

## Code of Behaviour St. Fiacc's NS

### **Rationale**

It is necessary to review the Code of Behaviour at this particular time to ensure existing policy is in compliance with legal requirements and good practice as set out in *Developing a Code of Behaviour: Guidelines for Schools, NEWB, 2008*.

This Code of Behaviour has been amended to reflect the *United Nations Convention on the Rights of the Child* (UNCRC, 1992) in particular Articles 12, 37 & 48:

Article 12: When adults are making decisions that affect children, children have the right to have their opinions taken into account and their views respected.

Article 28: Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

Article 37: No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

### **Relationship to characteristic spirit of the school**

Our School Environment is guided by our Mission Statement:

Our school embodies Christian, Catholic values which emphasises compassion, care, good work ethos, striving for excellence and respect for all, irrespective of race, religion or social status.

Respect for all is imbued in our school Motto: *Firinne Le Misneach* (Truth with Courage)

### **Aims**

- To allow the school to function in an orderly way where children can make progress in all aspects of their development
- To create an atmosphere of respect, tolerance and consideration for others
- To promote positive behaviour and self-discipline, recognising the differences between children and the need to accommodate these differences
- To ensure the safety and well-being of all members of the school community
- To assist parents and pupils in understanding the systems and procedures that form part of the code of behaviour and to seek their co-operation in the application of these procedures
- To ensure that the system of rules, rewards, and sanctions are implemented in a fair and consistent manner throughout the school

### **Content of Policy**

1. Guidelines for behaviour in the school
2. Whole school approach to promoting positive behaviour
3. Positive strategies for managing behaviour
4. Rewards and sanctions
5. Suspension / Expulsion
6. Keeping records
7. Procedure for notification of a pupil absence from school
8. Reference to other policies
9. Success Criteria

#### **1. Guidelines for behaviour in the school**

Prior to registering a pupil, the principal teacher shall provide the parents of the child with a copy of the school's code of behaviour and that the principal, may, as a condition of so registering such child, require his or her parents to confirm in writing that the code of behaviour so provided is acceptable to them and that they shall make all reasonable efforts to ensure compliance with such code by the child.

## **School Rules**

### **Our Six Golden Rules are:**

- 1. We are gentle – we do not hurt anybody.**
- 2. We are kind and helpful – we do not hurt people's feelings.**
- 3. We listen – we do not interrupt.**
- 4. We work hard – we do not waste our own or other people's time.**
- 5. We look after property – we do not waste or damage it.**
- 6. We are honest – we do not cover up the truth.**

## **2. Whole school approach in promoting positive behaviour**

It is agreed that a high standard of behaviour requires a strong sense of community within the school and a high level of co-operation among staff, Board, parents/guardians and pupils.

An important part of our approach to behaviour is the concept of "Restorative Practices". Our code of behaviour is focused on the positive aspects of behaviour rather than on punishments or sanctions, although these are included in the appropriate section of our behaviour policy. We promote the notion of a school community where everything we do is based on mutual respect. Pupils are expected firstly to respect themselves and then to treat each other and staff members with respect. Teachers and staff members are expected to treat children with respect. We take the view that pupils (other than pupils with very special needs) choose their behaviour to a great degree - they always have an alternative. Therefore, they must take responsibility for their behaviour. If they treat others poorly, they may be acting out their own anger and frustrations but they can also learn to choose differently and more positively. We ask children to treat others as they want to be treated themselves.

Mutual respect, building of positive relationships and above all, empathy are the cornerstones of our philosophy. We implement the principles of restorative practice constantly aware of the underlying values of:

- Respect
- Interconnectedness
- Fairness
- Personal Accountability
- Honesty
- Collaboration
- Problem solving

Restorative questions to challenging behaviour:

1. What happened? (past)
2. What were you thinking at the time? (past)
3. What have your thoughts been since? (present)
4. Who has been affected and in what way? (present)
5. What needs to happen to put things right? (future)
6. What could you do differently next time? (future)

### 3. Positive strategies for managing behaviour

#### Classroom

The positive strategies used throughout the school to promote good behaviour and to prevent misbehaviour are:

- “Ground rules”/ behavioural expectations in each class that are consistent with the ethos as expressed in the code of behaviour and which set a positive atmosphere for learning.
- Pupil input in devising the class rules.
- Teachers ensure that pupils understand and are frequently reminded of how they are expected to behave.
- A clear system of acknowledging and rewarding good behaviour and sanctions for misbehaviour.
- Classroom management techniques that ensure a variety of activities and methodologies to sustain pupil interest and motivation.

