

# ***Mercy Secondary School, Kilbeggan***

## ***Code of Behaviour - June 2015***

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This Code of Behaviour was developed in partnership with all members of the Mercy Secondary School Kilbeggan Community – students, teachers, parent, management and trustees. It follows the guidelines set out in the NEWB publication *Developing a Code of Behaviour : Guidelines for Schools*. The Code of Behaviour of Mercy Secondary School will be reviewed regularly, as directed by the Board of Management.

### **Aims of the Code of Behaviour:**

The Code of Behaviour of Mercy Secondary School Kilbeggan aims to:

- Facilitate teaching and learning by positive, reflective and fair approaches
- Ensure the safety of all members of the school community on the school premises and when taking part in school activities
- Promote and help students develop excellent behaviour and encourage self-discipline
- Put in place reflective structures to help staff deal with incidents of misbehaviour that may arise
- Deal fairly with students who are disruptive, affecting their own progress and/or the progress of other students using positive behaviour management planning
- Meet the statutory obligations re Code of Behaviour, in Section 23 of the Education Act 2000
- Inform students and their parents/guardians of the school's discipline procedures

### **Mission Statement & Strategic Aims**

Mercy Secondary School, Kilbeggan is a voluntary secondary school established in 1964 by the Sisters of Mercy. In accordance with the foundress of Mercy School, Catherine McCauley, her gospel and legacy, we show a special interest in the poor and disadvantaged.

Mercy Secondary School Kilbeggan is a Catholic co-educational school committed to the holistic education of all students, to ensure that individually, they each realise their full potential in a social and physical environment that is caring, supportive and joyful. We work in partnership with students, staff, parents and the community, and welcome all students from our multicultural society.

At Mercy Secondary School Kilbeggan it is our aim to -

- Educate all students to their full potential in every aspect - aesthetic, moral, academic, physical, spiritual, emotional, and social.
- Foster an awareness of the dignity, uniqueness, independence and interdependence of each individual person in a climate of respect and responsibility, with a view to enhancing each individual's self-esteem.
- Provide challenges for all students in activities that are stimulating, constructive and rewarding
- Develop the social and physical infrastructure of the school in a positive and progressive manner.
- Build strong and trusting relations between the students, staff, parents and community to ensure that all resources available are used to their optimum
- Develop in students through the Catholic Ethos of the school a sense of stewardship, social responsibility and self that will stay with them beyond their years here to make them full participants in an ever changing world

### **Expectations and Respect for All**

- All members of the school community – students, teachers, staff members, parents and guardians - should show respect at all times for one another.
- A calm, trustful and respectful school environment facilitates positive teaching and learning for all.
- Students must be polite at all times and understand that aggressive, disrespectful and anti-social behaviour is not tolerated.
- Insulting/offensive remarks are unacceptable and are treated very seriously.
- Bullying will not be tolerated and will be dealt with in a fair, firm and understanding manner, in line with our Anti-Bullying Policy.

- Harassment at any level by any of the school partners will not be tolerated, and will be dealt with in line with the school's Dignity in the Workplace Policy.
- There will be no tolerance of discrimination on grounds of race, ethnicity, gender, religion, sexual orientation, age or ability.

## **Roles and Responsibilities of Staff Members in Relation to Behaviour/Relationships**

Mercy Secondary School is committed to providing a quality educational service to all its students within a safe and secure environment. Each staff member has a duty to act as an ordinary, prudent and reasonable person in his or her relationships with students. Professionalism is characterised by behaviour that shows respect for the interests and welfare of students, subject to the requirements of the law. It implies competence, responsibility, integrity, and impartiality. Consequently, members of Staff should not engage in *demeaning descriptions* of either students or colleagues, including remarks based on, for example, race, religion, gender, sexual orientation, age, disability, economic status, marital status, family status or other remarks which reflect adversely on the dignity of others. Mercy Secondary School aims to promote self-respect and positive self-image in its students. Staff by example, should promote positive attitudes to the worth of all persons, to social justice, and to equal opportunity. The principle of justice should precede all relationships. In this context, the student has the following legitimate expectations:

- To express himself / herself, to share ideas and to ask questions.
- To get respect from others and to be treated fairly and equally. Ridicule, sarcasm and remarks likely to undermine the dignity of the students should never be used.
- To be free from intimidation and bullying. Staff should refrain from any misuse of power that diminishes the integrity of the person.
- To a rational settlement of problems and to an opportunity to tell his/her own side of a story in a dispute.
- To learn without interference, at his/her own pace in a reasonable working environment.

