

# Coláiste Chill Mhantáin

## Behaviour Policy

### 1 Board of Management:

1.1 The Code of Behaviour of Coláiste Chill Mhantáin is drawn up in consultation with the parents, staff and students. The Code of Behaviour shall be based on the following key principles:

- a) The care, safety and welfare of students and staff.
- b) Good relationships and co-operation between and among all the educational partners.
- c) Personal responsibility.
- d) The equal and fair treatment of all.

1.2 The Board of Management of Coláiste Chill Mhantáin shall ensure that the Code of Behaviour shall specify:

- a) The standard of behaviour to be observed by students.
- b) The measures to be taken when the student fails/refuses to observe the standard.
- c) The procedure that must be followed before a student is suspended/expelled.
- d) The grounds for removing a suspension.
- e) The procedures to be followed relating to notification of a student's absence from school.

1.3 Coláiste Chill Mh antáin affirms that data collected in relation to students and parents is governed by the Data Protection Act 1988 and the Data Protection (Amendment) Act 2003 and that information on file should be used only for the purposes for which it was intended.

1.4 The Board of Management of Coláiste Chill Mhantáin under the control of the Committee shall ensure that an evaluation of the effectiveness and efficiency of the process, strategy and policy regarding behaviour is carried out regularly.

### 2. Parents:

2.1 Coláiste Chill Mhantáin affirms the statutory right of parents, through their representatives, to be consulted, regarding the drafting and evaluation of the Code of Behaviour in all schools under the control of the Committee.

2.2 Coláiste Chill Mhantáin affirms that, on the enrolment of a student who has not reached the age of 18 years, the parent and student shall be given a copy of the school's Code of Behaviour and shall sign a declaration that the Code is acceptable to them and that they shall make all reasonable efforts to ensure compliance with said Code.

2.3 Coláiste Chill Mhantáin affirms that students who have reached the age of 18 years shall be subject to the rights and responsibilities as outlined at 2.2 above.

2.4 Coláiste Chill Mhantáin affirms that parents have a responsibility to actively support the staff of schools under its control in the fair application of the Code of Behaviour.

2.5 Coláiste Chill Mhantáin affirms that parents who have enrolled students in any of its schools shall be encouraged to involve themselves in a positive participation in school life in order to facilitate the development of mutually beneficial links between school and home.

### **3. The Principal:**

3.1 The overall day-to-day responsibility for discipline within the school rests with the Principal subject to the authority of the Board of Management and the Committee.

3.2 The Principal shall ensure that the Code of Behaviour is administered in a fair and consistent manner.

3.3 The Principal shall encourage a sense of collective responsibility among staff and a sense of commitment to the school among staff, students and parents.

3.4 The Principal shall provide guidance, leadership and support to staff, students and parents in the application of the Code of Behaviour and in disciplinary matters in general.

3.5 The Principal may at their discretion delegate duties regarding behaviour to other professionals working in the school.

### **4. The Staff:**

4.1 The staff the school shall be responsible, at all times, for dealing with the behaviour of students within sight or sound of them and that they shall respond appropriately to any instance of unacceptable behaviour.

4.2 The teacher is responsible in the first instance for discipline in the classroom and that they should:

- a) Employ stimulating methods of teaching.
- b) Have positive expectations of students.
- c) Demand honest effort and high standards in terms of work and behaviour.
- d) Seek to create an attractive classroom environment.
- e) Have positive regard for all students.

4.3 Teachers should take cognisance of the students' social, environmental and cultural context.

4.4 All teachers have the right to teach and carry out their professional duties unhindered and in an atmosphere that is conducive to teaching and learning.

## **5 Students:**

- 5.1 Students have the right to learn unhindered in an atmosphere that is positive and conducive to learning and teaching.
- 5.2 Students have a responsibility to make a positive contribution to the life of the school in terms of work, behaviour and relationships.

## **6. Support Structures:**

- 6.1 The school's Pastoral Care structures, will ensure a caring and positive approach to the diverse needs of students.
- 6.2 The school shall, in consultation with parents, make every reasonable effort to have students who display worrying behaviour patterns referred, without delay, for counselling and/or psychological assessment.