#### Playground

- Playground Rules:  
**1. Stay in assigned area. 2. Include all classmates. 3. Play fairly (it's not all about winning). 4. No jeering remarks. 5. Walk to your line when the bell rings – no pushing in the line. 6. Wait quietly in your line.**
- There is a need to supervise more closely the behaviour of certain age groups, certain areas of the playground and certain individual pupils. All children are visible at all times.
- Zones are created within the playground, providing sections for specific age groups.
- Procedures in place to manage incidents of misbehaviour on yard include: time-out, withdrawal of privileges, reporting to classroom teacher/Principal, recording of incident on *Aladdin*.

#### Other areas in the school

- One at a time, walk in a straight line in the corridor.

#### School related activities

- Standards and rules contained in the code of behaviour usually apply in any situation where pupils are still the responsibility of the school. High standards of behaviour are expected during school tours, games, extracurricular activities, other school-linked events, on coming to and departing from school

### 4. Rewards and Sanctions

#### Rewards and acknowledgement of good behaviour

- Good behaviour is publicly recognised and acknowledged in the school by all staff.
- A system of merit marks, small prizes or stars; Student of the week certificates at the end of the week.
- Delegating some special responsibility or privilege.
- A mention to parent, written or verbal communication

#### Strategies for responding to inappropriate behaviour.

The degree of misdemeanours i.e. minor or serious will be judged by the teachers and/or Principal based on a common sense approach with regard to the gravity/frequency of such misdemeanours (See **Appendix A for examples of misdemeanours**). *The following strategies may not necessarily be applied in the order listed.*

- Reasoning with the pupil
- Reprimand (including advice on how to improve) Temporary separation from peers.

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- Loss of privileges: e.g. "time out" from curricular activities, removing permission to go on School Outings/represent the school.
- Note in homework Journal
- A record may be kept by the class teacher of regular misdemeanours.
- Sent to the Year Head or Deputy.
- 1<sup>st</sup> Detention (Parents are informed by note or by phone)
- 2<sup>nd</sup> detention (for two detentions in a four-week period, class teacher and pupil will draw up a contract of behaviour to be signed in the presence of the Deputy. A copy will be given to parents to be signed and returned).
- 3<sup>rd</sup> detention (for three detentions in a four-week period, the child's parents will be asked to meet the class teacher and principal. The child will be asked to give a written undertaking that he/she will behave in school. This will be witnessed and signed by parents/guardians).
- Inclusionary time out: the student normally remains in the environment in which the incident occurred or agrees to move to another location where access to positive reinforcers available to peers is temporarily removed. Inclusionary time out is a pretaught behaviour support strategy and not a crisis response.
- Suspension: This procedure is used in the case of gross misbehaviour and/or health and safety grounds.
  - a) If all previous stages are exhausted or there is a single incident of gross misbehaviour the principal requests a meeting with the parents. The Principal reserves the right to suspend the pupil for three days initially. This power of suspension is delegated to the principal by the school Board of Management.
  - b) In certain circumstances the Principal with the approval of the chairperson may suspend a pupil for five school days.
  - c) A meeting of the Board may authorise further suspension up to a maximum of ten days.

### \*Inappropriate sanctions include:

- Ridicule, sarcasm or remarks likely to undermine a pupil's self-confidence.
- Public or private humiliation.
- Applying sanctions to whole groups or classes in cases of individual or small group wrong-doing.
- Leaving a pupil in an unsupervised situation while in the care of the school.
- Persistent isolation of, or ignoring, a pupil in class.
- Consistently denying a pupil access to a particular part of the curriculum.
- Sanctions that are used in a discriminatory way.
- **Exclusionary time out. It involves removing the student without the student's agreement from the environment where the incident occurred and placing him/her in a more restrictive one with the goal of reducing or eliminating a particular behaviour. This practice is consistent with the concept of 'seclusion'.**

### **Involving parents in management of problem behaviour**

One key aspect of the Code of Discipline is to inform parents of any misbehaviour as soon as possible and to include them in any programme to be followed and actions to be taken.

