

ATHY COLLEGE

CODE OF BEHAVIOUR

INTRODUCTION

The Code of Behaviour of Athy College aims to

- Facilitate teaching and learning by positive, reflective and fair approaches
- Ensure the safety of all members of the school community on the school premises and when taking part in supervised school activities
- By promoting good behaviour to help students develop excellent behaviour and encourage self-discipline
- Put in place on-going, reflective structures to help staff to deal with incidents of misbehaviour that may arise
- To deal fairly with students who are disruptive, affecting their own progress and/or the progress of other students using positive behaviour management planning
- Meet the statutory obligations re Code of Behaviour, in section 23 of the Education (Welfare) Act 2000
- Inform students and their parents/guardians of the school's discipline procedures

The Code of Behaviour of Athy College will be reviewed regularly, as directed by the Board of Management. At each stage of the Code's development and subsequent review, there will be a systematic, reflective approach which aims to

- Incorporate the input of all partners to the code, including teachers, students and parents/guardians, the Board of Management and the KWETB.
- Monitor the impact of the Code on student behaviour.

ETHOS

Athy College is a caring school. The staff are dedicated to fostering educational excellence and earnestly endeavour to empower all students to reach their full potential – academic and social, physical and spiritual.

Through partnership and co-operation the staff of Athy College respect and nurture the dignity and uniqueness of each individual.

Athy College defines education as the on-going development of all students so that they may realise their true and best selves. The college motto is “Fas agus Foghlaim” (Lifelong Learning). From the outset students are taught they are partners in their own education.

The school aims to prepare students for public examinations, in an age when academic qualifications are indispensable for admission to further education and entry into employment.

The school recognises that its students are of varying cultural and social backgrounds, and have a wide variety of aspirations and abilities. The school embraces the vital role that parents and guardians play in the overall education for their children. The school also recognises the importance of the community in which the student lives. For this reason, every effort is made to ensure that the student is aware of his/her role in the community and is encouraged to be positively involved in the wider community.

STATEMENT OF STANDARDS

The aim of Athy College is to promote and encourage the highest standards of honesty, courtesy and respect for one another at all times. These values should form the foundation of all relationships in Athy College. Those entrusted with the care of students should always aim to be fair and consistent.

In line with these standards there should be no tolerance of

- harassment,
- bullying
- or discrimination on the grounds of race, ethnicity, gender, religion, sexual orientation, age or ability.

Any such behaviour will be challenged.

SCHOOL RULES

1. Students are expected to be honest, courteous, respectful to one another and to the staff at all times.
2. Offensive language is absolutely forbidden within the school. Students are to use language that is respectful and friendly to promote a school that is a racist-free, sexist-free zone.
3. Students must wear the full school uniform and comply with requirements on uniform.
4. Students must be on time for class.
5. All absences must be explained by parents/guardians. The reason for absence may be recorded in the student's journal and signed by the parent/guardian. A doctor's certificate is also acceptable. **The Principal is legally obliged to inform the Education Welfare Board when a student's absences reach 20 days in one school year.**
6. Students must remain in the school in accordance with the school timetable each day, or as otherwise directed by the school authority. Unauthorised absence will be regarded as a serious matter.
7. Authorisation to leave school during school hours must be given in advance by the parents/guardians to the student's tutor.
8. First year students remain in school during lunch time. All other students are expected to remain in school during lunch-time except those whose parents/guardians have completed a lunchtime indemnity form.
9. A student's property, coats, bags books, etc., should carry his/her name. The Management of the school cannot accept any responsibility for lost or

