



Coláiste na Mí

Code of Behaviour

This Policy was ratified by the Board of Management of Coláiste na Mí on the 17th September 2020

Date of next review: September 2021



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LOUTH AND MEATH EDUCATION AND TRAINING BOARD

Coláiste na Mí

Code of Behaviour

(inclusive of LMETB Suspensions and Expulsions Policy and Procedures)

Coláiste na Mí aspires to be a school of excellence. This will be possible where respect, courtesy and pride in the Coláiste are the cornerstone of the relationship between all members of the school community. To support this culture of excellence and mutual respect a code of behaviour has been drawn up and is set below to ensure no doubt exists as to the behaviours which are expected from all of us.

Coláiste na Mí is a child-centred, supportive learning environment where each student is encouraged and facilitated in realising their full potential in a positive climate which is caring, respectful, fair, and inclusive.

Parental co-operation is considered fundamental to the development and implementation of this school's policy.

Introduction

This policy applies to the Students of a Coláiste na Mí and relates to all school activities both during and outside of school hours. Once a student is recognisable as a student of Coláiste na Mí (i.e. wearing school uniform) then the school reserves its right to safeguard its good name. Where a student is alleged to have engaged in serious misbehaviour outside school, when not under the care or responsibility of the school, the school code of behaviour will apply if there is a **clear connection** with the school and a **demonstrable impact** on its work.

The policy has been developed in line with our mission statement.

Coláiste na Mí Goals:

- To create a safe learning environment for all attending Coláiste na Mí
- To promote good behaviour and self-discipline and pride in Coláiste na Mí
- To outline fair and agreed sanctions that will be used in response to misbehaviour.
- To outline the interventions to be used when a student misbehaves

Coláiste na Mí Nine Values:

1. Respect
2. Justice
3. Integrity
4. Honesty
5. Saothar
6. Kindness
7. Honour
8. Teamwork
9. Responsibility

Our Behaviour Statement

Everybody in Coláiste na Mí is entitled to work in a safe and healthy environment and in an atmosphere of mutual respect. It is the responsibility of all members of our school community to create this environment.

Responsibilities

1 To have Respect for yourself and others

- All members of the school community are expected to show mutual respect, good manners and co-operation to each other
- Bullying and bad language are not tolerated. (See Anti-Bullying Policy)

2 To have Respect for our school environment

- Students must not damage, deface or interfere with school property/safety equipment.

- Students must not break, steal or hide another person's property.
- Graffiti is not tolerated.
- The school and its environs should be kept litter-free.
- Chewing gum is forbidden.
- The possession of any weapon is forbidden.
- For safety reasons aerosols, tippex bottles, permanent markers and lasers are banned from the school.
- Smoking and the use of electronic cigarettes are forbidden. It is unhealthy and illegal.
- Use of Drugs or Alcohol is forbidden.

3 To attend and to be punctual:

- Students are expected to attend school and be punctual every day.
- Students must be on time in the mornings for 8.40am. If for any reason you cannot attend your parents should contact the school office by 9.30am each morning.
- On returning from absence all students are now required by law to have a note from a parent explaining their absence. This note should be in the Dialann. □ It is the student's responsibility to catch up on work missed through absence.
- If the school is concerned about a student's attendance or if the absences exceed 20 days in one year the Principal or Deputy Principal or Ceannaire will contact Tusla and / or Parents.
- After three days unexplained absence Parent will be contacted by the school.
- Students should not take holidays during school terms
- Students must be on time for all classes during the day
- No student may leave the school without permission from Ceannaire or Deputy Principals. Students leaving school early must be signed out in the book in the main office.

4 To strive for Excellence in the Classroom:

- Students must be prepared for class and must bring all iPads, books, copies, PE gear and equipment that are needed for school on a particular day.
- Classroom behaviour which interferes with the teaching and learning of others is not tolerated.
- Students are expected to actively participate in class.

5 To comply with all School Policies and School Regulations:

- Students (and their parents/guardians) are requested to read and sign the following package of Policies /Guidelines:
 1. The Dialann Rules
 2. Uniform Policy
 3. Mobile Phone and Mobile Device Policy
 4. Other Policies which may be developed.

- Students are requested to comply with all school regulations regarding the lockers, the corridors, the toilets, the school lift and the possession of mobile devices etc.

Health and Safety Control of COVID-19 Policy for Coláiste na Mí Students

1. Introduction

Under the Safety Health and Welfare at Work Act 2005, the ETB of Coláiste Na Mí, as employer is required to ensure, so far as is reasonably practicable, the safety, health and welfare at work of all employees of the school. The employer (LMETB) is further required to manage and conduct the school in such a way as to ensure, so far as is reasonably practicable, that individuals at the place of work who are not employees, such as students, parents/guardians, visitors to the school, are not exposed to risks to their safety, health or welfare.

