



St. Mary's National School  
Thomastown  
Co. Kilkenny  
Roll No: 20272V  
Tel: 056 7724290, 056 7724633  
Email: info@stmarystown.com

## CODE OF BEHAVIOUR AND DISCIPLINE

### MISSION STATEMENT

**St. Mary's National School is co-educational. We are a Catholic Primary School, which provides a well ordered, caring, happy and secure atmosphere where the intellectual, spiritual, emotional, physical, moral and cultural needs of the pupils are identified and addressed.**

1. In devising the code, consideration has been given to the particular needs and circumstances of this school. The aim is to ensure that the individuality of each child is accommodated while acknowledging the right of each child to education in a relatively disruption-free environment.
2. Every effort will be made by all members of staff to adopt a positive approach to the question of behaviour in the school. The code offers a framework within which positive techniques of motivation and encouragement are utilised by teachers.
3. The school places greater emphasis on rewards than on sanction in the belief that this will, in the long term, give the best results.
4. The school recognizes the variety of differences that exist between children and the need to accommodate these differences.
5. It is agreed that a high standard of behaviour requires a strong sense of community within the school, and a high level of co-operation among staff, and between staff, pupils and parents.
6. The school rules are being kept to a minimum and are positively stated in terms of what pupils should do.
7. All efforts are made to match the curriculum to the abilities, aptitudes and interests of each pupil.
8. The overall responsibility for discipline within the school rests with the Principal Teacher. Each teacher has responsibility for the maintenance of discipline within his/her classroom

while sharing a common responsibility for good order within the school premises. A pupil will be referred to the Principal Teacher for serious breaches of discipline and for repeated incidents of minor misbehavior. Acceptable standards of behaviour have been outlined in the School Rules and Guidelines for Parents / Guardians and in the School Policy for the Prevention of Bullying.

9. The following strategies may be used to show disapproval of unacceptable behaviour:
  - a) Reasoning with the pupil.
  - b) Reprimand (including advice on how to improve).
  - c) Temporary separation from peers and friends.
  - d) Loss of privileges.
  - e) Detention during a break.
  - f) Prescribing additional work.
  - g) Referral to Principal Teacher.
  - h) Communication with parents.
  - i) Suspension (temporary). (See Appendix for procedures in respect of Suspension)
  - j) Expulsion (See Appendix for procedures in respect of Expulsion)
10. Where there are repeated instances of serious misbehaviour, the Chairperson of the Board of Management will be informed and the Parents / Guardians will be requested in writing to attend at the school to meet the Chairperson and Principal Teacher. If the parents/guardians do not give an undertaking that the pupil will behave in an acceptable manner in the future the pupil may have to be suspended for a temporary period. Suspension will be in accordance with the terms of Rule 130 (5) of the Rules of National Schools. In the case of gross misbehaviour the Board of Management will authorise the Chairperson or Principal Teacher to sanction an immediate suspension, pending a discussion of the matter with the Parents / Guardians.
11. Every effort will be made to have an emotionally disturbed child referred for psychological assessment and counseling.

In formulating this code, all partners had input – Staff, Parents’ Association and the Board of Management. The Board of Management sanctions the finalized document and a copy of this code has been made available to all parents/guardians.

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

The code will be reviewed at agreed intervals.

## **Appendix**

### **Procedures in Respect of Suspension**

- An investigation should be conducted to establish the case for the imposition of the suspension.
- Inform the pupil and parents about the complaint;
- Give the parents and the pupil a chance to respond. The school may inform the parents by telephone or in writing depending on the circumstances in question and the parents will be given an opportunity to respond before the decision is made and before any sanction is imposed.

### **Implementing the Suspension**

The Principal will notify the parents in writing of the intention to suspend. The letter should confirm:

1. The duration of the suspension and the dates on which the suspension will begin and end;
2. The reasons for suspension;
3. Any programme of school-work that should be followed;
4. The arrangements for returning to school including any commitments that should be entered into by the pupil and the parents;
5. The provision for an appeal to the Board;
6. The right to appeal the decision to the Secretary General of the DES.

### **Procedures In Respect Of Immediate Suspension**

Where the decision has been taken and the sanction of immediate suspension has been imposed for the safety of the pupil or for the well-being of other members of the school community, the parents may respond to the sanction. The imposition of the sanction will remain in place. The duration of the suspension will be decided by the Principal and will be proportionate to the alleged offence committed.

- An investigation will be conducted to establish the case for the imposition of the suspension.
- Parents will be notified, and arrangements will be made for the pupil to be collected as the school must have regard to its duty of care for the pupil. (NEWB Guidelines for Schools p 75)
- Once the imposition of the suspension has taken place, steps 1-6 above will be followed.

