

North Lanarkshire Council

Report

Additional Support Needs Member/Officer Review Group

approval noting

Ref DB/JP

Date 30/05/2019

Promoting Positive Relationships : Preventing and Managing Exclusions

From Derek Brown

Email pollockjud@northlan.gov.uk **Telephone** 01236 812291

Executive Summary

The purpose of this Policy is to ensure that all establishments are consistent in their approach regarding the prevention and management of any exclusion from school. This policy should be read in conjunction with Included, Engaged and Involved Part 2: Preventing and Managing school Exclusions 2017.

The overarching aim is to support schools, communities and their partners to keep all children and young people fully included, engaged and involved in their education and to improve outcomes for all children and young people, with a particular focus on those who are at risk of exclusion.

The rate of exclusion in North Lanarkshire continues to drop each year due to the continued focus to develop and promote positive relationships and a key attribute is ensuring that all members of the learning community are safe, feel protected and their wellbeing is developed. This notion is embedded throughout the policy.

Where exclusion is used, it should be a short term measure with the aim of improving outcomes. It should enable further planning, assessment and support and provide an opportunity for reflection for both the child or young person, family and staff involved.

The policy draws from current guidance and is fixed within a legislative framework.

The local education authority and school leaders have a responsibility to ensure all staff are aware of and understand this policy and suggested practice.

It replaces Management Circular B2 Exclusion Procedures.

Recommendations

- Note the contents of the report
 - Approve this policy for adoption from August 2019 subject to ratification by the JNCT
-

Supporting Documents

Included, engaged and involved part 2: preventing and managing school exclusions 2017

<https://www.gov.scot/publications/included-engaged-involved-part-2-positive-approach-preventing-managing-school/>

The Children & Young People (Scotland) Act 2014

<https://www.gov.scot/publications/children-young-people-scotland-act-2014-national-guidance-part-12/pages/3/>

The National Child Protection Guidance 2014

<https://www.gov.scot/binaries/content/documents/govscot/publications/guidance/2014/05/national-guidance-child-protection-scotland/documents/00450733-pdf/004>

The National Improvement Framework for Scottish Education

<https://www.gov.scot/publications/2019-national-improvement-framework-improvement-plan/>

United Nations Convention on the Rights of the Child (UNCRC)

<https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

1. Background

- 1.1 The previous Exclusion Policy has been updated in line with current guidance and offers a stronger focus on approaches that can be used to prevent the need for exclusion, ensuring all children and young people are included, engaged and involved in their education.
- 1.2 This guidance is to be used by teachers and practitioners working with children and young people in the context to raise attainment for all, close the attainment gap and ensure a central focus on children and young people's wellbeing.

2. Report

2.1 Rationale

- 2.1.1 The overarching aim of the policy is to support schools to keep all children and young people fully included, engaged and involved in their education and to improve outcomes for all children and young people, with a particular focus on those who are at risk of exclusion. It recognises the need for all members of a learning community, children, young people and staff to be safe and protected. Where exclusion is used it should be a short term measure with the aim of improving outcomes for the child or young person. Any exclusion from school should enable further planning and assessment to take place and provide an opportunity for reflection for both the child or young person and staff involved.

2.2 Policy Context and Legislation

- 2.2.1 The power to exclude rests with education authorities under regulation 4 of the Schools General (Scotland) Regulations 1975. The Education (Scotland) Act 1980 also places a duty on education authorities to make appropriate education provision when a child or young person is excluded. The power to exclude, and

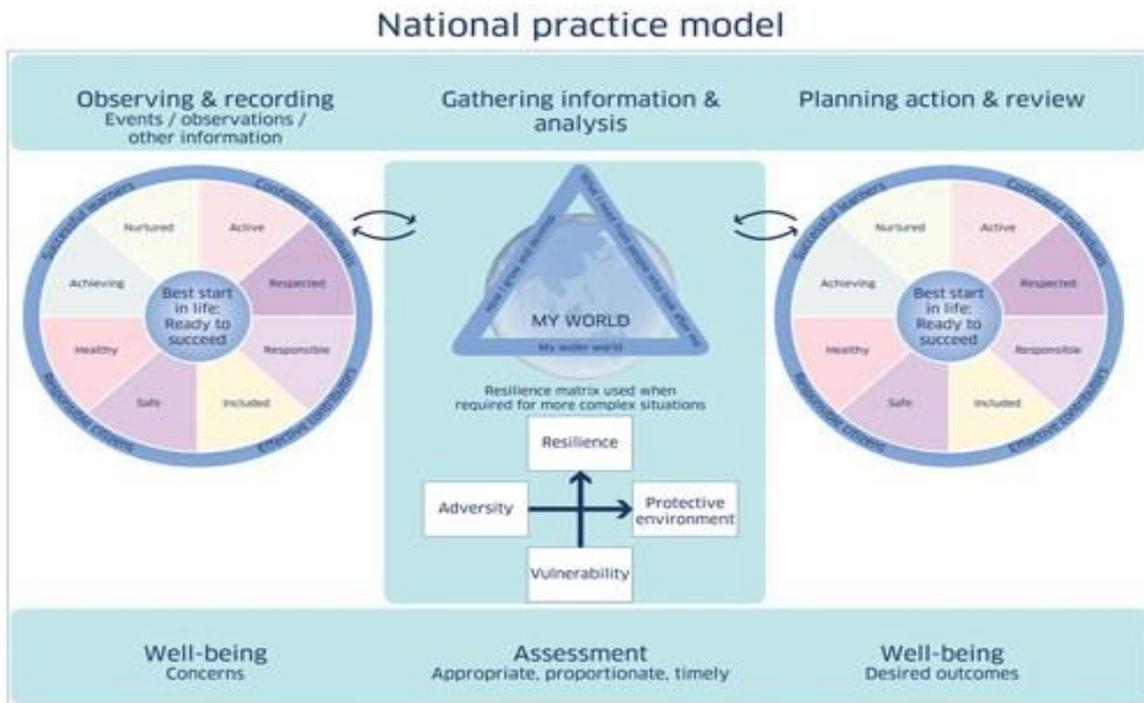
make appropriate provision during exclusion, is devolved to Heads of Establishments by the Executive Director (Education and Families).

