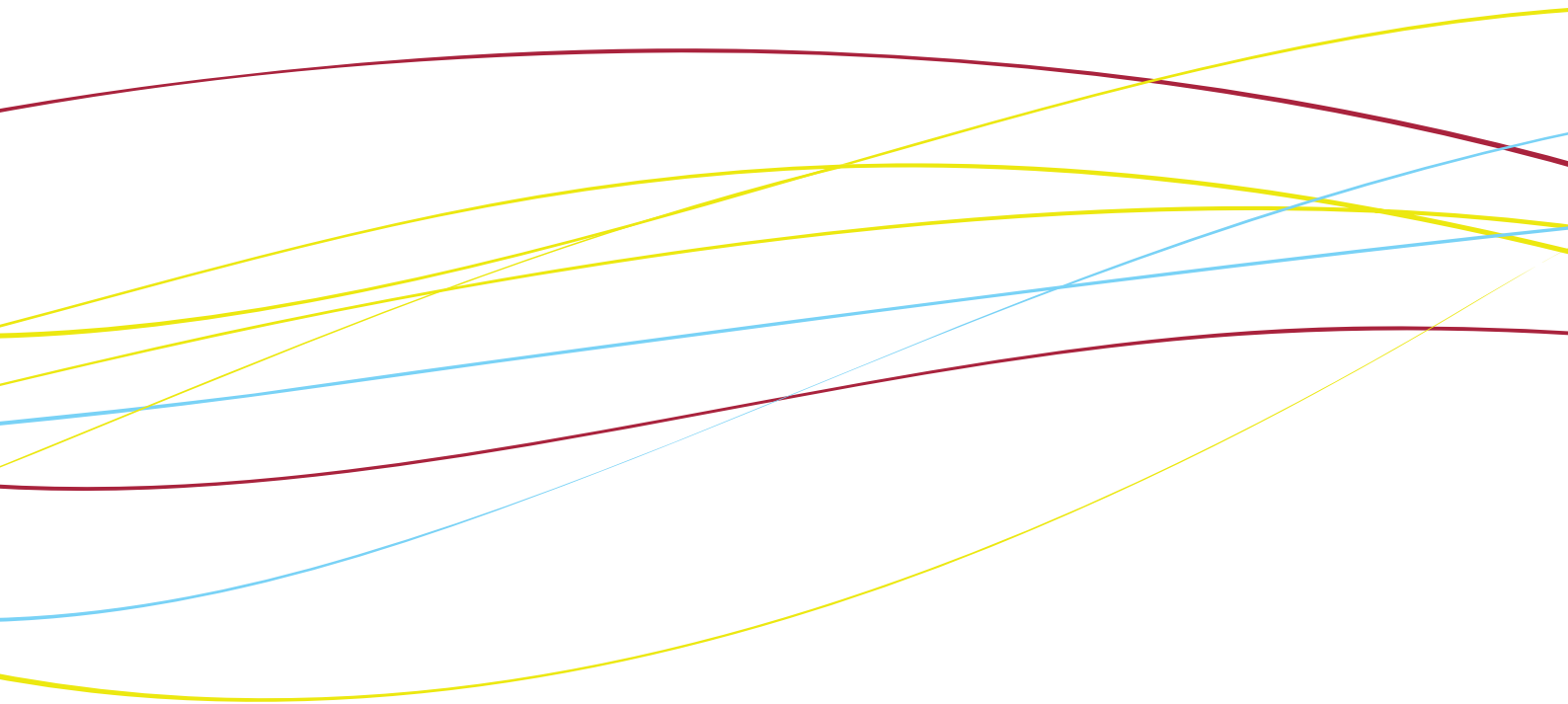




Developing a Code of Behaviour: Guidelines for Schools



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These Guidelines contain a general account of relevant legislation and legal instruments and are not a complete or definitive statement of the law. Specific legal advice should be obtained where a Board of Management has queries on particular aspects of the law or in relation to individual situations.

Foreword

The Guidelines for the development of codes of behaviour now being published constitute another strand in NEWB's overall strategy to support school attendance and participation.

At this point in our modern society, the work of schools in encouraging and developing in their students a strong sense of personal responsibility and responsibility towards others is a truly critical task, and one for which society as a whole owes its support for, and acknowledgement of, the work of Boards of Management, Principals, teachers and parents.

The Guidelines recognise the importance of the leadership of Boards of Management and Principals and place a welcome emphasis on the value of engaging everyone in the school community, and especially the students themselves, in the task of shaping the school environment and making it a happy place for teaching and learning.

Virtually every school now has a code of behaviour, as required by law. The NEWB Guidelines will be an important support for schools as they work continuously with students and their families to ensure that the code of behaviour can maintain the best possible educational environment in the school.

The Guidelines have been prepared with the help of an Expert Group established by the Board, and wide-ranging inputs from management bodies, teacher unions, parent organisations, students, the Department of Education & Science and its agencies and services, non-governmental organisations, State agencies and many other contributors. This inclusive approach will help to maximise their benefit and value to schools.

In conclusion, I wish to express my gratitude to the staff of NEWB and to all those practitioners who contributed to and supported the development of the Guidelines.



Cathal Flynn

Chairperson
National Educational Welfare Board

May 2008

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Key to use of terms in the Guidelines

Parent

The Guidelines adopt the legal definition of parent as set down in the *Education Act 1998*:

***Parent** includes a foster parent, a guardian appointed under the Guardianship of Children Acts 1964 to 1997, or other person acting in loco parentis who has a child in his or her care subject to any statutory power or order of a court and, in the case of a child who has been adopted under the Adoption Acts 1952 to 1998, or where the child has been adopted outside the State, means the adopter or adopters or the surviving adopter.*

Education Act 1998

Student

In these Guidelines, **student** means any child or young person who is enrolled in a recognised primary or post-primary school.

School

The Guidelines apply to any recognised school that provides primary education or post-primary education.

Board of Management

In these Guidelines, **Board of Management** refers to a Board of Management or equivalent structure as recognised under section 14 of the *Education Act 1998*.

Use of *must* and *should*

In these Guidelines, the term **must** is used to denote legal obligations; the term **should** is used to denote what the Guidelines expect of schools.

Abbreviations

DES Department of Education and Science

EWO Educational Welfare Officer

HSE Health Service Executive

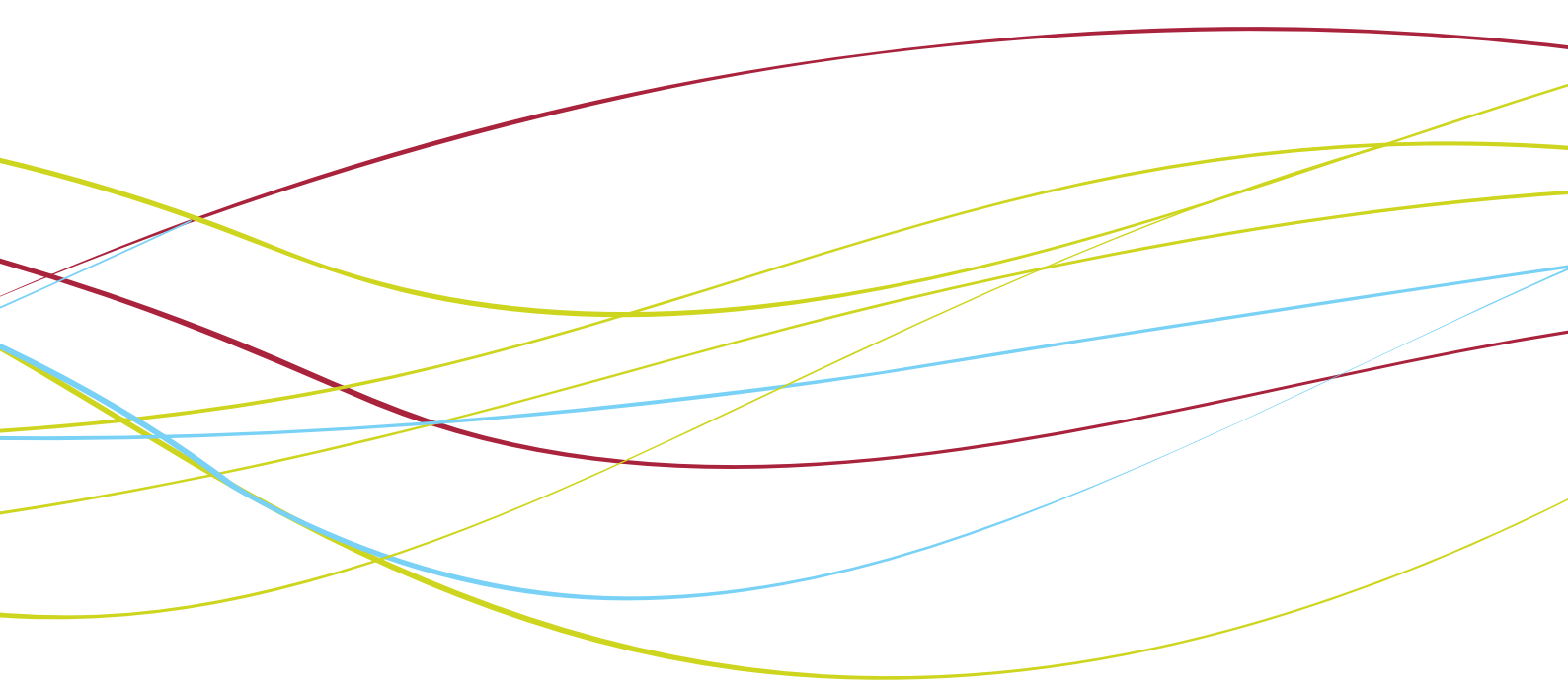
NEPS National Educational Psychological Service

NEWB National Educational Welfare Board

VEC Vocational Education Committee

1

Introducing the Guidelines



Introducing the Guidelines

1.1 Why Guidelines?

Under section 23 of the *Education (Welfare) Act 2000*, the Board of Management of each school must prepare and make available a code of behaviour for its students. The Act requires that the school code of behaviour is prepared in accordance with Guidelines issued by the National Educational Welfare Board (NEWB).

These Guidelines are now being issued by NEWB to assist schools in the preparation of their codes of behaviour.

1.2 The code of behaviour

The code of behaviour is the set of programmes, practices and procedures that together form the school's plan for helping students in the school to behave well and learn well.

The code of behaviour helps the school community to promote the school ethos, relationships, policies, procedures and practices that encourage good behaviour and prevent unacceptable behaviour. The code of behaviour helps teachers, other members of staff, students and parents to work together for a happy, effective and safe school.

The code expresses the vision, mission and values of the school and its Patron. It translates the expectations of staff, parents and students into practical arrangements that will help to ensure continuity of instruction to all students. It helps to foster an orderly, harmonious school where high standards of behaviour are expected and supported.

The code of behaviour enables school authorities to strike an appropriate balance between their duty to maintain an effective learning environment for all and their responsibility to students whose behaviour presents a challenge to the teaching and learning process. The code of behaviour is a key tool in enabling the school authorities to support the learning of every student in the school.

Maintaining a harmonious environment can present a challenge to schools, given competing needs, time pressures and varying capacities or readiness to learn. A code of behaviour that has the support of the school community can go a long way to helping schools to meet this challenge successfully.

1.3 The content of the code of behaviour

The *Education (Welfare) Act 2000* sets out certain matters that must be included in a code of behaviour. Section 23(2) of the *Education (Welfare) Act 2000* says:

A code of behaviour shall specify—

(a) the standards of behaviour that shall be observed by each student attending the school;

- (b) the measures that may be taken when a student fails or refuses to observe those standards;*
- (c) the procedures to be followed before a student may be suspended or expelled from the school concerned;*
- (d) the grounds for removing a suspension imposed in relation to a student; and*
- (e) the procedures to be followed relating to notification of a child's absence from school.*

In order to comply with these requirements, and in order to have the best chance of achieving its objectives, the code of behaviour should address:

- the standards of behaviour expected in the school
- the plan for promoting good behaviour
- the ways in which the school responds to unacceptable behaviour
- the plan for implementing the code of behaviour
- school procedures for the use of suspension and expulsion.

Guidance on each of these aspects of the code of behaviour is provided in these Guidelines.

1.4 The purpose of the Guidelines

The Guidelines set out a framework of good practice to assist primary and post-primary schools in developing their code of behaviour for the first time, or in strengthening an existing code.

Schools operate in a complex legal environment. The code of behaviour must comply with the provisions of several laws, as well as a range of Constitutional provisions and international Conventions that have been adopted by Ireland. The Guidelines aim to assist Boards of Management and Principals to act in accordance with their legal obligations when drawing up and operating the code of behaviour. With this in mind, the Guidelines have integrated information about the most relevant current legal and constitutional provisions. There is a list of *relevant legislation and legal instruments* on pages 7-9 at the end of this chapter.

The Guidelines recognise that the exercise of professional judgement by all who work in the school is the foundation of effective practice. That judgement must be exercised in a manner that is consistent with good practice and in line with the legal obligations of Boards of Management, and accompanied by a process of accountability.

1.5 The status of the Guidelines

The Guidelines have their basis in law. The code of behaviour must be prepared in accordance with them.

A code of behaviour shall be prepared in accordance with such guidelines as may, following consultation by the Board with national associations of parents, recognised school management organisations and trade unions and staff associations representing teachers, be issued by the Board.

Education (Welfare) Act 2000, section 23(3)

The Guidelines supersede the following Department of Education and Science (DES) Circulars:

- Rule 130 (as amended by Circular 7/88) of the *Rules for National Schools*, insofar as it applies to matters dealt with in these Guidelines
- Circular 20/90: *Guidelines towards a positive policy for school behaviour and discipline, and a suggested code of behaviour and discipline for national schools*
- Circular M33/91: *Guidelines towards a positive policy for school behaviour and discipline: A suggested school code of behaviour and discipline for post-primary schools.*

1.6 Using the Guidelines

In order to comply with the *Education (Welfare) Act 2000*, the school should ensure that its code of behaviour is prepared in accordance with these Guidelines.

The Guidelines recognise that each school community has its own particular and unique characteristics. Each school should apply the Guidelines in ways that fit with and reflect the ethos of the school and the character of its own community of students, teachers and parents.

The Guidelines should be used for:

- auditing an existing code of behaviour
- regular review and updating of an existing code or developing a code for the first time
- promoting ongoing discussion and reflection about behaviour and learning in the school.

Auditing an existing code of behaviour

As a first step in implementing these Guidelines, Boards of Management are required to arrange for an audit of the existing code of behaviour. The audit will enable the school to identify how well their current code reflects good practice and meets relevant legal obligations.

Reviewing an existing code of behaviour or developing a code for the first time

Where the audit identifies aspects of the code that need to be reviewed, the Board of Management, together with the Principal, should prioritise areas for review.

Where the Board of Management is overseeing the development of a code of behaviour for the first time, the Guidelines should be used to inform the development work.

Both the **process** of developing or reviewing the code, and the **content** of behaviour policy should take full account of the good practice set out in the Guidelines. Particular attention should be paid by school authorities to ensuring that legal obligations are met and that school procedures that give effect to relevant legal obligations are in keeping with the Guidelines.

A plan for undertaking the review or development should be prepared, together with timeframes for undertaking this work. This plan should be approved and adopted by the Board of Management.

Promoting discussion and reflection

One of the aims of the Guidelines is to prompt discussion and reflection among teachers and other staff, and dialogue between staff, students and parents, about behaviour policy in the school. The Guidelines can be used to provide briefings and to stimulate discussion and debate on behaviour matters.

1.7 The content and structure of the Guidelines

Chapter 2 *Auditing and reviewing the code of behaviour* offers advice about the process of auditing a code of behaviour, reviewing specific aspects of a code or developing a code for the first time.

Chapter 3 sets out **principles** to guide the audit, review, development and implementation of the code of behaviour.

Chapter 4 *Understanding behaviour* makes the case for enabling everyone with a stake in the code of behaviour to have a common understanding about what influences behaviour and how behaviour can be changed.

Chapter 5 *A whole-school approach to the code of behaviour* highlights the need for such an approach and describes how it can be translated into practice.

Chapter 6 *Setting standards of behaviour* offers guidance on setting standards and using those standards to promote good behaviour.

Chapter 7 *Promoting good behaviour* deals with the task of promoting good behaviour as a foundation of behaviour policy.

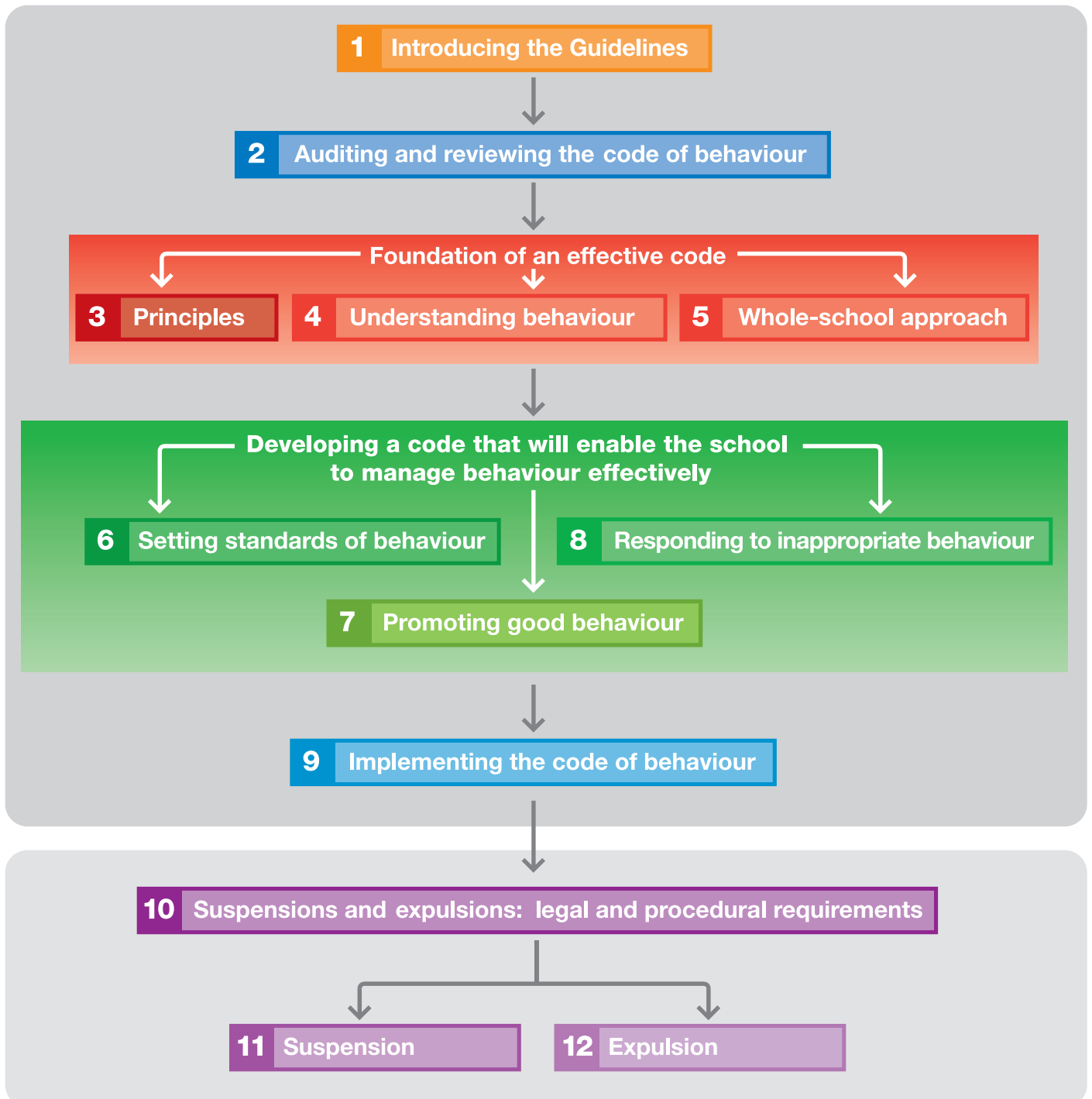
Chapter 8 *Responding to inappropriate behaviour* offers guidance about a whole-school response to unacceptable behaviour.

