



**Orkney Islands Council  
Education, Communities and  
Housing**

**Included, Engaged and  
Involved**

**Promoting Inclusion and Reducing Exclusions  
– Guidance for Schools and ELC Settings**

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# SECTION 1 - Introduction

## 1.1 Introduction

The Scottish Government guidance, [Included, engaged and involved part 2: preventing and managing school exclusions - gov.scot](#) (2017), focuses on prevention and early intervention to reduce exclusions, responding to individual need in line with the principles of Getting it Right for Every Child <https://www.gov.scot/policies/girfec/>

Getting it Right principles emphasise that support should be appropriate, timely and proportionate in order that every learner's entitlement to gain as much as possible from the opportunities which Curriculum for Excellence can provide is achieved, wherever they learn.

The 2017 guidance emphasises the need for learning establishments to place a greater importance on inclusion through effective learning and teaching; promoting positive relationships and behaviour; and employment of preventative and de-escalation approaches which reduce the need to consider exclusion.

The importance of a relational approach is highlighted in the current legislative landscape, increasingly emphasising the centrality of wellbeing and relationships in shaping positive outcomes for children and young people.

This Guidance on **Promoting Inclusion and Reducing Exclusion** is influenced by the linked Promoting Positive Relationships, Learning and Behaviour Policy and should be read in conjunction with it to ensure an understanding of how investing in relationships and attuning to learning needs supports all learners, particularly those children and young people who have experienced trauma, have social, emotional behavioural needs or learning differences. These are the children who are at risk of exclusion if their needs are not met, and their emotional states not understood.

Orkney's Promoting Positive Relationships, Learning and Behaviour Policy emphasises that the ethos and values within schools are fundamental to, and permeate, every aspect of school life and are the basis of effective relationships-based approaches which value everyone's contribution and enable all to feel a sense of belonging. These are essential elements to enable all children and young people to be included, engaged and involved in their education.

**Staged Intervention** provides a framework for evaluating needs and additional support requirements when children or young people begin to show increasing stress, emotional dysregulation and distressed behaviour.

## 1.2 Guiding Principles

The guidelines below are rooted in a philosophical framework which recognises that:

- The foundation for all learning establishments is an ethos of universal nurture, early intervention and support against a background which promotes positive relationships, learning and behaviour.
- Everyone in a learning establishment should feel they are in a safe and nurturing environment.
- All children and young people have a right to education; and education authorities have a duty to provide this education.
- All children and young people have the right to have their views heard.
- All children and young people need to be included, engaged and involved in their learning.
- All children and young people have the right to get the support they need to benefit fully from their education and fulfil their potential.
- Exclusion should be the last resort with the aim of improving outcomes for the child/young person.
- Where exclusion is used, it should be as a proportionate response, where there is no appropriate alternative and the wellbeing of the child or young person should be the key consideration.
- Exclusion must be for as short a period as possible, from as little as 0.5 days.
- The time during and after the exclusion period should be used constructively to resolve the situation and ensure positive and appropriate support is in place for all.
- School exclusions must also operate within the duties imposed by anti-discrimination, human rights and other relevant legislation (Section 7: Equality Act 2010).

## 1.3 The Impact of Exclusion on Children and Young People

**Included and Engaged Part 2** describes the potential negative impact of exclusion. Key points are highlighted below:

- Exclusion can increase children and young people's already high levels of shame and fear. (Taransaud, 2011).
- The additional impermanency that exclusion can bring to children and young people, i.e. the loss and rupture of the relationships that the children and young people have formed in schools, can often exacerbate the negative consequences that earlier traumas have had on their lives. (Perry, 2011).
- School connectedness and relationships are seen as vital in leading to a number of positive outcomes for children and young people. (Learner and Kruger 1997; Commodari 2013; and Bergen and Bergen 2008). School exclusion is likely to have a negative impact on such relationships.
- Excluding young people from the stable routines of school and leaving them in a chaotic home background or risky neighbourhood can worsen behaviour. (Barnardo's, 2010).

## **SECTION 2 – General Approaches and Practice that Foster Inclusion**

### **2.1 Positive Whole School Culture and Ethos**

A school's culture, ethos and values are fundamental in promoting nurturing relationships and positive behaviour. An inclusive, nurturing ethos where everyone's contribution is valued and encouraged should be promoted. Schools with a positive ethos nurture development, promote learner participation, encourage achievement, celebrate success and have high expectations of every child and young person.

Where pupils enjoy a positive and purposeful learning experience which meets their individual needs, treats them with respect and promotes their active involvement in decision-making, challenging behaviour which often leads to exclusion can be significantly reduced. All schools should seek to develop best practice in promoting positive relationships in explicit and carefully structured ways as described in the **Promoting Positive Relationships Learning and Behaviour Policy**.

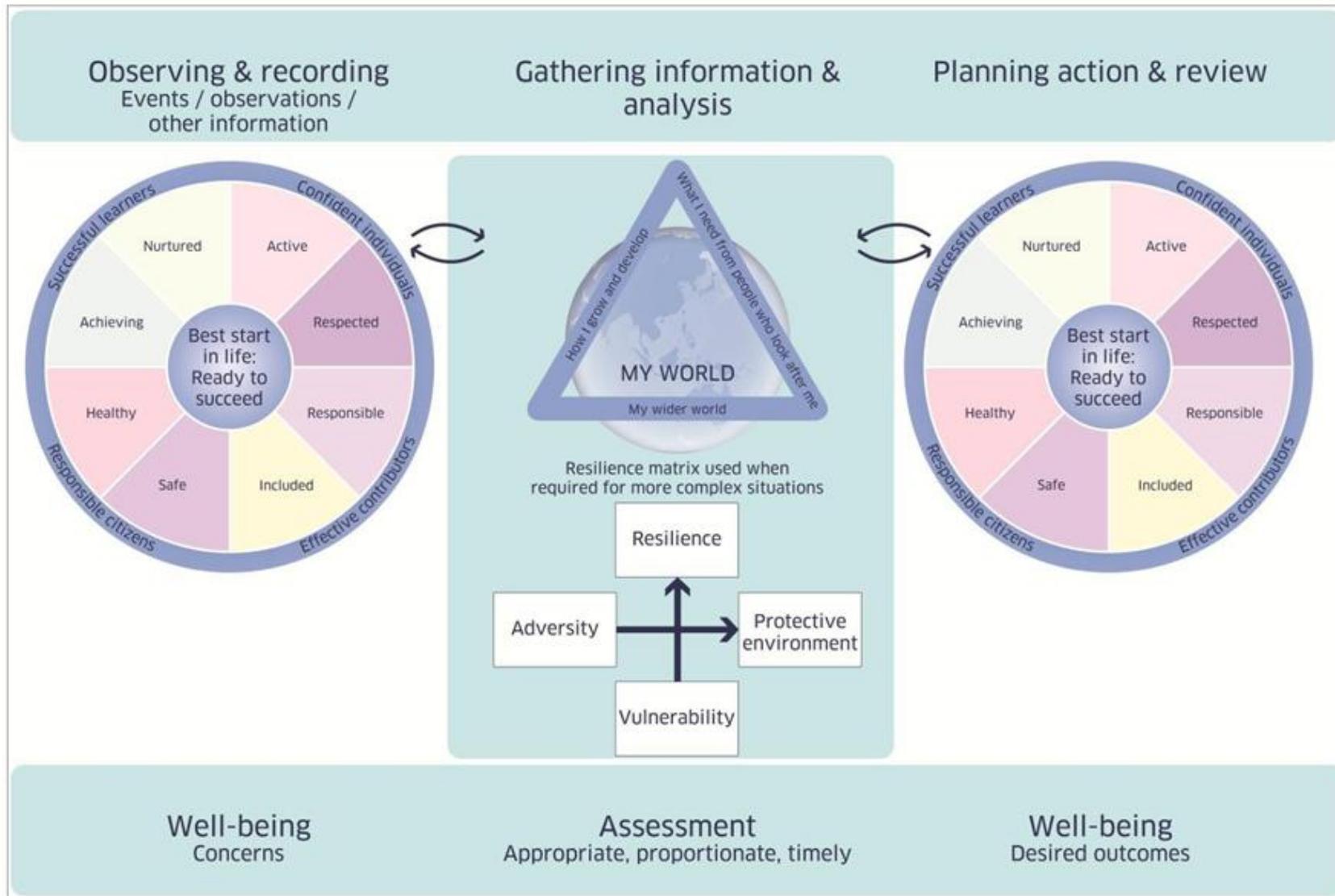
A vital component of a positive school ethos is an actively inclusive approach. A key characteristic of schools which have been successful in minimising exclusion is the explicit aim of meeting the needs of **all** pupils who are part of their school community, whatever their learning levels and requirements or social, emotional, behavioural needs. This aim can be reflected in a wide range of aspects of the operation of the school, as recommended in [Circle-Resource-to-support-inclusive-learning-and-collaborative-working-primary-and-secondary](#) including:

- the development of effective systems of support for individual pupils, integrated with well-designed systems for promoting positive relationships.
- a commitment to providing an appropriately differentiated curriculum for all pupils, which ensures they are motivated, achieve success and are appropriately challenged.
- the organisation of learning to ensure that all pupils are both challenged and supported.
- recognition that taking account of different learning styles can make teaching more accessible and motivating for pupils.