### **The Period of Suspension**

Rule 130- Rules for National Schools (5) Where the Board of management deems it necessary to make provision in the code of discipline to deal with continuously disruptive pupils, or with a serious breach of discipline, by authorising the chairperson or principal to exclude a pupil from school, the maximum initial period of such exclusion shall be three school days. A special decision of the BoM is

necessary to authorise a further period up to 10 school days to allow for consultation with the child's parent(s) or guardians(s).

If a period of suspension longer than three days is proposed by the Principal, the matter will be referred to the Board for consideration and approval, given the circumstances and the expected outcomes. However, the Board of Management has further authorised the Principal, with the approval of the Chairperson, 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. (NEWB Guidelines for Schools p 75). The Board places a ceiling of ten days on any

one period of suspension imposed by it. (Rules for National Schools 130 (5))

The Board will formally review any proposal to suspend a pupil, where the suspension would bring the number of days for which the pupil has been suspended in the current school year to 20 days or more. Any such suspension is subject to appeal under section 29 of the Education Act 1998. (NEWB Guidelines for Schools p 76).

Before serious sanctions such as suspension or expulsion are used, the procedures outlined above will have been followed. The normal channels of communication between school and parents will be utilised. Communication with parents may be verbal or by letter depending on the circumstances.

### **Repeated Offence**

Where there are repeated instances of serious or gross misbehaviour, the Chairperson of the Board of Management will be informed, and the parents will be requested to attend at the school to meet the Chairperson and the Principal. Prior to suspension, where possible, the Principal may review the case in consultation with teachers and other members of the school community involved, with due regard to records of previous misbehaviours, their pattern and context, sanctions and other interventions used and their outcomes and any relevant medical information.

### **Notification of the Education Welfare Officer**

The Education Welfare Act (2000) obliges the school to notify in writing the Education Welfare Board (Túsla and Education Welfare Officer) of instances where pupils have been suspended for 6 days or more (cumulatively) and prohibits schools from expelling pupils until 20 days have elapsed following the notification to the Education Welfare Board (Túsla) via the EWO. (The EWO may be notified by way of the returns sent to Túsla at the end of each term.)

### **Appeals**

The Board of Management will offer the opportunity to appeal the decision to suspend a pupil.

Where the total number of days for which the pupil is suspended reaches twenty days in the current school year, the parents 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 the parents are being formally notified of such a suspension, they should be told about their right to appeal to the Secretary General of the Department of Education and Science and should be given information about how to appeal. See Circular letter M48/01 Appeal Procedures Under Section 29 of the Education Act, 1998 at the Department of Education and Science website at [www.education.ie](http://www.education.ie) for full details.

### **Removal of Suspension (Reinstatement)**

Following or during a period of suspension, the parents/guardians may apply to have the pupil reinstated to the school. They must give a satisfactory undertaking that a suspended pupil will behave in accordance with the school Code of Behaviour and the Principal must be satisfied that the pupil's reinstatement will not constitute a risk to the pupil's own safety or that of the other pupils or staff. The Principal will facilitate the preparation of a behaviour plan for the pupil if required and will re-admit the pupil formally to the class.

### **Expulsion**

Expulsion may be considered in an extreme case, in accordance with the Rules for National Schools and the Education Welfare Act 2000. Before expelling a pupil, the Board shall notify the local Education Welfare Officer in writing in accordance with Section 24 of the Education Welfare Act. Rule 130 Rules for National Schools.

A pupil is expelled from a school when a Board of Management makes a decision to permanently exclude him or her from the school having complied with the provisions of Section 24 of the Education (Welfare) Act 2000. In line with the Education (Welfare) Act, the school reserves the right to impose a suspension or expulsion on a pupil from school activities where:

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

Where expulsion is considered, the school authorities will generally have tried a series of other interventions and believe that they have exhausted all possibilities for changing the pupil's behaviour. These will include:

- Meeting with parents and the pupil to try to find ways of helping the pupil to change their behaviour;
- Ensuring that the pupil understands the possible consequences of their behaviour should they persist;
- Ensure that other possibilities have been tried;
- Seeking the assistance of support agencies such as NEPS, CAMHS, NCSE and the National Behaviour Support Service.

### **Expulsion for a First Offence**

The Board notes that the NEWB (TUSLA) lists the following for possible inclusion in a list of single breaches of discipline that may lead to expulsion:

- A serious threat of violence against another pupil or member of staff;
- Actual violence or physical assault;
- Supplying illegal drugs to other pupils in the school
- Sexual assault.