## **How Students, Staff and Parents can help each other to meet the Standards expected in the school**

### **Staff:**

The successful education of all pupils depends on an active three-way partnership between pupils, parents and the school. Each has rights, responsibilities and expectations. Mercy Secondary School agrees to meet the expectations of parents and pupils by providing:

- Treating all members of the school community with understanding and respect
- A broad and balanced curriculum
- An education based on high expectations
- Work which is appropriate to a student's age and ability
- A secure, healthy and well disciplined working environment
- Regular homework and correction of same
- Written reports home twice per year
- A parent/teacher meeting once per year
- The opportunity to participate in a range of extracurricular activities

### **Students:**

As a Mercy Secondary School pupil, I agree to meet the expectations of my parent(s) and the school by:

- Treating all members of the school community with understanding and respect
- Attending school regularly
- Being punctual at all times
- Working hard and meeting all course requirements
- Completing homework and assignments on time
- Keeping the school rules and behaving in a responsible way, both in school and when travelling to

- and from school
- Sharing responsibility for the school environment
- Respecting school property
- Remaining on the school site during school hours unless permitted otherwise by the school authority
- Wearing the school uniform at all times.

**Parents:**

As parent(s), I/We agree to meet the expectations of my/our child and school by:

- Treating all members of the school community with understanding and respect
- Ensuring excellent attendance and punctuality and informing the school promptly about any reason for absence
- Encouraging and supporting my/our daughter/son with school work
- Supporting the policies of the school including discipline and good order
- Attending Parent/Teacher meetings and school functions in which my daughter/son is involved, and attending any special appointments if requested
- Checking homework and signing any notes sent by teachers
- Providing her/him with the required textbooks and accessories

**Attendance and Punctuality.**

The school day is divided into nine class periods from Monday to Thursday and six class periods on Friday. School begins at 9am sharp and ends at 3:40pm, 1:10pm on Friday. Morning break is from 11am to 11:10am. Lunch break is from 1:10pm to 1:40pm, except for 1<sup>st</sup> years who begin lunch at 1.05pm.

Punctuality is essential for all members of the school community. It is a very important discipline that is vital to the teaching and learning environment in the school. If a student is late for first class in the morning, or for first class after lunch, they are required to present a note explaining this lateness and they will then collect a late slip from the office, and present this to the teacher of their class. Failure to present a satisfactory note will result in the student being placed on school detention. It is not acceptable for students to be repeatedly late under any circumstances. If a student is late for any other class, this will be recorded by the class teacher, and dealt with through the appropriate disciplinary structures.

.Regular attendance is essential for effective progress at school. If a student is absent from school, it is not essential, but very helpful for the parent/guardian of the student to contact the school by telephone on the day in question, explaining the reason for this absence. Following any absence, students must supply a note of explanation signed by a parent/guardian to explain that absence. It is the responsibility of the student to present this note to their teacher at the 9.00am roll call, on the day of their return .These notes will be kept on file within the school as required by legislation and the NEWB. Failure to present an absent note will result in the student being placed on detention If a student absents themselves from school without the consent of their parents/guardians, they will receive an automatic suspension in line with the school’s Code of Behaviour.

The Education Welfare Board will be informed of the names of students who are absent 20 days in any school year or are absent for prolonged periods without a legitimate explanation (See School Attendance Policy)

Students must not leave school grounds during school hours without the permission of the Principal or Deputy Principal. If a student has to leave during school hours, then they must be signed out through the school office by a parent or guardian. If a student leaves the school without following the correct procedures, then they will receive an automatic suspension in line with the school’s Code of Behaviour.

Students who wish to go home for lunch may do so provided their parent/guardian has fully completed, signed and returned to the school a special form available from the school for this purpose. Only 6th Year students or students who are returning to their own homes may avail of this facility to leave the school at lunchtime. The school recommends that all 1st Years stay on campus during lunchtime.

