

## Code of Behaviour

This code was initially developed by the staff, parents and Board of Management of St. Michael's N.S. in 2010 due to the demands of legislation. Following an initial draft by the teaching staff this policy was reviewed by parents and ratified by the BOM. This policy was reviewed 2020 and again 2022.

### ***Vision:***

Our vision for relationships and behaviour in the school is one of collective responsibility and based on a strong sense of community within the school. We seek to build positive relationships of mutual respect, mutual support and of trust between pupils and teachers. Our vision for behaviour focuses on personal responsibility with our pupils being valued as responsible, participating members of the school community.

### ***Mission Statement:***

St. Michael's N.S. aspires to provide a safe, caring environment which enables and encourages children to develop educationally and grow emotionally. As individuals they should experience and learn tolerance, respect, appreciation and awareness of other human beings and the world around them.

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

St Michael's N.S. is a Catholic school which aims to provide a caring environment where management, staff and parents work in partnership through mutual respect to develop the spiritual, personal and academic potential of each child according to their talents, skills and abilities. Respect for others and co-operation amongst pupils, parents, staff and the Board of management are the guiding factors in our Code of Behaviour.

### ***Legislative requirements***

Under the Education Welfare Act, 2000, Section 23 (1) *schools are obliged to prepare a code of behaviour in respect of the students registered at the school. It details in Section 23(2), that the code of behaviour shall specify:*

- *The standards of behaviour that shall be observed by each student attending the school;*
- *The measures that shall 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 the school concerned;*

- *The grounds for removing a suspension imposed in relation to a student; and*
- *The procedures to be followed in relation to a child's absence from school.*

St Michael's N.S. has deemed it necessary to review and update our Code of Behaviour to ensure compliance with the following legislation and guidelines:

- Anti-Bullying Procedures for Primary and Post-Primary Schools 2013
- Children First National Guidance 2015
- Child Protection Procedures for Primary and Post-Primary Schools 2017.
- Data Protection 1998 -2018 and EU General Data Personal Regulation 2018 (GDPR)

### *Aims*

- To allow the school to function in an orderly and harmonious environment.
- To promote positive behaviour and self-discipline recognising the differences between pupils and the need to accommodate these differences.
- To enhance the learning environment where pupils can make progress in all aspects of their development.
- To ensure the safety and well -being of all members of the school community by encouraging an atmosphere of respect, tolerance and consideration for others.
- To enable parents/guardians and pupils to understand the systems and procedures that form our Code of Behaviour and to ensure their co-operation and support 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*

**In our Code of Behaviour, we address the following:**

1. Guidelines for behaviour in the school
2. Whole school approach to promoting positive behaviour – roles and responsibilities
3. Positive strategies for managing behaviour
4. Strategies for dealing with unacceptable behaviour
5. Suspension / Expulsion
6. Keeping records
7. Procedure for notification of a pupil's absence from school

## 8. Reference to other policies

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

The Education Welfare Act, Section 23, states that the Code of Behaviour shall specify “the standards of behaviour that shall be observed by each pupil attending the school”.

The school recognises that there are times and factors in a child’s life that may influence their behaviour. These will be taken into consideration and the child and his/her behaviour may be accommodated as a result.

In compliance with Section 23 (4) of the Education Act, prior to registering a pupil, parents/guardians will be issued with a copy of the school’s Code of Behaviour and on application, parents/guardians will be asked to confirm in writing that they accept the school’s policy ‘*and that they shall make all reasonable efforts to ensure compliance with such code*’.

### ***Whole school approach to promoting positive behaviour – roles and responsibilities***

#### ***Roles and Responsibilities:***

##### ***The Staff***

The overall responsibility for discipline within the school rests with the principal teacher.

Each teacher has responsibility for the maintenance of discipline with his/her classroom, while sharing a common responsibility for good order in the school environment.

- At the beginning of each school year all teachers will discuss the Code of Behaviour and devise a set of positive class rules.
- The school’s Social Personal and Health Education (SPHE) curriculum is used to support the Code of Behaviour. It aims to help our children develop communication skills, appropriate ways of interacting and behaving, and conflict resolution skills. It also aims to foster self-esteem and to help children accommodate differences and develop citizenship.
- A positive and consistent approach will be adopted by all staff to rewards and sanctions
- The staff will ensure they communicate to parents/guardians any concerns in relation to their child’s behaviour and well-being.

