LAGAN COLLEGE BELFAST

Suspension and Expulsion Policy

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Related Documents

1. LCB Positive Behaviour Policy
2. LCB Use of Restraint and Seclusion in Educational Settings Policy
3. DENI circular 2015/19 - Notification of pupil suspension to the Education Authority
4. DENI circular 2017/4 – Safeguarding and Child Protection in Schools
5. *DENI circular 2024/04 – Suspensions and Expulsions Arrangements for pupils in Grant-aided schools in Northern Ireland*

This policy links with the United Nations Convention on the Rights of the Child (UNCRC) by taking into consideration the below articles of the UNCRC.

Article 28: All children and young people have a right to a primary education, which should be free. Discipline in schools should respect children's human dignity. Young people should be encouraged to reach the highest level of education they are capable of.

Suspension

Initial Suspension

Where a breach of the disciplinary rules is so serious or where there is persistent, flagrant breach of rules, the Principal may take the decision to suspend a pupil from the school for an initial period (not in excess of five school days). This initial period of suspension is subject to the over-riding rule that no pupil may be suspended for more than 45 school days in any one school year.

Immediately following the suspension the Principal shall:-

i. write confirming the reasons for the suspension and the period of the initial suspension to each of the following:

   * the pupil's parents;

* the Chairman of the Board; and,

* the Education Authority

ii. invite the pupil's parents to the school to discuss the suspension.

In line with the Special Needs and Disability (Northern Ireland) Order 2005 (SENDO), the identified disability of students with special educational needs should not be the underlying reason for suspending or expelling him/her from the school, unless it is justified to do so. (Appendix 1 – SENDO - Articles 15 and 16)

Extension of the Initial Period of Suspension

If the Principal deems it necessary for the initial period of suspension to be extended, then she shall first obtain the prior approval from the Chairman of the Board to do so. The period of any extension is limited by the over-riding rule that no pupil may be suspended for more than 45 school days in any school year.

Once the Principal has obtained the Chairman's approval for the extension, he/she shall give written notification of the reasons for the extension and the period of the extension to:

* the pupil's parents; and

* the Education Authority

Normally suspension will serve as a final warning about a pupil's behaviour.

Expulsion

In certain cases, the Principal may decide that a situation is so serious that he/she must recommend to the Board of Governors that expulsion of the pupil from school should be considered. In such cases a pupil will always have served a period of suspension before expulsion is implemented.

The procedure for expulsion is as follows:

* the pupil's parents will be informed that the Principal is considering recommending expulsion to the Board of Governors and will be invited to a consultation meeting with the Principal, the Chairman of the Board and a senior Educational Welfare Officer (EWO) of the Education Authority, Dundonald Office.

* At this consultation the parents will have the opportunity to put their case for consideration.

* This consultation will include discussion about the future provision of suitable education for the pupil concerned either at Lagan College or in other educational settings. This will be led by the EWO Officer in attendance.

* If the parents fail to attend this consultation either through neglect or refusal this shall not prevent a pupil from being expelled.

* In light of the consultation meeting the Principal will consider whether or not to recommend consideration of the step of expulsion to the Board of Governors at a meeting of the Board.

* Following the Principal's recommendation, if necessary, the student and their parents will be invited to a meeting with the full Board of Governors.

* The Principal shall outline the facts of the investigation to the Board of Governors which will make its final decision at a Board meeting. If the parents wish to make further written or verbal submission to this meeting of the Board, they may do so. This opportunity to make representations is in addition to the statutory requirements.

* If the Board of Governors decides to expel, they will inform the Principal who in turn will immediately write to the pupil's parents informing them of the decision, of the right of appeal, the time limit set by the Education Authority, Dundonald office for lodging the appeal and of where the appeal may be lodged.

Notes:

For the purposes of suspension and expulsion:

"Chairman of the Board of Governors" includes, where the Chairman is absent or otherwise unavailable, the member of the Board of Governors for the time being performing the duties of Chairman:

"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.

