renewing this policy, due consideration has been given to all aspects of the wellbeing of students at CBS Kilkenny and particularly to the Wellbeing School Improvement Plan (May 2018),

General Data Protection Regulation came into force in May 2018, and this policy has been reviewed in accordance with best practice as detailed in this legislation.

Suspension Principles

In certain cases of unacceptable behaviour, it will be in the best interests of the school community and/or the students involved to remove the student from the school for a period of time. The Board of Management has delegated to the principal (in his absence, the acting principal) the authority to suspend a student from attending school. This may not be for an indefinite period. Suspensions of 6 consecutive days or more must be notified to the Educational Welfare Service Túsła. The principal will exercise this authority in a fair and non-discriminatory manner, having regard to his responsibility to the whole school community, its policies, Code of Behaviour and to the principles of natural justice.

The primary purpose of suspension is one of **corrective support** rather than punishing students for misbehaviour. It is the intention of the school that suspension allows students the time, under the supervision of their parents/guardians, to reflect on their unacceptable behaviour, accept responsibility for the behaviour that led to the suspension and to change their future behaviour to meet the expectations of the school.

Grounds for suspension may include but are not limited to where:

1. the student's behaviour has had a detrimental effect on the education, learning and/or wellbeing of other students
2. the student's continued presence in the school at the time constitutes a threat to the health and safety of himself or others in the school community
3. the student is believed to be responsible for damage to property
4. there is behaviour that is disruptive or potentially dangerous
5. there has been a serious incident of misconduct. Such misconduct may include but is not limited to:
 - disrespect or defiance towards and/or harassment or intimidation of a member of staff or visitors to the school
 - harassment, intimidation and/or bullying of another student
 - possession, use, or supply of prohibited substances (including alcohol, drugs, or associated paraphernalia) in the school, on school trips, or in the course of any school-related activity, or when a link can be made to the school in line with school policies
 - inappropriate use of social media
 - inappropriate use of online teaching and learning platforms
 - stealing, fighting, or the possession of offensive weapons
 - bringing the school or the school community into disrepute
 - matters which are deemed by the principal to be of a serious nature
 - refusal to submit a mobile device when requested
 - the student has absented himself from school without permission
 - repeated breaches of the Code of Behaviour that have not been rectified by other interventions and disciplinary measure short of suspension
 - refusal/failing to assist staff in the investigation of incidents of misbehaviour
 - refusal to follow instruction from a member of school staff.

Forms of Suspension

Suspension on particular days or with immediate effect

In some circumstances, the principal may consider a suspension with immediate effect to be necessary under the suspension principles listed above.

Suspension before/during State examinations

A student may be suspended before/during a state examination if there is:

- disruption to orderly operation of the examination
- a threat to the safety of other students and personnel
- impinge on the right of other students to do their examination in a calm atmosphere

Suspension Procedure

In the event that the principal exercises his authority to suspend a student for a fixed duration, the following procedure will be used:

1. The student will be informed of the precise grounds that gave rise to a potential suspension and will be given an opportunity to respond before a suspension decision is formalised.
2. The parents/guardians of the student will be informed in writing of the situation and invited to come to the school for a meeting.
3. In cases where the suspension is to take effect immediately, parents/guardians will be informed by telephone, with written follow-up.
4. Students will not be sent home during a school day unless collected by a parent/guardian or some other suitable arrangement is made.

Letter of Suspension

The letter of suspension may include all/some of the following:

- Notice of the suspension.
- Effective date of the suspension.
- Duration of the suspension,
- Reasons for the suspension.
- The rights of appeal
- Where appropriate, this letter may also include some or all of the following:
 - Expectations of the student while on suspension.
 - Reference to the importance of parental/guardian assistance in resolving the matter causing suspension.
 - A statement that the student is under the care and responsibility of parents/guardians while suspended.
 - A statement that the Education Welfare Service Túsla has been informed of the suspension.
 - Requirements to be met for the student's return to school.

Suspension Removal

As the principles of natural justice demand that there should be available a right of appeal to a higher authority, a student (over 18 years of age) or his parents/guardians may appeal the principal's decision to suspend to the Board of Management. Such an appeal must be made in writing to the Secretary of the Board stating the grounds on which the appeal is being made. However, the school may insist that the student remain at home while the appeal proceeds. In the event that an appeal is successful, the suspension will be lifted, and if the suspension has already been served, it will be expunged from the student's record.

An appeal of a suspension decision may also be made under Section 29 of the Education Act, where a student has been suspended for an aggregate of 20 days or more. In addition to those circumstances where such an appeal has been successful, a suspension may also be rescinded in the following circumstances:

- The principal may agree that an alternative sanction be applied following discussion with the student's parents/guardians. The principal will, where appropriate, also consult with any relevant school personnel regarding an alternative sanction.
- New circumstances come to light after the suspension has been applied that would have mitigated the sanction had they been known beforehand.
- Other mitigating factors exist which are consistent with the application of the principles of natural justice.

Suspension Completion

Upon completion of a suspension, the following procedures may apply for the formal reintroduction of the student into the school:

- Parents/guardians may be requested to attend with the student upon his return to school.
- A written or verbal apology may be required of the student for his misbehaviour.
- The student may be required to enter into a contract of good behaviour or other conditions that may be specified before returning to school.