This policy is influenced by the need to minimise the risk of introduction of COVID-19 into the school community and to prevent its spread. Although it is acknowledged that no single action or set of actions will completely eliminate the risk of COVID-19 transmission, adherence to this policy will contribute to the reduction of that risk of transmission.

In accordance with this policy, students are expected to comply with the standards of behaviour set out in this policy or as directed by the school to prevent the introduction and spread of COVID-19. The COVID-19 control measures are consistent with current advice from the HSE, the Health and Safety Authority, the Department of Education and Skills and the Department of Foreign Affairs and, as such, may be subject to change. Students and parents/guardians will be notified of any changes to the control measures.

Students are expected to comply with all directions from school staff in relation to the school's COVID-19 control measures. Any failure or refusal to comply with this policy or to follow instructions of school staff should be dealt with in accordance with the school's Code of Conduct.

Parents/guardians are required to supply the school with a phone number/s of available person/s who can be contacted at all times and who will be available to collect a student from the school should the need arise.

2. Symptoms of COVID-19

Symptoms of COVID-19 are similar to symptoms of cold or flu. The most common symptoms are:

- fever
- cough
- shortness of breath
- loss of sense of smell or taste

More information regarding the most up-to-date signs and symptoms of COVID-19 is available on the HSE website, <https://www2.hse.ie/coronavirus/> .

3. Standards of Behaviour expected of students to help prevent the introduction or spread of COVID-19 in school

Standards of Behaviour expected of students
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Students are expected to comply with any control measures directed by the school to prevent the introduction and spread of COVID-19, including, but not limited to:

- ✓ maintaining a social-distance of at least 1 metre and where possible, 2 metres, from other students and staff;
- ✓ wearing a face covering (applicable at post-primary level). All students at post-primary level, are required to wear a face covering subject to a limited number of exceptions set out in relevant Department of Education guidance (See Appendix A). Face coverings must not contain any slogans/logos/images that may cause upset or be deemed offensive to any member of the school community;
- ✓ performing hand hygiene with a hand sanitiser on entering the school;
- ✓ repeating hand-hygiene at regular intervals throughout the school day and when directed by school staff;
- ✓ Students must not damage, deface or interfere with school property/safety equipment, inclusive of the sanitisation stations installed in response to COVID-19;
- ✓ maintaining good respiratory-hygiene. In this regard students should:
 - cover nose/mouth with a tissue when coughing/sneezing and dispose of used tissue in waste bin and perform hand hygiene
 - cough or sneeze into the inner elbow (upper sleeve) rather than into the hand, if no tissues are available
 - keep contaminated hands away from the eyes and nose
 - carry out hand hygiene after contact with respiratory secretions and contaminated objects/materials
 - not spit or deliberately cough or sneeze at or towards any other person in the school
- not sharing materials or stationery, such as pens, calculators, rulers, etc. with other students;
- not attending school for 14 days after returning from travel out of the country in line with Government guidelines for travel;
- not attending school if displaying COVID-19 like symptoms and remaining out of school for such period as is required in accordance with HSE/GP advice;
- not attending school where tested positive for COVID-19 and remaining out of school for such period as is required in accordance with HSE/GP advice;
- not attending school if identified by the HSE as a person who has been in contact with another person who has contracted COVID-19 and remaining out of school for such period as is required in accordance with HSE/GP advice;
- not attending school if a member of the student's household is displaying COVID-19 symptoms and remaining out of school for such period as is required in accordance with HSE/GP advice;
- telling a teacher or other member of staff where a student feels unwell at school. In that regard –
 - the student will require to be collected from the school as soon as possible by a parent/guardian or a person designated by the parent/guardian for such purpose
 - parents must ensure that the school has up-to-date contact details so that they can be contacted by the school if required
- complying with any other such directions as advised by the DES and/or HSE and communicated to the school community.

Students should be aware that the above is a non-exhaustive list. Students are expected to follow all instructions from staff which aim to prevent the introduction COVID-19 into the school and minimise its spread.

4. Failure to comply with standards of Behaviour

Failure by a student to comply with the standards of behaviour expected to help prevent the introduction and spread of COVID-19 will constitute a breach of the Code of Conduct of Coláiste Na Mí and s/he may be subject to sanction up to and including suspension or permanent exclusion.

Any actions or sanctions taken in respect of alleged breaches of the code of behaviour will be carried out in accordance with the provisions of the school's Code of Conduct, the requirements of the EWS *Guidelines on Developing a Code of Behaviour* and relevant requirements of the Education and Welfare Act 2000. Sanctions will be proportionate to the nature, seriousness and context of the behaviour.

A student engaging in aggressive, threatening or unacceptable behaviour that creates or increases the risk of COVID-19 infection for staff, other students or visitors to the school may be removed from class and, if necessary, from the school premises with immediate effect, pending any further action to be taken in accordance with the school's code of behaviour.

