

From: Foi Enquiries <FoiEnquiries@aberdeencity.gov.uk>

Sent: 05 November 2019 11:45

Subject: FOI-19-1344 - Policies in Schools

Thank you for your information request of 7 October 2019. Aberdeen City Council (ACC) has completed the necessary search for the information requested. Our response is now detailed below.

Please send me:

Aberdeen City Council's:

- **Anti-bullying policy (for schools)**

Please see attached ref: [FOI-19-1344 - ECS Anti-bullying Policy 2017](#)

- **School exclusion policy**

Please see attached ref: [FOI-19-1344 - Minimising Exclusion – Policy](#)

- **The number of incidents of bullying recorded by each school in the Aberdeen City local authority area for the last five years**

The Council only holds two years of bullying data on its central database: SEEMIS Business Intelligence. For 2017-2018, 2018-2019 and 2019-2020 to date please see attached ref: [FOI-19-1344 Bullying Incidents](#)

The figures replaced with # cannot be provided as it relates to numbers greater than 0 but less than or equal to 5 which could be misleading or lead to identification of an individual.

ACC is unable to provide you with information on **the number of incidents of bullying recorded by each school in the Aberdeen City local authority area for 2017-18, 2018-19 and 2019-2020** for all schools as it is exempt from disclosure. In order to comply with its obligations under the terms of Section 16 of the FOISA, ACC hereby gives notice that we are refusing this part of your request under the terms of Section 38(1)(b) in conjunction with Section 38(2A)(a) – Personal Information - of the FOISA.

ACC is of the opinion that Section 38(1)(b) applies to the information specified above as the information in question is personal information relating to living individuals, of which the applicant is not the data subject.

ACC is of the opinion that Section 38(2A)(a) applies, as we consider that disclosure of this information would be a breach of the 'lawfulness, fairness and transparency' principle. Disclosing the exact number into the public domain could be used by other people, together with any other information already available, to enable the identity of the individuals involved to be revealed. These individuals have not consented to the disclosure of information that could allow them to be identified, and ACC does not consider that they would expect ACC to release this information about them into the public domain under the FOISA.

For 2016/17 and 2015/16 the information was not recorded centrally. In order to obtain this information schools would be required to look at individual pupil records to identify incidents of bullying.

We are unable to provide you with information on **the number of incidents of bullying recorded by each school in the Aberdeen City local authority area for 2016/17 and 2015/16** as the cost of providing this has been calculated as being in excess of the statutory maximum (£600).

To explain this, it would involve a member of staff in each school searching through every individual pupil's file for the years requested for the information sought, making notes and collating the data. A conservative estimate is that it would take 10 minutes to complete this process for each file so, for example, in a secondary school with a roll of 800 pupils this would equate to over 133 hours of work and a cost in the region of £2,000.

As this search would have to be carried out for each of the requested years and given that the same process would have to be replicated in all our schools, we will be unable to answer your request.

In order to comply with our obligations under the terms of Section 16 of the FOISA, we hereby give notice that we are refusing your request under the terms of Section 12 - Excessive Cost of Compliance - of the FOISA.

- **The records of how each incident of bullying (as recorded above) was dealt with by the relevant school.**

Incidents recorded are marked as "Resolved" or "Being Addressed". The details of the resolution are particular to each case and may be recorded with the bullying incident, in pastoral notes or in wellbeing notes held for the pupils involved however to retrieve this information would incur costs above the maximum statutory (£600).

To explain this, it would involve a member of staff in each school searching through every individual pupil's record for the information sought, making notes and collating the data. A conservative estimate is that it would take 10 minutes to complete this process for each pupil record. Given the number of pupils involved in incidents, this would incur costs above the statutory maximum.

In order to comply with its obligations under the terms of Section 16 of the FOISA, ACC hereby give notice that we are refusing your request under the terms of Section 12 - Excessive Cost of Compliance - of the FOISA.

INFORMATION ABOUT THE HANDLING OF YOUR REQUEST

We handled your request for information in accordance with the provisions of the Freedom of Information (Scotland) Act 2002. Please refer to the attached PDF for more information about your rights under FOISA.

We hope this helps with your request.

Yours sincerely,



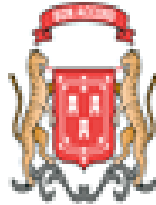
Jennifer McDonald | Access to Information Officer

Aberdeen City Council | Access to Information Team | Customer Feedback
| Customer

Marischal College | Business Hub 6, 1st Floor | Broad Street | Aberdeen | AB10
1AQ

Dial: 01224 522166

www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC



ABERDEEN
CITY COUNCIL

Education and Children's Services

Anti-Bullying Policy



childline

ONLINE, ON THE PHONE, ANYTIME
childline.org.uk | 0800 1111

Lead Officer: [REDACTED]
Head of Service: [REDACTED]
Date approved: 01 June 2017
Date for review: June 2018

Contents

Policy Statement	3
Definition of bullying behaviour	3
Police Involvement	4
Our expectations.....	4
Our commitment to challenge prejudice based bullying	4
Reporting Hate Crime.....	4
Roles and responsibilities	4
Prevention and reduction	5
Recording and reporting	6
Schools.....	6
Children’s Homes	6
Community Youth Groups	6
Policy implementation and training	6
Policy monitoring and review	6
Appendices, research and resources.....	7
Appendix 1 – Prejudice Based Bullying – <i>Respectme</i>	7
Appendix 2 - Strategy and Legislation	10
Appendix 3 – Police Involvement	12
Appendix 4 – Research and resource links.....	13

Policy Statement

Our vision is to keep the children, young people and communities of Aberdeen safe, healthy and thriving. We aim to give the children of Aberdeen the best start to life and act as a champion for all children and young people, particularly vulnerable children and young people. The wellbeing of the child is at the heart of all that we do. We are committed to Getting it Right for Every Child (GIRFEC) by working together and ensuring that we take a co-ordinated approach to guarantee we deliver appropriate help to all children and families when they need it. Aberdeen City Council has a partnership with UNICEF UK. This promotes the values and principles of The United Nations Convention on the Rights of the Child (UNCRC), and supports an ethos of meaningful participation, respect and positive relationships with children and young people.

The purpose of this policy, and referenced procedures, is to reduce, prevent and respond effectively to bullying behaviour. To provide a clear and consistent approach to managing incidents of bullying behaviour across the Education and Children's Services (ECS) in Aberdeen City. This policy provides information for the relevant service areas to refer to when developing their own local level policy. The ECS service will provide guidance and a framework to support the development of this.

All staff within the Education and Children's Service (ECS) are required to comply with this policy and ensure it is embedded into working practice. The service will ensure any training requirements to support this are met.

Definition of bullying behaviour

"Bullying is both behaviour and impact; the impact is on a person's capacity to feel in control of themselves. This is what we term as their sense of 'agency'. Bullying takes place in the context of relationships; it is behaviour that can make people feel hurt, threatened frightened and left out. This behaviour happens face to face and online" (Respectme, 2015)

Further considerations:

- There does not need to be intent
- The behaviour does not need to be persistent, but the threat can be sustained
- Bullying is behaviour and impact – never one on its own
- Bullying occurs within the context of relationships
- Bullying can be verbal, social, physical, and emotional or prejudice based; online or face to face
- It is best to avoid labelling and using terms such as 'bully' and 'victim'

Parents and carers have told us they are aware of children and young people experiencing verbal, physical and online bullying behaviour. This can be related to many factors, including prejudice based bullying behaviour.

Children and young people have told us; 'It (bullying) can be all types. It's more name calling and stuff and this leads to like physical fights', 'It's usually one or two people that are singled out and bullied by like a big group of people', 'And also a lot of kids who are bullied automatically think it's okay to do it back because, well I'm in that position so why shouldn't I be allowed to do it to someone else'. 'That phrase [it's just teenagers being teenagers] is used far too much'.

