



# CODE OF BEHAVIOUR

## LUMCLOON NS

## **Introductory Statement**

The code of behaviour of this school was originally formulated in 2002. It was reviewed in 2005. It has been audited and reviewed in 2013 in line with guidelines from Tusla and current legislative considerations. This audit and review was co-ordinated by the teaching staff of the school in consultation with the pupils, parent body and Board of Management.

## **Rationale**

This Code of Behaviour was reviewed with the intention of:

- Ensuring an orderly climate for learning in the school
- Meeting the requirements of the school under the Education Welfare Act, 2000, Section 23 (1) which refers to the obligation on schools to prepare a code of behaviour in respect of the pupils registered at the school. It details in Section 23(2), that the code of behaviour shall specify :
- Ensuring that all 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.

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

Lumcloon N.S. adopts a holistic approach to the education and development of each child and the enhancement of teaching processes. An effective Code of Behaviour identifies early interventions that need to be put in place to ensure that enhancement, increased confidence and raised self-esteem is achieved.

## **Aims**

In introducing this policy, the school aspires to:

- Ensuring an educational environment that is guided by our vision statement
- Allowing the school to function in an orderly way where pupils can make progress in all aspects of their development
- Creating an atmosphere of respect, tolerance and consideration for others
- Promoting positive behaviour and self-discipline, recognising the differences between people and the need to accommodate these differences
- Ensuring the safety and well-being of all members of the school community
- Assisting 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
- Ensuring that the system of rules, rewards, and sanctions are implemented in a fair and consistent manner throughout the school

## Content of Policy

The policy is addressed under the following headings:

1. Guidelines for behaviour in the school
2. Whole school approach to promoting positive behaviour
  - Staff
  - Board of Management
  - Parents
  - Pupils
3. Positive strategies for managing behaviour
  - Classroom
  - Playground
  - Other areas in the school
  - School related activities
  - Rewards and sanctions
  - Rewards and acknowledgement of good behaviour
  - Strategies for responding to inappropriate behaviour
  - Involving parents in management of problem behaviour
  - Managing aggressive or violent behaviour
4. Suspension/ Expulsion
  - Suspension
  - Expulsion
  - Appeals
5. Keeping records
  - Class
  - Playground
  - School records
6. Procedure for notification of a pupil's absence from school
7. Reference to other policies

### *1. 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".

It is the intention of this policy to promote high standards of behaviour in all pupils. These standards are detailed in the attached summary of school rules which all parents are given on enrolment.

Examples include:

- Each pupil is expected to be well behaved and to show consideration for other children and adults
- Each pupil is expected to show respect for the property of the school, other children's and their own belongings
- Each pupil is expected to attend school on a regular basis and to be punctual
- Each pupil is expected to do his/her best both in school and for homework.

While these expectations are formulated with all pupils in mind, it is acknowledged that factors influencing some children's behaviour may need to be considered and accommodated as necessary.

Section 23 (4) of the Education Welfare Act further states that, 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'. In this school context, the Code of Behaviour is provided to all parents as part of the school's Enrolment Pack and acceptance of its terms is requested on the school's Enrolment Form.

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

Lumclon N.S. is firmly committed to a whole school approach to behaviour. This includes:

- An ethos, policies and practices that are in harmony
- A teamwork approach to behaviour
- A whole-school approach to curriculum and classroom management
- An inclusive and involved school community
- A systematic process for planning and reviewing behaviour policy

We believe that the foundation of positive learning behaviour is effective teaching, and an inclusive and engaging curriculum and furthermore, that where pupils are engaged and motivated to learn, it is more likely that their behaviour will be positive. Classroom management and teaching methods have a strong influence on pupils' behaviour. The skill of the teacher in managing the routine engagement with pupils is a critical factor in preventing problems.