Appendix A:



**An Roinn Oideachais
agus Scileanna**
Department of
Education and Skills

Clarification on the use of face coverings in Post Primary schools (DES, September 2020)

Wearing a face covering or mask does not negate the need to stay at home if symptomatic.

Wearing of face coverings – a requirement

Staff and students, at post-primary level, are required to wear a face covering. The exemptions to this are set out below.

Cloth face coverings

Cloth face coverings are recommended for staff and students. Cloth face coverings act as a barrier to help prevent respiratory droplets from travelling into the air and onto other people when the person wearing the face covering coughs, sneezes, talks or raises their voice. Cloth face coverings are therefore intended to prevent transmission of the virus from the wearer (who may not know that they are infected) to those with whom they come into close contact.

Face coverings must not contain any slogans/logos/images that may cause upset or be deemed offensive to any member of the school community.

Visors

Cloth face coverings are more effective than visors. In the limited circumstances where a cloth face covering cannot be worn clear visors must be considered. The alternate use of a clear visor can also be considered when a staff member is interacting with students with hearing difficulties or learning difficulties.

Exemptions

A medical certificate to certify that a person falls into a category listed below must be provided to the school by, or on behalf of, any person (staff or student) who claims that they are covered by the exemptions below:

- any person with difficulty breathing who cannot wear a cloth face covering or a visor
- any person who is unable to remove the cloth face-covering or visor without assistance
- any person who has special needs and who may feel upset or very uncomfortable wearing the cloth face covering or visor, for example persons with intellectual or developmental disabilities, mental health conditions, sensory concerns or tactile sensitivity.

In circumstances where a medical certificate is not provided that person (staff or student) will be refused entry to the school.

Directions for effective use of face coverings

- Information should be provided by schools on the proper use, removal, and washing of face coverings. Advice on how to use face coverings properly can be found on <https://www.gov.ie/en/publication/aac74c-guidance-on-safe-use-of-face-coverings/> .
- All staff and students should be reminded not to touch the face covering and to wash or sanitise their hands (using hand sanitiser) before putting on and after taking off the face covering.
- All staff (and students, where applicable), should be aware that they should wash or sanitise hands (using a hand sanitiser) before and after helping a student put on or adjust a face covering.
- Face coverings should be stored in a designated space, for example, in an individually labelled container or bag.
- Cloth face coverings should be washed after every day of use and/or before being used again, or if visibly soiled.
- Face coverings should not be worn if they are wet. A wet cloth face covering may make it difficult to breathe.

Whilst staff and students may wish to utilise their own face covering on a day-to-day basis, schools should have a stock of additional disposable or multi-use face coverings (or if appropriate, visors) for staff and students in case a back-up face covering is needed during the day or where required on an ongoing basis.

Use of medical grade face coverings

Schools should consider the specific circumstances where the use of medical face masks (to EU Standard EN 14683) may be more appropriate for staff as part of their risk assessment for employees returning to work (for example where staff by necessity need to be in close and continued proximity with students with intimate care needs such as SNAs).

Students using school transport

All students on the post primary transport scheme are required to wear face coverings subject to the exemptions above.

Sanctions and Interventions

Behaviour interventions are used to assist students to become responsible for their own behaviour and embed good behaviour choices and practice.

*Please note that Coláiste na Mí has a ladder of referral system and for the most part all misbehaviours will be dealt with by this system. However, should an incident occur such as serious verbal or physical abuse of any person in the school community, theft, alcohol or drug abuse or possession of offensive weapons then these behaviours will automatically be reported to the Deputy Principals. Any threat to student and/or staff safety will be dealt with swiftly to eliminate the threat and a thorough investigation and resolution will follow.***

***In response to COVID-19 students who, despite encouragement and opportunities to comply, blatantly refuse to follow the measures outlined in the Response Plan, eg: refusing to maintain social distancing, refusal to use hand sanitiser, refusing to wear a face covering, as advised by the HSE, where social distancing cannot be maintained, will be referred to the Principal and/or Deputy Principals immediately and parents contacted to remove the student. If full compliance is not guaranteed the student may have to engage in remote learning while the matter is addressed by the BOM. (See Policy Below)*

The Class Teacher/Caomhnóir may use any or all of the following sanctions/interventions

- Reasoning with the pupil
- A firm reprimand
- A note to parents in the Dialann
- Extra work given to the pupil
- Letter of apology required for poor behaviour
- A phone call to the parents
- Referral to Caomhnóir
- A ten-minute supervised detention at lunchtime
- Caomhnóir Report Form.

The Ceannaire may use any of the above sanctions/interventions plus those listed below:

- Withdrawal of privileges.
- Lunchtime detention.
- Student required to complete an incident report form.
- Agree an improvement plan
- Referral to school Counsellor and/or the SEN department.
- Arrange meeting with Parents.
- Supervised after school detention.
- Recommend In- house/external suspension to the Ceannaire/Deputy Principals.

