

Limerick Educate Together N.S. Code of Behaviour Policy

Glossary of Terms

Introduction

Section A: Promoting Positive Behaviour

- 1. Whole school approach to promoting positive behaviour**
 - Board of Management
 - Principal
 - Staff
 - Pupils
 - Parents/guardians
- 2. Guidelines for behaviour in school**

Section B: Strategies, Rewards and Sanctions

- 3. Positive strategies for managing behaviour**
 - Classroom
 - Breaktimes
 - Other areas in the school
 - School related activities
- 4. Rewards and sanctions**
 - Rewards
 - Sanctions

Section C: Exclusion

- 5. Suspensions and Expulsions**
 - Suspension
 - Expulsion
 - Appeals

Section D: Administration

- 6. Keeping records**
- 7. Procedure for notification of a pupil's absence from school**
- 8. Reference to other policies**

9. Appendices

Appendix A: Factors to consider before suspending a student

Appendix B: Procedures in respect of suspension

Appendix C: Factors to consider before expelling a student

Appendix D: Procedures in respect of expulsion

Appendix E: Incident/ Accident Record Sheet

*Appendix F: Section 29 Education Act 1998 as Amended by Education
(Miscellaneous Provisions) Act 2007*

Glossary of Terms

BOM: Board of Management

DES: Department of Education and science

EAL: English as an Additional Language

EWO: Education Welfare Officer

IEP: Individual Education Plan outlines learning targets for pupils with special educational needs.

NEPS: National Educational Psychological Service

NEWB: National Welfare Board

PPDS: Primary Professional Development Service

PTA: Parent Teacher Association

SNA: Special Needs Assistants who work with children who have special educational needs.

SPHE: Social, Personal and Health Education

Limerick Educate Together N.S.

Draft Code of Behaviour

Introductory Statement:

This policy was formulated in March 2010 with Principal and staff working on drafts and within staff meetings

The policy was further reviewed in September 2010 with management team .

At a staff meeting on October 1st the staff again spent considerable time reviewing aspects of the Policy – the BOM to review policy at November.

Note: The words student and pupil are interchangeable in this document.

Relationship to the Ethos of the school:

The ethos of the Limerick Educate Together N.S.can be defined as:

- **Multi-denominational** i.e. all children having equal rights of access to the school, and children of all social, cultural and religious backgrounds being equally respected
- **Co-educational** and committed to encouraging all children to explore their full range of abilities and opportunities,
- **Child centered** in their approach to education: The individual needs of each child will be catered for. Interaction between teachers and children is encouraged and the school aims to help children to develop tolerance, creativity and self-confidence.
- **Democratically run** with active participation by parents in the daily life of the school, whilst positively affirming the professional role of the teachers

This policy reflects the underlying philosophy and ethos that the Limerick Educate Together N.S.promotes the general welfare, health, development and safety of children and young adults in an environment where mutual respect and self-esteem are nurtured. It is the shared concerns and expectations of the children, parents, staff and management that create the unique character of the Limerick School Project.

Rationale:

It is necessary to review our existing Code of Behaviour at this time

- as it is an area of concern identified by the school community
- as the existing policy is due for review/amendment
- to ensure an orderly climate for learning in the school
- as it is a requirement under the Education Welfare Act 2000, Section 23 (1) which refers to the obligation on schools to prepare a code of behaviour in respect of the students registered at the school. It details in Section 23 (2), that the code of behaviour shall specify:
 - A. The standards of behaviour that shall be observed by each student attending the school;

- B. The measures that may be taken when a student fails or refuses to observe those standards;*
- C. The procedures to be followed before a student may be suspended or expelled from the school concerned;*
- D. The grounds for removing a suspension imposed in relation to a student; and*
- E. The procedures to be followed relating to notification of a child's absence from school*

Aims:

In Limerick Educate Together N.S. we wish to:

1. Ensure the right of each child to education in a safe and relatively disruption free environment.
 2. Ensure that all children will share an understanding of the high standard of behaviour which is expected in the school environment.
 3. Develop in the child, qualities of independence, self reliance, tolerance and self discipline. It is our ideal that every child should have a strong sense of responsibility. We would like to see each child taking responsibility for his/her own actions and being aware of how these actions affect others as well as his/her own self. In order for quality teaching and learning to occur, there must be an orderly environment.
 4. Develop pupils' self-esteem and promote positive behaviour.
 5. Facilitate the education and development of every child.
 6. Foster an atmosphere of respect, tolerance and consideration for one another and the environment.
 7. Promote positive behaviour and self discipline, recognising the differences between children and the need to accommodate these differences wherever possible within the confines of large classes.
 8. Assist parents and pupils in understanding the systems and procedures that form part of the Code of Behaviour and to seek their co-operation in the application of these procedures.
 9. Ensure that the system of rules, rewards and sanctions are implemented in a fair and consistent manner throughout the school.
- The BOM is represented on the committee reviewing the code of behaviour.
 - Teaching and non-teaching staff are represented on the review committee through teacher and Special Needs Assistant representatives.
 - Pupils are involved in the drafting of the Code of Behaviour through their representatives on the School Council.
 - Parents/guardians are represented on the drawing up of this policy by PTA representatives on the Code of Behaviour Committee.

Section A: Promoting Positive Behaviour

1. Whole School Approach to Promoting Positive Behaviour

In LETS, we treat all children with respect and dignity. There is a strong sense of community and co-operation among staff, pupils and parents/guardians, School Council, BOM, PTA . A positive school ethos is based on the quality of relationships which

permeates all the activities of the school and helps in forming a strong sense of social cohesion within the school. All are agreed that our focus is primarily on the promotion and recognition of positive behaviour. The overall responsibility for discipline within the school rests with the principal and teachers. However parents/guardians and pupils have very important roles. Parents are asked to trust the teachers' and principal's professionalism in dealing with any crisis that may arise. The lines of communication between parents, teachers and principal are always open.