- Parents are contacted initially by the class teacher.
- In the case of children in the Senior classes, the child may be asked to be present at the meeting.
- Parents are encouraged to contact the school if they have concerns by making an appointment with the teacher through the secretary.

### **Managing challenging behaviour.**

- St Fiacc's has adopted the IPPN Behaviours of Concern Resource Bundle as a guide for dealing with behaviours that place the physical safety of the person or others in serious jeopardy.

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- In the event of seriously violent or threatening behaviour causing a risk to the safety of the pupil himself/herself or the safety of other pupils or staff, teachers may need to restrain pupils.
- The Principal reserves the right to record any incidents of aggression or violence in the moment.
- The Board reserves the right to investigate any incident that brings the school into disrepute.
- Our Classroom management Practices are based on the “**Bumping Model**” (**Appendix B**)
- Please refer to St. Fiacc's **Managing Challenging Behaviour Action Plan** in the event of a serious incident of aggression or violence (**Appendix C**).
- St. Fiacc's has adopted the NEPs *Self Regulation for Pupils - a Guide* for assisting pupils with self regulation.

### **5. Please refer to St Fiacc's Policy on Suspension & Expulsion for procedures dealing with suspension and expulsion (Appendix D).**

### **6. Keeping records**

#### **Class level**

- Teachers are expected to maintain records of pupils' behaviour eg incidents and/or frequency; homework; punctuality; assessments.
- Serious misbehaviour should be reported to the Deputy at the second detention stage or earlier if deemed appropriate.
- The end of year report includes a reference to behaviour. Parents are kept up to date during the year regarding behavioural issues.

#### **School records**

- Relevant incidents will be recorded on the *Aladdin* database. The Principal manages storage of and access to these records.
- Incidents on the yard are dealt with by the teacher on duty. They will inform the class teacher and/or Deputy/ depending on the gravity of the incident.
- Accidents on Yard are recorded by the teacher on Lobby duty.

### **7. Procedures for notification of pupil absences from school**

- Parents are expected to phone St. Fiacc's notifying the Secretary of the reason for a pupil's absence, the morning of the pupil's absence.
- On returning to school the pupil must have a note notifying the teacher of the reason for a child's absence. The teacher will record the reason for the absence on *Aladdin*. Alternatively the child's parent can notify the school of a child's absence using the *Aladdin app*.
- The Roll is called in all classes between 10.00 and 10.10am daily. Any pupils who arrive after Roll Call are deemed absent.
- Parents/guardians must “sign out” pupils if a child departs early during the school day.
- Class teacher will log early collections and lateness on *Aladdin*.

### **8. Reference to other Policies**

Other school policies that have a bearing on the code of behaviour include:

**Anti-bullying:** This policy forms part of the overall school Code of Behaviour and the standards of behaviour that are outlined in the Code of Behaviour apply to the Anti-Bullying Policy of St. Fiacc's. This also includes the anti-Cyberbullying Policy

**Suspension and Expulsion Policy:** This Policy is part of the Code of Behaviour.

**Managing Challenging Behaviour Policy:** This Policy is part of the Code of Behaviour.

**Behaviours of Concern Policy:** This Policy is part of the Code of Behaviour.

**Self Regulation for Pupils Policy:** This Policy is part of the Code of Behaviour.

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**Admissions Policy:** Admission to St Fiacc's is conditional on parents confirming in writing that the code is acceptable to them and that they will make all reasonable efforts to ensure compliance with the code by their child.

**Safety Statement:** Pupils that pose a threat to the health & safety of other pupils are dealt with in accordance with the Code of Behaviour.