The **Deputy Principal** may use any of the above sanctions/interventions plus those listed below:

- Arrange meeting with student, parents and Caomhnóir.
- Class Report
- DP Report
- Supervised Detention before or after school. (Parents will be given at least 24-hour notice)
- In-House Suspension from particular subject(s) for a limited time. *** Seek cost of repair of damaged property from the student or impose fines External Suspension (in consultation with the Principal).
- Referral to Principal.

****This would normally entail a student being asked to sit at the back of another teacher's class for a day or a period of a day. In the case of a senior student, the student may on some occasions be asked to sit in the school library.*

The **Principal** may use any of the above sanctions/interventions plus those listed below:

- In all cases of external suspension the Principal will inform the Board of Management. Parents have a right to appeal the decision to suspend their son/daughter to the Board of Management.
- The Principal will inform Tusla if a student had been suspended for more than 6 days in any school year.
- The Principal may refer the student to an out centre for assistance with behaviour modification.
- The Principal may refer the student to the school psychologist.
- The Principal may refer the pupil to relevant authorities, including the Gardaí.
- The Principal may refer the behaviour of the pupil to the Board of Management.

Exclusion

In order to maintain good order and discipline and ensure the safety of all the students in the school it may be necessary to permanently exclude a student from the school.

Where the Principal considers that the safety of other members of the school community is at risk or where the teaching and learning of other students is being seriously disrupted by another student then he/she will refer this matter to the Board of Management

The rules of natural justice shall be adhered to and pupils (over 18) and parents will be given an opportunity to respond in their own defence prior to any decision being made.

Where the Board is of the opinion that the student should be excluded it shall notify Tusla, in writing, of its opinions and reasons therefor.

Parents may appeal the decision of the Board of LMETB.

Should the LMETB uphold the decision of the Board to exclude a pupil then parents may appeal this decision to the Secretary General of the Department of Education and Science

Student Contract

As a student I will be respectful of myself and all members of the school community at all times, I will adhere to all school rules and work to the best of my ability in the classroom. I will take responsibility for all I say and do. I understand and agree to abide by the Code of Behaviour for Coláiste na Mí.

Student Signature _____ *Date* _____

Parent Contract

As Parents/Guardians we/I have read and fully accept the Code of Behaviour of Coláiste na Mí.

We/I will do our/my best to:

- Ensure excellent attendance and punctuality
- To encourage and actively support our child in regard to schoolwork, homework and extra-curricular activities
- Support school policies
- Attend Parent/Teacher meetings and special appointments if requested
- Sign all notes sent home through the Dialann
- Provide him/her with required iPad/books/uniform
- Regularly check and review online school reports

Signature of Parent/Guardians _____ *Date* _____

COLÁISTE NA MÍ

SUSPENSION AND EXPULSION POLICY AND PROCEDURES

UNDER THE AUSPICES OF

LOUTH AND MEATH EDUCATION AND TRAINING BOARD

SUSPENSION AND EXPULSION POLICY AND PROCEDURES

1. Policy Statement

1.1. The suspensions and expulsions policy applies to all schools established and maintained by Louth and Meath Education and Training Board.

2. Legal framework

2.1. Louth and Meath ETB acknowledges the duty of schools under its control to publish their policy concerning admission and participation in the school, including the policy of the school relating to the expulsion and suspension of students pursuant to Section 15 (d) of the Education Act 1998 and Section 23 of the Education Welfare Act 2000. The Code of Behaviour in Coláiste na Mí specifies:

- The standards of behaviour that shall be observed by each student attending the school
- The measures that may be taken when a student fails or refuses to observe those standards
- The procedures to be followed before a student may be suspended or expelled from a school
- The grounds for removing a suspension imposed in relation to a student
- The procedures to be followed relating to notification of a child's absence from school.

2.2. Coláiste na Mí affirms that its Code of Behaviour is prepared in accordance with the Guidelines issued by the Education Welfare Board 2008. The Code of Behaviour addresses:

- The standards of behaviour expected in the school
- The plan for promoting good behaviour
- The ways in which a school responds to unacceptable behaviour
- The plan for implementing the code of behaviour
- School procedures for the use of suspension and expulsion

- 2.3. Coláiste na Mí recognises the Right to Appeal pursuant to Section 29 of the Education Act.
- 2.4. In regard to informing the Education Welfare Board, Coláiste na Mí affirms its statutory obligation pursuant to section 21 (4)(a) of the Education Welfare Act.
- 2.5. Coláiste na Mí affirms that data collected in relation to students and parents is in compliance with the Data Protection Acts 1988 and 2003.