- 2.2.2 The education authority ultimately remains responsible for the education of all children and young people within their establishments, including those who have been removed from the register of a school.
- 2.2.3 The grounds for exclusion are detailed in regulations 4 and 4A of the Schools General (Scotland) Regulations 1975 ("the 1975 regulations"). Regulation 4 provides that an education authority shall not exclude a pupil except where:
 - 2.2.4 "they are of the opinion that the parent of the pupil refuses to comply, or to allow the pupil to comply, with the rules, regulations or disciplinary requirements of the school"; or
 - 2.2.5 "they consider that in all the circumstances to allow the pupil to continue attendance at the school would be likely to be seriously detrimental to order and discipline in the school or the educational well-being of the pupils there."
- 2.2.6 Exclusion from school of a child or young person other than in conformity with the terms of 1975 Regulations has no statutory authority. Failure to comply with the 1975 Regulations in such circumstances may render the authority open to legal challenge by the parent(s), or the pupil (where the pupil is a young person or is a child with legal capacity in terms of the Age of Legal Capacity (Scotland) Act (1991) or to action by the Scottish Ministers under section 70 of the Education (Scotland) Act 1980, as amended.

2.3 Prevention, Early Intervention and Staged Intervention

- 2.3.1 Positive relationships within establishments are key to building resilience in children and young people whilst providing a protective environment, supporting any vulnerability and managing any adversity an individual may experience.
- 2.3.2 The wellbeing of children and young people is at the heart of Getting it Right for Every Child (GIRFEC) and focuses attention on how safe, healthy, achieving, nurtured, active, responsible, respected and included a child or young person feels.
- 2.3.3 In line with Education and Families Health and Wellbeing Strategy, a school's culture, ethos and values are fundamental to promoting positive relationships and behaviour. An inclusive ethos where everyone's contribution is valued and encouraged should be promoted with a shared understanding around the principle that all behaviour is a form of communication.
- 2.3.4 It is essential that staff recognise when communication and behaviours are escalating for a child or young person and employ appropriate planning using a model of staged intervention as referenced below.
- 2.3.5 Early intervention is crucial in reducing the need for exclusion whilst recognising that all support should be appropriate, proportionate and timely. Within North Lanarkshire Council a Staged Intervention model includes a range of approaches from universal through to more additional and intensive support. A key aspect of this framework is the emphasis on robust planning and assessment, which places the wellbeing of children and young people at the centre.

- 2.3.6 All schools and establishments use the “Getting it Right for me” planning format with individualised learning strategies evident in Part I and specific smart learning targets in Part II if required.
- 2.3.7 All practitioners use the National Practice Model as a framework for assessing, planning and reviewing the support of a child or young person. For some pupils a multi-agency approach will be necessary.



2.3.8 Identified interventions may include:

- (1) Restorative and solution oriented approaches as part of a whole school approach
- (2) Whole school nurturing approaches embedding nurturing principles
- (3) Access to a Support Base
- (4) Alternative and flexible timetable
- (5) Vocational and wider achievement opportunities
- (6) Therapeutic support
- (7) Anti-bullying policies
- (8) Effective Personal and Social Health Education which contributes to social and emotional wellbeing
- (9) Effective learning and teaching which contributes to developing good relationships and positive behaviour in the classroom, school grounds and wider school community.
- (10) Continued professional learning opportunities for all staff

2.4 Consideration of Individual circumstances

2.4.1 Individual circumstances should be taken into account when excluding a child or young person from school, particularly with regard to those children or young people who have additional support needs, a disability, are looked after, care experienced, on the edges of care or where there are child protection concerns.

- 2.4.2 Excluding a child or young person from school, whatever their individual circumstances, is a serious step. It can have a detrimental impact upon learning, family life and future outcomes. Therefore, in all circumstances it is necessary to consider the impact exclusion will have on securing the best possible outcomes for the child or young person.
- 2.4.3 Early identification and prevention strategies should be explored to ensure ongoing wellbeing assessment and planning is in place to support the stability of placements for children who are care experienced, on the edges of care and vulnerable groups.
- 2.4.4 To ensure that process and due diligence is followed and consideration is given to individual circumstances please refer to:-
- (1) Appendix 1- checklist when considering a school exclusion
 - (2) Appendix 2– checklist to consider individual circumstances when excluding a child or young person from school

2.5 Children with Additional Support Needs

- 2.5.1 The circumstances in which a child or young person with additional support needs can be excluded are the same as any other child or young person. However, any decision to exclude must take account of and be in line with the local authority's duties under the Education (Additional Support for Learning) (Scotland) Act 2004, (as amended) and the Equality Act 2010.
- 2.5.2 Where a child or young person with an additional support need is at risk of exclusion, the education authority must take all reasonable steps to ensure that appropriate provision can be made to meet the child or young person's additional support needs during the period of exclusion. Section 20 of the Equality Act, 2010 ensures these requirements are considered in terms of reasonable adjustments.

2.6 Co-ordinated Support Plans (CSP)

- 2.6.1 A CSP is for children and young people who have complex needs and need a high level of support from different agencies. There is a duty to ensure that services are co-ordinated during the period of the exclusion process. For example, a child or young person must continue to receive input or support from a speech and language therapist, occupational therapist, social work etc.