## **7. Strategies for Dealing with Misbehaviour:**

- 7.1 The school will adopt a three part response to issues of misbehaviour:
- a) The development of a whole school behaviour policy in collaboration with teachers, parents and students.
  - b) The development of classroom management strategies in consultation with teachers.
  - c) Strategies for dealing with students who are consistently difficult to manage, such as:
    - In-school support
    - Out of school support
    - Personal behaviour plan
    - Report system
    - Other relevant strategies
- 7.2 Written records will be maintained with regard to serious student behaviour/misbehaviour.
- 7.3 Parents will be kept informed from the outset of instances of misbehaviour on the part of their children and that their co-operation in finding a resolution shall be sought as early as possible.
- 7.4 Praise, encouragement and reward shall be used in all its schools as mechanisms for the formation of good behaviour and academic excellence.
- 7.5 The school will have home-school liaison arrangements in place to support the Pastoral Care structure of the school.
- 7.6 The following strategies will be used to promote good behaviour:
- a) Communication with parents.

- b) The rewarding of students regarding positive behaviour.
- c) Early identification of “at risk” students, regarding behaviour.
- d) Establishment of a “care team” for the purpose of identifying and supporting “at risk” students.
- e) Establishment of close links with the homes of “at risk” students.
- f) Fostering, promoting and establishing contacts by the school with other schools and bodies engaged in youth work.
- g) The development of programmes of activities, designed to encourage positive behaviour and personal responsibility in students.
- h) The development of whole school structures in a positive and proactive attempt to deal with the issues of attendance and behaviour.
- i) Regular evaluation of the School’s operation as it relates to attendance and behaviour issues, with a view to encouraging an atmosphere of positive behaviour in the school.
- j) The fostering of school and community awareness of the possible adverse affects on behaviour of the following:
  - Participation by students in employment.
  - Entertainment/social activity.
  - The abuse of alcohol/drugs.
- k) Reasoning with the student.
- l) Reprimand, including advice on how to improve.
- m) Temporary separation from peers, friends and others.
- n) Loss of privileges.
- o) Restitution.
- p) Detention during breaks or outside of school hours.
- q) Prescribed additional work. Lines are not recommended.
- r) Suspension on a temporary basis.
- s) Expulsion.
- t) Any other strategy that may be of relevance to the needs or circumstances of individual schools.

7.7 Good behaviour in school is dependant on the good example of all, parents, staff and students.

**8. Sanctions:**

8.1 There is a need for sanctions with regard to non-compliance with the Code of Behaviour on the part of students in all its schools, in order to register disapproval and to inculcate values of responsibility and positive discipline among students.

8.2 A graded system of sanctions suitable to particular needs and circumstances is in place. .

8.3 Students are made aware of the distinction between minor and more serious misbehaviour and of the sanctions applied thereto.

8.4 The school ensures that the basic rules of natural justice as set out hereunder apply in the context of dealing with student misbehaviour:

8.4.1 Audi alteram partem - the duty to give persons affected by a decision a reasonable opportunity for presenting their case.

8.4.2 Nemo iudex in causa sua debet esse – One cannot be a judge in one's own case and the duty to reach a decision untainted by bias.

8.5 Students who are removed from class, shall not be left in an unsupervised situation. Subject teachers are responsible for students allocated to them on the timetable and they have a duty of care to those students that must be adhered to.

8.6 When detention outside of school hours is used as a sanction, parents will be advised of such detention, in advance, and they will be given precise details of when and where the sanction is to be imposed and for what period. This is without prejudice to the rights of the school authority, the Board of Management or the Committee to take appropriate and/or immediate disciplinary action in the interests of the good management of the school.

## **9. Suspension:**

9.1 Staff, students and parents should be fully aware of the suspension procedure and its place in the context of each school's Code of Behaviour. In this regard, all concerned shall be aware that a suspension can only be imposed for a breach of the school's Code of Behaviour.

9.2 Suspension is only one strategy within a school's Code of Behaviour.

9.3 When all other strategies have been exhausted, suspension can allow students time to reflect on their behaviour, to acknowledge and accept responsibility for the behaviour which led to the suspension and to accept responsibility for changing their behaviour to meet the school's expectations in the future. It can also allow time for school personnel to plan appropriate support for the student to assist with successful re-entry.

