



POLICY FOR APPROPRIATE BEHAVIOUR

Cara Community Special School, Enfield, Co. Meath

(Code of Behaviour)

INTRODUCTION TO CARA COMMUNITY SPECIAL SCHOOL, ENFIELD, CO. MEATH

Cara Community Special School, Enfield, Co. Meath is a Community Special School under the patronage of the Louth and Meath Education and Training Board (LMETB) that provides an appropriate education for students, aged 4 to 18 years old, who have a diagnosis of Autism and complex learning needs, with a professional recommendation for a Special School who require the support of a Special School setting.

Cara Community Special School, Enfield, Co. Meath delivers the curriculum as prescribed by the Department of Education and adapted to meet the educational needs of each student. A variety of methodologies and strategies are adopted to maximise the students' learning potential. Supported by the child's multidisciplinary team, the teachers and staff provide a caring and challenging learning environment which fosters personal, social and academic development. All students have an Individual Educational Plan designed specifically for them.

Our school is a place where everyone feels a sense of belonging and ownership. The school is characterised by respectful and positive relationships which support the dignity of every individual. We are committed to ensuring a safe environment where our students can maximise their potential. Forging meaningful relationships with the students, their parent(s)/guardian(s) and all involved in their care and education, is essential to ensuring a quality educational experience for our learners.

This policy is drawn up to ensure compliance with legal requirements and good practice as set out in "Developing a Code of Behaviour: Guidelines for Schools" (NEWB 2008).

The school will provide parent(s)/guardian(s) with a copy of the Code of Behaviour before enrolment of their child into the school.

Parents/Guardians will be asked to confirm in writing that the code is acceptable to them.

2. Cara Community Special School Ethos and Characteristic Spirit

Cara Community Special School is a state, multidenominational, co-educational school underpinned by the core values of:

- Excellence in Education
- Care
- Equality
- Respect
- Community



3. Rationale for the Appropriate Behaviour Policy

This Appropriate Behaviour Policy was developed to ensure:

- A positive, non-confrontational and autism friendly learning environment for our students
- That every effort is made to create an environment where our students and the school community are safe in the school
- That best practice in relation to promoting positive behaviour is maintained throughout the school
- That the school functions in an orderly and harmonious way

4. A Partnership Approach

This policy has been developed in line with the ethos of Cara Community Special School.

The objective of our policy is to create a respectful and caring environment, in which every individual is given the best possible opportunity to grow and develop in a safe and a positive environment.

5. Aims of the Appropriate Behaviour Policy

- To promote a positive and a safe learning and working environment for all students, staff and visitors
- To ensure the safety and wellbeing of all members of the school community
 - To support the delivery of teaching and learning
- To work in partnership to create a positive atmosphere and culture in the school where each student and staff member feels valued
- To encourage high expectations of all students in learning and in behaviour
 - To respect and to safeguard the rights and the dignity of every member of the school community

- To allow the school to function in an orderly way where students can make progress in all aspects of their development
- To create an atmosphere of respect, tolerance and consideration of others
 - To assist staff, parents/guardians and students in understanding the systems and procedures that form part of this Appropriate Behaviour Policy and to seek the cooperation of all in the application of these procedures

6. School Context

Cara Community Special School is a special school which provides an appropriate education for students, aged 4 to 18 years old, who have a diagnosis of Autism and complex learning needs, with a professional recommendation for a Special School who require the support of a Special School setting. The management of pupil behaviour will take account of this fact and decisions will be made in this context.

7. Roles and Responsibilities

All school staff have an important responsibility to model high standards of behaviour, both in their dealings with students and with each other.

The Board of Management

- Is responsible for ensuring that an Appropriate Behaviour Policy is prepared, ratified and implemented in the school
- Has a duty of care to provide a safe environment for students and staff in the school
- Supports the Principal and staff in implementing the policy

The Principal ○ Has overall responsibility for the implementation of the Appropriate Behaviour Policy

- Creates and promotes a positive culture within the school
- Ensures that all staff receive a copy of this policy and are provided with training on the Appropriate Behaviour Policy
- Ensure that the Appropriate Behaviour Policy is implemented in a fair and consistent manner
- Arranges for the review of the Code as required