3 Suspensions

3.1 The Board of Management of Coláiste na Mí holds the authority to suspend a student. This authority is devolved under Section 44 (11(a)) of the Education and Training Boards Act 2013 by Louth and Meath ETB to the Boards of Management of each of the schools under its control.

3.2 Louth and Meath ETB recognises that the Boards of Management of Coláiste na Mí may delegate this authority to the Principal of Coláiste na Mí. The Board of Management should make a formal delegation arrangement taking due account of the provisions of the Education and Training Boards Act 2013.

3.3 Coláiste na Mí recognises that suspension is only one strategy within the Coláiste na Mí Code of Behaviour in response to inappropriate behaviour.

3.4. Coláiste na Mí recognises that when all other strategies have been exhausted, suspension affords a student time to reflect on their behaviour, to acknowledge and accept responsibility for their behaviour and to accept the need for the behaviour to change. Coláiste na Mí works closely with parents to assist a suspended student to re-join the school community successfully.

3.5. Coláiste na Mí acknowledges that suspension should be a proportionate response to the behaviour that is causing concern. 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 students continued presence in the school at this time constitutes a threat to safety.
- The student is responsible for serious damage to property.
- The student breaches the Code of Behaviour. (At the discretion of the Principal.)

3.6. Coláiste na Mí affirms that all suspensions must be notified to the Board of Management of Coláiste na Mí.

3.7. Coláiste na Mí affirms that the Education Welfare Services of the Child and Family Agency (Tusla) should be Informed of suspensions in the following circumstances:

- Where the period of suspension is for 6 or more consecutive school days.
- Where the aggregate number of days on which a student has been suspended /absent in any school year is 20 or more days.

3.8. Coláiste na Mí affirms that suspension may occur after the following factors have been considered:

- The nature and seriousness of the behaviour
- The impact and context of the behaviour
- The interventions tried to date
- That all discipline options under the Coláiste na Mí Code of Behaviour have been applied and documented
- That all actions /decisions taken are recorded and all correspondence copied.
- Discussion has occurred with the student and parent(s) regarding the specific behaviour which the school considers unacceptable, and which may lead to suspension.

3.9. The Board of Management of Coláiste na Mí affirms that students attending Coláiste na Mí may be suspended as follows pending investigation and /or discussion with parents. The following list is not exhaustive:

- For serious misbehaviour
- For an unacceptable level of repeated misbehaviour
- For bullying, insulting, aggressive or violent behaviour towards others whether in person, by mobile phone or via social media or other electronic means; in the school, or when identifiable with the school
- For the supply/possession /use of alcohol and /or illegal drugs
- For the supply /possession /use of weapons/ hazardous materials
- For behaviour that may be a danger to self or others
- For racist behaviour /supply of racist behaviour/use of racist material
- For behaviour that is contrary to the terms of the Equal Status Act 2000
- For sexual harassment and/or the possession/supply /use of pornographic material.

3.10. Coláiste na Mí acknowledges that a single incident of serious misconduct may be grounds for suspension. Such grounds may include where the continued presence of the student in the school at the time would represent a serious threat to the safety or welfare of students, staff of the school or any other person.

- 3.11. A student may be suspended during a state examination and such suspension should normally be approved by the Board of Management of Coláiste na Mí. This type of suspension should only be used where there is:
- A threat to good order in the conduct of the examination
 - A threat to the safety or welfare of other students and personnel
 - A threat to the right of the other students to do their exam in a calm atmosphere.

3.12. Louth and Meath ETB recognises that the Board of Management of Coláiste na Mí may decide as part of the school's policy on sanctions and following consultation process with the Principal, parents, teachers and students, that particular named behaviour incur suspension as a sanction. This does not remove the duty to follow due process and fair procedures in each case.

4 Inappropriate use of Suspension

- Rolling suspension. A student should not be suspended again shortly after they return to Coláiste na Mí unless they engage in serious misbehaviour that warrants suspension, that fair procedures are observed in full and the standard applied to judging the behaviour is the same as that standard applied to the behaviour of any other student.
- Informal/ unacknowledged suspension. Exclusion of a student for part of the school day as a sanction is a suspension.
- Open-ended suspension. Students should not be suspended for an indefinite period. Any such suspension would be regarded as a de-facto expulsion.

5 Procedures in respect of Suspension.

- 5.1 Louth and Meath ETB affirms that Coláiste na Mí is required to follow fair procedures when proposing to suspend a student. The school should observe the following procedures
- The student and parent(s) should be informed about the complaint
 - The student and parent(s) should be given the opportunity to respond
 - In the case of 'immediate' suspension, a preliminary investigation should be conducted to establish the case for the imposition of the suspension. Parents must be notified and arrangement made for the student to be collected from the school. The school must have due regard for its duty of care for the student.
- 5.2 A student should not be suspended for more than 3 days except in exceptional circumstances. Louth and Meath ETB recognises that

the Board of Management of Coláiste na Mí should provide guidance to the Principal concerning the kinds of circumstances under which suspensions of longer than 3 days might be approved. If a suspension of longer than 3 days is being proposed the matter should be referred to the Board of Management for consideration and approval. However, Louth and Meath ETB recognises that the Board of Management of Coláiste na Mí may wish to authorise the Principal, with the approval of the Chairperson of the Board of Management, to impose a suspension of up to 5 days in circumstances where a meeting of the Board cannot be convened in a timely fashion.