9.4 Suspensions may occur after the Principal has:

- a) Ensured all discipline options under the Code of Behaviour have been applied and documented
- b) Ensured that all appropriate support personnel have been involved
- c) Ensured that the student's special educational needs have been considered
- d) Ensured that discussion has occurred with the student and parent/s regarding specific misbehaviour which the school considers unacceptable, and which may lead to suspension
- e) Provided a formal written warning detailing these misbehaviours, as well as clear expectations of what is required of the student in the future and the consequences of non-compliance
- f) Recorded all actions taken
- g) Copied all correspondence.

9.5 Students may be suspended as follows pending investigation and/or discussion with parents. This list is not exhaustive:

- a) For serious misbehaviour.
- b) For an unacceptable level of repeated misdemeanours.

- c) For bullying, insulting, aggressive, threatening or violent behaviour towards others in the school, or when identifiable with the school.
  - d) For the supply/possession/use of alcohol and or illegal drugs.
  - e) For the supply/possession/use of weapons/dangerous materials/substances.
  - f) For behaviour that may be a danger to self or others, under the terms of the Health and Safety Act 1989.
  - g) For racist behaviour and/or the supply/possession/use of racist material.
  - h) For behaviour that is contrary to the terms of the Equal Status Act 2000.
  - i) For sexual harassment and/or the possession/supply/use of pornographic material.
- 9.6 The Principal has the right to suspend a student or students with immediate effect, pursuant to subsections 3.1 and 9.5 above.
- 9.7 The Principal has the right to suspend a student or students for breaches of the school's Code of Behaviour for a maximum of five consecutive school days without recourse to the Board of Management.
- 9.8 The Committee affirms that the Board of Management shall delegate the right to suspend students for up to and including 5 school days.
- 9.9 All suspensions must be notified to the Board of Management at the earliest opportunity.
- 9.10 Where there are repeated instances of misbehaviour, the parents shall be requested, in writing, to attend the school, or other suitable location, for discussion. If the parents and/or the student/s do not give an undertaking that the student will behave in an acceptable way in the future, the pupil shall be suspended for a period to be determined by the Principal or the Board of Management, as appropriate.
- 9.11 The parents of students enrolled shall be informed of their right to appeal all suspensions to the Board of Management.
- 9.12 A formal letter of notification of suspension to parents shall include:
- a) Notice of suspension
  - b) Effective date of suspension
  - c) Duration of suspension
  - d) Reasons for suspension
  - e) Expectations of student while on suspension (study programme may be attached)
  - f) Importance of parental assistance in resolving the matter
  - g) A statement that the student is under the care and responsibility of the parent/s while on suspension
  - h) A statement that the Educational Welfare Board has been informed (if the suspension is of 6 days or more duration, or if the student has been suspended for more than 20 days during the school year to date)
  - i) Information on appeal rights

- j) Requirements which need to be in place when the student returns
- k) If consideration is being given to proceeding to expulsion.

9.13 The Educational Welfare Officer will be informed of suspensions as follows:

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

9.14 The grounds for removing a suspension will include:

- a) Successful appeal
- b) The Principal/Board of Management may agree that another sanction may be applied after discussion with the parent/s.
- c) When and if new circumstances come to light
- d) Other relevant factors.

#### **9.14 Protocol for Personal Hearings before a Board of Management**

9.14.1 If the Principal wishes to suspend for a period of more than 5 school days the following procedure must be followed:

9.14.1.1 The process of a personal hearing before a Board of Management in relation to suspensions being proposed for six or more days is considered to be in the spirit of natural justice and it applies to parents of students who have not reached the age of 18 years and to students who have reached the age of 18 years.

9.14.1.2 A personal hearing is proposed where a principal is recommending a suspension in excess of 5 school days. A Principal retains the right of imposing a suspension of 5 school days, which must be delegated to him/her by the Board of Management. Such suspensions may be appealed to the Board of Management.

