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APPEALS

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St Aidan's Comprehensive School Suspension & Expulsion Policy

The Legislative Context

The policy relating to the Suspension and/or Expulsion of a student at St Aidan's Comprehensive School was considered against the constitutional background from which it emerges and in particular Article 42

Education Act 1998

Section 15(2) d:

The Board of Management shall....

Publish, in such manner as the Board with the agreement of the Patron/Trustee considers appropriate, the policy of the school concerning admission to and participation in the school, including the policy of the school relating to expulsion and suspension of students....

Section 28(1)

Provides for the prescription by the minister of procedures for the parent of a student(or in the case of a student aged 18 years or more, the student) to exercise a right of appeal to the Board of Management against any decision of a teacher or other member of the staff of the school.

Section 29(1)

Provides for a right of appeal by the parents of a student (or in the case of a student aged 18 years or more, the student) against a decision by a Board to permanently exclude or to suspend for a length of time to be determined.

Education Welfare Act 2000

Section 23

Outlines the obligation of the Board of Management to publish and disseminate to parents and students the Code of Behaviour to be observed by all students in the school. This Code of Behaviour must specify:

The procedures to be followed before a student may be suspended or expelled from the school (section 23(2) c)

The grounds for removing a suspension imposed in relation to a student (section 23(2)d)

Section 24

Sets out the statutory obligations which must be observed by the Board of Management in expelling a student from school.

1. Where a Board of Management or "a person acting on its behalf" believes that a student should be expelled it must before doing so inform the Education Welfare Officer of this belief and the reason for so believing.

- 2. The Education Welfare Officer must consult with the principal (or his/her nominee), the student and his/her parents and other appropriate persons, and convene a meeting of those willing to attend.
- 3. A student may not be expelled for 20 days after the Education Welfare Officer receives this notification.
- 4. A Board has the right to take such reasonable measures as it considers appropriate "to ensure that good order and discipline are maintained...and the safety of students is secured during this 20 day period"

Equal Status Act 2000

Section 7(2) (d) provides specifically that an educational establishment shall not discriminate in relation to:

The expulsion of a student from; the establishment or any other sanction against the student.

The prohibited grounds for discrimination are: Gender, marital status, family status, sexual orientation, religion, age, disability, race, membership of the Travelling Community.

Scope of Suspension and Expulsion Policy

Students have a statutory obligation to attend school up to the age of 16. Accordingly students have a right to attend school up to that age. 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.

Having been admitted to a school, all students have the right to learn in an orderly and caring environment. St Aidan's Comprehensive school has established and maintains high expectations of student behaviour. All members of the school community have participated in the development of the School Code of Behaviour (Appendix 1).

All students and teachers have the right to be treated fairly and with dignity, in an environment free from disruption, intimidation, harassment and discrimination. A spirit of cooperation and respect for all is core to all activities and these take place in an atmosphere of respect and responsibility.

There will be cases of unacceptable behaviour where it will be in the best interests of the school community and/or the students involved, for the students to be removed from the school for a period of time or completely. Suspension and Expulsion are the options available to the Board of Management in these situations (examples of "unacceptable behaviour" are contained in the Code of Behaviour-*Appendix 1*).

Collaboration between the Board of Management, School Staff, Students, and Parents is an important feature of Behaviour Management at St Aidan's Comprehensive School. It is intended that all are fully aware of the Suspension and Expulsion procedures and their place in the context of the school's Code of Behaviour.

This policy applies to all students enrolled at St Aidan's Comprehensive School. It is the outcome of extensive research and collaboration with the Board of Management Teachers', Staff, Parents and Students of St Aidan's Comprehensive School.

Subject to the provision of legislation and the Deed of Trust for Comprehensive Schools and under the direction of the Board, the Principal shall:

- o control the internal organisation, management and discipline of the school,
- o exercise supervision over the teaching and non-teaching staff and
- have power, for any cause which he or she judges adequate to dismiss, subject to the approval of the Board, or to suspend students from attendance,
- On the dismissal or suspension of any student inform the parent that he or she has the right to appeal to the Board.