Board of Management

The Board supports the Code of Behaviour by:

- Providing a comfortable, safe environment for staff and pupils.
- Supporting the Principal and staff in implementing the Code. The Board provides opportunities for staff development through facilitating staff to attend relevant courses on **“Managing children with challenging behaviour”**, **“Promoting a positive school environment”** and organising in-school staff training.
- Issues involving serious breaches of discipline are discussed at Board of Management meetings.
- Dealing with serious breaches of behaviour in collaboration with the staff
- Ratifying the Code once consultation is finished.

Principal

- Promotes a positive climate in the school.
- Ensures that the Code of Behaviour is implemented in a fair and consistent manner.
- Arranges for review of the Code as required.

Staff

- Each teacher has responsibility for maintaining discipline within his/her own classroom, while sharing a common responsibility for good order within the school premises.
- New or temporary staff members are made aware of the Code.
- Children who have special educational needs which include behavioural difficulties have specific targets included in the twice annual Individual Education Plan (IEP).
- Class teachers, Resource teachers and Special Needs Assistants support the child with special educational needs or behavioural difficulties through promoting an understanding of expectations and teaching and role modelling the expected behaviour.
- The SPHE curriculum is taught throughout the school to support the Code of Behaviour. It helps our pupils develop communication and conflict resolution skills and appropriate ways of interacting and behaving. The SPHE programme fosters self esteem and helps children accommodate differences and develop citizenship. Lessons on respect are taught from the justice and respect sections of the Values Education programme.
- Parents of newly enrolled pupils are informed about the curriculum at an information evening held in June. Parents of children already attending school receive a detailed letter each September from the class teacher outlining the curriculum. Programmes such as Walk Tall, and the following strategies: circle time, assemblies, class discussions, seating arrangements, games and role play are

used consistently and successfully in our school to contribute to promoting a positive environment.

Staff support and implement the school's Code of Behaviour by:

- creating a safe working environment for each pupil
- recognising and affirming good work
- preparing school work and correcting work done by pupils
- recognising and providing for individual talents and differences among pupils
- being courteous, consistent and fair
- keeping opportunities for disruptive behaviour to a minimum
- dealing appropriately and consistently with misbehaviour
- keeping a record of instances of serious misbehaviour or repeated instances of misbehaviour
- providing support for colleagues
- communicating with parents when necessary and providing reports on matters of mutual concern.

Pupils

Opportunities are given to the pupils through their representatives on the Student Council to monitor and review the Code of Behaviour. Pupils play a part in the ongoing implementation of the Code of Behaviour by:

- drafting rules for the classroom
- taking part in assemblies
- working on the School Council
- buddy systems
- following school, yard and class rules

Pupils are given a fair hearing and should always feel they may voice their concerns. It is viewed that these discussions between pupils and staff provide opportunities for learning and development.

Parents/Guardians

Co-operation between staff and parents/guardians is encouraged through regular communication. Notes in school diaries, phone calls, informal conversations or arranged meetings ensure co-operation. Parents/guardians support the school in the promotion of positive behaviour and the maintenance of high standards of behaviour by:

- ensuring that children attend regularly and punctually
- being interested in, supporting and encouraging their children's school work
- being familiar with the code of behaviour and supporting its implementation
- co-operating with teachers in instances where their child's behaviour is causing difficulties for others
- communicating with the school in relation to any problems which may affect child's progress/behaviour
- being aware of and co-operating with the school system of rewards and sanctions
- attending meetings at the school if requested
- helping their child with homework and ensuring that it is completed
- encouraging children to have a sense of respect for themselves and for property

The Code of behaviour policy is communicated to parents/guardians of newly enrolled children at an information meeting, through its inclusion in an information pack and by directing them to the policy section of the website.

2. Guidelines for Behaviour in School

At our information evening for parents/guardians of newly enrolled children parents/guardians receive a copy of the Code of Behaviour. They are required to confirm in writing that the Code of Behaviour is acceptable to them and they shall make all reasonable efforts to ensure compliance with the Code by the child.

Standards of Behaviour that shall be observed by each pupil attending the school:

1. Pupils are expected to treat all adults and fellow pupils with respect and courtesy at all times. Behaviour that interferes with the rights of others to learn and to feel safe is unacceptable.
2. Pupils are expected to show respect for all school property and to keep the school environment clean and litter free.
3. Pupils are expected to take pride in their appearance, to have all books and required materials and to be in the right place at the right time.
4. Pupils are expected to obey a teacher's instructions, to work to the best of their ability and to present assignments neatly.
5. Pupils are expected to attend every day unless there is a genuine reason for absence, in which case the school must be informed in writing, stating the reason for absence.
6. Pupils are expected to carry out homework assignments to the best of their ability.
7. Pupils are expected to develop gradually an intrinsic motivation towards positive behaviour, understanding the value of rules in ensuring that a positive community is developed where all members feel safe and supported.

Rules

In order to help all children to develop the attitude and qualities which we believe to be important, it is necessary that we set outside limits for the children (school rules) to be followed by defined consequences (sanctions) when those limits are breached.

School rules are kept to a minimum and are devised with regard for the health, safety and welfare for all members of the school community. They are classified under 3 headings: Respect, Safety and Health. Pupils and teachers devise their specific class rules from this list each September.

For our school to function efficiently school rules and regulations are clearly stated and enforced consistently and fairly. Children need to understand clearly what their limits and sanctions are; therefore school rules are discussed with the children at the beginning of each school year and at other times during the year as appropriate. Rules are taught through the "Learn Together" ethical curriculum. In September each child from Rang 1 to Rang 6 will sign an agreement to abide by the school rules, which will be kept in their ethical curriculum copy.