9.14.1.3 The Principal has responsibility, for ensuring that there is good governance of the school and that the policies of the school and of Co. Wicklow VEC are implemented in a fair, transparent and consistent manner.

9.14.1.4 Where there is a breach of these policies, or an incidence of behaviour that is inconsistent with established standards in the school, the Principal is obliged to:

- a) Carry out, or cause to be carried out, an investigation into the incident. He must be satisfied that the matter is investigated in accordance with the principles of natural justice.
- b) Having carried out an investigation, s/he is obliged to come to reasonable conclusions. These conclusions must again be consistent with established standards in the school and in accordance with relevant policies and legislation.
- c) Having reached such conclusions, s/he is expected to act to redress any matters that may arise as a result of the investigation and to take appropriate action.

- 9.14.1.5 The Principal shall put it on the record that the investigation, conclusions, and actions are consistent with all the above considerations.
- 9.14.1.6 The Committee affirms that in exceptional circumstances and in compliance with the Health, Safety and Welfare at Work Act 2005, a student may be suspended pending a full hearing of the Board of Management, which should be convened at the earliest opportunity. This authority must be formally delegated to the Principal by the Board of Management.

9.15 The Conduct of the Hearing:

- 9.15.1 The Chairperson welcomes everybody to the hearing.
- 9.15.2 All present introduce them and state their role.
- 9.15.3 The Chairperson then outlines the purpose of the hearing.
- 9.15.4 Any member of the Board who considers him/herself to be in conflict of interest with the matters to be considered is asked to withdraw from the proceedings.
- 9.16 Guiding Principles for Personal Hearings
- 9.16.1 The main principles and procedures guiding the conduct of a personal hearing are as follows:
- 9.16.1.1 Following an investigation of incidents the school Principal has the primary role of coming to reasonable conclusions, and reporting these conclusions to the Board of Management.
- 9.16.1.2 The school Principal is responsible for making a recommendation to the Board of Management that a suspension (or expulsion or refusal to enrol) be imposed. The Board of Management is responsible for making a final decision.
- 9.16.1.3 With regard to a recommendation from a school Principal, a Board of Management shall decide to:
- a) Uphold the recommendation of the Principal;
  - b) Reject the recommendation of the Principal;
  - c) Modify the length or duration of the recommended suspension

- 9.16.2 Any decision that the Board of Management makes can be appealed by the parent of a student who has not reached the age of 18 years or by the Education Welfare Officer, or by a student who has reached that age to Co. Wicklow Vocational Education Committee.

9.16.3 Where the Principal is outlining his case to the Board of Management, details identifying individuals or sources of information should not be disclosed.

9.16.4 Parents/student must agree to treat the proceedings in a confidential manner.

9.16.5 With regard to the case under consideration, the following procedures will apply:

9.16.5.1 The Principal will conduct a general briefing to the Board of Management in the presence of the parents.

9.16.5.2 The Principal's report to the Board of Management will include a recommendation that a period of suspension (or Expulsion) be imposed. Parents/student will then be invited to address the Board. All parties will be given the opportunity to make a statement, to seek clarification or to reply.

