

Coiste Gairmoideachais Cho. Chill Mhantáin

County Wicklow Vocational Education Committee

Behaviour Policy for 2nd Level Students

1 Board of Management:

- 1.1 The Board of Management of all schools under the control of the Committee shall ensure that a Code of Behaviour is drawn up in consultation with the parents, staff and students. The Code of Behaviour shall be based on the following key principles:
 - a) The care, safety and welfare of students and staff.
 - b) Good relationships and co-operation between and among all the educational partners.
 - c) Personal responsibility.
 - d) The equal and fair treatment of all.
- 1.2 The Board of Management of all schools under the control of the Committee shall ensure that the Code of Behaviour of said schools and centres shall specify:
 - a) The standard of behaviour to be observed by students.
 - b) The measures to be taken when the student fails/refuses to observe the standard.
 - c) The procedure that must be followed before a student is suspended/expelled.
 - d) The grounds for removing a suspension.
 - e) The procedures to be followed relating to notification of a student's absence from school.
- 1.3 The Committee, as data controller for its schools, affirms that data collected in relation to students and parents is governed by the Data Protection Act 1988 and the Data Protection (Amendment) Act 2003 and that information on file should be used only for the purposes for which it was intended.
- 1.4 The Board of Management of all schools under the control of the Committee shall ensure that an evaluation of the effectiveness and efficiency of the process, strategy and policy regarding behaviour is carried out regularly.

2. Parents:

- 2.1 The Committee affirms the statutory right of parents, through their representatives, to be consulted, regarding the drafting and evaluation of the Code of Behaviour in all schools under the control of the Committee.

- 2.2 The Committee affirms that, on the enrolment of a student who has not reached the age of 18 years, the parent and student shall be given a copy of the school's Code of Behaviour and shall sign a declaration that the Code is acceptable to them and that they shall make all reasonable efforts to ensure compliance with said Code.
- 2.3 The Committee affirms that students who have reached the age of 18 years shall be subject to the rights and responsibilities as outlined at 2.2 above.
- 2.4 The Committee affirms that parents have a responsibility to actively support the staff of schools under its control in the fair application of the Code of Behaviour.
- 2.5 The Committee affirms that parents who have enrolled students in any of its schools shall be encouraged to involve themselves in a positive participation in school life in order to facilitate the development of mutually beneficial links between school and home.

3. The Principal:

- 3.1 The Committee affirms that the overall day-to-day responsibility for discipline within the school rests with the Principal subject to the authority of the Board of Management and the Committee.
- 3.2 The Committee requires that the Principals of all schools under its control shall ensure that the Code of Behaviour is administered in a fair and consistent manner.
- 3.3 The Committee affirms that the Principals of all schools under its control shall encourage a sense of collective responsibility among staff and a sense of commitment to the school among staff, students and parents.
- 3.4 The Committee requires that the Principals of all schools under its control shall provide guidance, leadership and support to staff, students and parents in the application of the Code of Behaviour and in disciplinary matters in general.
- 3.5 The Committee affirms that the Principals of all schools under the control of the Committee may at their discretion delegate duties regarding behaviour to other professionals working in the school.

4. The Staff:

- 4.1 The Committee affirms that the staff of all its schools shall be responsible, at all times, for dealing with the behaviour of students within sight or sound of them and that they shall respond appropriately to any instance of unacceptable behaviour.

4.2 The Committee affirms that the teachers in all its schools are responsible in the first instance for discipline in the classroom and that they should:

- a) Employ stimulating methods of teaching.
- b) Have positive expectations of students.
- c) Demand honest effort and high standards in terms of work and behaviour.
- d) Seek to create an attractive classroom environment.
- e) Have positive regard for all students.

4.3 The Committee affirms that teachers in all its schools should take cognisance of the students' social, environmental and cultural context.

4.4 The Committee affirms that all teachers serving in its schools have the right to teach and carry out their professional duties unhindered and in an atmosphere that is conducive to teaching and learning.