Police Involvement

It is often difficult to provide advice on when the Police should or should not become involved. Appendix 3 has further information relating to this.

Our expectations

Our expectation is for this policy and its key messages and ethos to keep a high profile in every day practice, through relationships between staff, parents/carers and children and young people to foster respectful relationships and behaviours.

Our commitment to challenge prejudice based bullying

Prejudice can often be the basis for bullying related to the Protected Characteristics as outlined in the Equality Act (2010); Age; Disability; Sex; Gender reassignment (Transgender); Marriage and civil partnership; Pregnancy and maternity; Race; Religion or belief; and Sexual orientation, all prejudice based bullying must be reported.

Further to these protected characteristics bullying behaviour can be related to prejudice attitudes towards body image, social and economic status, young carers and children who are looked after.

(See Appendix 1 for more detail on types of prejudice based bullying)

Children and young people may not have the same protection outside of school as they do inside of school. Reporting of prejudice and discrimination incidents can be reported through Grampian Regional Equality Council (GREC) using this online form accessible on the Aberdeen City Council website: http://www.aberdeencity.gov.uk/home/report_it.asp

Reporting Hate Crime

Hate crime is defined as any crime which is perceived by the victim or any other person as being motivated by malice or ill will towards a social group. Perpetrators of hate crime focus upon demonstrating malice or ill will towards individuals on the basis of their actual or presumed, sexual orientation, transgender identity, disability, race or religion.

Incidents of Hate Crime must be reported and can be reported through any of the following:

- By Telephone 999 (emergency) 101 (non-emergency)
- In person at any Police station,
- [Find your nearest Third Party Reporting Centre](#)
- Or by clicking the following link - [Hate Crime Reporting Form](#)

Roles and responsibilities

Staff

All Education and Children's Services staff have a duty to report bullying, to be vigilant to the signs of bullying behaviour and to play an active role in measures to prevent bullying behaviour. If staff are aware of bullying behaviour, they should reassure the child or young person involved and inform the relevant person in order to record and action the incident.

All staff have a responsibility to be familiar with and ensure that the anti-bullying policy is followed and that the Education and Children's Service upholds its duty to promote the safety and well-being of all children and young people.

Parents and Carers

Parents and carers can play an active role in measures to prevent bullying behaviour and look out for potential signs of bullying behaviour and such as distress, lack of concentration, feigning illness or other unusual behaviour. Parents and carers can encourage their child not to retaliate and support and encourage them to report the bullying behaviour. Parents can seek support from the school or group the young person attends or from external agencies (see appendix 4) and directly report bullying.

Children and Young People

Children and Young People should avoid any kind of bullying behaviour and should watch out for signs of bullying behaviour among their peers. They should be made aware of the options they have to report incidents of bullying behaviour and that they can offer support to those experiencing bullying behaviour and, if possible, help them to tell a trusted adult or report directly.

Emotional Support

It is important we offer emotional support to children and young people who may experience or are affected by bullying behaviour, as well as speaking to a trusted adult, for example, a relative, a teacher, Pupil Support Assistant, Youth Worker, Care Worker or Coach. There is also support available through other agencies such as; ChildLine or Stonewall with who a child or young person may feel more comfortable talking about incidents of bullying behaviour to, or talking through what they can do about what they are experiencing.

Prevention and reduction

Bullying is a children's rights issue, bullying behaviour means children's rights can be compromised.

The United Nations Convention on the Rights of the Child

Article 12 – You should have a say in decisions that affect you

Every child has the right to have a say in all matters affecting them, and to have their views taken seriously.

We have consulted with children and young people and they say –

Schools should focus on fostering self-awareness, by encouraging pupils to think about 'what's behind the words you use' and how certain behaviour can be hurtful. Other suggestions included reinforcing the message that bullying behaviour was unacceptable, ensuring that there were consequences to bullying behaviour and focusing on developing resilience and personal resources to deal with it. (Children and Young People Consultation Report 2016).

We will continue to consult with Children and Young People in a school setting through the Ideas Hub for schools where pupils can directly contribute ideas towards reducing and preventing bullying behaviour in their school.

The United Nations Convention on the Rights of the Child

Article 18 – Parents should work together to do what is best for you.

We have consulted with parents and they say –

We should consider that Primary and Secondary schools may need different age appropriate support and understand the differences in gender and eliminate any potential judgement through the training of staff.

Staff should be sympathetic and value child/young person, their personal experience of bullying behaviours and not generalise.

We would like staff to be more supportive of children and young people to build the resilience they need to help them to manage themselves and situations – empowerment.

Pupils and parents/carers agreed that Pupil Support Assistants (PSA) are a valuable resource to support a child/young person when they share their concerns and can provide continuity if there is a change of teachers through the week.

Recording and reporting

All instances of prejudice based bullying that fall under any of the protected characteristics listed under the Equality Act 2010 must be reported and recorded.

Schools

All schools are required to use the SEEMiS Bullying and Equalities module to record and monitor incidents of bullying. This enables schools to enter and maintain details of any alleged incident reported to them. The school can enter details of the alleged incident, the nature of the incident and motivations. It also enables them to monitor, review and record any actions progressed. Further benefits to this are that potential links between, attendance, exclusion and attainment can be mapped and reported.

Children's Homes

Children's homes are governed by the National Care Standards set out by the Care Inspectorate. Bullying behaviour is managed as part of a holistic approach to promotion of respect and behaviour towards others. Each young person is provided with a 'Welcome Pack' when they arrive at a home which explains expectations around their behaviour.

Community Youth Groups

The youth work team are required to record any issues regarding bullying behaviour in the Performance Information Evaluation System (PIES). The action taken by the line manager who the incident has been reported to would be at their discretion. This could involve excluding the perpetrators of the bullying behaviour from the group for a limited time period. If the bullying behaviour was prejudice based then we would refer the young person to the Prejudice and Discrimination Reporting Form.

When a new group starts up the group members draw up the ground rules for acceptable behaviour and what the sanctions will be for breaking them, bullying behaviour is included in this.

Policy implementation and training

Following approval of this policy it will be shared with and accessible to all Education and Children's Services staff, children and young people and parents and carers. Once implemented an annual report of this policy in practice will be presented to the Education and Children's Services Directorate Leadership Team (DLT) for consideration and evaluation of its effectiveness.

As part of Workforce Development and Career Long Professional Learning (CLPL) training for staff will be delivered in partnership with **Respectme**.

Policy monitoring and review

This policy will be monitored through the collation of data received from the outlined reporting mechanisms and through feedback from staff using the policy.

This policy will initially be reviewed 12 months after implementation and subsequently every 3 years.

Appendices, research and resources

Appendix 1 – Prejudice Based Bullying – Respectme

The United Nations Convention on the Rights of the Child

Article 2 – You have the right to protection against discrimination

Children and young people can experience bullying for a variety of reasons; where they live, their sexual orientations, gender, disability, the colour of their skin, what clothes they wear or what team they support. The one thing that these have in common is difference or perceived difference – some children and young people don't see or understand diversity, they still only see difference. Difference, or perceived difference, can be a catalyst for children and young people being bullied.

Asylum Seekers and Refugees

Children and young people who are asylum seekers or refugees may be at greater risk of bullying directly and indirectly. Stigma, due to lack of knowledge and understanding of asylum seekers and refugees, together with a reluctance to burden parents with extra worries can allow bullying to continue and go undetected.

Body Image

Body image is hugely important to children and young people and bullying because of body image can have a significantly negative impact. For example, a child or young person who is noticeably over or underweight may find that they are particularly vulnerable to bullying behaviour.

Homophobic bullying

Homophobic bullying is mainly directed towards young people who identify as lesbian, gay, bisexual or transgender (LGBT) or young people who are questioning their sexuality. However, it can also be directed at young people who do not conform to strict gender 'norms'. For example, a boy who doesn't like football may stand out as being different. Ultimately, any young person can be homophobically bullied and any young person can display homophobic attitudes which should be challenged.