- Behavioural concerns may be brought to the attention of the pupils in class situations by the principal or teacher. Similar information may be conveyed to parents in person, by phone, letter or note home
- The Code of Behaviour is given to each family upon enrolment. It is also available on the school website.

### ***The Parents***

#### **The school therefore, requests that parents:**

- Read this policy and share the contents with their children.
- Give supportive co-operation to school staff in the interest and benefit of their children.
- Co-operate with the school's system of rewards and sanctions.
- Ensure children are punctual and are collected on time.
- Ensure children's attendance is regular. (The school is legally obliged to notify the Education Welfare Services in TUSLA when a child is absent for more than 20 school days annually.)
- Give a written/email explanation prior to a pre-arranged absence or following a child's absence.
- Discuss any issues, other than minor matters, at mutually agreed pre-arranged meetings.
- Attend parent/guardian teacher meetings as necessary.
- Communicate any issue, which troubles you or your child at an early stage.
- Help children with homework, ensuring that it is completed.
- Ensure children have the necessary books and materials for school.
- Ensure children have an adequate lunch in accordance with the school's healthy lunch policy.
- Ensure children wear their school uniform.

### **Behaviour of all Stakeholders in the School**

Positive and respectful communication is of high importance to our school. This not only extends to the children but to all of the stakeholders e.g. the staff, parents and the wider community. Anyone entering our building should feel safe to do so. While the behaviour of children in our school is of vital importance, adults in the school community also have a responsibility to ensure their own behaviour models the types of behaviour expected of children.

It is important that all stakeholders are responsible for their own behaviours in the school. Examples include:

- All stakeholders are expected to speak to each other with respect. Shouting or other aggressive tones are not acceptable. If a stakeholder displays anger or aggression to another member of the school community, they may be asked to remove themselves from the building. In certain cases, the Gardaí must be called
- All stakeholders will treat our children with the utmost respect while on the premises
- Staff should not be asked to speak about another parent's child. The staff of the school will respect your child's right to privacy so it is asked that parents respect other children's rights to privacy.
- When stakeholders meet, it is important to respect that the time of meetings should be kept to a reasonable amount of time. Times of meetings should be agreed beforehand and these should be respected.
- Should a parent need to have a discussion or meeting, an appointment should be made at a convenient time for both parties. This ensures that issues can be resolved.

### ***The Children***

Children are actively encouraged to help each other keep the school a pleasant and safe place to be, to learn and to grow by following our school rules.

### ***Board of Management***

The Board of Management provides a supportive role to the principal and the teaching staff in the positive implementation of the school Code of Behaviour.

The Board of Management actively promotes proactive staff involvement in behavioural concerns and to this end will fund where appropriate, opportunities for staff development in the area of understanding behaviour and its management.

### **Notification of a child's absence from school.**

In accordance with the Education Welfare Act 200 section 23(2)(e) and section 18 parents must notify our school regarding student absences. The letter/email must contain dates of absences and reason for child been absent. These notes will be retained by class teachers. Please refer to Attendance Policy for further information.

### ***Purpose and Content of School Rules:***

The Code forms part of the school's undertaking to create a **teaching and learning atmosphere** that is **safe, effective, positive and respectful**.

## **Our School Rules**

### **Helping Everyone to Stay Safe**

- No running in the school building
- No getting out of seats without permission
- One person at a time to the toilet
- Stay in your own yard area
- No throwing
- No leaving the room
- Don't touch any electrical socket/ equipment
- Don't touch others
- No foreign objects in mouths
- Don't use a scissors without permission
- No stealing
- No interfering with the property of others
- Line up carefully without running
- You must have a note for an absence or for going home with another child

### **2. Helping Everyone to be Happy**

- Be friendly
- Include everyone in your activities and games
- Respect every person
- Listen when someone is talking
- Be mannerly
- Play fairly
- Share with others
- Respect all visitors to our school
- Have healthy food to eat

### **3. Helping Everyone to Learn**

- Listen in class
- Respect others
- Use 'quiet voices'
- Be at school on time
- Have your homework done and signed each night
- Always try your best
- Encourage others
- Don't waste time
- Remember to take turns

### ***The Playground***

The following strategies are implemented to promote good behaviour, to prevent behavioural difficulties and to deal with incidences of unacceptable behaviour in the school yard.