It is our belief that with this knowledge and understanding of the limits, each child will feel stronger and more secure and will therefore be better able to realise his/her own

individuality and potential. The degree of misdemeanours i.e. minor, serious will be judged by the teachers and/or principal based on a common sense approach with regard to the gravity/frequency of such demeanours.

General School Rules

I agree to:

Respect:

- follow the “Golden Rule” i.e. treat everybody as I wish to be treated.
- not make personal remarks about another person’s family, their personal habits, their test results, their clothes, belongings or appearance as remarks can be hurtful and therefore have no place in our school
- include everybody
- always be in school at 8.30am.
- keep my school clean by bringing unfinished food and drinks, cartons, wrappers etc home. I must use the proper bins.
- show respect for the property of my fellow pupils, the school building and grounds.
- be truthful and honest at all times.
- be kind and respectful to all staff and fellow pupils by being mannerly and polite by using ‘please’ and ‘thank you’, taking turns and by remaining silent and orderly in my class line.
- knock on doors and say ‘excuse me’ when going on messages.
- not take toys to school
- label my coats/jackets and hang them properly on coat racks.
- not answer back to any staff member
- not engage in mock fighting
- not to upset or embarrass my classmates by sharing small confidences told to me by them

Safety:

- be careful coming to and going home from school.
- move around the school building quietly. This means never running, shouting or pushing, but being helpful by opening doors, letting people pass and helping to carry things.
- never leave the school grounds without the permission of the school Principal.
- not wear flip-flops
- not take a phone to school unless my parents have requested in writing and received written permission from the principal.
- hands and feet are not for hitting, pushing or hurting.
- follow the “Stop and Tell” rule. This means I will ask a child who is hurting me or being mean to me to stop. If they continue with the bad behaviour I will tell the teacher on duty. If I see other children getting hurt or being bullied by pupils I will tell a teacher.

Health:

- take a sensible, healthy lunch to school. Crisps, minerals, chocolate, sweets or chewing gum are not permitted.
- be aware of my personal cleanliness

Class Rules

I agree to:

Respect:

- behave well in class so that my fellow pupils and I can learn
- always do my best in school by listening carefully, working as hard as I can and completing my homework.
- respect myself and my property, always keeping my school bag, books and copies in good order.
- listen to everyone's point of view
- put my hand up during lessons if I wish to ask or answer a question.
- ask permission to use the bathroom.
- not break or take things in the classroom

Safety:

- remain seated at all times in class and while eating lunch.
- keep my classroom clean and tidy.
- hands and feet are not for hitting, pushing or hurting
- on wet days I will sit during breaks and play class games as provided
- obtain permission to leave the class from the teacher
- sit properly on my chair

Yard Rules

I agree to:

Respect:

- follow the instructions of the teacher or SNA on yard duty
- play fairly and include everybody in all games
- not come through the junior classes to get to my class on the senior side from the yard, unless directed by a member of staff. I may never come through the junior classrooms in the morning

Safety:

- never run aggressively in the school yard and I must always show respect for my fellow pupils
- follow the "two bell" instruction. I will "freeze" on the first bell and walk quietly to my line on hearing the second bell.
- play safely at all times. Anti-social, dangerous or hurtful behaviour is forbidden (e.g. wrestling, head locks, all forms of the game bulldog, jockey backs, bullying, intimidation, teasing, jeering, fighting, spitting, kicking, charging in groups, bad language, exclusion).
- follow the rules of 4 Square, soccer or other yard games.
- One ball per class except soccer day
- not run through the junior yard
- remain within the designated play area and get permission to leave the yard from the teacher on duty.

- stay out of the alcove and car area in the senior yard
- not return unsupervised to my class for any reason other than using the toilet in the junior yard
- not lift other pupils on my back

Punctuality

- The importance of punctuality must be emphasized. Late arrivals cause disruption to teachers and other pupils with a consequent loss of concentration and momentum. Children are expected to excuse themselves if they arrive late.
- Doors open at 8.30 a.m. and children go directly to their classroom to begin the school day.
- Children are not supervised before 8.30 a.m. and are not permitted on the school grounds until 8.30 a.m.

Homework

Homework is considered an important element of the school and is usually set each day. It is carefully planned and prepared and is generally a continuation of a lesson already taught – although sometimes it may take the form of some research or study. Failure to comply with homework instructions may impede progress. The interest, support and participation of parents/guardians in this area will be to the child's benefit. Parents/guardians are requested to sign children's Homework Diaries each night.

Section B: Strategies, Rewards and Sanctions

3. Positive Strategies for Managing Behaviour

The staff of the Limerick Educate Together N.S. uses the following positive strategies to effectively manage behaviour in our school. All staff members enforce agreed expectations in a consistent manner. Good manners are modelled by staff. School rules are discussed with the children at the beginning of each school year and at other times during the year as appropriate. Teachers and pupils discuss issues involving inappropriate behaviour. Rules are taught through the “Learn Together” ethical curriculum and SPHE classes. Circle time, Assemblies, Class Charters and Walk Tall are used successfully throughout the school to promote a positive atmosphere. The principal visits classrooms to discuss behaviour and verbally acknowledges good behaviour.

Classroom

- “Ground rules”/ behavioural expectations in each class that are consistent with the ethos as expressed in the Code of Behaviour and which set a positive atmosphere for learning
- Pupil input in devising the class rules
- Teachers ensure that pupils understand and are frequently reminded of how they are expected to behave.
- A clear system of acknowledging and rewarding good behaviour and sanctions for misbehaviour
- Classroom management techniques that ensure a variety of activities and methodologies to sustain pupil interest and motivation

Breaktimes

The yard is divided into junior and senior sections. Junior Infants to Rang 2 play in the junior yard and Ranganna 3 to 6 in the senior section. Two teachers supervise on a rota basis. When Special Needs Assistants are employed in the school they supervise in conjunction with the class teachers while also taking responsibility for children in their care.