5 Students:

5.1 The Committee affirms that all students attending its schools have the right to learn unhindered in an atmosphere that is positive and conducive to learning and teaching.

5.2 The Committee affirms that all students attending its schools have a responsibility to make a positive contribution to the life of the school in terms of work, behaviour and relationships.

6 Support Structures:

6.1 The Committee affirms that Pastoral Care structures, which will ensure a caring and positive approach to the diverse needs of students, should be put in place in all its schools and subject to the functions of the Minister pursuant to section 7 (1) of the Education Act 1998.

6.2 The Committee affirms that all schools under its control shall, where appropriate, in consultation with parents, make every reasonable effort to have students who display worrying behaviour patterns referred, without delay, for counselling and/or psychological assessment, and subject to the functions of the Minister pursuant to section 7 (1) of the Education Act 1998.

7 Strategies for Dealing with Misbehaviour:

7.1 The Committee affirms that each of its schools should adopt a three part response to issues of misbehaviour:

- a) The development of a whole school behaviour policy in collaboration with teachers, parents and students.
- b) The development of classroom management strategies in consultation with teachers.

- c) Strategies for dealing with students who are consistently difficult to manage, such as:
- In-school support
 - Out of school support
 - Personal behaviour plan
 - Report system.
- 7.2 The Committee affirms that written records should be maintained by all its schools, with regard to serious student behaviour/misbehaviour.
- 7.3 The Committee affirms that Parents should be kept informed from the outset of instances of misbehaviour on the part of their children and that their co-operation in finding a resolution should be sought as early as possible.
- 7.4 The Committee affirms that praise, encouragement and reward should be used in all its schools as mechanisms for the formation of good behaviour and academic excellence.
- 7.5 The Committee affirms the desirability that all its schools should have a home-school liaison officer subject to the functions of the Minister pursuant to section 7 (1) of the Education Act 1998.
- 7.6 The Committee affirms that the following are among the strategies that may be used to promote good behaviour:
- a) Communication with parents.
 - b) The rewarding of students regarding positive behaviour.
 - c) Early identification of “at risk” students, regarding behaviour.
 - d) Establishment of a “care team” for the purpose of identifying and supporting “at risk” students.
 - e) Establishment of close links with the homes of “at risk” students.
 - f) Fostering, promoting and establishing contacts by the school with other schools and bodies engaged in youth work.
 - g) The development of programmes of activities, designed to encourage positive behaviour and personal responsibility in students.
 - h) The development of whole school structures in a positive and pro-active attempt to deal with the issues of attendance and behaviour.
 - i) Regular evaluation of the School’s operation as it relates to attendance and behaviour issues, with a view to encouraging an atmosphere of positive behaviour in the school.
 - j) The fostering of school and community awareness of the possible adverse affects on behaviour of the following:
 - Participation by students in employment.
 - Entertainment/social activity.
 - The abuse of alcohol/drugs.
 - k) Reasoning with the student.

- l) Reprimand, including advice on how to improve.
- m) Temporary separation from peers, friends and others.
- n) Loss of privileges.
- o) Restitution.
- p) Detention during breaks or outside of school hours.
- q) Prescribed additional work. Lines are not recommended.
- r) Suspension on a temporary basis.
- s) Expulsion.
- t) Any other strategy that may be of relevance to the needs or circumstances of individual schools.

7.7 The Committee affirms that good behaviour in school is dependant on the good example of all, parents, staff and students.