9.16.5.3 Parents/student and the Principal will then withdraw and the Board of Management will deliberate.

- 9.16.5.4 The Principal will be asked to return and s/he will be informed of the Board's decision.
- 9.16.5.5 Parents/student and the Educational Welfare Board, if appropriate will be informed of the decision of the Board of Management in writing as soon as is practicable.
- 9.16.5.6 Where a sanction is recommended the right of the parent/student to appeal to the VEC must be stipulated.
- 9.17 Protocol & Procedures in relation to appeals against decisions taken by a Principal or Board of Management
- 9.17.1 The Principal decides on a course of action in accordance with Committee policy and where appropriate brings it to the Board of Management. The Board considers the issues and parents or student (who has reached the age of 18) shall be afforded the opportunity of a personal hearing before the Board and/or to set out their case in writing prior to a decision being made.
- 9.17.2 The decision of the Board is taken only after parents/student has been offered an opportunity to make their case to the Board.
- 9.17.3 If the decision is to suspend the student, this decision should be communicated to the parents/student in writing signed by Secretary to the Board of Management (not Principal). the
- 9.17.4 If the decision to suspend brings the student's number of lost school days to 20 or more, or if the student is being suspended for six or more school days or if the student is being expelled a letter shall issue to the Educational Welfare Board notifying them of the decision.
- 9.17.5 Section 29 of the Education Act 1998 applies if the decision of the Principal/Board of Management brings the total number of school days lost by a student to 20 or more.
- 9.17.6 The parents shall be informed of their right to appeal to the VEC.
- 9.17.7 All appeals shall be lodged on the official form within 14 days of notification and should outline the grounds of appeal.
- 9.17.8 The Secretary of the Board of Management shall immediately inform CEO/Designated Officer of the decision of the Board and forward copies of Board of Management minutes and copy of letters sent to Parents/student and Education Welfare Board, as appropriate to him/her.
- 9.17.9 The CEO/Designated Officer awaits possible Appeal.
- 9.17.10 If Appeal is submitted within the time frame allowed, acknowledgement letter should be dispatched to:
- a) Parents/student making appeal
  - b) Secretary B.O.M. of the School
  - c) Relevant Education Welfare Officer, if appropriate.
- 9.17.11 If an Appeal is received outside of time frame allowed, CEO/Designated Officer must assess the situation and decide to allow the appeal or exclude on the grounds of being outside the time frame. If a decision is made to allow the Appeal, the reasons for allowing should be recorded so as not to set precedence for all late Appeals. so
- 9.17.12 A date shall be set for formal hearing of Appeal, which must be within 30 days of receipt of Appeal. Members of VEC Appeal Subcommittee should be notified of appeal.

- 9.17.13 The Appeals Sub-Committee should consist of 3 members of the nominated members, plus the Chief Executive Officer/Designated Officer who will act in an ex-officio capacity.
- 9.17.14 The terms of reference for the Appeals Sub-Committee shall be as follows:
- 9.17.14.1 To hear and determine any appeal against decisions taken at Board of Management level.
- 9.17.14.2 To review each case that comes before it in an open, transparent and accountable manner on the basis of fact and evidence.
- 9.17.14.3 To ensure that correct procedures have been followed at all stages of the investigation and that the principles of natural justice have been applied.
- 9.17.15 The Secretary of the Board of Management, Appellant and Education Welfare Board, if appropriate shall be simultaneously notified of date of the Appeal Hearing.
- 9.17.16 Appellant/s shall be notified that they may make a written submission to Appeal Subcommittee. Secretary of the Board of Management is also notified and requested to forward any additional relevant documentation.
- 9.17.17 If additional relevant documentation is received by the CEO/Designated Officer from Appellant or Secretary of Board copies of this documentation should be made available to the opposite side three days in advance of the Appeal Hearing.
- 9.17.18 All documentation relating to the appeal shall be prepared and made available to the Appeals Sub-Committee Members and the parties to the appeal on the day of the hearing. In appeals other than Section 29 Appeals this will require that the letter of appeal and the CEO's response will be made available.

## **9.18 The Appeal.**

- 9.18.14 The Chairperson ensures that the proceedings and the process relating to an appeal are fully explained to the parties to the appeal.
- 9.18.15 All present shall be given an opportunity to introduce themselves and the organisation/persons they are representing. It must also be clarified whether those present will be making statements or whether they are there as observers.
- 9.18.16 The chairperson shall clarify the grounds of appeal.
- 9.18.17 The chairperson shall give clear guidelines on the conduct of the hearing. The sequence of events should be explained at the outset of the hearing.
- 9.18.17.3 The timeframe, which should include the outcome of the appeal.
- 9.18.17.4 The presentation of allowable evidence
- 9.18.17.5 The Secretary to the Board or nominated Board Member representing the Board sets out the case surrounding the Board's decision.
- 9.18.17.6 The Appellant or their representative then sets out the grounds for their appeal
- 9.18.17.7 Additional speakers, as deemed appropriate by the Chairperson may make submissions.