- stolen property. Money and other valuables may be handed to the Class Tutor, Deputy Principal or Principal for safe-keeping.
10. School books should be kept in good order. A proper school bag should be used. School bags must be kept in the student's possession or in the student's locker at all times.
 11. Students should be so organised as to have their equipment ready for each class as they need it: books, pens instruments, cookery ingredients, etc.
 12. Students are expected to comply with the directions of all teachers at all times.
 13. Schoolwork and homework should be completed, as directed by each teacher. A written explanation from home is expected if homework is not done.
 14. Inside the school students should walk and never run. They must keep to the left whenever possible and at all times on the corridors and stairs.
 15. Pupils must assemble quietly outside the classroom door until the teacher allows them to enter.
 16. Students are to remain in designated, supervised areas during break and lunchtime.
 17. Rough or boisterous behaviour/play is strictly forbidden at all times.
 18. Congregating outside the school gate is not allowed.
 19. Smoking is absolutely forbidden on the school premises, grounds, in the vicinity of the school and on all school outings.
 20. Chewing gum is strictly forbidden in the school.
 21. Students must comply with the school's policy on mobile phones. Phones must never be powered "on" on the school premises. Phones must always be kept out of sight. Mobile phones are not to be used as clocks and calculators. If a phone rings or is visible on the school premises, the phone will be confiscated, given to the Principal and returned at 1 p.m. on the Friday following confiscation, upon payment of a fine to the Principal. If an infringement of this school rule occurs again the phone may be confiscated by the Principal for the remainder of the term.
 22. Students are expected to show respect for school property. Students may not write on desks or walls. Property deliberately damaged or broken will have to be replaced by the person concerned.

23. Classrooms must be maintained and left in good order at all times. At the end of each school day students, under the direction of their class teacher, are to assist in cleaning and tidying the classroom.
24. Students are expected to pick up litter and always keep the school and the school grounds clean and tidy.

DISCIPLINARY STRUCTURE OF ATHY COLLEGE

Within the school, the discipline structure is very closely aligned with the operation of the overall Pastoral/ Tutorial system.

Nota Bene: In the case of students attending the ASD unit, the co-ordinator of the ASD unit acts in all cases in the place of the class tutor/year head. All concerns of a pastoral or disciplinary nature must be referred in the first instance to the ASD co-ordinator.

1. The primary responsibility for addressing challenging student behaviour in the classroom lies with the class teacher.
2. A teacher may refer a student to his/her class tutor on the basis of a problem arising in class or in school.

A student who causes disruption in class **should not** be sent from class to a tutor (etc.) without a prior arrangement.

When a student is sent from class to a tutor (etc.), the class teacher remains responsible for the student and must check that the student reported to that tutor (etc.).

A tutor (etc.) will require a detailed, **written** and signed report from the teacher concerning any problem reported.

The tutor (etc.) will deal appropriately with the matter as soon as possible.

The teacher may be involved by the tutor (etc.) in trying to overcome the problem.

Parents may be involved at a later date.

If some action is deemed necessary, the teacher will receive feedback from the tutor (etc.)

3. A student may be referred by the tutor to the year head for a serious breach of the Code of Behaviour or for persistent difficulties.
4. A student may be referred to the Deputy Principal/Principal by the Year Head, if necessary.
5. Parental input/discussion will be valued, where deemed necessary, at all stages where there are breaches of the Code of Behaviour.
6. A student may be referred to the Board of Management by the Principal for serious breaches of the Code of Behaviour.
7. Other school supports, including HSCL, SCP, Guidance Counsellor, Care Team, may be referred to.
8. A relevant outside agency, e.g. an educational psychologist, NEPS, HSE Child and Adolescent Guidance, KYS Counselling Service, may be referred to in the case of a pattern of behaviour observed to be beyond the scope of the school's coping structures.
9. Legal proceedings may be initiated in the case of acts of a criminal nature within the school.

THE ROLE OF THE BOARD OF MANAGEMENT

The Board of Management oversees the operation of the school's Code of Behaviour. In the first instance the Board of Management is responsible for initiating the development and review of the Code of Behaviour. It will peruse the Code before adopting it and initiate regular reviews.

In the case of any appeals against disciplinary decisions made by in-school management, the Board of Management will give fair consideration to such appeals by parents or students over 18 years of age.