It is our firm conviction that all of the policies and practices in the school should work to create an ethos that supports good behaviour. We further believe that every member of the school community has a role to play in the implementation of the Code of Behaviour and are committed to providing opportunities for these partners to work as a team on whole-school approaches to behaviour. Boards of Management, Principal, teachers, other school staff, parents and pupils have responsibilities at different levels for behaviour in the school.

The school is committed to providing opportunities and support for these groups to understand and live up to these responsibilities. This means, for example, that parents have opportunities to learn how their commitment to, and their relationship with, the school can impact on behaviour and learning. Pupils learn how their behaviour and learning,

the learning of other pupils, and the wellbeing of staff, are linked together.

We acknowledge that aspects of school life which may have an impact on behaviour may include:

- Addressing educational disadvantage
- Making adjustments for, and valuing, diversity; and preventing any form of discrimination
- Relationships among teachers and pupils
- Pupils' sense of belonging to the school community
- School and classroom environment
- Relevance of curriculum to pupils' lives
- Classroom management
- Ability grouping
- Timetabling
- Break-time management
- Extra-curricular and co-curricular activities
- Pupil participation
- Parental involvement

In so far as is practicable in addressing behaviour through a whole-school approach, we aspire to:

- keep rules to a minimum
- emphasise and reward positive behaviour
- respond to behaviour consistently
- give due regard to the age of pupils and to individual difference when dealing with behaviour
- be fair and have due regard for the age of the pupils and their maturity when implementing sanctions

#### **a. Staff**

Teachers and other staff members play important roles in the review and updating of the code. They bring to this work their professional expertise in understanding the links between behaviour and learning; their experience of what works to help pupils to behave well; and their knowledge of the school and of the school community. Staff as a team endeavour to ensure that all school policies and practices support the objectives of the code of behaviour.

- All staff members are consulted on and as a result are aware of this code of behaviour
- To help new members of staff become familiar with practices within the school, discussion regarding the implementation of the code will be on the agenda of the first staff meeting held each September
- All new and temporary staff members are given copies of the Code of Behaviour
- The code of behaviour endeavours to cater for children who may present behavioural difficulties arising from their special

education needs. Specific strategies are detailed in educational plans used to cater for these children

- The school's 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. See SPHE Policy

### ***b. Board of Management***

The overall responsibility for ensuring that a code of behaviour is prepared rests with the Board of Management. The Board has particular responsibility for the ethos of the school and has overall responsibility for school policies. The Board plays an active role in exploring the kinds of relationships and behaviours that will reflect the school's ethos and responsibilities.

- The Board of Management was consulted in reviewing the code of behaviour and each member was given a copy of the Draft Policy (Revised) and asked for their comments/contributions
- The Board of Management supports the staff in implementing the code of behaviour by encouraging staff to avail of opportunities for staff development
- The Board of Management follows current legal and procedural requirements when dealing with serious breaches of behaviour

### ***c. Parents***

A code of behaviour will be more likely to work well where parents have meaningful ways of contributing to the development or review of the code. Their involvement will draw on their expectations, insights and experience. It will help to underline their responsibilities for their children's behaviour. Jointwork between parents and staff in the development of the code of behaviour can:

- give parents insight into what teachers need in order to be able to teach effectively
- equip parents to reinforce at home the messages about learning and behaviour that are conducive to a happy school
- help parents to have a strong sense of pride in the school and ownership of its work
- help to ensure that parents give consistent messages to pupils about how to treat others. A draft copy of this code was presented to a meeting of the Parents' Association, where input/comment/discussion was welcomed. It was also available to parents to download from the school website and parents were informed that a copy was available from the school office for a three-week period before it was presented to the Board of Management for ratification.

#### **d. Pupils**

Pupils are more likely to support a code of behaviour when they have helped to develop it. Relationships of trust between teachers and pupils can grow stronger through the process. Through their involvement, pupils can:

- hear directly from teachers about what is needed for teaching and learning
- experience being part of a collective effort to make sure the school is a good place to teach and learn
- learn about taking personal responsibility for their behaviour and for each other's wellbeing and the wellbeing of the teachers
- learn essential skills of listening, negotiating and managing differences
- have their experience, insights and expectations recognised and used.