- 5.3 Louth and Meath ETB affirms the Boards of Management of Coláiste na Mí should 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 20 days or more. Any such suspension is subject to appeal under section 29 of the Education Act 1998.

6 Implementing the suspension

6.1 The Principal of Coláiste na Mí should notify the Parent(s) 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.
- The provision for an appeal to the Board of Management of Coláiste na Mí.
- The provision to appeal to Louth and Meath ETB.

6.2 In the case where Parents do not agree to meet with the Principal, Louth and Meath ETB confirms that written notice will serve as notice to impose a suspension.

6.3 A suspension may be removed if the Board of Management of Coláiste na Mí decides to remove the suspension for any reason.

7 Appealing the suspension to the Board of Management

7.1 A parent/guardian has 7-10 days in which to lodge an appeal from the date of receipt of letter informing him/her of the suspension.

7.2 If the student appealing suspension is 18 years or older, he or she may appeal in their own right.

7.3 The grounds for the appeal must be made in writing to the Secretary of the Board of Management.

8 Procedures in respect of Suspension Appeal

8.1 Upon receipt of written correspondence concerning the suspension appeal, the Principal should:

- Inform the student and parents/guardians in writing that the Board of Management meeting is arranged to consider the suspension appeal
- Ensure that parents/guardians, or a student aged 18 or over have written records of (a) the allegation, (b) the investigation, (c) written notice of the grounds on which the Board of Management is being asked to consider the imposed suspension.
- Provide the Board with the same comprehensive records as are given to the parents/guardians, or a student aged 18 or over.
- Notify the parents/guardians/student over 18 in good time of the date of the hearing with the Board of Management and invite them to that hearing.
- Advise the parents/guardians/student over 18 that they can make a written and oral submission to the Board of Management.

8.2 It is the responsibility of the Board of Management of Coláiste na Mí to review the initial investigation and satisfy itself that the investigation was properly conducted in line with fair procedures.

8.3 The Board of Management should undertake its own review of documentation and all circumstances of the case.

8.4 The Board of Management should ensure that no party who has had any involvement with the circumstances of the suspension is part of the Board's deliberations.

8.5 Where the Board of Management of Coláiste na Mí decides to consider a suspension appeal for a student, it must hold a hearing and this meeting should be properly conducted in accordance with Board procedures.

8.6 Parents/Guardians may be accompanied at the Board hearing. The nature of appeal hearings is such that legal representation is not required. The Board Secretary should be informed in writing who shall be attending this meeting at least two days prior to the meeting taking place.

8.7 At the start of the meeting the Chairperson shall enquire whether any member has a conflict of interest in respect of the matter being considered by the Board. Where the Board is satisfied that a conflict of interest exists, the member(s) involved shall withdraw from the meeting.

8.8 At the hearing both the Principal and the parents/guardians, or a student aged 18 or over, will put their case to the Board in each other's presence

and will be available to answer questions from Board Members. Each party should be allowed question the evidence of the other party. Questions should be directed through the Chairperson at the end of each presentation.

- 8.9 Once the Principal and the parents/guardians, or a student aged 18 or over, have made their cases, they will withdraw from the meeting.
- 8.10 When both sides have been heard the Board should ensure that the Principal and Parents are not present for the Board's deliberations.
- 8.11 Should the Board require the professional advice of the Principal, the Principal may be invited to return to the meeting briefly for that purpose only. While the Principal is present, there will be no discussion on the merits of the particular case being considered.
- 8.12 In the conduct of the hearing the Board must take care to ensure at all times that they maintain their impartiality between the Principal and the parents/guardians, or a student aged 18 or over.
- 8.13 In hearing and determining an appeal the Board 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 Education (Welfare) 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 Board considers relevant.

9 Board of Management deliberations and actions following the hearing

9.1 Having heard from all the parties involved it is the responsibility of the Board to decide whether or not the allegation is substantiated and if the imposed suspension is a proportionate sanction.

9.2 When the Board of Management having considered all the facts of the case, is of the opinion that the student should be suspended, the Board will instruct the school principal to communicate the decision of the Board of Management to the parents/guardians, or student aged 18 or over and to uphold the decision to impose a school suspension

10 Section 29 Appeal against Suspension

10.1 Where the total number of days for which the student has been suspended in the current school year reaches 20 days, the parent(s) or a student aged over 18 years, may appeal the suspension under Section 29 of the Education Act 1998.