In the case of appeals against exclusions of more than 3 days made by parents/guardians or a student over 18 years the Board of Management will in the absence of the Principal hear the appeal. After due consideration the Board of Management will make a decision on whether or not to up-hold the

appealed exclusion. The Board will communicate its decision to the parents/guardian/student over 18 years and to the Principal. If the parent/guardian/student over 18 years doesn't accept the Board of Management's decision, the Board of Management will advise the parent/guardian/student over 18 years of his/her right of appeal to the ETB. However, where the total number of days for which an individual student has been suspended in a single school year reaches 20 days, the parents/guardians or a student aged over 18 may appeal under section 29 of the Education (Miscellaneous Provisions) act 2007. Such an appeal is made in the first instance to KWETB.

In the case of any proposal to expel a student, the Board will automatically refer the proposal to KWETB.

THE ROLE OF THE VOCATIONAL EDUCATION COMMITTEE

Kildare Wicklow Education and Training Board is the statutory governing body of Athy College.

KWETB in partnership with Athy College is committed to upholding the ethos of the school. The formulation and subsequent review of the Code of Behaviour is part of achieving a positive educational environment.

The statutory role of KWETB extends in particular to appeals in all areas. Parents/guardians or students 18 years of age or over may appeal decisions of the school management and of the Board of Management of Athy College to KWETB. Information relating to the appeals process may be obtained from the Chief Executive Officer, KWETB, Aras Chill Dara, Devoy Park, Naas, Co Kildare.

ROLE OF PARENTS

The aims expressed in Athy College's mission statement are best achieved when the relationship between the school and parents/guardians is one of

partnership. The code of behaviour encourages active communication and on-going collaboration between parents/guardians, teachers and students.

Athy College does not function in isolation. While teachers need to hold an holistic view of education and work effectively with each other in order to assist students to reach their full potential, this is best achieved when the school embraces, in a meaningful way, the fact that students spend more time at home and in their communities than they do in school. What happens in the home and in the community has an enormous influence on student behaviour in school, both in and out of the classroom, and this behaviour can have a major impact on both the students' own learning and that of other students.

One of the stated goals of Home, School, Community Liaison scheme is to raise awareness in parents/guardians of their own capacities to enhance their children's educational progress and assist them in developing relevant skills. Where students' behaviour is putting them, or other students, at risk of not reaching their potential in the school, individual parents/guardians are supported by the HSCL Co-ordinator and teachers.

Athy College aims to truly value its partnership with parents/guardians. As such, teachers and parents are encouraged to work respectfully and meaningfully together, to have realistic and to set out these to students in an age and language appropriate manner. As outlined in this Code of Behaviour, Athy College values discussion with and support from parents/guardians when a student's behaviour is causing difficulty to the student or to others in the school. Parents/guardians are asked to make themselves familiar with the Code of Behaviour . At the beginning of each academic year parents/guardians are asked to study the school rules with their son/daughter and to return a signed copy to the school.

As a way of improving partnership, parents are encouraged to get involved in activities enhancing students' learning. Examples include literacy and

numeracy initiatives – Paired Reading, Make A Book, Maths or Science for Fun, involvement in Art and Religions projects, sports' activities, etc.

The Home School Community Co-ordinator works with parents/guardians, staff and the community to achieve effective partnership.

REWARDS AND SANCTIONS

REWARDS

Athy College endeavours to reward good behaviour. Among the methods for rewarding good behaviour are:

- Staff recognise the powerful effect on students of praise, encouragement and affirmation and endeavour in these ways to reward student behaviour.
- The journal may be used by teachers to record positive comments about a student's work.
- Tutors and class teachers are encouraged to record positive behaviours using eportal, thereby entering a permanent statement on an individual student's record.
- Green Cards and JCSP Cards– these cards are posted to parents/guardians to congratulate students who have made a positive contribution to the life of the school; who have made notable progress or improvement or who merit commendation in any way.
- On occasions in-class rewards are organised by individual teachers, tutors, year heads or co-ordinators to affirm positive behaviour at class group level.
- The Stay in School Draws and School Completion Awards reward students' engagement and improved engagement with school, particularly in areas such as attendance.
- End of year Awards Evenings, to which parents/guardians are invited, include awards for students who merit them for positive behaviour, participation and improvement. Categories of award include participation in the Student Council, attendance, punctuality, homework and use of the journal, effort, achievements, helpfulness and co-

operation, uniform, good manners and respectful behaviour, initiative, environmental awareness, sense of school spirit, civic spirit and/or team spirit.