Pupils were consulted about what makes Lumcloon N.S. a good place to learn, their own responsibilities and those of teachers in promoting good behaviour and how rules can work for everybody. Their opinions were sought on these matters via discussion, group-work, suggestion box and their involvement annually in devising a set of rules for the classroom / yard. Positive behaviour is promoted on a whole-school basis, and this is supported through the S.P.H.E. curriculum, and other curricular areas (Religion, Stay Safe, English etc.)

#### **3. Positive strategies for managing behaviour**

'The most effective methodology that teachers develop in attempting to manage challenging behaviour is to prevent it occurring in the first place'. (Managing Challenging Behaviour, Guidelines for teachers INTO 2004: 5).

Positive strategies are used throughout the school to promote good behaviour and to prevent misbehaviour. These strategies are applied in the classroom setting, the playground and the general school environs. All school related activities are subject to the code of behaviour e.g. school tours, games and extracurricular activities, other school-linked events...

#### **Classroom**

The following positive strategies are used to effectively manage behaviour in the classroom. e.g.

- Behavioural expectations in each class are consistent with the ethos as expressed in the code of behaviour and set a positive atmosphere for learning
- Pupil input is invited and valued in devising the class rules. This is reviewed at least once annually, in early September, and

again if the need arises.

- 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 is in place
- Classroom management techniques are used which ensure a variety of activities and methodologies to sustain pupil interest and motivation
- Timetabling of subjects and activities is clear and consistent.

### **Playground(s)**

The following positive strategies are implemented to promote good behaviour, to prevent behavioural difficulties and to deal with incidences of unacceptable behaviour.e.g.

- A concise set of playground rules are in place which emphasise positive behaviour and make it clear what activities are permitted. These are communicated orally to staff at the September staff meeting and again if yard games change. The class teacher communicates these rules to their classes. Pupils may be involved in the creation of rules particular to class games on the yard.
- One teacher supervises each time period in the playground. The SNAs assist in supervision and report any incidents to the supervising teacher.
- Junior infants are supervised more closely during the month of September while they are settling into school.
- Activities are organised in ways that will minimise misbehaviour
- Playground games are taught to children, these games are adapted to suit different class levels / abilities.
- Zones are created within the playground, providing sections for specific age groups, quiet activities etc.
- On wet days children remain in their classroom. They play board games, make jigsaws or watch D.V.D.s etc. The teacher on yard duty supervises.
- The teacher on Yard Duty supervises pupils going to and returning from the playground until the class teacher returns to the classroom.
- A buddy system is used for children leaving the yard to go to the toilet or office following an injury.
- Incidents of misbehaviour are reported to the classroom teacher or principal (depending on severity) to be dealt with.

### **Other areas in the school**

Rules/expectations are communicated orally to children by the class teacher regarding behaviour in corridors, storerooms and the GP hall. They are regularly reminded of these, particularly at the start of the year and at the start of terms. Pupils are brought together on a whole-school basis to discuss behaviour at the start of the school year and perhaps throughout the year, if the need arises. All staff can contribute



to the promotion of positive behaviour around the school by being consistent in rewarding good behaviour and reporting and dealing with misbehaviour.

### **School related activities**

Standards and rules contained in the code of behaviour apply in any situation where pupils are still the responsibility of the school. This includes school tours, swimming, games and extracurricular activities, other school-linked events.

#### *4. Rewards and Sanctions*

### **Rewards and acknowledgement of good behaviour.**

Praise may be given by means of any one of the following:

- A quiet word or gesture to show approval
- A comment in a child's exercise book
- A visit to another class, to another member of staff or to the Principal for commendation
- A word of praise in front of a group or the class
- A reward system - pupil of the week/occasional treats, sticker rewards
- Delegating some special responsibility or privilege
- A mention to parents - either written or verbal communication.