### **2.2 Staged Intervention**

Staged Intervention procedures should be used to identify and meet the needs of all children who require support. The aim is to identify and meet needs at the earliest opportunity to promote, support or safeguard wellbeing and improve outcomes. All stages of intervention require robust assessments using relevant aspects of the National Practice Model [Getting-Right-Child-GIRFEC-Practice-Guidance-1](#). The assessment tools should be used in a proportionate manner and, where appropriate, with multi-agency partners, in order to plan effectively to meet identified needs.

# National practice model



Early Intervention is crucial in reducing the need for exclusion. **Pupils and parent(s) should be involved at an early stage** and schools should take care to develop positive, constructive relationships with the parent(s), despite the difficult circumstances which might prevail, in order to provide the best chance of mutual support in resolving the issues.

Where appropriate, schools should contact Education support staff e.g., Educational Psychology, The Support for Learning and Inclusion Team (SFLIT) and/or other support services to request early-stage involvement, perhaps initially on a consultative and advisory basis, leading to more direct support or intervention if necessary:

- ensuring that, at an early stage, schools and other agencies share information about pupils in difficulty, and consider what steps need to be taken to support those pupils and their families.
- co-ordinating a full range of appropriate assessments involving teachers and professionals from other agencies and integrating these within a child's plan to provide a picture of the whole child.
- jointly planning, undertaking and reviewing programmes of intervention to address underlying difficulties identified.

When situations are escalating, those involved in the planning process around the child or young person need to work collaboratively to consider how best to adjust the learning environment or provide additional interventions to help regulate emotions and behaviours leading to consideration of exclusion. Identifying and addressing any root cause factors is important and best achieved through a **Solution-Oriented focus** (see **Appendix 7**)

The partners in the team around the child and young person should consider the following questions which broadly align to the Getting it Right planning questions [Getting it right for every child \(GIRFEC\) - gov.scot](http://www.gov.scot/Topics/education/GettingitRight/GettingitRightforEveryChild)

- What is the trigger for the behaviours
  - a breakdown in behaviour or in relationships in school or elsewhere?
  - changes in other areas of the child/young person's life?
  - if their plan is comprehensive enough and consistently delivered?
- How the views of the child or young person have been sought and acted upon?
- Whether parents are sufficiently engaged, and their views sought and acted on?
- Whether the learner requires additional support in school or a different approach. If so, who can best provide this?

### **Continuing Involvement of Partners to the Child 's or Young Person's Plan**

In situations of increasing concern/difficulty, schools should harness a multi-disciplinary approach, working in partnership with statutory partners, community partners and/ or other third sector organisations as appropriate. Multi-disciplinary approaches facilitate a holistic view of the child or young person, and how their holistic needs can be best met.

Partnership working can also help in designing and implementing a flexible and relevant learning pathway. Those at risk of multiple exclusions are often in need of a clear multi-agency focus on their learning progression. In situations where the child or young person is care experienced, the lead professional will be key to sharing information and supporting interventions.

### **Alternative learning environments**

A child or young person's needs may require a flexible approach to how and where ongoing learning takes place. In this situation the responsibility for ensuring that this learning is appropriate, relevant, and progressive continues to rest with the school. This includes when the child/young person is learning through a shared placement approach out with the school, such as a community or home-based approach supported by SFLIT with planned learning opportunities in school. Ongoing planning should enable the child or young person access to education with their peers as much as possible, through applying what works well in the alternative context to both settings

It is essential that all professionals work in a cohesive, holistic and purposeful manner, **with the aim of restoring the child or young person to mainstream education where this is a realistic target.**

**Note:** Sending a child home without parental consent and not recording this as an exclusion (often referred to as a 'cooling off' period), is **unlawful** and may leave the local authority open to legal challenge by either the parent or young person.

## **2.3 Pro-active planning, de-escalation and risk assessment**

All education authorities have a duty of care to all children and young people. All children can experience challenging situations, and some will require additional support pertaining to their social, emotional and behavioural development. Behaviour is a 'window' through which we can perceive emotions and hidden needs. It can be seen as a form of unconscious communication which needs to be noticed and understood.

Staff knowledge and detailed assessment of a child or young person should be used to predict and plan for the type of situations which may cause distressed or challenging behaviours. Some children may require Positive Behaviour Plans and Individual Risk Assessments. Emphasis should be upon proactive, preventative planning in order to promote and model positive behaviours, and thereafter upon effective **de-escalation strategies (see Appendix 7).**

Particular attention should be paid to the needs of all pupils as they go through **key transition stages**, such as attending a school or other educational establishment for the first time, including the transition from primary to secondary school.

Appropriate teachers, and in some cases support staff, should have access to **relevant information** about pupils which may assist with learning and teaching. Education authorities must have regard to their duties under the Data Protection Act 1998 and the rights of young people to confidentiality must be respected. However, within the framework of relevant legislation, school policies should make provision for classroom teachers, as trusted professionals, to have access to appropriate information on the personal circumstances of a pupil where this is likely to have an impact on that pupil's personal and social development, and hence on their learning. Disclosure to teachers should be in accordance with agreed procedures and teachers so informed must then have due respect to the confidential nature of the information.

All relevant staff should be offered professional learning opportunities to learn about de-escalation techniques and to understand the different types of challenging behaviour. De-escalation techniques should always be applied within a relational approach as described in Orkney's **Promoting Positive Relationships, Learning and Behaviour Policy**.

Staff should also be provided with opportunities to reflect on the potential emotional impact on children, young people and staff during any incidents of challenging and distressed behaviour and engage in discussions about how this can be supported in a school context using restorative approaches [Restorative approaches | Social and emotional factors | Specific support needs | Additional support | Parentzone Scotland | Education Scotland](#) . See Also **Appendix 7**

Occasionally de-escalation may involve physical intervention and/or seclusion- which is also seen as physical intervention. These interventions should also only be used as a last resort to ensure the safety of a child or young person, or others and safe practice for applying these techniques are described in **Appendix 8**. Maintaining a relational approach within these measures is vital.

## **SECTION 3 - The Use of Exclusion and Consideration of Individual Circumstances in the Exclusion Process**

In Scotland, the power exists to exclude children and young people from school where it is considered –

**“that in all the circumstances, to allow the child or young person to continue attendance at school would be seriously detrimental to order and discipline in the school or to the educational wellbeing of the learners there”** or

**“are of the opinion that 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”.**

Exclusion is therefore acknowledged within wider policies on relationships and behaviour in schools and local authorities, where it has traditionally been seen as both the ultimate sanction and a deterrent to serious indiscipline, in the context of the wellbeing of the whole school community.

The power to exclude rests with local authorities under regulation 4 of the Schools General (Scotland) Regulations 1975 as amended. In addition, section 14(3) of the Education (Scotland) Act 1980 places a duty on local authorities to make alternative education provision when a learner is excluded. In Orkney, the power to exclude is generally devolved to senior management within a school (ref see 4.5). The local authority remains responsible for the education of **all** children and young people. This responsibility remains with the school in which the pupil is enrolled (ref see 3.8)

Exclusion is usually a short-term measure with the vast majority of exclusions (90%) for less than one week and the average length of exclusion 3 days.

Exclusion can be an acceptable action, but it should only be used **as a last resort or in certain clearly prescribed circumstances**. Where exclusion is used it should be as a proportionate response where there is no appropriate alternative.

The school must act in accordance with Orkney Islands Council policies and procedures as well as operating within relevant legislation. The school should acknowledge the importance of using a staged approach and addressing problems early, through promoting positive relationships and positive behaviour management strategies, through preventative early intervention approaches, early intervention involving parents/carers, and where appropriate requesting assistance from partner agencies.

It is recommended that schools monitor and analyse the use of exclusion data and other statistics as part of their regular processes of self-evaluation and review, to inform their practice and appropriate interventions.

Schools need to have regard to the continuing educational needs of pupils who have been excluded, in collaboration with other services and agencies e.g. Support for Learning and Inclusion Team, Educational Psychology, Action for Children etc. The Local Authority remain responsible for the education of all pupils and therefore the school will have a responsibility to provide curricular support where appropriate, even when excluded. Where an alternative educational package requires to be provided, even for a short period of time, teaching resource may require to be transferred from the school to support the pupil's continuing education.