Teachers

- Promote a positive climate in the classroom and in the school community
- Create a positive learning environment that encourages and supports good behaviour
- Implement the Appropriate Behaviour Policy in a fair, consistent, appropriate and reasonable manner

Students

- Are responsible for doing their best to adhere to the Appropriate Behaviour Policy
- Are encouraged to assist staff in the maintenance of a positive and a safe environment for learning
- Do their best to understand and practice school rules
- Do their best to cooperate with staff
- Do their best to treat other students and staff with respect

Parents/Guardians

- Support their child in the understanding and the implementation of the Appropriate Behaviour Policy
- Communicate with the school in relation to any issues which may affect their child's behaviour or general well-being
- Treat all members of the school community with respect
- Work collaboratively with the staff on the implementation of any behaviour support plans designed for their child

8. Communication with Parents/Guardians

Communication with Parents/Guardians is central to maintaining a positive approach to issues concerning their child's wellbeing and education.

A high level of cooperation and open communication is seen as an important factor encouraging positive behaviour in the school.

Parents/Guardians are encouraged to talk in confidence to the Principal and/or teachers about any significant developments in their child's life which may affect the child's behaviour.

The methods of parent/guardian-teacher communication used in Cara Community Special School include:

- Text messages from the school to the parent(s)/guardian(s) ○ Phone calls from school to parent(s)/guardian(s) and from parent(s)/guardian(s) to school
- Notes from school to parent(s)/guardian(s) and from parent(s)/guardian(s) to school
- Letters and emails from school to parent(s)/guardian(s) and from parent(s)/guardian(s) to school
- Meetings arranged by appointment with staff through the School Office ○ Communication via the school website and social media platforms ○ Communications via approved school software platforms that may be used by the school

9. School Rules

Together we work towards standards of behaviour that are based on four general principles:

- Everyone has a right to be safe and to feel safe
- All students have a right to learn
- All teachers have a right to teach
- School property must not be wilfully damaged

General School Rules

- We listen to each other
- We listen to staff
- We walk in school • We are kind to each other
- We are gentle with each other
- We do what our teacher asks us to do
- We look after ourselves and our belongings in school
- We take care with the belongings of others
- We take care of our classroom
- We are honest
- We do our best

In addition, each class teacher will develop and maintain class rules appropriate to the age and needs of the students. The class teacher and SNAs will work collaboratively in the implementation of these class rules.

Playground Rules

- We stay in our playground
- We are kind to each other
- We take turns
- We play nicely with our friends
- We speak kindly to each other
- We do what our teacher asks us to do
- We wait until our teacher and/or SNA collects us from the playground

Transport Rules

- We stay in our seats until it is time to get off the bus
- We wear our seatbelts ○ We do not eat on the bus ○ We are kind to each other ○ We are gentle with each other
- To ensure our safety on the bus, we follow the Health and Safety instructions that our teacher, SNA, bus escort or driver asks us to do

These lists are not exhaustive.

10. Encouraging, Promoting and Supporting Positive Behaviour

Good behaviour is acknowledged, encouraged and rewarded. There is a whole school approach to affirming and promoting good behaviour. A system of incentives and awards will be used to encourage students to follow the school rules.

Examples of some incentives that are regularly used include:

- Verbal praise and encouragement of positive behaviour
- Displays of student work
- Reward systems such as tokens, score boards, visual charts or choosing a preferred activity
- Giving the student the responsibility of important jobs in the classroom or in the school
- A positive comment sent home in a student's communication journal
- Giving the student extra time on preferred activity
- The use of positive stickers
- The use of Certificates of Achievement
- Monthly and Annual Awards

11. Unacceptable Behaviour

While we endeavour to achieve the highest level of good behaviour amongst our students, we recognise that when implementing the policy, consideration must always be given to the level of understanding of the individual student.

Instances of a minor misbehaviour are dealt with by the appropriate staff member.

Parents/Guardians will be involved at an early stage in the management of their child's behaviour.

Where minor misbehaviour is persistent, a Behaviour Support Plan with appropriate interventions and strategies will be employed. These measures will be reviewed, monitored and evaluated on an ongoing basis for individual students.

