

BALLYMENA ACADEMY

BALLYMENA



**SCHEME FOR THE
SUSPENSION AND EXPULSION
OF PUPILS**

[Policy revised June 2021]

**Approved at June, 2021
B of G meeting**

BALLYMENA ACADEMY

SCHEME FOR THE SUSPENSION AND EXPLUSION OF PUPILS

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1. INTRODUCTION

- 1.1 The Board of Governors, as the relevant authority of Ballymena Academy, a Voluntary Grammar School, has adopted this Scheme for the Suspension and Expulsion of Pupils and requires its implementation.
- 1.2 Circular 2021/04

Article 49 of the Education & Libraries (NI) Order 1986 (as amended) requires (3) the Board of Governors for pupils of a Voluntary School (other than Catholic Maintained) or a Grant Maintained Integrated School to prepare a scheme specifying the procedure to be followed in relation to the suspension or expulsion of pupils from school.
- 1.3 This Scheme for the Suspension and Expulsion of Pupils is in accordance with Statutory Rule No. 99 Schools (Suspension and Expulsion of Pupils) Regulations (Northern Ireland) 1995 as amended by Statutory Rule No. 225 Schools (Suspension and Expulsion of Pupils) (Amendment) Regulations 1998.
- 1.4 The Board of Governors has considered all other relevant Department of Education for Northern Ireland guidance documents in preparing this Scheme for the Suspension and Expulsion of Pupils.
- 1.5 The Board of Governors, in carrying out suspension and expulsion procedures, will follow the statutory requirements with regard to disability discrimination as set out in the Special Educational Needs and Disability Framework (Special Educational Needs and Disability NI Order (2005), and Special Educational Needs and Disability Act (2016).
- 1.6 The Board of Governors, in accordance with the Special Educational Needs and Disability (NI) Order 2005 (SEND0), will not “discriminate against a disabled pupil by suspending or expelling him from the school”, unless it is justified to do so.
- 1.7 This Scheme is referred to within the School’s Positive Behaviour Policy and represents a formal statement as to one of the procedures the school follows in response to serious and/or repeated breaches of discipline.
- 1.8 The Board of Governors will from time to time review this Scheme for the Suspension and Expulsion of Pupils.

2. DEFINITIONS

2. Throughout this document the following definitions are used:

2.1 E.A. means the Education Authority.

2.2 'Principal' includes, where the Principal is absent or otherwise unavailable, the Deputy Principal, Vice Principal or other person for the time being performing the duties of the Principal.

2.3 'Chairman of the Board of Governors' includes, where the Chairman is absent or otherwise unavailable, the authorised officer of the Board of Governors for the time being performing the duties of the Chairman.

2.4 'Parent' includes anyone who has parental responsibilities within the meaning of the Children Order (Northern Ireland) 1995 and as detailed in Circular 1999/17 of the Department of Education for Northern Ireland.

2.5 Any reference to the parent of a pupil shall include, in the case of a pupil who has attained the age of eighteen, the pupil him or herself.

3. SUSPENSION PROCEDURES

3.1 The Procedure for suspending pupils from all grant-aided schools is governed by Statutory Rule No. 99 Schools (Suspension and Expulsion of Pupils) Regulations (Northern Ireland) 1995 as amended by Statutory Rule No. 225 Schools (Suspension and Expulsion of Pupils) (Amendment) Regulations 1998.

3.2 A pupil may be suspended only by the Principal.

3.3 An initial period of suspension shall not exceed five school days.

3.4 A pupil may be suspended from school for not more than forty-five school days in any one school year.

3.5 The initial period of suspension may be extended only by the Principal after consultation and approval from the Chairman of the Board of Governors, for a maximum of five school days at a time.

3.6 In all such cases of extension of suspension the Principal shall give written notification of the reasons for the extension and the period of extension to the parent of the pupil and to the E.A.

3.7 Expulsion may be considered for a single incident of serious indiscipline. A pupil may only be expelled after a period of suspension. When a pupil has been suspended on more than one occasion for a series of breaches of discipline in any one school year the Board of Governors may consider the option of expulsion from the school.

4. STEPS TO BE FOLLOWED PRIOR TO SUSPENSION

4.1 The School's Positive Behaviour Policy, Pupil Regulations, Pupil Code of Conduct, Anti-Bullying Policy, Drugs Education Policy, Internet Acceptable Use Policy and Sixth Form Agreement all identify acceptable standards of behaviour and the School's expectations of its pupils and outline the sanctions to be adopted when these guidelines are not adhered to.