Transgender

Is an umbrella term used to describe someone who does not conform to society's view of being male or female. Children and young people who are experiencing confusion over their gender identity may be the target of transphobia. Transphobia at its most basic is the fear of a transgender person and the hatred, discrimination, intolerance and prejudice that this fear brings. This can result in bullying behaviour towards an individual because they are not seen to be conforming to gender stereotyping and 'norms'. If children and young people are experiencing confusion over their gender identity, they may be reluctant to challenge bullying behaviour that could attract further attention to them.

Looked after children

Children and young people who are looked after and accommodated are vulnerable to bullying behaviour for a number of reasons: It may be due to regular changes in schools or where they are placed, which can make forming friendships difficult; they may have poor relationship skills stemming from attachment difficulties; inappropriate reactions to situations as a result of learned behaviours; a reluctance to make friends; low self-esteem, lack of role models and a heightened sense of privacy.

Race and Ethnicity

Children and young people from minority ethnic groups, including the Gypsy/Travelling community, often experience bullying based on perceived differences in dress, communication, appearance, beliefs and/or culture. The status of 'minority' in a school, community or organisation can often make a child or young person the focus for those involved in bullying behaviour. This can arise from a misguided and/or learned belief that they 'deserve' to be treated differently or with less respect.

Religion and Belief

Lack of knowledge and understanding about the traditions, beliefs and etiquette of different faiths, or having no faith, can lead to religious intolerance. Lack of awareness about the differences in practices of religions such as prayer times, dietary requirements, fasting and the wearing of religious clothing or articles of faith can result in misunderstandings and stereotyping, which may fuel bullying.

Sectarianism

Most people understandably associate Sectarianism with religion. The reality of prejudice however means that your family background, the football team you support, the community you live in, the school you attend and even the colour of your clothing can mark you out as a target for sectarian abuse - whatever your beliefs may be.

Sexism and Gender

Gender inequality and stereotyping can leave children and young people, and in particular girls, who do not conform to these norms vulnerable to bullying.

Bullying in the form of derogatory language, online comments and the spreading of malicious rumours can be used to regulate both girls' and boys' behaviour - suggesting that they are not being a real man or a real woman if they do not behave in such a way towards others. Personality traits that do not fit in to the unwritten rules of 'appropriate' male and female behaviour can make children and young people a target for their actual or perceived difference. These terms can be of an explicit gender-based nature and it is worth noting that many can involve using terms for people who are gay and lesbian as a negative towards someone.

This behaviour should not be confused with sexually aggressive behaviour, which is potentially a form of criminal harassment and should be treated as such. For this reason, in Scotland we recommend against using the term 'sexual bullying' as a descriptor in policies or in practice – it is an unclear and reductive term. Sexual assault and exploitation are not types of bullying, they are abuse.

Gender-based bullying – if unchallenged can lead to a deepening of attitudes and behaviour towards girls or those who do not conform to gender norms that can escalate to more abusive behaviours. This behaviour can take place face to face, in private and online or sometimes a combination of all of these. What happens or is shared online will directly impact on a person and that should be our focus. In all probability online activity will relate directly to an experience or conversation they have had in person.

Successful anti-bullying work focuses on equalities and developing and modelling relationships based on respect and fairness – and this must include gender.

Disablist Bullying

People who bully others may see children and young people with disabilities as being less able to defend themselves and less able to tell an adult about the bullying. The bullying behaviour is likely

to be focused upon their specific disability or disabilities, whether they are in mainstream schooling or in specialist provision, and may result in a need for additional support to be provided.

Young Carers

The lives of young carers can be significantly affected by their responsibility to care for a family member who has a physical illness or disability, mental health problem, sensory or learning disability or issues with the misuse of drugs or alcohol. Young carers are at risk of bullying for a variety of reasons. Depending on responsibilities at home, they may find themselves being unable to fully participate in school or after-school activities or 'fun stuff'. This can make it difficult for them to form relationships; it can hinder successful transitions or lead to educational difficulties.

Social and Economic Prejudice

Bullying due to social and economic status can take place in any group no matter how little diversity exists in it. Small differences in perceived class/family income/family living arrangements/social circumstances or values can be used as a basis for bullying behaviours. These behaviours, such as mocking speech patterns, belongings, clothing, hygiene, etc can become widespread through those considering themselves to be in the dominant social economic group or class. Bullying of children who endure parental substance misuse can also be prevalent in some locations.

Appendix 2 - Strategy and Legislation

These guidelines are set within a number of local and national strategies and legislation, as set out below

Aberdeen City Council Anti-Weapon/Knife Crime Policy

The draft Anti-Weapon/Knife Crime Policy for schools is being developed and is currently being distributed for consultation with all Head Teachers.

The anti-weapon/knife crime policy aims to give direction to schools and their communities in order to meet all of the recommendations from the Independent Review (Andrew Lowe 11/10/16). The policy objectives are to provide pupil and parental engagement expectations and procedural and operational guidance to all Aberdeen City Council schools and communities with regard to weapon/knife crime. (A link to the policy will be added once it has been approved).

The Human Rights Act 1998

Places a public duty on authorities to carry out their functions in a matter that is compatible with the right to life, the prohibition of torture, inhuman and degrading treatment, and the right to respect private and family life, the right to education.

The United Nations Convention on the Rights of the Child

Is concerned with the promotion and upholding of the rights of children and young people - a number of articles are relevant to these guidelines

Article 2 – You have the right to protection against discrimination

Article 12 – You should have a say in decisions that affect you
Every child has the right to have a say in all matters affecting them, and to have their views taken seriously

Article 18 – Parents should work together to do what is best for you.

Article 19 - Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.

Article 28 – You have a right to an education. Take measures to encourage regular attendance at schools and the reduction of dropout rates

Article 29 – Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for their parents, their own and other cultures, and the environment.

The Equality Act 2010

Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act.

Advance equality of opportunity between people who share a protected characteristic and people who do not share it.

Foster good relations between people who share a protected characteristic and people who do not share it.

The Education (Additional Support for Learning) (Scotland) Act 2004 as amended by the Education (Additional Support for Learning) (Scotland) Act 2009

This provides the legal framework underpinning the system for supporting children and young people who have additional support needs. Children or young people may require additional support for a variety of reasons and may include those who are bullied at school. These needs can be temporary or transient.

Scottish Schools (Parental Involvement) Act 2006

Promotes the future involvement of parents in their children's education and in the development plans for schools. This act puts a responsibility on schools, family and communities to address discrimination with a duty to actively promote equality and promote children's health, wellbeing and development

The Children and Young People's Act (Scotland) 2014

Getting it right for every child (GIRFEC) promotes action to improve the wellbeing of all children and young people underpinned by shared principles and values in line with the UN Convention on the Rights of the Child. It is about how practitioners across all services for children and adults meet the needs of children and young people, working together where necessary to ensure they reach their full potential. It promotes a shared approach and accountability that:

- Builds solutions with and around children, young people and families.
- Enables children and young people to get the help they need when they need it.
- Supports a positive shift in culture, systems and practice.
- Involves working together to make things better.

SHANARRI - the 8 indicators of wellbeing considered the basic requirements for all children and young people to grow and develop and reach their full potential: safe, healthy, achieving, nurtured, active, respected, responsible and included.

Appendix 3 – Police Involvement

In law, the definition of

Assault is: Every attack directed to take effect physically on the person of another is assault, whether or not actual injury is inflicted. There must be criminal intent: an accidental injury, even although caused by a mischievous act, does not amount to assault.

From that it can be seen that simply shoving someone, the act of which has a physical effect upon them would in law constitute an assault, however it is not practicable for Police to be involved in every incident of pushing or shoving. If someone was to swing a punch which missed, but their intent was to strike someone, then that too would constitute assault. Parents, pupils, or statutory partners would see it as helpful to involve the Police in investigating all minor incidents, but I would say a process must be in place whereby the circumstances of each occurrence are considered on their own merits and the correct action taken. If the Police are advised of an incident where a crime is apparent we must progress it to its conclusion and then report it as required to the appropriate body and have a duty to do so irrespective of the views of our partners and the family of those involved. That of course may simply result in some sort of warning or diversionary action.