Possible sanctions:

- Use of facial expression
- Use of firm tone
- Use of quiet time – removal from the group under adult supervision
- Removal of others from the vicinity of the child
- Removal to an appropriate area for safety and/or self/sooth reasons
- Asking the Principal to speak to the child
- Use of distracting activity
- Note in the student journal

- Use of appropriate resources to assist the student to regulate their behaviour

Continuous instances of unacceptable behaviour may lead to an escalation to more serious sanctions described below.

12. Individual Instances of challenging behaviour

In the event of an episode of extreme challenging behaviour where the principal and class team deem that there is a safety concern for staff and students and in the interest of the safety of all, the Parent(s)/Guardian(s) will be contacted to collect the student from school at the time of the incident.

13. Gross Misbehaviour

Gross misbehaviour refers to repeated examples of serious misconduct or an individual example of very serious misconduct. Examples include:

- Any behaviour that poses a risk to the welfare of another student or staff member
- Threatening, aggressive or violent behaviour towards staff or other students
- Causing physical hurt to others by pushing, kicking, biting, spitting, punching or any form of assault
- Continuous disruption of the learning environment
- Damage to school property that disrupts normal school activities
- Inappropriate sexualised behaviour

14. Possible Sanctions for Gross Misbehaviour

In the case of gross misbehaviour all sanctions up to and including suspension and expulsion will be considered depending on the specific circumstances involved in the misbehaviour.

In consultation with the student's Parent(s)/Guardian(s) an individualised Behaviour Plan will be put in place where a student is suspended due to exhibiting persistent serious misbehaviour or due to an instance of gross misbehaviour.

15. Procedures for dealing with a Suspension

Before a serious sanction such as suspension is used, the normal channels of communication between school and parent(s)/guardian(s) will be utilised. Suspension will be in accordance with the Rules for National Schools and the Education Welfare Act 2000.

Suspension may be considered for gross misbehaviour or repeated instances of serious misbehaviour involving a health or safety risk.

- The Parent(s)/Guardian(s) will be informed by phone and/or in writing about the issue or incident and that it could result in suspension. Suspension will be part of an overall student Behaviour Plan to address the student's misbehaviour.

- A meeting with the Parent(s)/Guardian(s) will be arranged to provide an opportunity to the parent(s)/guardian(s) to explore the evidence of misbehaviour and to respond.
- In the case of an immediate suspension, Parent(s)/Guardian(s) will be notified of the details of the incident and arrangements will be made for the student to be immediately collected from school.
- An immediate suspension will be invoked where there is an immediate risk to the health and/or safety of the pupil or other pupils or staff.

16. Period of Suspension

A student will not be suspended for more than three days, except in exceptional circumstances where the Principal considers that a period of suspension longer than 3 days is required to achieve a particular objective such as putting an Individual Pupil Behaviour Plan in place, revising an existing one, or accessing the necessary resources to cater for the student's needs. The Education Welfare Officer will be informed if the period of the suspension exceeds 6 days.

The Principal may suspend a student for a period up to and including 3 days. Approval of the Board of Management is required for any suspension in excess of 3 days.

17. Appeal of Suspension

Where the total number of days for which a student has been suspended in the current school year reaches 20 days, the parent(s)/guardian(s) of the student, or the student aged 18 years or over, may appeal the suspension under Section 29 of the Education Act 1998. At the time when parent(s)/guardian(s) are being notified of a suspension that will take the total for the academic year above 20 days, they will also be informed of their right to appeal to the Secretary General of the Department of Education.

18. Procedures in respect of expulsion

Expulsion may be considered in an extreme case, in accordance with the Rules for National Schools and the Education Welfare Act 2000. The Board of Management has the authority to expel a student. A proposal to expel a student requires serious grounds and will only be considered under exceptional circumstances after every effort has been made to support and assist students and to address the severe challenging behaviours. The NEWB (2008) guidelines and procedures on expulsion will be followed.

19. LMETB Suspensions and Expulsions Policy

In the case of all Suspensions and Expulsions for Cara Community Special School the LMETB Suspensions and Expulsions Policy as outlined in Appendix 1 will apply with this Appropriate Behaviour Policy/Code of Behaviour for Cara Community Special School.

20. Record Keeping

A standardised system of record keeping for the recording of misbehaviour will be implemented throughout the school. This will be in line with the school's Records Retention Schedule.