Chapter 9 *Implementing the code of behaviour* sets out the ways in which the school can plan to make sure the code of behaviour works well in the school.

Chapters 10, 11 and 12 describe the legal and procedural requirements governing the use of suspension and expulsion, and the features of good educational practice in the use of these serious sanctions.

Figure 1.1 summarises the structure of the Guidelines.

In order to assist schools in preparing their code in accordance with the Guidelines, the key requirements of the Guidelines are summarised at the end of each chapter.

Figure 1.1 The structure of the Guidelines

Relevant legislation and legal instruments

The Constitution of Ireland	The rights of parents and of the child in the matter of education as set out in Articles 42 and 44.2.4. of the Constitution of Ireland must be respected as fundamental in the school code of behaviour. The requirement for fair procedures derives from Articles 4.3 and 42.4 of the Constitution of Ireland.
The European Convention on Human Rights (1950)	The right to education and the right to fair procedures are provided for in the ECHR which was transposed into Irish law in the <i>European Convention on Human Rights Act (2003)</i> .
The UN Convention on the Rights of the Child (1989)	<p>This Convention, ratified by Ireland in 1992, provides that the State shall ensure that school discipline is administered in a manner consistent with the dignity of the child.</p> <p>The Convention requires that the voice of the child must be heard on matters that affect them, having regard to the age and maturity of the child.</p>
Education Act 1998	<p>Key provisions relevant to the code of behaviour provide for:</p> <ul style="list-style-type: none"> • access to records (section 9(g)) • publication of policies (section 15(2)) • the responsibilities of the Board of Management (sections 14–21) • the Principal’s responsibility for setting objectives (sections 22 & 23) • information for students and Student Councils and student involvement (section 27) • provision for appeals (section 29).
Education (Miscellaneous Provisions) Act 2007	This Act amends the provisions of section 29 of the <i>Education Act 1998</i> . It provides for a range of factors which must be considered by an Appeals Committee in relation to suspensions and expulsions. It also makes a number of procedural changes to the section 29 appeals process in relation to time limits and the circumstances in which an appeal can be made.
Education (Welfare) Act 2000	<p>The provisions of the <i>Education (Welfare) Act 2000</i> most relevant to the code of behaviour are the following:</p> <ul style="list-style-type: none"> • general duties of NEWB towards schools (sections 10 & 11) • provisions relating to notification by parents of reasons for a student’s non-attendance at school (section 18) • provisions for school codes of behaviour (section 23) • provisions relating to expulsion of a student (section 24) • provisions relating to appeals (section 26).
Vocational Education Acts 1930-1999 Vocational Education (Amendment) Act 2001	This legislation governs the operation of Vocational Education Committees (VECs) and schools or colleges established or maintained under their auspices.

Relevant legislation and legal instruments

Equal Status legislation

The *Equal Status Acts 2000 to 2004* apply to primary and post-primary schools. The Acts promote equality of opportunity and prohibit discrimination, harassment and sexual harassment on these nine grounds:

- gender
- marital status
- family status
- sexual orientation
- religion
- age
- disability
- race
- membership of the Traveller Community.

They require reasonable accommodation for people with disabilities and allow a broad range of positive action measures.

These Acts also prohibit victimisation of any person who makes a complaint about discrimination, who opposes any acts that are unlawful under the equal status legislation, or who gives evidence in proceedings under the *Equal Status Acts 2000 to 2004*, or who gives notice that they intend to do any of these.

Ombudsman for Children Act 2002

The Ombudsman for Children is empowered to investigate any action taken by, or on behalf of, a school in connection with its functions under section 9 of the *Education Act 1998*, where the school's own complaints procedure has been exhausted.

Education of Persons with Special Needs Act 2004 (EPSEN Act)

The *EPSEN Act 2004* provides for the provision of education plans for students with special educational needs (SEN). Under the Act, children with SEN will be educated "in an inclusive environment with children who do not have SEN", unless this should be inconsistent either with the best interest of the child, or with the effective provision for the other children.

Disability Act 2005

The *Disability Act 2005* establishes a basis for an independent assessment of individual needs, including education needs, a related service statement and independent redress and enforcement for persons with disabilities. From 1st June 2007 the provisions of the Act are in place for children up to the age of 5 years and will apply to older children at a future date.

Relevant legislation and legal instruments

Non-Fatal Offences against the Person Act 1997

The *Non-Fatal Offences against the Person Act* removes the legal immunity of teachers from criminal liability in respect of physical chastisement of students (section 24).

Section 15 of the Act forbids false imprisonment.

The Act also forbids threats, intimidation, assault and the use of force and also sets out specific circumstances under which the use of force may not be unlawful (section 18).

Health and Safety legislation

The legislation requires Boards of Management, as employers, to provide in as far as reasonably practicable, a safe place of work for employees. The Boards of Management are also required to ensure, as far as reasonably practicable, that students, parents and visitors, who may be on the school premises, are not exposed to risks to their health and safety.

The legislation further requires the Boards of Management to conduct their business, as far as reasonably practicable, in ways that prevent improper conduct or behaviour likely to put the safety, health or welfare at work of employees, or the health and safety of students, parents or visitors, at risk.

Data Protection Act, 1988 ***Data Protection (Amendment) Act, 2003***

Schools that record, maintain and/or store personal data are required by the *Data Protection Acts 1998 & 2003* to protect the privacy rights of individuals. Section 2 of the Act requires that any data schools process is:

- obtained and processed fairly
- accurate and kept up to date
- kept for a specified and lawful purpose
- used or disclosed in a manner consistent with the purpose
- adequate, relevant and not excessive
- not kept longer than is necessary
- kept secure.

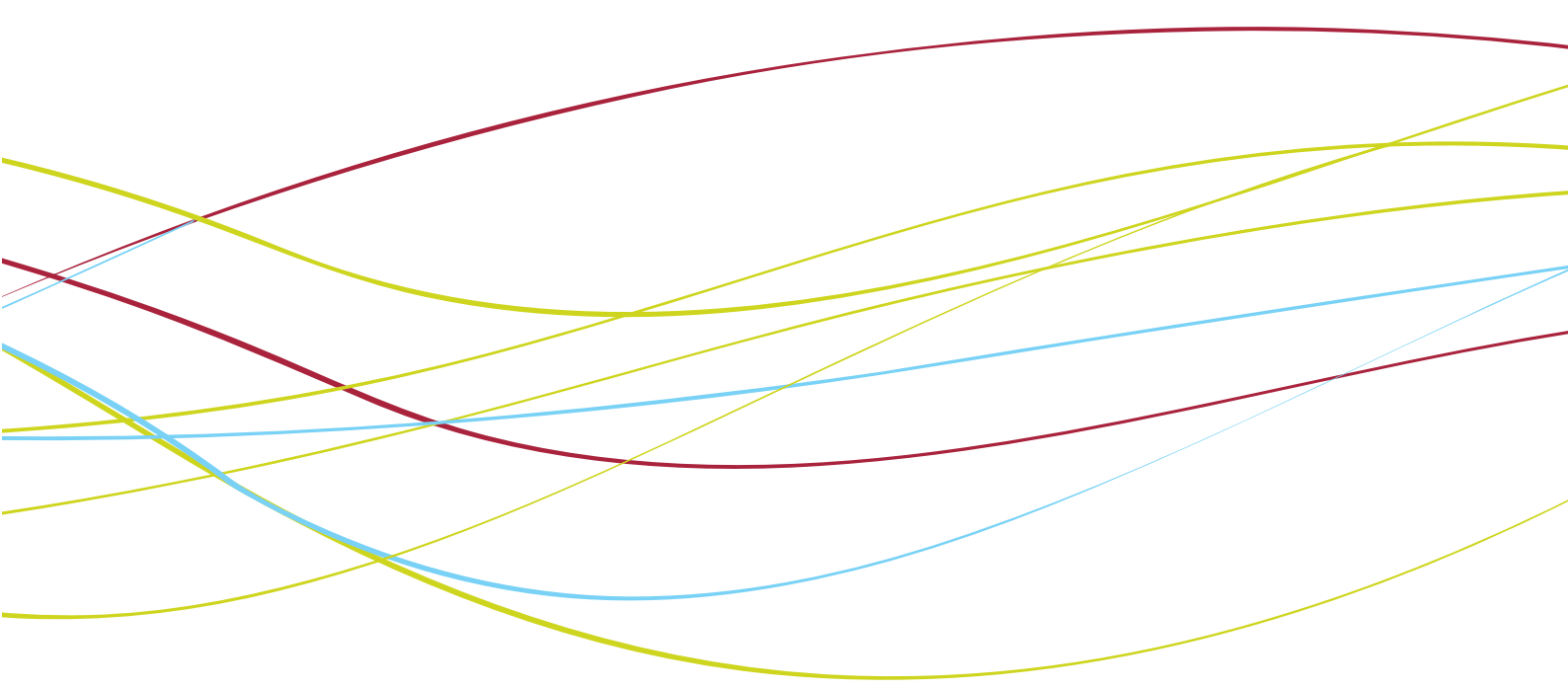
The Act also requires that an individual be given a copy of the records upon request (section 3).

Age of Majority Act, 1985

This Act provides that a person aged eighteen or over is an adult and has capacity to enter contracts and make decisions which affect the adult's legal and other rights. The *Education Act 1998* and the *Education (Welfare) Act 2000* reflect these provisions.

2

Auditing and reviewing the code of behaviour



Auditing and reviewing the code of behaviour

Most schools already have a code of behaviour. For these schools, the use of the Guidelines will involve carrying out an audit of their existing code and undertaking a more detailed review and revision of particular areas identified through the audit.

The way in which the code is developed shapes its success.

Section 23 of the *Education (Welfare) Act 2000* requires the Board of Management to consult with the Principal, teachers, parents and the educational welfare officer in preparing the code of behaviour. These Guidelines also highlight, as a matter of good practice, the importance of including students in the consultation.

The work of auditing and reviewing the code of behaviour is enriched when all the members of the school community have an opportunity to contribute. The school community should be understood to include the Board of Management, students, parents, all staff, including teachers, the school secretary, the caretaker, canteen staff and any others who are in regular contact with the students. For example, school bus drivers could make a valuable contribution to the code as it relates to behaviour on school buses. **Figure 2.1** outlines a whole-school approach to working on the code of behaviour.

Work on the code should take advantage of the diversity of the experience, insights, skills, needs and knowledge of people in the school community. It is important to include groups or individuals who might be marginalised or who are hard to engage.

Working together on the code provides the school with an opportunity to:

- help to build a shared commitment to the values and ethos of the school
- give all the partners in the school community a sense of ownership of the code
- create consensus about the kinds of behaviour and relationships that foster learning
- build a shared understanding of how behaviour affects learning
- strengthen positive relationships of respect and trust.

2.1 Auditing the code

An audit of the existing code is the starting point for every school that already has a code of behaviour.

What is an audit?

An audit is an examination of every area of the content and operation of the code of behaviour to check for completeness and compliance with legal requirements and good practice as set out in these Guidelines.

The Principal and staff, or a small group representing staff, parents and the Board of Management, will usually conduct the audit, having familiarised themselves with the Guidelines.

The audit will identify those aspects of the code that are working well, and will reveal any differences between the practice suggested by the Guidelines and the operation of the code. The audit will also identify areas that the Guidelines suggest should be covered but that are not addressed by the existing code.

Where the audit identifies aspects of the school code that need to be reviewed or addressed, the Board of Management, together with the Principal, should prioritise these areas and develop an action plan for doing this work.

An audit checklist is available on the NEWB website.

2.2 Reviewing the code

The process of reviewing the code of behaviour is part of a continuous cycle arising from the use of the code in the school. The school will engage in different activities and processes depending on where it is in this cycle.

A review follows the audit and looks at how a particular aspect of the code of behaviour is working. It draws on a range of sources of information and evidence, including the experience and views of students, teachers and other staff and parents. It uses this information and analysis to plan ways to strengthen this area of the code.

A review of a specific area of the code should:

- describe what is happening now in this area
- evaluate how well this is working
- explore and generate options for improvement or development
- make a plan for implementing agreed proposals.

Conducting a review		
Stages of review	Specific review questions	Possible sources of information
Description of current practice	<p>What are we doing now?</p> <p>Describing what is happening at the moment in enough detail to help to identify how the code is working</p>	<ul style="list-style-type: none"> • Staff reports • School records and documents • Student and parent accounts • Appeal decisions if any
Evaluation of current practice	<p>Does our practice comply with our legal obligations?</p> <p>How well is it working?</p> <p>How do we know?</p> <p>What is not working well?</p> <p>Is it working consistently, throughout the school?</p> <p>How is it connected with other aspects of the code of behaviour and linked policies?</p>	<ul style="list-style-type: none"> • Check against Guidelines • Views of staff, students and parents • Records and patterns of problems and complaints • Whole-school evaluation (if relevant) • EWO • Appeal decisions if any
Options for improvement	<p>What should we do differently?</p> <p>How can we build on what is working well?</p> <p>What do we know about other ways of working on this area?</p> <p>What would work better</p> <ul style="list-style-type: none"> - for students? - for teachers? - for parents? 	<ul style="list-style-type: none"> • Guidelines • Views and experience • Good practice • Research
Action plans for improvement and implementation	<p>What, specifically, are we going to do?</p> <p>What is the plan (time, process, resources)?</p> <p>How are we going to communicate this and to whom?</p> <p>What additional knowledge or skills do we need?</p> <p>How are we going to monitor implementation?</p>	<p>School development planning support service</p>

Outcomes of the review process

A review will provide the school with:

- a deep understanding of the current operation of a particular area of the code
- a revised approach to the area, a commitment to it and a plan for its implementation.

The review will give rise to a whole-school approach to this aspect of the code and will also enable every member of the school staff and the wider school community to know their part in using or supporting the revised policy, practice or procedure.

The review should help to identify staff training needs for skills in supporting an effective code.

2.3 Roles and responsibilities

The Patron

Under the provisions of the *Education Act 1998*, each school has a Patron who carries out certain functions specified in the Act.

The Board of Management manages the school on behalf of the Patron and for the benefit of the students and their parents. The Board must:

- uphold the characteristic spirit of the school and be accountable to the Patron in this respect
- consult with and keep the Patron informed of decisions and proposals
- publish its policies on admissions, participation, suspension and expulsion in a manner that has been agreed with the Patron (section 15(d), *Education Act 1998*).

In order to comply with these provisions, the Board of Management should submit the code of behaviour to the Patron for approval.

The Board of Management

The overall responsibility for ensuring that a code of behaviour is prepared in the school rests with the Board of Management. Each school has its unique identity, ethos, values and culture. The Board has particular responsibility for the ethos of the school, as well as having overall responsibility for school policies. The Board should play an active role in exploring the kinds of relationships and behaviours that will reflect the school's ethos and responsibilities.

The Board should make sure that all the members of the school community have the opportunity to be involved in work on the code of behaviour. The Board of Management should formally record the adoption of the code of behaviour, the commencement date and decisions about when the code will be reviewed.

The Principal

Leading the audit and review of the code of behaviour, and ensuring that it is implemented in the school, are important leadership tasks. It is the responsibility of the Principal, under the direction of the Board, to lead the work on the code of behaviour.

Teachers and other staff members

Teachers and other staff members can play important roles in the work 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 students to behave well; and their knowledge of the school and of the school community.

Parents

The 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. Joint work between parents and staff in the development of the code of behaviour can:

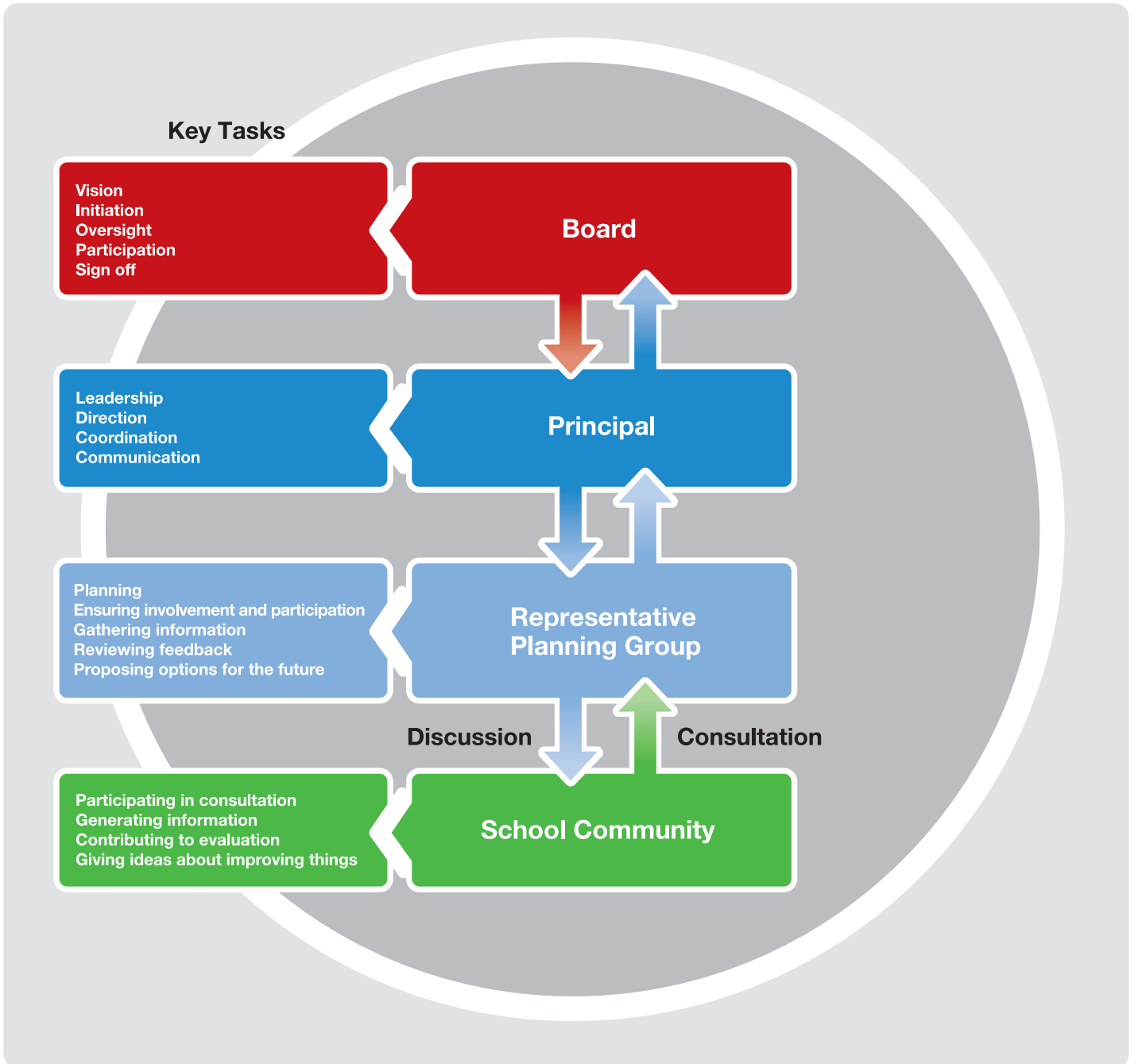
- give parents insight into what teachers need in order to be able to teach effectively
- equip parents to reinforce at home the messages about learning and behaviour that are conducive to a happy school
- help parents to have a strong sense of pride in the school and ownership of its work
- help to ensure that parents give consistent messages to students about how to treat others.