- Academic Achievement Awards Night, held annually after the Christmas examinations, rewards positive academic achievement and encourages aiming for excellence in in-house and state examinations.

In addition to the discipline structure already outlined, the In-School Management Committee has targets for positive behaviour. These are decided at meetings of the committee and approximately 4 short term action plans are put in place during each school year. These include aspects of positive behaviour including improving punctuality, proper use of the school journal, wearing full school uniform etc. Each “blitz” lasts for a week and students who meet the defined target are rewarded.

SANCTIONS

Sanctions include:

- The verbal reprimand of a student by a teacher.
- A written sanction may be assigned to a student – e.g. a penalty sheet or extra work. Parents/guardians may be asked to sign the completed assignment. The support of parents/guardians is essential to the effectiveness of such a sanction.
- The e-portal system may be used to record infringements of the school’s code of behaviour.
- A comment may be placed in a student’s journal for parent’s/guardian’s attention. The support of parents/guardians in addressing the issue with the student is essential to the effectiveness of such a sanction.
- A teacher may organise to detain a student/students during a break or lunchtime, with due regard for student welfare.
- The school operates a system of detention at lunchtime as a sanction for minor infringements of the school’s code of behaviour. Tutors/Year Heads may place a student on detention when there are 3 reports from

class teachers in any 2 week period. A student placed on detention is given a day's notice to allow him/her to make lunch arrangements. Failure to report for detention is considered a serious breach of the school's code of behaviour and parents may be contacted. If the matter remains unresolved further, more serious, disciplinary measures may result.

- A teacher may give a written report to a tutor.
- A student may be put "On Report". This means that the student's progress in classwork, conduct and homework is assessed by the teacher and student at the end of each class and recorded in an "On Report" copy. The class tutor signs this report at the end of the school day. Parents/guardians are asked to sign the report each evening and discuss the report with the student. The support of parents/guardians is essential to the effectiveness of such a sanction.
- Where truancy and/or punctuality are concerns, a student may be placed on an attendance report. The class teacher signs an attendance sheet when the student presents it. The class tutor signs the attendance sheet at the end of the school day. Parents/guardians are asked to sign the sheet each evening and discuss the report with the students. The student should return the attendance sheet to the tutor next morning. The support of parents/guardians is essential to the effectiveness of such a sanction.
- The school communicates with parents/guardians where a student's poor attendance is of serious concern. The Principal is legally obliged to inform the Education Welfare Board once a student's absences reach 20 school days in any school year.
- Where a student's misbehaviour is seriously impinging on teaching and learning in his/her class, that student may for a time be placed on a restricted timetable. This measure is taken in consultation with the student's parents/guardians. The

effectiveness of a restricted timetable is reviewed regularly by the Year Head, with a view to the fullest possible re-integration of a student into his/her class.

EXCLUSION

KWETB holds the authority to exclude a student. Under section 31 of the Vocational Education (Amendment) Act 2001, KWETB through the Board of Management has delegated the authority to exclude a student to the Principal and in his/her absence to the Deputy Principal.

Used properly exclusion has value. It can provide a respite for the student, for other students and for staff. It gives the excluded student time to reflect on the link between his/her action and its consequences. The supportive role of parents/guardians in encouraging such reflection during the period of exclusion is essential. The period of exclusion gives tutors/year heads and teachers time to plan ways of helping the student change unacceptable behaviour.

Exclusion as an intervention is seen in Athy College as part of a behaviour management plan. The Home School Community Co-ordinator will whenever possible encourage parents to meet with a member of the school's Tutorial/Pastoral Care teams as part of a behaviour management plan.