Supervision

- Supervision needs are assessed each September depending on new pupil intake. Certain children may be identified as needing closer supervision or to have learning targets around yard behaviour addressed in their IEP. Children are visible in the yard at all times
- The SNA helps children who have special educational needs to play safely with their friends and helps the teacher on duty to observe the general safety of the pupils.
- Each class has board games, jigsaws and class activities to use on rainy days when children are supervised in their classrooms. Lunch must be eaten before activities start. Pupils are requested and expected to remain seated during lunch. Special Needs Assistants supervise in the classes of the pupils they are responsible for. Two teachers share the supervision.
- Pupils are accompanied going to and returning from the playground by the class teacher.
- Pupils must ask for permission to leave the yard if they need to use the bathroom. Children in the junior yard use their classroom toilets which are located directly off

the junior yard. Pupils in the senior yard use the toilets situated in the corridor off the yard. Pupils are observed by the supervising adults.

- Children who remain inside due to illness must have a note from their parent/guardian requesting permission for them to stay inside. They sit in the library which is situated beside the staffroom. Children may play a game or read.

Rules for Games

- There is a concise set of playground rules which emphasise positive behaviour and make it clear what activities are permitted. These have been drawn up with the pupils and are communicated at assemblies and during class discussions between teacher/principal and pupils.
- Soccer, skipping and 4 square games are organised to minimise misbehaviour. The rules of the game are explained to the pupils. Agreement is reached that pupils will follow the devised rules. Slamming the ball and anti-social, dangerous or hurtful behaviour is forbidden (e.g. wrestling, head locks, all forms of the game bulldog, jockey backs, bullying, intimidation, teasing, jeering, fighting, spitting, kicking, charging in groups, bad language, exclusion).
- Football and 4 square zones provide sections for specific groups on a rota basis. Yard games i.e. hopscotch are painted in both yards.

Other areas in the school

Children are expected to walk in single file in the corridors at all times. Children are accompanied to and from the yard by their class teacher.. A star chart for “An line is Fear” is used to promote orderly lining up at the end of breaks. Children are encouraged to use class toilets before going out to the yard. Classes adhere to the soccer/4 Square timetable for breaks. Assemblies are prepared for in advance by arranging mats and benches for each pupil. Children are expected to remain silent during and between class presentations. A Master of Ceremonies will conduct the assembly.

School related activities/Outings

Standards and rules contained in the Code of Behaviour will apply in any situation where pupils are still the responsibility of the school. Pupils are expected to follow the school's Code of Behaviour during school tours, games, extracurricular activities and all other school-linked events. Pupils are expected to follow the direction of the teacher and accompanying adults with regard to road safety. The highest standard of behaviour is necessary on all school outings because of the increased risk to the safety of the children, and to achieve the purpose of the outing. In individual cases where the teacher, in consultation with the principal, cannot be fully satisfied that such behaviour will be forthcoming on an outing with a particular child, the child will not be allowed on the outing. Particular significance will be attached to behaviour on previous outings.

4. Rewards and Sanctions:

The following are examples of the strategies which will be used to encourage appropriate behaviour

- Teach lessons around behavioural issue.
- Drama/Role-play

- Brainstorming
- Highlight and acknowledge good behaviour.
- Class meetings.
- Circle time
- Support from Care Team.
- Special Needs Assistants, Learning Support teacher and EAL teacher to assist class teacher in maintaining strategies with their allocated children.
- Consistency in use of strategies and approaches.
- Involve the student in problem-solving.
- Address the problem as early as possible.
- Contracts.
- Written reflections.
- Keep the response detached and objective, focusing on the behaviour and not on the person.
- Notes home where appropriate
- Cooling-off period before discussion.
- Yard sanctions include grounding, accompanying a supervising adult for the remainder of break, referral to the principal, confiscating the ball or ending a game.

REWARDS

Every effort is made by all members of staff to adopt a positive approach to the management of behaviour in school. The acknowledgement of correct behaviour reinforces that behaviour and is an effective means of demonstrating to the child how he/she should behave in school. Therefore positive techniques of motivation and encouragement are utilised by teachers. Children who are behaving well, who are contributing constructively to the life of the school, and who are working to the best of their ability or are showing signs of improvement will be acknowledged and rewarded as appropriate.

Teachers can choose from a variety of rewards including:

- A quiet word or gesture to show approval.
- A visit to another class or principal for commendation.
- Praise in front of class group.
- Individual class merit awards, point awards or award stamps.
- Delegating some special responsibility or privilege.
- Written or verbal communication with parent.
- Choice of activity.
- Extra playtime for whole class
- Display child's work
- Written acknowledgement on child's work.
- Principal acknowledgement of behaviour
- Specific certificates
- Golden Time (Jenny Mosley)
- Líne is fearr (in playground)

SANCTIONS

The purpose of sanctions and other strategies is to promote positive behaviour and discourage misbehaviour. Sanctions will be applied according to the gravity of the misbehaviour with due regard to age and emotional development.

Sanctions are used to help the child:

- change a pattern of unacceptable behaviour
- understand and acknowledge the impact of his/her behaviour on others
- reveal why the behaviour occurred
- understand that misbehaviour has consequences for him/herself and others
- explore alternative ways of interacting
- regain their calm before dealing with the issue
- reflect on their behaviour
- help the child gain skills to analyse how their behaviour impacts on their learning and that of the other children
- understand the seriousness and unacceptability of their behaviour
- know that there is consistency between home and school around behavioural expectations.