- At all times a teacher supervises the yard.
- The yard is divided into zones for each class
- In the interest of safety, children are asked to stay in assigned zones during break times
- Children requiring the use of the toilet must ask a teacher for permission.
- In the event of misbehaviour during yard time, the teacher on duty will address the issue. Time out may be used at the discretion of the supervising teacher.
- Classroom teachers will be informed of misbehaviour by supervising teacher
- The principal will be informed of serious incidents of misbehaviour. Parents will be notified if deemed necessary.

### ***Systems for acknowledging good behaviour, progress and effort.***

In our school we operate a treat line which is displayed in the G.P room. Each teacher has a responsibility to regularly record incidents of good behaviour/work. These are read aloud at school assemblies and provide positive affirmation for the children. When a target is reached the school body is rewarded with 'treat time' e.g. a visiting drama group, musicians, a picnic or golden-time. Individual teachers may operate a reward system for both behaviour and school work in their individual classrooms. This may include sticker charts, golden-time, homework passes etc. It is agreed within our school that there will be a positive emphasis on good behaviour rather than drawing attention to negative behaviour. We also endeavour during parent/teacher meetings and through annual report cards to provide parents with positive realistic feedback on their children's behaviour.

### **How students, staff and parents can help each other to met the standards expected in the school**

In the first instance the school will ensure that all children/parents are aware and familiar with the school rules. During assembly the school rules will be highlighted and discussed. All adults including staff, visiting personnel and parents will be expected to model the expected standard of behaviour. A unified approach is essential in implementing this code of behaviour.

***Strategies for dealing with and consequences of unacceptable behaviour: what happens when people break the rules.***

The purpose of sanctions and other strategies is to promote positive behaviour and discourage misbehaviour. Sanctions will be proportionate to the gravity of the misbehaviour, with due regard to the age and emotional development of the child.

It must also be made clear to all involved that in any situation where disciplinary sanctions are required, this is a private matter between the pupil being disciplined, his or her parents and the school.

Factors influencing the seriousness of the misbehaviour are

Frequency, duration and persistence of the behaviour.

If it is part of an escalating pattern of behaviour.

The context of the behaviour accidental/intent.

**Sanctions will be used in a consistent way to ensure fairness. Please note these sanctions are not in any rank/order.**

Reasoning with pupil

Verbal reprimand including advice on how to improve

Classroom time-out

Yard time-out

Loss of privileges

Referral to the principal

Communication with parents

Formal report to Board of Management

Exclusion (suspension or expulsion) from school in accordance with Rule 130 of the Rules for National Schools as amended by Education Welfare Act 2000.

***Whole-school strategies to deal with unacceptable behaviour.***

Use of an appropriate early warning system with clear indication that a sanction will follow so as to allow time to amend behaviour.

General problems may also be discussed with groups, particular classes or during whole-school assemblies.

Before resorting to serious sanctions the normal channels of communication between school and parents will be utilised.

In the case of bullying incidents arising please refer to our school's anti-bullying policy.

Parents are reminded that the staff of this school do not accept responsibility for children before the official opening time 9.20 or after the official closing time 3 o'clock. Pupil behaviour will be subject to our Code of Behaviour on school tours/trips, inter-school sporting events, school masses (both in school and local church) and any other school linked activity.



## ***Bullying***

Children First National Guidance 2017 outlines that bullying can be defined as repeated aggression – whether it be verbal, psychological or physical – that is conducted by an individual or group against others. Children First National Guidance 2017 describes bullying as behaviour that is intentionally aggravating and intimidating, and occurs mainly among children in social environments such as schools. It includes behaviours such as physical aggression, cyber bullying, damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion. Bullying can also take the form of identity abuse based on gender, sexual preference, race, ethnicity and religious factors. With developments in modern technology, children can also be the victims of non-contact bullying, via mobile phones, the internet and other personal devices.

Children First National Guidance 2017 and the Anti-Bullying Procedures for Primary and Post-Primary Schools 2013 provide that in cases of serious instances of bullying where the behaviour is regarded as possibly abusive, a referral may need to be made to TUSLA or An Garda Síochána as appropriate. Where school personnel have concerns about a child arising from alleged bullying behaviour but are not sure whether to report the matter to TUSLA, the designated liaison person shall seek advice from TUSLA in accordance with the procedures set out in Chapter 5 of Child Protection Procedures for Primary and Post-Primary Schools 2017.

