

St. Michael`s National School

Code of Behaviour Policy

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- Likewise, a similar standard of behaviour is expected when on tours and outings.
- Persistent disruptive talking and answering out of turn or sniggering at other pupils will not be tolerated
- Unnecessary moving about the classroom disrupts the teacher and wastes pupil`s learning time. Pupils must be ready to begin formal classes at 8.30 a.m. each morning. School opens at 8.10.a.m.
- Pupils are expected to wear full school uniform. School tracksuits to be worn for P.E. or when advised by the teacher.
- No pupil may leave the school grounds during the school day for any reason unless a written request is received by the parent/guardian.
- Pupils are expected to walk quietly from one area to another within the school, and behave in an ordinary manner at all times.
- Pupils should show courtesy to adults by standing back and allowing them to walk through doorways before them.
- Weather permitting pupils must go outside during break times unless a parent has requested in writing that for health reasons the pupil must stay indoors.
- If due to inclement weather the pupils are allowed to stay indoors, they must remain seated unless given permission to do otherwise by the supervising adult
- Pupils must not re-enter the school building during break times without the permission of the adult on yard duty
- Pupils must not interfere with or damage the property of the school, staff or other pupils. Parents will be liable to pay for such damage.
- At 2.10 p.m. pupils must leave the classroom promptly and make their way outside the school grounds where they are met by a parent or a guardian.
- Pupils must obey the instruction of the teachers, instructors, supervisors and school personal at all times. Insubordination by demeanour will be regarded as a breach of school discipline.
- Pupils are expected to show respect, courtesy, consideration and tolerance to
- Bad language, bullying and fighting are forbidden. Instances of staff, visitors and their fellow pupils at all times.
- bullying will be treated with severity and incur disciplinary procedures.
- Pupils must seek permission from a teacher before using the telephone (and have sufficient money to make the particular call. Calls to mobiles are more expensive to land lines.)
- School grounds must be kept litter free.
- Pupils are expected to obey the directions of the adult on yard duty and to line up in class lines quietly after break.

Sanctions

To maintain a high standard of behaviour and discipline so that learning and development can take place, the following disciplinary procedures are followed:

- Reasoning with the pupil
- Reprimanding (including advice on how to improve)
- Temporary separating from peers, friends and others
- Detention during break or after school
- Pupils may not be allowed to participate in school outing for their own safety and that of other pupils
- Parent informed through pupil`s journal
- Loss of privileges
- Referral to Principal and or deputy Principal
- Daily/weekly report cards
- Parents summoned to school to meet teachers
- Parents formally informed by letter
- In cases of serious misconduct or repeated incidents of minor misconduct (continuous disobedience and disruption), child and parent will meet with Board of Management.
- Suspension (temporary)

SUSPENSION.

Suspension is defined as:

Requiring the student to absent himself/herself from the school for a specified, limited period of school days.

During the period of suspension, the student retains their place in the school.

AUTHORITY TO SUSPEND.

The Board of Management of a recognized school has the authority to suspend a student. Where this authority is delegated to the Principal, the delegation should be done formally and in writing.

THE GROUNDS FOR SUSPENSION.

Suspension should be a proportionate response to the behaviour that is causing concern. Normally, other interventions will have been tried before suspension, and school staff will have reviewed the reasons why these have not worked. 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 the other students
- The student's continued presence in the school at this time constitutes a threat to safety
- The student is responsible for serious damage to property

A single incident of serious misconduct may be grounds for suspension.

Suspension can provide a respite for staff and student, give the student time to reflect on the link between their action and its consequences and give staff time to plan ways of helping the student to change unacceptable behaviour.

However, suspension can be counter-productive if used without a clear rationale or without measuring its impact and value. School management should consider the risk of unwanted outcomes from suspension, such as an increased sense of alienation from school that could lead to a cycle of behavioural and academic problems.

Factors to consider before suspending a student.

The nature and seriousness of the behaviour

- What is the precise description of the behaviour?
- How persistent has the unacceptable behaviour been?
- Has the problem behaviour escalated, in spite of interventions tried?

The context of the behaviour

- What are the circumstances of the incidents of serious misbehaviour, (e.g. in class, in a particular teacher's class, in the yard, in a group)?
- What factors may have triggered incidents of serious misbehaviour (e.g. bullying, cultural or family factors)?
- What is the age, stage of development and cognitive ability of the student?
- Are there any factors that may be associated with the behaviour (e.g. particular home circumstances, special educational needs) ?