### **Strategies for responding to inappropriate behaviour**

The following strategies, among others, may be used to show disapproval of unacceptable behaviour.

- Reasoning with the pupil
- Reprimand (including advice on how to improve)
- Temporary separation from peers, friends or others
- Extra work
- Loss of privileges
- Detention during a break
- Referral to Principal
- Communication with parents
- Suspension (Temporary).

Initially instances of misbehaviour will be dealt with by the class teacher or the teacher on yard duty. Other staff members may be invited to become involved as required. This will include children being advised about their behaviour and about how to improve.

Discussion about behaviour and its consequences will form part of SPHE lessons at all class levels. Teachers will actively promote good behaviour and aim to "catch" repeated offenders at activities where they can give positive feedback, thus promoting better behaviour.

Parents will be contacted when there is an incident of serious

misbehaviour or repeated incidents of less serious behaviour.

Where these are repeated instances of serious misbehaviour the Chairperson of the Board of Management will be informed, and the parents/guardians will be requested in writing to attend at the school to meet the Chairperson and Principal. If the parents/ guardians do not give an undertaking that the pupil will behave in an acceptable manner in the future the pupil may have to be suspended for a temporary period.

To ensure consistency in the application of sanctions, the principal and teaching staff will discuss and the appropriate level of sanction to be applied.

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

In the belief that the most effective schools tend to be those with the best relationships with parents, every effort will be made by the principal and staff to ensure that parents are kept well informed, that the school provides a welcoming atmosphere towards the parents and that parents are not only told when their children are in trouble but when they have behaved particularly well.

- Communication with parents/guardians will be verbal or in writing depending on circumstances. If necessary, the parents/guardians concerned will be invited to come to the school to discuss their child's case.
- When parents are invited to the school, they are put at their ease in order to maximise a co-operative approach. Care is taken to ensure the language and tone of the invitation, the format for the meeting and the meeting room are structured in such a way as to maximise co-operation and a shared approach to resolving behavioural problems. The principal and class teacher may be present at the meeting with the parents.
- Parents are encouraged to contact the school if they have concerns. Luncloon NS operates an open-door policy and it is made clear to parents on enrolling their child and at all subsequent meetings that they are free to contact their child's teacher by phone or in person, by appointment, to discuss any issues or concerns they may have.

### **Managing aggressive or violent misbehaviour**

In the event of having to deal with serious emotional and behavioural problems:

- Children who are considered seriously emotionally challenged will be referred to NEPS for input
- Through the Special Educational Needs Organiser, appropriate support will be sought from services available e.g. Health Service Executive, NEPS, etc.
- 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 the parents of the child will be contacted immediately and the child isolated from other children and school staff.

## 5. *Suspension / Expulsion*

### **The Legal Context**

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

Under the requirements of section 23(2) of the Education (Welfare) Act 2000, the following are the procedures for suspension and expulsion.

Suspension is defined as:

"requiring the pupil to absent himself/herself from the school for a specified, limited period of school days"

Developing a Code of Behaviour: NEWB Guidelines for Schools

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

### **Authority to suspend**

The Board of Management of Lumcloon N.S. has the authority to suspend a pupil. This authority has been delegated to the Principal, formally and in writing. This was ratified at a Board of Management meeting on April 12th, 2011.

This authority delegated to the Principal states limits on that authority, and specifies how the Principal is accountable to the Board of Management for his or her use of that authority. The delegation of authority reflects the provisions of these Guidelines, any relevant legal requirements and Articles of Management, where appropriate.

### **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 pupil requires serious grounds such as that :

- the pupil's behaviour has had a seriously detrimental effect on the education of 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.

## **Fair procedures based on the principles of natural justice**

Schools are required by law to follow fair procedures when proposing to suspend or expel a pupil. 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 decisionmaker comes to the task with an open mind.