GROUNDINGS FOR EXCLUDING A STUDENT

Exclusion from school should always be a proportionate response to the behaviour that is causing concern, danger and/or disruption to learning. It is never an appropriate response to poor academic performance, poor attendance or minor breaches of the code of behaviour. Exclusion is not considered an appropriate response to truancy, except in the case where a student, having been marked present at roll call, leaves the premises during the school day, without regard for the serious Health and Safety implications

of doing so. The decision to consider excluding a student for a defined number of days requires serious grounds such as:

- The student's behaviour is persistently disruptive and 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 or is potentially dangerous.
- The student is responsible for serious damage to school property.
- The student is engaged in physical fighting on the school premises.
- The student has been seriously verbally or physically abusive to staff or students.
- Repeated, persistent failure to follow instructions, after other interventions have failed.
- Repeated refusal to attend lunchtime detention
- Bullying, after other interventions have failed
- Refusal to comply with the school policy on mobile phones, having been directed by the Principal to do so
- Leaving the school premises without permission during the school day, without regard for the Health and Safety implications.
- Persistent, recorded failure to follow instructions, the matter having been referred to the Year Head.
- Smoking or consuming alcohol on the school premises or grounds or while on a supervised school outing.

In addition to indicating which of the above reasons resulted in a particular exclusion, where appropriate the exclusion letter will contain a more precise description of the student's behaviour.

Athy College does not allow rolling exclusion for a single behavioural incident. When a student returns to school after exclusion for a particular documented and resolved incident, the student's slate is then considered wiped clean for that specific incident. However, should that student engage again in serious misbehaviour a separate exclusion may result.

At Athy College students are never excluded for an indefinite period.

FACTORS TO CONSIDER BEFORE EXCLUDING A STUDENT

Before a Year Head, the Deputy Principal or Principal formally puts in motion the process to exclude a student he/she will

- Ensure that there is a precise, written record of the behaviour
- Consider how persistent the unacceptable behaviour has been
- Consider whether the behaviour has escalated, despite interventions
- Consider how other students and staff are affected by the student's behaviour, in particular the impact on teaching and learning in the student's class
- Review interventions already tried. The Year Head and Tutors will endeavour to ensure that interventions are recorded and monitored
- Consider whether a meeting with parents/guardians is appropriate at this point
- Consider whether a referral to counselling is appropriate
- Consider whether the support of the Guidance Counsellor, the HSCL Co-ordinator and/or the SCP Co-ordinator would be of assistance at this point
- Decide whether the student's behaviour warrants exclusion

FORMS OF EXCLUSION

NOT DURING THE STATE EXAMINATION PERIOD

Serious misbehaviour during the state examination period which is referred by the examinations superintendent to the school authority is referred by the Principal to the State Examinations Commission. Every measure is taken to protect the integrity of the State Examinations and where appropriate a separate centre will be requested for a student who is disruptive during the state examination period.

IMMEDIATE EXCLUSION

In exceptional circumstances, where the continued presence of a student in the school at a particular time would represent a serious threat to the safety of students or staff or any other person in the school, the Principal may decide that an immediate exclusion is warranted. In this, as in all exclusions, fair procedures will be applied. In such a situation a parent/guardian will be contacted by telephone to collect the student. The situation will be explained and written documentation will follow by post.

AUTOMATIC EXCLUSION

Exclusion is automatic for students who engage in physical fighting on the school premises or when attending a supervised school event outside the premises. The school authority will follow due process and fair procedures in all such situations.

PROCEDURES IN RESPECT OF EXCLUSION

The implementation of the process of exclusion should always be fair and impartial. Initially a preliminary assessment and inquiry into the alleged misbehaviour will be conducted by the tutor/ year head. The Year Head will discuss the situation with the Principal and they will decide whether exclusion is the most appropriate response.

Should exclusion of a student occur the following procedures are used:

- There will be a written/e-portal account of the incident or behaviour
- The student will be informed verbally that he/she will be excluded and that his/her parents/guardians will be informed.
- A Year Head may phone a parent/guardian and will always write to the parent/guardian giving a formal account of the behaviour and the conditions of the exclusion.
- The original exclusion form will be posted to the parent/guardian.