Students

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

Figure 2.1 A whole-school approach to working on the code of behaviour



2.4 Time and opportunity for working on the code of behaviour

Using opportunities that arise in the day-to-day work of the school

Board members, staff, parents and students have many demands on their time. Schools might consider using existing opportunities to work on the code, for example:

- using groups and times when people are together (e.g. meetings of parents)
- setting aside a period of time at staff meetings
- using part of in-career development and planning days
- devoting a meeting of the Board of Management to the code
- devoting time at Student Council and Parent Association meetings to the code
- using aspects of the curriculum for work with students on the code (for example, Social, Personal and Health Education, Art or Drama)
- using extra-curricular opportunities (for example, music, sport, after-school or homework clubs) to build awareness of the contribution and impact of each person's behaviour.

Joint work

While each of the partner groups needs time and space to explore their own views and ideas relating to the code of behaviour, opportunities for teachers, parents and students to work together on areas of the code are invaluable. They help to build shared understandings and agreement about behaviour (see Chapter 4 *Understanding behaviour*), and shared views about how to strengthen the code.

One useful way of doing joint work is to set up a planning group, involving representatives of the management, staff, students and parents when work is beginning on the review or development of the code of behaviour. This group can take on the work of planning the review process, gathering and evaluating information and co-ordinating ideas about new approaches. Students might be directly involved in such a group through representatives from the Student Council or by having a separate student group that gives ideas and suggestions to the adult planning group/working group.

2.5 Involvement through consultation

All members of the school community can and should be consulted about all the important areas of the code. Particular care should be taken to ensure the inclusion of the full diversity of students, parents and teachers in this process. Ways of consulting include:

- inviting collective views from the Board, staff groups, Parent Association, Student Council
- class discussions
- questionnaires to individual Board members, staff members, parents, students
- suggestion boxes
- general consultative meetings.

Consultation should take account of the limits on the time that teachers, students and parents can invest in the process.

Consulting students

Consultation can happen with all age groups. Even very young students can contribute well to the development of the code, at their own level, and with the support of their teacher. The *Bibliography* lists some relevant resources.

The Student Council at second level (or at primary level, if there is one) can play an important role in planning and managing the consultation process with students. They will need support for this work, for example through training inputs.

Some students may not feel connected to the Student Council. The school will need ways of involving young people who might not usually participate in formal committees. Their support for, and sense of ownership of, the code may be vital to ensuring its success.

The school's pastoral care structure may present appropriate opportunities for engaging students in the development of a code based on shared values and objectives.

Consulting parents

The Parent Association in the school can play a lead role in planning and managing consultation with parents. Some parents may not ordinarily feel connected with the work of the Parent Association. Creative ways will be needed to include all parents in the work on the code.

Consulting the Educational Welfare Officer

The EWO can advise the Board of Management about its responsibilities under the *Education (Welfare) Act 2000*, about good practice in the drawing up of the school's code of behaviour and about the principles of good practice and legal obligations underpinning the Guidelines.

Key Requirements: Auditing and reviewing the code of behaviour**Applying the Guidelines means:**

Undertaking an audit of the code

Preparing an action plan, with a timeframe, for reviewing and updating the code

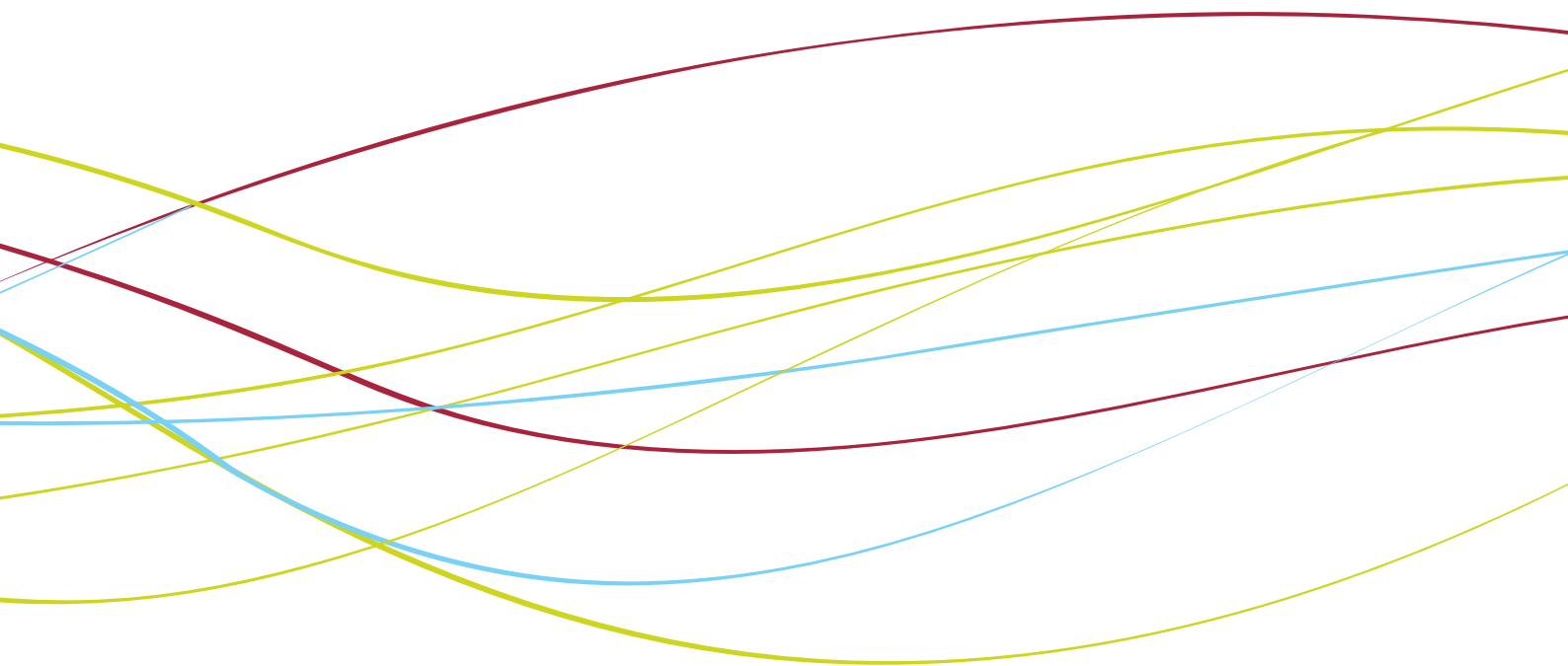
Implementing the action plan

Providing staff with time and opportunities to engage in work on the code of behaviour

Ensuring that staff, students, parents and other members of the school community are involved in the review and revision of the code

3

Principles underpinning an effective code of behaviour



Principles underpinning an effective code of behaviour

There are some basic principles that underpin an effective code of behaviour. When the code takes account of and is in keeping with these principles, it is likely to be successful in achieving its goals. These goals include:

- creating a climate that encourages and reinforces good behaviour
- creating a positive and safe environment for teaching and learning
- encouraging students to take personal responsibility for their learning and their behaviour
- helping young people to mature into responsible participating citizens
- building positive relationships of mutual respect and mutual support among students, staff and parents
- ensuring that the school's high expectations for the behaviour of all the members of the school community are widely known and understood.

3.1 Basic principles

Providing clarity

The code of behaviour describes the school's expectations about how each member of the school community (students, staff and parents) will help to make the school a good place for teaching and learning.

The code also describes how the school will respond to behaviour that interrupts, diminishes or prevents teaching and learning in the school.

An effective code makes clear that an orderly, harmonious school requires students to behave in accordance with that code.

Affirming that everyone's behaviour matters

The school climate and atmosphere are created by the actions and behaviour of everyone in the school. The behaviour of the adults in a child's life, including parents and teachers, is a significant influence on how a child acts.

Focusing on promoting good behaviour

The code gives priority to promoting good behaviour. The tone and emphasis of the code should be on setting high expectations and affirming good behaviour.

Balancing needs

The code makes clear that the educational needs of a student whose behaviour is unacceptable will be balanced with the educational needs of other students in the school.

Recognising that relationships are crucial

The quality of relationships between teachers and students is a powerful influence on behaviour in a school. The school code fosters relationships of trust between students and teachers. Adults have more responsibility than students for building these relationships.

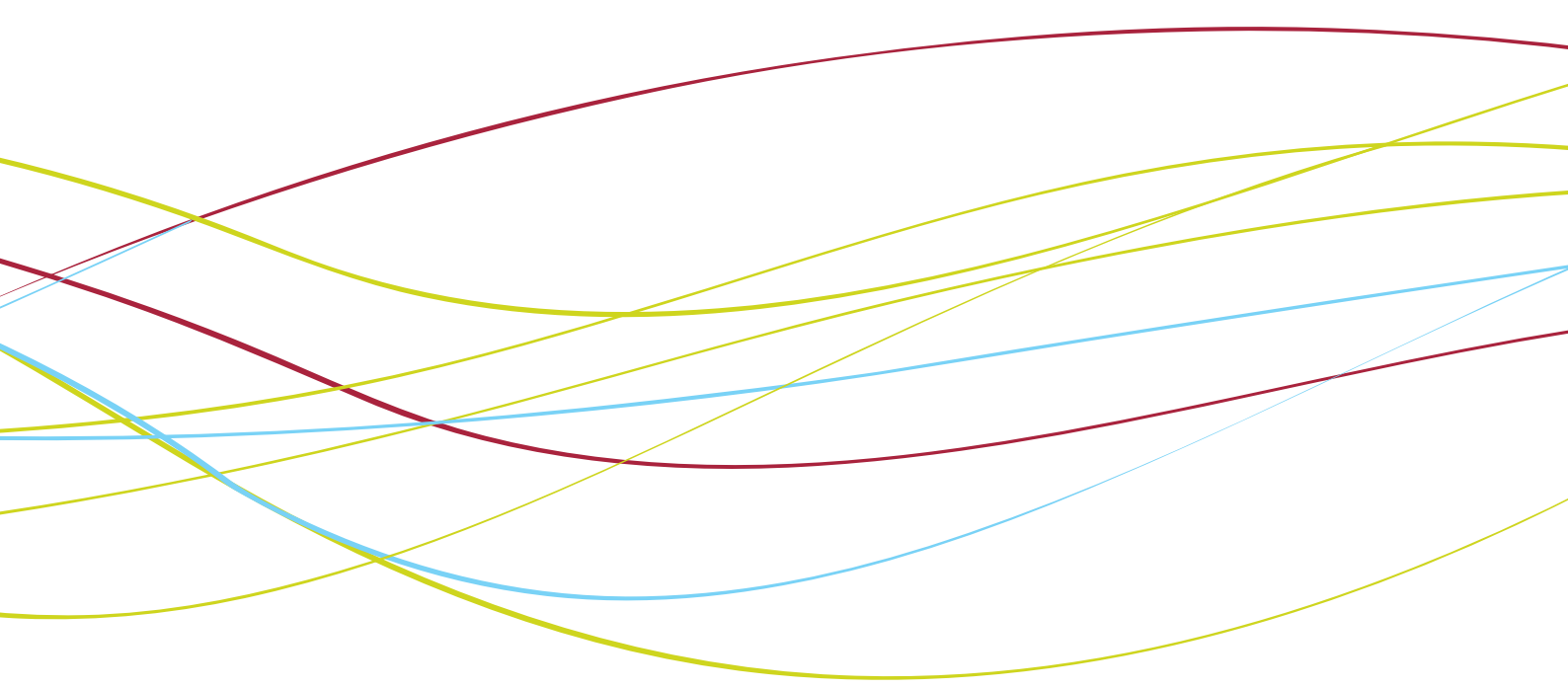
Focusing on personal responsibility	The code helps young people to experience the value of being responsible, participating members of the school community.
Ensuring fairness and equity	The code is informed by the principle of fairness. It respects the principles of natural justice, and ensures a consistent approach to behaviour on the part of all school personnel.
Promoting equality	The code promotes equality for all members of the school community. The code prevents discrimination and allows for appropriate accommodation of difference, in accordance with Equal Status legislation.
Recognising educational vulnerability	The code of behaviour reflects the school's commitment to provide positive support, including active teaching of relevant skills, for those students who are more vulnerable to behaviour problems.
Attending to the welfare of students	The code of behaviour is based on a commitment to the welfare of every student, including the right to participate in, and benefit from, education.
Attending to the welfare of staff	The code helps to promote a positive and safe working environment for all staff, including a positive and safe classroom environment for teachers.
Promoting safety and freedom from threat	The code promotes the conditions for learning and teaching, dignity and freedom from threat of violence for both staff and students.

The principles can be used in the following ways:

As an audit tool	The principles are used to help to decide whether the code warrants detailed revision.
As a starting point for developing or reviewing the code	Management, staff, students and parents begin to explore how best to translate each principle into practice.
As a way of evaluating draft proposals	The principles offer a standard against which to evaluate a draft code.

4

Understanding behaviour



Understanding behaviour

An understanding of the factors that influence behaviour is fundamental to developing and implementing the code of behaviour.

Teachers, parents and students need a shared understanding of the factors that influence behaviour.

4.1 Need for a shared understanding

Teachers, parents and students may have different understandings about behaviour. A common understanding will provide a sound foundation for a whole-school approach to promoting good behaviour and for responding to inappropriate behaviour.

A shared understanding amongst staff members

Knowledge about what shapes the behaviour of children and young people, as individuals and as groups, enables teachers and other school staff to:

- plan and implement a team approach to helping students to behave well
- develop ways of responding to unacceptable behaviour that are more likely to work and avoid responding in ways that may worsen it
- avoid an individualised or personal stance about the behaviour of students.

Sharing insights about behaviour with parents

Parents need insight into the factors that affect a student's behaviour in class and in school. They need to have a grasp of the way in which home values and parental attitudes can help or hinder a student's behaviour and learning in school. This may be especially important where cultural norms and values in the home are different from those of the school.

When parents understand the rationale for the school's behaviour policy, they are more likely to support that policy.

Sharing insights about behaviour with students

By giving students insight into their own and others' behaviour, the school can equip them to think about and understand what makes people behave in particular ways. It can build their capacity to take responsibility for their behaviour and to help each other to behave well.

4.2 Principles and influences

Learning, relationships and behaviour are inextricably linked. Good behaviour is an outcome of effective learning and good relationships, as well as an influence on how students learn.

Learning, relationships and behaviour are inextricably linked.

Some key principles are shared by almost all developed models of behaviour.

- Behaviour has meaning. It is not random. It serves a purpose and has goals, though these goals may not be easy to recognise.
- Behaviour can be learned. This means it can change.
- Behaviour takes place within a particular context and in relation to other people. Understanding the context is central to understanding the behaviour.
- What teachers, other adults and other students do in response to a student's behaviour is critical in influencing the choices students make about how they behave.
- Effective teaching and learning are closely linked to good behaviour.
- Positive acknowledgement is a very effective way of influencing and promoting good learning behaviour.
- The quality of relationships affects behaviour.

Influences on behaviour

It is useful to think about influences on behaviour in terms of factors primarily within the person and those that are external or interpersonal.

Within-person factors include:

- age and stage of development
- personality and temperament
- personal history and experience
- physical, sensory or medical characteristics
- skills, ability to learn
- beliefs about self and others
- resilience and self-efficacy.

External and interpersonal factors include:

- parental and family patterns and relationships
- social networks, including friends and peer groups
- neighbourhood and community factors
- the status and standing of different groups in society
- school factors
- time, opportunity and support for personal and social development.

The social nature of school

A knowledge of the influence of groups and the relationships within and between the many groups and subgroups in the school environment is an important part of the understanding of behaviour. School life is fundamentally social, and individual students and teachers are part of many groups and subgroups in the course of a single day. The dynamics that operate within and between these groups are very powerful and are themselves significant influences on individual and group behaviour.

Labels and definitions

Some students come to school carrying a label that describes some aspect of their pattern of learning or behaviour. **SEN** (Special Educational Needs), **ADHD** (Attention Deficit Hyperactivity Disorder) and **EBD** (Emotional Behavioural Disorders) are among the shorthand descriptions for complex and individual sets of needs.

Definitions can be helpful in alerting schools and teachers to particular learning needs. However, labelling may also colour the interpretation or understanding of the student's behaviour.

4.3 Changing behaviour

It is important that teachers believe that students' behaviour can change and know what they can do to make this more likely. With a good understanding of behaviour in general, and with accurate observation and good analysis of particular behaviours, teachers can influence some of the factors involved in helping students to manage or change their behaviour. Those factors include:

- motivation
- goals
- skills
- previous experience of trying to change, especially experience of success
- parental, family, teacher or other adult and peer support
- incentive/reward.

There is more on this topic in Chapter 7 *Promoting good behaviour*.