2.7 Children and Young People with Protected Characteristics

- 2.7.1 The Equality Act 2010 does not prohibit schools from excluding children or young people with particular protected characteristics, but it *does* prohibit schools under section 85(2)(e) from excluding children and young people because of their protected characteristic or from discriminating during the exclusion process. The Equality Act 2010 defines protected characteristics (within school education) as;
- (1) Disability
 - (2) Gender re-assignment
 - (3) Pregnancy and maternity
 - (4) Race
 - (5) Sexual Orientation

- (6) Religion and belief
- (7) Sex

2.8 Children and Young People with Disabilities

- 2.8.1 In addition to the above, under section 85(6) of the Equality Act 2010, schools also have a duty to make reasonable adjustments to the exclusion **process** for children and young people with a disability. For instance, a child or young person may be due to have input from an allied health professional in school. It may therefore be reasonable to delay the commencement of the exclusion in order for the input from the allied health profession to take place.
- 2.8.2 Schools and education authorities should ensure that they comply with the provisions of the Equality Act 2010 in relation to discriminatory behaviour in the context of exclusion from school. Schools must not discriminate against a pupil with a disability by excluding him or her for a reason related to their disability.
- 2.8.3 To support schools in their decision making around excluding a child or young person with a disability a number of scenarios detailing circumstances when it would not be appropriate to exclude can be found in:-
 - (1) Appendix 3 – Exclusion scenarios, children and young people with a disability

2.9 Children and Young People Who are Looked After

- 2.9.1 North Lanarkshire Council, as the corporate parent, has specific responsibilities to children or young people who are looked after/care experienced by them in terms of the definition in section 17 of the Children (Scotland) Act 1995. Some examples would be a child or young person who is:
 - (1) In residential care
 - (2) Looked after by kinship carers
 - (3) Looked after by foster carers
 - (4) Looked after at home as a consequence of a Compulsory Supervision Order
 - (5) Leaving care
 - (6) Unaccompanied children seeking asylum within NLC
- 2.9.2 School life can be a protective factor in the lives of children and young people who are looked after/care experienced and in North Lanarkshire there is a presumption that children and young people who are looked after will not be excluded from school.
- 2.9.3 It is paramount that positive relationships both within the educational establishment and beyond, are fundamental to ensuring that all appropriate steps are taken to prevent exclusion and maintain children and young people in school.
- 2.9.4 It is likely that an exclusion from school will have a significant impact upon the life chances of a looked after/care experienced child or young person, if not mitigated for. In the short term, exclusion could lead to the need to move placement, with all the disruption to existing relationships that this causes if appropriate care and supervision cannot be provided while the child or young person is excluded. In the longer term, ongoing instability in a child or young

person's life is very likely to lead to life-long challenges and ongoing disadvantage.

- 2.9.5 In the rare event, if exclusion is being considered, it is important that the delegated member of staff, the Virtual School Leader and/or team around the child and parents/carers, are contacted to discuss alternatives to exclusion. This must include the child or young person's allocated social worker who can advise on how to ensure that the correct level of communication takes place with the child or young person's parents and carers.

2.10 Children and Young People who are Adopted

- 2.10.1 Some children and young people who are adopted may find some aspects of school life challenging. They can often have complex needs through exposure to adverse childhood experiences and trauma. This can lead to challenging behaviours and the risk of exclusion. These difficulties in school and especially exclusions can overwhelm what can sometimes be fragile home and family lives.

2.11 Children and Young People who are living in areas of Socio-economic Deprivation

- 2.11.1 Schools and establishments need to take account of how a range of factors may be impacting on children and young people's behaviour and be aware that exclusion can be an additional stress factor for children and young people and their families who are experiencing such adverse life circumstances. Schools and establishments need to take into account that an exclusion may also have an immediate impact on the wellbeing of children and young people from such backgrounds. This might include missing out on free school meals and being prevented from accessing the security and continuity of the school environment.

2.12 Early Years and Childcare

- 2.12.1 It is highly unlikely that there would be any circumstances that would warrant the exclusion of a child accessing early learning and childcare services. In the rare event of an exclusion of a child receiving their statutory nursery entitlement, the child still has a legal right to receive the hours they might miss due to having been excluded. In such circumstances the parent / carer has the right to request the hours to be made up by the local authority or the funded provider.

2.13 Child Protection Register/Concerns

- 2.13.1 In exceptional cases where the exclusion of a child or young person who is on the child protection register, or for whom there are current or previous child protection concerns is being considered, the Child Protection Officer within the school or establishment should be informed. In addition, where the decision to exclude is being considered, the allocated social worker must be involved immediately.
- 2.13.2 It is essential that this is done **prior** to the child or young person being sent home in order to ensure their health and wellbeing. Social Work must be engaged throughout the period of exclusion. In all cases where a decision to exclude is being taken schools and establishments should consider the risks and ensure that the child or young person will not be placed at further risk.

2.14 Sending home without excluding

- 2.14.1 **All** exclusions from school and establishments must be formally recorded as an exclusion. Children and young people **must not be sent** home on an 'informal exclusion'. Following an incident where the decision is made that the child or young person cannot remain in school, for one of the reasons specified in regulation 4 of the Schools General (Scotland) Regulations 1975, this must be recorded as an exclusion.
- 2.14.2 Before the decision is taken to exclude a child or young person please refer to and Appendix 1 to assist with the process.