- A photocopy of the original exclusion form will be given to the student to be handed to his/her parent/guardian, unless the student has absented himself/herself from the school premises without permission
- A photocopy of the exclusion form will be given to the HSCL co-ordinator to allow him/ her to liaise with the parents as appropriate
- A photocopy will be given to the school's Attendance Officer
- A photocopy may be given to the School Completion Co-ordinator in the case of DEIS targeted students if deemed appropriate
- Parents/Guardians and students are given an opportunity to respond to proposed exclusion. Parents/guardians are always formally invited in writing to meet with the school authority to discuss the behaviour that led to exclusion and to engage in the process of promoting good behaviour. Copies of these invitations are held in the student's file. When parents/guardians attend a meeting with the school authority this should be recorded in the student's e portal record or in the student's file. The student may be asked to attend part of this meeting.
- On occasions parents/guardians may be requested to attend a meeting with the student's Year Head and/or Principal
- Where an immediate exclusion is considered warranted by the Principal for reasons of the safety of the student, other students and/or staff a preliminary investigation is always carried out to establish the fairness and appropriateness of the proposed exclusion. All of the conditions for exclusion apply to immediate exclusion. Athy College has due regard to its duty of care for the student and in no circumstances should a student be excluded without first notifying parents/guardians so that in the case of an immediate exclusion parents/guardians may make arrangements for the student to be collected or supervised.

PERIODS OF EXCLUSION

In normal circumstances Athy College endeavours that a student should not be excluded for more than 3 days. However, in exceptional circumstances

the Principal is authorised by KWETB to impose an exclusion of up to 5 days. In the case where an expulsion is being considered the Principal is authorised to exclude a student for an indefinite period until an emergency Board of Management can be convened in a timely manner. In such an exceptional situation parents/guardians must be informed in writing that an expulsion is being considered and of the date of the Board of Management meeting.

In the case of exclusions an appeals procedure is available to parents/guardians on a student's behalf and by a student aged over 18 years.

In line with legislation, in any case where a student is excluded for 6 or more consecutive days or where cumulative periods of exclusion through a single school year would bring the number of days for which a student has been excluded to 20 days or more, the Education Welfare Officer will be informed in writing by the school's Attendance Officer. This applies in the case of students under 16 years of age or upon completion of the Junior Certificate, whichever is later. The Year Head/Principal is to ensure that the school Attendance Officer is supplied with a photocopy of each exclusion form.

APPEALS

The Board of Management of Athy College, KWETB and ultimately the DES offer the opportunity to appeal the Principal's decision to exclude a student. In the case of appeals against exclusions made by parents/guardians or a student over 18 years the Board of Management will, in the first instance, in the absence of the Principal hear the appeal. After due consideration the Board of Management will make a decision on whether or not to up-hold the appealed exclusion. The Board will communicate its decision to the parents/guardian/student over 18 years and to the Principal. If the parent/guardian/student over 18 years does not accept the Board of Management's decision, the Board of Management will advise the parent/guardian/student over 18 years of his/her right of appeal to the ETB and thereafter to the DES.

A Section 29 Appeal may be taken where the total number of days for which an individual student has been excluded in the current school year exceeds 20 days. (Ref: Section 29 of the Education Act 1998 as amended by the Education (Miscellaneous Provisions) Act 2007.)

When parents/guardians or a student aged over 18 years are being formally notified of an exclusion they are also informed of their right to appeal – in the first instance to the Board of Management of Athy College; thereafter to KWETB and ultimately to the Secretary General of the Department of Education and Skills.

IMPLEMENTING AN EXCLUSION

The Principal notifies the parents/guardians and the student in writing of the decision to exclude. The letter confirms:

- The reason/s for the exclusion
- The period of the exclusion and the dates on which it will begin and end
- The programme of study to be followed during the exclusion
- The arrangements for returning to school, including any commitments to be entered into by the student and the parents/guardians
- The provision for an appeal to the Board of Management and thereafter to KWETB
- The right to appeal thereafter to the Secretary General of the Department of Education and Skills.

