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## SUSPENSION AND EXPULSION POLICY

January 2022

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**BELFAST  
ROYAL  
ACADEMY**

<b>Title</b>	Suspension and Expulsion Policy
<b>Summary</b>	This policy outlines the procedures in relation to the suspension and/or expulsion of a pupil from the School.
<b>Purpose</b>	To ensure that parents and other relevant external agencies are aware of the procedures for suspension and expulsion.
<b>Operational Date</b>	January 2022
<b>Next Review Date</b>	Annually
<b>Author</b>	Vice-Principal (Pastoral)

<b>To be posted on School website</b>	Yes
<b>Date posted</b>	January 2022

## **Rationale**

The Board of Governors (the Board) believes in the fundamental right of every pupil to be educated in accordance with the relevant statutory provisions. However, it is recognised that the education of all pupils and staff and their safety should not be compromised, as a result of unacceptable behaviour by individual pupils. The Board therefore reserves the right to impose such sanctions as are outlined in the School Positive Behaviour Policy, including suspension or expulsion, where considered appropriate.

Expulsion of a pupil should only occur as a result of the most serious breaches of School Policy, including unacceptable behaviour, which may put other pupils or staff at risk.

## **Legal position**

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 (SR 1995 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 1994 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 Educational Needs and Disability (Northern Ireland) 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.

## **Definitions**

- Warden of the Board of Governors includes, where the Warden is unavailable the Senior Vice-Warden.
- Principal includes the Deputy Principal in the first instance, a Vice Principal or other person performing the duties of Principal, where the Principal is absent or unavailable.
- 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. It shall also include, in the case of a pupil who has reached the age of 18 years the pupil him (her) self.

## PROCEDURES TO BE APPLIED FOR THE SUSPENSION OF PUPILS

1. No suspension should take place without adequate investigation by the Principal.
2. Suspension is only one of a number of disciplinary sanctions to be imposed (as outlined in the School's Positive Behaviour Policy). The Principal will decide whether he/she considers it to be the appropriate action to be adopted in specific circumstances.
3. The initial suspension period shall not exceed 5 school days.
4. A pupil may be suspended from school for not more than 45 school days in any one school year.
5. Where a pupil has been suspended from school, the Principal shall immediately:
  - a. give written notice of the reasons for the suspension, the duration of suspension and the arrangements for the provision of work to the pupil whilst suspended, to the parent of the pupil and to the Warden.
  - b. Notification to the Education Authority will be made via the AnyComms Plus website.
  - c. The letter notifying the parent must be sent by 1<sup>st</sup> class post or (email) delivered on the day the suspension is decided upon.
  - d. Complete all paperwork in full, with accurate details and using new SEN stages.
  - e. invite the parent of the pupil to visit the school to discuss the suspension and advise the parent that if the visit does not take place, the Principal will, in the absence of the parent, decide either to end the suspension or to impose a further period of suspension.
  - f. conduct a pre-suspension meeting (appendix 1) at the beginning of the suspension and a post-suspension meeting (appendix 2) following the period of suspension, before the pupil returns to school.
6. The Principal must inform the parent in writing of either of the following alternatives, whether or not the parent chooses to visit the school:
  - i. the period of suspension has been concluded, stating the agreement reached with the parent, if any and that the pupil should therefore return to school forthwith; or
  - ii. the period of suspension is extended, the reasons for the extension and that the pupil must return to school at the stated time. A copy of this letter will be sent to the Warden.
7. The Principal shall not extend the period of suspension without the prior approval of the Warden of the Board of Governors and shall give written notification of the reasons for the extension and the period of extension to the parent of the pupil and to the Education Authority. Acceptable reasons for extending a period of suspension could potentially include:

- i. where, in the reasonable opinion of the Principal, the return of the pupil concerned would pose serious problems in terms of preserving order and discipline within the School;
  - ii. where, in the reasonable opinion of the Principal, discussion with psychologists and/or other agencies would be facilitated;
  - iii. where a decision to expel the pupil was quite properly being considered;
  - iv. where parents/guardians have without good reason failed to enter into proper and necessary consultations/discussions with the School.
8. Each individual extension may not exceed 5 days, but individual extensions may run consecutively.
  9. 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 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 Education Authority making an amendment to the provision of placement to meet the needs of the pupil.
  10. 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.
  11. In the event of a suspension, the School continues to have responsibility for the education of the pupil and should therefore ensure that appropriate work is made available during the period of suspension. The parent (s) should be made aware that it is their responsibility to collect and return the work to the school for marking.
  12. If a pupil does not return to school at the end of a period of suspension, the School should first contact the parent to ascertain the reason for not returning. If the reason requires a referral to the Educational Welfare Service, the School will liaise directly with the Education Authority.

## **THE EXTENSION OF A SUSPENSION**

1. Where a period of suspension is to be extended, the prior approval of the Warden of the Board of Governors must be obtained for each extension.
2. Where a decision has been taken to extend the suspension period, the Principal must immediately:
  - i. notify the parent, verbally by telephone and in writing of the extension.
  - ii. the letter must include:
    - The reason for the extension;
    - The duration of the extension (up to 5 days); and
  - iii. 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.
3. All extensions must be notified immediately to the Education Authority.

4. 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 reintegration in order to, for example, inform teachers in advance of 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 Code of Practice and/or refer to relevant support services.