### ***Policies and procedures for suspension and expulsion.***

Access to education shapes the life chances of children and young people in a fundamental way.

For this reason, a proposal to exclude a student, through suspension or expulsion, is a serious step, warranted only by very serious misbehaviour.

### **The legal context**

The entitlement to education is protected in a range of constitutional and legal provisions and in human rights.

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.

## **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 the NEWB Guidelines and with any additional requirements set down by the Patron
- ensure that all students 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 those procedures
- take special care to ensure that the 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.

## **Time and timelines**

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

For the purpose of this Code of Behaviour, suspension is defined as:

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

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

## **Examples of Serious Misbehaviour**

- Negative physical contact e.g. pushing, hitting, biting, spitting, kicking, tripping up, pulling hair, punching etc.
- Being disrespectful to the teacher/ ignoring the teacher
- Stealing from classmates/teacher
- Screaming/ shouting at another child/teacher
- Deliberate exclusion of peers
- Spreading rumours/lies about another pupil/member of staff
- Threatening/ intimidating peers

- Throwing objects at peers
- Telling lies
- Bullying – physical, verbal, cyber (Ref: Anti-Bullying Policy)
- Consistently interrupting/distracting others in the class
- Consistently not doing homework
- Refusal to do work assigned
- Refusal to co-operate with the teacher
- Damaging school property
- Using mobile phone in school
- Leaving school grounds without permission during school day

### **Authority to suspend**

The Board of Management of a recognised school has the authority to suspend a student. In St Michaels this authority is delegated to the Principal, this delegation has been done formally and in writing at a B.O.M. meeting in Jan '10.

### **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.

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

### **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.

## 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.

**‘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.

**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** 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*.

## Procedures in respect of suspension

Schools are required by law to follow fair procedures when proposing to suspend a student. Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant suspension, the school should observe the following procedures:

- inform the student and their parents about the complaint
- give parents and student an opportunity to respond.

### **Inform the student and parents**

Let the student and their parents know about the complaint, how it will be investigated, and that it could result in suspension.

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

### **Give an opportunity to respond**

Parents and student should be given an opportunity to respond before a decision is made and before any sanction is imposed. If a student and their parents fail to attend a meeting, the Principal should write advising of the gravity of the matter, the importance of attending a re-scheduled meeting and, failing that, the duty of the school authorities to make a decision to respond to the negative behaviour. The school should record the invitations made to parents and their response.

### **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 student, other students, 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 of the conditions for suspension apply to immediate suspension. No suspension, including an immediate suspension, should be open-ended. 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 should a student be sent home from school without first notifying parents.

### **The 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 three days is needed in order to achieve a particular objective.

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

However, a Board of Management may wish to authorise 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 of Management will normally place a ceiling of ten days on any one period of suspension imposed by it.

The Board will formally review any proposal to suspend a student, where the suspension would bring the number of days for which the student has been suspended in the current school year to twenty days or more. Any such suspension is subject to appeal under section 29 of the *Education Act 1998*.

## **Appeals**

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

### **Section 29 Appeal**

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

At the time when parents are being formally notified of such a suspension, they and the student should be told about their right to appeal to the Secretary General of the Department of Education and Science under section 29 of the *Education Act 1998*, and should be given information about how to appeal.

## **Implementing the suspension**

### **Written notification**

The Principal should 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).

The letter should be clear and easy to understand.

### **Grounds for removing a suspension**

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

### **After the suspension ends**

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

### **Records and reports**

**Records of investigation & Decision Making** Formal written records should be kept of:

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

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

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

### **Review of use of suspension**

The Board of Management will review the use of suspension in this school at regular intervals to ensure that its use is consistent with school policies

### **Applying our schools policy on suspension means:**

Ensuring that the school has a policy on, and procedures for, the use of suspension that are approved by the Board of Management and in line with these Guidelines and any additional requirements set down by the Patron.

Ensuring the policy is widely communicated

Developing and documenting good practice in relation to the use of suspension

Having fair procedures for investigation and decision-making

Having procedures for informing parents and students about their right to appeal

Having a system for regular review by the Board of Management of the use of suspension in the school

### ***Expulsion***

A student is expelled from a school when a Board of Management makes a decision to permanently exclude him or her from the school, having complied with the provisions of section 24 of the *Education (Welfare) Act 2000*.