Expulsion Principles

Expulsion is the ultimate sanction imposed by the school on a student and, as such, will be exercised by the Board of Management only in relation to cases of extreme indiscipline and/or persistent contravention of the COB. In cases where the principal judges that a student's actions are such that expulsion should be considered, the principal will refer the matter to the Board of Management. Given the severity of the potential sanction, the school, in accordance with the principles of natural justice, will investigate these cases thoroughly in advance of any hearing that could result in an expulsion.

Expulsion as a result of ongoing misbehaviour

Where school authorities have tried a series of other interventions and believe that they have exhausted all possibilities of changing student's behaviour.

Such cases include but are not limited to:

- The student being so disruptive that he is seriously preventing other students from learning and/or a teacher from teaching.
- The student being uncontrollable and not amenable to any form of school discipline or authority.
- Parents/guardians being unable or refusing to exercise their responsibility for the student.

- The student being a danger to himself or to others.
- When guarantees of reasonable behaviour following repeated suspensions are not forthcoming or not being met.
- The student's conduct acting as a source of serious bad example and having an adverse influence on other students in the school.

First time offences of a very serious nature.

Such cases include but are not limited to:

- Serious threat of violence against another student or member of staff
- Serious assault
- Arriving in school under the influence of alcohol or drugs
- Racial abuse
- Sexual abuse
- Serious burglary or theft
- Causing major damage to school property
- Gross insubordination of the principal or other staff members
- Brandishing of an offensive weapon
- Being in possession of or supply or selling of illegal substances to other students of the school
- Online abuse, bullying or harassment

In the interest of ensuring a fair and even-handed system for the imposition of an expulsion, the Board of Management will, among other things, take account of the following factors in determining a decision:

- The age and state of health of the student.
- The student's previous record of behaviour at the school.
- Any mitigating circumstances unique to the student that might reasonably be taken into account in connection with the behaviour leading to the suspension.
- The degree to which parental, peer or other pressure might have contributed to the behaviour.
- The severity of the behaviour, its frequency and the likelihood of recurrence.
- The extent to which the behaviour impaired or will impair the normal functioning of the students and others in the school community.
- The degree to which the behaviour was a breach of the Code of Behaviour.
- Whether the incident leading to the suspension was the result of the student acting alone or as part of a group.
- The degree to which the student recognises and accepts that his behaviour was unacceptable and is prepared to exhibit genuine contrition.

Expulsion procedure

Except in the case of an incident of extreme misbehaviour, expulsion will be resorted to only after the principal has:

- Ensured that all discipline options under the Code of Behaviour have been applied and documented.
- Ensured that all appropriate support personnel, both internal and external, have been involved.
- Ensured all other procedures, referrals, supports have been exhausted.
- Ensured that discussion has occurred with the student and parents/guardians regarding specific misbehaviour that the school considers unacceptable and that may lead to permanent exclusion.
- Provided formal verbal and written warnings at appropriate times dealing with such behaviours and provided clear expectations of what was required of the student in the future.
- Recorded all action taken and copied all correspondence.
- Informed the parents/guardians of his intention to recommend expulsion to the Board of Management
- Provided the parents/guardians and Board of Management in advance with a full, written description of the allegations against the student and the case being made to the Board, together with copies of all documentation, statements, and other materials supporting that case.
- Invited the parents/guardians to the Board of Management hearing and advised them that they can make a written and oral submission to the Board of Management. In the event that they do not attend the hearing, the BOM considers the reasons for their absence and makes a decision regarding the facilitation of an appeal or otherwise.
- Made a formal recommendation to the Board with full supporting documentation.

Following these actions by the principal, expulsion will occur only after the Board of Management has:

- Heard the principal's case against the student, which should be made in the presence of the parents/guardians who shall be invited and may at their discretion attend.
- Heard the response, if any of the parents/guardians if they choose to attend.
- Examined all the documentation.
- Considered the student's record in the school.
- Ensured that the principal and parents/guardians or student are not present for the Board's decision on the matter.
- Discussed the case in detail.
- Considered all the commitments made in the Code of Behaviour.
- Made a final decision.
- Communicated the expulsion decision to the parents/guardians formally by registered letter.

- Informed the Education Welfare Officer under Section 24 (1) of the Education Welfare Act 2000

The formal expulsion letter will include:

- Notice of the expulsion.
- Effective date of the expulsion.
- Reasons for the expulsion.
- A statement that the Education Welfare Service Túsła has been informed of the expulsion.
- A statement that the student is under the care and responsibility of the parents/guardians for the period of 20 days required by the Education Welfare Officer to examine alternative provisions for the education of the student.
- Information and documentation on Appeal rights.

Expulsion Appeals

Parents/guardians have the right to appeal a decision of the Board of Management to expel a student to the Minister for Education or to an authority delegated for such appeals by the Minister under Section 29 of the Education Act 1998.

Permanent expulsion may be appealed by a parent/guardian, by a student (over 18 years of age), or by the Educational Welfare Service Túsła. Any such appeal must be lodged within 42 calendar days of the decision of the Board of Management.

Review

The Board of Management of CBS Kilkenny will review this policy on a regular basis.

Approval

This policy has been approved by CBS Kilkenny Board of Management.

Signed: _____
Chairperson, Board of Management

Date: _____