Breach of the Peace and the statutory equivalent, namely The Criminal Justice and Licensing (Scotland) Act 2010, section 38, then the legal definitions are as follows:

Breach of the Peace is: Committed by one or more persons conducting himself or themselves in a riotous or disorderly manner (could be as simple as shouting or swearing at someone), where such conduct is severe enough to cause alarm to ordinary people and threaten serious disturbance to the community. This is qualified by requiring that there is a public element to the act, in example, it has to be shown that in addition to the effect on the person it was directed at, the behaviour has had or could have had an impact on the wider community/passers-by, pupils, parents etc.

The statutory version of this is The Criminal Justice and Licensing (Scotland) Act 2010, section 38 - 'Threatening or abusive behaviour' which provides that a person commits an offence if they behave in a threatening or abusive manner, and the behaviour would be likely to cause a reasonable person to suffer fear or alarm, and the perpetrator intends by the behaviour to cause fear or alarm or is reckless as to whether the behaviour would cause fear or alarm.

It can be seen from these further definitions, the act of merely swearing at someone, for example, in a playground could in theory constitute one of these offences were the requirements for the component parts of the offences satisfied.

Once again, it would not be seen as helpful to involve the Police in investigating minor incidents of this type, but would again say a process must be in place whereby the circumstances of each occurrence are considered on their own merits and the correct action taken as again the Police will progress to conclusion any such reports.

Appendix 4 – Research and resource links

Childline - <https://www.childline.org.uk/>

Education Scotland - Parentzone

<http://www.educationscotland.gov.uk/parentzone/additionalsupport/supportneeds/socialandemotional/bullying.asp>

EIS Union, links to resources

- Challenging Homophobia in Schools
<http://www.eis.org.uk/LGBT/challenginghomophobia.htm>
- Getting it Right for Girls
http://www.eis.org.uk/Gender_Equality/Get_Right_Girls.htm
- Myths of Immigration
<http://www.eis.org.uk/Anti-Racism/MythsofImmigration.htm>
- Show Racism the Red Card
http://www.eis.org.uk/Anti-Racism/SRtRC_scotland.htm

Family Lives

<http://www.familylives.org.uk/about/news-blogs-and-reports/blog/the-impact-of-bullying-can-last-a-lifetime/>

Respectme – Scotland’s anti-bullying service

<http://respectme.org.uk/>

The Learning Exchange – Bullying in Children’s Homes

[http://lx.iriss.org.uk/sites/default/files/resources/Safe from Bullying-Childrens Homes.pdf](http://lx.iriss.org.uk/sites/default/files/resources/Safe_from_Bullying-Childrens_Homes.pdf)

The Scottish Association for Mental Health – SAMH

<https://www.samh.org.uk/>

Stonewall Scotland

- **THE TEACHERS’ REPORT 2014**
https://www.stonewallscotland.org.uk/sites/default/files/scot_teachers_report_2014_final_lo_res.pdf
- **THE SCHOOL REPORT**
The experiences of gay young people in Scotland’s schools in 2012
https://www.stonewallscotland.org.uk/sites/default/files/scottish_school_report_cornerstone_2012.pdf

If you want this document translated into another language or format (including Braille, large print, audio disk or BSL DVD) please contact us via email or telephone number listed below.

Jeżeli ten dokument jest wymagany w innej wersji językowej lub formacie (w dużym druku lub na dyskietce audio) proszę się skontaktować z

إذا كنت تود الحصول على هذه الوثيقة مترجمة إلى لغة أخرى أو بشكل آخر (مثلا بالخط العريض أو القرص السمعي) فالرجاء الإتصال:

Если Вы хотите получить этот документ, переведенным на другой язык или в другом формате (крупным шрифтом или на звуковом диске), пожалуйста, свяжитесь по

Jei jūs norite susipažinti su šiuo dokumentu jūsų kalba ar gauti jį kitokiame formate (Didelėmis raidėmis ar audio disku), prašau susisieki

Dacă doriți ca acest document să fie tradus într-o altă limbă sau într-un alt format (scris mare sau format audio), vă rugăm contactați

如果你需要把文件翻译成另一种语言或者把文件变成另一种格式（大号字体或声盘），请通过以下的邮件或电话方式联系我们。

Ma tha thu ag iarraidh eadar-theangachadh den sgrìobhainn seo ann an cànan neo cruth eile (clò mòr neo clàr clàistinneach) feuch an cuir thu fios gu

If you are deaf or have a hearing impairment, you can still communicate with the Council via Text Relay by dialling 18001 + telephone number:

01224 522967





ABERDEEN CITY COUNCIL

Education and Children's Services

Supporting Pupils:
Exclusion
Policy



Table of Contents

1. Rationale	2
2. Before Taking the Decision to Exclude	3
3. Grounds for Exclusion	4
3a. Legal Definition of Exclusion.....	4
3b. Clarity about Terminology.....	5
4. Serious Incidents, Including Substance-related Incidents, Extreme Circumstances and Irretrievable Breakdown of School Placement	5
5. Children and Young People who are on the Child Protection Register and Looked After Children	6
6. Hosting Arrangements and Removal from the Register	6/7
7. Procedures to Follow when the Decision to Exclude has been made (after all guidance in this policy has been thoroughly considered)	8
7a. On the day of exclusion	8
7b. At the resolution meeting.....	9
8. Unresolved Exclusions	10
9. Alternative Education Provision during Exclusion.....	10
10. Requirements of Schools.....	10
11. Parental Engagement, Rights and Responsibilities	111
12. Appeals.....	122
13. Appendices	13
Appendix 1 - Example letters to be personalised.....	13-17
Appendix 2 - SEEMIS references	18

1. Rationale

Including **all** children and young people effectively is a key aim for Aberdeen's Education & Children's Services and their partners. Continuous positive engagement with education helps promote the development of happy and achieving children and young people.

Central to Curriculum for Excellence, Getting it Right for Every Child (GIRFEC) and the United Nations Convention on the Rights of the Child (UNCRC) is the need to proactively address barriers to wellbeing through personalisation of our approaches with a focus on the voice of the learner. The Children and Young People (Scotland) Act 2014 sets out how our adoption of partnership approaches will support the wellbeing of our learners and defines the key roles of the Named Person¹ and Lead Professional. These key drivers have led to a review of current policies and procedures.

The 'Improving the Odds, Improving Life Chances' (HMle 2008) report found that the most effective means of supporting positive behaviour was high quality relationships between staff and learners. High quality relationships were identified to be based on mutual respect and trust; high expectations and aspirations; self-belief and a shared 'can do' attitude. All members of the school community play a crucial role in fostering the development and implementation of a positive and nurturing ethos and sense of community. Fostering a positive ethos involves modelling expectations and helping others understand the challenges groups of learners face and takes a significant investment of time but dramatically impacts on the success of all learners.

All schools will have policies and practices in place to support positive behaviour. These will have been developed in consultation with all members of the school community and will be regularly reviewed. The publication of How Good is our School? 4 sees Education Scotland guide schools to positively discriminate in order to build more tolerant school communities. This proactive approach to challenging assumptions and stereotypes should be developed in part through a Promoting Positive Behaviour Policy not **based** on sanctions but rather how we ensure that we can respond to individual needs in all circumstances. Sanctions should always be used proportionately. Effective arrangements for learning and teaching and for a flexible, pupil centred curriculum go hand in hand with an ethos of nurture, care and respect. To support this, schools might consider how best to meet the needs of their learners by establishing physical spaces, wherever possible and through flexible timetable design that maximises the impact of available resource.