The following are examples of the strategies which will be used to show disapproval of unacceptable behaviour and how these sanctions help the child.

- Reason with child
- Reprimand and advice on how to improve
- Temporary separation from peers, friends in class: This involves the pupil sitting at a desk on his/her own within class or being removed to another classroom or principal's office and allows the lesson to continue uninterrupted.
- Loss of Privilege: As one of the consequences of misbehaviour, a child may on rare occasion be denied a school trip.
- Withdrawal from a particular lesson or peer group to another supervised setting: It is recognised that consistently denying a pupil access to a particular part of the curriculum as a general sanction is not appropriate.
- During Break: children may, on occasion, be requested to complete undone homework during breaktime. Children may also be grounded for a short period (no longer than 5 mins) in the playground.
- Referral to principal
- Communication with parents/guardian : To have the support of parents/guardians as partners in the management of the behaviour.
- Exclusion (Suspension or Expulsion)

Minor offences are dealt with on the spot by the class teacher. If the concern persists, informal contact may be made with parent/guardians.

Repeated and persistent occurrences after correction by the class teacher are considered serious and would be treated accordingly. Serious offences are recorded by the principal and sanctions may be imposed.

Sanctions for serious breaches of discipline

- (i) Continuous minor breaches of discipline will be recorded by the class teacher and discussed with the principal. Following interventions if there is no improvement, the parents/guardians will be asked to come to the school and discuss the matter with the class teacher and or principal/deputy principal.
- (ii) Serious breaches of discipline will be reported to the Principal who will discuss the matter with the child and inform and consult with the parent/guardian. Such serious breaches of discipline are documented by both the class teacher and principal. This may result in suspension or expulsion (see section on both)

Examples of Behaviour that is considered serious: (this is not an exhaustive list)

- Fighting.
- Physical violence
- Racism
- Defiance.
- Disrespect and rudeness.
- Stealing/lying.
- Destruction of school equipment and people's property.
- Assault
- Carrying a weapon
- Graffiti
- Obscene language
- Leaving school premises without permission.
- Using text messages to bully.

Bullying is repeated verbal, psychological or physical aggression by an individual or group against others. The most common forms of bullying are aggressive physical contact, name calling, threats, intimidation, extortion, isolation and taunting. Bullying will not be tolerated and parents will be expected to co-operate with the school at all times in dealing with instances of bullying in accordance with the schools Anti-Bullying Policy. LSP is a bullying free zone.

Section C: Exclusion

5. The responsibility of the Board of Management

The Board of Management will:

- ensure that fair procedures are used for suspension and expulsion and that all staff are aware of those procedures
- take special care to ensure that the fair procedures are accessible to people with disabilities or those from different language or cultural backgrounds
- ensure that there are no undue delays in an investigation and in making decisions about the imposition of suspension or expulsion.
- ensure that all matters to do with an investigation of alleged misbehaviour are dealt with in confidence.

Fair procedures based on the principles of natural justice

Fair procedures will be followed, as required by law, and 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

The **right to impartiality** means:

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

The principle of **impartiality in decision-making** means 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.

Where circumstances require the Principal to conduct the investigation as well as making a finding and proposing the sanction, he or she will act fairly and in an objective way and ensure that the investigation has been fully and fairly conducted. 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.

Applying fair procedures in school

In a 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.

Involving the Gardai

Where allegations of criminal behaviour are made about a student, these will usually be referred to the Gardai who have responsibility for investigating criminal matters. The advice and support of the Juvenile Liaison Officer will be sought.

Suspension

For the purpose of this policy, suspension is defined as:

Requiring the student to absent himself/herself 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 has the authority to suspend a student. This authority is delegated to the Principal, formally in writing, reflecting the provisions of the Guidelines, any relevant legal requirements and Articles of Management, where appropriate.

The grounds for suspension

Suspension will be a proportionate response to the behaviour that is causing concern. Other interventions will have been tried before suspension, and school staff 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.

Determining the appropriateness of suspending a student

Where the purpose of a proposed suspension is clearly identified, and that purpose cannot be achieved in any other way, suspension can have value. Suspensions can provide a respite for staff and the student, give the student time to reflect on the link between their action and its consequences and give staff time to plan ways of helping the student to change unacceptable behaviour. School management will consider the risk of any unwanted outcomes from suspension, such as an increased sense of alienation from school that could lead to a cycle of behavioural and academic problems.

Factors to consider before suspending a student: See Appendix A

- The nature and seriousness of the behaviour
- The context of the behaviour
- The impact of the behaviour
- The interventions tried to date
- Whether suspension is a proportionate response
- The possible impact of suspension

Suspension as part of a behaviour management plan

Suspension will be part of an agreed plan to address the 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 represents a serious threat to the safety of students or staff of the school, or any other person. Fair procedures will still be applied.

'Automatic' suspension

A Board of Management may decide, as part of the school's policy on sanctions, and following the consultation process with the Principal, parents, teachers and students, that particular named behaviours incur suspension as a sanction. However, a general decision to impose suspension for named behaviours does not remove the duty to follow due process and fair procedures in each case.

Inappropriate use of suspension

Students will not 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 must 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
- the standard applied to judging the behaviour is the same as the standard applied to the behaviour of any other student.

Informal or unacknowledged suspension

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.

Open-ended suspension

Students will not be suspended for an indefinite period. Any such suspension would be regarded as a de-facto expulsion and would be treated as such under section 29 of the *Education Act 1998*. See Appendix F.

Procedures in respect of suspension: See Appendix B

Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant suspension, the school will observe the following procedures:

- 1 Inform the student and parents
- 2 Give an opportunity to respond
- 3 Procedures in relation to immediate suspension
- 4 The period of suspension

Appeals

The Board of Management should offer an opportunity to appeal a Principal's decision to suspend a student. In the case of decisions to suspend made by the Board of Management, an appeals process may be provided by the Patron.