Key Requirements: Understanding behaviour

Applying the Guidelines means:

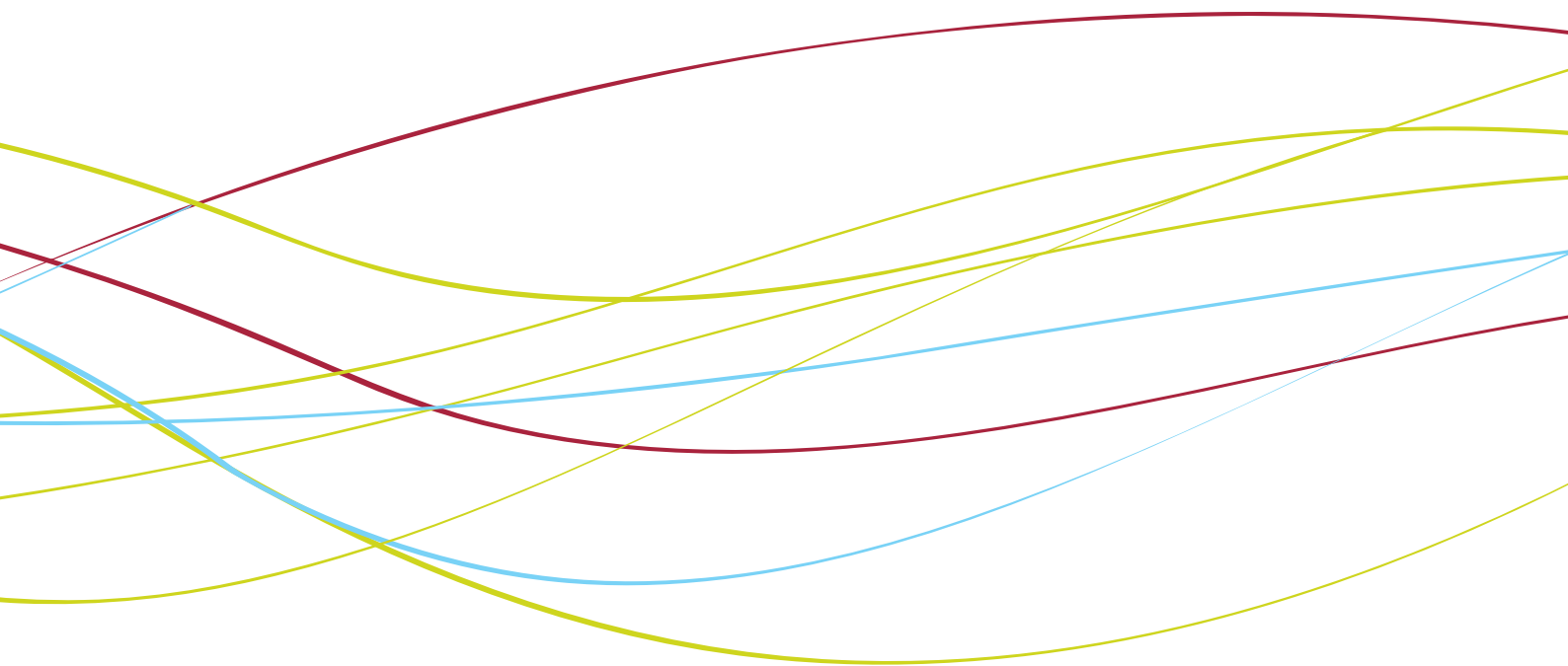
Providing opportunities for staff to deepen their understanding of the factors that affect behaviour and that help students to change behaviour

Having ways of helping parents to understand how they can help students to behave well at school

Having ways of helping students to understand their own behaviour, the reasons for it and how to take responsibility for their behaviour and relationships

5

A whole-school approach to the code of behaviour



A whole-school approach to the code of behaviour

Students' behaviour is influenced by school climate, values, policies, practices and relationships. The code of behaviour, on its own, cannot create the environment that makes it possible for students to learn and behave well.

School climate, values, policies, practices and relationships must support the code of behaviour.

5.1 What is a whole-school approach to behaviour?

The elements of a whole-school approach to behaviour include:

- 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.

Consistent ethos, policies and practices

One of the challenges and opportunities for school management and staff is to create a positive school climate that will support and promote good behaviour. All school policies and practices have the potential to impact on student behaviour and should be assessed from this perspective.

A teamwork approach to behaviour

Staff as a team should have opportunities to confirm that all school policies and practices support the objectives of the code of behaviour.

A whole-school approach to curriculum and classroom management

The foundation of positive learning behaviour is effective teaching, and an inclusive and engaging curriculum. The learning programme in the school and how it is presented to the students have a significant effect on student behaviour. Where students 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 students' behaviour. The classroom environment, like the wider school environment, gives students clear messages about teachers' expectations and creates consistent boundaries. The skill of the teacher in managing the routine engagement with students is a critical factor in preventing problems.

An inclusive and involved school community

Boards of Management, Principals, teachers, other school staff, parents and students have responsibilities at different levels for behaviour in the school.

A whole-school approach requires the school to provide 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. Students learn how their behaviour and learning, the learning of other students, and the wellbeing of staff, are linked together.

A systematic planning process

The school development planning process will help schools to ensure that all of their policies, protocols and procedures work harmoniously to sustain a positive environment for learning and teaching.

5.2 Aspects of school life that may impact on behaviour

School management and teaching staff can draw on considerable research evidence, as well as their own professional training and experience, to guide them in examining and reviewing the ways in which school policies and practices may impact on behaviour. The list that follows draws attention in a general way to links between behaviour and some of these areas of school life. As part of the review of the code of behaviour, it is important to check that these aspects of school life are impacting positively on student behaviour.

Aspects of school life that may impact on behaviour

- Approaches to addressing educational disadvantage
- Making adjustments for, and valuing, diversity; and preventing any form of discrimination
- Availability of pastoral care teams and programmes
- Relationships among teachers and students
- Students' sense of belonging to the school community
- School and classroom environment
- Relevance of curriculum to students' lives
- Classroom management
- Ability grouping
- Timetabling
- Break-time management
- Extra-curricular and co-curricular activities
- Student participation
- Parental involvement

Key Requirements: A whole-school approach to the code of behaviour

Applying the Guidelines means:

Using all of the policies and practices in the school to create an ethos that supports good behaviour

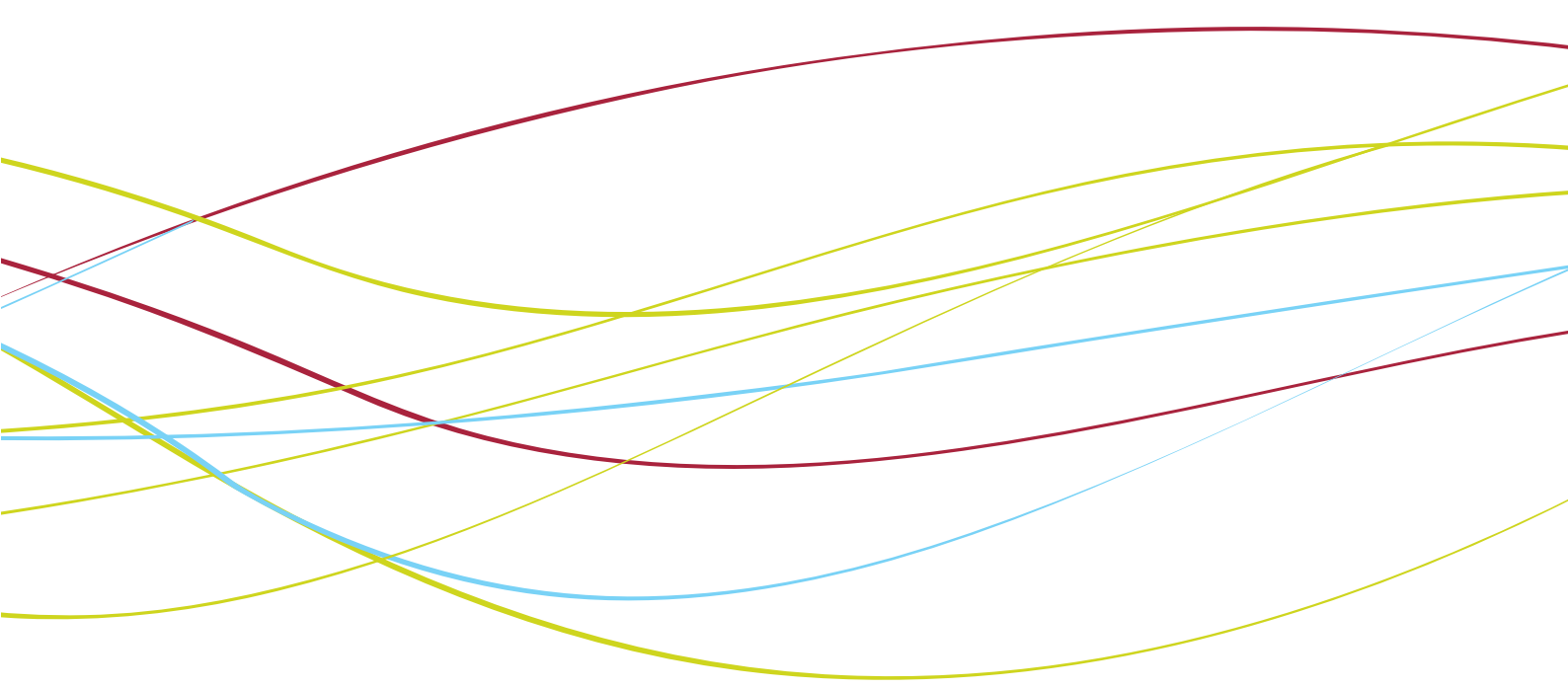
Identifying the aspects of school life most likely to affect behaviour in the school and ensuring that those aspects are working to promote good behaviour

Providing opportunities for staff to work as a team on whole-school approaches to behaviour

Reviewing the involvement of students and parents in the life of the school and ensuring they have opportunities to contribute to policy and practice.

6

Setting standards of behaviour



Setting standards of behaviour

Students are more likely to benefit from their education and to be happy in a structured, caring environment where high standards of behaviour are expected and adhered to.

The school's standards of behaviour express the kinds of behaviour and relationships that will create a positive environment for teaching and learning. They describe the behaviour expected of all members of the school community. Standards are the means by which the school will:

- provide clarity for students about the school's high expectations for their behaviour
- set goals for students that will guide them in moving towards mature and appropriate behaviour
- serve as a practical tool for teaching and learning.

The process of developing the code of behaviour provides opportunities to:

- agree the content and focus of the standards expected in the school
- develop rules or charters that reflect the standards
- agree ways of using the standards to promote good behaviour.

6.1 The content and focus of standards

The standards should expect all members of the school community to behave in ways that show respect for others.

Standards signal positive values

Standards of behaviour should reflect values such as:

- respect for self and others
- kindness and willingness to help others
- courtesy and good manners
- fairness
- readiness to use respectful ways of resolving difficulties and conflict
- forgiveness.

The standards should describe the commitment that the school expects from students to their own learning and to that of their peers. This commitment might include:

- attending school regularly and punctually
- doing one's best in class
- taking responsibility for one's work
- keeping the rules

- helping to create a safe, positive environment
- respecting staff
- respecting other students and their learning
- participating in school activities.

Standards signal unacceptable behaviour

Standards are also a way of signalling to members of the school community the kinds of behaviours that are not acceptable in the school, for example:

- behaviour that is hurtful (including bullying, harassment, discrimination and victimisation)
- behaviour that interferes with teaching and learning
- threats or physical hurt to another person
- damage to property
- theft.

6.2 School and classroom rules

The school and classroom rules translate standards into practical guidance about the behaviour expected of students. Rules provide clear boundaries. They describe in simple terms how to behave in order to learn well and to develop into mature and responsible individuals.

Schools may have both school rules and classroom rules, which will have different levels of detail. It is useful to distinguish between good housekeeping (routine, effective organisation and management) and rules that relate to behaviour and learning.

Some schools may wish to use the term **expectations** instead of rules. One of the benefits of using the term **expectations** is that expectations can be described for parents and staff, as well as for students.

Schools may wish to use the term **charter** or **agreement** at class or year level particularly when students have helped to decide on the forms of acceptable and unacceptable behaviour in the group.

While the standards are common to everyone in the school, rules should reflect the age and stage of development of the students.

Criteria for developing rules/charters/agreements

School and classroom rules work best when they are:

- kept to a minimum
- written in clear, simple language
- stated positively, telling students what to do, as well as what not to do
- based on a clear rationale that is explained, understood and agreed
- developed through consultation with students, parents and staff
- communicated and referred to regularly.

6.3 Using the standards to promote good behaviour

Standards are learning goals

Standards of behaviour are goals to be worked towards. Just as schools measure progress towards academic goals, the standards of behaviour provide a yardstick for measuring students' progress towards behavioural goals.

Students need opportunities to think and talk about behaviour, learning and rules, so that they can understand what the rules mean for them. Individual class and subject teachers can:

- involve the students in discussing how to translate the standards into school rules and classroom rules
- ensure that all students have a good understanding of what is expected of them and why
- identify the skills students need in order to observe the rules and explore possible ways of promoting and teaching these skills.

Modelling the standards: the responsibility of adults

The adults in the school have a responsibility to model the school's standards of behaviour, in their dealings both with students and with each other, since their example is a powerful source of learning for students.

Parents should be expected to model the standards that students are asked to respect. In order to do this, they need to be familiar with the standards and to understand the importance of expecting students to behave according to these standards.

The ways in which parents and teachers interact will provide students with a model of good working relationships.

6.4 The school rules and students with special educational needs

Class teachers and specialist personnel (such as the Learning Support Teacher, Resource Teacher, Special Needs Assistant) should check that standards and rules are communicated in a way that students with special educational needs can understand. It will be helpful to check for this understanding from time to time, especially where a student with special needs is acting in a way that would usually be seen as being in breach of the rules. Teachers may need support in understanding how best to help a student with special educational needs to conform to the behavioural standards and expectations of the school.

For some students, visual prompts or pictures may be needed. Some students may need opportunities to practise observing the rules, with feedback on their progress.

Key Requirements: Setting standards of behaviour

Applying the Guidelines means:

Developing a set of standards for behaviour in the school

Involving the school community in discussions about standards

Involving the students in developing school and classroom rules

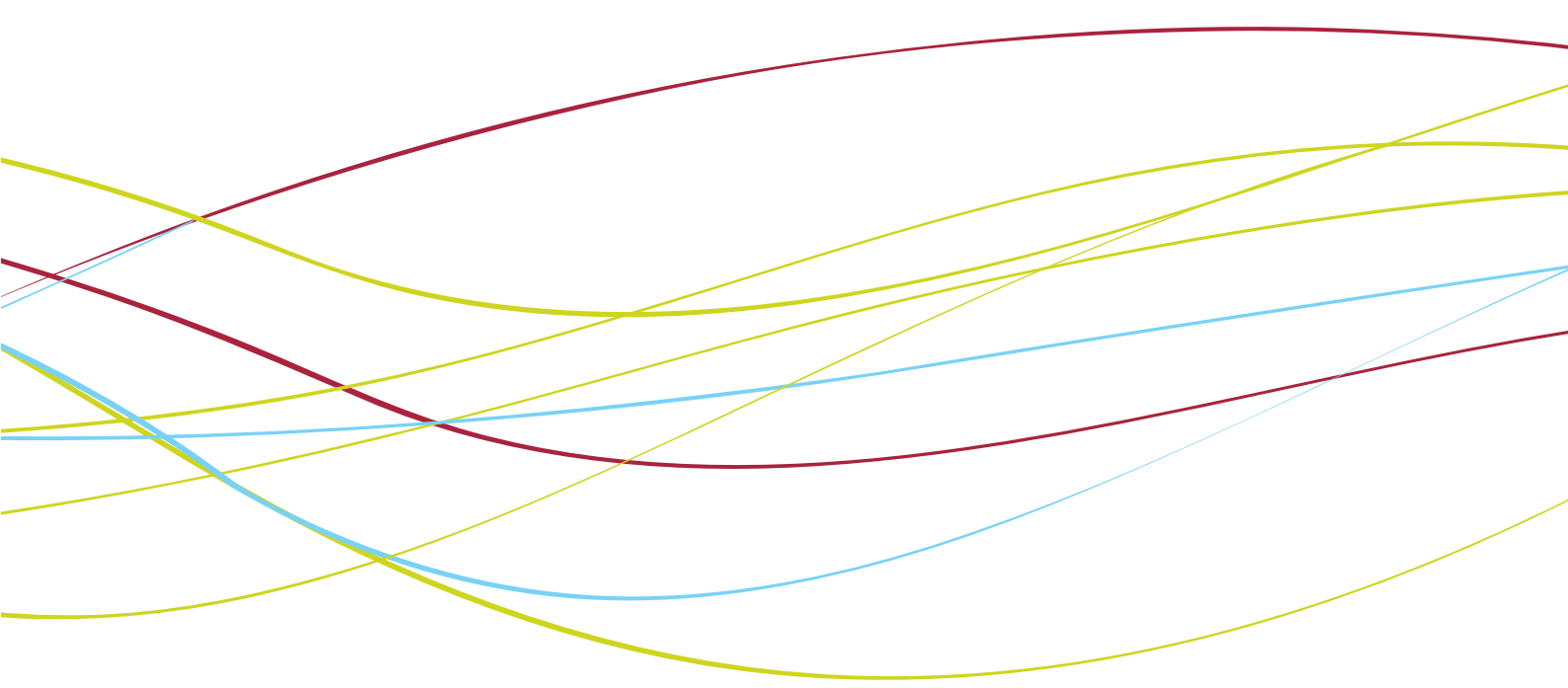
Modelling the standards

Teaching students about the standards and how to live up to them

Having ways of ensuring that students with special needs understand what is expected of them

7

Promoting good behaviour



Promoting good behaviour

Promoting good behaviour is the main goal of the code. School management and staff should actively foster a school ethos, policies, and practices that help to promote positive behaviour and prevent inappropriate behaviour.

Promoting good behaviour is the goal of the code.

7.1 Strategies to affirm and promote good behaviour

The day-to-day excellence of school management and classroom teaching will enable most students to behave in ways that support their own learning and development.

Teachers and other school staff also need a range of strategies for promoting good behaviour at class and school level. There should be consistency across the teaching team as to how best to promote good behaviour.

Students are more likely to behave well when:

- they are given responsibility in the school and are involved in the development of the code of behaviour
- they understand why the code is important and their part in making it work
- they can see that the code works in a fair way
- there are standards that set high expectations for student behaviour
- the standards are clear, consistent and widely understood
- parents support the school by encouraging good learning behaviour
- there are good relationships between teachers, parents and students and a happy school atmosphere
- adults model the behaviour that is expected from students.

Other strategies to encourage and promote good behaviour include:

- positive everyday interactions between teachers and students
- good school and class routines
- clear boundaries and rules for students
- helping students themselves to recognise and affirm good learning behaviour
- recognising and giving positive feedback about behaviour
- exploring with students how people should treat each other
- involving students in the preparation of the school and classroom rules.