The impact of the behaviour

- How are other students and staff affected by the student's behaviour?
- What is the impact of the behaviour on the teaching and learning of the class?
- Does the behaviour have a particular or greater impact on some students or teachers?
- Does the student understand the impact of their behaviour on others?

The interventions tried to date

- What interventions have been tried? Over what period?
- How have the interventions been recorded and monitored?
- What have been the results of those interventions?
- Have the parents been involved in finding a solution to the problem behaviour?
- Has the intervention of NEPS or other psychological assessment or counselling been sought, where appropriate?
- Are any other interventions such as peer mediation, restorative justice approaches or family conferencing available?
- Is the student or parent involved with any support service and has this agency or support service been asked for help in solving this problem?
- Has any other agency been asked for assistance (e.g. Child Guidance Clinic, Child and Adolescent services)?

Whether suspension is a proportionate response

- Does the student`s behaviour warrant suspension?
- Is the standard being applied to judging the behaviour the same as the standard applied to the behaviour of any other student?

The possible impact of suspension

- Will suspension allow additional or alternative interventions to be made?
- Will suspension help the student to change the inappropriate behaviour?
- How will suspension help teachers or students affected by the behaviour?
- Will suspension exacerbate any educational vulnerability of the student?

Suspension as part of a behaviour management plan

Suspension should be part of an agreed plan to address the students behaviour.

The suspension should :

- Enable the school to set behavioural goals with the student and their parents
- Give school staff an opportunity to plan other interventions
- Impress on a student and their parents the seriousness of the behaviour.

Forms of suspension.

Immediate suspension:

In exceptional circumstances, the Principal may consider an immediate suspension to be necessary where the combined presence of the student in the school at the time would represent a serious threat to the safety of students or staff of the school, or any other person. Fair procedures must still be applied.

The period of suspension.

A student should not be suspended for more than three days, except in exceptional circumstances where the Principal considers that a period of suspension longer than three days is needed in order to achieve a particular objective. Each Board of Management should provide guidance to the Principal concerning the kinds of circumstances under which suspensions of longer than three days might be approved.

If a suspension longer than three days is being proposed by the Principal, the matter should be referred to the Board of Management for consideration and approval, giving the circumstances and the expected outcomes.

However, the Board may wish to authorize the Principal, with the approval of the Chairperson of the Board, to impose a suspension of up to five days in circumstances and the expected outcomes.

The Board of Management should normally place a ceiling of ten days on any one period of suspension imposed by it.

The Board 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 twenty days or more. Any such suspension is subject to appeal under section 29 of the *Education Act 1998*.

These provisions enable the school authorities to give the student a reasonable time to reflect on their behaviour while avoiding undue loss of teaching time and loss of contact with the positive influences of school. They recognize the serious nature of the sanction of suspension and ensure the seriousness is reflected in school procedures. The provisions mean that the Board of Management take ultimate responsibility for sanctions of significant lengths, especially where such suspensions might reach twenty days in one school year and therefore might lead to an appeal.

Appeals

The Board of Management should offer an opportunity to appeal a Principal's decision to suspend a student. In the case of decisions to suspend made by Board of Management, an appeals process may be provided by the Patron.

Section 29 appeal

Where the total number of days for which the student has being suspended in the current school year reaches twenty days, the parents, or a student over eighteen years, may appeal the suspension under section 29 of *the Education Act 1998*, as amended by the *Education (Miscellaneous Provisions) Act 2007*.

At a time when parents are being formally notified of such a suspension, they and the student should be told of their right to appeal to the Secretary General of the Department of Education and Science under section 2 of the *Education Act 1998*, and should be given information about how to appeal.

Implementing the suspension

Written notification

The Principal should notify the parent and the student in writing of the decision to suspend. The letter confirm :

- The period of the suspension and the dates on which the suspension will begin and end
- The reason for the suspension
- An study programme to be followed
- The arrangements for returning to school, including any commitments to be entered into by the student and the parents (for example, parents might be asked to reaffirm their commitment to the code of behaviour)
- The provision for an appeal o the Board of Management
- The right to appeal to the Secretary General of the Department of Education and Science (*Education Act 1998, section 29*).

The letter should be clear and easy to understand. Particular care should be taken in communicating with parents who may have reading difficulties, or whose first language is not the language of the school.

Engaging with student and parents

Where a decision to suspend has been made, it can maximize the impact and value of suspension if the Principal or another staff member delegated by the Principal meets with the parents to emphasise their responsibility in helping the student to behave well when the student returns to school and offer help and guidance in this.