The school will recognise students who have excellent attendance at the Annual School Awards each year. These students will receive gold certificates if they have full attendance and silver certificates if they have missed just one day during the school year in question. These certificates are supplied by the NEWB in conjunction with the Department of Education and Skills.

## **School Rules**

### **School Property and Personal Property.**

Any damage to school property must be reported immediately. Students may be requested to pay for such damage. Students are responsible for their own property at all times. Clothing and books should be clearly marked. The school is not responsible for loss of personal property. In everybody's interest, the school is kept clean and tidy at all times, with each student expected to play their part in keeping it so. Arising out of this, chewing gum is forbidden at all times.

### **Substance Abuse**

This school does not condone the misuse of legal or illegal substances on school premises or school activities but our policy is to put the young person's welfare first. Smoking in any part of the school building or its environs is banned. Students may not smoke whilst in the school vicinity. Smoking is also banned on any school-related activity (Public Health (Tobacco) Act 2004). Any student caught smoking in these circumstances will receive an automatic suspension in line with the school's Code of Behaviour. This also includes the smoking of electronic cigarettes.

Alcohol may not be brought into the school or used while involved in school activities, except with the permission of the Principal. In the event of a student misusing alcohol the parents/guardians will be informed and appropriate action taken to promote the young person's welfare. Misuse of alcohol by any member of the school community in/on school grounds is prohibited.

The misuse of all other legal and illegal substances is strictly forbidden, and each case will be dealt with in line with the school's Substance Abuse Policy.

### **Mobile Phones/Internet Use**

Mobile phones and all other electronic devices must be switched off at all times on the school campus and during all school activities off the school campus - unless with the express consent of school management. Any student needing to use a phone may report to the office for assistance. A student found using a mobile phone or electronic device will have the phone and SIM card confiscated by the teacher and passed on to the Principal or Deputy Principal. These phones or devices will only be returned to parents who must collect them at the school. The use of mobile phones by students to record pictures or sounds is strictly forbidden on the school campus or on any school related activity. Any student found to be in contravention of the above will receive an automatic suspension in line with the school's Code of Behaviour.

As you are aware the use of internet and mobile phones can be invaluable. However, these technologies can also be misused causing offence and harm to others. Each student is required to sign up to the school's Acceptable Internet Use Policy. The making of nuisance phone calls, the sending of unwanted text messages/e-mails/or posting offensive messages is defined as harassment under the law. It is contrary to the school's Dignity in the Workplace Charter, its Anti-Bullying Policy and Code of Behaviour. Inappropriate behaviour and breach of any of these policies will result in serious disciplinary action up to and including exclusion from school in accordance with the school's disciplinary procedures.

### **Uniform.**

Students are expected to be neat and tidy at all times. There is agreement between parents, pupils and teachers to have a school uniform. All students must wear the full school uniform throughout the school day and on the way to and from school. (See Details of School Uniform). Students may only wear their school hoodies or school jackets during classes if the weather dictates that it is appropriate to do so.

The wearing of facial jewellery/body piercing items will not be tolerated. Such jewellery poses a risk to the health and safety of our students. In the interests of safety, discreet earrings should be worn, and the wearing of larger earrings is not permitted.

Students will not be permitted to dye their hair any colour that is not a natural hair colour. Any student who dyes their hair a non-natural hair colour (eg, green, blue or bright red), will receive an automatic suspension in line with the school's Code of Behaviour.

Students must wear black footwear with black laces and black soles at all times when in uniform.

All items of clothing and particularly sportswear must be clearly marked with owner's name. Primary responsibility for personal property rests with the student.

### **Learning and Teaching**

- Students must co-operate fully with teachers' guidance and together create a positive learning environment.
- Attention to class-work and homework is a very important part of learning.
- Students are expected to be prepared for class. They must have the appropriate texts and material with them at all times.
- They are expected to respect the opinions of others and be polite in expressing their own opinion.
- Homework must be carefully recorded in students' journals, which parents should sign on a weekly basis.