Other Policies include: Harassment and Adult Bullying; Record keeping; Attendance; Equality; Special Educational Needs; Homework; Child Protection; Substance Use; Litter; Communication; Healthy Eating; Record Keeping; School Tour; SPHE

### Success Criteria

Some practical indicators of the success of the policy include the following:

- Atmosphere of discipline within the school;
- Children are aware of school rules; Staff apply school rules;
- Growth in self discipline;
- Co-operation between parents, teachers and pupils in maintaining the code;
- Comments or compliments on good behaviour;
- Children working to the best of their ability;
- Class working to the best of their ability;
- Improvements in behaviour.

### Appendix A Examples of Misdemeanours

Examples of minor misdemeanours include:

Inattentiveness leading to class disruption	Running, pushing, shoving in classroom and corridor, or when lined up in playground.
Interrupting teacher and pupils unnecessarily.	Unsocioable behaviour towards others
Fidgeting and unnecessary movement in class and lines.	Interrupting class work
Unfinished, untidy assignment (class work or homework)	Talking in class and in lines
Lack of punctuality	Leaving seat without permission
Littering	Not having homework signed/completed
Chewing gum	Not wearing correct uniform
Lack of sportsmanship (taking part is the important thing)	Not working to full potential
Using unacceptable language	Wearing jewellery/make up (stud/watch only)
Playing with a ball before school on yard	Playing on grass before school

Examples of **serious misdemeanours** include:

Pranks leading to class disruption.	Refusal to do work.
Coming to school unprepared for the work of the day (on recurrence)	Messing and reoccurrence of corrected misdemeanor
Consuming alcohol in school	Verbal abuse between children.
Constant physical interference with other children(lifting, pushing, tripping etc.)	Riding of bicycles, skateboards, rollerblades in the school grounds
Bringing containers made from glass to school.	Being in school building without teacher supervision
Writing and passing of notes in class.	Biting.
Racist remarks	Bad / inappropriate language directed at someone
Uncontrolled behaviour.	Cheek / Defiance of teacher.
Damaging school property	Being in prohibited areas of school without permission
Unauthorised possession or use of a camera/mobile phone in school (Principal confiscates phone. Parent/guardian must collect)	Spitting.
Theft	Behaviour likely to cause serious injury to self or others
Physical or verbal assault or threat of assault on any member of staff	Damaging other pupil's property
Constantly disruptive in class	Telling lies
Bringing inappropriate music/literature to school	Unprovoked assault on a pupil – not the result of a clash during sport etc
Throwing stones or other objects (other than a ball at games) in either the play yard or classroom likely to cause injury	Possession of or use of weapons that might constitute a threat to the health and safety of pupils, parents, staff and any other personnel attached to the school
Bullying – though proof would need to be clear.	Drug abuse or dealing in prohibited substances
Smoking in school.	Vandalism
Mitching	Inappropriate behaviour
Leaving school premises during school day without appropriate permission	Climbing of trees, buildings etc.
Gross Insubordination – A wilful and deliberate failure of a pupil to obey a teacher's order during an aggressive incident.	Leaving staff member when on trips outside school
Repeated refusal to observe social distancing in an age appropriate manner (Covid 19)	Deliberately coughing or sneezing in a pupil's face/personal space (Covid 19)

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### **Appendix B The Bumping Model – Barrie Bennett & Peter Smilanich**

#### Bump 1 – LOW-KEY responses

- Responses should be short or shorter than the interruption and should maintain a positive or neutral atmosphere - they are non-assertive and invite the student to behave.
- These responses include: proximity, touch, gesture, using the student's name, the look, a pause, ignoring the behaviour, a signal to begin/for attention, and dealing with the problem not the student.