8. Sanctions:

- 8.1 The Committee accepts that there is a need for sanctions with regard to non-compliance with the Code of Behaviour on the part of students in all its schools, in order to register disapproval and to inculcate values of responsibility and positive discipline among students.
- 8.2 The Committee affirms that each of its schools should devise a graded system of sanctions suitable to its particular needs and circumstances. Sanctions should be sufficiently flexible to take account of the environmental, social and cultural context of individual students.
- 8.3 The Committee affirms that all its schools should ensure that students are aware of the distinction between minor and more serious misbehaviour and of the sanctions applied thereto.
- 8.4 The Committee affirms that all its schools should ensure that the basic rules of natural justice as set out hereunder apply in the context of dealing with student misbehaviour:
 - *Audi alteram partem* - the duty to give persons affected by a decision a reasonable opportunity for presenting their case.
 - *Nemo iudex in causa sua debet esse* - One cannot be a judge in one's own case and the duty to reach a decision untainted by bias.
- 8.5 The Committee affirms that students, who are removed from class in any of its schools, should not be left in an unsupervised situation. Subject teachers are responsible for students allocated to them on the timetable and they have a duty of care to those students that must be adhered to.
- 8.6 The Committee affirms that where detention outside of school hours is used as a sanction in any of its schools, parents should be advised of such detention, in advance, and they should be given precise details of when and where the sanction is to be imposed and for what period. This is without prejudice to the rights of the school authority, the Board of

Management or the Committee to take appropriate and/or immediate disciplinary action in the interests of the good management of the school.

9. Suspension:

- 9.1 The Committee affirms that collaboration between the Board of Management, school staff, students and parents is an important feature of behaviour management in schools. All should be fully aware of the suspension procedure and its place in the context of each school's Code of Behaviour. In this regard, all concerned should be aware that a suspension can only be imposed for a breach of the school's Code of Behaviour.
- 9.2 The Committee is conscious that suspension is only one strategy within a school's Code of Behaviour. It is most effective when it highlights the parents' responsibility for taking an active role, in partnership with the school, to work with their child to enable the child's behaviour to change. Schools should work with parents with a view to assisting a suspended student to rejoin the school community as quickly as possible.
- 9.3 The Committee affirms that when all other strategies have been exhausted, suspension can allow 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 school's expectations in the future. It can also allow time for school personnel to plan appropriate support for the student to assist with successful re-entry.
- 9.4 The Committee affirms that suspensions may occur after the Principal has:
- a) ensured all discipline options under the Code of Behaviour have been applied and documented
 - b) ensured that all appropriate support personnel have been involved
 - c) ensured that discussion has occurred with the student and parent/s regarding specific misbehaviour which the school considers unacceptable, and which may lead to suspension
 - d) provided a formal written warning detailing these misbehaviors, as well as clear expectations of what is required of the student in the future and the consequences of non-compliance
 - e) recorded all actions taken
 - f) copied all correspondence.
- 9.5 The Committee affirms that students attending any of its schools may be suspended as follows pending investigation and/or discussion with parents. This list is not exhaustive:
- a) For serious misbehaviour.
 - b) For an unacceptable level of repeated misdemeanours.

- c) For bullying, insulting, aggressive, threatening or violent behaviour towards others in the school, or when identifiable with the school.
 - d) For the supply/possession/use of alcohol and or illegal drugs.
 - e) For the supply/possession/use of weapons/dangerous materials/
 - f) substances.
 - g) For behaviour that may be a danger to self or others, under the terms of the Health and Safety Act 1989.
 - h) For racist behaviour and/or the supply/possession/use of racist material.
 - i) For behaviour that is contrary to the terms of the Equal Status Act 2000.
 - j) For sexual harassment and/or the possession/supply/use of pornographic material.
- 9.6 Pursuant to subsections 3.1 and 9.5 above the Committee, through the Board of Management, affirms the right of a Principal of any of its schools to suspend a student or students with immediate effect.
- 9.7 The Committee affirms the right of a Principal in any of its schools to suspend a student or students for breaches of the school's Code of Behaviour for a maximum of five consecutive schooldays without recourse to the Board of Management.
- 9.8 The Committee affirms that all suspensions must be notified to the Board of Management at the earliest opportunity.
- 9.9 The Committee affirms that where there are repeated instances of misbehaviour, the parents shall be requested, in writing, to attend the school, or other suitable location, for discussion. If the parents and/or the student/s do not give an undertaking that the student will behave in an acceptable way in the future, the pupil may be suspended for a period to be determined by the Principal or the Board of Management, as appropriate.
- 9.10 The Committee affirms that the parents of students enrolled at any of its schools shall be informed of their right to appeal all suspensions to the Board of Management.
- 9.11 The Committee affirms that the formal letter of notification of suspension to parents should be understandable to the student and to the parent/s and should include:
- a) Notice of suspension
 - b) Effective date of suspension
 - c) Duration of suspension
 - d) Reasons for suspension
 - e) Expectations of student while on suspension (study programme may be attached)
 - f) Importance of parental assistance in resolving the matter
 - g) A statement that the student is under the care and responsibility of the parent/s while on suspension