3 Interventions and Responses

3.1 Procedures to follow when Excluding a Child or Young Person

- 3.1.1 Regulation 4A of the 1975 Regulations makes provision for the procedures to be followed in relation to exclusions.
- 3.1.2 The checklist in Appendix 2 should be completed when the decision to exclude a child or young person has been taken to ensure consideration is given to individual circumstances.
- 3.1.3 The establishment must, on the day upon which a decision to exclude a child or young person is taken, clarify the length of exclusion and contact the parents/carers and social work (if appropriate) and explain the following in writing:-
- (1) The decision to exclude
 - (2) The length of exclusion
 - (3) The reasons for the decision to exclude
 - (4) The conditions, if any, with which the parent / carer and / or pupil must comply, or undertake to comply before the child/young person returns to school
 - (5) The date, time and place where senior management (and Education Officer if appropriate) shall be available to discuss the decision to exclude.
 - (6) The right to refer the decision to exclude the pupil to an appeal committee under section 28H of the Education (Scotland) Act 1980
 - (7) Any other information which the education authority considers appropriate.
- 3.1.4 The school and establishment must, notify the parent/carers in writing (recorded delivery recommended), the parental letter can be handed to the young person directly.
- 3.1.5 When a child is over the age of 12 then a letter addressed to the young person should be given.
- 3.1.6 The school or establishment must ensure that the parent/carers or other responsible adult will be at home before sending the child/young person home (if under 16yrs). If the parents/carers are not at home or cannot be contacted to collect their child, the pupil must be kept in school and supervised until they can do so.
- 3.1.7 This meeting must be within seven calendar days.
- 3.1.8 For letter templates refer to:-

- (1) Appendix 4 – Notice of Temporary Exclusion (Parent/Carer)
 - (2) Appendix 5 – Notice of Temporary Exclusion (Pupil)
- 3.1.9 All schools and establishments must ensure that these letters are uploaded to SEEMiS Click and Go for their establishment. This ensures consistency of approach across all establishments.
- 3.1.10 The **length of an exclusion** is not defined in the legislation and is a matter for the discretion of the establishment. It should be **proportionate** and take into account individual circumstances.
- 3.1.11 For children and young people who are excluded on multiple occasions and this accumulates to more than 10 days in a school year, it is imperative that the team around the child, Additional Support Manager and Education Officer are involved.
- 3.1.12 The locality Education Officer should be informed of exclusions totalling 10 days or more by completing and submitting the following:-
- (1) Appendix 6 – Education Officer – Exclusion from school of 10 days+
 - (2) Appendix 1 – Checklist when considering a school exclusion
 - (3) Appendix 2 – Checklist to consider individual circumstances when excluding a child or young person from school
- 3.1.13 It is at the discretion of North Lanarkshire Council Education and Families whether a child or young person may move establishments. The Education Officer would make this decision if it is decided that the child/young person is not allowed to return to their school, but this will only be supported when evidence of robust planning and staged intervention is in place.
- 3.1.14 If it is deemed that a child or young person has to move school or establishment, it is the responsibility of heads of establishments to ensure effective transition planning is in place.
- 3.1.15 Parents/carers and the child or young person should be included in any decisions regarding placement at another school. For clarity, where children are aged 12 and over, they are assumed to have a view and this should be taken into consideration; children aged under 12 may express a view and if so, their wishes should be taken into consideration.
- 3.1.16 **The establishment remains responsible for the provision of education for the child or young person during the period of exclusion** (Section 14, Education (Scotland) Act, 1980). Therefore, appropriate coursework should be provided if the exclusion exceeds **3 days**. An appropriate means of communication should be established between the school, family, child and young person.
- 3.1.17 The school or establishment have the duty to make provision “without delay” to:
- (1) Provide education for the excluded pupil in a school managed by the authority; or
 - (2) Make arrangements for the excluded pupil to receive education in another establishment such as a community centre, library or children’s house.

- 3.1.18 There is no legal definition of what “undue delay” means. However the objective is to ensure the child or young person continues to receive an education while excluded. Included, Engaged and involved Part 2: Preventing and Managing School Exclusions 2017 suggests that it is reasonable to expect alternative education provision to be in place after **3 days**. Therefore, if a child or young person is excluded for up to **3 days**, classwork (or alternative) should be provided. However, it is reasonable to expect that alternative education provision to be in place if a child or young person is excluded for more than **3 days**.
- 3.1.19 Any existing involvement in non-school based learning should continue. These include therapeutic support, college placements or mentoring e.g. Child and Adolescent Mental Health Service (CAMHS), Community Alternatives, Youth Counselling Service, voluntary sector. It may be necessary to organise support in an environment out with the school building during the period of exclusion.
- 3.1.20 The following are suggested types of education provision during periods of exclusion:
- (1) Suitable learning activities to ensure the child or young person keeps up with work being taught during time excluded with a subsequent check to ensure the child or young person has understood the work;
 - (2) Structured learning outside of home e.g. library
 - (3) Programmes to address the social, emotional and behaviour needs of the child or young person to support re-integration and help prevent further exclusions
 - (4) Virtual learning through GLOW/online learning.
- 3.1.21 Although there is no legal requirement for a parent/carer to initiate or request for schoolwork to be arranged staff must nonetheless ensure this is in place.

3.2 Children and Young People Views

- 3.2.1 A child or young person should be actively involved and participate in all stages of the exclusion process. A core principle of ‘Getting it Right for Every Child’ (GIRFEC) and the United Nations Convention Rights of the Child (UNCRC) is a commitment to ensuring that children and young people have the opportunity to participate in the decisions that affect them. The UNCRC defines participation as “ongoing processes, which include information-sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes”.
- 3.2.2 Advocacy Services may also have an important role to play in supporting children or young people who are being looked after by the local authority. Although a child with legal capacity, or a young person has the right to appeal, the role of the parents/carers in supporting their child or young person and ensuring their views are represented should be recognised and encouraged throughout the process.

3.3 Parents/Carers Responsibilities

- 3.3.1 A parent/carer of a child or young person of statutory school age has a duty under section 30 of the Education (Scotland) Act 1980 to provide efficient education for their child or young person suitable to his or her age, ability and

aptitude by causing their child or young person to attend a public school (local authority) regularly, or by other means. Parents/carers continue to be subject to this duty even if their child or young person has been excluded from school.