#### Bump 2 – SQUARING OFF

- More assertive than bump 1 and it REQUIRES the student to behave.
- Teacher does: 1) Stop talking (pause) 2) Turn toward the student (square off) 3) Give a verbal request to stop (may not be needed) 4) End with a "thank you"
- Caution – if the look is too long/intense, it may work against you and initiate a power struggle

#### Bump 3 – CHOICES

- Teacher gives options to the student or has students come up with their own option to prevent or stop an inappropriate behaviour
- This makes the student take and "talk" the responsibility
- Teacher does: 1) Stop teaching, pause, and turn to student 2) Provide student with appropriate choice or allow them to make a choice by saying "A decision please" 3) Wait for an answer 4) Finish with "thank you" (document)

#### Bump 4 – IMPLIED CHOICES

- Use a choice, classroom rule or a school rule in order to prevent or stop a misbehaviour
- Teacher does: (as the student is already misbehaving) tell the student that they have made their choice and give them an explicit instruction on what they should do (document)

#### Bump 5 – POWER STRUGGLE - DEFUSE

- A tactic to prevent an unwanted power situation or to stop a power play from continuing
- Teacher does: 1) Stop teaching and pause 2) Square off 3) Make eye contact 4) Take one or more deep breaths 5) Deal with any allies 6) Do or say something that shifts the locus of control 7) Pause and allow the student to save face 8) Bring closure to the interaction with an appropriate statement (document)

#### Bump 6 – INFORMAL AGREEMENT

- Response re: recurring misbehaviour - to shift the responsibility for interpreting, developing, and implementing an action plan from the teacher to the student
- Teacher does: Require the student to develop & implement an action plan for improvement (document)

#### **Bump 7 - Formal Contracts,**

## **Appendix C**

### **Managing Challenging Behaviour Action Plan**

This ACTION PLAN has been created so that there is a clear and set procedure in place to be followed in the event of a serious incident of aggression or violence in the school.

- The aim of any action plan must be to provide urgent assistance to the school staff member who requires it.
- A school staff member should be in possession of a red card, with the name of the teacher on the back that will be handed to two 'trusted children' (those that the teacher deems to be extremely reliable) to go to a set location (usually the secretary/Principal's office) to request immediate help on behalf of a particular teacher.
- The Action Plan is deemed to be activated at this point.
- The children should hand over the red card and state that Miss \_\_\_\_\_ or Mr \_\_\_\_\_ needs help.
- The Principal/Deputy should be notified with immediate effect.
- If the Principal is unavailable, the Secretary is shown the card. The Secretary calls for Principal/Deputy/A Post Holder over the intercom.
- The Principal attends at the location with another adult (SNA/DEPUTY/POST HOLDER/TEACHER) immediately.
- If order is restored, the pupil should be invited to the Principal's office.
- If pupils who are involved in the incident refuse to leave the class, the other children not involved in the incident should be removed from the class/location where possible.
- Once activated, the plan must be carried through. All relevant policies will take effect.
- Parents will be contacted with immediate effect to attend at the school.
- Any possible sanctions/suspensions/expulsions will be dealt with in accordance with the school's Code of Behaviour and also the NEWB guidelines for developing a Code of Behaviour for schools.
- The Chairperson of the Board of Management should be subsequently notified of the incident.



## **Appendix D Suspension & Expulsion Policy**

### **Suspensions and Expulsions**

#### **Legal and Procedural requirements**

##### **a) The Legal Context**

The entitlement to education is protected in a range of constitutional and legal provisions in human rights Conventions. These legal protections for the individual pupil's right to education mean that decisions to suspend or expel a pupil are open to appeal and may be subject to judicial review by the High Court. Schools are required under section 23 (2) of the Education (Welfare) Act 2000, to include their procedures for suspension and expulsion in their Code of Behaviour.

##### **b) The responsibility of the Board of Management.**

The Board of Management should:

- Ensure that the school has a policy on, and procedures for, the use of suspension and expulsion that are in line with these Guidelines.
- Ensure that all pupils and parents are advised about, and aware of, the school's policy for suspension and expulsion.
- Ensure that fair procedures are used for suspension and expulsion and that all staff are aware of these procedures.
- Take special care to ensure that fair procedures are accessible to people with disabilities or those from different language or cultural backgrounds.
- Ensure that the Board of Management and the Principal are equipped for their roles in relation to the use of suspension and expulsion.