#### **Authority to expel**

The Board of Management of a recognised school has the authority to expel a student. As a matter of best practice, that authority should be reserved to the Board of Management and should not be delegated.

#### **The grounds for expulsion**

Expulsion should be a proportionate response to the student's behaviour.

Expulsion of a student is a very serious step, and one that should only be taken by the Board of Management in extreme cases of unacceptable behaviour. The school should have taken significant steps to address the misbehaviour and to avoid expulsion of a student including, as appropriate:

- meeting with parents and the student to try to find ways of helping the student to change their behaviour
- making sure that the student understands the possible consequences of their behaviour, if it should persist
- ensuring that all other possible options have been tried
- seeking the assistance of support agencies (e.g. National Educational Psychological Service, Health Service Executive Community Services, the National Behavioural Support Service, Child and Adolescent Mental Health Services, National Council for Special Education).

#### **Expulsion**

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 safety
- the student is responsible for serious damage to property.

The grounds for expulsion may be similar to the grounds for suspension. In addition to factors such as the degree of seriousness and the persistence of the behaviour, a key difference is that, where expulsion is considered, school authorities have tried a series of other interventions, and believe they have exhausted all possibilities for changing the student's behaviour.

### **'Automatic' expulsion**

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 expulsion as a sanction. However, a general decision to impose expulsion for named behaviours does not remove the duty to follow due process and fair procedures.

### **Expulsion for a first offence**

There may be exceptional circumstances where the Board of Management forms the opinion 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 could include:

- a serious threat of violence against another student or member of staff
- actual violence or physical assault
- supplying illegal drugs to other students in the school
- sexual assault.

### **Determining the appropriateness of expelling a student**

Given the seriousness of expulsion as a sanction the Board of Management should undertake a very detailed review of a range of factors in deciding whether to expel a student.

### **Inappropriate use of expulsion**

Expulsion should not be proposed for:

- poor academic performance
- poor attendance or lateness
- minor breaches of the code of behaviour.

However, any behaviour that is persistently disruptive to learning or dangerous can be a serious matter. Behaviour must be examined in context to understand both the behaviour itself and the response or sanction that is most appropriate.

### **Procedures in respect of expulsion**

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

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

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

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

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

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

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

Parents and the student must have every opportunity to respond to the complaint of serious misbehaviour before a decision is made about the veracity of the allegation, and before a sanction is imposed. Where expulsion may result from

an investigation, a meeting with the student and their parents is essential. It provides the opportunity for them to give their side of the story and to ask questions about the evidence of serious mis-behaviour, especially where there is a dispute about the facts. It may also be an opportunity for parents to make their case for lessening the sanction, and for the school to explore with parents how best to address the student's behavior.

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

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

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

- inform the parents and the student that the Board of Management is being asked to consider expulsion
- ensure that parents have records of: the allegations against the student; the investigation; and written notice of the grounds on which the Board of Management is being asked to consider expulsion
- provide the Board of Management with the same comprehensive records as are given to parents
- notify the parents of the date of the hearing by the Board of Management and invite them to that hearing
- advise the parents that they can make a written and oral submission to the Board of Management
- ensure that parents have enough notice to allow them to prepare for the hearing.

### **Step 3: Consideration by the Board of Management of the Principal's recommendation; and the holding of a hearing**

It is the responsibility of the Board to review the initial investigation and satisfy itself that the investigation was properly conducted in line with fair procedures. The Board should undertake its own review of all documentation and the circumstances of the case. It should ensure that no party who has had any involvement with the circumstances of the case is part of the Board's

deliberations (for example, a member of the Board who may have made an allegation about the student).

Where a Board of Management decides to consider expelling a student, it must hold a hearing. The Board meeting for the purpose of the hearing should be properly conducted in accordance with Board procedures. At the hearing, the Principal and the parents, or a student aged eighteen years or over, put their case to the Board in each other's presence. Each party should be allowed to question the evidence of the other party directly. The meeting may also be an opportunity for parents to make their case for lessening the sanction. In the conduct of the hearing, the Board must take care to ensure that they are, and are seen to be, impartial as between the Principal and the student. Parents may wish to be accompanied at hearings and the Board should facilitate this, in line with good practice and Board procedures.