### **Applying fair procedures in school**

In a school, fair procedures apply to:

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

The way in which fair procedures are applied will take account of the seriousness of the alleged misbehaviour and will have regard to what is

reasonable in the context of a particular school.

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

Even 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 that 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. Similarly, if the child of a member of the Board of Management was accused of misconduct, that parent would absent themselves from the Board for any consideration of the matter by the Board.

The principle of impartiality in decision-making means it is preferable that, where possible, the Principal arranges for another member or members of staff to conduct the investigation and to present a full report on the facts of the case and 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 making a finding and proposing the sanction, he or she must not only act fairly but be seen to act fairly. It is incumbent upon the Principal to review the investigation to ensure that it has been fully and fairly conducted. It should be evident to the 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.

### **Involving the Gardaí**

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

### **Determining the appropriateness of suspending a pupil**

Where the purpose of a proposed suspension is clearly identified, and that purpose cannot be achieved in any other way, suspension can have value.

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

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

### **Suspension as part of a behaviour management plan**

Suspension should be part of an agreed plan to address the pupil's behaviour. The suspension should:

- enable the school to set behavioural goals with the pupil and their parents
- give school staff an opportunity to plan other interventions
- impress on a pupil 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 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 with the Principal, parents, teachers and pupils, 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**

Pupils 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 pupil 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 pupil.

### **Informal or unacknowledged suspension**

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. Any exclusion imposed by the school is a suspension and should follow the Guidelines relating to suspension.

### **Open-ended suspension**

Pupils 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 pupil. Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant suspension, the school shall observe the following procedures:

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

#### *Inform the pupil and parents*

- Let the pupil 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. Informing parents in writing has the benefit of ensuring that there is a formal and permanent

record of having let parents know. It also ensures that parents are 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.

#### *Give an opportunity to respond*

- Parents and pupil should be given an opportunity to respond before a decision is made and before any sanction is imposed.
- A meeting with the pupil and their parents provides an opportunity for them to give their side of the story and to ask questions about the evidence of serious misbehaviour, especially where there is a dispute about the facts. It may also be an opportunity for parents to make their case for lessening the sanction, and for the school to explore with parents how best to address the pupil's behaviour.
- If a pupil 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 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 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 pupil to be collected. The school must have regard to its duty of care for the pupil. In no circumstances should a pupil be sent home from school without first notifying parents.

#### **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 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 of Management has authorised 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 shall 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 school year to twenty days or more. Any such suspension is subject to appeal under section 29 of the Education Act 1998.

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

## **Appeals**

The Board of Management shall offer an opportunity to appeal a Principal's decision to suspend a pupil. 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 pupil has been suspended in the current school year reaches twenty days, the parents, or a pupil 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 pupil 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 shall 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 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 pupil 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 shall be clear and easy to understand. Particular care will be taken in communicating with parents who may have reading difficulties, or whose first language is not the language of the school.

### *Engaging with pupil and parents*

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

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

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

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

### **After the suspension ends**

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

### *Re-integrating the pupil*

The school will have a plan to help the pupil to take responsibility for catching up on work missed. This plan will help to avoid the possibility that suspension starts or amplifies a cycle of academic failure. Successful re-integration goes beyond academic work. A suspended pupil may feel angry or resentful about their suspension, and these feelings can trigger problems with reintegration which, in turn, may lead to further problem behaviour.

Where possible, the school will arrange for a member of staff to provide support to the pupil during the re-integration process.

### *Clean slate*

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

## **Records and Reports**

### *Records of investigation and decision-making*

Formal written records should be kept of:

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

### *Report to the Board of Management*

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

### *Report to TUSLA*

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 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 maybe influencing behaviour in the school and to ensure that use of suspension is appropriate and effective.

## **Expulsion**

A pupil 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. As part of this code of behaviour, the Board of Management shall ensure that the school has a policy on, and procedures for, expulsion which are in line with these Guidelines and with any additional requirements set down by the Patron.