### **Factors to be Considered Before Proposing to Expel a Pupil**

(Listed NEWB (TUSLA) Guidelines for Schools p 82 under the following headings)

1. The nature and seriousness of the behaviour
  2. The context of the behaviour
  3. The impact of the behaviour
  4. The interventions to date
  5. Whether expulsion is a proportional response
  6. The possible impact of expulsion
- Procedures in Respect of Expulsion  
(as listed by the NEWB Guidelines for Schools chapter 12 and summarised here.)

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

The Principal will:

- o Inform the parents and the pupil in writing about the details of the alleged misbehaviour, how it will be investigated and that it could result in expulsion.
- o Give parents and the pupil every opportunity to respond to the complaint of serious misbehaviour before a decision is made and before a sanction is imposed.
- o Where expulsion may result from an investigation, the parents will be afforded the opportunity to respond to the complaint of serious misbehaviour before a decision is made about the veracity of the allegation.

*Step 2: A recommendation to the Board is made by the Principal*

The Principal will:

- o Inform the parents that the Board of Management is being asked to consider expulsion.
- o Ensure that the parents have records of the allegations made against the pupil, the investigation itself and written notice of the grounds on which the Board is being asked to consider expulsion.
- o Provide the Board with a copy of the same records as are given to the parents
- o Notify the parents of the date of the hearing and invite them to the hearing
- o Advise the parents that they can make a written and oral submission to the Board of Management
- o Ensure that the parents have enough notice to allow them time to prepare for the hearing.

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

- o It is the responsibility of the Board to review the initial investigation and satisfy itself that the investigation was properly conducted in line with procedures.
- o The Board should undertake its own review of all documentation and the circumstances of the case.
- o Where the Board decides to consider expelling a pupil, it must hold a hearing.
- o At the hearing, the Principal and the parents put their case to the Board in each other's presence. Each party should be allowed to question the evidence of the other party directly.
- o In the conduct of the hearing, the Board must take care to ensure that they are and are seen to be impartial as between the Principal and the pupil. Parents may wish to be accompanied at hearings and the Board should facilitate this in line with good practice and Board procedures.

*Step 4: Board deliberations and actions following the meeting*

- o Having heard from all of the parties, the Board must decide whether or not the allegation is substantiated and, if so, whether or not expulsion is the appropriate sanction.
- o Where the opinion of the Board is that the pupil should be expelled, the Board must notify the Education Welfare Officer in writing of its opinion and the reasons for this opinion. (Education (Welfare) Act 2000, s24(1)).
- o The pupil cannot be expelled before the passage of 20 school days from the date on which the EWO receives this written notification. (Education (Welfare) Act 2000, s24(1)).
- o 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 will now inform the Education Welfare Officer (EWO).

*Step 5: Consultations arranged by the EWO*

Within 20 days of receipt of the notification from the Board of Management of its opinion that a pupil should be expelled, the EWO must:

- o Make all reasonable efforts to hold individual consultations with the Principal, the parents and the pupil and anyone else who may be of assistance.
- o Convene a meeting of those parties who agree to attend. (Education (Welfare) Act 2000, section 24).
- o In the interests of the educational welfare of the child, those who come together should, with the EWO, plan for the pupil's future education.
- o Pending these consultations, the Board may take steps to ensure that good order is maintained and that the safety of pupils is secured (Education (Welfare) Act 2000, s24(5)).
- o The Board may consider it appropriate to suspend a pupil during this time. The suspension should only be considered if the presence of the pupil during this time will seriously disrupt the learning of others or represent a threat to the safety of other pupils or staff.

#### *Confirmation of the Decision to Expel*

- o Where the 20-day period following notification to the EWO has elapsed and where the Board of Management remains of the view that the pupil is to be expelled, the Board should formally confirm the decision to expel. This task may be delegated to the Chairperson or the Principal.
- o Parents should be notified immediately that the expulsion will now proceed.
- o The Parents should be told of the right to appeal and be supplied with the standard form on which to lodge an appeal.
- o A formal record should be made in the minutes of the Board of the decision to expel a pupil.

#### **Appeals**

A parent 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 be brought by the NEWB (TÚSLA) on behalf of a pupil. The process begins with the provision of mediation by a mediator nominated by the Appeals Committee (DES)

#### **SUMMARY:**

The procedures will include:

1. A detailed investigation will be carried out under the direction of the Principal.
2. A recommendation to the Board of Management to expel the pupil is made by the Principal.
3. Consideration by the Board of the Principal's recommendation and the holding of a hearing.
4. The deliberations of the Board will be recorded, and the actions proposed following such a hearing.
5. Consultations will be held with the Education Welfare Officer.
6. Confirmation of the decision to expel will be recorded and communicated to the parents and TUSLA in writing.
7. The parents may appeal the decision to the Secretary General of the DES.