### 3.1 Special Circumstances

Before excluding a pupil, schools should take account of individual circumstances in every case. There are, in addition, certain groups of pupils whose circumstances must have special consideration:

#### i) Pupils with Additional Support Needs

The circumstances in which learners with Additional Support Needs may be excluded are the same as for other learners. However, additional considerations apply where the learner has Additional Support Needs. Local authorities remain under an obligation to make adequate and efficient provision for such additional support as is required by the excluded learner, whether that support is expressed in a document such as a Co-ordinated Support Plan or in a Child's Plan. The support may include, for example, allied health professional support or educational psychology. The exclusion does not affect the local authority's duty to provide these services whether on school premises or an alternative venue. Therefore, such provision should continue notwithstanding the exclusion. Consultation with any other service providers in order to maintain provision to an excluded learner should be undertaken by the Named Person/Lead Professional.

In reaching a decision to exclude, local authorities have to consider whether they could comply with section 4 of the Education (Additional Support for Learning) (Scotland) Act 2004 ("the 2004 Act") which requires the authority to make "adequate and efficient" provision as long as it does not result in unreasonable public expenditure. There will therefore be a need to consider the particular facts and circumstances of each case.

It is important to take a multi-disciplinary approach to the consideration of the need for exclusion with regard to children with Additional Support Needs. Where possible, this should involve discussion about difficulties at school, involving the parents/carers and where appropriate the young person, in addition to other professionals, **well in advance** of exclusion being considered as an option. In particular, under section 10 of the 2004 Act, an authority is required to carry out statutory review procedures to change the nominated school, or any other details, on a Co-ordinated Support Plan. The school should therefore seek to balance the case for exclusion with the need to take all reasonable steps to ensure appropriate provision is made for the pupil's additional needs. This additional consideration would not prevent exclusion where this is deemed absolutely necessary, however.

Accordingly, it should be normal practice to involve appropriate support services including the relevant educational psychologist. Where other professionals, e.g. social workers, family support workers, CAMHS, have a significant role in providing education, care and support for the child, **their views should be sought when a decision to exclude is being considered, and when planning educational provision during the period of exclusion.**

For pupils where an assessment process is taking place towards the possible opening of a Co-ordinated Support Plan the above procedures should also be applied.

Any decision to exclude **MUST** take account and be in line with the authority's equalities duty, its duties under the ASL legislation and where one exists, it's duty to provide the services stipulated within the Co-ordinated Support Plan.

Children and young people with a disability or additional support needs are considered to have a protected characteristic under Equality legislation. This means that decisions about exclusion can be challenged not only through the Education Appeal Committee, but also through the Additional Support Needs Tribunal, a judicial body independent of the Council.

[https://www.equalityhumanrights.com/sites/default/files/equalityact2010-technicalguidance-schoolsinscotland-2015\\_0.pdf](https://www.equalityhumanrights.com/sites/default/files/equalityact2010-technicalguidance-schoolsinscotland-2015_0.pdf)

## ii) **Looked After Children**

The Education (Additional Support for Learning Act) (Scotland) Act 2004, as amended 2009, states that all Looked After Children will be deemed to have additional support needs unless assessed otherwise. To exclude a Looked After Child requires very serious consideration. Nevertheless, research indicates that looked after children are significantly more likely to be excluded from school.

**Effective and timeous collaboration between services is therefore central to good practice with pupils who are looked after by the local authority.** Where possible, this should involve appropriate inter-agency discussion regarding difficulties at school **well in advance** of exclusion being considered as an option.

It is also important to check SEEMiS for any child protection related alert. This may require alternative provision if the decision to exclude is taken so that there is ongoing monitoring of the welfare of the child and young person, as well as provision made for their education needs as described in the Child and Young Person's Plan.

Those children who are looked after and accommodated in residential or foster care will have particular care needs that require to be taken into account if there is the possibility of exclusion. In all cases, prior to possible exclusion, the Designated School Manager should involve the child's or young person's Lead Professional in discussion and consideration of the implications of exclusion on the home or care placement to ensure appropriate arrangements can be made. **An Education Manager must be contacted to approve an exclusion of a looked after child.**

The child or young person should be actively involved and participate in all stages of the process

“The Promise”, “The Plan 21-24” recommends that *“The formal and informal exclusion of care experienced children from education will end”*. Orkney aspires to fulfilling this recommendation

### **iii) Pupils on the Child Protection Register**

Consultation with the Lead Professional prior to a decision about exclusion is essential for any pupils on the Child Protection Register to ensure appropriate arrangements can be made.

### **iv) Pupils living in Papdale Halls of Residence**

It should be noted that although children living in Papdale Halls of Residence are not looked after, there are specific issues which require to be considered if exclusion is being considered for such a pupil. It is essential, in such circumstances, that an appropriate discussion takes place with the Residence Manager and the parents/carers of the pupil. If the behaviour of a pupil means they are to be excluded from Papdale Halls of Residence, they are not automatically excluded from school. Alternative arrangements will be made in consultation with the school & parents, to support continued attendance at school.

In certain exceptional circumstances it may be appropriate for a pupil to be excluded from school due to behaviour within the setting of the Halls of Residence. This would apply as a last resort and where the said behaviour could reasonably be described as giving rise to a situation where allowing the pupil to continue their 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. In such cases the Headteacher will be required to work closely with the Residence Manager. Invariably it will be the Residence Manager who will first alert the Headteacher and Service Manager, Support for Learning and Inclusion, to issues of this kind, to discuss possible supports, alternative strategies or interventions from external agencies where appropriate.

### **v) Children and young people who are living in areas of socioeconomic deprivation**

National statistics highlight that children and young people living in areas of socioeconomic deprivation are still overrepresented in the numbers of children and young people who are excluded from school. Children and young people who are living in areas of deprivation are more likely to have experienced a wide range of adverse living circumstances which impact on their wellbeing. Schools need to take account of how this may be impacting on children and young people’s behaviour and be aware that exclusion can be an additional stress factor. Schools need to consider that an exclusion may also have an immediate detrimental impact on the wellbeing of children and young people. This might include their missing out on free school meals and being prevented from accessing the security and continuity of the school environment.

## **vi) Children and young people who are excluded on multiple occasions**

Where multiple exclusions of a child or young person have taken place, it should highlight to the school that the support provision being used/in place is not working. In these instances, schools should seek additional support in line with the authority's staged Intervention Policy and Promoting Positive Relationships Learning and Behaviour Policy

## **SECTION 4 - Operational Management of Exclusion Procedures**

### **4.1 Regulations**

Exclusion is the most serious consequence that can be imposed on a pupil and must be a last resort. Where exclusion is used, it should be a proportionate response where there is no appropriate alternative. The school must be able to demonstrate that support and modifications are in place to meet changing needs to avoid exclusion of a child or young person. There should be clear evidence of the monitoring and evaluation of this support, over time.

Exclusions will generally fall into one of two categories:

- sudden, unexpected, serious incidents.
- on-going difficulties over an extended period where other supports have not improved the behaviour exhibited by the child or young person.

When considered necessary, exclusions must be for as short a period as possible with the aim of improving outcomes for the child or young person and their wellbeing should be a key consideration. The school must be able to demonstrate that support and modifications are in place to meet changing needs to avoid exclusion of a child or young person. There should be clear evidence of the monitoring and evaluation of this support, over time. It should be a proportionate response where there is no alternative. Prior to an exclusion the views of the child or young person and parent/carers must be considered. The time during and after the exclusion period should be used constructively to resolve the situation and ensure positive and appropriate support is in place for all.

The grounds for exclusion and the procedures to be followed are contained in the Schools General (Scotland) Regulations 1975 (as amended 1982). Regulation 4 states that an Education Authority shall not exclude a child or young person from school unless the Headteacher of educational establishments:

**"are of the opinion that 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" or;**

**"considers 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."**

The following guidance outlines the procedures to be followed in the event of an exclusion and provides a series of actions to aid decision making of Headteachers or other Senior Leadership Team members, if they have been delegated this responsibility by their Headteacher. In situations where responsibility to manage a situation is delegated, the Headteacher will retain overall accountability.

**In all instances the following scenarios are considered forms of exclusion and should be recorded as such:**

- where parents are requested by their child's school not to present their child at school. or
- where parents are requested by their child's school to take their child home from school for all or part of the day.

**Note:** Sending a child home without parental consent and not recording this as an exclusion (often referred to as a 'cooling off' period), is **unlawful** and may leave the local authority open to legal challenge by either the parent or young person.

## **4.2 Before taking the decision to exclude**

Before taking the decision to exclude in relation to any incident the following questions should be carefully considered:

- Is the child or young person safe if excluded?
- Does the child or young person have Additional Support Needs; do they have a disability: are they care experienced; are they on the Child Protection Register?
- Is exclusion the last resort or is there other additional support for the child or young person that could still be tried?
- Are there other partners that could provide additional interventions for the child or young person to reduce the need for exclusion?
- Were agreed support arrangements, contingencies and protocols followed fully?
- Does the frequency and seriousness necessitate exclusion?
- How have other children and young people and staff been affected and how could this be resolved?
- Would the exclusion increase risk of behaviours escalating and create a longer-term impact for the child or young person, and their wider circumstances?