### *Authority to expel*

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

### *The grounds for expulsion*

Expulsion should be a proportionate response to the pupil's behaviour. Expulsion of a pupil 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 pupil including, as appropriate:

- meeting with parents and the pupil to try to find ways of helping the pupil to change their behaviour
- making sure that the pupil 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).

A proposal to expel a pupil requires serious grounds such as that:

- the pupil's behaviour is a persistent cause of significant disruption to the learning of others or to the teaching process
- the pupil's continued presence in the school constitutes a real and significant threat to safety
- the pupil 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 pupil's behaviour.

### **Automatic' expulsion/Expulsion for a first offence**

There may be exceptional circumstances where the Board of Management forms the opinion that a pupil should be expelled automatically, even for a first offence. The kinds of behaviour that might result in a proposal to expel automatically or on the basis of a single breach of the code include:

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

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

Given the seriousness of expulsion as a sanction the Board of Management shall undertake a very detailed review of a range of factors in deciding whether to expel a pupil. The following

considerations will guide the Board in making their decision:

- What is the precise description of the behaviour?
- How persistent has the unacceptable behaviour been and over what period of time?
- Has the problem behaviour escalated, in spite of the interventions tried?
- 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 or provoked incidents of serious misbehaviour (e.g. bullying, cultural or family factors)?
- Are there any factors that may be associated with the behaviour (e.g. particular home circumstances, special educational needs)?
- How are other pupils and staff affected by the pupil's behaviour?
- What is the impact of the behaviour on the teaching and learning of the class?
- What interventions have been tried? Over what period?
- How have the interventions been recorded and monitored?
- What has been the result of these 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?
- Is the pupil 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 Mental Health services)?
- Is the Board satisfied that no other intervention can be tried or is likely to help the pupil to change their behaviour?
- Is the pupil's behaviour sufficiently serious to warrant expulsion?
- Is the standard being applied to judging the behaviour the same as the standard applied to the behaviour of any other pupil?
- To what extent may expulsion exacerbate any social or educational vulnerability of the pupil?
- Will the pupil be able to take part in, and benefit from, education with their peers?
- In the case of a pupil who is in care, what might be the implications of expulsion for the care arrangements?

## **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 pupil.

Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant expulsion, the procedural steps will include:

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

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

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

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

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

- inform the pupil 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 pupil 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 pupil 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 pupil 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 misbehaviour, especially where there is a dispute about the facts. It may also be an opportunity for parents to make their case for lessening the sanction, and for the school to explore with parents how best to address the pupil's behaviour.

If a pupil 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 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 should:

- inform the parents and the pupil that the Board of Management is being asked to consider expulsion
- ensure that parents have records of: the allegations against the pupil; 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 pupil). Where a Board of Management decides to consider expelling a pupil, 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, 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 pupil. 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 pupil 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 pupil 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 pupil should be expelled, the Educational Welfare Officer must:

- make all reasonable efforts to hold individual consultations with the Principal, the parents and the pupil, 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 pupil 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 pupil, those concerned should come together with the Educational Welfare Officer to plan for the pupil's future education. Pending these consultations about the pupil's continued education, the Board of Management may take steps to ensure that good order is maintained and that the safety of pupils is secured (Education (Welfare) Act 2000, s2 4(5)). The Board may consider it appropriate to suspend a pupil during this time. Suspension should only be considered where there is a likelihood that the continued presence of the pupil during this time will seriously disrupt the learning of others, or represent a threat to the safety of other pupils 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 pupil should be expelled, the Board of Management shall 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 pupil 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 pupil.

