

## SCHOOL EXPULSION POLICY

### When is Expulsion served on a student?

This is the ultimate sanction imposed by the school on a student and is exercised by the Board of Management (B.O.M.) in cases of extreme indiscipline and/or consistent breaches of the school's Code of Behaviour, which may/may not have followed unsuccessful sanctions and interventions by the school.

All reasons for a student's expulsion must be linked with the school's Code of Behaviour, a copy of which is contained in the student's homework journal. Parents/Guardians and students are required to sign an acceptance of this Code of Behaviour on enrolment.

### Procedures in the preparation of a case for Expulsion.

In preparing a case for the expulsion of a student, the Principal, in consultation with those<sup>1</sup> whom he/she deems necessary to consult, will ensure that all of the following criteria have been dealt with.

- \* That all appropriate options offered by the school's Code of Behaviour have been applied and recorded.
- \* That all support personnel<sup>2</sup> (internal & external) have been informed of the case.
- \* That discussion has taken place with the student and Parent(s)/Guardian(s) regarding the specific misbehaviour or accumulation of misbehaviours which have led to the proposed expulsion.
- \* That formal verbal and written warning was issued to the student followed by instruction on the behaviour which was expected in future.
- \* That a written record was kept of all actions taken and meetings held and that any relevant correspondence was copied and filed.
- \* Informed Parent(s)/Guardian(s) of the school's intention to propose the student's expulsion to the B.O.M.
- \* Provided the student and his Parent(s)/Guardian(s) with a full written description of the allegations being made against the student, and provided copies of all relevant reports/correspondence relating to the matter. This to be done via registered post.
- \* Invited Parent(s)/Guardian(s) to make a written submission to the Board prior to its meeting.
- \* Invite the Parent(s)/Guardian(s) to a B.O.M. meeting.
- \* That a formal expulsion recommendation is made to the B.O.M., accompanied by all relevant documentation.

### Expulsion can occur if the following procedures have been followed by the Board.

Note: During discussion/decision on the matter of expulsion by members of the Board, the Chairperson must ensure that the Principal is not present at the meeting. The Board must ensure that:

- \* It has heard the Principal's case on behalf of the school against the student, which should be made in the presence of the student's Parent(s)/Guardian(s).
- \* It has heard the response of the Parent(s)/Guardian(s).
- \* It has examined and noted all of the relevant documentation/correspondence relating to the case.
- \* It has considered the student's previous record in the school.
- \* It has taken legal/expert advice on the matter.
- \* It has discussed the matter in full with due regard to the responsibilities towards the whole school community and the "*Principles of Natural Justice*"<sup>3</sup>. (ensure that Principles of Natural Justice document is copied –see below)

<sup>1</sup> Discipline Committee, Deputy Principal, Guidance Counsellor, student teachers and other relevant persons.

<sup>2</sup> NEWB – National Education Welfare Board, NEPS – National Educational Psychological Services.

- \* It has taken a final decision to expel and has issued a written instruction to the Secretary of the Board to communicate this decision to the Parent(s)/Guardian(s) by registered post.
- \* It has informed the Education Welfare Officer of the decision, under Sec 24(1) of Education Welfare Act.

## **What is meant by Principles of Natural Justice and Procedural Fairness?**

### **Valid Reason**

To ensure that all employees are treated fairly and consistently, any action relating to concerns about an unsatisfactory level of performance must be based on a valid reason(s). That is, a reason which is sound, defensible or well founded. The employer must be able to provide proof of that valid reason(s).

### **Natural Justice**

An employer must also ensure that the principles of natural justice and procedural fairness are adhered to at every stage of the Managing Underperformance process. Natural justice is concerned with ensuring that employees receive fair treatment in their employment. This includes making sure that the employee is advised of all the allegations of poor performance and is provided with the opportunity to respond on each occasion. An opportunity should also be given to state any mitigating circumstances. The response provided by the employee and any mitigating circumstances must be taken into consideration by the decision-maker prior to reaching any decisions (ie the line manager cannot simply ignore any explanations offered by the employee.)

Fundamental to the concept of natural justice is the need to ensure that the employee is afforded a fair hearing and the opportunity to present their viewpoint prior to any adverse decision being made.

The employee must be advised of the reasons for any disciplinary action taken. This is particularly so where a decision is taken to dismiss the employee.

While the exact requirements will depend on the seriousness of any concerns, natural justice includes providing the employee with:

- Equal treatment (ie one employee should not be treated more or less favourably than another employee - eg singling out an employee)
- Adequate notice of process
- Details of the performance concerns
- An opportunity to respond
- Substantiation of the facts
- A support person of their choice (eg a union representative or colleague)
- An unbiased and impartial decision maker.

### **Procedural Fairness**

Procedural fairness is not easily defined but the following principles can be used as a guide when deciding whether reasonable action has been taken:

- Clear communication of policies, procedures and instructions
- Promptness to initiate and take action
- Warnings (verbal or written)
- Information to be provided to an employee
- An employee's right to representation
- The employee has an opportunity to respond
- Full consideration of relevant facts is undertaken by decision makers
- Reasons are given to the employee regarding the concerns of the line manager

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<sup>3</sup> See Appendix I

- Documentation is compiled and maintained throughout all aspects of the procedures, including co-signing and copies are provided to relevant parties.

## Procedures following a decision by Board of Management to Expel a Student

A formal letter of notification as mentioned in the procedures should contain:

- ✚ Notice of Expulsion.
- ✚ Effective date of Expulsion.
- ✚ Reasons for Expulsion.
- ✚ A statement stating that The Education Welfare Board has been informed of the Expulsion.
- ✚ A statement that the student is under the care and responsibility of the Parent(s)/Guardian(s) for the period of 20 days, which is required by the Education Welfare Officer to seek and examine alternative provisions for the education of the student. (Section 24.3 and 24.4 of Education Welfare Act 2000 → *“A student may not be expelled for 20 school days after the Education Welfare Officer receives notification of expulsion”* and *“A Board has the right to take such reasonable measures as it considers appropriate to ensure that good order and discipline are maintained....and the safety of students is secured during this 20 day period”*)
- ✚ Information and appropriate documentation outlining Appeal Rights.