7.2 Relationships between students and teachers

The quality of relationships between teachers and students is one of the most powerful influences on student behaviour. For many students, their teachers are a major source of support, adult empathy and pastoral care, and are hugely significant figures in their lives.

As adults and professionals, teachers have a strong capacity to develop good relationships with students, and a greater responsibility for the relationship.

Mutually respectful relationships balance warmth and empathy with objectivity, professional detachment, fairness and consistency.

The school should explore ways of reviewing the quality of relationships in the school from time to time. This can be done formally through questionnaires and discussion groups, suggestion boxes, tutor groups or Circle Time, as well as through informal day-to-day communication in the school.

7.3 Use of reward systems

Reward systems may be part of an overall school or class strategy, or may form part of a planned intervention to help an individual student to manage their own behaviour. The school community should consider and agree any use of reward systems.

Rewards for students with special needs should take account of their particular learning style. In the case of students with a sensory disability, the reward should be communicated in ways that take account of that. For all students, and especially those with learning difficulties, reward will have an impact when it is closely linked in time to the behaviour that is being rewarded.

Use of rewards

Effective use of rewards

Reward systems are more likely to motivate students when:

- they are meaningful to the individual student or group
- the student understands what the reward is given for
- they acknowledge behaviour that is valued and wanted
- they are closely linked in time to that specific behaviour
- they are based on a knowledge of the individual and are sensitive to personal, developmental and cultural factors (for example, teenagers may prefer private acknowledgement to public praise)
- they are given for effort and not only for achievement
- they are used consistently and by all staff
- they are used in an inclusive way. Rewards must not be used in a way that discriminate against any student or group of students, for example, students from a particular background, gender or ethnic group.

Ineffective use of rewards

Care is needed to ensure that rewards do not:

- become the goal of learning
- result in unhelpful competition
- repeatedly reward the same students
- seem unattainable to some students and, as a result, de-motivate them.

Key Requirements: Promoting good behaviour

Applying the Guidelines means:

Having a whole-school plan for promoting good behaviour

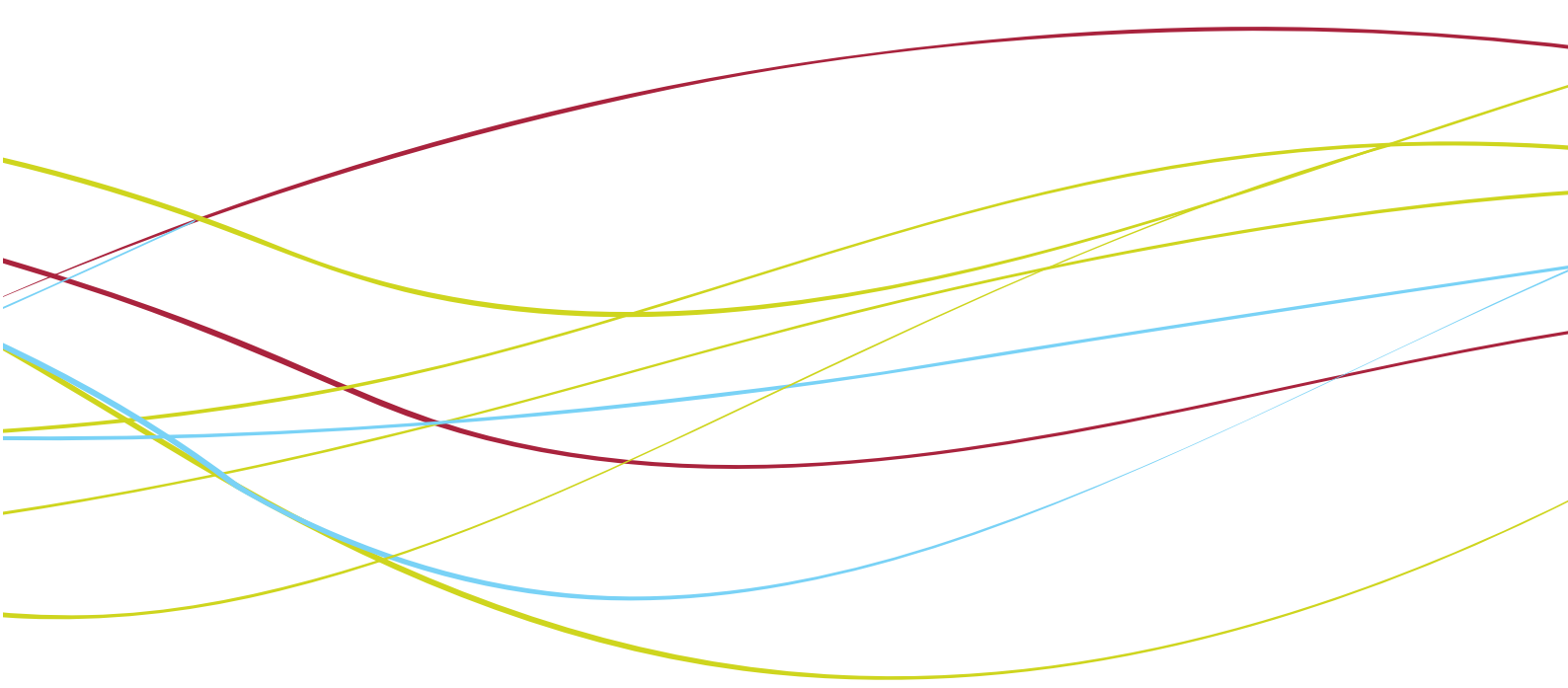
Having a plan and strategies for strengthening student and parental involvement

Having explicit ways of communicating high expectations for students

Having a way of reviewing the quality of relationships between staff and students

8

Responding to inappropriate behaviour



Responding to inappropriate behaviour

Despite the best efforts of schools, inappropriate behaviour happens. Even minor breaches of the code of behaviour can be disruptive, particularly if they are persistent. Serious misbehaviour can have damaging and long-lasting effects including disruption of the student's own learning and the learning of others. It can cause distress and anxiety or even pose a threat to the safety of students and teachers.

8.1 Balancing needs

Where a student's behaviour disrupts the teaching and learning of other students, school authorities have to weigh the needs of that student with the needs of other students and staff. This can be a difficult balance, and achieving it requires the application of professional skill and judgement, in each individual case, drawing on factual and objective information about the impact of a student's behaviour, and using transparent criteria for measuring that impact. In its approach to supporting good learning behaviour and responding to inappropriate behaviour, the school needs a systematic way of attending to both the impact of inappropriate behaviour on other students and staff and the impact of a sanction on the student.

It is the responsibility of school authorities to maintain a classroom and school environment which is supportive of the learning of every student in the school and which ensures continuity of instruction for them.

The Board of Management, with the school community, should develop a strategy for intervening early and positively when student behaviour does not meet the standards expected in the school. **Figure 8.1** shows the essential elements of such a strategy. The strategy should prioritise the early involvement of parents.

8.2 A problem-solving approach

An important element of the approach to a student's inappropriate behaviour is a problem-solving approach: that is, one where the teacher and the school respond to the unwanted behaviour using these steps.

1. Gather information. Understand the context and the factors that may be affecting behaviour.
2. Generate ideas about possible solutions that take account of the reasons why it may be happening.
3. Decide and agree on specific strategies.
4. Implement the agreed strategy consistently.
5. Review progress: evaluate the impact and effectiveness of the intervention.
6. Throughout, keep the relationship with the student as positive as possible; involve the student and parent.

These steps are summarised in **Figure 8.2**.

Figure 8.1 Addressing inappropriate behaviour

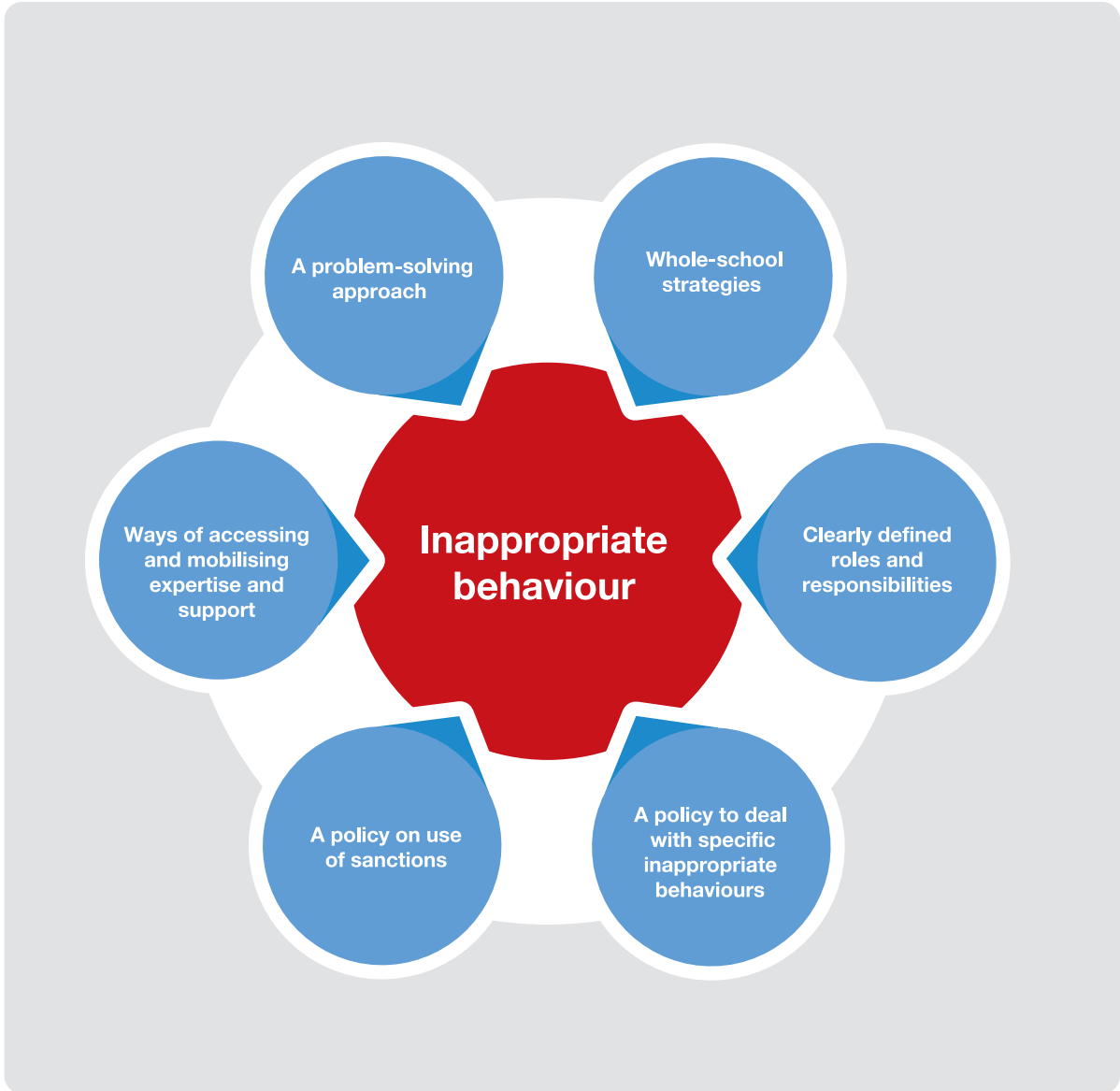
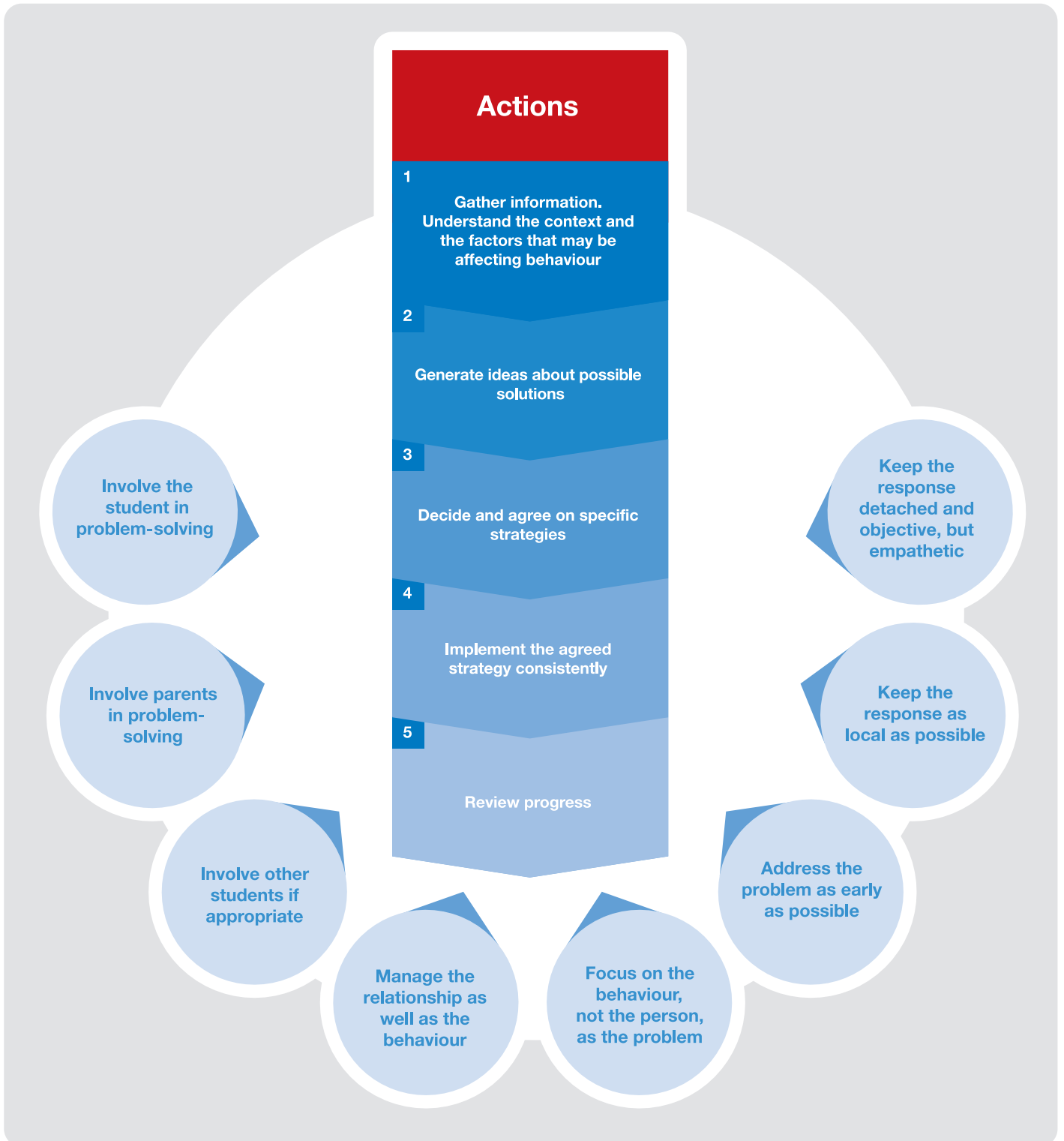


Figure 8.2 A problem-solving approach

8.3 Whole-school strategies

Elements of a whole-school approach to inappropriate behaviour include:

- agreed ways of describing behaviour
- arrangements for recording behaviour
- a ladder of intervention.

Agreed ways of describing behaviour

A common framework for documenting problem behaviour should include ways of describing the nature, intensity and persistence of the behaviour. Accurate descriptions allow adults to locate behaviour on a continuum of seriousness, to notice patterns, to observe changes over time or in different contexts and to develop ways of responding based on this detailed knowledge. This approach enables staff to use a respectful and problem-solving approach, even when a student's behaviour is difficult and challenging.

Accurate descriptions allow for reliable information about a particular student's behaviour to be gathered and shared. Agreed terminology also helps with monitoring and review of the code of behaviour.

The Framework for Intervention developed by Birmingham City Council Education Department offers a *Behaviour Environmental Checklist* to gather useful information about influences on disruptive behaviour. It also offers advice about collaboration between the many people who may have information and influence in supporting change. This kind of tool is helpful in offering schools a place to start thinking together about possible ways of addressing difficult issues (Birmingham City Council Education Department 2003).

Arrangements for recording behaviour

The Principal should explore ways of providing staff with a simple recording system that allows the school to track, systematically and consistently, any student's behaviour that is a cause of concern. The record should note interventions tried and how the student has responded to them.

A ladder of intervention

As part of the whole-school approach, school staff should have an agreed ladder of intervention in response to inappropriate behaviour. This allows for consistency among staff as well as ensuring that there is a planned approach to helping students to change their own behaviour.

Three levels at which intervention may take place are outlined below. At each level, parental and family support should be sought.

Levels of intervention	
Support for all	Most students behave appropriately, with the help of consistent and clear rules and routines in class and in school. Occasional, minor misbehaviour should be attended to routinely and effectively through the skill of the classroom teacher.
Additional support for some students	Some students need more active intervention to help them to manage their behaviour. Without additional help, they may be at risk of failing, behaviourally, socially and educationally. Additional inputs or interventions might include: <ul style="list-style-type: none"> • referral to another teacher or adult who can work with the student • involving the Pastoral Care team • setting targets for behaviour and monitoring them with the student in a supportive way • behaviour contracts.
Specialised support for a small minority of students	<p>A small minority of students may show particularly challenging behaviour. They may have great difficulty in learning new behaviour and may not respond to low-level interventions. These students will need a sustained and systematic response involving the important adults in their lives, in school and at home.</p> <p>The Principal and staff should build good links with any local support services that may be able to assist in responding to the needs of a student with behavioural difficulties. Sources of support may include the National Educational Psychological Service, HSE Community Psychology Services, the National Behavioural Support Service, the National Council for Special Education, Child Guidance Services or Adolescent Mental Health Services.</p> <p>Schools must be cognisant of their obligations under the <i>Equal Status Acts 2000 to 2004</i> with regard to making reasonable accommodation for students with disabilities.</p>

Specialised behaviour management approaches

Specialised behaviour management strategies, such as the use of restraint, should never be used without expert advice, training and monitoring. Understanding the exceptional conditions under which such interventions are useful and safe is a complex process and is outside the scope of these Guidelines.

8.4 Clearly defined roles and responsibilities

Many schools have formal and informal structures – tutor systems, pastoral care teams, guidance teams, prefect systems – which mobilise and concentrate expertise and support. Teachers who have management responsibilities or other named roles in the school may provide support to class teachers in addressing behaviour issues with an individual or a class group.

As part of a whole-school approach to managing behaviour, the roles of particular teachers should be defined. Students, parents, teachers and other members of staff should be well informed about these designated roles.

As well as formal, designated roles, teachers may sometimes take up informal roles such as mediation, or providing informal support to a colleague or a student.