A standardised recording system will allow the school to track each student's behaviour and check whether efforts to change negative behaviours are working.

A written record of behaviour may be kept in relation to a student's behaviour in the classroom or when engaging in any other school activity.

21. Notification of a Child's absence from School

An Appropriate Behaviour Policy must describe the procedures to be followed by parents when they are notifying the school about a child's absence. The procedures to be followed by parents in relation to a child's absence are:

- Pupils are expected to attend school on all official school days.
- Parent(s)/guardian(s) must inform the school of their child's absence for any reason.
- Parent(s)/guardian(s) must inform the school on the first day of absence by phoning the school and on the child's return to school by means of a note explaining the absence.
- Parent(s)/guardian(s) can inform the school if they know in advance of the absence.
- Parent(s)/guardian(s) need to inform the school about the reasons for absence following a period of absence.
- Failure to notify the school about a student's absence will be followed up by phone call/text message/email from the teacher.
- Parents will be notified when their child's attendance is a cause of concern (15 days).
- TUSLA may be notified when a child has been absent for 20 days.

22. Ratification and review

This policy will be reviewed periodically as required depending on the developing nature of the school.

Date of Approval by the Patron/LMETB Board: 9 January 2024

This policy will be reviewed in: 2025

APPENDIX 1

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 Cara Community Special School 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. Cara Community Special School 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. Cara Community Special School recognises the Right to Appeal pursuant to Section 29 of the Education Act.

2.4. In regard to informing the Education Welfare Board, Cara Community Special School affirms its statutory obligation pursuant to section 21 (4)(a) of the Education Welfare Act.

2.5. Cara Community Special School affirms that data collected in relation to students and parents is in compliance with the Data Protection Acts 1988 to 2018.

3 Suspensions

3.1 The Board of Management of Cara Community Special School 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 Cara Community Special School may delegate this authority to the Principal of Cara Community Special School. The Board of Management should make a formal delegation arrangement taking account of the provisions of the Education and Training Boards Act 2013.

3.3 Cara Community Special School recognises that suspension is only one strategy included in the *Cara Community Special School Code of Behaviour* in response to inappropriate behaviour.

3.4. Cara Community Special School 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. Cara Community Special School works closely with parents to assist a suspended student to rejoin the school community successfully.

3.5. Cara Community Special School 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 student's 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. Cara Community Special School affirms that all suspensions must be notified to the Board of Management of **Cara Community Special School**

3.7. **Cara Community Special School** affirms that the Education Welfare Services of the Child and Family (TESS 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. Cara Community Special School 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 *Cara Community Special School* 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 Cara Community Special School affirms that students attending Cara Community Special School 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. Cara Community Special School 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 Cara Community Special School. 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 Cara Community Special School 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 Cara Community Special School 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 defacto expulsion.

5 Procedures in respect of Suspension.

5.1 Louth and Meath ETB affirms that *Cara Community Special School* 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 Cara Community Special School 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 Cara Community Special School 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. Such authorisation must be recorded in the minutes of meeting of the Board of Management and reviewed on an annual basis.

5.3 Louth and Meath ETB affirms the Boards of Management of Cara Community Special School 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 Cara Community Special School 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 Department of Education, in the case of a suspension which would bring the days suspended in one academic over 20 days.

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 Cara Community Special School decides to remove the suspension for any reason.

7 Section 29 Appeal against Suspension

7.1 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 to the Minister for Education.

7.2 An appeal may be made by the parent of the student concerned, or by the student concerned where the student has reached the age of 18 years. In accordance with section 26 of the Education (Welfare) Act, 2000, the Child and Family Agency (TUSLA) may appoint a person, independent of that Agency, to appeal a decision of a board of management or

person acting on behalf of the board of management to permanently exclude a student from a school.

- 7.3 An appeal must be made within **42 calendar days** from the date of the decision of the board of management or a person acting on behalf of the board of management.
- 7.4 Appeals must be made in writing on the Section 29 Appeal Form and submitted to the Section 29 Appeals Administration Unit which has been established within the Department of Education to provide administrative support to enable appeals committees perform their functions. The Section 29 Appeal Form may be downloaded from the Department's website or obtained directly from the Section 29 Appeals Administration Unit. Contact details for the Unit are available on the Department's website www.education.ie.