The Board and Principal of St. Fiacc's has a duty to ensure that there are no undue delays in an investigation and in making decisions about the imposition of suspension or expulsion. Great care should be taken to ensure that all matters to do with an investigation of alleged behaviour are dealt with in confidence.

##### **c) Applying fair procedures in school.**

**In a school, fair procedures apply to:**

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

The way in which fair procedures are applied will take account of the seriousness of 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.

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Even informal processes, however, must be fair and be 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 a pupil and their parents are fully informed about an allegation and the processes that will be used to investigate and decide the matter, and they must be given an opportunity to respond to an allegation before a decision is made and before a serious sanction is imposed.

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.

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

Where circumstances require the Principal to conduct the investigation as well as make a finding and propose the sanction, he or she must not only act fairly but be seen to act fairly.

It is incumbent on the Principal to review the investigation to ensure that it has been fully and fairly conducted. It should be evident to the pupil, parents, staff and other pupils 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 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.

### **d) Involving the Gardai.**

Where allegations of criminal behaviour are made about a pupil, these will usually be referred to the Gardai who have responsibility for investigating criminal matters.

## **SUSPENSIONS**

### **a) Authority to suspend.**

The Board of Management of St Fiacc's has the authority to suspend a pupil. The board has delegated the authority to suspend a pupil for up to three days to the Principal.

### **b) 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 they have not worked. The decision to suspend a pupil requires serious grounds such as:

- The pupil's behaviour has had a seriously detrimental effect on the education of the other pupils.
- The pupil's continued presence in the school at this time constitutes a threat to safety.
- The pupil is responsible for serious damage to property.

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

**c) Forms of suspension**

**Immediate suspension** – in exceptional circumstances, the Principal may consider an immediate suspension to be necessary where the continued presence of the pupil in the school at the time would represent a serious threat to the safety of pupils or staff of the school, or any other person. Fair procedures must still be applied.

**“Automatic” suspension** – a Board of Management may decide, as part of the school’s policy on sanctions, and following the consultation process, that particular named behaviours incur suspension as a sanction.

**Rolling suspension** – A pupil may be suspended again shortly after they return to school if

- They engage in serious misbehaviour that warrants suspension.
- The standard applied to judging the behaviour is the same as the standard applied to the behaviour of any other pupil.

**Exclusion of a pupil for part of the school day** as a sanction, or asking parents to keep a child from school, as a sanction, is a suspension and will follow guidelines relating to suspension.

**d) Procedures in relation to immediate suspension.**

Where an immediate suspension is considered by the Principal to be warranted for reasons of the safety of the pupil, other pupils, staff or others, a preliminary investigation should be conducted to establish the case for the imposition of the suspension. The formal investigation should immediately follow the imposition of the suspension. All the conditions of suspension apply to immediate suspension. Parents must be notified and arrangements made with them for the pupil to be collected.

**e) The period of suspension.**

A pupil 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. If a suspension for 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 where a meeting of the Board cannot be convened in a timely fashion, subject to the guidance concerning such suspensions. The Board 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 pupil, where the suspension would bring the number of days for which the pupil has been suspended in the current year to twenty days or more. Any such suspension is subject to appeal under section 29 of the Education Act.

**f) Section 29 Appeals.**

Where the total number of days for which the pupil has been suspended in the current school year reaches twenty days, the parents may appeal the suspension under Section 29 of the Education Act. At the time when parents are being formally notified of such a suspension, they and the pupil should be told about their right to appeal to the Secretary General of the Department of Education and Science and should be given information about how to appeal.

### **g) Implementing the suspension**

#### **Written notification**

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

- The period of the suspension and the dates on which the suspension will begin and end.
- The reason for the suspension.
- Any study programme to be followed.
- The arrangements for returning to school, including any commitments to be entered into by the pupil and the parents (parents may be asked to sign a behaviour plan or reaffirm their commitment to the Code of Behaviour).
- The provision for an appeal to 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.