Factors to consider before suspending / expelling a student:

- o the nature and seriousness of the behaviour
- o the context of the behaviour
- the impact of the behaviour
- the interventions tried to date
- whether suspension / expulsion is a proportionate response
- the possible impact of suspension

The Board of Management and the Principal will exercise the authority to suspend or expel a student having regard to their responsibilities to the whole school community and to the principles of Natural Justice. (Appendix 2)

In implementing the procedures which lead to suspension or expulsion, the Principal and Board of Management will ensure that no student is discriminated against on any of the following grounds:

- ➢ Gender
- Marital status
- ➢ Family status
- Sexual orientation
- Religion

- ➤ Age
- Disability
- ➢ Race
- Membership of the Travelling Community

The Board of Management will also ensure that the implementation of these procedures will take into account such factors as:

- a. The age and state of health of the student
- b. The student's previous record at the school
- c. Any particular circumstances unique to the pupil who might sensibly be taken into account in connection with the behaviour, e.g. strained or traumatic domestic situations.
- d. The extent to which parental, peer or other pressures may have contributed to the behaviour
- e. The degree of severity of the behaviour, the frequency of its occurrence and the likelihood of its recurring;
- f. Whether or not the behaviour impaired the normal functioning of the student or other students in the school;
- g. Whether or not the behaviour occurred on school premises or when the student was on the way to or from school. An important consideration in cases of doubt is the extent to which behaviour away from the school had a serious impact on the life of the school;
- h. The degree to which behaviour was a violation of one or more rules contained in the schools Code of Behaviour and the relative importance of the rule
- i. Whether the incident was perpetrated by the student on his or her own or as part of a group.

The principles of Natural Justice are fundamental to the implementation of these procedures. *Fair procedures are followed, based on the principles of natural justice, when proposing to suspend or expel a student i.e. the student has a right to be heard, and the student has a right to impartiality. These fair procedures apply to:*

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

Depending on the nature and extent of the misbehaviour the support of other agencies such as the National Education Welfare Board (NEWB) or the National Educational Psychological Service (NEPS) will be sought by the Board of Management.

SUSPENSION

AUTHORITY TO SUSPEND

The Board of Management of St. Aidan's Comprehensive School has the authority to suspend a student. This authority has been delegated to the Principal formally and in writing.

DEFINITION OF SUSPENSION

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.

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

Other interventions will normally have been tried before suspension, and school staff will have reviewed the reasons why these have not worked.

Suspension is only one strategy within the school's Code of Behaviour. The effectiveness of this sanction is dependent on the parents'/guardians taking responsibility for and playing an active role in partnership with the school, to work with their child to enable the child's behaviour to change. The school will work with parents/guardians with a view to assisting a suspended student to rejoin the school community as quickly as possible.

- 1. The Principal in making the decision to suspend will consider the following factors:
 - The nature/seriousness of the behavior
 - The context of the behaviour
 - The impact of the behaviour
 - The interventions tried to date
 - Whether suspension is an appropriate response
 - The possible impact of suspension
- 2. The Principal may suspend immediately in some circumstances e.g. violence, threats of violence, presence of weapons, illegal substances, refusal to cooperate. A list of such circumstances is in the School Journal. This is not an exhaustive list.

- 3. A student may be suspended by the Principal for up to three days.
- 4. A student may be suspended for more than 3 days in exceptional circumstances where the Principal considers that a longer period is needed to achieve a particular objective with the approval of the Chairperson of the Board.
- 5. Under the Education (Welfare) Act, Section 21 the Principal is obliged to report cases to the Education Welfare Officer where—
 (a) A student is suspended from the school for a period of not less than 6 days.
 (b) The aggregate number of school days on which a student is absent from school during a school year is not less than 20 (Appendix 3).
- 6. Section 29 of the Education Act provides that the following decisions may be appealed to the Secretary General of the DES:(i) Permanent exclusion from a school;
 - (ii) Suspension for a period which would bring the cumulative period of suspension to 20 school days or longer in any one school year (Appendix 4)

PURPOSE OF SUSPENSION

Suspension allows students time to reflect on their behaviour, to acknowledge and accept responsibility for the behaviour which led to the suspension and to accept responsibility for changing their behaviour to meet the schools expectation in the future. It also allows time for school personnel to plan appropriate support for the student to assist with successful re-entry.

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

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.

These provisions enable school authorities to give the student a reasonable time to reflect on behavior. They recognise the serious nature of the sanction of suspension and ensure seriousness is reflected in school procedures. These provisions mean that the Board of Management of St. Aidan's Comprehensive School 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. (Under Section 29 of the Education Act)

GROUNDS FOR SUSPENSION

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 ie. on-going misbehavior towards students, staff, disruption of the learning of others
- the student's continued presence in the school at this time constitutes a threat to the health & safety of the students, other students, staff etc.
- the student is responsible for serious damage to property/theft of school property
- Physical/verbal abuse of students/staff/any member of the school community
- Continuously missing detention
- Having/using banned substances in school / at school activities / in school uniform.
- Smoking on school premises will warrant an automatic <u>2</u> day suspension
- Physical contact/Fighting will warrant an automatic 2 day suspension
- Having weapons on their person and / or on school grounds that could cause harm to members of the school community.
- Inappropriate use of social media. This list is not exhaustive.