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

Written notification

The Principal will notify the parents and 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
- 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. Particular care will be taken in communicating with parents who may have reading difficulties, or whose first language is not the language of the school.

Engaging with student and parents

Where a decision to suspend has been made, in order to maximize the impact and value of suspension the Principal or another staff member delegated by the Principal will meet with the parents to emphasize their responsibility in helping the student to behave well when the student returns to school and to offer help and guidance in this. Where parents do not agree to meet with the Principal, written notification will serve as notice to impose a suspension.

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*.

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 have a plan to help the student to take responsibility for catching up on work missed. Successful re-integration goes beyond academic work. Where possible, the school will arrange for a member of staff to provide support to the student during the re-integration process.

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 NEWB

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

Review of use of suspension

The Board of Management will review that the use of suspension is appropriate and effective in the school, as appropriate.

Expulsion

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 The Limerick Educate Together N.S.National School has the authority to expel a student. As a matter of best practice, that authority will be reserved to the Board of Management and will not be delegated.

The grounds for expulsion

Expulsion will be 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 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).

Expulsion

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.

In addition to factors such as the degree of seriousness and the persistence of the behaviour, school authorities will 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, as part of the school's policy on sanctions, and following the consultation process with the Principal, parents, teachers and students, that particular named behaviours incur expulsion as a sanction. However, a general decision to impose expulsion for named behaviours does not remove the duty to follow due process and fair procedures.

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 will 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. See Appendix C

Inappropriate use of expulsion

Expulsion should 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 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.

Procedures in respect of expulsion

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 the student.

Appeals

A parent 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 Science). For further details about the Appeals process, including requirements for documentation, and the steps in the process, refer to current DES guidance. Information on the Appeals process will be given to the child's parent/guardian

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.

Section D: Administration

6. Keeping Records

Positive and Negative behaviour is recorded as follows:

- Pupil Profile
- Individual pupil diary/checklist where necessary
- End of school year report
- Completed records are kept in the principal's office. Incidents of misbehaviour are discussed with the child/ren involved by the supervising teacher.
- Depending on the seriousness of the incident the class teacher/principal/parent/guardian may be involved. If sanctions are applied they will be chosen from our agreed list. See Section 4

- Parents/guardians are made aware of issues regarding behaviour at parent teacher meetings and throughout the school year as appropriate.

7. Procedure for Notification of a pupil's absence from school

Whole school strategies to promote attendance:

- We aim to create a safe, welcoming environment for our pupils and their parents/guardians.
- Parents/ guardians of newcomers to the school are informed of procedures in relation to attendance. The importance of attendance is stressed at the meeting for new parents/ guardians and at intervals on our weekly newsletter.
- We report the total amount of days missed in a year to parents in the end of year reports and at parent teacher meetings.
- Parents are made aware of the schools duties outlined in the Education Welfare Act in relation to reporting the non-attendance of a child to the Education Welfare Officer, of the serving of a "school attendance notice" by the Education Welfare Officer (following all reasonable efforts by the Education Welfare Board to consult with the child's parents and the principal of the school) on any parent who they conclude is failing or neglecting to cause the child to attend the school and of the possible consequence of a successful case being taken against the parent (fine and/or imprisonment)
- Parents are asked to notify the school when a child is absent for part of a school day, a school day or more than a school day by a phone call to the school office or by a note.
- Letters from parents concerning illness and doctor's certificates will be kept on file in the school for one year.
- When a child has missed more than 15 days the class teacher informs the Principal who records the information and informs the parent/guardian that the non attendance of their child in school is a case of concern.
- The Principal informs the NEWB when a student is absent in excess of 20 school days.

8. Reference to other policies

Other policies which have a bearing on the Code of Behaviour are:

Anti-bullying

Attendance

Enrolment

Equality of access and participation

Health and safety

Homework

Record Keeping

School Tours

Special Educational Needs

SPHE

Success Criteria

We know this policy has been successful through

- Observation of positive behaviour in classrooms, playground and school environment.
- Practises and procedures listed in this policy being consistently implemented by teachers.
- Positive feedback from staff, parents/guardians, pupils and visitors.

Roles and Responsibilities

The BOM, staff, parents/guardians and pupils of the Limerick Educate Together N.S. have responsibility for supporting and implementing this policy.

- The role of the Board is to support the Code of Behaviour by providing a comfortable, safe environment for staff and pupils and by supporting the Principal and staff in its implementation.
- This policy will be co-ordinated, monitored and implemented by the teaching staff.
- Special Needs Assistants will support the teaching staff in the implementation of the policy.
- Pupils play a part in the ongoing implementation of the Code of Behaviour by
 - Drafting rules for the classroom
 - Taking part in assemblies
 - Working on the School Council
 - Following school, yard and class rules
- Parents/guardians support their children and the school in the promotion of positive behaviour through their commitment to the Code of Behaviour.

Communication

The Code of Behaviour Policy Committee will circulate this policy to the PTA, Ethos Committee, Staff, School Council and the BOM for consideration and consultation before ratification. Copies of the policy will be available to parents through the school office or by email on request. Written submissions will be invited from all parties to the principal on behalf of the policy committee.

Review and Monitoring

This policy will be reviewed by the Code of Behaviour Policy Committee every two years in September or before if the need arises and in line with any change in legislation. Staff, parents and pupils will be invited to make suggestions for change for that meeting. The BOM will ratify the reviewed policy at the next meeting following the review.

Ratification by the Board of Management

The Board of Management ratified this policy on 14th December 2009

Appendices

Suspensions and Expulsions

(See www.newb.ie for Developing a Code of Behaviour, Guidelines for Schools page 66-87)

Appendix A: 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?

