

SUSPENSION POLICY – M.M.C.

Suspension is defined as:

Requiring the student to absent herself from the school for a specified, limited period of school days. (In consultation with Parents)

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

1 Authority to suspend:

The Board of Management of Mount Mercy College has the authority to suspend a student and this authority is delegated to the Principal in accordance with our Code of Discipline. The Principal has responsibility for organisation, discipline and internal management of the school.

2 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 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.
 - **Note:** A single incident of serious misconduct may be grounds for suspension.

3 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 the 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 has been the result 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)?

Is Suspension the appropriate 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 other 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 student's 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.

4 Forms of suspension:

Immediate suspension: In exceptional circumstances, the Principal may consider an immediate suspension to be necessary where the continued 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.

Suspension during a State/House examination: This sanction should normally be approved by the Board of Management and should only be used where there is:

- a threat to good order in the conduct of the examination
- a threat to the safety of other students and personnel
- a threat to the right of other students to do their examination in a calm atmosphere.

The sanction should be a proportionate response to the behaviour.

*** Students should pay particular attention to the rules governing the conduct of State Examinations and Mount Mercy College House Examinations Rules.*

'Automatic' suspension: A Board of Management may decide, as part of the school's policy on Sanctions and following the consultation process with the Principal, parents, teachers and students, that particular named behaviours incur suspension as a sanction. However, a general decision to impose suspension for named behaviours does not remove the duty to follow due process and fair procedures in each case.

Inappropriate use of suspension:

Students should not usually be suspended 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 potentially 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.

Rolling suspension A student should not be suspended again shortly after they return to school unless:

- they engage in serious misbehaviour that warrants suspension and
- fair procedures are observed in full and
- the standard applied to judging the behaviour is the same as the standard applied to the behaviour of any other student.

Informal or unacknowledged suspension: Exclusion of a student for part of the school day, as a sanction or asking parents to keep a child from school, as a sanction, is a suspension. Any exclusion imposed by the school is a suspension, and should follow the Guidelines relating to suspension.

Open-ended suspension: Students should not be suspended for an indefinite period. Any such suspension would be regarded as a de-facto expulsion and would be treated as such under section 29 of the *Education Act 1998*.

5 Procedures in respect of suspension:

Schools are required by law to follow fair procedures when proposing to suspend a student (see **final page** for more detail). Where an assessment of the facts confirms serious misbehaviour that could warrant suspension, the following will apply:

- **The complaint will be investigated by the Principal or delegate**
- student and their parents are informed about the complaint
- parents and student are given an opportunity to respond.

Parents will be informed by phone or in writing or in person, depending on the seriousness of the matter.

Procedures in relation to immediate suspension:

In the case of an immediate suspension, parents must be notified, and arrangements made with them for the student to be collected. The school must have regard to its duty of care for the student. In no circumstances will a student be sent home from school without first notifying parents.

6 The period of suspension:

A period of suspension is normally of the order of 1 to 3 days depending on the nature of the offence. However, the Board of Management may impose a longer period.

7 Appeals:

Any period of Suspension greater than 20 days may be appealed by a Parent, under Section 29 of the Education Act.

Parents will be advised of their rights in accordance with the pertaining legislation.

8 Implementing the suspension:

The Principal will notify the parents and the student 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 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 (for example, parents might be asked to 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).

9 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*.

10 After the suspension ends:

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

When the period of suspension is completed, a student will be given the opportunity to make a fresh start.

11 Records and reports:

A record of the Suspension is kept on the student's file.

12 Review of use of suspension:

This Policy is subject to regular review by the school authority to ensure that it is in accordance with other Mount Mercy College policies, protocols and procedures and consistent with our school Mission Statement and Ethos.

EDUCATION WELFARE ACT – FAIR PROCEDURES:

Time and timeliness:

The Board of Management and Principal have a duty to ensure that there are no undue delays in an investigation and in making decisions about the imposition of suspension or expulsion.

Confidentiality:

Great care must be taken to ensure that all matters to do with an investigation of alleged misbehaviour are dealt with in confidence.

Natural Justice:

Schools are required by 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.

Fair procedures have two essential parts:

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

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 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.

NEWB DOCUMENT, *DEVELOPING A CODE OF BEHAVIOUR – GUIDELINES FOR SCHOOLS*, WAS CIRCULATED TO STAFF AND BOARD OF MANAGEMENT IN SEPTEMBER 2008 FOR CONSULTATION AND CONSIDERATION DURING THE SCHOOL YEAR 2008-2009

THIS POLICY DOCUMENT WAS FORMULATED AND APPROVED IN LINE WITH THE NATIONAL GUIDELINES AND THE CEIST CHARTER AND FORMS PART OF MOUNT MERCY COLLEGE CODE OF DISCIPLINE & PASTORAL CARE

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