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

A student will only be suspended when behaviours have been contrary to the school Code of Behaviour. Parents and students have signed this document on enrolment and re-entry each academic year thereafter as long as the student continues to attend the school. A copy of the signed Code of Behaviour is held in the School Journal of the student and on the students file.

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.

Internal Suspension

A student may be denied the right to attend a class/classes following disruption of a class/s or for continuous misbehaviour

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 rights of other students

'Automatic' suspension

The Board of Management has decided, as part of the St. Aidan's Comprehensive School's policy on sanctions, and following a consultation process with the Principal, parents, teachers and students, that particular named behaviours incur suspension as a sanction. Examples are listed in the School Journal. This is not an exhaustive list.

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.

Open-ended suspension

Students should not be suspended for an indefinite period.

PROCEDURES IN RELATION TO SUSPENSION

The rights to be heard, the right to impartiality and to an absence of bias are built into the procedures. Schools are required by law to follow fair procedures based on the principles of Natural Justice when proposing to suspend a student. The school should

• inform the student and their parents about the complaint

• give parents and the 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. Parents must be informed of their right to appeal any decision to suspend.

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.

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

The period of suspension

A student should not be suspended for more than three days, except in exceptional circumstances where the Principal considers that a period of suspension longer than three days is needed in order to achieve a particular objective

If a suspension longer than 3 days is being proposed by the Principal, the matter should be referred to the BOM for consideration and approval giving the circumstances and the expected outcomes.

The Board may authorize the Principal, with the approval of the Chairperson of the Board, to impose a sanction of up to 5 days.

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*. (Appendix 5)

IMPLEMENTING THE SUSPENSION

1. Principal/Deputy Principal makes the decision (or, in their absence, the Acting Assistant Principal) on the basis of the reasons set out in the Code of Behaviour, and the parameters set out by the Board of Management.

2. Student is informed of the decision

The student must be informed of the precise grounds which gave rise to a possible suspension, and be given an opportunity to respond (except in cases of immediate suspension), before a decision to suspend is reached and formalised.

3. Parents/Guardians informed and given an opportunity to respond and invited to come to the school for a meeting.

4. If suspension is to be immediate (e.g. in the interests of health and safety) Parents/Guardians may be informed by phone, with written follow up by Principal/Deputy Principal.

5. Student to be supervised/in class until suspension takes effect.

6. Student will not be sent home during the school day, unless collected by parent/guardian, or other suitable arrangement made.

7. Written notification

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

- Notice of the suspension
- Effective date of suspension
- Duration of the suspension
- Reasons for the suspension
- Importance of parental assistance in resolving the matter

- A statement that the student is under the care and responsibility of the parents/guardians while on suspension
- A statement that the Education Welfare Board has been informed (If the suspension is more than 6 days, or the student has been absent for more than 20 days during the school year to date)
- Information on Appeal Rights
- Requirements which need to be put in place when students returns (e.g. written apology, completed assignments etc.
- If consideration is being given to proceeding to expulsion, then the letter must make this clear.

The letter should be clear and easy to understand. [Appendix 6]

8. Procedures for the formal re-introduction of the student into school

Parents may be requested to attend with the student on the day of his/her return to the school

Undertakings of good behaviour may be requested in writing

Agreed conditions (e.g. counselling, referral to NEPS, other pastoral supports) should be signed by the parent and pupil.

GROUNDS FOR REMOVING 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 Skills directs that it be removed following an appeal under Section 29 of the *Education Act 1998*.

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

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.

RECORDS AND REPORTING

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 of St. Aidan's Comprehensive School, 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)).

REVIEWING USE OF SUSPENSION

The Board of Management of St. Aidan's Comprehensive School reviews the use of suspension in the school on an on-going basis 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.

EXPULSION

Expulsion is the most severe sanction available to a school against a student. It may be imposed for very serious breaches of school rules or in cases where the rights of a greater number of students are being denied because of the continual disruptive behaviour of an individual student. This sanction is exercised by the Board of Management having complied with the provisions of Section 24 of the Education (Welfare) Act 2000 and having investigated the matter in accordance with the principles of Natural Justice.

GROUNDS FOR EXPULSION

The grounds for expulsion are founded upon the Code of Behaviour, of which the student and parents/guardians have copies, are familiar with its contents and have signed A student may be recommended for expulsion where:

- There is on-going refusal by a student to abide by the regulations and Code of Behaviour of the school and the Principal in consultation with the Board of Management has, in his/her considered judgement, exhausted all reasonable options
- Persistent/on-going disruption of the learning of others
- Serious physical or verbal assault of any person in the school community
- Where the continued presence of the student constitutes a real and significant threat to the health & safety of others
- Willful and serious damage to school property
- Having, passing, selling or taking illegal substances in school uniform on school property and/or at school activities. This will automatically be reported to the Board of Management and the local Gardai will be informed.
- The presence of weapons/implements which may cause a threat to the safety of members of the school community

• Ongoing serious bullying including cyberbullying and breaches of the school's Social Media Policy and Acceptable Use Policy.