- 9.18.17.8 Questions by members of the Appeals Sub-Committee shall be allowed.
- 9.18.17.9 Clarifications by the relevant parties may be sought.
- 9.18.17.10 The option for a short adjournment(s) to seek additional information/evidence or for parties to the appeal to confer if they so wish and to reassemble without undue delay shall be granted at the discretion of the chairperson.
- 9.18.17.11 An opportunity shall be afforded to all parties to the appeal to make final comments.
- 9.18.18 On the conclusion of the process all parties to the appeal shall withdraw.
- 9.18.19 The Board shall discuss the case and make its determination.

### **9.19 The Decision:**

9.19.1 The Appeals Sub-Committee shall:

- a) Confirm the Board of Management decision or
- b). Modify the type or duration of the sanction or
- c). Impose or remove conditions that must be satisfied if the student is to return to school following the sanction or
- d). Overrule the decision of the Board of Management.

9.19.2 The decision of the Appeals Sub-Committee is communicated simultaneously in writing to the VEC, Appellant, Secretary to the Board of Management and Education Welfare Board, if appropriate.

9.19.3 The Committee shall, at its discretion, delegate full authority to the Appeals Sub-Committee to make decisions on its behalf.

9.19.4 If the delegation referred to at 9.19.3 above has been granted by the Committee, the decision of the Appeals Sub-Committee must be noted at the next full meeting of the Committee and communicated to the parents/student and to the Education Welfare Board, if appropriate.

9.19.5 If the delegation referred to at 9.19.3 above has not been granted by the Committee, the decision of the Appeals Sub-Committee must be approved at the next full meeting of the Committee and communicated to the parents/student and to the Education Welfare Board, if appropriate.

9.19.6 Except in the case of Section 29 Appeals this is the final step in the appeals process.

### **10. Expulsion:**

10.1 Expulsion shall be considered, only in the gravest of circumstances and only after every reasonable effort at rehabilitation has failed, and every other sanction has been exhausted, but with the exception contained in subsection 10.2 below.

10.2 When an act of gross misconduct occurs, expulsion shall be necessary to protect the safety and rights of others in the school without recourse to the provisions

outlined at 10.1 above. The principles of natural justice and fair procedure must continue to apply.

10.3 The Committee affirms that the procedure outlined hereunder shall be followed prior to a student being expelled from any of the Committee's schools:

a) Where expulsion may be the outcome of a breach of the Behaviour Policy of the school, the Principal, Deputy Principal and/or other appropriate person must conduct an investigation into any reported misbehaviour or breach of school rules.

b) Student/students may be suspended pro tempore pending a full hearing of the case, provided this does not interfere with the said students' statutory rights or with the principles of natural justice and fair procedure, and provided that the Principal has been delegated to so do by the Board of Management.

c) During the course of any investigation, all relevant persons shall be interviewed and notes shall be taken of any such interviews.

d) The principal shall write to the parents of the student concerned (or to the student if s/he has reached the age of 18 years) informing them of the allegations and inviting them to the school, or other suitable location, for discussion.

e) The Principal may, at his/her discretion call an emergency meeting of the Board of Management and recommend that the student be suspended pending a full hearing, if this is considered to be in the best interests of the student and/or of others in the school.

f) The Principal may make a decision to recommend expulsion and then notify, in writing, the parents of the student concerned (or the student if s/he has reached the age of 18 years) and the Educational Welfare Officer, where appropriate, of the decision and confirm that this decision is subject to the approval of the Board of Management. Copies of notes taken and statements made in the course of the investigation shall be forwarded to the parents and/or the Educational Welfare Officer. Where there may be a breach of confidentiality a summary of notes taken and statements made shall be forwarded instead.

g) The Principal shall notify the parents of the student concerned (or the student if s/he has reached the age of 18 years) and the Educational Welfare Officer, where appropriate, of their right to be heard before the Board of Management. The Principal shall also invite the parent/s to make a written submission, in advance, of the Board meeting.

h) A meeting of the Board of Management shall normally, be convened within 10 working days of the notification as outlined at 10.3 (f) above.

