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# Strathearn School

## Suspensions and Expulsions

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### 1 INTRODUCTION

Reviewed May 2024



- 1.1 This statement sets out the procedure to be followed in relation to the suspension and expulsion of pupils and has been prepared in compliance and accordance with all relevant legislation. This Policy should be read in conjunction with the School’s Positive Behaviour Policy, Attendance Policy and Pastoral Care Policy.

The legal position is set out in Article 39 of the Education and Libraries (Northern Ireland) Order 1993 which specifies:

*“The managers of a Voluntary School shall prepare a Scheme, specifying the procedure to be followed in relation to the suspension or expulsion of pupils under their management”.*

This Scheme has been prepared in accordance with Article 49 of the Education and Libraries (NI) Order 1986 as substituted by Article 39 of the Education and Libraries (NI) Order 1993, the Schools (Suspension and Expulsion of Pupils) Regulations (NI) 1995 (SR1995 No 99), Schools (Suspension and Expulsion of Pupils) (Amendment) Regulations (NI) 1998 (SR 1998 No 255), Schools (Expulsion of Pupils) (Appeal Tribunals) Regulations (NI) 1994 (SR No 13), Schools (Expulsion of Pupils) (Appeal Tribunals) (Amendment) Regulations (NI) 1998 (SR 1998 No 256), Article 25 of the Education and Libraries (NI) Order 2003, the Special Education and Libraries (NI) Order 203, the Special Educational Needs and Disability (NI) Order 2005 (SENDO), the Scheme for the Suspension and Expulsion of Pupils in Controlled School (2015) and the Suspensions and Expulsions Arrangements for pupils in grant-aided Schools in Northern Ireland (Circular 2021/04).

In carrying out our suspension and expulsion procedures the School will adhere to the Special Educational Needs and Disability (Northern Ireland) Order 2005 (SENDO) which states under Article 14 (3) of SENDO *“it is unlawful for the body responsible for a School to discriminate against a disabled pupil by suspending or expelling him/her from the School”*, unless it is justified to do so.

- 1.2 In this statement:

- (1) “EA” means the Education Authority established under the Education Act (NI) 2014.
- (2) “Chairperson of the Board of Governors” includes, where the Chairperson is absent or otherwise unavailable, the member of the Board of Governors for the time being performing the duties of Chairperson.
- (3) “a School day” means a day on which the School is in operation.

(4)“Principal” includes, where the Principal is absent or otherwise unavailable, the Vice-Principal or other person for the time being performing the duties of Principal.

(5)“parent” has the meaning given to it by Article 2 of the Education and Libraries (NI) Order 1986 as amended by Article 128 of Schedule 9 of the Children (NI) Order 1995.

- 1.3 In this scheme any reference to the parent of a pupil shall include, in the case of a pupil who has attained the age of eighteen years, the pupil herself.
- 1.4 This statement should be read in conjunction with the School’s Positive Behaviour Policy, Anti-bullying Policy, Attendance Policy and Pastoral Policy.
- 1.5 The Board of Governors believes in the fundamental right of every pupil to be educated in accordance with the relevant statutory provisions. The School’s Positive Behaviour Policy sets out the standards of behaviour expected of pupils. It is recognised that the education of all pupils and their safety and that of staff should not be compromised as a result of unacceptable behaviour by individual pupils. The Board of Governors reserves the right to impose sanctions as set out in the Positive Behaviour Policy, up to and including suspension and expulsion where considered appropriate, and in line with legislative requirements.

## **2 SUSPENSION**

- 2.1 Suspension will only be considered after:
  - i) A period of indiscipline and/or
  - ii) A serious incident of indiscipline
  - iii) The School has investigated and documented all incidents before considering suspension.
- 2.2 On taking the decision to suspend a pupil the Principal shall immediately give written notification (and in the case of a parent also verbal notification) to the following:
  - a) The parent of the pupil
  - b) The Education Authority
  - c) The Chairperson of the Board of Governors.
- 2.3 The letter will include:
  - i) The reasons for the suspension

- ii) The duration of the suspension
- iii) The arrangements for the provision of work to the pupil whilst suspended
- iv) An invitation to the parent to visit the School in order to discuss the suspension and enlist support for the School's efforts to resolve the difficulty. (The Principal will ensure that a full record is kept of the meeting held with the parent.)
- v) Where the parent has visited the School, the Principal shall immediately after the visit, inform the parent in writing either that:
  - (a) The period of suspension has been concluded, stating the agreement reached with the parent if any, and that the pupil must return to School immediately.
  - (b) The period of suspension has been extended, the reasons for the extension, and that the pupil must return to School at the end of the statement time.
- (vi) Where the parent has not visited the School within a period of three days, the Principal must inform the parent in writing of their decision.

2.4 The Principal shall keep the Chairperson of the Board of Governors informed of suspensions and their outcome.

2.5 In cases where a pupil with a statement of Special Educational Needs appears to be unable/unwilling to comply with the Positive Behaviour Policy, and where reasonable adjustments are not proving effective, the guidance in the SENDO Code of Practice will be followed and the School will seek to convene an early annual review. This will allow the Education Authority to review the provision as outlined in the statement which may result in the Educational Authority making an amendment to the provision of placement to meet the needs of the pupil.