10.2 Parents and the student should be informed about their right to appeal to Louth and Meath ETB

10.3 Where an appeal to Louth and Meath ETB is concluded, Parents and the student may appeal to the Secretary General of the Department of Education and Skills.

11 Expulsion

11.1 Louth and Meath ETB has the authority to expel a student. This authority may be delegated under Section 44 (11(a)) of the Education and Training

Boards Act 2013 by Louth and Meath ETB to the Board of Management of Coláiste na Mí.

11.2 Expulsion should be a proportionate response to the student's behaviour. Coláiste na Mí acknowledges that expulsion of a student is a very serious step and one that should only be taken by the Board of Management of Coláiste na Mí in extreme cases of unacceptable behaviour.

11.3 The Board of Management of Coláiste na Mí affirms that Coláiste na Mí needs to have taken significant steps to address the misbehaviour and to avoid expulsion.

Such measures may include:

- Meeting with parents and students to try and find ways of helping the student to change their behaviour.
- Making sure that the student understands the possible consequences of their behaviour should it persist
- Ensuring that all possible options have been tried.
- Seeking the assistance of relevant support agencies, e.g. Child and Family Agency Education Welfare Services, HSE Child and Adolescent Mental Health Services. National Behavioural Support Service JLO, NEPS, NCSE.

11.4 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 the safety and welfare of others.
- The student is responsible for serious damage to property.

11.5 Before expulsion is considered schools' authorities must satisfy themselves that all possibilities have been exhausted for changing the student's behaviour.

11.6 'Automatic Expulsion'

The Board of Management of Coláiste na Mí may decide in consultation with the Principal, parents, teachers and students that particular named behaviours would result in 'Automatic' expulsion. This does not remove the duty to follow due process and fair procedure.

11.7 Expulsion for first or once-off offence

There may be exceptional circumstances where the Board of Management of Coláiste na Mí decides 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 of Behaviour could include:

- A serious threat of violence against another student or member of staff
- Actual violence or physical assault
- Supplying illegal drugs to students in the school
- Sexual assault

12 Factors to Consider before proposing to expel a student

12.1 The Board of Management of Coláiste na Mí should take the following factors into consideration before considering expelling a student:

- The nature and seriousness of the behaviour
- The context of the behaviour
- The impact of the behaviour
- The interventions already tried to change the student's behaviour
- Whether expulsion is a proportionate response
- The possible impact of expulsion

12.2 Expulsion would not be appropriate for the following:

- 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.

13 Procedures in respect of expulsion

13.1 A detailed investigation will be carried out under the direction of the Principal. The Principal should ensure that no party who has had any involvement with the circumstances of the case is part of the investigation.

13.2 The Principal should inform the student and his/her parents about the specific details of the alleged breach of behaviour, how it will be investigated and that it could result in expulsion. The Principal must ensure that the student and parents are given every opportunity to respond to the complaint of serious misbehaviour. The Principal should communicate this in writing to ensure that parents have a permanent record of having been informed.

13.3 A meeting should be arranged between the student and their parents and the Principal of Coláiste na Mí before a sanction is imposed.

13.4 Should a student and their parent(s) fail to attend a meeting the Principal should write advising:

- the seriousness of the matter
- the importance of attending a re-scheduled meeting
- Failing that, the duty of the school authorities to make a decision to respond to the inappropriate behaviour
- Record all correspondence

13.5 Where the Principal of Coláiste na Mí forms a view, based on the investigation of the alleged misbehaviour, that expulsion may be warranted, the Principal shall make a recommendation to the Board to consider expulsion.

13.6 The Principal should:

- Inform the student and parents in writing that the Board of Management is being asked to consider expulsion.
- Ensure that parents have written records of (a) the allegation, (b) the investigation, (c) written notice of the grounds on which the Board of Management is being asked to consider expulsion.
- Provide the Board with the same comprehensive records as are given to the student and the parents.
- Notify the parents in good time of the date of the hearing with 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 parents are given enough notice to allow them to prepare for the meeting.

13.7 It is the responsibility of the Board of Management of Coláiste na Mí to review the initial investigation and satisfy itself that the investigation was properly conducted in line with fair procedures.

13.8 The Board of Management should undertake its own review of documentation and all circumstances of the case.

13.9 The Board of Management should ensure that no party who has had any involvement with the circumstances of the case is part of the Board's deliberations.

13.10 Where the Board of Management of Coláiste na Mí decides to expel a student it must hold a hearing and this meeting should be properly conducted in accordance with Board procedures.

13.11 Parents may be accompanied at the Board hearing but, as this is a lay forum; legal representation is not the normal practice, however it may be allowed due to the potentially serious consequences for the student. The

Board Secretary should be informed in writing who shall be attending this meeting at least two days prior to the meeting taking place.