### **h) Records and reports.**

Formal written records will be kept of:

- The investigation (including notes of all interviews held)
- The decision-making process.
- The decision and rationale for the decision.
- The duration of the suspension and any conditions attached to the suspension.
- The Principal should report all suspensions to the Board of Management, with the reasons for and the duration of each suspension. The Principal is required to report suspensions in accordance with the NEWB reporting guidelines if a pupil is suspended for six days or more.
- Meetings with parents and the pupil to try to find ways of helping the pupil to change their behavior.
- Making sure that the pupil understands the possible consequences of their behavior, if it should persist.
- Ensuring that all other possible options have been tried.
- Seeking the help of support agencies i.e. National Educational Psychological Service (NEPS); Health Service Executive (HSE); National Council for Special Education (NCSE); National Behavioural Support Service (NBSS); Special Education Support Service (SESS).

### **Expulsion**

The sanction of expulsion will only be considered in exceptional circumstances when all other avenues have been exhausted. However, St Fiacc's has a duty of care to all its pupils and employees. The Health and Safety at Work Act 2005 requires that Boards of Management conduct their business, as far as reasonably practicable, in ways that prevent improper conduct or behaviour likely to put the safety, health or welfare at work of employees or the health and safety of pupils, parents or visitors at risk. Provisions relating to expulsion of a student are contained in section 24 of The Educational Welfare Act 2000.

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The authority to expel is reserved for the Board of Management. Expulsion will be a proportionate response to the student's behaviour.

The following steps will be undertaken to address misbehaviour and to avoid expulsion:

- a) Meeting with parents and pupils to try to help the student change the behaviour.
- b) Making sure the pupil and parents understand the possible consequences of the behaviour.
- c) Exhausting all other possible options.
- d) Seeking the help of support agencies i.e. National Educational Psychological Service (NEPS); Health Service Executive (HSE); National Council for Special Education (NCSE); National Behavioural Support Service (NBSS); Special Education Support Service (SESS).

### **Grounds for Expulsion**

- a) The pupil's behaviour is a persistent cause of significant disruption to the learning of others or to the teaching process.
- b) The pupil's continued presence in the school constitutes a real and significant threat to safety.
- c) The pupil is responsible for serious damage to property.

### **Difference between Suspension/Expulsion.**

- a) The degree, seriousness and persistence of the behaviour.
- b) Where expulsion is considered a series of interventions have been tried by the school.
- c) All possibilities of changing the pupil's behaviour have been exhausted.

### **Expulsion for a First Offence.**

The Board of St Fiacc's can impose automatic expulsion for certain prescribed behaviours or in exceptional cases for a first offence. These behaviours, in accordance with the National Welfare Board (NEWB) may include:

- a) Sexual Assault
- b) Supplying illegal drugs to other pupils in the school.
- c) Actual violence or physical assault.
- d) Serious threat of violence against another pupil or member of staff.

### **Procedures in Respect of Expulsion**

- a) Detailed investigation carried out under the direction of the Principal.
- b) Recommendations by the Principal to the Board.
- c) Board considers Principal's recommendation and holds hearing.
- d) Board deliberates and proposes action following the hearing. If BOM is of the opinion that the student will be expelled, the Board must notify the Educational Welfare Officer (EWO) in writing, of its opinion and the reasons for this opinion. The intention to expel a student does not take effect until 20 school days have elapsed after NEWB have received written notification. The NEWB will be notified using a Notice of Intention to Expel form.
- e) Consultations arranged by the Educational Welfare Officer.
- f) Confirmation of the decision to expel.

### **Appeals**

## Code of Behaviour St. Fiacc's NS

A parent may appeal a decision to expel to the Secretary General of the Department of Education and Skills (Education Act 1998 section 29)

### **Fairness of Procedures**

The constitution of Ireland gives rights to parents and pupils in the matter of education and these must be respected as fundamental in the school code of behaviour. The requirement of fairness of procedures also derives from the constitution. There are two basic rules of fairness of procedures:

1. The right to be heard i.e. the right to respond, the right to know what alleged misbehaviour is being investigated, the right to know how the issue is decided. If there is a possibility of a serious sanction, the right to be heard by the Board of Management. If the dispute is about facts, the right to ask questions of the other party or witnesses.
2. The right to impartiality i.e. the right to an absence of bias in the decision-maker. 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.