When a child or young person's behaviour starts to escalate to the extent that the Headteacher is considering exclusion, schools should use the checklists in **Appendix 1a & b and Appendix 2** to support decision making of senior leaders considering any exclusion. The checklist in **Appendix 2** is for specific circumstances e.g., care experienced, disabled or additional support needs.

**Appendix 1a & b** - Key considerations before decision to exclude is taken.

**Appendix 2** - Key considerations once the decision to exclude has been made.

Each child and young person and situation must be looked at individually. It is important to identify what the purpose of the exclusion is and what positive outcomes for the child or young person can be achieved by excluding them from education. This might include:

- Time to review the risk assessment and planning in place
- To undertake further assessment to identify any additional needs or support
- To provide time for the young person to be supported to recognise the harmful behaviours that led to the situation and, with their involvement, where possible, create a plan to overcome them

Failure to comply with the grounds set out above 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 Scottish Ministers under section 70 of the Education (Scotland) Act 1980, as amended.

**4.3 Authority to exclude**

An exclusion should not exceed 5 days (one calendar week) without discussion with an Education Manager.

Length of Exclusion	Authority to exclude
1 - 5 days (resolved within 5 days or earlier)	Headteacher, Depute
6 -10 days (resolved within 10 days or earlier)	Headteacher, Depute in discussion with Head of Education
11 + days	Headteacher with agreement of Head of Education

Where a school seeks to exclude a pupil for more than 10 days it is necessary for the Headteacher to get agreement on this from a Senior Education Manager especially if alternative arrangements are required for continuing educational provision. Any change in educational placement and/ or off roll will require a review of the Child’s Plan and agreement of the Head of Service. **Exclusions of more than 11+ days should be resolved at the earliest possible opportunity and the needs kept under review so that there can be no ‘drift’ in their situation.**

No pupil will be removed permanently from the school role without the agreement of the Head of Service.

## 4.4 Notification

On the day upon which a decision to exclude a child or young person is taken, intimate in writing or orally (where intimations are oral they must be confirmed in writing) to the child's parent or if the learner is a young person, the young person (defined in section 135(1) of the Education (Scotland) Act 1980 ("the 1980 Act") as "a person over school age who has not attained the age of 18 years"):

- The decision to exclude.
- The date, time and place where the headteacher, other teacher at the school or officer of the Education Service, will be available to discuss the decision to exclude. This meeting must be within seven calendar days following the day of the decision to exclude.

The school must, notify the parent/carer or young person in writing (by post or handed to the parent or young person directly):

- (a) the reason(s) the pupil was excluded.
- (b) the right to refer the decision to exclude the pupil to an appeal committee under section 28H of the 1980 Act and the right to appeal this committee's decision to the sheriff and how appeals can be initiated.
- (c) any other information which the education authority considers appropriate.

The date the decision to exclude is taken is counted as the first day of exclusion. Both the start date and end date are inclusive. It should be ensured that exclusion does not continue through school holidays.

Template letters included at **Appendix 4** must be used explaining the position to the parent(s)/carers and young person which includes a reference to the right of appeal. The pro forma letter set out in Appendix 4 should be sent to any pupil over the age of 12 and any pupil under 12 who is deemed capable of understanding the contents of the letter, as they may have a separate right of appeal and have a right to give their views. The letters must include information on the right of the appeal.

A child or young person should be actively involved and participate in all stages of the process. A core principle of the 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"

It is good practice for schools to contact parents prior to the pupil being required to leave school premises. In all cases, the school should check that appropriate arrangements for the care of the child or young person are being made before they are sent from school premises.

## **4.5 Education Provision During the period of Exclusion**

Schools require education provision for excluded learners without undue delay. There is no legislative definition of 'undue delay'. However, the objective is to ensure the child or young person continues to receive an education while excluded. It is reasonable to expect alternative education provision to be in place after 3 days.

Appropriate learning activities must be provided along with details of a named contact in school who can provide guidance. This could be provided in the form of an e-mail address/telephone number of a school contact who can address any concerns relating to the course work.

There is also a responsibility on learners and their parents/carers to make sure the provision arranged is completed during any period of exclusion

**Any existing involvement in non-school based learning should continue.** These include college placements, therapeutic support, input from SEAL etc. It may be necessary to provide such support in an environment out with the school building during the period of exclusion.

Where special arrangements for alternative education for the learner are being made, other than at school, as far as possible, the quality, quantity and range of education which was previously available to the excluded learner in school, prior to their exclusion should be provided. The need for any such special arrangements should arise only in exceptional cases and only as an interim measure prior to the learner receiving full-time education, ideally within a school setting.

## **4.6 Dealing with Serious Offences**

In a small number of cases pupil behaviour may require an immediate response by the Headteacher. It could include:

- (a) physical, verbal, racist or sexual threats to staff and / or fellow pupils
- (b) an unprovoked physical assault on staff and / or pupils
- (c) incidents which put the health and safety of staff and pupils at serious risk
- (d) drugs related incidents
- (e) use of weapons

Where a criminal offence has been alleged, Headteachers should contact a senior Education Manager

## **4.7 Recording an Exclusion**

In any circumstance where a decision to exclude has been taken by the Head Teacher or nominated Depute Head Teacher, it must be clear and transparent in terms of recording the investigation of the incident, the decisions taken and procedures followed, that the exclusion can be fully justified. The decision to exclude may be held up to public scrutiny, and in some instances in a court of law.

Copies of the Exclusion letter, as per pro-forma (see **Appendix 4**), should be sent to the Head of Education. The exclusion should also be recorded in SEEMiS on the day of the exclusion. Appendix 5 contains the relevant SEEMiS codes

Where the pupil is Looked After Away From Home the letter should be sent to the foster carers or Manager of the Children's Centre in which he/she is accommodated, with a copy to the Lead Professional, who will inform appropriate parties e.g. the birth parent(s), the Children's Reporter etc.

Head Teachers should be fully aware that should an exclusion be appealed through any legal process they will be required to justify their actions and decisions and demonstrate that not only were procedures followed, but that their actions could not be seen as being in breach of any pertinent [legislation](#). There is an expectation that appropriate paperwork will be produced at any subsequent appeals.

#### **4.8 Resolutions and Ways Forward Following Exclusion**

Prior to a child or young person returning to school, appropriate approaches and strategies should be developed to prepare the child or young person, parent(s), staff and peers to enable them to return to school in a positive way.

There should be re-evaluation of planning for the child or young person, including interventions used so far to meet identified needs, and a further refinement of plans for support. In circumstances where a child or young person does not have any identified additional support needs, the exclusion should trigger consideration of whether an assessment is needed to identify any factors underpinning distressed behaviours.

The strategies to support the child or young person on their return from exclusion should be discussed with the child or young person and their parent(s) at a meeting to resolve the exclusion. This will include consideration of:

- whether the exclusion is indicative of a breakdown in behaviour or in relationships.
- whether the child or young person requires additional support or a different approach.
- how the views of the child and young person have been sought and acted upon and how to sustain their positive engagement.

Identified supports leading on from a risk assessment, should also be discussed and put into place, where appropriate.

It is not, however, a legal requirement to have a pre-return meeting, seek guarantees or contracts of behaviour with parents or young people before a return to school. However, meeting together to plan in partnership with parents is regarded as good practice. A template for managing a return to school meeting is found in **Appendix 5**.

Re-admission should take into consideration preparing and meeting the needs of staff and other children and young people affected by the behaviour/incident which led to the exclusion and their need for follow-up support. It is good practice to hold a restorative or solution-oriented meeting(s) with staff and the children and young

people involved to help repair and restore relationships and trust as part of the return to school. On-going support and monitoring should be provided by appropriate staff, to ensure that children’s or young persons, wellbeing needs are being met, including those of the young person who has experienced exclusion.

In order to support the child or young person appropriately and enhance the transition back to school, it may be necessary in exceptional circumstances to implement a package of support that could be achieved using a flexible or part time timetable with an agreed timescale as to when this will end. Any such arrangements should be for a short, agreed period with the aims and conditions around this recorded in any support plan. Such arrangements should not extend for more than 4 weeks. This should also be recorded in SEEMiS with a new code which has now been created for children and young people who are returning to school on a part-time basis following a period of exclusion. The new code introduced is:

Description	Code Short Code	Short Code
Part Time Timetable (Exclusion related)	PTX	Y

When using this code, the time out with school will be classed as ‘authorised absence’

All partners including parents and the child or young person should be involved in the development of this temporary, short-term arrangement. The child’s plan should reflect the steps taken by the school to provide the child or young person with their statutory entitlement of hours, ensuring that their learning needs are met.

Following the child or young person’s return to school after exclusion, support provision and planning mechanisms should continue to be regularly reviewed.

**Appendix 3** is a checklist of actions to be taken to support return to school following exclusion

## **SECTION 5 - Appeals Procedures**

When a Head Teacher decides to exclude, the parents and the child or young person must be informed of their right to appeal against the exclusion and that if they wish to do so they should submit this in writing to the Head of Service, who in turn submits this to the Corporate Governance Service.