Appendix B: Procedures in respect of suspension

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 parents

The student and their 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. Informing parents in writing ensures that there is a formal and permanent record of communication that parents are clear about what their son or daughter is alleged to have done and underlines to parents the seriousness with which the school views the alleged misbehaviour.

Give an opportunity to respond

Parents and student will be given an opportunity to respond before a decision is made and before any sanction is imposed. A meeting with the student and their parents will 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. 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 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.

If a suspension longer than three days is being proposed by the Principal, the matter will be referred to the Board of Management for consideration and approval, giving the circumstances and the expected outcomes. The Board of Management will place 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. Any such suspension is subject to appeal under section 29 of the *Education Act 1998* (see *Appeals*).

Appendix C: Factors to consider before expelling 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 or provoked incidents of serious misbehaviour (e.g. bullying, cultural or family factors)?
- 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 Mental Health 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?
- 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?

Appendix D: Procedures in respect of expulsion

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 son or 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 will be organised. 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 and the holding of a hearing

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 must hold a hearing. The Board meeting for the purpose of the hearing will be properly conducted in accordance with Board procedures. At the hearing, the principal and the parents 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*, s24 (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*, s4A).

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 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 may consider it appropriate to suspend a student during this time. Suspension will only be considered where there is 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 will 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.

Appendix E **Limerick Educate Together N.S.**
Incident/ Accident Record Sheet

Please circle appropriate heading

Name of Pupil: _____ Class: _____

Incident/Accident

Date _____

Time _____

Names of students involved

Description

Location

Supervising Staff

Further Action taken

Names of people informed

1. Principal:
2. Teachers:
3. Parents:
4. Special Needs Assistant:
5. Others:

Signed: _____ Date: _____

Appendix F Section 29 Education Act 1998 as Amended by Education (Miscellaneous Provisions) Act 2007

Appeals to Secretary General.

29.—(1) Where a board or a person acting on behalf of the board—

- (a) permanently excludes a student from a school, or
- (b) suspends a student from attendance at a school for a period to be prescribed for the purpose of this paragraph, or
- (c) refuses to enrol—
 - (i) a student in a school, or
 - (ii) a student to receive instruction on the curriculum through Irish in a school, if that school provides for the teaching of subjects on the curriculum through Irish for some or all of its students, or
- (d) makes a decision of a class which the Minister, following consultation with patrons, national associations of parents, recognised school management organisations, recognised trade unions and staff associations representing teachers, may from time to time determine may be appealed in accordance with this section,

the parent of the student, or in the case of a student who has reached the age of 18 years, the student, may, within a reasonable time from the date that the parent or student was informed of the decision and following the conclusion of any appeal procedures provided by the school or the patron, in accordance with *section 28*, appeal that decision to the Secretary General of the Department of Education and Science and subject to subsection (4D) that appeal shall be heard by a committee appointed under *subsection (2)*.

(2) For the purposes of the hearing and determination of an appeal under this section, the Minister shall appoint one or more than one committee (in this section referred to as an "appeals committee") each of which shall include in its membership an Inspector and such other persons as the Minister considers appropriate.

(3) Where a committee is appointed under *subsection (2)* the Minister shall appoint one of its number to be the chairperson of that committee and who, in the case of an equal division of votes, shall have a second or casting vote.

(4) In hearing and determining an appeal under this section against a decision to which subsection (1)(a) or (b) applies an appeals committee shall have regard to—

- (a) the nature, scale and persistence of any behaviour alleged to have given rise to, or contributed to, the decision made by or on behalf of the board,
- (b) the reasonableness of any efforts made by the school to enable the student to whom the appeal relates (the ‘student concerned’) to participate in and benefit from education,
- (c) the educational interests of the student concerned and the desirability of enabling the student as far as practicable to participate in and benefit from education with his or her peers,
- (d) the educational interests of, and the effective provision of education for, other students of the school and the maintenance of a classroom and school environment which is supportive of learning among the students of the school and ensures continuity of instruction provided to students in any classroom concerned and the school,
- (e) the safety, health and welfare of teachers, students and staff of the school,
- (f) the code of behaviour under section 23 of the Act of 2000 and other relevant policies of the school and—
 - (i) in the case of that code of behaviour, the extent to which it is in compliance with that section 23 and any guidelines issued under subsection (3) of that section, and
 - (ii) in the case of those other policies, the extent to which each of them is implemented, promotes equality of access to and participation in education and is in compliance with—
 - (I) any enactment that imposes duties on schools or their boards,
 - (II) any relevant guidelines or policies of the Minister,
- (g) the duties on schools or their boards imposed by or under any enactment,
- (h) guidelines issued pursuant to section 22(7) of the Act of 2000, and
- (i) such other matters as the appeals committee considers relevant.

(4A) Nothing in subsection (4) affects the obligation of an appeals committee to uphold a complaint in relation to the permanent exclusion of a student from a

school if the parent of the student or the student, as the case may be, shows that subsection (1) or (4) of section 24 of the Act of 2000 has not been complied with in relation to that exclusion.