## **PROCEDURES TO BE APPLIED FOR THE EXPULSION OF PUPILS**

1. The Board of Governors is the expelling authority and the decision to expel rests with the Board. The Board delegates this authority to the Suspension and Expulsion Sub-Committee of the Board.
2. A pupil can be expelled only after serving a period of suspension.
3. Where there is 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.
  - i. 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.
4. A meeting of the Suspension and Expulsion Sub-Committee of the Board will be convened at the request of the Principal and, as part of its deliberations, the sub-committee will:
  - i. examine all documentary evidence presented by the Principal and any other interested party, relating to the misconduct of the pupil;
  - ii. give due consideration to the safety and welfare of the other pupils and staff of the school.
5. If expulsion is being considered, the parents and pupil will be given the opportunity to make representation to the Suspension and Expulsion sub-committee of the Board of Governors in relation to the pupil and the circumstances surrounding the possible expulsion.
6. A consultative meeting will then be convened by the Principal and chaired by the Warden of the Board of Governors. This meeting will include the Principal, the parent of the pupil, the pupil (if appropriate), the Senior Education Welfare Officer, an officer from the Children and Young People's Services (CYPS), and any other individual from a professional agency which is involved with the pupil, such as, CAMHS, Social Services. The officer from the CYPS does not have a role in advising or supporting the School with the process of scheme of expulsion, their role is solely as an advocate for the child. 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 of it will be retained.

7. 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.
8. 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. The request for a representative from the Education Authority to attend the Consultative Meeting will be submitted through the AnyComms Plus website at least 5 days prior to the date of the meeting, using Appendix 3.
9. A refusal on the part of the pupil's parents to take part in such consultations shall not prevent a pupil from being expelled.
10. Following this meeting, the Suspension and Expulsion sub-committee will meet and shall reach a decision. The parents will be notified in writing of this 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 AnyComms Plus website will be used to notify EA CYPS of all Expulsions, which should be received on the same day as the expulsion letter is issued. The Board of Governors will be required to submit details of the School's Positive Behaviour Policy; how the Principal and 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 re-admitted to the school, the Board of Governors shall comply with any such direction.
11. 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.
12. 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.



Pupil	Form
Staff	Date & Time

**Pre- Suspension Minutes**

- Principal/Vice-Principal outlined the circumstances of the situation.
- Principal/Vice-Principal discussed S.E.N. Provision (if applicable) in relation to the specific situation.
- Principal/Vice-Principal outlined the reasons for the suspension to the pupil and to their parent/guardian in accordance to the Positive Behaviour Policy.
- Principal/Vice-Principal outlined the seriousness of the suspension, and discussed the parental right to appeal.
- Principal/Vice-Principal explained that mistakes can happen – important to learn – outline points from situation

Length of Suspension (days)	S.E.N Level and Information (if applicable)	Additional Factors

**Other Comments**



Signature Interviewer \_\_\_\_\_ Witness \_\_\_\_\_



Appendix 2

Pupil	Form
Staff	Date & Time

Post Suspension Minutes

- Principal/Vice-Principal outlined the seriousness of the suspension
- Principal/Vice-Principal asked the pupil to outline what they have learnt from the suspension
- Principal/Vice-Principal explained that mistakes can happen – important to learn – outline points from situation
- Draw a line under this and move on – don't let it happen again
- Support Offered (please tick)

Counselling	Head of Year Support	Daily Report	Red Report Book	Contract	Educational Psychologist	VP Support	Other (Please state)	Repeated Offence
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Other Comments

Signature Interviewer \_\_\_\_\_ Witness \_\_\_\_\_

## REQUEST FOR AN EDUCATION AUTHORITY REPRESENTATIVE TO ATTEND A CONSULTATIVE MEETING

<b>Name of School:</b>		<b>Type of School:</b>	Choose an item.
<b>Local EA Office</b>	Choose an item.		
<b>Date of Meeting:</b>		<b>Time:</b>	
<b>Venue:</b>			

<b>Pupil's Name:</b>			
<b>Address:</b>			
<b>DOB:</b>			
<b>Year:</b>			
<b>SEN:</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<b>Stage on Code of Practice:</b> Choose an item.
<b>Number of days suspended in this current school year</b>			
<b>Reason for meeting request:</b>	(Include background information, suspensions, medical conditions (if relevant), reason for the meeting, i.e. details of the incidents, and details of the pupil's educational history.)		

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**FOR YOUR INFORMATION**

The Officer from the Education Authority who will attend the meeting will need the **information listed below at least 5 days prior to the meeting but please select the relevant boxes below for this pupil at your initial request.**

1. A written report clearly outlining background information on each pupil e.g. year, age, SEN Code of Practice (if applicable), suspensions, medical conditions (if relevant), reason for the meeting, i.e. details of the incidents, and details of the pupil's educational history.

2. Evidence of the support strategies in place, targets, duration of the completed strategies employed, outcomes of the intervention and degrees of success.

Select where appropriate

- Whole school training in understanding and managing behaviour
- Evidence of using The Resource File to support pupils with special educational needs and The Good Practice Guidelines
- Positive Handling Plan
- Individual Education Plan
- Individual Behaviour Plan
- Positive Behaviour Contract
- Pastoral/Counselling Support arrangements
- Risk Assessment and Risk Management Plan
- Other support strategies

3. providers/external agencies e.g. Evidence of referrals to internal
- Behaviour Support Team
  - Educational Psychology
  - Clinical Medical Officer
  - Child and Family Consultative Service
  - Social Services
  - Board Support Officers: Drug Awareness, Education Welfare
  - Other Outreach Support Services
4. The Positive Behaviour/Discipline Policy/Drugs Policy, Pastoral Care Policy of the School (where applicable).
5. Where the report is for a “one off major incident” details of how the school responded and where appropriate, witness statements and records of any investigations undertaken.
6. A record of communication with parent/carer including any responses.