

## SUSPENSIONS AND EXPULSIONS – A PARENT’S GUIDE

Suspensions and expulsions from schools are the most serious sanctions that can be imposed on pupils. As such they are governed by the Schools (Suspension and Expulsion of Pupils) Regulations (NI) 1995 as amended by the Schools (Suspension and Expulsion of Pupils) (Amendment) Regulations (NI) 1998.

All schools must have a scheme for the suspension and expulsion of pupils which are based upon the Regulations, guidance from the Education Authority and in the case of Catholic maintained schools the Council for Catholic Maintained School (CCMS) Scheme for the Suspension and Expulsion of Pupils.

### Suspensions

A school may suspend a pupil for a serious breach of school rules. A pupil should only be suspended when other strategies and disciplinary measures have failed.

The Regulations state that:

- A pupil may only be suspended by the Principal
- The initial period of suspension cannot exceed 5 school days
- A pupil cannot be suspended for more than 45 school days in a school year
- If the Principal wishes to extend the initial period of expulsion, they must have the approval of the Chair of the Board of Governors
- The Principal must also give written reasons for the extension and the period of the extension to the parent

A pupil should never be excluded from school informally or unofficially. Pupils should only ever be excluded for the periods specified in written letters from the Principal.

A pupil should never be suspended from school as a precautionary measure, **for example to prevent the child from breaking school rules**. Suspensions are only legal when used as a disciplinary measure.

## **The Suspension Process**

When a pupil is suspended, the Principal must immediately:

- Invite the parent to visit the school to discuss the suspension
- Give written reasons for the suspension and period of suspension to the parent
- Before a decision is made to suspend, the Principal should take appropriate steps to gather relevant information however as the decision to suspend is usually taken soon after the incident the Principal is not usually expected to have conducted a full investigation.

## **The Meeting**

- At the meeting to discuss the suspension, the pupil should be given the opportunity to give their account of events
- If you or your child disagree with the decision to suspend, you should be given the opportunity to ask that either no action is taken or, where the child accepts fault, ask that alternative disciplinary measures are taken

## **Can I appeal?**

There is no independent appeals system for suspensions. It is the responsibility of the Principal and the Chair of the Board of Governors to ensure the process is operated fairly.

## **Will my child receive education while suspended?**

Your child has a right to education even when suspended. While your child is suspended, you should make arrangements with the school for his/her education during this period. For example, you could make arrangements to collect school work for you child so that he/she does not fall behind in their education while absent

## **Expulsions**

An expulsion is the most severe form of disciplinary action that a school can take and as such, should only be taken as a last resort. The process for expulsion is clearly set out in the Regulations.

The Regulations state that a pupil can only be expelled if:

- They have served a period of suspension
- A consultation about potential expulsion has taken place between the parents, Principal, Chair of the Board of Governors, an authorised officer from the Education Authority and, if the school is a Catholic maintained school, an authorised officer from CCMS. This meeting can still take place even if you decide not to attend
- At the consultation meeting, there must be a discussion about the future education of the pupil
- The decision to expel is made by the ‘expelling authority’ – this will differ depending on the type of school your child attends
- If the decision is taken to expel the pupil, the Principal must give the parents written notification of the right to appeal the decision to an independent tribunal, the time limits for lodging an appeal and where any appeal should be lodged

## **The Consultation Meeting**

Prior to the consultation meeting, you should request in writing copies of any records, statements or other documentation which will be referred to in the meeting, for example, your child’s disciplinary record or witness statements. If these are not provided in advance, then you should again request copies at the start of the consultation meeting.

At the consultation meeting, the pupil should be able to give their version of events, either orally or in writing. There must be consideration of options other than expulsion and whether these may work. There should also be a discussion about the future education of the pupil.

Should you require advice in advance of the consultation meeting, you can contact NICCY’s Legal & Investigations team on 028 9031 1616 or [legalteam@niccy.org](mailto:legalteam@niccy.org).

### **Can I appeal?**

- Yes, you can appeal to the Education Authority's independent tribunal. Details of how to appeal should be provided in the Principal's letter confirming the expulsion. If you do not receive details about an appeal, you should contact the Education Authority immediately once the decision is made
- There are very short and strict timelines for lodging an appeal (usually 10 days) so ensure that you are aware of these and comply with them
- If you wish to appeal the expulsion, you should write a letter to the tribunal confirming your wish to appeal and setting out your reasons. You will then be contacted by the Clerk to the tribunal and invited to attend the appeal hearing.

### **The Appeal Hearing**

At the appeal hearing, you may bring your own legal representation. You can contact NICCY's Legal & Investigations team who will be able to advise you about the appeal and, in some circumstances, represent your child at the hearing.

At the hearing, the tribunal will hear from both you and the expelling authority and will also consider all written evidence provided by both. The tribunal will also consider whether the expulsion procedure was followed properly

If you are not satisfied with the decision of the tribunal, you should seek legal advice about further options as soon as possible.

### **Will my child receive education when expelled?**

Your child has a right to education. At the consultation meeting, you should discuss your child's future education provision. While waiting to start a new school, you should request that arrangements are made for your child's education in the interim, for example, work provided to do at home or home tuition.

### **What should I do if my child is expelled?**

If a decision is made to expel your child, you should immediately contact the Education Authority to urgently discuss how you can find a new school for your child.

### **What guidance is available?**

If your child is to be suspended or expelled, you should obtain a copy of the school's suspension / expulsion policy. This can be requested directly from the school or sometimes found on their website.

If your child attends a maintained school, you can also view a copy of the [CCMS Scheme for the Suspension and Expulsion of Pupils](#) on their website.

Information can also be found on the [Department of Education website](#).

### **Who can help?**

NICCY's Legal & Investigations team can advise on suspensions, expulsions and appeals. Contact us on 028 9031 1616 or by email to [legalteam@niccy.org](mailto:legalteam@niccy.org)

You can also find information by contacting the relevant authority below:

Education Authority North Eastern Region	2565 3333
Education Authority Belfast Region	9056 4000
Education Authority South Eastern Region	9056 6200
Education Authority Southern Region	3751 2200
Education Authority Western Region	8241 1411
Council for Catholic Maintained School (CCMS)	9042 6972