(4B) In hearing and determining an appeal under this section an appeals committee shall act in accordance with such procedures as may be determined from time to time by the Minister following consultation with patrons, national associations of parents, recognised school management organisations, recognised trade unions and staff associations representing teachers, and such other persons as the Minister considers appropriate, and such procedures shall—

- (a) provide that the Secretary General may require one or more of the parties to the appeal to furnish to the committee, within a period specified in the requirement, such information as the Secretary General specifies in the requirement,
- (b) provide that the Secretary General may stipulate, as a condition for the committee proceeding to hear and determine the appeal, that a requirement made of a parent or student by the Secretary General in accordance with procedures under paragraph (a) has been complied with, and
- (c) ensure that—
 - (i) the parties to the appeal are assisted to reach agreement on the matters the subject of the appeal where the committee is of the opinion that reaching such agreement is practicable in the circumstances,
 - (ii) hearings are conducted with the minimum of formality consistent with giving all parties a fair hearing,
 - (iii) the appeal is determined within a period of 30 days (the ‘relevant period’) from—
 - (I) save where clause (II) applies, the date of the receipt of the appeal by the Secretary General, or
 - (II) if a requirement, in accordance with procedures under paragraph (a), is made of any of the parties to the appeal, the date on which the period specified in the requirement for furnishing the information concerned expires,

unless the Secretary General extends the relevant period (which the Secretary General has, by virtue of this subparagraph, power to do) where he or she is of opinion that an extension is necessary in all the circumstances of the case (but the period of that extension may not exceed 14 days).

(4C) An appeals committee may draw such inferences as it considers appropriate from any failure of a party to an appeal to comply with a requirement made of the party in accordance with procedures under subsection (4B)(a).

(4D) An appeals committee may refuse to hear, or continue to hear, an appeal under this section if—

(a) it is of opinion that the appeal is vexatious, frivolous, an abuse of process or without substance or foundation, or

(b) it is satisfied, having regard to the grounds of appeal and any attempts to facilitate agreement between the parties or any subsequent steps taken by the parties, that in the particular circumstances the appeal should not be considered further.

(4E) At the hearing of an appeal against a decision to which subsection (1) applies, the National Educational Welfare Board and the National Council for Special Education may each make such submissions, if any (whether in writing or orally), as it considers appropriate to the appeals committee.

(5) On the determination of an appeal made under this section, the appeals committee shall send notice in writing of its determination of the appeal and the reasons for that determination to the Secretary General.

(6) Where—

(a) an appeals committee upholds a complaint in whole or in part, and

(b) it appears to the appeals committee that any matter which was the subject of the complaint (so far as upheld) should be remedied,

the appeals committee shall make recommendations to the Secretary General as to the action to be taken.

(7) As soon as practicable after the receipt by the Secretary General of the notice referred to in *subsection (5)*, the Secretary General—

(a) shall, by notice in writing, inform the person who made the appeal and the board of the determination of the appeals committee and the reasons therefor, and

(b) in a case to which *subsection (6)* applies, may in such notice give such directions to the board as appear to the Secretary General (having regard to any recommendations made by the appeals committee) to be expedient for the purpose of remedying the matter which was the subject of the appeal and the board shall, within such period (if any) as may be specified by the Secretary General in that notice, act in accordance with such directions.

(8) The Minister, in consultation with patrons of schools, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, shall from time to time review the operation of this section and *section 28* and the first such review shall take place not more than two years from the commencement of this section.

(9) In the case of a school which is established or maintained by a vocational education committee an appeal against a decision of the board of such school shall lie, in the first instance, to the vocational education committee and thereafter to the Secretary General in accordance with *subsection (1)*.

(10) The Minister shall, from time to time, following consultation with vocational education committees, national associations of parents and recognised trade unions and staff associations representing teachers, prescribe—

(a) the procedures for appeals under this section to vocational education committees, and

(b) which appeals shall inquire into whether the procedure adopted by a board in reaching a decision or conducting an appeal was fair and reasonable and which appeals shall be by way of a full re-hearing.

(11) The Secretary General may, in accordance with sections 4 (1) (i) and 9 of the Public Service Management Act, 1997 , assign the responsibility for the performance of the functions for which the Secretary General is responsible under this section to another officer of the Department of Education and Science.

(12) For the purposes of *subsection (1)(c)*, "student" means a person who applies for enrolment at a school and that person or his or her parents may appeal against a refusal to enroll him or her in the same manner as a student or his or her parents may appeal a decision under this section.

(13) Notwithstanding subparagraph (iii) of subsection (4B)(c), the Minister may provide by regulations that no appeal under this section shall be heard during a specified period in any year, being a period in that year in which schools are closed; any period that is specified in such regulations for the time being in force shall not be reckoned in calculating the period referred to in that subparagraph (iii) that is applicable to the appeal concerned.

(14) If, in the circumstances of the particular matter, an issue relating to the refusal of a particular school to enrol a student or the exclusion by a particular school of a student from it would (if this subsection had not been enacted) be capable of—

(a) being the subject of an appeal under this section, and

(b) being, in substance, contested in an appeal under section 10 of the Education for Persons with Special Educational Needs Act 2004 ,

then, in those circumstances, an appeal may be made by a person under one or other of those sections (being whichever of them the person proposing to appeal opts for) but not both of those sections.

(15) For the purposes of the application of subsection (14), but only for those purposes, a student and his or her parents shall be treated as the one person; for the purposes of that subsection and this subsection, subsection (12) applies in relation to the construction of 'student'

Ref: Education Act Section 29

<http://www.irishstatutebook.ie/1998/en/act/pub/0051/sec0029.html>

Accessed 6th of April 2009

Also Education (Miscellaneous Provisions) Act 2007

<http://www.irishstatutebook.ie/2007/en/act/pub/0009/sec0004.html#sec4>

Certificate of Co-Operation with the positive Behaviour Policy

The safety and wellbeing of all children attending our school is of the utmost importance to us. With this in mind, a Positive Behaviour Policy has been put in place.

We request that parents read the policy carefully with their child/children and discuss the contents. Please sign the following undertaking and return this form to the school.

I confirm that I have read this policy with my child _____, that we have discussed the contents together and that we agree to uphold this policy during the coming year.

Signed by Parent/Guardian: _____

Date: _____

Please keep the policy document safely at home for future reference.