Even in the most nurturing and respectful school environment, there will be instances where behaviours displayed by children and young people, or actions taken by them are unacceptable. A range of measures will be taken in the classroom or in the wider school including undertaking appropriate risk assessments. In most cases these approaches are sufficient to move the situation forward. Sometimes the situation is more complex and will require support from Senior Management or a multi-agency approach to supporting inclusion. Support and guidance in implementing this policy is available from colleagues across the Education and Children's Services.

1

2. Before Taking the Decision to Exclude

Staff should make use of 'Supporting Pupils: Minimising Exclusion Guidance' to support inclusive school practice.

Exclusions generally fall into one of two categories: sudden, unexpected but serious incidents or on-going difficulties over an extended period of time where other sanctions have not had the desired effect. Before taking the decision to exclude the following questions should be carefully considered:

- Is the child safe?
- Does the young person have additional support needs; is she/he Looked After; is she/he on the Child Protection Register? (See section 5)
- Is exclusion the last resort?
- Does the frequency and seriousness necessitate exclusion?
- How have other learners and staff been affected and how could this be resolved?
- What is the likely longer term impact of exclusion upon the learner, and their wider circumstances?

It is also very important to identify what the purpose of the exclusion is and what positive outcomes can be achieved by excluding a young person from education. This might include:

- The young person being helped to recognise harmful behaviours and create a plan to overcome them²
- Allowing the young person to cool down and reflect with support of a 'trusted' adult in a location out with the classroom environment where resources allow
- Supporting the young person to take responsibility for resolving the situation
- Helping parents/carers to recognise the harmful behaviour
- Supporting parents who may have been reluctant to engage or to become engaged because of the formality of proceedings
- Providing resolution or support for other learners or staff affected by the behaviour.

Each exclusion should consider individual circumstances and should be as brief as possible. An exclusion should not exceed 5 days (one calendar week) without discussion with the Head of Service.

Since exclusion can significantly impact upon learning and future (non) engagement with learning, it is necessary to consider how it will contribute to an improvement or change in the behaviour which is leading to exclusion. This careful consideration will help limit the impact on long term life chances.

² See Included, Engaged and Involved part 2, paragraph 194

Since exclusion is a very short-term option, consideration of exclusion should always trigger a re-evaluation of strategies of intervention used so far, and a further refinement of Plans supporting learners. This will include consideration of:

- If the exclusion is indicative of a breakdown in behaviour or in relationships
- If the learner requires additional adult (and/or peer) support or a different approach? If so, who can best provide this?
- How the views of the learner have been sought and acted upon?
- If parents/carers have been sufficiently and supportively engaged, both when things are working well and not so well?

3. Grounds for Exclusion

3a. Legal Definition of Exclusion

Aberdeen City's aspiration is to reduce exclusion levels. However, since children and young people and staff have the right to work and learn in a safe environment, exclusion can be legally considered when:

- To allow the pupil to continue attendance at the school would be likely to be seriously detrimental to order and discipline in the school and or the educational wellbeing of the pupils there'; or
- 'The parent of the pupil refuses or fails to comply, or allow the pupil to comply, with the rules, regulations or disciplinary requirements of the school'
(Regulation 4 of the Schools General (Scotland) Regulations 1975).

The power to exclude rests with local authorities under Regulation 4 of the Schools General (Scotland) Regulations 1975 as amended. However, it is open to an Education Authority to delegate power to exclude and in Aberdeen City this decision has been delegated to Head Teachers and their Senior Managers. Exclusions can be appealed and decision making may have to be justified in court.

Education and Children's Services Policy is that exclusion must be seen as an absolute last resort and only considered:

- When other measures (as described in the Staged Intervention Framework and outlined in the guidance associated with this policy) have been unsuccessful; or
- In cases of very serious incidents.

Exclusion from school of a pupil other than in compliance with the Schools General (Scotland) Regulations 1975, shown above, has no legal basis. Accordingly, there is no legal basis for what might be termed 'informal exclusions' with schools requesting that children are collected to prevent an exclusion from occurring. Failure to comply with the Regulations in such circumstances may render the Authority open to legal challenge by the parents or the pupil.

Proactive risk assessment and planning supports adherence to the Health and Safety at Work Act 1974 as this approach will reduce this risk of incidents occurring and protect staff.

3b. Clarity about Terminology

Terms such as 'temporary exclusion' 'suspension' 'informal exclusion' and 'expulsion'³ have no place in policy or in the legal framework. All instances where parents are requested to take a child home from school are forms of exclusion and should be recorded as such. The only exception to this is when a child or young person is unwell.

- The term '**exclusion**' refers to exclusion for a fixed period which should be for as short a period as possible.
- The term '**hosting**' is used to describe when a child/young person attends another setting for a trial period whilst remaining on the roll of their local school. This hosting arrangement will be planned to positively support the child/young person and can lead to the 'Host' school taking full responsibility for the learner and the learner being enrolled at the host school roll if all partners support this.
- The term '**request for removal from the register**' refers to an exclusion where the child does not return to the school and where this has not been considered to be in the interests of the child through normal assessment and planning processes. Removal from the register is used very rarely as more proactive 'hosting' arrangements allow for careful consideration of needs and planning.

4. Serious Incidents, Including Substance-related Incidents, Extreme Circumstances and Irretrievable Breakdown of School Placement

In exceptional circumstances such as assault, the use of weapons, substance misuse or grossly offensive or menacing behaviour, the Head Teacher may consider that the behaviour of a pupil is such that the pupil should be excluded regardless of previous good behaviour.

In these circumstances, it is acknowledged that it may not be possible to follow the good staged practice outlined in the guidance associated with this policy.

In responding to substance misuse related incidents, schools must follow education authority guidance and the information contained within The Aberdeen City Policy and Procedure for Managing Substance Misuse Incidents Involving Children and Young People in Schools (2015.) In all such circumstances, parents will be involved and their co-operation expected. It should be understood by pupils and their parents that the Police will be involved if drugs misuse is suspected or discovered. Even where pupils are aged 16 or over, their parents will still be contacted and the pupil notified accordingly. Where a pupil discloses information that suggests that illegal drugs are taken either within or outwith school, that must be reported to the Head Teacher who will contact the Head of Service for guidance. Aberdeen City Anti-Knife and Weapons Guidance must be followed. In such circumstances, the health and safety of all pupils and staff is a first priority and the pupil must be made aware that it may not be possible to respect confidentiality.

³ See Included, Engaged and Involved Part 2, paragraph 72

5. Children and Young People who are on the Child Protection Register and Looked After Children

The child's Social Worker/Lead Professional and the Duty Social Worker must always be informed of a decision to exclude where the pupil is on the Child Protection Register or Looked After prior to the child or young person being sent home⁴. It is also important to check SEEMiS for any CP-related alert. Alternative provision must be put in place urgently to ensure the ongoing monitoring of the welfare of the pupil, as well as provision made for their education needs as described in the Child's Plan.

The Named Person/Lead Professional should ensure that a Multi-Agency Meeting is convened as a matter of urgency to guarantee risk assessment is undertaken to minimise risk to the child or young person while excluded. In most cases this meeting should take place within 5 days.

6. Hosting Arrangements and Removal from the Register

Hosting will be rare but can support learners when they are finding it difficult to maintain a placement in their mainstream school. The objective of hosting is to:

- Sustain learners in mainstream education and reduce any loss of education
- Provide a 'fresh start' for learners and therefore enhance the likelihood of success in a new learning establishment

Hosting arrangements need to be carefully planned in advance. Planning will be supported by the host school and officers identified by Central Service Managers and will be planned in advance wherever possible. The learner would move to the host school for a trial period. This arrangement would be reviewed regularly and be carefully monitored. During the trial period the base school would retain responsibility for the learner. However, following a successful trial period all partners may agree an appropriate date for the 'host' school to take full responsibility for the learner if this was thought to be in the child/young persons' best interests. Due to the very complex nature of these cases careful assessment, planning and monitoring is required involving the learner and key partners. Guidance on 'hosting' will be kept under regular review to ensure our processes are effective.