Class or subject teacher

The class or subject teacher is the front-line source of help for students. As a leader of learning, and someone with an established relationship of trust, the teacher will have strong influence with students. The class teacher will deal with routine incidents of misbehaviour through classroom management strategies, thus minimising the need for other interventions.

Other members of staff and the staff team

As part of the whole-school plan, classroom or subject teachers need access, where possible, to support from another member of staff, whom they can ask for advice, or to whom they can refer a student for advice and support (as distinct from referral as a sanction). Opportunities for using other staff resources include:

- teacher referral of a student to another designated member of staff (Deputy Principal, Year Head, Form Teacher, Class Tutor) as part of a planned intervention
- referral to Guidance Counsellor, Chaplain or other staff member who may have a specific role or skills in managing behaviour
- peer support and mentoring for an individual class teacher
- the pastoral care programme.

Members of staff, working as a team, can also support the classroom teacher in a number of ways:

- helping a teacher to think about and analyse possible reasons for a student's poor behaviour
- helping to devise possible ways of changing the behaviour.

8.5 Bullying and harassment

The Board of Management of a school must have policies to prevent or address bullying and harassment.

Schools must make clear in their code of behaviour that bullying is unacceptable. Teachers have a professional duty of care to address bullying and the Department of Education and Science reinforces this duty in requiring schools to have anti-bullying policies.

As well as making explicit that bullying is prohibited in the school, and having an anti-bullying policy, the code of behaviour should say what action the school will take in relation to alleged breaches of the schools bullying policy. Templates and guidance on anti-bullying policies are available from the Department of Education and Science.

Schools should also be aware that there is a range of legislation and guidance on harassment and sexual harassment in schools and places of employment. Arising from this legislation, schools are required to implement policies that protect students and staff and other members of the school community, from harassment.

Recognising the impact of bullying and harassment

Bullying and harassment may lead to inappropriate behaviour by the victim. Schools should respond when such provocation leads to inappropriate behaviour and should not focus solely on the poor behaviour of the student who has been bullied or harassed.

8.6 The use of sanctions

The Board of Management should promote a whole-school approach to the use of sanctions. This approach should provide for:

- clarity about the role and purpose of sanctions
- good practice in the use of sanctions
- the school's duty of care
- supports for students with special educational needs.

The objective of a sanction is to help the student to learn.

The purpose of sanctions

The purpose of a sanction is to bring about a change in behaviour by:

- helping students to learn that their behaviour is unacceptable
- helping them to recognise the effect of their actions and behaviour on others
- helping students (in ways appropriate to their age and development) to understand that they have choices about their own behaviour and that all choices have consequences
- helping them to learn to take responsibility for their behaviour.

A sanction may also:

- reinforce the boundaries set out in the code of behaviour
- signal to other students and to staff that their wellbeing is being protected.

In instances of more serious breaches of school standards, sanctions may be needed to:

- prevent serious disruption of teaching and learning
- keep the student, or other students or adults, safe.

Good practice in the use of sanctions

Sanctions should be used in a way that ensures that:

Sanctions are part of a plan to change behaviour

A sanction is a form of positive intervention. However, sanctions are unlikely on their own to change behaviour. They should be used as part of a wider plan to help the student to learn.

A sanction should be used in a respectful way that helps students to understand the consequences of their behaviour and to take responsibility for changing that behaviour. In particular, a sanction should:

- defuse and not escalate a situation
- preserve the dignity of all the parties
- be applied in a fair and consistent way
- be timely.

Sanctions are used consistently

It is the responsibility of school management to ensure that all members of staff use agreed sanctions in a consistent way. This removes subjectivity and helps to ensure fairness. Teachers should know the level of sanction they are authorised to apply.

Students and parents know what sanctions are used in the school

The school's policy on sanctions needs to be communicated clearly. A student should know when they have breached the code and that the breach warrants a sanction. A student should be able to relate the sanction to the behaviour that prompted the imposition of the sanction.

Sanctions are proportionate

Sanctions should be proportionate to the nature and seriousness of the behaviour. Decisions about the use of sanctions should distinguish between minor misbehaviour and serious misbehaviour. The view taken about how serious any particular behaviour is will depend on several factors besides the actual behaviour itself. These factors will include:

- the frequency, duration and persistence of the behaviour
- whether it is part of an escalating pattern of poor behaviour
- the context of the behaviour.

Sanctions are appropriate

They should be appropriate to the age and developmental stage of the student and take account of the cultural background of the student. Sanctions should be sensitive to the particular circumstances of vulnerable individuals or groups of students (for example, a child in care or a child with special educational needs). In order to comply with equality legislation, sanctions must not be used in a manner that discriminates against particular students or groups of students and schools should be aware that some sanctions might impact disproportionately on particular groups.

It is for individual schools to determine what sanctions to use, drawing on professional judgement and the knowledge of the particular context of the student and the behaviour. Examples include:

- verbal reprimand
- removal from the group (in class)
- withdrawal of privileges
- withdrawal from the particular lesson or peer group
- carrying out a useful task in the school
- detention
- formal report to the Board of Management.

If detention is used as a sanction in the school, this should be made clear in the written code of behaviour. Parents should have adequate notice of detention.

Inappropriate sanctions include:

- physical punishment or the threat of physical punishment: physical chastisement of a student is illegal under section 24 of the *Non-Fatal Offences against the Person Act 1997*
- ridicule, sarcasm or remarks likely to undermine a student's self confidence
- public or private humiliation
- applying sanctions to whole groups or classes in cases of individual or small-group wrongdoing
- leaving a student in an unsupervised situation (e.g. a corridor) while in the care of the school
- persistent isolation of, or ignoring, a student in class
- sanctions that are used in a discriminatory way: the *Equal Status Acts 2000 to 2004* require that schools do not discriminate in the use of sanctions.

Temporarily removing a student from the classroom to a supervised location may be appropriate in the interests of classroom management in order to ensure the learning of other students and to help the individual student to recognise and learn about the impact and consequences of their behaviour. However, consistently denying a student access to a particular part of the curriculum **as a general sanction** would not be appropriate.

The school's duty of care

The school, and every teacher, should ensure that, in applying any sanction, the duty of care to the student is maintained. The teacher's duty of care is a professional duty of care, reflecting the teacher's training, skill and knowledge. This duty requires, for example, that a student is appropriately supervised at all times while at school. Appropriate arrangements must also be made to ensure that child protection guidelines are observed (see Department of Health and Children, (1999) *Children First: National Guidelines for the Protection and Welfare of Children*).

Students with special educational needs

Sanctions may be needed to help a student with special educational needs to learn about appropriate behaviour and skills, as in the case of any student.

However, teachers should take particular care that they help the student with special needs to understand clearly the purpose of the sanction and the reason why their behaviour is unacceptable. The school and classroom practices that support good learning behaviour are valid for all students, including those with identified special educational needs.

8.7 Applying sanctions in response to behaviour that takes place outside school

The standards and rules contained in the code of behaviour would usually apply in any situation where the student, although outside the school, is still the responsibility of the school. Examples include school tours, games and extracurricular activities and attendance at events organised by the school. The written code of behaviour should make clear to students and parents when and where the provisions of the code of behaviour apply.

Where a student is alleged to have engaged in serious misbehaviour outside school, when not under the care or responsibility of the school, a judgement would have to be made that there is a clear connection with the school and a demonstrable impact on its work, before the code of behaviour applies. The school authorities may need to get legal advice where the situation is complex.

Key Requirements: Responding to inappropriate behaviour

Applying the Guidelines means:

Developing a policy on how sanctions will be used to help students change inappropriate behaviour

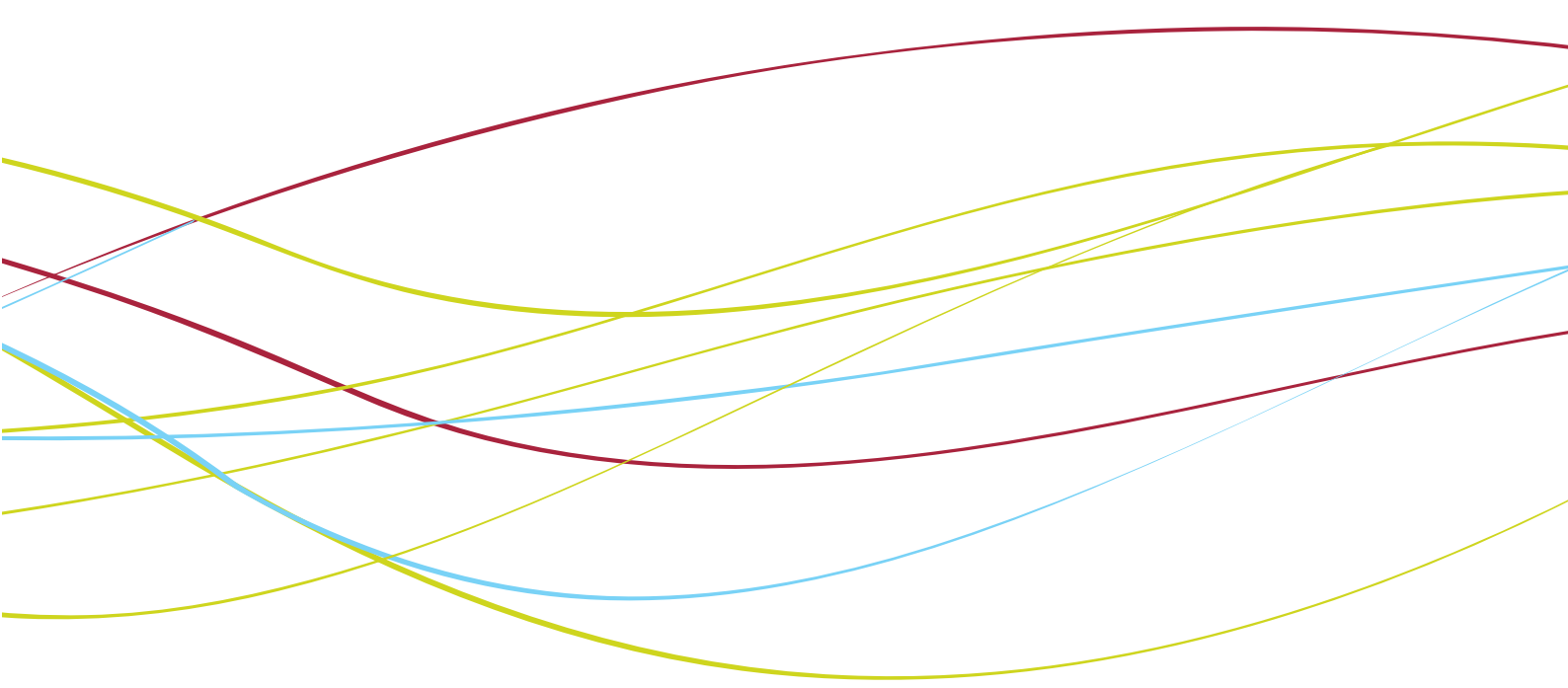
Having an agreed set of strategies for intervening positively to help students to change inappropriate behaviour

Having clearly defined roles and responsibilities for members of staff in relation to behaviour and communicating these roles widely

Agreeing a standardised way of recording matters to do with students' behaviour

9

Implementing the code of behaviour



Implementing the code of behaviour

The success of the code of behaviour depends on having a good plan for implementing it. The essential elements of an implementation plan are:

- communicating the code
- teaching students the behavioural and learning skills they need
- securing parental support for the code
- monitoring behaviour in the school
- reviewing the code (see Chapter 2 *Auditing and reviewing the code of behaviour*).

The success of the code of behaviour depends on having a good plan for implementing the code.

9.1 Communicating the code of behaviour

Section 23(4) of the *Education (Welfare) Act 2000* requires the school to provide parents with a copy of the code of behaviour before registration of the parents' child as a student of the school. The Act states that the Principal may, as a condition of registration, ask the parents to confirm in writing that the code is acceptable to them and that they will make all reasonable efforts to ensure compliance with the code by their child.

Parents and students need to understand the school's responsibility to develop and implement the code of behaviour and their own responsibility, as members of the school community, for behaviour in the school. A requirement that parents (particularly parents new to the school) sign the code of behaviour is not enough to achieve parental support for the code. A programme will be needed to help parents to understand the school's goals and standards, how they can assist in supporting their child and the help they can expect from the school if they need it.

The Principal and Deputy Principal have a particular role in ensuring that there are additional communication mechanisms so that parents understand the norms and values underpinning the code and the importance of parental support for maintaining positive student behaviour.

The code as a public document

Schools must have a written code of behaviour. The written document is a way of recognising the inclusive process by which the code was developed and also serves as a means of communicating the code to all members of the school community. The written code should describe all the important elements of the school's behaviour policy.

Template for the written code of behaviour

- How our code was developed
- Our vision for relationships and behaviour in the school and the ways in which the school promotes good behaviour
- The school Mission Statement (reflecting any foundational documents provided by the Patron)
- The expectations for students, staff and parents and how they will treat each other
- How students, teachers and parents can help to promote a happy school
- Roles and responsibilities of staff members in relation to behaviour
- The purpose and content of school rules
- Systems for acknowledging good behaviour, progress and effort (e.g. reward systems)
- How students, staff and parents can help each other to meet the standards expected in the school
- Where parents or students can get help when problems arise
- The consequences of unacceptable behaviour: what happens when people break the rules (responses and sanctions)
- Procedures for detention, if in use
- Reference to school policies to deal with bullying, harassment and sexual harassment
- When and where behaviour will be subject to the code of behaviour (e.g. school bus, school tours, other school-linked activities)
- Policies and procedures for suspension and expulsion
- Procedures for notifying the school about reasons for absence from school
- Procedures for raising a concern or bringing a complaint about a behaviour matter
- The plan for reviewing the code
- Details of who to contact about behaviour matters
- Date the code (or a new part of the code) was approved by the Board of Management and Patron.

Making the code accessible to all

The code should be written in a way that takes account of the particular community served by the school, to ensure that students, parents and staff can access it easily and make use of it. Plain language should be used, with concrete examples and thorough explanations. The ability of parents to understand and communicate in the language of the school will need to be considered and provided for; translations should be made available where appropriate. Schools should be aware of other possible barriers to communication and of the need to make the code available in a variety of formats. A school community can include many diverse cultures and backgrounds. In making the code accessible to all, it may be necessary to explain content, language and meaning in a particular way to different groupings, e.g. through the Visiting Teachers Service for Travellers.

9.2 Teaching the code and building student competence

Schools need to define and teach the behaviours they expect from students. Schools can foster in students skills to manage their own behaviour and to respond appropriately to the behaviour of others. In this way, schools equip students with essential life skills, while also creating the conditions for effective teaching and learning.

Adults should use opportunities to foster the behaviours that build a sense of community and to challenge the behaviours that diminish it.

Students need a range of opportunities to have a say in decisions that affect them and to practise active citizenship. These opportunities can be offered individually, at class and year levels, and at whole-school level, in ways that acknowledge differences in age, developmental stage, experience and capacity.

Opportunities for teaching the skills involved in reaching the standards of behaviour expected in the school include:

- referring to the code in class on a regular basis and applying the values in every class
- clarifying students' understanding of expected behaviours
- discussing appropriate and inappropriate behaviour with students
- learning and teaching the rules and developing lesson plans for each rule
- using the Social, Personal and Health Education programme and extra-curricular opportunities (music, sport, drama, after-school or homework clubs) as vehicles for teaching skills for responsible behaviour and relationships
- involving students in reviewing and developing school policies, as part of school development planning.

Students in transition

Times of major transitions are challenging for students. First-year students at post-primary level and junior infants coming into school have to negotiate new boundaries and requirements. Children changing schools, those moving from other educational, language or social settings, children with special educational needs and those changing family or living situations, including children in care, have significant hurdles to overcome.

For example, students transferring from primary to post-primary school need help in understanding the different environment of the post-primary school. The uniform code may be much stricter; there may be differences in expectations among teachers and a higher degree of organisation required of the student in managing books, moving rooms and so forth, as *Moving Up: The Experiences of First-Year Students in Post Primary Education* (National Council for Curriculum and Assessment 2004) demonstrates.

For children in junior infants, the change in adult expectations may relate to the need to sit in one place for a period of time, to listen and to share with other students.

Where students experience difficulty with the transition or new situation, their difficulty may lead to unacceptable behaviour. Where the school has a programme to help students to make a successful transition, behavioural difficulties can be diminished or avoided.

Students with special educational needs

Students with special educational needs may require help to understand and observe the code. Students with learning difficulties may need to be taught how to relate cause and effects of behaviour in more tangible ways, for example through pictures, film or role-play. They may not be able to predict consequences as easily as their peers and so may be vulnerable.

9.3 Building relationships with parents

Parental understanding and support for the implementation of the code of behaviour should be strengthened through activities such as:

- an introductory meeting for parents of new students, dealing specifically with the code, school standards, expectations for students and the role of parents in helping students to meet the standards
- encouraging parents to share information about anything that might affect a student's behaviour in school, and making sure they know how to do so
- early warning systems to alert parents to concerns about a student's behaviour, so that ways of helping the student can be discussed and agreed
- clear channels through which parents can communicate any concerns they may have about a student, and explore ways of helping the student
- information offered through the Parent Association, such as talks or workshops on behavioural matters and aspects of child and adolescent development
- parental involvement in reviewing and planning school policies, as part of school development planning.

9.4 Monitoring behaviour in the school

Developing the code is not a once-off task. The code is a live and positive set of beliefs and actions that helps to ensure that the school and classroom are effective settings for learning and teaching.

The school needs to know how the code is working and how well it is achieving its goals. This requires arrangements for monitoring and recording behaviour in the school and time devoted to analysing the information from the monitoring process.

A good system for monitoring overall standards of behaviour will gather reliable, factual information from the Board of Management, teachers and other staff, students and parents, about standards of behaviour in general or for specific class groups. It will balance subjective opinion with factual information about what is actually happening, and will gather information about good behaviour as well as poor behaviour. It will use consistent terminology to discuss behaviour (see **8.3**).

Regular monitoring will:

- alert school staff to emerging problems for a particular student or group of students
- show trends and patterns, for example, the time of day, location or circumstances associated with either poor behaviour or instances of particularly good behaviour

- provide school management with the information they need in order to have oversight of the way the code is working
- provide information to help the school to look at possible causes of particular behaviour or whether certain groups of students are the targets of harassment or bullying
- provide information about successes and what is working well
- avoid the risk of labelling a student unfairly from class to class or year to year, by providing factual data for any judgement about behaviour.

The Board of Management, together with the Principal, should examine the information gathered from the monitoring of the code on a regular basis. Where the monitoring information indicates any patterns or trends of concern, the Board should take steps, with the Principal, to look in depth at possible causes and consider solutions that would prevent problems from becoming embedded in the school or among a particular group. One outcome of the monitoring process may be a decision to review all or part of the code of behaviour.