## **Rewards and Sanctions:**

### **Rewards**

Mercy Secondary School endeavours to reward good behaviour. Among the methods for rewarding good behaviour are

- Positive affirmation in the classroom from the teacher.
- Public affirmation by school management.
- A Student Award system has been developed in the school that rewards and promotes good behaviour.
- There is a Student of the Year Award for each year group, whereby teachers nominate a student in each year for this award. These nominations are based on a student's overall contribution to the class. Each nominated student receives a certificate. The Student of the Year Award goes to the student who receives the most nominations.
- There are awards for students who have excellent attendance records in each year.
- Awards are presented to students who are high academic achievers in the State Exams
- Students who have excelled in different sporting disciplines whilst representing the school receive awards. These awards take teamwork, leadership and commitment into account as well as natural sporting ability.

### **Sanctions**

The sanctions for unacceptable behaviour include the following -

- Reasoning with the student
- Reprimand (including advice on how to improve)
- Temporary physical separation from the classroom
- Loss of privileges (school trip for example)
- Detention
- Prescribing additional written homework
- Putting students on report
- Communication with parents
- Referral to the tutor
- Referral to the year head/deputy principal/principal
- Suspension
- Expulsion

### **Inappropriate sanctions include:**

- Physical punishment or the threat of physical punishment: physical chastisement of a student is illegal under section 24 of the *Non-Fatal Offences against the Person Act 1997*
- Ridicule, sarcasm or remarks likely to undermine a student's self confidence
- Public or private humiliation

- Applying sanctions to whole groups or classes in cases where an individual or small-group sanction is warranted.

## Disciplinary Procedure

The school disciplinary procedure is structured in a manner whereby students are given every chance and opportunity to address inappropriate behaviour and learn from their mistakes. The class teacher is responsible for preserving order in the classroom, and has a number of strategies available to them to do this, including, extra class work, penalty sheets, notes in journals to parents, extra homework, class report or verbal warnings.

If a student is uncooperative or disruptive in any way, the class teacher may record this on an Incident Report Form. If the teacher has recorded three such incidents in relation to this student's behaviour, then this student must be referred to their Year Head at this point. If any one particular incident is deemed by the teacher to be serious enough, then the teacher may refer the student directly to the Year Head, without waiting to record any further incidents. The following sets out the school's *Discipline Procedure* and the varying sanctions involved.

- Step 1:** Class Teacher.  
Classroom Sanctions.  
Class Report.
- Step 2:** 1<sup>st</sup> Referral Form to Year-head.  
Year-head meets with Student.  
Sanctions imposed.  
Student records the incident in their own words and signs in an effort to encourage personal responsibility.  
Student writes a signed apology and presents it to the Teacher
- Step 3:** 2<sup>nd</sup> Referral to Year-head.  
As Step 2.  
Year-head sends a letter to Parent/Guardian to indicate that student has been referred twice and should matters not improve a referral will be made to the Deputy Principal and the Student will be on full School Report.
- Step 4:** 3<sup>rd</sup> Referral to Year-head.  
Year-head indicates 3<sup>rd</sup> Referral on Green Form, therefore the matter is referred on to the Deputy Principal.  
The Deputy Principal meets with the Student and places him/her on School Report.  
Imposes Sanctions.  
A letter and copy of School Report are sent to Parent/Guardian at the end of the week.
- Step 5:** 4<sup>th</sup> Referral to Year-head.  
Referred on to Deputy Principal and then Principal immediately.  
Principal imposes severe sanction.  
Suspension for 2 days.  
Parent/Guardian is informed of suspension by a letter that indicates that they are free to make an appointment with the office and welcome to meet with the School Counsellor.  
Upon returning to school the student signs a Letter of Intent whereby they pledge to improve their behaviour.
- Step 6:** 5<sup>th</sup> Referral to Year-head.  
Year-head indicates 5<sup>th</sup> Referral on Green Form, therefore the matter is referred on to the Deputy Principal.  
The Deputy Principal meets with the Student and refers him/her immediately to Principal who places Student on School Report.  
A letter and copy of School Report are sent to Parent/Guardian at the end of the week.