A hosting arrangement will trigger the development or review of a Child's Plan recording that his or her learning will be taking place in an establishment other than their own school. The child will remain on the base school roll whilst accessing these supports.

Removal from the register without a hosting arrangement is still an option although proactive hosting arrangements will improve the likelihood of securing a positive outcome for a child or young person.

All requests for a hosting and removal from the register will be overseen by the Director of Education and Children's Services or the Head of Service. Requests for a discussion around the need for a hosting arrangement or removal from roll should be made in writing to the Head of Service. A copy of the Child's Plan and chronology should be made available. The Head of Service will allocate a Service Manager to oversee the process

⁴ See Included, Engaged and Involved Part 2, paragraph 174

The requests for removal from the register will result in a review of circumstances leading to the request. The review will help establish how the guidance linked to this policy has failed to support the child/young person and information from this will be taken into account when this policy is reviewed. The recommendation of the Head of Service will then be ratified by the Director and Education and Children's Services.

Decisions will be taken following a thorough joint review into all circumstances and be well documented. Possible decisions include:

- Re-integration to the pupil's school following a resolution meeting
- The pupil should be (temporarily or permanently) hosted at a local authority school or specialist provision for a period of time whilst remaining on the roll of the school
- The pupil should be (temporarily or permanently) enrolled at another school / Specialist provision in Aberdeen City

7. Procedures to Follow when the Decision to Exclude has been made (after all guidance associated with this policy has been considered)

7a. On the day of exclusion

Decision taken

The decision as to the length of the exclusion must take into account the whole circumstances and be proportionate to this. The length of exclusion should also be as short as possible and should not exceed 5 days (one calendar week) in almost all cases.

Informing the child

- Child informed by member/s of the school Senior Management Team (SMT) if appropriate. Parent must be informed of the decision orally and in writing if the young person is under school leaving age. The letter (appendix 1a / 1b / 1c) includes written notification of a resolution meeting with the location, time clearly specified and who will be in attendance at the meeting. If the young person is over school leaving age, the parent should be informed only with the agreement of the young person.
- Exclusion information recorded on SEEMiS. This should be recorded on the day of exclusion or as soon as possible.
- The Home School Liaison Officer may be helpful in advising on the most effective way of ensuring parents receive the exclusion letter and could, in certain instances, take responsibility for delivering the communication. A copy of the letter **MUST** be sent by recorded delivery and copied to the school QIO.

Vulnerable learners

- For a Looked After Child, the school must contact the designated Lead Professional, Social Worker or Key Worker, as well as the parent or the Foster Carer.
- For a child on the Child Protection Register, the school must contact the designated Lead Professional, Social Worker or Key Worker as well as parents.
- In case of pupils from ethnic minority communities, it would be important to establish at an early stage whether communications or translations in the pupil's and parents' first language are required.

Essential record keeping

- Copies of all letters sent to parent/child or young person must be retained on file in the child's PPR with a summary of actions and strategies used prior to the exclusion. Any threats of violence or acts of violence against staff must be recorded as well as threats or acts of violence towards other pupils. In a situation where staff or pupils are subject to a physical or verbal assault, the matter must be recorded, using the Authority's Health and Safety paperwork.
- An exclusion is categorised as unauthorised absence for statistical purpose and coded as ExC into Scottish Education Establishment Management Information System (SEEMiS). (See Appendix 2) Phased returns should be coded as exclusion when the child is not in school and should be agreed with the QIO and allocated central officers.

Safe delivery to an adult

- A child may not be excluded from school until the end of the school day unless the child can be delivered directly into the care of a parent/carer or person authorised by the parent.
- Where the timing of a decision to exclude a pupil means that it falls near the end of the school term, it is good practice to resolve the exclusion and re-admission processes within the same term. An exclusion must not span an extended school holiday period.
- Consideration must be given to police involvement in the event of serious incidents.
- Consideration should be given to the needs of those who have been victims and appropriate levels of practical and emotional support for staff including how best to use restorative approaches to support successful inclusion.

7b. At the resolution meeting

Who should be there?

The meeting will involve the Head Teacher or in their absence another member of Senior Management, as specified in the 'Letter of Exclusion and where appropriate the staff member affected'. It should take place as soon as possible and within 5 days (one calendar week) and normally within 3 days.

The purpose of the meeting

- To discuss the reasons for exclusion
- Listen to the views of the child/young person and where appropriate staff member
- Advise the parent/child or young person over school-leaving age of their legal rights of appeal (a learner can return to school after a period of exclusion regardless of the appeal process or its timing). Inform the parent/child or young person that if the appeal is successful all documentation relating to the child or young person's exclusion is removed from the PPR
- Consider how to ensure a successful return to school, and depending upon the individual case, it may be appropriate to develop and agree a risk assessment to minimise and mitigate risk and individual plan/Child's Plan with all present. This will include a review of staged interventions clarifying respective roles and responsibilities. Plans should work ensure a successful reintegration and minimise the risk of future exclusions. Where there are numerous exclusions consideration should be given to a multi-agency approach.

Essential record keeping

- File any records of the meeting in the PPR (there is no legal basis to insist a child or young person signs to agree return conditions).
- Note the resolution of the exclusion in SEEMiS within the 'Returning Details/Conditions' field.
- Cascade information to all staff on their roles and responsibilities in supporting the plan to enable a positive readmission in to school.

What to do if there is no resolution

If the child or young person has NOT been re-admitted either through lack of resolution at the meeting within the 5 days (one calendar week) of the exclusion or because the parent/carer has failed or been unable to attend the meeting there has been no resolution. A formal unresolved exclusion letter (appendix 1d / 1e) must be sent to the parent/carer/young person indicating:

- The reason for the decision to exclude
- The right of appeal and the address to which an appeal should be made
- A further date for a meeting in school
- Arrangements for alternative provision being provided by school
- Where there is involvement of Social Work and Health, the Head Teacher must inform those agencies so that they can support a resolution to the exclusion
- Schools should seek advice from the QIO or Central Teams if there is a second unsuccessful resolution.

8. Unresolved Exclusions

Only the most challenging cases will lead to exclusions of more than 5 days (one calendar week). In such circumstances, the Head Teacher should first contact the Head of Service and provide a chronology of events, the Child's Plan containing the assessment of wellbeing and details of the potential risks to good order in the school and to other children and staff. In making decisions to resolve the exclusion all relevant factors will be taken into account.

9. Alternative Education Provision during Exclusion

Without continuation of their studies the likelihood is that children and young people who are excluded will fall further behind in their education and be less able to achieve their potential. Section 14(3) of the Education (Scotland) Act 1980 requires the education authority to ensure that excluded children and young people are given the opportunity to continue their studies, *without undue delay*.

In addition, Section 127 of the Children's Hearing (Scotland) Act 2011 gives a Children's Hearing the power to make the National Convener refer a case to the Scottish Ministers where it appears to the Children's Hearing that a Local Authority is under a duty, in terms of Section 14(3) of the 1980 Act, to provide education for an excluded pupil (who is the subject of that Hearing) and the local authority is failing to comply with that duty.

Consideration should be given to the best means of providing this support which will be dependent upon the age and stage of the child/young person.

10. Requirements of Schools

Even if the exclusion is only for one or two days' duration, schools are expected to:

- Ensure continuation of any existing involvement, by the child or young person, in non-school based learning, for example: work experience, college course/s, unless there is a health and safety issue
- Ensure continuation of support specified for a child with additional support needs, such as therapies, at an agreed location
- Provide homework or class work and involve contact with learners on a regular basis. This contact could be supported by visits from HSLO or Education Social Workers or via email or telephone call. The name of a school contact who can address any concerns relating to the course work should be made available. It is anticipated that the nature of work given will be dependent upon the age and stage of the child/young person.