Where parents do not agree to meet the Principal, written notification will serve as notice to impose a suspension.

Grounds for removing a suspension

A suspension may be removed if the Board of Management decides to remove the suspension for any reason or if the Secretary General of the Department of Education and Science directs that it be removed following an appeal under section 29 of the *Education Act 1998*.

After the suspension ends

A period of suspension will end on the date give in the letter of notification to the parents about the suspension.

Re-integrating the student

The school should have a plan to help the student to take responsibility for catching up on work missed. This plan will help to avoid the possibility that suspension starts or amplifies a cycle of academic failure. Successful integration goes beyond academic work. A suspended student may feel angry or resentful about their suspension, and these feeling may trigger problems with integration which in turn, may lead to further problems behaviour. Where possible, the school should arrange for a staff member to provide support to the student during the re-integration process.

Clean slate

When any sanction, including suspension, is completed, a student should be given the opportunity and support for a fresh start. Although a record is kept of the behaviour and any sanction, once the sanction has been completed, the school should expect the same behaviour of this student as of all other students.

Records and Reports

Records of investigation and decision- making

Formal written records should be kept of :

- The investigation (including notes of all interviews held)
- The decision-making process
- The decision and the rationale for the decision
- The duration of the suspension and any conditions attached to the suspension.

Reports to the Board of Management

The Principal should report all suspensions to the Board of Management, with the reasons for and the duration of each suspension.

Report to NEWB

The Principal is required to report suspensions in accordance with the NEWB reporting guidelines (*Education (welfare)Act 2000, section 21(4)(a)*).

Review of the use of suspension

The Board of Management should review the use of suspension in the school at regular intervals to ensure that its use is consistent with school policies, that patterns of use are examined to identify factors that may be influencing behaviour in the school and ensure that use of suspension is appropriate and effective.

Fair procedures based on the principles of natural justice

Schools are required under law to follow fair procedures when proposing to suspend or expel a student. The requirement for fair procedures derives from the Constitution of Ireland, International conventions and case law.

Air procedures have two essential parts:

- **Te right to be heard**
- **The right to impartiality**

The **right to be heard** means:

- The right to know that the alleged misbehaviour is being investigated
- The right to know the details of the allegations being made and any information that will be taken into account
- The right to know how the issue will be decided
- The right to respond to the allegations

- Where the possible sanction is of a serious nature, the right to ask questions of other party or witnesses where there is a dispute about the facts
- Where the possible sanction is of a serious nature, the right to be heard by the decision-making body

The **right to impartiality** means:

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

Freedom from bias entails ensuring that a person with an interest in the matter is not involved in the investigation or the decision-making. If a person has pre-conceived opinions, a vested interest or personal involvement in the matter, they should not attempt to settle that matter.

An impartial process is one that allows a decision to be made based on an unbiased evaluation of information and evidence. Generally, impartiality requires that the investigation is separated from the process of making a decision so that the decision-maker comes to the task with an open mind.

Applying fair procedures in school

In a school, fair procedures apply to:

- The investigation of alleged misbehaviour that may lead to suspension or expulsion and
- The process of decision-making as to (a) whether the student did engage in the misbehaviour and (b) what sanction to impose.

The way in which fair procedures are applied will take account of the seriousness of the alleged misbehaviour and will have regard to what is reasonable in the context of a particular school.

The **principles** of fair procedures always apply, but the degree of formality required in implementing fair procedures will depend on the gravity of the alleged misbehaviour and on the seriousness of the possible sanction. The level of formality required, for example for a suspension of fewer than three days, would be less than that required in the case of a longer suspension or in circumstances that might lead to an expulsion.

Even formal processes, however, must be fair and seen to be fair. The principles of ensuring the right to be heard and the right to impartiality apply in all cases.

The **right to be heard** means that the student and their parents are fully informed about an allegation and the processes that will be used to investigate and decide the matter, and that they be given an opportunity to respond to an allegation **before** a decision is made and before a serious sanction is imposed.

Absence of this bias in the decision-maker would mean, for example, that if the child of the Principal was accused of misconduct that might warrant suspension or expulsion, the Principal would not be involved in the decision. Similarly, if the child is a member of the Board of Management was accused of misconduct, that parent would absent themselves from the Board of Management for any consideration of the matter by the Board.

The principle of **impartiality in decision-making** means it is preferable that, where possible, the Principal arranges for another member or members of staff to conduct the investigation and to present a full report on the facts of the case and other relevant information to the Principal. The Principal is then free to take a view about whether the student did engage in the behaviour and about sanction, based on the report of the investigation.