4.2 The sanction of suspending of a pupil will only be applied in the following circumstances:

4.2.1 after a period of indiscipline;

before suspension can be considered the school must have compiled a written record of incidents of such behaviour, interventions made by teachers, contacts made with the pupil and the parents and any request for support from the E.A.

4.2.2 after a major incident of indiscipline;

before suspension can be considered the School must have conducted a fair and thorough investigation and compiled written records of the incident. The investigation will include an opportunity for the pupil to state his or her version of events (investigative Fair Hearing) before any decision to suspend may be taken.

4.2.3 if the pupil's behaviour compromises his or her own safety or that of other pupils or staff, or has a negative impact on the education of other pupils, before suspension can be considered the School must have compiled a written record which evidences the nature and extent of the danger posed by the pupil's behaviour or the negative effect on other pupils' education.

5. INITIATING AND PROCESSING SUSPENSION

- 5.1 Upon taking the decision to suspend a pupil the Principal must immediately inform the parents of the suspension, its duration and the reasons for the suspension. This decision must be confirmed in writing and the letter notifying the parents of the suspension must be sent out on the day of the suspension. If the letter is to be sent home with the pupil, a copy must also be sent by First Class Post.
- 5.2 The letter must offer the parents and the pupil the opportunity to attend a meeting with the Principal in school to discuss the suspension, before the pupil's return to class.
- 5.3 At the meeting the circumstances and the behaviour of the pupil which led to the decision to suspend will be discussed. The parents and pupil will be invited to comment. The School should keep full notes of the meeting.
- 5.4 A copy of the letter must be sent to the Chairman of the Board of Governors.
- 5.5 All suspensions from all grant-aided schools must be notified to the E.A. using the official Notification of Pupils' Suspension Form E.A. and accompanied by a copy of the letter sent to the parents.
- 5.6 A period of suspension begins on the day following that on which the decision to suspend was reached. The pupil does not return to class on the day the decision to suspend is made, but is given appropriate work to do under special arrangements.
- 5.7 A suspended pupil can only be sent home before the end of the normal school day with the agreement of the parents and only if the pupil can be delivered into the care of the parent or a person previously agreed by the parents.
- 5.8 During a period of suspension, the pupil will not be permitted to be on school premises or participate in any school functions or fixtures on or off school premises without prior consent from the Principal.
- 5.9 The school will provide suitable work for the pupil during the period of suspension. Such work might not be available prior to the commencement of the suspension. The school will endeavour to provide work as soon as possible and it may be collected directly from the school by parents and returned for marking, if applicable. If a pupil is at risk of missing a public examination as a result of suspension, the school must make arrangements for the pupil to sit the examination.
- 5.10 On the day of the pupil's return to school following a period of suspension he or she should report immediately to the Principal or a nominated teacher. A short meeting will take place with the pupil who will be reminded of the School's policy and procedures and encouraged to comply with same.

6. EXTENDING SUSPENSION

- 6.1 When a period of suspension is to be extended the following steps must be taken:
 - 6.1.1 The Principal will consult with the Chairman of the Board of Governors and obtain approval for the extension.
 - 6.1.2 The Principal must notify the parents of the pupil by letter of the extension, its duration (up to a maximum of five days) and the reasons for it. The letter should be sent by first class post and is deemed to arrive the day after posting, before the end of the initial period of suspension. It will offer the parents and pupil the opportunity to attend the school and discuss the matter.
 - 6.1.3 The E.A. must be notified of the extension using the official Notification of Pupils' Suspension Form which should be accompanied by a copy of the letter to the parents. A copy will also be forwarded to the Chairman of the Board of Governors