11. Parental Engagement, Rights and Responsibilities

Aberdeen City expects schools and services to make every attempt to engage with parents at all times and particularly when matters are challenging. Parents are positive partners who support the school in a range of strategies and interventions. Unless a serious (possibly unexpected) incident has taken place, parents should be informed that their child's behaviour is escalating and be clear about the strategies the school has in place. In the event of an exclusion being considered, they should be informed of the formality of such an action.

Parents also have responsibilities. A parent of a child of school age has a duty under Section 30 of the 1980 Act to provide efficient education for the child suitable to his or her age, ability and aptitude. Parents continue to be subject to this duty where their child is excluded and therefore they should co-operate with the education authority in making any alternative provision necessary, including any special arrangements.

'Section 41 of the 2000 Act extended the right of appeal in section 28H of the 1980 Act to learners with legal capacity. (The Age of Legal Capacity (Scotland) Act 1991 states that a person under the age of 16 has legal capacity to instruct a Solicitor where they have a general understanding of what it means to do so, and there is a general presumption that children aged 12 years or more are of sufficient age and maturity to have that understanding). It is good practice for the education authority to send the intimation to the learner as well as the parent so that the learner has full knowledge of the decision since they may also have the right of appeal, as well as their right to express a view. It is good practice to keep parents of a young person informed and involved.'⁵

A parent also has an advocacy role in promoting the views of their child. This is particularly crucial where their child is at risk of being, or has been, excluded. It is good practice to inform parents of how they might gain the support of another adult, professional or organisation, which might assist them or advocate on their behalf, to ensure that the learner receives support when needed.

Children's Rights Officers also have an important role to play in supporting children who are being Looked After by the Local Authority. Although a child of legal capacity, or a young person, has the right to appeal, the role of the parent in supporting the child or young person and promoting their views should be recognised and supported during this process.

Scottish Ministers will consider complaints brought by parents, or other interested parties, who think the Local Authority has failed to fulfil its legal duty under any enactment relating to education, under Section 70 of the Education (Scotland) Act 1980. If Scottish Ministers are satisfied that an Authority has failed to fulfil one of its legal duties, they may make an order requiring the authority to carry out that duty.

⁵ Included Engaged and Involved Part 2, paragraph 48

12. Appeals

When a Head Teacher makes a decision to exclude, the parents and the pupil if aged 12 or over (and of legal capacity) must be informed of their right to appeal against the exclusion decision. A pupil aged 16 or over has the sole right of appeal but his/her parents do not have such a right.

When parents or the young person have expressed their desire to appeal, in terms of good practice, the parents and / or pupil should also be informed that they can request a further meeting, designed to consider issues in school and to try to bring together the different parties in order to reach an agreement on the best way forward. Attending such a meeting does not prevent the parents' or the pupil's rights to appeal the exclusion decision, but it may help resolve the situation. Where an appeal has been made against exclusion, this will not affect the return date to school. The pupil will return to school on the date set out in the exclusion letter.

A Head Teacher will be informed if a parent or pupil does decide to appeal a decision to exclude. There is no specific time limit for lodging such an appeal. In these circumstances, the Head Teacher 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 pupil or parent) to the Sheriff Court. The Council Legal Services may require taking a statement from the Head Teacher and any other witnesses. 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.

13. Appendices

Appendix 1 - Example letters to be personalised

[Letter Sent to parent/carer of a pupil without legal capacity - Appendix 1 (a)]

School Headed Notepaper

Dear (Name of Parent/Carer)

Exclusion of (Pupil's Name and Date of Birth)

I regret to advise you that after careful consideration, I have today made the decision to exclude **(pupil's name)** from school for the following reason/s:-

[Give brief details of the behaviour, the circumstances and any other relevant information, including relevant previous incidents or context. There should be enough information to enable the recipient to understand why the pupil has been excluded]

I therefore consider that in all the circumstances to allow **(pupil's name)** to continue attendance at the school would be likely to be seriously detrimental to order and discipline in the school and/or the educational wellbeing of the pupils there (Regulation 4(b) of the Schools General (Scotland) Regulations 1975).

It is important that we meet as soon as possible to discuss the exclusion and plan how we can all work together to support positive behaviour in school and agree any conditions for readmission. Accordingly, I will meet with you and **(pupil's name)** on [date, time and place]. Please contact the school to let us know you can attend this meeting or to make other arrangements.

In the meantime, **(pupil's name)** must not attend school or be present in the school grounds or take part in any school activities until the exclusion has been resolved.

You have the right to appeal this exclusion to the School Placings and Exclusions Appeal Committee. If you wish to appeal you should do so in writing to:-

Head of Legal and Democratic Services (Exclusion Appeals), Corporate Governance, Aberdeen City Council, Town House, Broad Street, Aberdeen AB10 1AQ.

[This exclusion does not apply to (name of support service) and (pupil's name) should continue to attend there as normal].

I look forward to meeting with you on [date].

Yours sincerely

[Signature and Designation]

This letter has been sent by first class and recorded delivery post.

[Letter sent to a pupil with legal capacity - Appendix 1 (b)]

School Headed Notepaper

Dear (Name of young person)

Exclusion of (Pupil's Name and Date of Birth)

I regret to advise you that after careful consideration, I have today made the decision to exclude you from school for the following reason/s:-

[Give brief details of the behaviour, the circumstances and any other relevant information, including relevant previous incidents or context. There should be enough information to enable the recipient to understand why the pupil has been excluded].

I therefore consider that in all the circumstances to allow you to continue attendance at the school would be likely to be seriously detrimental to order and discipline in the school and/or the educational wellbeing of the pupils there (Regulation 4(b) of the Schools General (Scotland) Regulations 1975).

It is important that we meet as soon as possible to discuss the exclusion and plan how we can all work together to support positive behaviour in school and agree any conditions for readmission. Accordingly, I will meet with you [and your **parent/carer**] on [date, time and place]. Please contact the school to let us know you can attend this meeting or to make other arrangements.

In the meantime, you must not attend school or be present in the school grounds or take part in any school activities until the exclusion has been resolved.

You have the right to appeal this exclusion to the School Placings and Exclusions Appeal Committee. If you wish to appeal you should do so in writing to:-

Head of Legal and Democratic Services (Exclusion Appeals), Corporate Governance, Aberdeen City Council, Town House, Broad Street, Aberdeen AB10 1AQ.

[This exclusion does not apply to (name of support service) and you should continue to attend there as normal].

I look forward to meeting with you on [date].

Yours sincerely

[Signature and Designation]

This letter has been sent by first class and recorded delivery post.

[Letter to parent/carer of a child with legal capacity enclosing- Appendix 1 (c)]

School Headed Notepaper

Dear (Name of Parent/Carer)

Exclusion of (Pupil's Name and Date of Birth)

I enclose a copy of a letter which has been sent to (pupil's name). This informs (pupil's name) that (she/he) has been excluded from school and the reason for the exclusion.

It is important that we meet as soon as possible to discuss the exclusion and plan how we can all work together to support positive behaviour in school and agree any conditions of readmission. Accordingly, I will meet with you and (pupil's name) on [date, time and place]. Please contact the school to let us know you can attend this meeting or to make other arrangements.

In the meantime, (pupil's name) must not attend school or be present in the school grounds or take part in any school activities until the exclusion has been resolved.

Either (pupil's name) or you on behalf of (pupil's name) have the right to appeal this exclusion to the School Placings and Exclusions Appeal Committee. Any appeal should be in writing to:-

Head of Legal and Democratic Services (Exclusion Appeals), Corporate Governance, Aberdeen City Council, Town House, Broad Street, Aberdeen AB10 1AQ.

I look forward to meeting with you on [date].

Yours sincerely

[Signature and Designation]

This letter has been sent by first class and recorded delivery post.

[Unresolved exclusion letter to parent/carers, child with legal capacity or young person – Appendix1 (d)]

School Headed Notepaper

Dear (Name of Parent/Carer/and Child or Young Person)

Unresolved Exclusion of (Pupil's Name and Date of Birth)

I refer to our meeting arranged for [Date] and am disappointed you did not attend. You will appreciate that (pupil's name) remains excluded.