Where an appeal has been made against exclusion, this will not affect the return date to school. The child or young person will return to school on the date set out in the exclusion letter.

The Headteacher will be informed by the Authority if a parent or young person does decide to appeal a decision to exclude. An Education Appeal Committee should be held within 28 days of receipt of the reference. With the consent of both parties this timescale may be extended if necessary. At least ten working days before the date fixed for the Education Appeal Committee hearing, the Head of Corporate Governance must receive copies of all relevant Information including, correspondence from the exclusion, reports, and minutes of any relevant meetings. The Headteacher has responsibility to provide all the relevant information to the relevant Service Manager. In addition, at least the day before the hearing, the Head of Corporate Governance should be advised as to whether the child or young person has been readmitted to school and if so, when.

There is no specific time limit for lodging such an appeal. In these circumstances, the Headteacher will be required to be a witness for the Education Authority at any appeal to the Appeals Committee and then as a witness for the Council in any further appeal (by the young person or parent) to the Sheriff Court. At this time, the Solicitor involved would also advise those concerned as to the procedures involved at the appeal, whether before the committee or Sheriff.

The Equality Act 2010 also provides the right to make a claim (appeal) to the ASN Tribunal in respect of an exclusion where it is considered that there is discrimination in respect of a child or young person's disability. Claims may be made by the parent or the child (where the child has the capacity to make the claim). The Headteacher, and potentially other school staff, may be required to be a witness(s) for the Council in a Tribunal Hearing. The ASN Tribunal is a legal process and makes its decision after carefully considering all the evidence and arguments presented. [Additional Support Needs | First-tier Tribunal for Scotland \(Health and Education Chamber\)](#)

### **5.1 Who has the right to appeal?**

- Parent only, where the child or young person is under 12 years.
- Parent and/or child or young person, where the child or young person is over 12 but under school leaving age.
- Young person only, where he/she is over school leaving age.
- Parent of the young person, where the young person is not capable of appealing on own behalf due to learning disabilities.

## REFERENCES

[Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions, 2017](#)

**Standards in Scottish Schools etc Act (2000), Scottish Government**  
<https://www.legislation.gov.uk/asp/2000/6/contents>

**Additional Support for Learning (Scotland) Act (2004) and as amended (2009), Scottish Government** <https://education.gov.scot/resources/education-additional-support-for-learning-scotland-act-2004/>

[The Schools General \(Scotland\) Regulations 1975, 1982, Amendment \(No 2\);](#)

[Age of Legal Capacity \(Scotland\) Act 1991; Equality Act 2010;](#)

[The Children and Young People \(Scotland\) Act \(2014\)](#)

[Getting It Right For Every Child \(GIRFEC\) strategy \(2008\).](#)

[Education \(Scotland\) Act 1980](#)

<https://www.cypcs.org.uk/rights/uncrc/full-uncrc/>

**Scottish Government (February 2020) *The Independent Care Review (The Promise)*** [Independent Care Review – The root and branch review of Scotland's care system. https://thepromise.scot/](#)

[Included, Engaged and Involved Part 3: A Relationships and Rights-Based Approach to Physical Intervention In Schools](#)

**Fostering a Positive, Inclusive and Safe School Environment guidance**  
<https://www.gov.scot/publications/fostering-positive-inclusive-safe-school-environment-guidance/>

**Guidance on risk assessments for violent, aggressive and dangerous behaviour** <https://www.gov.scot/publications/risk-assessment-guidance-violent-aggressive-dangerous-behaviour-local-authorities-educational-settings/>

## APPENDICES

The following checklists from **Included, Engaged and Involved Part 2 – Preventing and Managing Exclusions** are intended as a useful tool to support schools and local authorities prior to, during and after exclusion and should be adapted to fit local context. These checklists should be used together in order to ensure support is provided at the appropriate time to meet the wellbeing needs of children and young people.

### Appendix 1a - Prior to exclusion checklist

(to be used alongside Appendix 1b checklist where appropriate)

Key consideration questions	Consideration given	Comment
Has the child or young person been excluded before? What was impact of this?		
Have the following been engaged to help prevent exclusion? Child or young person. Parents/carers. Key education staff. Other professionals (eg Social work, Educational Psychologist).		
Has there been clear assessment of the child or young person and their needs?		
Have additional support/interventions been provided for the child or young person?		
Have alternative arrangements been made for the child or young person prior to the exclusion? eg. curriculum alternatives, temporary placement in base, use of virtual learning.		
How can the staged intervention process and school partnerships 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?		

<b>Key consideration questions</b>	<b>Consideration given</b>	<b>Comment</b>
Has another professional from within the school who is not directly involved, been consulted on the situation in order to provide a different perspective?		
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 professional 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 a child or young person's wider circumstances?		
What impact might an exclusion have on the planning processes?		
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 that might achieve this?		
Has there been consideration given to length of exclusion to ensure it is proportionate and in best interests of child/young person?		
Does the exclusion comply with the regulation 4 of the 1975 Act?		

<b>Key consideration questions</b>	<b>Consideration given</b>	<b>Comment</b>
Have the rights of the child or young person been considered, with regard to articles of UNCRC?		
Have all other options been considered before deciding on exclusion as a necessary step?		

## Appendix 1b – Individual Circumstances

Individual Circumstances - (to be used alongside Appendix 1a checklist where appropriate)

Individual Circumstance	Additional consideration	Consideration given	Comments
Looked After child	Social worker/Lead professional consulted prior to decision		
	Education Manager or 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 Development Officer and Social Worker/Lead Professional consulted		
	SEEMiS checked for child protection message		
	Education Authority consulted about appropriate provision		
	Appropriate arrangements for return into school considered		
Child with Additional Support Needs	Other professionals involved with child consulted on continuation of any additional input		
	Confirmation sought that child or young person is not being excluded for reasons associated with disability		

<b>Individual Circumstance</b>	<b>Additional consideration</b>	<b>Consideration given</b>	<b>Comments</b>
	Ensure that child or young person is not being excluded for reasons associated with a protected characteristic		
	Account is taken of impact of exclusion on child or young person's learning and support provision		
	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 socio/economic deprivation	Consideration should be given to the impact on child's wellbeing, e.g. free school meals		

## Appendix 2 – Decision to exclude Checklist

Decision to exclude has been made (this checklist should be used after completion of Appendix 1a (and 1b where appropriate))

Action to be taken	Action Taken	Comment
Child or young person is informed he/she is to be excluded.		
Immediately inform parents/carers verbally.		
Looked after children and children or young people on Child Protection Register/child protection concerns – communication with all potential carers as well as any person who may have parental rights and responsibilities.		
Looked after children and children or young people on Child Protection Register/child protection concerns – decision communicated to lead professional, Social Worker, Key Worker, Foster Carer, Educational Psychologists and area education manager.		
Make arrangements for child or young person to be sent or taken home. Child or young person not to leave school until safety, health and wellbeing assured and appropriate arrangements are in place.		
If parents/carers cannot be contacted child or young person must be supervised at school until suitable arrangements can be made.		
If verbal contact made, follow up by written confirmation of exclusion on same day exclusion takes place. Include reason for exclusion and information on Right of Appeal.		
Inform of date, time and place where Headteacher or official of authority is available to discuss the exclusion.		
If child or young person is of legal capacity inform them in writing of exclusion and right of appeal		
Record of exclusion filled out – incident report form		

<b>Action to be taken</b>	<b>Action Taken</b>	<b>Comment</b>
Ensure exclusion is recorded accurately on SEEMiS		
All documents relating to exclusion to be retained in Pupil's Progress Record		
Appropriate educational provision to be provided and monitored, e.g. course work, access to library, online learning		
Arrangements for the child or young person to access any existing support made (outwith school if necessary)		
A contact person should be allocated for parent/carer and child or young person to liaise with re. educational provision		
Parent/carer should be informed of their responsibility to ensure child or young person is provided with appropriate education throughout the period of exclusion.		
Parent/carer should be provided with information on support to assist them or advocate on behalf of child or young person.		
Notify Education Manager.		
If exclusion is lengthy or multiple, refer to Education Manager for support in decision making.		
If parent/carer and/or child or young person exercise their right of appeal, meet with parent/carer and child or /young person and /or Young Person's Advocate to discuss.		
Referral to Scottish Children's Reporter if appropriate.		

### Appendix 3 – Checklist to support return to school after exclusion

Action to be taken	Action Taken	Comment
School meet or discuss with parent/carer and child or young person – re-admission to school not dependent on this taking place		
Appropriate planning takes place to ensure support if provided		
Risk assessment completed where appropriate		
Needs of staff and other children and/or young people taken into account – solution orientated/restorative meeting held if appropriate		
Flexible package of support agreed and implemented where appropriate.		
Any changes to timetable for limited period recorded on SEEMiS		
Staged intervention process continued and adapted in light of exclusion		
Consideration given to discussion at multi-agency forum		
Pupil Support/Guidance/Key Worker or lead professional (where one exists) updated		
Monitoring and review arrangements put in place to ensure continued support		

## **Appendix 4 - Letters of Exclusion**

For children under 12 years of age (**Letter A**)

Letters of Exclusion should be addressed to the parents/carers and should be provided on the day of exclusion.