- 3.3.2 All parents/carers are encouraged to co-operate with school or establishment and NLC Education and Families to support any necessary provisions or special arrangements for their child or young person's education, if required to do so. Parents/carers should work with their child or young person's school to develop and implement an agreed course of action. Parent/carers should support and encourage their child to attend regularly.

3.4 Recording and Monitoring

- 3.4.1 The school must maintain an accurate and up-to date record of all exclusions. All exclusions should be recorded as a significant event as part of a child or young person's chronology of significant events (COSE) through SEEMIS.
- 3.4.2 The Local Authority will gather information on a cyclical basis to review rates and reasons for all exclusions. It is imperative that SEEMIS is accurate.

3.5 Managing Serious Incidents and Incidents Involving Weapons

- 3.5.1 If there is a serious incident involving weapons Police Scotland should be contacted. Please refer to Promoting Positive Relationships: Anti Weapons and Knife Crime policy for further guidance.

3.6 Resolution and Way Forward after Exclusion

- 3.6.1 Robust assessment and planning should be implemented to support the child or young person on their return to school or the establishment.
- 3.6.2 Please refer to the following to ensure good consistent practice and to minimise the need for further exclusions:-
- (1) Appendix 7 – Resolution and way forward after exclusion
- 3.6.3 Prior to a child or young person returning, an update to the wellbeing assessment and planning, where appropriate, should take place to ensure the right support is provided. Appropriate approaches and strategies should be developed to prepare the child or young person, parents/carers, staff (and peers, if appropriate) to enable them to return in a positive way.
- 3.6.4 Planning with the child or young person and their parents/carers may include arrangements for review including some discussion about the roles and expectations for all those involved, including the child or young person. This process of planning and review can take place through a formal meeting or as part of on-going discussions with all those involved. Where children and young people are already subject to statutory planning processes (for example looked after children) this planning and review should be carried out in conjunction with existing arrangements.
- Identified supports leading on from enhanced planning and a risk assessment should also be discussed and put in place where appropriate.
- 3.6.5 Prior to returning to school it is good practice to meet with the child or young person and their parents/carers to discuss their return and to agree the most

appropriate supports moving forward. Regulation 4A states that a date to discuss the exclusion must be offered to the parent/pupil. It is not, however, a legal requirement to have a pre-return meeting, seek guarantees or set pre return conditions. Whilst it is not a legal requirement North Lanarkshire Council's Policy is that parents/carers and the child/young person should be encouraged to attend to complete the Promoting Positive Relationships : Return to School Plan. The pupil should not be excluded past the original date of return just because the parents have not responded to the offer of return to school meeting.

3.6.6 At the return to school meeting the Parent/Carer, Head Teacher/Head of the establishment or nominee and child/young person (where appropriate) should discuss the support strategies, if any, which the pupil and parent should be fully involved in before returning to school. The plan moving forward should be recorded in the Promoting Positive Relationships: Return to School Plan.

3.6.7 In the event that a parent/carers or child/young person does not attend the return to school planning meeting or is unwilling to discuss future planning strategies as part of the Promoting Positive Relationships : Return to School Plan, the authority in line with this policy can reserve the right not to readmit the child/young person. In such circumstances schools should seek further guidance from Intervention and Inclusion. The Return to School Plan can be found at:-

(1) Appendix 8 – Promoting Positive Relationships : Return to School Plan

3.6.8 Following the child/young person's return to school it is good practice to hold a restorative or solution oriented meeting with staff and the child or young person involved to help repair and restore relationships and trust as part of the return to school if this is deemed appropriate.

3.7 Permanent Removal from the Register

3.7.1 The length of an exclusion would be based on the seriousness of the incident. Head Teachers can in exceptional cases exclude up to a period of 10 days. In such circumstances the child/young person remains on the register of the school and returns when the period of exclusion has been completed.

3.7.2 When considering permanent removal from the register of a school the Head Teacher needs to seek immediate advice from the locality Education Officer who will then seek the approval of the Executive Director of Education and Families or a Head of Service to permanently exclude. This is a very serious matter.

3.7.3 Removal from the register would only be considered in exceptional circumstances and where the service is of the view that the nature of the incident is such that it is not appropriate to return a child/young person to their school and that to do so would be seriously detrimentally to the order and discipline in the school. For instance, this may include serious physical assault, carrying weapons or further serious acts of violent behaviours.

3.7.4 If the Head Teacher is of the view that an incident is so severe that removal from the register may be necessary the Head Teacher should :-

- (1) Exclude the child or young person from school immediately, taking cognisance of any individual circumstances as outlined in Section 2.
- (2) On the day of the incident contact the locality Education Officer and seek advice regarding next steps and the possibility of removal from the register
- (3) If the Executive Director/Head of Service agrees that the removal from the register of the current school is necessary then a formal letter to that effect will be issued from the Executive Director/Head of Service to the parent and child/young person concerned.

3.7.5 The locality Education officer will convene a meeting to be held within 7 days of the date of the incident and the decision to remove from the register where the child/young person's future will be discussed and a decision will be taken regarding a future school placement.

3.7.6 The letter formally removing the child or young person from the register of the school and arranging a date to meet with the Education Officer can be found at:-

- (1) Appendix 9 – Removal from the Register

3.7.7 In the interim, discussion will take place with the parent/carer child/young person regarding the arrangements for continued education.

3.8 Appeals

3.8.1 The right of appeal against the decision to exclude is conferred by section 28H of the 1980 Act, and is extended to learners with legal capacity in terms of section 2(4A) and (4B) of the Age of Legal Capacity (Scotland) Act 1991.

3.8.2 As previously outlined, the school or establishment should send the intimation regarding an exclusion (Appendix 4 and 5) to a learner with legal capacity, or to a young person as well as the parent, so that the child or young person has full knowledge of the decision since they have the right of appeal, as well as a right to express a view.