13.12 At the start of the meeting the Chairperson shall enquire whether any member has an objective bias in respect of the matter being considered by the Board. Where the Board is satisfied that an objective bias exists, the member(s) involved shall withdraw from the meeting.

13.13 At the hearing the Principal and the parents, or a student aged 18 or over, put their case to the Board in each other's presence and will be available to answer questions from Board Members. Each party should be allowed

question the evidence of the other party. Questions should be directed through the Chairperson at the end of each presentation.

- 13.14 Once the Principal and the Parents have made their cases, they will withdraw from the meeting.
- 13.15 Should the Board require the professional advice of the Principal, the Principal may be invited to return to the meeting briefly for that purpose. While the Principal is present, there will be no discussion on the merits of the particular case being considered.
- 13.16 In the conduct of the hearing the Board must take care to ensure 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 should facilitate this in line with good practice and Board procedures.
- 13.17 When both sides have been heard the Board should ensure that the Principal and Parents are not present for the Board's deliberations.
- 13.18 In hearing and considering a proposed expulsion the Board 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 Education (Welfare) 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 Board considers relevant.

14 Board of Management deliberations and actions following the hearing

14.1 Having heard from all the parties involved it is the responsibility of the Board to decide whether or not the allegation is substantiated and if expulsion is the appropriate sanction.

14.2 When 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 Education Welfare Officer in writing of its opinion and the reasons for this opinion pursuant to section 24 91) of the Education Welfare Act 2000. The Board should refer to the Child and Family Agency Education Welfare Services reporting procedures for proposed expulsions.

14.3 The student cannot be expelled before the passage of 20 school days from the date on which the EWO receives this written notification.

14.4 The Board of Management should inform the parents in writing about its conclusions and where expulsion is proposed the parents should be informed that the Board of Management will inform the Education Welfare Officer.

15 Consultations arranged by the Educational Welfare Officer

15.1 Within 20 days of receipt of a notification from a Board of Management the EWO will make all reasonable attempts to hold individual consultations with the Principal, the parent and the student. The EWO will convene a meeting of those parties. These consultations will focus on alternative educational arrangements for the student.

15.2 Pending the consultations in 12.1 the Board of Management may consider it appropriate to suspend a student during this time. This should only be considered where the continued presence of the student during this time would seriously disrupt the learning of others or represent a risk to the safety and health of students or staff.

16 Confirmation of the decision to expel

16.1 When the 20-day period following notice to the EWO has elapsed and 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 of Management may delegate authority to the Chairperson and Secretary to review this decision of expulsion after the twenty days has expired.

16.2 Parents should be notified immediately that the expulsion will now proceed. Parents and the student must be informed of their right to appeal to Louth and Meath ETB.

17 Section 29 Appeal against Expulsion

17.1 The parent(s) or a student aged over 18 years, may appeal the expulsion under Section 29 of the Education Act 1998.

17.1.1 Parents and the student should be informed about their right to appeal to Louth and Meath ETB and they should be supplied with the standard form on which to lodge an appeal.

17.2 Where an appeal to Louth and Meath ETB is concluded, Parents and the student may appeal the decision to the Secretary General of the Department of Education and Skills.

18 Review of use of Expulsion

18.1 The Board of Management of Coláiste na Mí should review the use of expulsion in the school at regular intervals.

19 Implementation and Review of Policy

19.1 The Principal and Board of Management of Coláiste na Mí will responsible for the implementation of this policy.

19.2 This policy shall be reviewed periodically, in light of emerging legislation and circulated Guidelines from the Department of Education and Skills from its official adoption by the Louth and Meath Education and Training Board and Coláiste na Mí Board of Management.

This policy was adopted by Louth and Meath Education and Training Board for incorporation into school's Codes of Behaviour on the 23rd March 2017 and is currently being reviewed by the LMETB.

Definitions under the Education Act, 1998

"parent" includes a foster parent, a guardian appointed under the Guardianship of Children Acts, 1964 to 1997, or other person acting in *loco parentis* who has a child in his or her care subject to any statutory power or order of a court and, in the case of a child who has been adopted under the Adoption Acts, 1952 to 1998, or, where the child has been adopted outside the State, means the adopter or adopters or the surviving adopter;

"Principal" means a person appointed under *section 23*;

"school" means an establishment which-

(a) provides primary education to its students and which may also provide early childhood education, or

(b) provides post-primary education to its students and which may also provide courses in adult, continuing or vocational education or vocational training, but does not include a school or institution established in accordance with the Children Acts, 1908 to 1989, or a school or institution established or maintained by a health board in accordance with the Health Acts, 1947 to 1996, or the Child Care Act, 1991;

"student", in relation to a school, means a person enrolled at the school and in relation to a centre for education, means a person registered as a student in that centre;