For children/Young People 12 years or older but under school leaving age (**Letter A**)

Letters of Exclusion should be addressed to the parents/carers and copied to the child/young person and should be provided on the day of exclusion.

For Young People over statutory school leaving age (**Letter B**)

Letters of Exclusion should be addressed to the young person and should be provided on the day of exclusion. There is no legal requirement to contact parents. However, if the young person agrees, then parents should be copied. For young persons with ASN or considered vulnerable the parents should be contacted.

## Letter A

Our ref

Date

Name of Addressee

Address

Continuation Line

Continuation Line

Orkney

Dear **insert name(s)**

EXCLUSION: (insert PUPIL'S NAME (DOB), CLASS)

I regret to advise you that **insert name** has been excluded from attendance at **insert school name** school, from **insert start date and end date** both dates inclusive.

The grounds for exclusion are set out in Schools General (Scotland) Regulations 1975. Regulation 4 and 4A stipulate two grounds for exclusion. In this instance, the following ground applies:

**(delete as appropriate)**

### **A**

**we are of the opinion that the parent of the child or young person refuses or fails to comply, or to allow the child or young person to comply, with the rules, regulations or disciplinary requirements of the school.**

### **B**

**we consider that, in all the circumstances, to allow the pupil to continue his/her attendance at the school would be likely to be seriously detrimental to the order and discipline in the school or the educational wellbeing of the pupils there.**

The decision to exclude has been taken for the following reasons:-

***• insert reason(s) details relating to the circumstances leading to exclusion, including reference to other actions taken previously in managing the behaviour of this particular pupil***

Please be advised that (insert name) must not attend school or be within the school grounds, and will not take part in any school activities, until the end of the exclusion. Appropriate learning will be made available for (insert name) to complete at home. Should you need to discuss this further, please contact (insert named contact) on (insert email or phone number).

As you will appreciate this is a very serious matter. I would like to meet with you and (insert name) on (insert date, time and place) for the return to school. If this is not convenient, please contact me as soon as possible to schedule an alternative appointment.

I advise you that, in terms of Section 28H of the Education (Scotland) Act 1980 and the Standards in Scotland's Schools etc. Act 2000, Section 41, there is a right of appeal, which can be exercised by the parent/carer or the pupil, against the decision to exclude. If you wish to appeal against the decision to exclude, you should write to the Area Education Manager at:

(insert Name of Appropriate Education Manager and address. Include e-mail address for submitting appeal).

A copy of this letter will be held in your child's progress record. This letter comprises the only reference to the exclusion which will be retained within the progress record.

Decisions on any appeal, including the decision of an Appeal Committee not to annul the exclusion will be included in your child's progress record. If the decision to exclude is annulled, no reference to exclusion in your pupil record will be disclosed.

Yours sincerely,

(insert signature)

Headteacher

cc. Education Manager,

*To be included as part of exclusion letter*

## **Information for Pupils, Parents and Carers - Exclusion Appeal**

### **What Leads to an Exclusion?**

There are only 2 circumstances in law where a pupil can be excluded are. These are:

- “where the parent of a pupil refuses or fails to comply, or to allow the pupil to comply, with the rules, regulations or disciplinary requirements of the school”; or
- “where a pupil’s continued attendance at the school is likely to be seriously detrimental to order and discipline at the school or the educational well-being of the pupils”

### **Notification Process**

The school will always inform the parents of the length of exclusion and the reasons for the exclusion in writing. In these letters you will be asked to come into school to discuss the exclusion. It is extremely important that you attend such meetings, or telephone to make other arrangements. Parents and teachers are partners in this respect, and parents play a vital role in helping their children with problems at school. Regardless of such invitations parents are always very welcome to approach the schools directly to discuss issues which are important to themselves and their children. Please feel free to do so should there be anything you want to talk over.

## **Appeals Process**

Parents, or pupils over 12 years of age, (and younger if the pupil is deemed mature enough to understand the decision to exclude), have a right to appeal against the decision to exclude. You can do this:

- At the time the child is excluded from school.
- After the meeting with the Headteacher to discuss the exclusion.
- After a meeting with the Service Manager to discuss the exclusion.

There is no legal deadline for appealing an exclusion, but it is usually best to submit the appeal as soon as possible to try and resolve the situation quickly.

If you appeal, this will lead to an Appeals Committee Hearing.

A decision to appeal will have no effect on the length of the exclusion or on any conditions attached to the pupil's return.

## **Who can I discuss this with?**

You can discuss an exclusion further with the Headteacher. You can also contact the appropriate Education Manager whose contact details are on the exclusion letter.

## Letter B

Our ref  
Date  
Name of Addressee  
Address  
Continuation Line  
Continuation Line  
Orkney

Dear **insert name**

EXCLUSION: (insert YPs NAME (DOB), CLASS)

I regret to advise you that you have been excluded from attendance at **insert school name** school, from **(insert start date and end date)** both dates inclusive.

The grounds for exclusion are set out in Schools General (Scotland) Regulations 1975. Regulation 4 and 4A stipulate two grounds for exclusion. In this instance, the following ground applies:

**(delete as appropriate)**

### A

**we are of the opinion that the parent of the child or young person refuses or fails to comply, or to allow the child or young person to comply, with the rules, regulations or disciplinary requirements of the school.**

### B

**we consider that, in all the circumstances, to allow the pupil to continue his/her attendance at the school would be likely to be seriously detrimental to the order and discipline in the school or the educational wellbeing of the pupils there.**

The decision to exclude has been taken for the following reasons:-

***• insert reason(s) details relating to the circumstances leading to exclusion, including reference to other actions taken previously in managing the behaviour of this particular pupil***

Please be advised that you must not attend school or be within the school grounds, and will not take part in any school activities, until the end of the exclusion. Appropriate learning will be made available for you to complete at home. Should you need to discuss this further, please contact **(insert named contact)** on **(insert email or phone number)**.

As you will appreciate this is a very serious matter. I would like to meet with you on (insert date, time and place) for the return to school. You may choose to bring a parent, carer or supporter with you. If this is not convenient, please contact me as soon as possible to schedule an alternative appointment.

I advise you that, in terms of Section 28H of the Education (Scotland) Act 1980 and the Standards in Scotland's Schools etc. Act 2000, Section 41, there is a right of appeal. If you wish to appeal against the decision to exclude, you should write to the Education Manager at:

(insert Name and address and include e-mail address for submitting appeal).

A copy of this letter will be held in on your progress record. This letter comprises the only reference to the exclusion which will be retained within the progress record.

Decisions on any appeal, including the decision of an Appeal Committee not to annul the exclusion will be included in your progress record. If the decision to exclude is annulled, no reference to exclusion in your record will be disclosed.

Yours sincerely

(insert signature)

Head Teacher

cc. Education Manager,

*To be included as part of exclusion letter*

## **Information for Pupils, Parents and Carers - Exclusion Appeal**

### **What Leads to an Exclusion?**

There are only 2 circumstances in law where a pupil can be excluded are. These are:

- “where the parent of a pupil refuses or fails to comply, or to allow the pupil to comply, with the rules, regulations or disciplinary requirements of the school”; or
- “where a pupil’s continued attendance at the school is likely to be seriously detrimental to order and discipline at the school or the educational well-being of the pupils”

## **Notification Process**

The school will always inform the parents of the length of exclusion and the reasons for the exclusion in writing. In these letters you will be asked to come into school to discuss the exclusion. It is extremely important that you attend such meetings, or telephone to make other arrangements. Parents and teachers are partners in this respect, and parents play a vital role in helping their children with problems at school. Regardless of such invitations parents are always very welcome to approach the schools directly to discuss issues which are important to themselves and their children. Please feel free to do so should there be anything you want to talk over.

## **Appeals Process**

Parents, or pupils over 12 years of age, (and younger if the pupil is deemed mature enough to understand the decision to exclude), have a right to appeal against the decision to exclude. You can do this:

- At the time the child is excluded from school.
- After the meeting with the Headteacher to discuss the exclusion.
- After a meeting with the Service Manager to discuss the exclusion.

There is no legal deadline for appealing an exclusion, but it is usually best to submit the appeal as soon as possible to try and resolve the situation quickly.

If you appeal, this will lead to an Appeals Committee Hearing.

A decision to appeal will have no effect on the length of the exclusion or on any conditions attached to the pupil's return.

## **Who can I discuss this with?**

You can discuss an exclusion further with the Headteacher. You can also contact the appropriate Education Manager whose contact details are on the exclusion letter.