3.8.3 In the case of pupils who are under 16 the intimation regarding an appeal should be made to the person with parental rights and responsibilities. The meeting to discuss the appeal should be with the person with parental rights and responsibilities. The child or young person may attend the meeting if both the education authority and the person with parental rights and responsibilities agree; and should attend if it was the child or young person who exercised the right of appeal.

3.8.4 With regard to Looked after children who do not reside or have little contact with their parents each case will be considered on an individual basis. Some looked after children will be in foster placements and in those cases it might be appropriate to have foster carers present at the meeting. Some parents will have had their parental rights/responsibilities regulated or removed and so advice should be sought from social work and/or legal services if there is uncertainty around when or if parents should be notified.

3.8.5 If you require any clarity or further information about any aspect of this guidance please contact the Interventions and Inclusion section.

4. Equality and Diversity

4.1 Fairer Scotland

The Fairer Scotland Duty is intended to reduce the inequalities of outcomes caused by socio-economic disadvantage. Inequalities of outcome mean any measurable differences between those who have experienced social – economic disadvantage and the rest of the population.

4.2 Equality Impact Assessment

Since young people in areas of socio-economic disadvantage often experience multiple barriers to learning, this policy should be understood to be coherent with the Council's approach to ensuring fairness and diversity.

5. Implications

5.1 Financial Impact: N/A

5.2 HR/Policy/Legislative Impact: This policy takes account of legislative requirements and relevant Scottish Government guidance. A full programme of support will be in place to ensure effective implementation of the policy.

5.3 Environmental Impact
N/A

5.4 Risk Impact
N/A

6. Measures of success

6.1 There will be continued reduction in school exclusion, especially those children and young people who have an additional support need and/or are Looked After.

6.2 The local authority will collate the data in order to report to Scottish Government as requested, as well as analyse the statistics in order to better support the establishments through the 'Support Around the School Model'.



Derek Brown
Executive Director, Education and Families

Appendix 1 - Checklist when considering a school exclusion

Key consideration questions	✓ X or comment if necessary
Has the child or young person been excluded before? What was the impact?	
Have the following engaged to help prevent exclusion? <ul style="list-style-type: none"> • Child or young person • Parents/carers • Key education staff; and • Other professionals (e.g. Social work, Educational Psychologist). 	
Has there been clear assessment of the child or young person and their need?	
Is there a GIRFME Plan in place and have additional support/interventions been provided for the child or young person?	
Have alternative arrangements been made prior to the exclusion? e.g. curriculum alternatives, temporary placement in base, therapeutic support	
How can the staged intervention process be utilised to further support this child or young person?	
Has the incident that precipitated the consideration of exclusion been reviewed with all staff who were present to explore fully what happened?	
Has another professional from within the school who is not directly involved, been consulted on the situation in order to provide a different perspective?	

Key consideration questions	✓ X or comment if necessary
Has the child or young person been consulted on their views of the situation?	
Has Pupil Support/Guidance/Key Worker, or if available, has the lead profession been consulted on how to move forward?	
Has the possible impact of exclusion on the child or young person been considered in light of individual circumstances?	
Does the child or young person's recent presentation constitute a wellbeing concern?	
What might the impact of an exclusion be on the child or young person's wider circumstances?	
What impact might an exclusion have on the planning process?	
Has a risk assessment been completed for the child or young person where appropriate?	
What are the hoped for outcomes of an exclusion? Are there other alternatives the might achieve this?	
Has there been consideration given to the length of exclusion to ensure it is proportionate and in the best interested of the child/young person?	
Does the exclusion comply with the regulation 4 of the 1975 regulations as amended?	
Have the rights of the child and young person been considered, with regard to articles of UNCRC?	
Have all other options been considered before deciding on exclusion as a necessary step?	
<p>Is the child or young person:- Looked After/Care experienced On Child Protection Register/child protection concerns previously raised With Additional Support Needs</p> <p>If yes to any of the above, please refer to Appendix 2</p>	

Appendix 2 - Checklist to consider individual circumstances when excluding a child or young person from school.

Individual circumstance	Additional consideration	✓ X or comment if necessary
Looked child After	Social Worker consulted prior to decision	
	Virtual School Leader and lead professional (where one exists) consulted on plan regarding particular issues	
	Appropriate arrangements made with regard to support/care and wellbeing at home	
	Decision made as to whether exclusion to go ahead	
Child on Child Protection Register/child protection concerns previously raised	Child Protection Officer and Social Worker consulted.	
	Seemis checked for child protection message	
	Education authority consulted about appropriate provision	
	Appropriate arrangements for return into school consideration	
Child with additional support needs	Other professionals involved with child consulted on continuation of any additional input	
	Confirmation sought that the child or young person is not being excluded for reasons associated with disability	
	Ensure that the child or young person is not being excluded for reasons associated with a protected characteristic	
	Account is taken of the impact of exclusion on child or young person's learning and support provision	

Individual circumstance	Additional consideration	✓ X or comment if necessary
	Consideration is given to review of any Child's plan or Coordinated Support Plan	
	Transition planning is taken into account with regard to return to school	
Children from an area of socioeconomic deprivation	Consideration should be given to the impact on child's wellbeing, e.g. free school meals	

Appendix 3 - Exclusion Scenarios, Children and Young People with a Disability

Scenario 1: A pupil with learning difficulties is excluded from school due to her aggressive behaviour during lunchtime. Due to a previous incident the pupil is not allowed to have a school meal because she has become agitated and upset whilst queuing on a number of occasions. She is asked instead to bring in a packed lunch and to eat it separately, away from her friends. Her behaviour in the queue is a result of her learning difficulties. The refusal to allow the pupil to have a school meal is unfavourable treatment that is because of something that arises as a consequence of the pupil's disability. The exclusion from school is likely to be discrimination arising from disability, which the school is unlikely to be able to justify because it has failed to make reasonable adjustments to meet the pupil's needs.