- Step 7:** Further Referral to Year-head.  
Student meets Tribunal of Deputy and Year-head.  
A detailed report is supplied to the Principal and a copy to file.  
Subsequently the Principal suspends the student for a longer period of 3 to 4 days.  
Upon returning to school the student signs a new Letter of Intent.
- Step 8:** Further Referral to Year-head.  
The matter is directly passed on to the Principal.  
5 day suspension is imposed until Board of Management Meeting.  
Parents are informed of the date of that meeting and invited to attend.  
The Principal gives a full and detailed account of the Student's record to the Board and recommends sanctions up to and including exclusion to that meeting

**In keeping with our Code of Behaviour, Pastoral Care Policy and Mission Statement, our School Counsellor is available to any student who may require assistance.**

## **Detention**

Detention is held weekly for 15 minutes at lunchtime. Students may be placed on detention for a variety of reasons, including being late for class or not being in full school uniform. A letter is generally sent in advance of the detention to the Parents/Guardians of the student, to give them prior notice and to make them aware of the reasoning behind the detention. However, circumstances may arise whereby students may be placed on detention from time to time without prior notice. Detention may also be held after school on a Friday between 1.30pm and 2.00pm when the need arises.

## **When and Where Behaviour will be subject to the Code of Behaviour.**

The standards and rules contained in the code of behaviour of Mercy Secondary School apply in any situation where the student, although outside the school, is still the responsibility of the school. Examples include school tours, games, extra curricular activities and attendance at events organised by the school. Where a student is alleged to have engaged in serious misbehaviour outside school, when not under the care and responsibility of the school, a judgement would have to be made that there is a clear connection with the school and a demonstrable impact on its work, before the code of behaviour applies. The school authorities may need to get legal advice where the situation is complex.

## **Where Parents or Students can get help when problems arise:**

Some students need more active intervention to help them to manage their behaviour. Without additional help, they may be at risk of failing, behaviourally, socially and educationally. Additional inputs or interventions at Mercy Secondary School include:

- Referral to another teacher or adult who can work with the student – year head/tutor/Guidance Counsellor
- Involving the Pastoral Care team.
- Setting targets for behaviour and monitoring them with the student in a supportive way
- Behaviour contracts.

## **Procedures for raising a concern or bringing a complaint about a behaviour matter**

The Board of Management of Mercy Secondary School Kilbeggan is committed to following the Complaints Procedure for Voluntary Secondary Schools as established, whenever a parent or student may wish to make a complaint about a behaviour matter. ( See Complaints Procedure )

## **Policies and Procedures for Suspension and Expulsion**

# Suspension

The Board of Management holds the authority to suspend a student, and it has delegated this authority to suspend a student to the Principal, and in his/her absence to the Deputy Principal.

## Grounds for Suspending a Student

Suspension from school should always be a proportionate response to the behaviour that is causing concern, danger and/or disruption to learning. It is never an appropriate response to poor academic performance, poor attendance or minor breaches of the code of behaviour. Students may be recommended for suspension from school for: -

- Reaching that stage in the Disciplinary Procedure
- Ongoing poor behaviour.
- Being a threat to the Health & Safety of others
- Verbal abuse of any person in the school community.
- Physical abuse of any person in the school community.
- Theft of or deliberate damage of property.
- Fighting/bullying.
- Persistent punctuality problems.
- Smoking or consuming alcohol or the use of illegal substances/drugs on the school premises or grounds or while on a supervised school outing.

In addition to indicating which of the above reasons resulted in a particular exclusion, the suspension letter will contain a more precise description of the student's behaviour and the length of time of the suspension

## Factors to consider before suspending a student

Before a process is put in motion to suspend a student, the school management will

- Ensure that there is a precise, written record of the behaviour
- Consider how persistent the unacceptable behaviour has been
- Consider whether the behaviour has escalated, despite interventions
- Consider how other students and staff are affected by the student's behaviour, in particular the impact on teaching and learning in the student's class
- Review interventions already tried.
- Consider whether a referral to counselling is appropriate
- Consider whether the support of the Guidance counsellor would be of assistance

## Forms of Suspension

### • **During the State Examination Period**

Serious misbehaviour during the state examination period which is referred by the examinations superintendent to the school authority is referred by the Principal to the State Examinations Commission. Every measure is taken to protect the integrity of the State Examinations and where appropriate a separate centre will be requested for a student who is disruptive during the state examination period.

### • **Immediate Suspension**

In exceptional circumstances, where the continued presence of a student in the school at a particular time would represent a serious threat to the safety of students or staff or any other person in the school, the Principal may decide that an immediate suspension is warranted. In this, as in all exclusions, fair procedures will be applied. In such a situation a parent/guardian will be contacted by telephone to collect the student. The situation will be explained and written documentation will follow by post.