## Appendix 5 - Meeting template for a return to school meeting

<b>Return to school meeting</b>			
<b>Agenda and Minute</b>			
<b>Date</b>			
<b>Name of pupil</b>		<b>D.O.B.</b>	
<b>Educational Establishment</b>		<b>Stage</b>	
<b>Attendees (note Keyperson and Chair of meeting)</b>			
<b>Name</b>	<b>Designation</b>	<b>Contact Number</b>	<b>Email</b>
Main reason for meeting today:			
X	Absence from school – plan for return from exclusion		
<b>Agenda</b>			<b>Noted on ASN Profile</b>
1	Recap on circumstances of exclusion (As this is a significant event, please summarise information in the minute)		
2	Views of child, young person, parent, or carer		
3	Child or young person's strengths		
4	Factors or possible factors contributing to difficulties leading to exclusion		
5	Updated or new Assessments if relevant		
6	Future support needs		
7	Agree actions to support a successful return		
8	Any concerns or disagreements		
<b>Note of discussion</b>			
<b>Child or YPs Views</b>			
<b>Parent or carer Views</b>			

Identified Need of Child/Young Person	New Actions	Who?	When?
<b>Additional Information/Disagreements</b>			
Bullet point any additional information or disagreements not noted above.			
<b>From the information above and in the Child and Young Person Planning, it is evident that</b>			
	All child/young person's needs are being met through universal support.		
	Additional support is in place to meet needs		
	Action(s) or assessment are required to support child/young person's return to school/meet needs (include in next steps)		
<b>Next steps to support return to school</b>		<b>Who?</b>	<b>When?</b>
<b>Distribute minute and attachments, including (as relevant:</b>			
Updated Child and Young Person Planning			
New assessments (please detail)			
Other (please detail)			
Update SEEMiS			
<b>Review details (allow time for supports to become embedded before attempting to measure impact)</b>			
Details of agreed review of SLIP		Internal processes/communication/need for meeting/type of meeting/Call/Virtual/Update email/sharing of info/Meeting Agenda Items/Proposed Date	

## Appendix 6 - Reasons giving rise to Exclusion – SEEMis Codes

Code	Reason	Code	Reason
34	Fighting	66	Damage to personal property of pupil
35	Spitting	67	Damage to personal property of staff
36	Verbal abuse - staff	68	Theft from pupil
37	Verbal abuse - pupil	69	Theft from staff
38	Fire Raising	70	Threat of sexual violence against pupil
39	Damage to school property	71	Threat of sexual violence against staff
46	Threat to school property	72	Threat of physical violence, no weapon, against pupil
48	Indecent exposure	73	Threat of physical violence, no weapon, against staff
51	Sustained peer exclusion causing significant distress	74	Threat of physical violence – weapon or improvised weapon, against pupil
53	General or persistent disobedience	75	Threat of physical violence – weapon or improvised weapon, against staff
54	Insolent or offensive behaviour	76	Threat to personal property (pupil)
55	Refusal to attend class	77	Threat to personal property (staff)
56	Parental non-co-operation	78	Malicious communications against pupil
57	Substance misuse -alcohol	79	Malicious communications against staff
58	Substance misuse – non alcohol	80	Slander and libel (incl. Website) against pupil
60	Physical assault with no weapon against pupil	81	Slander and libel (incl. Website) against staff
61	Physical assault with no weapon against staff	82	Stalking of pupil
62	Physical assault using weapon against pupil	83	Stalking of Staff
63	Physical assault using weapon against staff	84	Extortion from pupil
64	Physical assault using improvised weapon against pupil	85	Extortion from staff
65	Physical assault using improvised weapon against staff	99	Other

## **Appendix 7 – Descriptors of Approaches/ Interventions**

### **Solution Orientated Approaches (Steve De Shazer, Insoo Kim Berg, Bill O’Hanlon).**

Solution orientated approaches have their origins in therapeutic approaches such as brief solution-focused therapy and have been found to have much wider applications in the way people work together. The approaches centre on key principles which help focus our minds on solutions, positive futures and strengths. This empowering approach helps to avoid the easy trap of becoming embroiled in negative thinking patterns which can impede progress and hamper the prospect of positive change.

“It seems clear that one cannot solve the problem with the same thinking that created the problem” (Berg and De Shazer, 1993).

A Solution Oriented approach helps people identify what they want to achieve, understand what is in their capacity and explores what they can do to move towards this.

Solution Oriented approaches have a number of applications within settings to help encourage positive relationships, tackle difficulties in a productive way, and promote an inclusive ethos.

Solution oriented approaches provide staff with opportunities to explore aspects of their working environment and relationships within it. When a problem has been identified solution-oriented approaches enable the individual to identify the skills, strengths and resources that they already have which can help them to find their own solutions. The approach aims to build individual capacity for effective problem solving and reflective practice and can often be used effectively to support key meetings and discussions within schools.

Training in solution-oriented approaches may include:

- exploration of the key principles, such as:
  - People have the necessary resources to make changes.
  - Everyone has their own ways of solving problems.
  - No sign-up, no change. Collaboration enhances change.
  - Language shapes and moulds how we make sense of the world.
- identification of applications to be used in day-to-day practice.
- planning and organising a solution-oriented meeting including multi-agency meetings, pre-and post-exclusion meetings and professional development reviews.

Solution oriented approaches have been used in schools for a number of years with regard to supporting day-to-day practice and can also be used to support whole school strategic change. More recently, solution-oriented practice has also been used effectively to actively support positive relationships and culture at the classroom level with a growing evidence base for its use at this level.

## **Restorative approaches**

Restorative approaches are based on a philosophy which places relationships, respect and responsibility at the heart of effective practice. The skills and processes which are key elements of restorative approaches have been demonstrated by many schools, early years' establishments and other learning settings as being more effective in addressing issues of discipline and conflict than more traditional approaches based on rewards and sanctions.

Being restorative can be proactive (relationship building) or responsive (relationship repairing) and can be used at every level from everyday informal interactions to more formal restorative meetings. Restorative approaches articulate with, and compliment all other relational approaches, and influence the emotional atmosphere in a learning community.

A restorative approach provides a framework of values, thinking and language that is helpful when something needs to be repaired or restored. In different contexts this could be:

- effective communication.
- relationships or friendships.
- empathy and understanding for another person's perspective.
- trust and respect (this could mean a sense of security, self-confidence, self-respect, or dignity).
- understanding the impact of our own behaviour on others.
- repairing or replacing damaged materials or resources.

All practitioners can behave in a restorative way by demonstrating restorative values and using restorative thinking and language.

### **Restorative values:**

- Promote relationship building, conflict resolution and reconciliation.
- Create environments where social learning and personal development can be supported.
- Embrace qualities such as open-minded thinking, compassion, empathy, perseverance and cultural sensitivity.

### **Restorative thinking:**

- Helps us understand another person's behaviour and reflect on our own behaviour.
- Find solutions to disagreements and potential conflicts.
- Promotes self-compassion, empathy and compassion for others.
- Often involves thinking together which helps to develop our openness to alternative ways of thinking and potentially new ways of behaving.

## Restorative Language

*‘Changing one piece of language might not change the world but it might change the world for one student.’*

(Whittaker, 2021: 67)

Restorative **language** and having restorative conversations can generate opportunities for listening and participation, co-operation, build an awareness of social responsibility, and sensitively recognise social and cultural differences.

**Relationships** are the essential component of restorative approaches.

## The Role of Consequences

In June 2025 the Scottish government published “**Fostering a positive, inclusive and safe school environment, Guidance**”

<https://www.gov.scot/publications/fostering-positive-inclusive-safe-school-environment-guidance/documents/>.

### The document outlines the use of consequences in schools

How do consequences support children and young people’s development?

- When applied consistently, equitably and as part of a school’s wider approach to relationships and behaviour, consequences can positively influence children and young people’s outcomes, including social and emotional development, learning, and long-term behaviour. They can also help maintain a safe, supportive and happier learning environment for all. Conversely, inconsistent or punitive approaches can lead to disengagement, exacerbating inequalities, and can negatively impact wellbeing.

Constructive, logical, predictable and developmentally appropriate responses and interventions can help children to feel safe, to understand the impact of their actions, and to learn how to respond differently. The goal is therefore not just to uphold values and expectations, but to promote responsibility, emotional regulation, and problem-solving skills.

While consequences are often thought of as the actions or interventions taken in response to behaviour that falls below expectations, they can also be a response that reinforces positive behaviour and the meeting or exceeding of shared expectations.

### Core principles

- Appropriate responses should include both support and challenge, aiming to improve relationships and behaviour while reinforcing a positive school ethos.
- The focus should not be on punitive action, instead linked to interventions designed to support and encourage behavioural change.

- They should help ensure the rights to safety and education for all children and young people and staff.
- They should be proportionate, fair, and tailored to both the needs of the child or young person and the wider school community.
- They should relate back to the values and expectations a school wants to reinforce.
- They should focus on learning and improvement, reinforcing the desired behaviour.
- They should be embedded in the school's culture and ethos and implemented fairly.
- They should be used in response to consistent whole-school expectations but should be child-centred and tailored to children's needs.
- They should take account of the legal and policy frameworks underpinning considerations relating to children with additional support needs and those who are care experienced.
- They should be natural, logical or positive where possible.