## **Appeals**

Under Section 29 of the Education Act, 1998, parents are entitled to appeal to the Secretary General of the Department of Education and

Science against some decisions of the Board of Management, including (1) permanent exclusion from a school and (2) suspension for a period which would bring the cumulative period of suspension to 20 school days or longer in any one school year. Accordingly, we are advising parents of this right of appeal and associated timeframe if it has been decided to suspend or permanently exclude a pupil. Appeals must generally be made within 42 calendar days from the date the decision of the school was notified to the parent or pupil. (See Circular 22/02)

- Following a decision by the Board of Management to exclude/suspend a child, parents/guardians will be informed in writing by the Chairperson of the BOM of their entitlement to appeal a decision of the Board of Management in relation to suspension or expulsion. Parents will be given a copy of Circular 22/02 and related forms.
- The Chairperson and principal will prepare a response if and when an appeal is being investigated by the Dept. of Education and Science. (Section 12, Circular 22/02 - Processing of an Appeal)

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

### **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). For further details about the Appeals process, including requirements for documentation, and the steps in the process, refer to current DE guidance.

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

The Board of Management shall 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.

### **Keeping records**

In line with the school's policy on record keeping, and data protection legislation, teachers shall keep a written record of all instances of serious misbehaviour as well as a record of improvements in the behaviour of disruptive pupils. All records will be written in a factual and impartial manner.

### *Class level*

- Teachers expected to maintain records of repeated and/or serious misbehaviour while also recording of positives as well as negatives when behaviour improves. Teaching staff will discuss issues of misbehaviour with the principal if there is uncertainty as to whether it should be formally recorded or not.
- Serious misbehaviour be reported to the principal.
- The end of year report includes a reference to behaviour. There a reasonably consistent understanding of what constitutes excellent - poor behaviour among the staff. Parents are kept up to date during the year regarding behaviour issues.

### *Playground*

Supervising staff keep a record of misbehaviour. Class teachers and the principal, if necessary, are informed of misbehaviour immediately following any such incident during break time by the member of staff on supervision duty.

Measures are taken to encourage consistency in the application and interpretation of the rules by seeking clarification with other teaching staff where there might be any uncertainty about a breach of school rules.

### *School records*

- Incidents will be recorded in an incident book for the school. These records are stored in a secure filing cabinet to which only teaching staff have access.
- Formal records such as factual reports of particular incidents, communication between school and home, with outside agencies, Board of Management are kept at school level?
- Documentation pertaining to appeals under Section 29 are retained.
- Other documents that may be relevant to particular situation and are deemed important may also be retained.

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

Section 18 of The Education Welfare Act, 2000, Section 23 (2) (e) stipulates that parents must notify the school of a pupil's absence and the reason for this absence.

See school's policy on attendance.

## *7. Reference to other Policies*

The following school policies have a bearing on the code of behaviour:

- SPHE plan
- Anti-bullying
- Harassment

- Enrolment
- Record keeping
- Home/ School links
- Health & Safety
- Equality
- Special Educational Needs
- Data Protection

As legislation is updated or changed other policies may be added to this list

### **Success Criteria**

Some practical indicators of the success of this policy will include:

- Observation of positive behaviour in classrooms, playground and school environment
- Practices and procedures listed in this policy being consistently implemented by teachers
- Positive feedback from teachers, parents and pupils

### **Roles and Responsibility**

- Board of Management
- Parents
- Staff of Lumcloon N.S.
- Pupils

All of the above have a role to play in the implementation of our Code of Behaviour.

### **Implementation Date**

August 2023

### **Timetable for Review**

This policy will be reviewed every third school year or as required by changes in legislation/department guidelines.

### **Ratification & Communication**

This policy was ratified by the Board of Management of Lumcloon NS. A copy will be made available to all families and staff before the next school year begins. Henceforth, it will be provided to all new families on enrolment of their children. It will be available to download from the school website; [www.lumcloon.net](http://www.lumcloon.net) and on demand from the school. It will be given to the Parents' Association at their next meeting.

It will take effect on the first day of the school year 2023/2024, replacing the existing Code of Behaviour. It is acknowledged that this document will require regular revision to effectively fulfil the aims contained in it. Children, staff, parents and the Board of Management will engage with the Code of Behaviour on an ongoing basis.