### • **Automatic Suspension**

Suspension is automatic for students who engage in physical fighting on the school premises or when attending a supervised school event outside the premises. The school authority will follow due process and fair procedures in all such situations.

## Procedures in Respect of Suspension:

The implementation of the process of suspension should always be fair and impartial. The Year Head may discuss the situation with the Principal and they will decide whether suspension is the most appropriate response. Should suspension of a student occur the following procedures are used:

- There will be a written account of the incident or behaviour

- The student will be informed verbally that he/she will be suspended and that his/her parents will be informed.
- The Principal will phone a parent and will give a formal account of the behaviour and the conditions of the suspension.
- The original letter of suspension will be posted to the parent/guardian.
- A photocopy of the original letter of suspension will be given to the student to be handed to his parent/guardian.
- A photocopy will be kept on the school's file..
- On occasions parents may be requested to attend a meeting with the Principal
- Parents/Guardians and students are given an opportunity to respond to proposed exclusion.
- Mercy Secondary School has due regard to its duty of care for the student and in no circumstances should a student be suspended without first notifying parents/guardians so that in the case of an immediate suspension parents/guardians may make arrangements for the student to be collected.

### **Periods of Suspension**

Except in exceptional circumstances a student should not be suspended for more than 3 days. Where cumulative periods of suspension through a single school year would bring the number of days for which a student has been suspended to 20 days or more the Education Welfare Officer will be informed as a matter of course by the school's Attendance Officer. This applies in the case of students under 16 years of age. The Principal is to ensure that the school Attendance Officer is supplied with a photocopy of each suspension form.

### **Appeals**

All suspensions may be appealed to the Board of Management of Mercy Secondary School Kilbeggan, and when parents/guardians are being formally notified of an suspension they are also informed of this right to appeal. A Section 29 Appeal may be taken where the total number of days for which an individual student has been suspended in the current school year exceeds 20 days.

### **Implementing a Suspension:**

The Principal notifies the parents and the student in writing of the decision to suspend. The letter confirms:

- The period of the suspension and the dates on which it will begin and end
- The reasons for the suspension.
- The arrangements for returning to school, including any commitments to be entered into by the student and the parents
- The provision for an appeal to the Board of Management
- The right to appeal thereafter to the Secretary General of the Department of Education and Science.

### **Grounds for Removing a Suspension:**

An exclusion may be removed if the Board of Management or the Secretary General of the Department of Education and Science directs that it be removed.

### **Reintegration of a student following a suspension**

A student is always to be given the opportunity for a fresh start. The school expects the same behaviour from the returning student as from all other students.

### **Records and Reports**

Formal written records are to be kept of

- Investigation prior to the decision to suspend a student
- The duration of the suspension and any conditions attached to the suspension.
- As the Principal is required to report suspensions in accordance with the NEWB reporting guidelines, a log of suspensions will be kept by the school attendance co-ordinator.

### **Review of the use of Suspension**

The In-School Management Team should monitor the use of suspension on an annual basis to ensure that its use is fair and consistent with school policies.

# Expulsion

The authority to expel - i.e. permanently exclude - a student from Mercy Secondary School, having complied with the provisions of section 24 of the Education (Welfare) Act 2000 belongs to the Board of Management.

## Grounds for Expulsion

Expulsion is a very grave step and one that is only taken

- (A) in extreme cases of unacceptable behaviour
- (B) in situations where a student's behaviour poses a real and significant threat to the health, safety or well-being of students or staff
- (C) when the student's behaviour is a persistent cause of significant disruption to the learning of others
- (D) in situations where the student is responsible for serious damage to school property

In the cases of A or B or C or D above the school will already have taken and recorded significant steps to address the misbehaviour, recognising that the decision to seek expulsion is a serious step. Such steps may include, as appropriate:

- Meeting with parents to try to find ways of helping the student to change his/her behaviour
- Explaining to the student the possible consequences of his/her behaviour, if it should persist
- Seeking the assistance of support agencies, as relevant.