## 2.6 The Extension of a Suspension

- (i) Where a period of suspension is to be extended, the prior approval of the Chair of the Board of Governors must be obtained for each extension.
- (ii) Where a decision has been taken to extend the suspension period, the Principal must immediately:
  - (a) Notify the parent, verbally by telephone and in writing;
  - (b) The duration of the extension (up to 5 days); and

- (c) The letter notifying the parent must be sent by 1<sup>st</sup> class post (or email) to arrive before the end of the initial period of suspension.
- (iii) All extensions must be notified immediately to the Education Authority.
- (iv) Following a protracted period of suspension (two weeks or more the School should identify a named member of staff to assist with the pupil's return, identify areas where controlled assessment needs to be completed, ensure any revised arrangements are in place to manage risk, support the pupil over the first few days of his/her return to School etc and consider the need to place the pupil on the SENDO Code of Practice and/or refer to relevant support services.

### **3 EXPULSION**

#### **3.1 General**

- (i) The permanent expulsion of a pupil from the School is an event which should happen very rarely and as a result of the most serious breaches of reasonable School discipline.
- (ii) A pupil may only be expelled from the School by the Board of Governors.
- (iii) A pupil may be expelled from the School only after serving a period of suspension.
- (iv) In cases where there has been a history of serious misconduct, The Principal will create and maintain a written summary, including copies of all correspondence between the home and the School, showing the nature of the misconduct and the steps which were taken by the School at each stage.

#### **3.2 Procedures to be applied for the expulsion of pupils**

- (i) The Board of Governors is the expelling authority and the decision to expel rests with the Board. A sub-committee may be delegated this authority.
- (ii) Where there a breach of the School's Positive Behaviour Policy or ongoing breaches of the School's Positive Behaviour Policy, the Principal will maintain a record of all correspondence between home and School and of any meetings held to discuss the issues.
- (iii) If the School is considering the expulsion of a pupil with Special Educational Needs, an Emergency Review Meeting will be arranged in the first instance in

an attempt to make arrangements for alternative education provision. This meeting will include the Chairperson of the Board of Governors, Principal, the parent of the pupil, the pupil (if appropriate), authorised officer of the Education Authority, and any other individual from a professional agency which is involved with the pupil, such as EA Welfare Office, CAMHS, Social Services etc.

- (iv) A meeting of a sub-committee of the Board will be convened at the request of the Principal and, as part of its deliberations, the sub-committee will:
  - (a) examine all documentary evidence presented by the Principal and any other interested party, relating the misconduct of the pupil;
  - (b) give due consideration to the safety and welfare of the other pupils and staff of the School.
  
- (v) If expulsion is being considered, the parents and pupils will be given the opportunity to make representation to the sub-committee of the Board of Governors in relation to the pupil and the circumstances surrounding the possible expulsion.
  
- (vi) A consultative meeting will then be convened by the Principal and chaired by the Chairperson of the Board of Governors. This meeting will include the Principal, the parent of the pupil, the pupil (if appropriate), authorised officer of the Education Authority, and any other individual from a professional agency which is involved with the pupil, such as EA Welfare Office, CAMHS, Social Services etc. The consultation shall include discussions about the future provision of suitable education for the pupil concerned. The Principal will ensure that a minute of the consultative meeting is kept and the outcome will be retained.
  
- (vii) At this consultative meeting the possibility of expulsion and the implications of this course of action will be discussed. The meeting will also consider the future provision of suitable education for the pupil concerned.
  
- (viii) At least 5 working days' written notice of the consultative meeting and its purpose will be given to the parent and all other parties required to attend, (if deemed appropriate). A copy of all available evidence will also be given prior to the consultative meeting to all invited to attend.

- (ix) A refusal on the part of the pupil's parents to take part in such consultations shall not prevent a pupil from being expelled.
- (x) Following this meeting, the Board of Governors' sub-committee will meet and shall reach a decision. The parents will be notified in writing of the decision by the Principal. Where the decision is to expel the pupil, this notification will include details of the parents' right to appeal the decision to expel the pupil to an independent Expulsion of Pupils' Appeal Tribunal in accordance with the Schools (Expulsion of Pupils) (Appeals Tribunals) Regulation (NI) 1994, of the relevant time limits for lodging an appeal and of where the appeal may be lodged. (Written notice of an appeal must be sent to the Clerk to the Tribunal, Expulsion of Pupils Appeal Tribunal, Education Authority within 10 days of the issue of the letter from the Principal). The Board of Governors will be required to submit details of the School's Positive Behaviour Policy; how the Principal and the Board of Governors dealt with the situation and the reasons for the decision. Where an appeal is allowed and direction is given that the pupil be readmitted to the School, the Board of Governors shall comply with any such direction.
- (xi) The decision of an Appeal Tribunal is not subject to further appeal to either the Education Authority or to the Department of Education. If either party is dissatisfied with the decision of a tribunal, they may judicially review the decision in the High Court.
- (xii) If a pupil is at risk of missing a public examination as a result of being expelled, then alternative arrangements must be made to ensure that the pupil can sit the examination in an appropriate location. The Education Authority through the Education Welfare Service has a responsibility to ensure the future provision of suitable education for a pupil who has been expelled. Discussion will take place with the appropriate authority to seek to ensure that this takes place.

#### 4 Review

This document will be reviewed in line with the School's policy review schedule, unless other legislative changes necessitate review.