- h) A statement that the Educational Welfare Board has been informed (if the suspension is of 6 days or more duration, or if the student has been suspended for more than 20 days during the school year to date)
- i) Information on appeal rights
- j) Requirements which need to be in place when the student returns
- k) If consideration is being given to proceeding to expulsion.

9.12 The Committee affirms that the Educational Welfare Officer should be informed of suspensions as follows:

- a) Where the period of suspension is for 6 or more consecutive school days
- b) Where the aggregate number of days on which a student has been suspended/absent in any school year is 20 or more days.

9.13 The Committee requires all its schools to comply with Section 23 (2) d of the Education Act 1998 by publishing the grounds for removing a suspension. Such grounds may include:

- a) Successful appeal
- b) The Principal/ Board of Management may agree that another sanction may be applied after discussion with the parent/
- c) When and if new circumstances come to light
- d) Other relevant factors.

10. Expulsion:

10.1 The Committee affirms that expulsion should be considered, in any of its schools, only in the gravest of circumstances and only after every reasonable effort at rehabilitation has failed, and every other sanction has been exhausted, but with the exception contained in subsection 10.2 below.

10.2 When an act of gross misconduct occurs, expulsion may be necessary to protect the safety and rights of others in the school without recourse to the provisions outlined at 10.1 above. The principles of natural justice and fair procedure must continue to apply.

10.3 The Committee affirms that the procedure outlined hereunder should be followed prior to a student being expelled from any of the Committee's schools:

10.4 Where expulsion may be the outcome of a breach of the Behaviour Policy of the school, the Principal, Deputy Principal and/or other appropriate person may conduct an investigation into any reported misbehaviour or breach of school rules.

10.5 The Committee affirms that a student/students may be suspended pro tempore pending a full hearing of the case, provided this does not interfere with the said students' statutory rights or with the principles of natural justice and fair procedure.

- 10.6 During the course of any investigation, all relevant persons shall be interviewed and notes shall be taken of any such interviews.
- 10.7 The principal shall write to the parents of the student concerned (or to the student if s/he has reached the age of 18 years) informing them of the allegations and inviting them to the school, or other suitable location, for discussion.
- 10.8 The Principal may, at his/her discretion call an emergency meeting of the Board of Management and recommend that the student be suspended pending a full hearing, if this is considered to be in the best interests of the student and/or of others in the school.
- 10.9 The Principal may make a decision to recommend expulsion and s/he shall then notify, in writing, the parents of the student concerned (or the student if s/he has reached the age of 18 years) and the Educational Welfare Officer, where appropriate, of the decision and that this decision is subject to the approval of the Board of Management. Copies of notes taken and statements made in the course of the investigation should be forwarded to the parents and/or the Educational Welfare Officer. Where there may be a breach of confidentiality a summary of notes taken and statements made shall be forwarded instead.
- 10.10 The Principal shall notify the parents of the student concerned (or the student if s/he has reached the age of 18 years) and the Educational Welfare Officer, where appropriate, of their right to be heard before the Board of Management. The Principal may also invite the parent/s to make a written submission, in advance, of the Board meeting.
- 10.11 A meeting of the Board of Management shall normally, be convened within 10 working days of the notification as outlined at 10.3 (f) above.
- 10.12 The Committee affirms that the procedure outlined hereunder should be followed in the course of a Board of Management hearing at which it is proposed to expel a student from any of the Committee's schools:
 - a) The Principal shall present the case on behalf of the school and shall propose expulsion.
 - b) The parents of the student concerned (or the student if s/he has reached the age of 18 years) and/or the Educational Welfare Officer, where appropriate, shall be afforded the opportunity to respond.
 - c) Members of the Board of Management shall have the right to question the principal and/or the parents of the student concerned (or the student if s/he has reached the age of 18 years) or the Educational Welfare Officer as appropriate.
 - d) Each side shall be afforded the opportunity to cross-examine each other through the Chair.

