



### **Definition**

A student is permanently excluded from Clifden Community School.

### **Authority to expel**

The Board of Management of Clifden Community School has the authority to expel.

### **The grounds for expulsion**

Expulsion of a student is a very serious step and will only be taken in extreme cases of unacceptable behaviour. It will be a proportionate response to the behaviour that is causing concern. Normally, the school will have taken significant steps to address the misbehaviour and to avoid expulsion as follows:

- Meeting with parents/guardians and the student to try to find ways of helping the student to change his/her misbehaviour
- Making sure that the student understands the possible consequences of his/her behaviour, if it should persist
- Utilising the sanctions of Clifden Community School Code of behaviour
- Offering support to the student
- Seeking the assistance of support agencies where appropriate

The school will have reviewed the reasons why these have not worked. The decision 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 significant threat to safety
- The student is responsible for serious damage to property

### **Expulsion for a first offence**

The Board of Management may form the opinion that a student should be expelled for a first offence. The kinds of behaviour that might result in such an expulsion 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

This list is not exhaustive.

### **Determining the appropriateness of expelling the student**

A number of factors will be considered before deciding to expel a student:

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

**Procedures in respect of expulsion**

Schools are required by law to follow fair procedures when proposing to expel a student. Fair procedures have 2 essential parts

- the right to be heard
- the right to impartiality

***Step 1 - Detailed investigation carried out under the direction of the Principal***

In investigating an allegation, the Principal in line with fair procedures will;

- *Inform the student* of the alleged misbehaviour, hear the student's viewpoint, and explain how the allegation is being investigated and that it could result in expulsion.
- *Inform the parents* by meeting and by letter of the following:
  - The alleged misbehaviour
  - How it is being investigated
  - That it could result in expulsion
  - Invite the parents and their son/daughter into the school for a meeting

**Meeting between parents/guardians, student, Principal and Deputy Principal**

If parents/guardians and the student fail to attend the meeting, the Principal will phone (if possible) and write to them, advising them of the gravity of the matter and the importance of attending a rescheduled meeting, and failing that, the duty of the school to proceed to the Board or Management for a decision on the matter.

***Step 2 - Recommendation to the Board of Management by the Principal***

The Principal will inform the parents and the student (if eighteen years or over) that the Board is being asked to consider expulsion as a sanction and of the date of the Meeting of the Board of Management and invite them all to attend.

The Principal will:

- ensure the parents/guardians have comprehensive records of the allegations against the student, an outline of 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/guardians
- notify the parents/guardians 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 the parents/guardians have sufficient notice to allow them to prepare for the hearing

**Step 3 - The Hearing - Emergency Board of Management Meeting**

Prior to the Emergency Board Meeting, the Principal will have sent to each Board member comprehensive records of the allegations against the student, all relevant documentation and an outline of the investigation.

- The Board will 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.
- The Board will ensure that no party that has any involvement with the circumstances of the case is part of the Board's deliberations.

**At the hearing:**

- The Principal and the parents/guardians, (or the student if aged eighteen years or over), put their cases to the Board in each other's presence.
- Each party is allowed to question the evidence of the other party, to make a statement, to seek clarification or to reply
- The Board is allowed to question parents/guardians, student, and Principal.
- The parents/guardians may request that the sanction be lessened.
- The parents/guardians may wish to be accompanied at the hearing and the Board will facilitate this, in line with good practice and Board procedures.

**Deliberations of the Board of Management**

Parents/guardians, student and Principal leave the meeting while the Board conducts its deliberations.

Having heard from all parties, the Board of Management will decide whether or not the allegation is substantiated and, if so, whether or not expulsion is the appropriate sanction.

**Step 4 - Board is of the opinion to expel**

If the Board comes to the conclusion, that it is of the opinion, that the student should be expelled it does the following:

- It notifies the Education Welfare Officer in writing of its opinion and reasons for this opinion (Education (Welfare) Act 2000, s24(1))
- It informs the parents/guardians in writing of its proposal to expel the student and the reasons for this.
- It explains their right to appeal (or the student's right if eighteen years or over.) under Section 29 of the Education Act 1998.
- It explains that the Education Welfare Officer will be informed in writing as to the opinion of the Board that the student should be expelled, and the reason(s) for that opinion.
- It explains that the student cannot be expelled before the passage of 20 school days from the date on which the Education Welfare Officer receives the written notification (Education (Welfare) Act 2000, Section 24 (1))

Pending consultations with the Education Welfare Officer (EWO) 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)). This 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 5 - Consultation arranged by the TUSLA - The Child and Family Agency /Education Welfare Services***

- Within twenty days of receipt of notification from the Board of Management of its opinion that a student should be expelled, the Educational Welfare Officer must consult/and or meet with the student, parents/guardians, Principal and anyone else who may be of assistance, (Education (Welfare) Act, Section 24). The purpose of these consultations/ meeting is to ensure that arrangements are made for the student to continue in education.
- When it is not possible for the student to continue at the school, the Educational Welfare Officer will focus on alternative educational possibilities.
- The Board may consider it appropriate to suspend the student while arrangements for the student's continuing education are being made. Suspension will only be considered where there is a likelihood that the continued presence of the student during this time will seriously disrupt the learning of others or represent a threat to the safety of other students or staff.

***Step 6 - Confirmation of the decision to Expel***

- When 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, should formally confirm the decision to expel. (The Board has delegated this task to the Chairperson of the Board and the Principal).
- The parents/guardians and/or student will be notified immediately that the expulsion will now proceed and will be reminded of their right (or the student himself if eighteen years or over) to appeal.
- The parents/guardians and/or student will be supplied with the standard form on which to lodge an appeal.
- Clifden Community School will also inform the NEWB that student is now expelled.

**Appeals**

- A parent/guardian or student aged over eighteen years, may appeal a decision to expel to the Secretary General of the Department of Education and Skills. (Section 29 Education Act 1998)
- An appeal must be lodged within 42 calendar days to the Department of Education and Skills. An Appeal Form may be obtained from Section 29 Appeals Administrative Unit, Friar's Mill Road, Mullingar, Co, Westmeath.
- The National Education Welfare Board may also bring an appeal on behalf of a student.

**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 and to ensure that expulsion is used appropriately.

*This Policy was ratified by the Board of Management:*

Signed: Eileen Mannon  
Chairperson, Board of Management

Date: October 22nd 2020

Signed: May Kelly  
Principal

Date: October 22nd 2020