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

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

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

Where the Board of Management, having considered all the facts of the case, is of the opinion that the student should be expelled, the Board must notify the Educational Welfare Officer in writing of its opinion, and the reasons for this opinion. (*Education (Welfare) Act 2000*, s24(1)). The Board of Management should refer to National Educational Welfare Board reporting procedures for proposed expulsions. The student cannot be expelled before the passage of twenty school days from the date on which the EWO receives this written notification (*Education (Welfare) Act 2000*, s24(1)).

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

The Board should inform the parents in writing about its conclusions and the next steps in the process.

Where expulsion is proposed, the parents should be told that the Board of Management will now inform the Educational Welfare Officer.

### **Step 5: Consultations arranged by the Educational Welfare Officer**

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

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

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

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

Pending these consultations about the student's continued education, a Board of Management may take steps to ensure that good order is maintained and that the safety of students is secured

(*Education (Welfare) Act 2000*, s24(5)). A Board may consider it appropriate to suspend a student during this time. Suspension should only be considered where there is a likelihood that the continued presence of the student during this time will seriously disrupt the learning of others, or represent a threat to the safety of other students or staff.

### **Step 6: Confirmation of the decision to expel**

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

## **Appeals**

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

If the student is attending a school established or maintained by a VEC, the appeal must be made in the first instance to the VEC. Where an appeal to the VEC has been concluded, parents, or a student aged over eighteen years, may go on to appeal to the Secretary General of the Department of Education and Science.

### **The appeals process**

The appeals process under section 29 of the *Education Act 1998* begins with the provision of mediation by a mediator nominated by the Appeals Committee (Department of Education and Science)

### **Review of use of expulsion**

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

### **Key Requirements: Expulsion**

#### **Applying the Guidelines means:**

- Ensuring the policy is widely communicated
- Developing and documenting good practice in the use of expulsion
- Having fair procedures for investigation and decision-making
- Having procedures for informing parents and students about their right to appeal
- Having a system for regular review by the Board of Management of the use of expulsion in the school

#### ***Pupils with Special Needs***

- All pupils are required to comply with the Code of Behaviour. However, the school recognises that pupils with special needs may require assistance in understanding certain rules. Planning to encourage positive behaviour will be included in the pupil's IEP, which is drawn up in

consultation with parents/guardians and the class teacher, special education teacher and/or the Principal. Staff will work closely with the home to ensure that optimal support is given. Cognitive development will be taken into account at all times. Professional advice from psychological assessments will be taken into consideration.

- The children in the class or school may be taught strategies to assist a pupil with special needs adhere to the rules and thus provide peer support. This will be done in a supportive and safe way, acknowledging and respecting the difference in all individuals.

### ***Keeping Records***

- The school BoM is a *data controller* of *personal data* relating to its past, present and future staff, students, parents/guardians and other members of the school community. All such data is treated in accordance with the Data Protection legislation and the terms of our Data Protection Policy.
- Data relating to individuals will only be processed in a manner consistent with the purposes for which it was gathered. Information will only be disclosed on a 'need to know' basis, and access to it will be strictly controlled.
- In line with the school's policy on record keeping and data protection legislation, records are kept in relation to pupils' behaviour both at class and school level. These records are written in a factual and impartial manner.

### ***Reference to Other Policies***

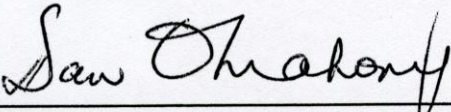
- Child Safeguarding Policy
- Anti-bullying Policy
- SPHE Plan
- Attendance Policy
- Data Protection Policy
- Health & Safety
- Special Educational Needs
- Dignity at Work Policy
- Acceptable Use Policy

### ***Success Criteria***

- Observation of positive and improved behaviour in classrooms, corridors, playground and school environment.
- Practices and procedures listed in this policy being consistently implemented by teachers.

- Positive feedback from teachers, parents/guardians, pupils and Board of Management.

This initial policy was ratified by B.O.M. on 3<sup>rd</sup> Nov 2010

Signed   
Chairperson, Board of Management  
**Fr Dan O'Mahoney**

This policy was reviewed during 2020

This policy was again reviewed August 2020 as changes were required due to our school's Covid-19 Policy in the context of our statutory obligation to provide staff and children with a safe school environment.

In light of the need for children to behave differently and to follow specific rules on their return to school during the Covid-19 pandemic, this amendment to the Code of Behaviour outlines specific changes to guidance that children will have to follow. Our guiding principle when making any changes or adjustments to policy is to be able to keep all of our children, families and staff safe and place their wellbeing at the forefront of everything we do. These amendments will be communicated to pupils, parents and staff.