- e) Each side shall be afforded the opportunity to sum up, by way of final comment.
- f) The Principal, the parents of a student/s under the age of 18 years, the student, if he/she has reached the age of 18 years, the Educational Welfare Officer shall withdraw to enable the Board to make a decision, but shall remain available for clarification purposes if required.
- g) In the absence of the Principal, the members of Board shall elect a recording secretary from among its members.
- h) The Board may make the following decisions:
 - To recommend to the VEC that the student/s be expelled.
 - To suspend for a period to be decided by the Board.
 - To refer the matter back to the Principal for further investigation.
 - To reinstate the student in the school.

10.13 The Board shall not decide to recommend the expulsion of a student without first having considered the following:

- a) The age of the student.
- b) The student's previous record at the school and the degree to which the student was offered help and support in the context of his/her misbehaviour within the school.
- c) Any particular aspect of the social, cultural and/or environmental context of the student, which should be taken into account.
- d) The extent to which parental, peer or other pressure may have contributed to the behaviour.
- e) The gravity of the offence.
- f) The seriousness and/or frequency of the behaviour and the likelihood of it recurring.
- g) Whether or not the behaviour impaired or will impair the normal functioning of staff and/or other students in the school.
- h) Whether or not the behaviour occurred on school premises or when the student was otherwise in the charge of school staff or when the student was identifiable with the school.
- i) The degree to which the behaviour was a violation of one or more rules contained in the school's Code of Behaviour and the relative importance of the rule(s).
- j) Whether the incident was perpetrated by the student on his/her own or as a part of a group.
- k) Whether consideration was given to seeking the support of other agencies.

10.14 The Committee affirms that the procedure outlined hereunder should be followed at the conclusion of a hearing before the Board of Management at which it is decided to recommend that the student/s be expelled or suspended from any of the Committee's schools:

10.15 Where the Board decides to recommend expulsion or suspension, parents of students who have not yet reached the age of 18 years (and

students who have reached the age of 18 years) and the Educational Welfare Officer, where appropriate, shall be informed in writing by the Principal of the decision of the Board of Management and of their right to appeal this decision to the Committee, under the terms of the Education Act 1998 Section 29. The appeal shall follow the procedures as laid down in Circular Letter M48/01. This appeal must be made within 14 calendar days of the decision being handed down.

10.16 When the Board of Management is of the opinion that a student who is of compulsory school going age (or where a student has not completed 3 years of second level education) should be expelled from a school it shall notify the Educational Welfare Officer in writing of its opinion and the reasons therefore and it shall co-operate, in as far as it practicable, with the Educational Welfare Officer in this regard. A copy of this letter shall be sent to the parent/s of a student who has not yet reached the age of 16 years.

10.17 If, having considered the Board of Management decision or an appeal of that decision, the Committee decides to uphold the recommendation of the Board of Management and expels a student, the parents of a student who has not yet reached the age of 18 years (and students who have reached the age of 18 years) and the Educational Welfare Officer, where appropriate, shall be informed of their right to appeal this decision to the Secretary General of the Department of Education and Science under the terms of the Education Act 1998 Section 29.

10.18 A student shall not be expelled from a school before the passing of 20 school days following receipt of the notification by the Educational Welfare Officer. This is without prejudice to the right of the Board of Management and of the Committee to take such other reasonable measures, as it considers appropriate to ensure that good order and discipline are maintained in the school concerned and that the safety of students is secured

11. Corporal Punishment:

11.1 The use of corporal punishment is strictly forbidden.

12. Smoking:

12.1 Smoking by students is prohibited in schools under The Public Health (Tobacco) Act 2002 and breaches of this may have serious implications for students and for schools.