Scenario 2: A pupil who has a Specific Language Disorder diagnosed by Speech and Language Therapy is excluded from school for continual violent and aggressive behaviour towards her teachers in class. Staff are unaware of the extent of her additional support need with processing and understanding language and how this affects her learning. Because the school had not advised her teachers and had insufficient planning in place, the school would be unlikely to be able to justify the exclusion and therefore it would be unlawful.

Scenario 3: A pupil with autism is excluded for flapping his arms and aggressive behaviour towards a supply teacher. The supply teacher was alarmed by what she perceived to be threatening behaviour. The pupil always sat in the same seat in the classroom and this was recognised as a reasonable adjustment by his class teacher. Since the pupil's reaction was connected to his disability, the exclusion would be discrimination arising from disability. Because the school had not advised the supply teacher of the reasonable adjustment, the school would be unlikely to be able to justify the discrimination and therefore it would be unlawful.

Scenario 4: A pupil with Tourette's syndrome is excluded for disturbing other pupils with involuntary jerking movements and continually yelling, which are connected to his disability. The school does not make reasonable adjustments for him in class. The exclusion from school is likely to be discrimination arising from disability, which the school is unlikely to be able to justify because it has failed to make reasonable adjustments to meet the pupils needs.

Scenario 5: Some pupils, such as those with attention deficit hyperactivity disorder (ADHD), autistic spectrum disorders or learning difficulties, are much more likely to break the school rules than other pupils. Rigid application of school policy in relation to behaviour is likely to amount to indirect disability discrimination because, where a reasonable adjustment has not been made, a school will find it very difficult to justify the treatment as a proportionate means of achieving a legitimate aim.

Appendix 4 – Notice of Temporary Exclusion (Parent/Carer)

Dear

Notice of Temporary Exclusion

Name and date of birth of pupil _____

Your child or young person _____ has been excluded from this school for a period of _____ days.

The decision is taken in accordance with the Schools General (Scotland) Regulations 1975 as amended.

The legal ground for the exclusion is (delete as appropriate):

- The parent of the pupil refuses or fails to comply, or to allow the pupil to comply with the rules, regulations or disciplinary requirements of the school
- That the school is of the opinion that in all circumstances to allow the pupil to continue his/her attendance at the school would be likely to be seriously detrimental to order and discipline in the school or the educational well being of the pupils there.

The reasons for the exclusion are:

I would be grateful therefore if you would attend a meeting with

on _____ at _____ to discuss the situation and the undernoted conditions on which _____ may return to school.

The conditions for re-admission are:

You have the right to appeal against the decision to exclude, guidance on which is attached to this letter. You may bring a friend with you to the meeting if you would find it helpful.

Yours sincerely

Head Teacher/Head of Establishment

NORTH LANARKSHIRE COUNCIL – EDUCATION AND FAMILIES

APPEALS PROCEDURES FOR PUPILS AND YOUNG PEOPLE EXCLUDED FROM SCHOOL

1. The statutory provisions for appeal are contained in Section 28H and schedule A1 of the Education(Scotland) Act 1980 and the Education (Appeal Committee Procedures) (Scotland) Regulations 1982.
2. Under these provisions a parent/carer of a pupil who has been excluded from attending school or where the pupil is a young person (a pupil over school age who has not attained the age of 18 years) the pupil, may appeal against the exclusion.
3. A parent/carer or young person who wishes to make an appeal against a decision to exclude should do so in writing to the Clerk of the Appeals Committee. This letter should give the name of the pupil or young person and should contain a clear statement requesting the referral of an appeal against the decision to exclude to an appeal committee set up under Section 28D of the Education (Scotland) Act 1980.
4. The appellant will be given the opportunity to go to the hearing and speak to the appeal committee. The appellant may ask up to three people to accompany him/her and if he/she so wishes they can ask one of them to speak on his/her behalf. If the appellant does not wish to be present he/she can nominate someone else to attend and speak for them.

The appellant may decide to make a written submission to the appeal committee and if he/she so decides they should send their submission to the appeal committee to the divisional office not less than 10 days before the date of the hearing.

The appellant may decide, however, simply to submit a letter of appeal and this will be considered by the appeal committee.

5. If the appellant does make a written appeal it will be acknowledged by the appeal committee within five working days of receipt.

6. DEEMED DECISIONS

In the following circumstances an appeal committee will be deemed to have confirmed the decision of the education authority: where within

- (i) *a period of one month immediately following receipt by the appeal committee of the reference a hearing has not been held;*
- (ii) *14 days immediately following an adjournment of a hearing the appeal committee have failed to fix a date for a resumed hearing;*
- (iii) *14 days following the conclusion of a hearing the appeal committee have failed to notify the parent/carer or the young person and the education authority of their decision and the reasons for it.*

7. If the appeal committee confirm the decision of the authority an appeal may be made to the Sheriff of the area in which the school is situated.

Appendix 5 – Notice of Temporary Exclusion (Pupil)

Dear

Notice of Temporary Exclusion

You have been excluded from this school for a period of _____ days.

The decision is taken in accordance with the Schools General (Scotland) Regulations 1975 as amended.

The legal ground for the exclusion is (delete as appropriate):

- The parent of the pupil refuses or fails to comply, or to allow the pupil to comply with the rules, regulations or disciplinary requirements of the school
- That the school is of the opinion that in all circumstances to allow the pupil to continue his/her attendance at the school would be likely to be seriously detrimental to order and discipline in the school or the educational well-being of the pupils there.