Where circumstances required the Principal to conduct the investigation as well as making a finding and proposing the sanction, he or she must not only act fairly but be seen to act fairly. It is incumbent upon the Principal to review the investigation to ensure that it has been fully and fairly conducted. It should be evident to the student, parents, staff and other students that the Principal, as decision-maker, is basing their decision, in an objective way, on the finding of the investigation.

The person alleging the misbehaviour, or who is a victim, or a witness should not usually conduct the investigation.

Thoughtful application of professional judgement and knowledge of the requirements of fair procedures will generally guide decision-making about suspension and expulsion. However, in circumstances of particular complexity, school authorities may need to seek legal advice to support their decision-making.

Inappropriate use of expulsion

Expulsion should not be proposed for:

- 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.

Procedures in respect of expulsion

Schools are required by law to follow fair procedures as well as procedures prescribed under the *Education (Welfare) Act 2000*, when proposing to expel a student. Where preliminary assessment of the facts confirms serious misbehaviour that could warrant expulsion, the procedural steps will include:

1. A detailed investigation carried out under the direction of the Principal
2. A recommendation to the Board of Management by the Principal
3. Consideration by the Board of Management by the Principal's recommendation: and the holding of a hearing
4. Board of Management deliberations and actions following the hearing
5. Consultations arranged by the Education Welfare Officer
6. Confirmation of the decision to expel.

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Absence of bias in the decision-maker would mean, for example, that if the child of the Principal was accused of misconduct that might warrant suspension or expulsion, the Principal would not be involved in the decision. Similarly, if the child of a member of the Board of Management was accused of misconduct, that parent would absent themselves from the Board for any consideration of the matter of the Board.

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Where circumstances required the Principal to conduct the investigation as well as making a finding and proposing a sanction, he/she must not only act fairly but be seen to act fairly. It is incumbent upon the Principal to review the investigation to ensure that it has been fully and fairly conducted. It should be evident to the student, parents, staff and other students that the Principal, as decision-maker, is basing their decision, in an objective way, on the findings of the investigation.

The person alleging the misbehaviour, or is a victim, or a witness should not usually conduct the investigation.

Thoughtful application of professional judgement and knowledge of the requirements of fair procedures will generally guide decision-making about suspension and expulsion. However, in circumstances of particular complexity, school authorities may need to seek legal advice to support their decision-making.

Involving the Gardai

Where allegations of criminal behaviour are made about a student, these will usually be referred to the Gardai who have responsibility for investigating criminal matters. The Juvenile Liaison Officer can be a significant source of support and advice for the school and the student.

These procedures assume that the Board of Management is the decision-making body in relation to expulsions.

It is a matter for each Board of Management to decide which of the tasks involved in these procedural steps requires separate meetings and which tasks can be accomplished together in a single meeting, consistent with giving parents due notice of meetings and a fair and reasonable time to prepare for a Board hearing.

Step 1: A detailed investigation carried out under the direction of the Principal.

In investigating an allegation, in line with fair procedures, the Principal should :

- In form the student and their parents about details of the alleged misbehaviour, how it will be investigated and that it could result in expulsion.
- Give parents and the student every opportunity to respond to the complaint of serious misbehaviour before a decision is made and before a sanction is imposed.

Parents should be informed in writing of the alleged misbehaviour and the proposed investigation in order to have a permanent record of having let them know. This also ensures the parents are very clear about what their son or daughter is alleged to have done. It serves the important function of having underlining to parents the seriousness with which the school views the alleged misbehaviour.

Parents and student must have every opportunity to respond to the complaint of serious misbehaviour before a decision is made about the veracity of the allegation, and before a sanction is imposed. Where expulsion may result from an investigation, a meeting with the student and parents is essential. It provides the opportunity for them to give their side of the story and ask questions about the evidence of serious misbehaviour, especially where there is a dispute about the facts. It may also be an opportunity for parents to make their case for lessening the sanction, and for the school to explore with parents how best to address the student's behaviour.

If a student and their parents fail to attend a meeting, the Principal should write advising them of the gravity of the matter, the importance of attending a re-scheduled meeting and, failing that, the duty of the school authorities to make a decision to respond to the inappropriate behaviour. The school should record the invitation issued to the parents and their response.