GROUND FOR REMOVING AN EXCLUSION

An exclusion may be removed if the Board of Management of Athy College or KWETB or the Secretary General of the Department of Education and Skills directs that it be removed.

RE-INTEGRATION OF A STUDENT FOLLOWING AN EXCLUSION

A student returning to school after the end of a period of exclusion must report to his/her Year Head or another designated teacher to facilitate re-integration.

A student is always to be given the opportunity for a fresh start. The school expects the same behaviour from the returning student as from all other students.

RECORDS AND REPORTS

Formal written/e portal records are to be kept of

- The investigation prior to the decision to exclude a student
- The duration of the exclusion and any conditions attached to the exclusion
- As the Principal is required to report exclusions in accordance with the NEWB reporting guidelines, a log of exclusions will be kept by the school attendance co-ordinator.

REVIEW OF THE USE OF EXCLUSION

The In-School Management Team should monitor the use of exclusion on an annual basis to ensure that its use is fair and consistent with school policies. It is the responsibility of the Board of Management to review the use of exclusion at regular intervals.

EXPULSION

The authority to expel – i.e. permanently exclude – a student from Athy College, having complied with the provisions of section 24 of the Education (Welfare) Act 2000 belongs to KWETB and (under Section 31 of the Vocational Education (Amendment) Act 2001) may be devolved by KWETB to the Board of Management of Athy College.

GROUNDS FOR EXPULSION

Expulsion is a very grave step and one that is only taken

- A. in extreme cases of unacceptable behaviour
- B. in situations where a student's behaviour poses a real and significant threat to the health, safety or well-being of students or staff
- C. when the student's behaviour is a persistent cause of significant disruption to the learning of others
- D. in situations where the student is responsible for serious damage to school property

In the cases of A or B or C or D above the school will already have taken and recorded significant steps to address the misbehaviour, recognising that the decision to seek expulsion is a serious step. Such steps may include, as appropriate:

- Meeting with parents/guardians to try to find ways of helping the student to change his/her behaviour
- Explaining to the student the possible consequences of his/her behaviour, if it should persist
- Using other appropriate sanctions to address the student's behaviour
- Seeking the assistance of support agencies, as relevant.

EXPULSION FOR A FIRST OFFENCE

In exceptional circumstances the Board of Management of Athy College may form the opinion that a student should be expelled for a first offence. The principles of natural justice and fair procedures apply. A proposal to expel on the basis of a single breach of the code may include situations such as:

- Actual violence or physical assault on another student or member of staff, occurring on the school premises or during a supervised school event
- Supplying illegal drugs to other students in the school

- Sexual assault.

As expulsion is a most serious sanction the Board of Management and KWETB will ensure that a detailed and documented review of the circumstances and behaviours which have led to the decision to seek to expel a student is undertaken.

PROCEDURES IN RESPECT OF EXPULSION

Procedures will be fair and will comply with the Education (Welfare) Act 2000.

In particular

- The student in respect of whom expulsion is being sought, together with his/her parents/guardians has
 - 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
 - The right to be heard by the Board of Management of Athy College and by KWETB
 - The right to be accompanied at hearings
 - The right to ask questions of the other party or witnesses where there is a dispute about the facts.
- The student in respect of whom expulsion is being sought, together with his/her parents/guardians have
 - The right to an absence of bias
 - The right to impartiality in the investigation and the decision-making.