Appendix 1 – SENDO - Articles 15 and 16

Meaning of "discrimination"

15.— (1) For the purposes of Article 14, a responsible body discriminates against a disabled person if—

(a)for a reason which relates to his disability, it treats him less favourably than it treats or would treat others to whom that reason does not or would not apply; and

(b)it cannot show that the treatment in question is justified.

(2) For the purposes of Article 14, a responsible body also discriminates against a disabled person if—

(a)it fails, to his detriment, to comply with Article 16; and

(b)it cannot show that its failure to comply is justified.

(3) In relation to a failure to take a particular step, a responsible body does not discriminate against a person if it shows—

(a)that, at the time in question, it did not know and could not reasonably have been expected to know, that he was disabled; and

(b)that its failure to take the step was attributable to that lack of knowledge.

(4) The taking of a particular step by a responsible body in relation to a person does not amount to less favourable treatment if it shows that at the time in question it did not know, and could not reasonably have been expected to know, that he was disabled.

(5) Paragraphs (6) to (8) apply in determining whether, for the purposes of this Article—

(a)less favourable treatment of a person, or

(b)failure to comply with Article 16,

is justified.

(6) Less favourable treatment of a person is justified if it is the result of —

(a)the application of the admission criteria drawn up for a grant-aided school under Article 16(1) of the Education (Northern Ireland) Order 1997 (NI 5) or Article 32(1) of the Education (Northern Ireland) Order 1998 (NI 13); or

(b)any arrangements which make provision for any or all of the students of an independent school to be selected by reference to general or special ability or aptitude, with a view to admitting only students of high ability or aptitude.

(7) Otherwise, less favourable treatment, or a failure to comply with Article 16, is justified only if the reason for it is both material to the circumstances of the particular case and substantial.

(8) If, in a case falling within paragraph (1)—

(a)the responsible body is under a duty imposed by Article 16 in relation to the disabled person, but

(b)it fails without justification to comply with that duty,

its treatment of that person cannot be justified under paragraph (7) unless that treatment would have been justified even if it had complied with that duty.

Disabled students not to be substantially disadvantaged

16.— (1) The responsible body for a school shall take such steps as it is reasonable for it to have to take to ensure that—

(a)in relation to the arrangements it makes for determining the admission of students to the school, disabled persons are not placed at a substantial disadvantage in comparison with persons who are not disabled; and

(b)in relation to education and associated services provided for, or offered to, students at the school by it, disabled students are not placed at a substantial disadvantage in comparison with students who are not disabled.

(2) That does not require the responsible body to—

(a)remove or alter a physical feature (for example, one arising from the design or construction of the school premises or the location of resources); or

(b)provide auxiliary aids or services.

(3) Regulations may make provision, for the purposes of this Article—

(a)as to circumstances in which it is reasonable for a responsible body to have to take steps of a prescribed description;

(b)as to steps which it is always reasonable for a responsible body to have to take;

(c)as to circumstances in which it is not reasonable for a responsible body to have to take steps of a prescribed description;

(d)as to steps which it is never reasonable for a responsible body to have to take.

(4) In considering whether it is reasonable for it to have to take a particular step in order to comply with its duty under paragraph (1), a responsible body shall have regard to any relevant provisions of a code of practice issued under section 54A of the 1995 Act.

(5) Paragraph (6) applies if, in relation to a person, a confidentiality request has been made of which a responsible body is aware.

(6) In determining whether it is reasonable for the responsible body to have to take a particular step in relation to that person in order to comply with its duty under paragraph (1), regard shall be had to the extent to which taking the step in question is consistent with compliance with that request.

(7) "Confidentiality request" means a request which asks for the nature, or asks for the existence, of a disabled person's disability to be treated as confidential and which satisfies either of the following conditions—

(a)it is made by that person's parent; or

(b)it is made by that person himself and the responsible body reasonably believes that he has sufficient understanding of the nature of the request and of its effect.

(8) This Article imposes duties only for the purpose of determining whether a responsible body has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.