There are two main elements when identifying appropriate responses.

1. Action that is required in the moment. This is to ensure a safe and respectful learning environment by addressing behaviour as it occurs.

2. Identifying underlying needs contributing to behaviour and potential risk mitigations.

This allows appropriate support to be in place for children and young people to support long-term change and to keep themselves and others safe.

An effective approach balances both elements. Responding in the moment ensures that expectations are upheld consistently, while longer-term support ensures children and young people's needs are met and they are supported to develop the skills, understanding, and self-regulation needed to engage positively in school life and beyond.

It is important that schools do not just respond to behaviour in isolation and that they assess why it may be occurring. If consequences are applied without understanding the function of the behaviour, they may unintentionally reinforce it or fail to address the underlying cause, making long-term positive change in their behaviour less likely.

As such, responses should have two goals with regards to promoting positive relationships and behaviour:

1. to promote the child's wellbeing – including their social skills, executive function and emotional regulation.

2. to reduce the frequency and intensity of the behaviour over time (reducing the need for adults to address the behaviour).

### **De-Escalation Approaches**

Despite relational approaches being in place, there will still be situations where a child or young person requires support from adults to regulate their emotions, behaviours and stresses in a school environment. These situations may occur unexpectedly. Some children and young people who are neurodiverse may mask increasing stress levels. Most children, over time and with support, will learn how to self-regulate when they are distressed. However, some children and young people, such as those with complex additional support needs or those who have experienced trauma, may require ongoing or periodic support from adults to regulate their emotions or behaviour. This is known as co-regulation. At times, and as a natural outcome of human interaction, individuals can misunderstand each other or disagree, causing disputes. In these situations, anger and stress can escalate quickly. De-escalation strategies can be used to reduce the intensity of a dispute. Resources on co-regulation and de-escalation can be found on Education Scotland's website. This section includes advice on using these strategies and the specific practice of withdrawal (both pupil and staff led). All these strategies can be used as alternatives to restraint and seclusion.

Children and young people, their parents or carers and all staff involved in supporting them should be actively involved in agreeing effective co-regulation approaches and de-escalation strategies, which should be subject to regular review. All staff working with the child or young person, including pupil support assistants and supply teachers, should be informed of any agreed approaches to enable them to respond appropriately.

The same process of individualised needs-based assessment, planning, implementation and review should be followed when agreeing co-regulation and de-escalation strategies.

The least restrictive approach to supporting a child or young person whose stress levels are rising and where they are unable to self-regulate is to use co-regulation strategies. Where dispute arises, when co-regulation is not possible, de-escalation strategies should be used. The use of co-regulation and de-escalation should always be considered in the first instance. Co-regulation and de-escalation are most effective when planned and tailored to the individual needs of children and young people. However, both strategies can be used when unplanned distressed behaviour occurs. Features of co-regulation and de-escalation include:

- communicating in a calm, non-judgemental and non-threatening manner.
- maintaining a quiet sensory environment by speaking in a quiet voice, reducing the number of people present, noise and, if possible, reducing lighting.
- giving the child or young person time to regain their composure.
- distraction in the moment where this is helpful to the child or young person.
- an activity or movement break that supports self-regulation.

- time with a trusted adult or time alone with an adult in close proximity (within sight and hearing) if the child or young person identifies that this would be helpful to them.
- respecting a child or young person's personal space, by maintaining a suitable distance.
- being mindful of using open and engaged body language, facial expressions and tone of voice (and only speaking when appropriate).
- identifying and responding to what would be most helpful to the child or young person in the moment.
- accommodating, where possible, any previously agreed strategies or unplanned requests that would help the child or young person to self-regulate, including a pupil-led withdrawal.

## Appendix 8 - Physical Intervention

### Mechanical Restraint

In the context of this policy, mechanical restraint is the use of a prescribed device such as a helmet, lap strap in a wheelchair for other than immediate transport safety or cuffs for the purpose of reducing or controlling a pupil's severely self-injurious behaviour. Mechanical restraint should only be considered in situations where a risk assessment by an external clinical team has indicated this may be warranted on the basis of risk assessment and a written protocol incorporating recommendations for training staff, monitoring appropriate implementation etc. has been put in place. The use of a prescribed device with a restrictive element does not have to be recorded or reported if its use is in line with an agreed plan. Any use out with the agreed plan must be recorded and reported in line with other restraints.

### Physical Contact

An active process which involves no greater activity than the action of touch to guide, sooth, comfort, encourage or protect a child

### Physical Intervention

A range of approaches, which include restraint and also strategies where restrictive holding is not used, such as physically guiding an individual away from a harmful situation or influencing, modifying or preventing the actions of a child or young person. Physical intervention that does not involve restraint does not need to be recorded or reported. Physical intervention that involves restraint must always be recorded and reported.

### Physical restraint

Any direct physical contact where the person intervening intends to prevent, restrict, or subdue the movement of the body, or part of the body of another person. Physical restraint is also sometimes called restrictive physical intervention. All physical restraint must be recorded and reported. It is only acceptable to physically intervene where the member of staff reasonably believes that **if they do not physically intervene, the child or young person's actions are likely to cause physical damage or harm to that pupil or to another person.**

Physical restraint does not include **protective physical interventions** which involve physical contact that serves to block, deflect or redirect a pupil's actions or disengage from a pupil's grip, but from which a pupil can move freely away.

Protective physical interventions should not be confused with physical restraint.

### Protective Physical Interventions

Interventions by staff which involve physical contact that serves to block, deflect or redirect a pupil's actions or disengage from a pupil's grip, but from which a pupil can move freely away.

### Restrictive Physical Interventions

Interventions by staff which restrict an individual's movement, liberty and/or freedom to act independently in order to

- take control of an immediately dangerous situation where there is a significant possibility of harm to the individual or others if no action is undertaken.
- end or significantly reduce the danger to the individual or others.

Restrictive physical interventions include physical restraint and seclusion. These should contain or limit the individual's freedom for no longer than is necessary and are only justifiable when a child or young person is at risk of inflicting serious physical harm on themselves or another individual. All restrictive physical interventions must be recorded and reported.

### **Reasonable Force**

The use of force is judged to be the last resort i.e., that there was no other practicable alternative to prevent the harm anticipated if action was not taken. A use of force is judged to be proportionate if the force used, including its nature, level and duration were the minimum necessary to prevent the harm anticipated. The actions taken by staff in these circumstances would be likely to be considered reasonable by the General Teaching Council for Scotland.

### **Seclusion**

The act of isolating a child / young person from their peers to an area from which they are prevented from leaving, to prevent harm. This is distinguishable from agreed use of 'safe space' or 'cool down' strategies. It is a form of physical intervention and should only be used as a last resort.

Seclusion of a child or young person within a separate space is also a form of physical intervention and should also only be used as a last resort to ensure the safety of a child or young person, or others. Seclusion should always be reported and recorded.

Any separation of a child or young person must be in a place that is safe and that does not cause any additional distress to the child or young person.

The use of this form of physical intervention should be included in an agreed plan for the individual. Where seclusion is used:

- it must be in a place that is safe.
- it should be managed under supervision.
- it should take into account the additional support needs of the child or young person.
- it should be time limited.

Schools should describe in their School Relationships and Behaviour Policy the appropriate levels of intervention when responding to challenging and distressed behaviour, recognising that the majority of children and young people in our schools will never require any form of physical intervention. School policy should outline training available to staff on promoting positive behaviour and de-escalation and how support for all involved can be accessed following stressful incidents

Any incident where a decision is made to physically intervene must be recorded and monitored. Details on how this should be undertaken should be included in an education authority's policy on de-escalation, physical intervention. The recording and monitoring of such incidents will help education authorities to monitor the effectiveness of their policy and practice. It will ensure transparency, enable them to review and improve their policy and help identify professional learning needs and further supports where appropriate.

The rights of all children and young people must be a key consideration where physical intervention is being considered. This reflects the recognition and realisation of children and young people's rights across Scottish public policy, public services and society as a whole. It is important to consider the United Nations Convention on the Rights of the Child (UNCRC) in this context. Article 37 states that 'No one is allowed to punish children in a cruel or harmful way.' Article 3 states that 'the best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children'.

Please refer to the newest guidance on physical intervention which is linked below.

**[Included, Engaged and Involved Part 3: A Relationships and Rights-Based Approach to Physical Intervention In Schools](#)**

**Please also refer to the guidance below which gives examples of risk assessment templates and procedures to minimise risk**

**Guidance on risk assessments for violent, aggressive and dangerous behaviour**  
**<https://www.gov.scot/publications/risk-assessment-guidance-violent-aggressive-dangerous-behaviour-local-authorities-educational-settings/>**