This Code is robust enough to enable our school to deal with threats to safety in an efficient, fair and compliant manner.

We will remind parents of the provisions of the Code of Behaviour and of the consequences for their children of misconduct which poses a threat to health and safety. In relation to Covid-19 all children will be expected to follow the list below. Any breach of these rules/procedures will be addressed by this Code of Behaviour.

All children/parents are expected to follow these altered routines for arrival or departure

**Arrival at school** - Children travelling by

-school bus will arrive 9.15 a.m.



-walking/cycling will arrive 9.20 a.m.

-car will arrive 9.30 a.m.

- We ask for co-operation with these times as it will mean that the numbers congregating on school grounds at any one time will be minimised.
- Please ensure that your children do not arrive at school before the allocated time
- No adults, other than staff members, should enter the building.

### **End of School Day**

- Adults, who are collecting their children from school at the end of the day (with the exception of Junior and Senior Infants are asked to please wait in cars for your child)
- When the school day for that class is over the following arrangements will apply –

Junior Infants /Senior Infants - the class teacher will bring the children to the door adhering to social distancing. Parents are asked to also adhere to social distancing when collecting children.

### **Finishing Times** - Children travelling by

-school bus will leave at 2.45 p.m.

-walking/cycling will leave at 2.50 p.m.

-car will be collected at 3 p.m.

Children will be expected to follow our school procedures during break times in the yard.

In order for your child to be prepared and enabled to follow our school procedures the following points are very important and we ask that all children adhere to the following

- Remain in pods as assigned by class teachers
- Clear rules about coughing or spitting at or towards any other person
- Avoiding touching your mouth, nose and eyes with hands
- 
- It is requested all children will bring their own pens, pencils, colours, rubbers, etc., to school in their own pencil case.
- This pencil case will remain in the school so please ensure that you have pencils e.tc at home also

- Please also ensure that children do not bring any items (such as small toys, keyrings, footballs to school)
- It is further requested that all items have the child's name on them for ease of identification.
- It is therefore important that children have all items needed each day.
- Sharing of resources will not be allowed.
- There will be NO: Hugging ,Hand Shakes ,Fist Bumps ,High Fives , etc
- All of these measures are in place to keep all members of our school community SAFE

### **Frequency of hand washing**

**Children attending St Michael's will be requested to wash hands at the following times:**

On arrival at school

Before eating or drinking

After using the toilet

After playing outdoors (break times)

When their hands are physically dirty

When they cough or sneeze

### **Parental Communication**

Face-to-face meetings will be avoided.

Please do not arrive to the school looking to speak with a teacher, all meetings must be pre-arranged and ideally via telephone contact

**It is important to highlight this in our Code of Behaviour:**

### **Children who should not attend school**

In terms of *Minimising the risk of introduction of COVID-19 into the school community*, **it is critical that people stay at home if unwell.** Nobody should

go to school if they are unwell or any members of their household are unwell with symptoms consistent with COVID-19.

If your child is in **one** of the following categories, they should not attend school

–

- Children who have been diagnosed with Covid-19
- Children who have been in close contact with a person who has been diagnosed with Covid-19
- Children who have a suspected case of Covid-19 and the outcome of the test is pending
- Children who have been in contact with a person who has a suspected case of Covid-19 and the outcome of the test is pending
- Children with underlying health conditions who have been directed by a medical professional not to attend school
- Children who have returned home after travelling abroad and must self-isolate for a period of 14 days
- Children displaying any symptoms of Covid 19: Common symptoms of coronavirus include according to HSE:
  - [a fever \(high temperature - 38 degrees Celsius or above\)](#)
  - [a cough](#) - this can be any kind of cough, not just dry
  - [shortness of breath](#) or breathing difficulties
  - [loss or change to your sense of smell or taste](#) – this means you've noticed you cannot smell or taste anything, or things smell or taste different to normal
- Children who are generally unwell

There are a lot of changes which have come into place this year. All measures we are putting in place are to keep our students, staff, parents and all members of our school community safe.

### **Behaviour Expectations:**

Date next review 2022 or sooner if deemed necessary.

The amendments outlined above have altered as Covid-19 restrictions have changed.

Review completed March 2022