10.4 The procedure outlined hereunder shall be followed in the course of a Board of Management hearing at which it is proposed to expel a student from any of the Committee's schools:

- a) The Principal shall present the case on behalf of the school and shall propose expulsion in the presence of the parent/s or the student if he/she has reached the age of 18 years.
- b) The parents of the student concerned (or the student if s/he has reached the age of 18 years) and/or the Educational Welfare Officer, where appropriate, shall be afforded the opportunity to respond.
- c) Members of the Board of Management shall have the right to question the principal and/or the parents of the student concerned (or the student if s/he has reached the age of 18 years) or the Educational Welfare Officer as appropriate.
- d) Each side shall be afforded the opportunity to ask questions through the Chair.
- e) Each side shall be afforded the opportunity to sum up, by way of final comment.
- f) The Principal, the parents of a student/s under the age of 18 years, the student, if he/she has reached the age of 18 years, the Educational Welfare Officer shall withdraw to enable the Board to make a decision, but shall remain available for clarification purposes if required.
- g) In the absence of the Principal, the members of Board shall elect a recording secretary from among its members.
- h) The Board shall make the following decisions:
  - To recommend to the VEC that the student/s be expelled or
  - To suspend for a period to be decided by the Board or
  - To refer the matter back to the Principal for further investigation or
  - To reinstate the student in the school.

10.5 The Board shall not decide to recommend the expulsion of a student without first having considered the following:

- a) The age of the student.
- b) The student's previous record at the school and the degree to which the student was offered help and support in the context of his/her misbehaviour within the school.
- c) Any particular aspect of the social, cultural and/or environmental context of the student, which should be taken into account.
- d) The extent to which parental, peer or other pressure may have contributed to the behaviour.
- e) The gravity of the offence.
- f) The seriousness and/or frequency of the behaviour and the likelihood of it recurring.
- g) Whether or not the behaviour impaired or will impair the normal functioning of staff and/or other students in the school.
- h) Whether or not the behaviour occurred on school premises or when the student was otherwise in the charge of school staff or when the student was identifiable with the school.
- i) The degree to which the behaviour was a violation of one or more rules contained in the school's Code of Behaviour and the relative importance of the rule(s).
- j) Whether the incident was perpetrated by the student on his/her own or as a part of a group.
- k) Whether consideration was given to seeking the support of other agencies.

10.6 The procedure outlined hereunder shall be followed at the conclusion of a hearing before the Board of Management at which it is decided to recommend that the student/s be expelled or suspended from any of the Committee's schools:

a) Where the Board decides to recommend expulsion or suspension, parents of students who have not yet reached the age of 18 years (and students who have reached the age of 18 years) and the Educational Welfare Officer, where appropriate, shall be informed in writing by the Secretary to the Board of Management of the decision of the Board and of their right to appeal this decision to the Committee, under the terms of the Education Act 1998 Section 29. The appeal shall follow the procedures as laid down in Circular Letter M48/01. This appeal must be made within 14 calendar days of the decision being handed down and the procedure shall be the same as outlined at Section 9.18 above.

b) When the Board of Management is of the opinion that a student who is of compulsory school going age (or where a student has not completed 3 years of second level education) shall be expelled from a school it must notify the Educational Welfare Officer in writing of its opinion and the reasons therefore and it shall co-operate, in as far as it is practicable, with the Educational Welfare Officer in this regard. A copy of this letter shall be sent to the parent/s of a student who has not yet reached the age of 16 years.

c) If, having considered the Board of Management decision or an appeal of that decision, the Committee decides to uphold the recommendation of the Board of Management and expels a student, the parents of a student who has not yet reached the age of 18 years (and students who have reached the age of 18 years) and the Educational Welfare Officer, where appropriate, shall be informed of their right to appeal this decision to the Secretary General of the Department of Education and Skills under the terms of the Education Act 1998 Section 29.

d) A student shall not be expelled from a school before the passing of 20 school days following receipt of the notification by the Educational Welfare Officer. This is without prejudice to the right of the Board of Management and of the Committee to take such other reasonable measures, as it considers appropriate to ensure that good order and discipline are maintained in the school concerned and that the safety of students is secured

## **11. Corporal Punishment:**

11.1 The use of corporal punishment is strictly forbidden.

## **12. Smoking:**

12.1 Smoking by students is prohibited in schools under The Public Health (Tobacco) Act 2002 and breaches of this may have serious implications for students and for schools.