That which differentiates between behaviour that warrants suspension/expulsion is

- Degree of seriousness and persistence of the behaviour
- Various alternative interventions have been tried by the school
- All possibilities of reforming the pupils behaviour have been exhausted

AUTOMATIC EXPULSION

A Board of Management may decide, as part of the school's policy on sanctions, the particular named behaviours which may incur expulsion as an automatic sanction. However, a general decision to impose expulsion for named behaviours does not remove the duty to follow due process and fair procedures.

FIRST TIME 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.
- Ongoing serious bullying including cyberbullying and breaches of the school's Social Medial Policy and Acceptable Use Policy.

PROCEDURE FOR EXPULSION

Where an instance occurs that may warrant expulsion, the following procedural steps will include:

1. A detailed investigation carried out under the direction of the Principal.

In this step the principal has:

- Ensured all discipline options under the Code of Behaviour have been applied and documented.
- Ensured appropriate support personnel, internal and external, have been involved
- Ensured that discussion has occurred with the student, parent/guardian regarding specific misbehaviour which the school considers unacceptable and which may lead to expulsion
- Provide formal verbal and written warnings at appropriate times detailing these behaviours, as well as clear expectations of what was required of the student in the future
- Recorded all action taken, and
- Copied all correspondence
- Informed the parents/guardians of his/her intention to recommend expulsion to the Board of Management

- Invited the parents/guardians to make a written submission in advance of the Board Meeting
- Provided the parents with a full, written description of the allegations against the student and the case being made at the Board, together with copies of all documentation, statements etc. supporting that case.
- Gave 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.
- Where expulsion may result from an investigation, a meeting with the student and their parents is essential.
- Provide adequate notice of time, date and location of Board of Management meeting to parents
- Specify who may attend with student
- CCTV cameras are in operation and may be viewed following a written request by parents of a specific incident.

2. Recommendation to the Board of Management by the Principal.

The Principal makes a formal expulsion recommendation to the Board with full supporting documentation, as per NEWB guidelines, (Appendix 7)

3. Consideration by the Board of Management of the Principal's recommendation; and the holding of a hearing as per NEWB guidelines (Appendix 8)

4. Board of Management deliberations and actions following the hearing.

The Board decides whether or not the allegation is substantiated and, if so, whether or not expulsion is the appropriate sanction. Where the Board of Management, 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).
- 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.

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.
- 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 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.

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 will be notified immediately that the expulsion will now proceed. Parents and the student will be told about the right to appeal and supplied with the standard form on which to lodge an appeal, (Appendix 5). A formal record will be made of the decision to expel the student.

APPEALS

The principles of Natural Justice demand that there should always be an appeal to a higher authority. The practicalities of school life mean that having formal appeal to the Board of Management on short suspensions imposed by the Principal may be inappropriate, very time consuming, and render the suspension meaningless.

Where a Suspension or Expulsion is being sanctioned, it will be the policy at St Aidan's Comprehensive School to:

- Notify parents of their right to appeal
- Information relating to the right to appeal will be provided
 - 1. 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, an appeals process may be provided by the Patron.
 - 2. 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 Skills (Education Act 1998 section 29). An appeal may also be brought by the National Educational Welfare Board on behalf of a student.
- o If necessary request that a student remain at home while the appeal is in progress

It may in some instances be appropriate to formalise a meeting before the suspension is actually imposed, comprising the Principal, Deputy Principal, Year Head, Representative from the pastoral care team and the Parents in an attempt to resolve matters and/ or to explain the reasons for the long suspension.

It is possible that a suspension may already be served before the appeal is actually heard. If the appeal is successful, the only remedy may then be to have the suspension removed from the student's file/record.

In general, the school will, in its suspension/expulsion procedures, be fair, and have reasonable procedures in place.

It is the policy of St Aidan's Comprehensive School that all Appeals be heard as soon as is practically possible.

The Board of Management will review its expulsion procedures and policy on an ongoing basis.

Policy Review

The Suspension and Expulsion policy will be reviewed on an on-going basis. Policies are developed/reviewed using a working party, then a consultation process takes place with the students' council, whole staff and parents where necessary. Following this the working party will review suggestions and comments before submitting the policy to the Board of Management for review and ratification.