## Expulsion for a First Offence

In exceptional circumstances the Board of Management may form the opinion that a student should be expelled for a first offence. A proposal to expel on the basis of a single breach of the code may include situations such as:

- Actual violence or physical assault on another student or member of staff, occurring on the school premises or during a supervised school event
- Supplying illegal drugs to other students in the school
- Sexual assault.

As expulsion is a most serious sanction the Board of Management will undertake a detailed and documented review of the circumstances and behaviours which have led to the decision to seek to expel a student.

## Procedures in respect of Expulsion

Procedures will be fair and will comply with the Education (Welfare) Act 2000. In particular

The student in respect of whom expulsion is being sought, together with his/her parents/guardians has

- o The right to be heard
- o The right to know that the alleged misbehaviour is being investigated
- o The right to know the details of the allegations being made and any other information that will be taken into account
- o The right to know how the issue will be decided
- o The right to respond to the allegations
- o The right to be heard by the Board of Management
- o The right to ask questions of the other party or witnesses where there is a dispute about the facts.

The student in respect of whom expulsion is being sought, together with his/her parents/guardians has

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

The procedural steps which follow a preliminary investigation will include:

- A detailed investigation carried out under the direction of the Principal
- A recommendation to the Board of Management by the Principal
- Consultations arranged by the Educational Welfare Officer
- Confirmation of the decision to expel.

Parents/guardians will be given due notice of meetings in writing and a fair and reasonable time to prepare for hearings. At each stage the student and his/her parents/guardians will be informed and will be given every opportunity to respond before a decision is made and before the sanction of expulsion is imposed. If a student and his/her parents/guardians fail to attend a meeting they should be informed in writing of the gravity of the matter and

the importance of attending a rescheduled meeting and, failing that, the duty of the school authorities to make a decision to respond to the student's alleged behaviour.

### **Step 1: A recommendation for expulsion of a student 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 should:

- 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 2: Consideration by the Board of Management of the Principal's recommendation and the holding of a hearing**

It is the responsibility in the first instance of the Board of Management of Mercy Secondary School Kilbeggan to review the initial investigation and satisfy themselves that the preliminary investigation was properly conducted in line with fair procedures. The Board should undertake their own reviews of all documentation and the circumstances of the case. They should 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). In the conduct of the hearing, the Board must take care to ensure that the members 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 should facilitate this, in line with good practice and procedures. After both sides have been heard, the Principal or parents or student, if over 18 years of age, is not permitted to be present for the Board's deliberations.

### **Step 3: The Board 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, 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 should 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 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 of Management should inform the parents in writing about its conclusions and the next steps in the process. Where expulsion is proposed, the parents should be told that the Board of Management will now inform the Educational Welfare Officer.

### **Step 4: Consultations arranged by the Educational Welfare Officer**

Within twenty days of receipt of a notification from the Board 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 of Management may consider it appropriate to suspend a student during this time.

Suspension should only be considered where there is a likelihood that the continued presence of the student during this time will seriously disrupt the learning of others, or represent a threat to the safety of other students or staff.

#### **Step 5: 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 should formally confirm the decision to expel (this task might be delegated to the Chairperson of the Board of Management and the Principal). Parents should be notified immediately that the expulsion will now proceed. Parents and the student should be told about the right to appeal and supplied with the standard form on which to lodge an appeal. A formal record should be made of the decision to expel the student.

#### **Appeals;**

A parent, or a student aged over eighteen years, may appeal a decision to expel to the Secretary General of the Department of Education and Science (*Education Act 1998* section 29). An appeal may also be brought by the National Educational Welfare Board on behalf of a student.

#### **The Appeals Process**

The appeals process under section 29 of the *Education Act 1998* begins with the provision of mediation by a mediator nominated by the Appeals Committee (Department of Education and Science).

#### **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.

## **The Plan For Reviewing the Code:**

The Principal and staff in partnership with the Board of Management will review the Code of Behaviour of Mercy Secondary School

on \_\_\_\_\_, having familiarised themselves with the Guidelines.

Where aspects of the school code are highlighted to be reviewed or addressed, the Board of Management, together with the Principal, will prioritise these areas and develop an action plan, within a timeframe, for doing this work.

Formal Adoption of the Code of Behaviour by the Board of Management of Mercy Secondary School Kilbeggan:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Chairperson of Board of Management  
Mercy Secondary Kilbeggan Post Primary School