8 Expulsion

- 8.1 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 Cara Community Special School.
- 8.2 Expulsion should be a proportionate response to the student's behaviour. Cara Community Special School acknowledges that expulsion of a student is a very serious step and one that should only be taken by the Board of Management of Cara Community Special School in extreme cases of unacceptable behaviour.
- 8.3 The Board of Management of Cara Community Special School affirms that Cara Community Special School 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 (Tusla) Education Welfare Services, HSE Child and Adolescent Mental Health Services, National Behavioural Support Service JLO, NEPS, NCSE.

- 8.4 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.
- 8.5 Before expulsion is considered, school authorities must satisfy themselves that all possibilities have been exhausted for changing the student's behaviour.

8.6 'Automatic Expulsion'

The Board of Management of **Cara Community Special School** 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.

8.7 Expulsion for first or once-off offence

There may be exceptional circumstances where the Board of Management of **Cara Community Special School** 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

9 Factors to Consider before proposing to expel a student

9.1 The Board of Management of Cara Community Special School 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

9.2 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.

10 Procedures in respect of expulsion

10.1 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.

10.2 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.

10.3 A meeting should be arranged between the student and their parents and the Principal of Cara Community Special School before a sanction is imposed.

10.4 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

10.5 Where the Principal of Cara Community Special School 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.

10.6 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.

10.7 It is the responsibility of the Board of Management of Cara Community Special School to review the initial investigation and satisfy itself that the investigation was properly conducted in line with fair procedures.

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

10.9 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.

10.10 Where the Board of Management of Cara Community Special School decides to expel a student it must hold a hearing and this meeting should be properly conducted in accordance with Board procedures.

10.11 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.

10.12 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.

10.13 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.

10.14 Once the Principal and the Parents have made their cases, they will withdraw from the meeting.

10.15 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.

10.16 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.

10.17 When both sides have been heard the Board should ensure that the Principal and Parents are not present for the Board's deliberations.

10.18 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.

11 Board of Management deliberations and actions following the hearing

11.1 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.

11.2 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 (Tusla) Education Welfare Services reporting procedures for proposed expulsions.

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

11.4 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.

12 Consultations arranged by the Educational Welfare Officer

12.1 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.

12.2 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.

13 Confirmation of the decision to expel

13.1 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.

13.2 Parents should be notified immediately that the expulsion will now proceed. Parents and the student must be informed of their right to appeal to the Minister for Education.

14 Section 29 Appeal against Expulsion

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

14.2 Parents and the student should be informed about their right to appeal to the Minister for Education.

14.3 An appeal may be made by the parent of the student concerned, or by the student concerned where the student has reached the age of 18 years. In accordance with section 26 of the Education (Welfare) Act, 2000, the Child and Family Agency (Tusla) may appoint a person, independent of that Agency, to appeal a decision of a board of management or person acting on behalf of the board of management to permanently exclude a student from a school.

14.4 An appeal must be made within **42 calendar days** from the date of the decision of the board of management or a person acting on behalf of the board of management.

14.5 Appeals must be made in writing on the **Section 29 Appeal Form** and submitted to the Section 29 Appeals Administration Unit which has been established within the Department of Education to provide administrative support to enable appeals committees perform their functions. The Section 29 Appeal Form may be downloaded from the Department's website or obtained directly from the Section 29 Appeals Administration Unit. Contact details for the Unit are available on the Department's website www.education.ie.

15 Review of use of Expulsion

15.1 The Board of Management of Cara Community Special School should review the use of expulsion in the school at regular intervals.

16 Implementation and Review of Policy

16.1 The Principal and Board of Management of Cara Community Special School will be responsible for the implementation of this policy.

16.2 This policy shall be reviewed periodically, in light of emerging legislation and circulated Guidelines from the Department of Education from its official adoption by the Louth and Meath Education and Training Board and Cara Community Special School Board of Management.

This policy was reviewed and adopted by Louth and Meath Education and Training Board on 15 November 2018 for incorporation into school's Codes of Behaviour.

This policy was reviewed in November 2020 in light of commencement of changes to the Section 29 Appeals procedures under the Education (Admission to schools) Act 2018.

Date of Approval by the Patron/LMETB Board for Cara Community Special School,
Enfield: 9 January 2024

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;