The procedural steps which follow a preliminary investigation will include:

- A detailed investigation carried out under the direction of the Principal

- A meeting of the Principal with the student and his/her parents/guardians. If a student and his/her parents/guardians fail to attend that meeting they should be informed in writing of the gravity of the matter and 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 student's alleged behaviour.
- A recommendation to the Board of Management by the Principal
- In the case where an expulsion is being considered the Principal is authorised to exclude a student for an indefinite period until an emergency Board of Management can be convened in a timely manner.
- Inform the EWO in writing that the student is being considered for expulsion
- If expulsion is deemed appropriate by the Board of Management as the result of its hearing, the Board informs KWETB of its decision
- The Board of Management informs the parent/guardian or a student aged over 18 years of its decision and of the right to appeal its decision in the first instance to KWETB and thereafter to the Department of Education and Skills
- The holding of a hearing by KWETB
- Inform the EWO in writing if a student is being expelled
- Consultations arranged by the Educational Welfare Officer
- Confirmation of the decision to expel.

Parents/guardians will be given due notice of meetings in writing and a fair and reasonable time to prepare for hearings. At each stage the student and his/her parents/guardians will be informed and will be given every opportunity to respond before a decision is made and before the sanction of expulsion is

imposed. Records should be kept of invitations issued to parents and their response to such invitations.

Step 1: A recommendation for expulsion of a student to the Board of Management/VEC 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/ETB to consider expulsion. The Principal should:

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

Step 2: Consideration by the Board of Management/ETB of the Principal's recommendation and the holding of a hearing

It is the responsibility in the first instance of the Board of Management of Athy College and thereafter, in the case of an appeal, of KWETB to review the initial investigation and satisfy themselves that the preliminary investigation was properly conducted in line with fair procedures. The Board/ETB should undertake its own review of all documentation and the circumstances of the case. They should ensure that no party who has had any involvement with the

circumstances of the case is part of the Board's/ETB's deliberations (for example, a member of the Board/ETB who may have made an allegation about the student).

When the Board/ ETB decide to consider expelling a student, it must hold a hearing. The meeting for the purpose of the hearing should be properly conducted in accordance with ETB procedures. At the hearing, the Principal and the parents, or a student aged eighteen years or over, put their case to the Board/ETB 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/ETB must take care to ensure that the members 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/ ETB should facilitate this, in line with good practice and ETB procedures. After both sides have been heard, the Principal or parents or student, if over 18 years of age, is not permitted to be present for the Board's/ETB's deliberations.

Step 3: Board of Management/ETB deliberations and actions following the hearing

Having heard from all the parties, the Board/ETB decides whether or not the allegation is substantiated and, if so, whether or not expulsion is the appropriate sanction. Where the Board/ETB, having considered all the facts of the case, is of the opinion that the student should be expelled, the Educational Welfare Officer must be informed in writing of its opinion, and the reasons for this opinion. (*Education (Welfare) Act 2000, s24(1)*). The Board/ETB 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*). At each stage the Board of Management/ETB should inform the parents in writing about its conclusions and the next steps in the process. Where expulsion is proposed, the parents should be informed that the Educational Welfare Officer will be informed.

Step 4: Consultations arranged by the Educational Welfare Officer

Within twenty days of receipt of a notification from the Board of Management/ETB 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, the Board of Management/ETB may take steps to ensure that good order is maintained and that the safety of students is secured (*Education (Welfare) Act*

2000, s24(5)). The Board of Management/ETB may consider it appropriate to exclude a student during this time. Exclusion 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 5: 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/ETB remains of the view that the student should be expelled, the Board/ETB should formally confirm the decision to expel (this task might be delegated to the Chairperson of the Board of Management 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/guardian, or a student aged over eighteen years, may appeal a decision to expel by the Board of Management of Athy College in the first instance to KWETB and thereafter to the Secretary General of the Department of Education and Skills (*Education Act 1998* section 29). An appeal may also be brought by the National Educational Welfare Board on behalf of a student. As a student of Athy College the student is attending a school established or maintained by a ETB. Therefore, the appeal must be made in the first instance to KWETB. Where an appeal to the VEC has been concluded, parents, or a student aged over eighteen years, may subsequently go on to appeal to the Secretary General of the Department of Education and Skills.

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 Skills).

Review of use of expulsion

The Board of Management of Athy College will 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.

Formal Adoption of the Code of Behaviour by the Board of Management of Athy College:

Signed: _____

Date:

**Chairperson of Board of Management
Athy College**