Step 2 : A recommendation to the Board of Management by the Principal

Where the Principal forms a view, based on the investigation of the alleged misbehaviour, that expulsion may be warranted, the Principal makes a recommendation to the Board of Management to consider expulsion. The Principal should :

- Inform the parents and the student that the Board of Management is being asked to consider expulsion
- Ensure that parents have records of : the allegations against the student, the investigation, and written notice of the grounds on which the Board of Management is being asked to consider expulsion
- Provide the Board of Management with the same comprehensive records as are given to the parents
- Notify the parents of the date of the hearing by the Board of Management and invite them to that hearing
- Advise the parents that they may make written an oral submission to the Board of Management
- Ensure that parents have enough notice to allow them to prepare for the hearing.

Step 3 : consideration by the Board of Management of the Principal`s recommendation : and holding of a meeting.

It is the responsibility of the Board of Management to review the initial investigation and satisfy itself that the investigation was properly conducted in line with fair procedures. The Board should undertake its own review of all documentation and the circumstances of the case. It should ensure that no party who has had any involvement with the circumstances of the case is part of the Board`s deliberations (for example, a member of the Board who may have made an allegation about the student).

Where a Board of Management decides to consider expelling a student, it must be a hearing. The Board meeting for the purpose of the hearing should be properly conducted in accordance with Board procedures. At the hearing, the Principal and the parents, or student aged 18 years or over, put their case to the Board in each other`s presence. Each party should be allowed to question the evidence of the other party directly. The meeting may also be an opportunity for parents to make their case for lessening the sanction. In the conduct of the hearing, the Board must take care to ensure that 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.

After both sides have been heard, the Board should ensure that the Principal and parents are not present for the Board`s `deliberations.

Step 4 : Board of Management deliberations and actions following the hearing.

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

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Where 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 Educational Welfare Officer in writing of its opinion and the reasons for this opinion. (Education Welfare) Act 2000, s24(1). The Board of Management should refer to National Welfare Board reporting procedures for proposed expulsion. The student cannot be expelled before the passage of twenty school days from the date on which the EWO received this written notification.

An appeal against an expulsion under section 29 of the Education Act 1998 will automatically succeed if it is shown that the Educational Welfare Officer was not notified in accordance with section 24(1) or that twenty days did not elapse from the time the notification to the Educational Welfare Officer to the implementation of the expulsion (Education (Miscellaneous Provisions) Act 2007, s4A).

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

Step 5 : Consultations arranged by the Educational Welfare Officer

Within twenty days of receipt of a notification from a Board of Management of its opinion that a student should be expelled, the Educational Welfare Officer must :

- Make all reasonable efforts to hold individual consultations with the Principal, the parents and the student and anyone else who may be assistance.
- Convene a meeting of those parties who agree to attend (Education Welfare Act 2000, section 24).

The purpose of the consultations and the meeting is to ensure that arrangements are made for the student to continue in education. These consultations may result in an agreement about an alternative intervention that would avoid expulsion. However where the possibility of continuing in the school is not an option, at least in the short term, the consultation should focus on alternative educational possibilities.

In the interest of the educational welfare of the student, those concerned should come together with the Educational Welfare Officer to plan for the student`s future education.

Pending these consultations about the student`s continued education, a Board of Management may take steps to ensure that good order is maintained and that the safety of students is secured (Education (Welfare) Act 2000, s24(5)). A Board may consider it appropriate to suspend a student during this time. Suspension should only be considered where there is a likelihood that the continued presence of the student during this time will seriously disrupt the learning of others, or represent a threat to the safety of other students and staff.

Step 6 : Confirmation of the decision to expel

Where the twenty day period following notification to the Educational Welfare Officer has elapsed, and where the Board of Management remains of the view that the student should be expelled, the Board should formally confirm the decision to expel (this task might be delegated to the Chairperson or the Principal). Parents should be notified immediately that the expulsion will now proceed. Parents and the student should be told about the right to appeal and supplied with the standard form on which to lodge an appeal. A formal record should be made of the decision to expel the student.

Appeals

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

The appeal process

The appeal process under section 29 of the Education Act 1988 begins with the provision of mediation by a mediator nominated by the Appeals Committee (Department of Education and Science). For further details about the Appeals process, including requirements for documentation, and the steps in process, refer to current DES guidance.

Review of use of expulsion

The Board of Management should review the use of expulsion in the school at regular intervals to ensure that its use is consistent with school policies, that patterns of use are examined to identify factors that may be influencing behaviour in the school, and to ensure that expulsion is used appropriately.

Date May 2016

ST. MICHAEL`S NATIONAL SCHOOL

CODE OF BEHAVIOUR

POLICY

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