The reasons for the exclusion are:

I would be grateful therefore if you would attend a meeting with

on _____ at _____ to discuss the situation and the undernoted conditions on which _____ may return to school.

The conditions for re-admission are:

You have the right to appeal against the decision to exclude, guidance on which is attached to this letter. You may bring another adult with you to the meeting if you would find it helpful.

Yours sincerely

Head Teacher / Head of Establishment

NORTH LANARKSHIRE COUNCIL – EDUCATION AND FAMILIES

APPEALS PROCEDURES FOR PUPILS AND YOUNG PEOPLE EXCLUDED FROM SCHOOL

1. The statutory provisions for appeal are contained in Section 28H and schedule A1 of the Education(Scotland) Act 1980 and the Education (Appeal Committee Procedures) (Scotland) Regulations 1982.
2. Under these provisions a parent/carer of a pupil who has been excluded from attending school or where the pupil is a young person (a pupil over school age who has not attained the age of 18 years) the pupil, may appeal against the exclusion.
3. A parent/carer or young person who wishes to make an appeal against a decision to exclude should do so in writing to the Clerk of the Appeals Committee. This letter should give the name of the pupil or young person and should contain a clear statement requesting the referral of an appeal against the decision to exclude to an appeal committee set up under Section 28D of the Education (Scotland) Act 1980.
4. The appellant will be given the opportunity to go to the hearing and speak to the appeal committee. The appellant may ask up to three people to accompany him/her and if he/she so wishes they can ask one of them to speak on his/her behalf. If the appellant does not wish to be present he/she can nominate someone else to attend and speak for them.

The appellant may decide to make a written submission to the appeal committee and if he/she so decides they should send their submission to the appeal committee to the divisional office not less than 10 days before the date of the hearing.

The appellant may decide, however, simply to submit a letter of appeal and this will be considered by the appeal committee.

5. If the appellant does make a written appeal it will be acknowledged by the appeal committee within five working days of receipt.

6. DEEMED DECISIONS

In the following circumstances an appeal committee will be deemed to have confirmed the decision of the education authority: where within

- (iv) *a period of one month immediately following receipt by the appeal committee of the reference a hearing has not been held;*
 - (v) *14 days immediately following an adjournment of a hearing the appeal committee have failed to fix a date for a resumed hearing;*
 - (vi) *14 days following the conclusion of a hearing the appeal committee have failed to notify the parent/carer or the young person and the education authority of their decision and the reasons for it.*
7. If the appeal committee confirm the decision of the authority an appeal may be made to the Sheriff of the area in which the school is situated.

Appendix 6 – Education Officer – Exclusion from school of 10 days+

To: Education Officer (Support for Learning)

Dear Sir

Exclusion from school of 10+ days

Pupil Name:

d.o.b.

Year Group:

Address:

Date of Exclusion;

Date of Return from Exclusion:

Reason for Exclusion:

Number of school days on this exclusion:

In terms of Management Circular B2 (Exclusion Procedures), I am writing to you with regard to the above pupil.

The following arrangements have been made to support.....'s education during the period of exclusion, including periods of direct teaching as follows:

I trust this is satisfactory.

Yours sincerely

Head Teacher/Head of Establishment

Appendix 7 - Resolution and way forward after exclusion

Action to be taken	Action taken
Return to school meeting arranged School to discuss support strategies and complete Promoting Positive Behaviour : Return to School Plan (Appendix 8)	
Appropriate planning using the GIRFME plan (Appendix 4) takes place to ensure support is reviewed and disseminated.	
Risk assessment is complete where appropriate	
Needs of staff and other children and/or young people taken into account – solution oriented/restorative meeting held if appropriate	
Staged intervention process continued and adapted in light of exclusion where appropriate	
Any changes to timetable for limited period recorded on SEEMIS	
Consideration given to discussion at multi-agency forum	
Pupil Support/Guidance/Key worker or lead professional (where one exists) updated	
Monitoring and review arrangement put in place to ensure continued support	
Where parents/young person doesn't engage or refuses to attend return to school planning meeting seek further advice	

Appendix 8 - Promoting Positive Relationships: Return to School Plan

Partnership working between our school and parents/carers is crucial for the wellbeing and success of pupils. As a school we have high expectations and want all the members of our school community to learn and work in a safe, nurturing and inclusive environment.

It is important to plan a way forward by developing approaches and strategies with the child or young person, parents/carers, staff and peers (if appropriate) to enable a positive return to school.

Name:	
Class:	
Date:	

Safe	Healthy	Achieving	Nurtured	Active	Respected	Responsible	Included
<input type="checkbox"/>							

Getting it Right for me	
Strategies that support my return to school	

<i>Smart targets to support my return to school</i>	<i>How am I going to do it? Who will help me?</i>	<i>To be achieved by</i>

<p>What I think about my plan</p>	
--	--

<p>How can my family help support my plan</p>	
--	--

Appendix 9

Our Ref:
Your Ref:
Contact: Interventions and Inclusion
Tel: 01236 81
Fax: 01698 403022
E-mail: llssf@northlan.gov.uk
Date:

Education and Families

Education Officer
Civic Centre
Motherwell
ML1 1AB
www.northlanarkshire.gov.uk

Dear «Parents»

INTIMATION OF EXCLUSION AND REMOVAL FROM THE REGISTER - «school» «Pupilsfullname»

I write to advise you that your «sex», has been excluded from and removed from the school register of «school» with immediate effect from the date of this letter.

This decision is taken in terms of the Education (Scotland) Act 1980.

The reasons for the exclusion from and removal from the school register are that the Authority considers that in all circumstances to allow the pupil to continue his attendance at the school would be likely to be seriously detrimental to order and discipline in the school or the educational well being of the pupils there.

The details of which are:

Date of Incident:

Time:

Nature of Incident:

Yours sincerely

Executive Director Education & Families/Head of Service