

## **BELFAST ROYAL ACADEMY SUSPENSION AND EXPULSION POLICY / SCHEME**

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 Discipline Policy, including suspension or expulsion, where considered appropriate.

Expulsion of a pupil should only occur as a result of the most serious breaches of the School Discipline 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) and Article 25 of the Education and Libraries (NI) Order 2003.

### **Definitions**

“Warden of the Board of Governors” includes, where the Warden is unavailable the Senior Vice-Warden.

“Headmaster” includes the Deputy Principal in the first instance, a Vice Principal or other person performing the duties of Headmaster, where the Headmaster 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 Headmaster.
2. Suspension is only one of a number of disciplinary sanctions to be imposed (as outlined in the School's Discipline Policy). The Headmaster will decide whether he 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 Headmaster shall immediately:
  - a. give written notice of the reasons for the suspension and the period of suspension to the parent of the pupil, to the Warden and to the Belfast Education and Library Board.
  - b. 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 Headmaster will, in the absence of the parent, decide either to end the suspension or to impose a further period of suspension.
6. The Headmaster 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 Headmaster 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 Belfast Education and Library Board.
8. 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.
9. In the event of an initial suspension being extended, 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 extended suspension. The parent(s) should be made aware that it is their responsibility to collect and return the work to the school for marking.

## **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 Discipline Policy or ongoing breaches of the school's Discipline policy, the Headmaster will maintain a record of all correspondence between home and school and of any meetings held to discuss the issues.
4. A meeting of the Suspension and Expulsion Sub-Committee of the Board will be convened at the request of the Headmaster and, as part of its deliberations, the sub-committee will:
  - a). examine all documentary evidence presented by the Headmaster and any other interested party, relating to the misconduct of the pupil;
  - b). 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 consultation meeting will then be convened. This meeting will include the Headmaster, the parent of the pupil, the pupil (if appropriate), the Warden and the Chief Executive of the Belfast Education and Library Board (BELB) or another officer of the BELB duly authorised by him (if the pupil resides in a Board other than the Belfast Board, both Boards should be notified). The consultation shall include discussions about the future provision of suitable education for the pupil concerned. Minutes of this meeting and the outcome of it will be retained.
7. A refusal on the part of the pupil's parents to take part in such consultations shall not prevent a pupil from being expelled.
8. 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 Headmaster. 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, Belfast Education and Library Board) within 10 days of the issue of the letter from the Headmaster). The Board of Governors will be required to submit details of the School's Disciplinary Policy; how the Headmaster 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.

9. The decision of an Appeal Tribunal is not subject to further appeal to either the Belfast Education and Library Board 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.
10. 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 and Library Board in the area 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.