Students and parents should be consulted to get their views on why trends and patterns are happening. They can provide valuable insights into the reasons, as well as helping to find solutions.

Records

A standardised record system will allow the school to track an individual student's behaviour and to check whether efforts to change behaviour are working. All interventions aimed at helping the student to deal with unacceptable behaviour should also be recorded, including contact with parents or referral to other agencies. Positive responses by a student, and evidence of changed behaviour, should be recorded, as should any sanction used, together with the reason why the sanction was imposed.

Students should be told when a record is being made about their behaviour, and the reasons for keeping a record.

Records should be kept in accordance with the *Data Protection Act 1988* and the *Data Protection (Amendment) Act 2003*. The eight rules of data protection apply to personal records kept in school:

1. Obtain and process information fairly.
2. Keep it only for one or more specified, explicit and lawful purposes.
3. Use and disclose it only in ways compatible with these purposes.
4. Keep it safe and secure.
5. Keep it accurate, complete and up-to-date.
6. Ensure it is adequate, relevant and not excessive.
7. Retain it for no longer than is necessary for the purpose or purposes.
8. Give a copy of their personal data to an individual on request.

Information for parents

As part of its responsibility to inform parents about matters relating to the operation and performance of the school, the Board of Management should include a report on behaviour in the school in its annual report to parents, teachers, other staff and the Student Council, where a Council has been established (*Education Act 1998* section 20).

9.5 Dealing with concerns or complaints

As part of implementation, the school should have accessible ways through which staff, parents and students can talk to someone about any concerns they may have about behaviour or about any aspect of the code of behaviour. Teachers, parents and students should be informed about how they can do this. Complaints provide valuable feedback to the school and should be welcomed and encouraged. There should be mechanisms for both formal and informal complaints. The school should seek resolution as early as possible and as close as possible to the origin of the problem.

Schools must ensure that anyone who complains about discrimination, harassment or sexual harassment is not victimised for speaking out.

Parents and students should be advised about the provision that the school has made for dealing with complaints and about the appeals procedures available under section 29 of the *Education Act 1998*.

9.6 Notification of a child's absence from school

The code of behaviour must describe the procedures to be followed by parents when they are notifying the school about a child's absence (*Education Welfare Act 2000* section 23(2)(e) & section 18). Advice to parents regarding notification of absence should indicate:

- the importance of letting the school know of their child's absence for any reason
- when the school wishes to be informed (e.g. on first day of absence or when the student returns to school)
- the person to be informed
- the method to be used in informing the school (e.g. journal, phone call, text message)
- the need to give detailed information to the school about the reasons for absence
- any requirements the school has with regard to provision of a doctor's certificate for significant absences due to illness
- any system the school uses to contact a parent when a student is absent (e.g. text messaging) and how a parent is expected to respond
- what action the school takes when a parent fails to notify the school about a student's absence.

Where a school provides a form for a parent to complete regarding absences, it is not advisable to offer categories of absences which can be selected by ticking a box. A space should be provided where the **actual** reason for the absence can be given.

Key Requirements: Implementing the code of behaviour

Applying the Guidelines means:

Having an effective programme for communicating the code of behaviour

Having a written code

Ensuring that the written code is part of a programme to help parents to support the code

Developing lesson plans and programmes to teach the skills and knowledge students need in order to behave well

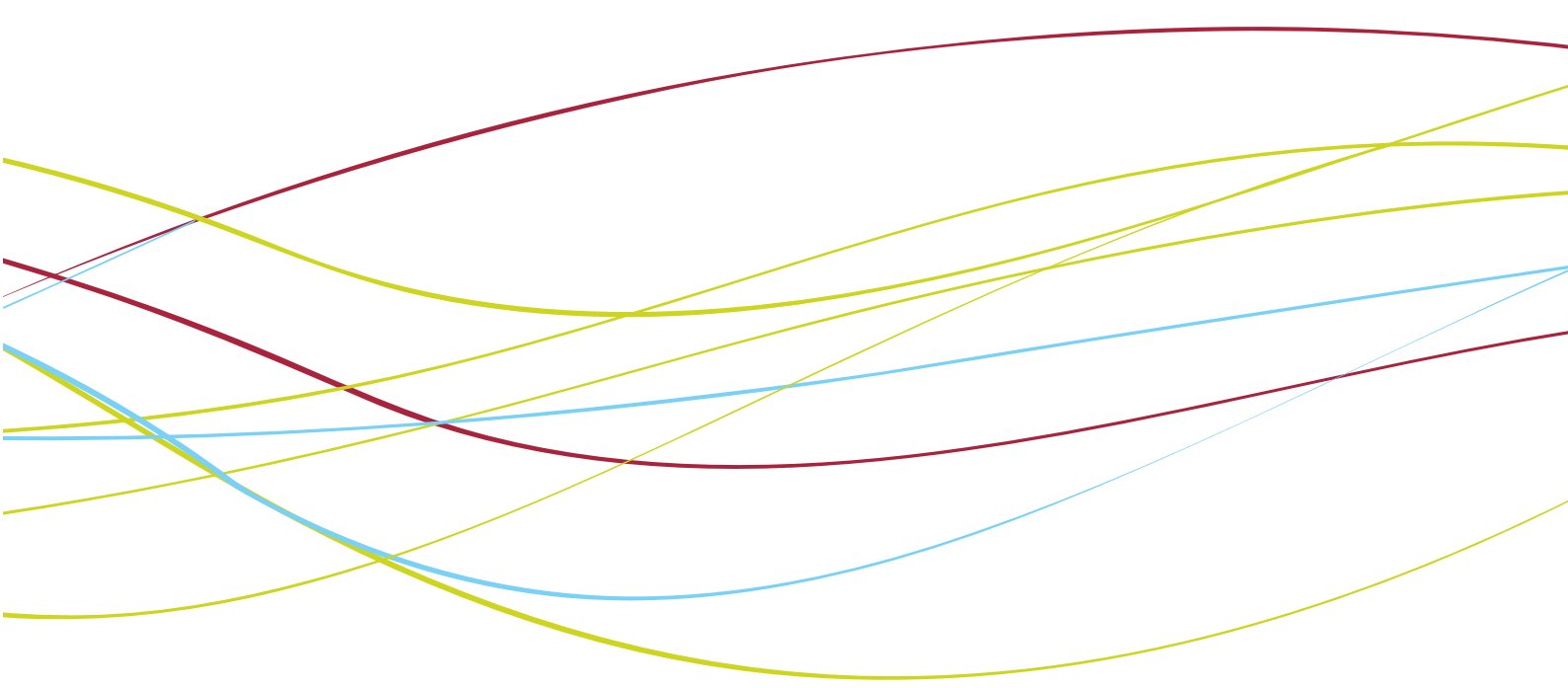
Paying particular attention to students who may be vulnerable

Monitoring and analysing patterns of behaviour in the school

Having procedures for notifying a child's absence from school

10

Suspensions and expulsions:
legal and procedural requirements



Suspensions and expulsions: legal and procedural requirements

Access to education shapes the life chances of children and young people in a fundamental way. For this reason, a proposal to exclude a student, through suspension or expulsion, is a serious step, warranted only by very serious misbehaviour.

10.1 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 student's right to education mean that decisions to suspend or expel a student are open to appeal and may be subject to judicial review by the High Court.

Schools are required, under section 23(2) of the *Education (Welfare) Act 2000*, to include their procedures for suspension and expulsion in their code of behaviour.

10.2 The responsibility of the Board of Management

The Board of Management should:

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

Time and timeliness

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

Confidentiality

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

10.3 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 student. The requirement for fair procedures derives from the Constitution of Ireland, international Conventions and case law.

Fair procedures have two essential parts:

- **the right to be heard**
- **the right to impartiality.**

The **right to be heard** means:

- the right to know that the alleged misbehaviour is being investigated
- the right to know the details of the allegations being made and any other information that will be taken into account
- the right to know how the issue will be decided
- the right to respond to the allegations
- where the possible sanction is of a serious nature, the right to be heard by the decision-making body
- where the possible sanction is of a serious nature, the right to ask questions of the other party or witnesses where there is a dispute about the facts.

The **right to impartiality** means:

- the right to an absence of bias in the decision-maker
- the right to impartiality in the investigation and the decision-making.

Freedom from bias entails ensuring that a person with an interest in the matter is not involved in the investigation or decision-making. If a person has pre-conceived opinions, a vested interest or personal involvement in the matter, they should not attempt to settle that matter.

An impartial process is one that allows a decision to be made based on an unbiased evaluation of information and evidence. Generally, impartiality requires that the investigation is separated from the process of making a decision so that the decision-maker comes to the task with an open mind.

10.4 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 student 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 student 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 student 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 student, parents, staff and other students 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.

10.5 Students aged eighteen years or more

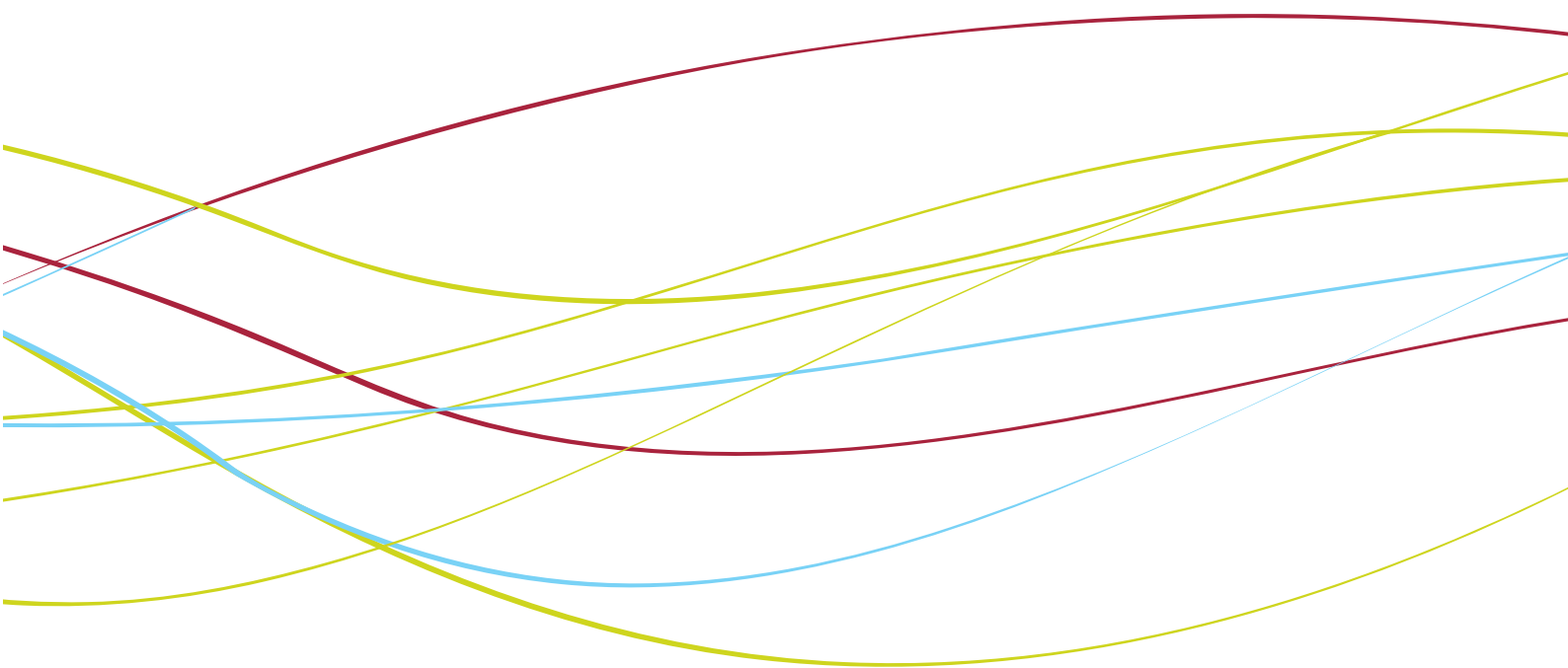
The provisions of the Guidelines relating to parents apply to the student, where the student has reached eighteen years (*Age of Majority Act 1985*). Occasions may therefore arise when an adult student requests the school to restrict or limit communication with their parents or to limit parental involvement in matters relating to their education. In such circumstances, schools are advised, particularly in relation to suspension and expulsion matters, to inform the parents of the student about the change in practice and the reasons.

10.6 Involving the Gardaí

Where allegations of criminal behaviour are made about a student, 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 student.

11

Suspension



Suspension

For the purpose of these Guidelines, suspension is defined as:

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

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

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

11.1 Authority to suspend

The Board of Management of a recognised school has the authority to suspend a student. Where this authority is delegated to the Principal, the delegation should be done formally and in writing.

The authority delegated to the Principal in respect of suspension should state any limits on that authority, and specify how the Principal is accountable to the Board of Management for his or her use of that authority. The delegation of authority should reflect the provisions of these Guidelines, any relevant legal requirements and Articles of Management, where appropriate.

Schools and colleges established or maintained by a VEC

In the case of schools and colleges established or maintained by a VEC, the VEC holds the authority to suspend a student. That authority may be devolved under section 31 of the *Vocational Education (Amendment) Act 2001* by the VEC to the Board of Management of a school. The VEC should ensure that the scope of the authority given is in line with the provisions of these Guidelines, Articles of Management or Model Agreement and any relevant legal requirements.

Where a Board of Management proposes to delegate this authority to the Principal, the Board should make a formal delegation arrangement taking due account of the provisions of the *Vocational Education (Amendment) Act 2001*.

11.2 The grounds for suspension

Suspension should be a proportionate response to the behaviour that is causing concern.

Suspension should be a proportionate response to the behaviour that is causing concern. Normally, other interventions will have been tried before suspension, and school staff will have reviewed the reasons why these have not worked. The decision to suspend a student requires serious grounds such as that:

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

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

11.3 Determining the appropriateness of suspending a student

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 student, give the student time to reflect on the link between their action and its consequences and give staff time to plan ways of helping the student to change unacceptable behaviour.

However, suspension can be counter-productive if used without a clear rationale or without measuring its impact and value. School management should 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.

Factors to consider before suspending a student

The nature and seriousness of the behaviour

- What is the precise description of the behaviour?
- How persistent has the unacceptable behaviour been?
- Has the problem behaviour escalated, in spite of the interventions tried?

The context of the behaviour

- What are the circumstances of the incidents of serious misbehaviour (e.g. in class, in a particular teacher's class, in the yard, in a group)?
- What factors may have triggered incidents of serious misbehaviour (e.g. bullying, cultural or family factors)?
- What is the age, stage of development and cognitive ability of the student?
- Are there any factors that may be associated with the behaviour (e.g. particular home circumstances, special educational needs)?

The impact of the behaviour

- How are other students and staff affected by the student's behaviour?
- What is the impact of the behaviour on the teaching and learning of the class?
- Does the behaviour have a particular or greater impact on some students or teachers?
- Does the student understand the impact of their behaviour on others?

The interventions tried to date

- What interventions have been tried? Over what period?
- How have the interventions been recorded and monitored?
- What has been the result of those interventions?
- Have the parents been involved in finding a solution to the problem behaviour?
- Has the intervention of NEPS or other psychological assessment or counselling been sought, where appropriate?
- Are any other interventions such as peer mediation, restorative justice approaches or family conferencing available?
- Is the student or parent involved with any support service and has this agency or support service been asked for help in solving this problem?
- Has any other agency been asked for assistance (e.g. Child Guidance Clinic, Child and Adolescent services)?

Whether suspension is a proportionate response

- Does the student's behaviour warrant suspension?
- Is the standard being applied to judging the behaviour the same as the standard applied to the behaviour of any other student?

The possible impact of suspension

- Will suspension allow additional or alternative interventions to be made?
- Will suspension help the student to change the inappropriate behaviour?
- How will suspension help teachers or other students affected by the behaviour?
- Will suspension exacerbate any educational vulnerability of the student?

Suspension as part of a behaviour management plan

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

- enable the school to set behavioural goals with the student and their parents
- give school staff an opportunity to plan other interventions
- impress on a student and their parents the seriousness of the behaviour.

11.4 Forms of suspension

Immediate suspension

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

Suspension during a State examination

This sanction should normally be approved by the Board of Management and should only be used where there is:

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

The sanction should be a proportionate response to the behaviour. For example, it would rarely be appropriate for a first offence, unless there is a threat to the good order of the conduct of the examination.

This sanction should be treated like any other suspension, and the principles and fair procedures governing suspensions should be applied.

The DES *Best Practice Guidelines concerning Certificate Examinations* offer guidance to schools.

'Automatic' suspension

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

Inappropriate use of suspension

Students should not usually be suspended for:

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

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

Rolling suspension

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

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

Informal or unacknowledged suspension

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

Open-ended suspension

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

11.5 Procedures in respect of suspension

Schools are required by law to follow fair procedures when proposing to suspend a student (see **10.3** and **10.4** for more detail). Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant suspension, the school should observe the following procedures:

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

Inform the student and parents

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

Parents may be informed by phone or in writing, depending on the seriousness of the matter. 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 student should be given an opportunity to respond before a decision is made and before any sanction is imposed.

A meeting with the student 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 student's behaviour. If a student and their parents fail to attend a meeting, the Principal should write advising of the gravity of the matter, the importance of attending a re-scheduled meeting and, failing that, the duty of the school authorities to make a decision to respond to the negative behaviour. The school should record the invitations made to parents and their response.

Procedures in relation to immediate suspension

Where an immediate suspension is considered by the Principal to be warranted for reasons of the safety of the student, other students, staff or others, a preliminary investigation should be conducted to establish the case for the imposition of the suspension. The formal investigation should immediately follow the imposition of the suspension. All of the conditions for suspension apply to immediate suspension. No suspension, including an immediate suspension, should be open-ended.

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

11.6 The period of suspension

A student 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. Each Board of Management should provide guidance to the Principal concerning the kinds of circumstances under which suspensions of longer than three days might be approved.

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

However, a Board of Management may wish to authorise the Principal, with the approval of the Chairperson of the Board, to impose a suspension of up to five days in circumstances where a meeting of the Board cannot be convened in a timely fashion, subject to the guidance concerning such suspensions.

The Board of Management should normally place a ceiling of ten days on any one period of suspension imposed by it.

The Board should formally review any proposal to suspend a student, where the suspension would bring the number of days for which the student has been suspended in the current school year to twenty days or more. Any such suspension is subject to appeal under section 29 of the *Education Act 1998* (see **11.7 Appeals**).

These provisions enable school authorities to give the student 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.

11.7 Appeals

The Board of Management should offer an opportunity to appeal a Principal's decision to suspend a student. In the case of decisions to suspend made by the Board of Management (see **11.6**), an appeals process may be provided by the Patron.