7. EXPULSION PROCEDURES

- 7.1 The Expulsion of a pupil is the most serious disciplinary measure that can be applied. The Board of Governors should be satisfied that reasonable options and alternative strategies have been considered before a final decision is made. The Board of Governors will ensure that the school adheres to Human Rights principles in the procedures it adopts to oversee exclusions from school.
- 7.2 The expulsion of pupils from all grant-aided schools is governed by Article 49 (1 – 4) of the Education & Libraries (NI) Order 1986 Statutory Rule No 99. Schools (Suspension and Expulsion of Pupils) Regulations (Northern Ireland) 1995 and Statutory Rule No 13. Schools (Expulsion of Pupils) (Appeals Tribunals) Regulations 1994 as amended by Statutory Rule No 256 1998, governing the arrangements for hearing an appeal against expulsion.
- 7.3 As the expelling authority, the decision to expel a pupil rests solely with the Board of Governors.
- 7.4 No pupil shall be expelled by the Board of Governors unless the Governors are satisfied, on considering all the evidence available to them, that the pupil has failed to meet the school's minimum required standards of behaviour and the Governors are further satisfied that expulsion is the only remaining sanction available to the school.
- 7.5 The Board of Governors may expel a pupil for a series of breaches of discipline but a single incident may also be sufficient. In any case, a pupil may be expelled from the School only after serving a period of suspension.
- 7.6 A pupil may only be expelled from the School after consultation about the pupil's expulsion has taken place between the Principal, the parents of the pupil, the duly authorised officer of the Board and the Chairman of the Board of Governors. The letter notifying parents of the meeting will also invite the pupil to attend. Any neglect of refusal on the part of the parent to take part in such consultations shall not prevent a pupil being expelled from the School.
- 7.7 The consultation must include consultation about the future provision of suitable education for the pupil concerned. Minutes of the meeting and the outcome of it will be retained.
- 7.8 The parents of any pupil expelled from the school must be given immediate written notice of the right to appeal against the decision.
- 7.9 The pupil will have the right to present his or her point of view to the Board of Governors.
- 7.10 The permanent exclusion of a pupil from a school is the most serious disciplinary measure available to a school. Before arriving at such a determination, the Board of Governors should be satisfied that:
- 7.10.1 a proper investigation has been carried out to determine the nature and circumstances of the events leading to the proposed expulsion;
- 7.10.2 the pupil is indeed in serious breach of the School's Positive Behaviour Policy;
- 7.10.3 the pupil concerned has undergone a period of suspension;
- 7.10.4 expulsion is a reasonable response to the pupil's behaviour given the School's Positive Behaviour Policy.

8. CONSULTATION

- 8.1 In all cases where there has been a serious breach of School discipline which could result in expulsion and a recommendation for expulsion is being considered, the Principal shall convene a consultation meeting. The parties that should be in attendance at this consultation meeting are the Principal, the Chairman of the Board of Governors, the parent and the authorised officer of the Board. The pupil will also be invited to attend.
- 8.2 All parties entitled to attend the consultation meeting, including the parents, must be informed in writing of the date, location and purpose of the meeting. The letter should be written confirmation of the arrangements already agreed with the parents in person or by telephone.
- 8.3 Any neglect or refusal on the part of the parents to take part in the consultation meeting will not prevent the meeting from taking place or the pupil being recommended for expulsion.
- 8.4 At the consultation meeting the possibility of expulsion and the implications of this course of action must be discussed. Consideration must also be given to the future provision of suitable education for the pupil concerned.
- 8.5 The Principal must keep notes of the meeting.
- 8.6 Following the meeting parents, whether they attended or not, must be informed that the Principal or the Chairman will report on the matter to the next meeting of the Board of Governors. Parents and the pupil concerned should be invited to meet with the Board of Governors or its representatives to put their case. The future provision of education for the child should be discussed at this meeting.
- 8.7 Following discussion by the Board of Governors of all the available evidence, including the outcome of all consultations, the minutes of the meeting must record any decision taken by the Board of Governors and the reasons for it.
- 8.8 If it is the decision of the Board of Governors to expel the pupil, the Principal will, on behalf of the Board of Governors and on completion of the expulsion procedure, immediately notify in writing the particulars of the expulsion to the parents of the pupil, and to the designated officer of the E.A.
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. It is the duty of the E.A. to make arrangements for the provision of suitable education for children of compulsory school age who by reason of expulsion from school may not receive suitable education.
- 8.9 If it is the decision of the Board of Governors not to expel the pupil, the parents and pupil will be invited to the School to meet with the Principal and other appropriate staff to arrange the pupil's return to school, clarify support available and ensure that there is a clear and shared understanding of the School's requirements and any consequences of future serious breaches of discipline.

9. RIGHT OF APPEAL

- 9.1 Under Article 49(6) of the Education and Libraries (Northern Ireland) Order 1986, as substituted by Article 39 of the Education and Libraries (Northern Ireland) Order 1993, the parent of a pupil or the pupil himself, if he or she has attained the age of eighteen, may appeal to an appeal tribunal against a decision to expel.
- 9.2 The Principal will immediately inform parents in writing of the decision to expel, of the right to appeal the decision to expel the pupil, of the time limit set by the Board for lodging an appeal and of where the appeal may be lodged.