Section 29 Appeal

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

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

If the student is attending a school under the management of a VEC, the appeal must be made in the first instance to the VEC. Where an appeal to the VEC is concluded, parents, or a student aged over eighteen years, may appeal to the Secretary General of the Department of Education and Science.

11.8 Implementing the suspension

Written notification

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

- the period of the suspension and the dates on which the suspension will begin and end
- the reasons for the suspension
- any study programme to be followed

- the arrangements for returning to school, including any commitments to be entered into by the student and the parents (for example, parents might be asked to reaffirm their commitment to the code of behaviour)
- the provision for an appeal to the Board of Management
- the provision for an appeal to the VEC, if appropriate
- the right to appeal to the Secretary General of the Department of Education and Science (*Education Act 1998*, section 29).

The letter should be clear and easy to understand. Particular care should be taken in communicating with parents who may have reading difficulties, or whose first language is not the language of the school.

Engaging with student 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 student to behave well when the student 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.

11.9 Grounds for removing a suspension

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

11.10 After the suspension ends

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

Re-integrating the student

The school should have a plan to help the student 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 student may feel angry or resentful about their suspension, and these feelings can trigger problems with re-integration which, in turn, may lead to further problem behaviour. Where possible, the school should arrange for a member of staff to provide support to the student during the re-integration process.

Clean slate

When any sanction, including suspension, is completed, a student 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 student as of all other students.

11.11 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 should report all suspensions to the Board of Management, with the reasons for and the duration of each suspension.

Report to NEWB

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

11.12 Review of use of suspension

The Board of Management should 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 may be influencing behaviour in the school and to ensure that use of suspension is appropriate and effective.

Key Requirements: Suspension

Applying the Guidelines means:

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

Ensuring the policy is widely communicated

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

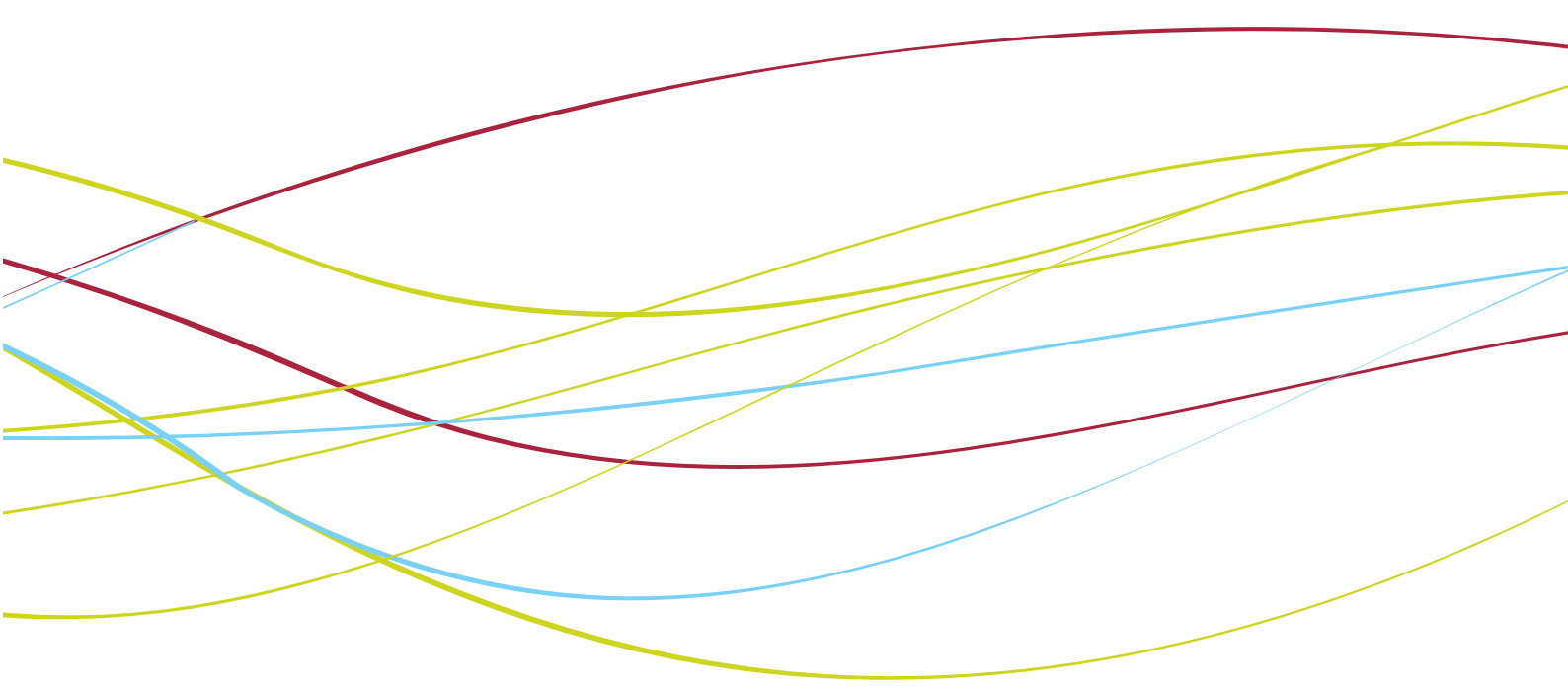
Having fair procedures for investigation and decision-making

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

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

12

Expulsion



Expulsion

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

12.1 Authority to expel

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

Schools and colleges established or maintained by a VEC

In the case of schools and colleges established or maintained by a VEC, the VEC itself holds the authority to expel. That authority may be devolved (under section 31 of the *Vocational Education (Amendment) Act 2001*) by the VEC to the Board of Management of individual schools. In devolving authority to a Board of Management, the VEC should ensure that the scope of the authority given is in line with the provisions of these Guidelines, Articles of Management and/or Model Agreement and all relevant legal requirements.

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

12.2 The grounds for expulsion

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

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

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

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

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

'Automatic' expulsion

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

Expulsion for a first offence

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

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

12.3 Determining the appropriateness of expelling a student

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

Factors to consider before proposing to expel a student

The nature and seriousness of the behaviour

- 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?

The context of the behaviour

- What are the circumstances of the incidents of serious misbehaviour (e.g. in class, in a particular teacher's class, in the yard, in a group)?
- What factors may have triggered 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)?

The impact of the behaviour

- How are other students and staff affected by the student's behaviour?
- What is the impact of the behaviour on the teaching and learning of the class?

The interventions tried to date

- What interventions have been tried? Over what period?
- How have the interventions been recorded and monitored?
- What has been the result of 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 student or parent involved with any support service and has this agency or support service been asked for help in solving this problem?
- Has any other agency been asked for assistance (e.g. Child Guidance Clinic, Child and Adolescent Mental Health services)?
- Is the Board satisfied that no other intervention can be tried or is likely to help the student to change their behaviour?

Whether expulsion is a proportionate response

- Is the student'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 student?

The possible impact of expulsion

- To what extent may expulsion exacerbate any social or educational vulnerability of the student?
- Will the student be able to take part in, and benefit from, education with their peers?
- In the case of a student 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.

12.4 Procedures in respect of expulsion

Schools are required by law to follow fair procedures as well as procedures prescribed under the *Education (Welfare) Act 2000*, when proposing to expel a student (see **10.3** and **10.4** for information about fair procedures). Where a preliminary assessment of the facts confirms serious misbehaviour that could warrant expulsion, the procedural steps will include:

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

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

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

Parents should be informed in writing of the alleged misbehaviour and the proposed investigation in order to have a permanent record of having let them know. This also ensures that parents are very

clear about what their son or daughter is alleged to have done. It serves the important function of underlining to parents the seriousness with which the school views the alleged misbehaviour.

Parents and the student must have every opportunity to respond to the complaint of serious misbehaviour before a decision is made about the veracity of the allegation, and before a sanction is imposed. Where expulsion may result from an investigation, a meeting with the student and their parents is essential. It provides the opportunity for them to give their side of the story and to ask questions about the evidence of serious 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 student's behaviour.

If a student and their parents fail to attend a meeting, the Principal should write advising of the gravity of the matter, the importance of attending a re-scheduled meeting and, failing that, the duty of the school authorities to make a decision to respond to the 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 student that the Board of Management is being asked to consider expulsion
- ensure that parents have records of: the allegations against the student; the investigation; and written notice of the grounds on which the Board of Management is being asked to consider expulsion
- provide the Board of Management with the same comprehensive records as are given to parents
- notify the parents of the date of the hearing by the Board of Management and invite them to that hearing
- advise the parents that they can make a written and oral submission to the Board of Management
- ensure that parents have enough notice to allow them to prepare for the hearing.

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

It is the responsibility of the Board to review the initial investigation and satisfy itself that the investigation was properly conducted in line with fair procedures. The Board should undertake its own review of all documentation and the circumstances of the case. It should ensure that no party who has had any involvement with the circumstances of the case is part of the Board's deliberations (for example, a member of the Board who may have made an allegation about the student).

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

be, impartial as between the Principal and the student. Parents may wish to be accompanied at hearings and the Board should facilitate this, in line with good practice and Board procedures.

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

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

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

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

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

The Board should inform the parents in writing about its conclusions and the next steps in the process. Where expulsion is proposed, the parents should be told that the Board of Management will now inform the Educational Welfare Officer.

Step 5: Consultations arranged by the Educational Welfare Officer

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

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

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

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

Pending these consultations about the student's continued education, a Board of Management may take steps to ensure that good order is maintained and that the safety of students is secured (*Education (Welfare) Act 2000*, s24(5)). A Board may consider it appropriate to suspend a student

during this time. Suspension should only be considered where there is a likelihood that the continued presence of the student during this time will seriously disrupt the learning of others, or represent a threat to the safety of other students or staff.

Step 6: Confirmation of the decision to expel

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

12.5 Appeals

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

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

The appeals process

The appeals process under section 29 of the *Education Act 1998* begins with the provision of mediation by a mediator nominated by the Appeals Committee (Department of Education and Science). For further details about the Appeals process, including requirements for documentation, and the steps in the process, refer to current DES guidance.

12.6 Review of use of expulsion

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

Key Requirements: Expulsion

Applying the Guidelines means:

Having a policy on, and procedures for, expulsion that are approved by the Board of Management, and in line with these Guidelines, and with any additional requirements set down by the Patron

Ensuring the policy is widely communicated

Developing and documenting good practice in the use of expulsion

Having fair procedures for investigation and decision-making

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

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

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** December 2005 – October 2006

Bibliography

Relevant legislation and legal instruments*

Bunreacht na hÉireann: Constitution of Ireland (1939, as amended) Stationery Office, Dublin.

European Convention on Human Rights (1950) Council of Europe (<http://www.coe.int>)

UN Convention on the Rights of the Child (1989) United Nations (<http://www2.ohchr.org/english/law/pdf/crc.pdf>)

Government of Ireland, *Education Act 1998*, Stationery Office, Dublin.

Government of Ireland, *Education (Welfare) Act 2000*, Stationery Office, Dublin.

Government of Ireland, *Education (Miscellaneous Provisions) Act 2007*, Stationery Office, Dublin.

Government of Ireland, *Education of Persons with Special Needs Act, 2004*, Stationery Office, Dublin.

Government of Ireland, *Vocational Education Act 1930*, Stationery Office, Dublin.

Government of Ireland, *Vocational Education (Amendment) Act 2001*, Stationery Office, Dublin.

Government of Ireland, *Non-Fatal Offences against the Person Act 1997*, Stationery Office, Dublin.

Government of Ireland, *Disability Act 2005*, Stationery Office, Dublin.

Government of Ireland, *Equality Act 2004*, Stationery Office, Dublin.

Government of Ireland, *Equal Status Act 2000*, Stationery Office, Dublin.

Government of Ireland, *Ombudsman for Children Act 2002*, Stationery Office, Dublin.

Government of Ireland, *Safety, Health and Welfare at Work Act 2005*, Stationery Office, Dublin.

Government of Ireland, *Data Protection Act, 1988*, Stationery Office, Dublin.

Government of Ireland, *Data Protection (Amendment) Act, 2003*, Stationery Office, Dublin.

Government of Ireland, *Age of Majority Act, 1985*, Stationery Office, Dublin.

* Legislation can be viewed at <http://www.irishstatutebook.ie>

Department of Education and Science (relevant Circulars and publications)

Rule 130 (as amended by Circular 7/88), *Rules for National Schools* (1965), Department of Education and Science.

Circular 20/90: *Guidelines towards a positive policy for school behaviour and discipline, and a suggested code of behaviour and discipline for national schools.*

Circular M33/91: *Guidelines towards a positive policy for school behaviour and discipline: A suggested school code of behaviour and discipline for post-primary schools.*

Deeds of Trust and Articles of Management

Articles of Management for Catholic Secondary Schools (1998)

Boards of Management of National Schools (2003) *Constitution of Boards and Rules of Procedure*

The Deed of Trust for Community Schools

Original Instrument and Articles of Management for Comprehensive Schools (*modified for some schools*)

References

Archbold C. and Irvine C. (2002) *Consulting with Children and Young People: The Office of Law Reform's Experience*, Child Care in Practice, Vol. 8, No. 1.1.

Birmingham City Council Education Department. (2003) *Framework for Intervention: Learning Behaviour Together*. (<http://atschool.eduweb.co.uk/outlooks>)

Blatchford, P. and Sharp, S. (1994) *Breaktime and the School: Understanding and Changing Playground Behaviour*, Routledge.

Department for International Development, UK. (2004) *Learning to listen: DFID's action plan on children and young people's participation*. (<http://www.dfid.gov.uk/Pubs/files/learningtolisten.pdf>)

Department of Education, Northern Ireland. (1998) *Promoting and Sustaining Good Behaviour: A Discipline Strategy for Schools*.

Department of Education and Science, Ireland. (2006) *School Matters: The Report of the Task Force on Student Behaviour in Second Level Schools*. (http://www.education.ie/servlet/blobServlet/tfsb_index.htm)

Department of Education and Science, Ireland. (2001) *Pastoral Care in Schools: Promoting Positive Behaviour*.

Department of Education and Science, Ireland. (1993) *Guidelines on Countering Bullying Behaviour in Primary and Post Primary Schools*.

Department of Education and Science, Ireland. (2007) *Special Educational Needs: A continuum of support*. Resource Pack for Teachers.

Department of Education and Science & The Equality Authority. (2nd edition) (2005) *Schools and the Equal Status Acts*. (<http://www.equality.ie>)

Department of Health and Children, Ireland. (1999) *Children First: National Guidelines for the Protection and Welfare of Children*.

Dwyer, P. (2003) *Achieving Positive Behaviour: A Practical Guide*. Centre for Education Services, Coláiste Mhuire, Marino.

The Equality Authority. (2002) *Code of Practice on Sexual Harassment and Harassment at Work*. (<http://www.equality.ie>)

Farrington, D, Sutton, C. and Utting, D. (2006) *Nipping criminality in the bud*, *The Psychologist*, Vol. 19, No. 8, 470–479. (<http://www.thepsychologist.org.uk>)

Frederickson, N. and Cameron, R.J. (eds.) (1999) *Psychology in Education Portfolio*, NFER-Nelson.

Gilligan, R. (2003) *Promoting Children's Resilience – Some Reflections*. (Paper presented at the Launch Event for the Glasgow Centre for the Child and Society).

Glendenning, D. and Binchy, W. (eds.) (2005) *Litigation against Schools: Implications for School Management*. First Law.

Gourley, P. (1999) *Teaching Self-control in the Classroom: A Cognitive Behavioural Approach*. Lucky Duck Publishing.

Guindon, J. (1992) *Developing an In-school Suspension Programme in an Elementary School as an alternative to Home-bound Suspension*. Nova University.

Horner, R. H. (2000) *A Schoolwide Approach to Student Discipline*. *School Administrator*, February 2000.

Irish National Teachers Organisation. (2002) *Discipline in the Primary School*. (<http://www.into.ie/ROI/publications/INTOPublications>)

Irish National Teachers Organisation. (2003) *Supporting Special Education in the mainstream school*. (<http://www.into.ie/ROI/publications/INTOPublications>)

Kohn, A. (1996) *Beyond Discipline: From Compliance to Community*. Association for Supervision and Curriculum Development, Alexandria, Virginia.

McAuley, K. and Brattman, M. (2003) *Hearing Young Voices: Guidelines for Consulting Children and Young People in relation to Developing Public Policy and Services in Ireland*. Open Your Eyes to Child Poverty Initiative. Dublin.

Martin, M. (1997) *Discipline in Schools Report for the Minister of Education*, Government of Ireland, Department of Education & Science. (<http://www.education.ie>)

Mason, J. and Fattore, T. (eds.) (2005) *Children Taken Seriously in Theory, Policy and Practice*. Jessica Kingsley Publishers.

- Moore, A. M. (ed.) (1997) *Bullying Behaviour in Schools*. The Irish Journal of Psychology, special edition Vol. 18, No. 2, The Psychological Society of Ireland.
- National Council for Curriculum and Assessment. (2004) *Moving Up: The Experiences of First-Year Students in Post-Primary Education*. National Council for Curriculum and Assessment. (<http://www.ncca.ie>)
- National Educational Psychological Service. (2005) *Submission to Task Force on Student Behaviour*.
- National Educational Welfare Board. (2007) *Guidelines for Reporting Student Absences & Expulsions: Primary and Post Primary Schools*.
- Office for Standards in Education. (2005) *Managing Challenging Behaviour*. (<http://www.ofsted.gov.uk/publications>)
- Report from the Office of Her Majesty's Chief Inspector of Schools. (1999) *Principles into Practice: Effective Education for Pupils with Emotional and Behavioural Difficulties*. Ofsted Publications. (<http://www.ofsted.gov.uk/publications>)
- Sullivan, K. (2001) *The Anti-Bullying Handbook*. Oxford University Press.
- Trotter, C. (1999) *Working with Involuntary Clients: A Guide to Practice*. Sage Publications.
- Tyrrell, J. and Farrell, S. (1995) *Peer Meditation in Primary Schools*. Centre for the Study of Conflict, University of Ulster at Coleraine.
- Visser, J. and Cole, T. (2003) *A Study of Children and Young People who Present Challenging Behaviour*. University of Birmingham School of Education.
- Wallace, F. (2001) *Just Stop and Think: Helping Children Plan to Improve their own Behaviour*. Lucky Duck Publishing.
- Wallace, F. and Caesar, D. (1995) *Not You Again! Helping Children Improve Playtime and Lunchtime Behaviour*. Lucky Duck Publishing.
- Wheatley, S. and Spillane, G. (2001) *Home and Away: A Literature Review of School Absenteeism and Non-Engagement Issues*. Victorian Statewide School Attachment and Engagement Planning and Interest Group, Melbourne.
- Whyte, G. (2005) *Implications for Schools of Irish Equality Legislation* in Glendenning, D. and Binchy, W. (eds.) *Litigation Against Schools: Implications for School Management*. First Law.