As you know the reason for the decision to exclude is that

[Brief description of the reasons for the exclusion. Repeat the paragraph from the exclusion letter here].

It is important that we meet as soon as possible to resolve the exclusion and plan how we can all work together to support positive behaviour in school. Accordingly, I will meet with you on [date, time and place]. Please contact the school to let us know you can attend this meeting or to make other arrangements.

In the meantime, (pupil's name) must not attend school or be present in the school grounds or take part in any school activities until the exclusion has been resolved.

You have previously been advised of the right to appeal this exclusion to the School Placings and Exclusions Appeal Committee. Any appeal should be in writing addressed to:-

Head of Legal and Democratic Services (Exclusion Appeals), Corporate Governance, Aberdeen City Council, Town House, Broad Street, Aberdeen AB10 1AQ.

I look forward to meeting with you on [date].

Yours sincerely

[Signature and Designation]

This letter has been sent by first class and recorded delivery post.

[Unresolved exclusion letter to parent/carer, child with legal capacity or young person – Appendix 1 (e)]

School Headed Notepaper

Dear (Name of Parent/Carer/and Child or Young Person)

Unresolved Exclusion of (Pupil's Name and Date of Birth)

I refer to our meeting which took place on [Date] at which we failed to reach agreement with regard to (pupil's name's) re-admittance to school. You will appreciate that (you or pupil's name) remains excluded as a result.

As you know the reason for the decision to exclude is that

[Brief description of the reasons for the exclusion. Repeat the paragraph from the exclusion letter here].

It is important that we meet again as soon as possible to resolve the exclusion and plan how we can all work together to support positive behaviour in school. Accordingly, I invite you to meet with me on [date, time and place]. Please contact the school to let us know you can attend this meeting or to make other arrangements.

In the meantime, (pupil's name) must not attend school or be present in the school grounds or take part in any school activities until the exclusion has been resolved.

Alternative educational provision has been made for (you or pupil's name) [here state what the alternative provision is]

You have previously been advised of the right to appeal this exclusion to the School Placings and Exclusions Appeal Committee. Any appeal should be in writing addressed to:-

Head of Legal and Democratic Services (Exclusion Appeals), Corporate Governance, Aberdeen City Council, Town House, Broad Street, Aberdeen AB10 1AQ.

Yours sincerely

[Signature and Designation]

This letter has been sent by first class and recorded delivery post.

Appendix 2 - SEEMIS References

Table A	
Code	Reason for Exclusion
34	Fighting
37	Verbal abuse of pupils
36	Verbal abuse of staff
53	General or persistent disobedience
54	Insolent or offensive behaviour
55	Refusal to attend class
38	Fire raising
56	Parental non co-operation
58	Substance misuse - not alcohol
57	Substance misuse - alcohol
35	Spitting
39	Damage to school property
46	Threat to school property
48	Indecent exposure
51	Sustained peer exclusion for the purpose of causing significant distress
60	Physical assault with no weapon against pupil
61	Physical assault with no weapon against staff
62	Physical assault using weapon against pupil
63	Physical assault using weapon against staff
64	Physical assault using improvised weapon against pupil
65	Physical assault using improvised weapon against staff
66	Damage to personal property of pupil
67	Damage to personal property of staff

Table A (Continued)	
68	Theft from pupil
53	General or persistent disobedience
54	Insolent or offensive behaviour
69	Theft from staff
70	Threat of sexual violence against pupil
71	Threat of sexual violence against staff
72	Threat of physical violence, no weapon, against pupil
73	Threat of physical violence, no weapon, against staff
74	Threat of physical violence using weapon or improvised weapon, against pupil
75	Threat of physical violence using weapon or improvised weapon, against staff
76	Threat to personal property against pupil
77	Threat to personal property against staff
78	Malicious communications against pupil
79	Malicious communications against staff
80	Slander and libel (incl. website) against pupil
81	Slander and libel (incl. website) against staff
82	Stalking of pupil
83	Stalking of staff
84	Extortion from pupil
85	Extortion from staff
99	Other

Table B	
Code	Incident Motivation or Contributory Factor
31	Racial
32	Gender/sexual harassment
33	Homophobia/sexual orientation
34	Disability of victim
35	Religion
36	Sectarian
37	Substance misuse - alcohol
38	Substance misuse - not alcohol
39	Territorial/gang related
50	Assailant medical
90	Other known factor
99	Not known

Table C	
Code	Interim Temporary Alternative Found at
1	Other school within LA
2	Other school outwith LA
3	Special unit
4	College
5	Bridge course
6	Support bases
7	Home tuition
8	Other
9	No provision

Bullying Incidents

Session year	School Type	Costcentre	School Name	Number of Incidents
2017	Primary	13EC002	Airyhall School	#
2017	Primary	13EC003	Ashley Road School	#
2017	Primary	13EC004	Braehead Primary School	#
2017	Primary	13EC007	Broomhill Primary School	#
2017	Primary	13EC010	Culter School	#
2017	Primary	13EC011	Cults Primary School	#
2017	Primary	13EC012	Danestone Primary School	#
2017	Primary	13EC014	Fernielea School	#
2017	Primary	13EC015	Ferryhill Primary School	6
2017	Primary	13EC020	Hanover Street Primary School	#
2017	Primary	13EC021	Hazlehead Primary School	#
2017	Primary	13EC022	Heathryburn School	#
2017	Primary	13EC024	Kainhill School	#
2017	Primary	13EC025	Kingsford School	#
2017	Primary	13EC026	Kingswells School	#
2017	Primary	13EC027	Kirkhill Primary School	7
2017	Primary	13EC030	Manor Park School	#
2017	Primary	13EC033	Milltimber Primary School	#
2017	Primary	13EC034	Muirfield School	#
2017	Primary	13EC036	Riverbank School	#
2017	Primary	13EC037	Scotstown Primary School	#
2017	Primary	13EC041	St Peter's RC Primary School	#
2017	Primary	13EC044	Tulloch Primary School	#
2017	Primary	13EC045	Walker Road School	#
2017	Primary	13EC047	Woodside Primary School	#
2017	Secondary	13ED001	Aberdeen Grammar School	14
2017	Secondary	13ED004	Cults Academy	#
2017	Secondary	13ED006	Harlaw Academy	41
2017	Secondary	13ED007	Hazlehead Academy	#
2017	Secondary	13ED009	Northfield Academy	107
2017	Secondary	13ED010	Oldmachar Academy	12
2017	Secondary	13ED011	St Machar Academy	#
2018	Primary	13EC002	Airyhall School	#
2018	Primary	13EC003	Ashley Road School	#
2018	Primary	13EC006	Brimmond School	#
2018	Primary	13EC007	Broomhill Primary School	#
2018	Primary	13EC009	Cornhill Primary School	#
2018	Primary	13EC010	Culter School	#
2018	Primary	13EC011	Cults Primary School	#
2018	Primary	13EC013	Dyce Primary School	9
2018	Primary	13EC014	Fernielea School	#
2018	Primary	13EC015	Ferryhill Primary School	#
2018	Primary	13EC020	Hanover Street Primary School	#
2018	Primary	13EC022	Heathryburn School	#
2018	Primary	13EC025	Kingsford School	8
2018	Primary	13EC027	Kirkhill Primary School	#
2018	Primary	13EC030	Manor Park School	#
2018	Primary	13EC032	Mile End School	#
2018	Primary	13EC035	Quarryhill School	#
2018	Primary	13EC037	Scotstown Primary School	#
2018	Primary	13EC038	Seaton Primary School	#
2018	Primary	13EC039	Skene Square School	#
2018	Primary	13EC040	St Josephs School	#
2018	Primary	13EC041	St Peter's RC Primary School	#
2018	Primary	13EC043	Sunnybank School	12
2018	Primary	13EC044	Tulloch Primary School	7
2018	Primary	13EC045	Walker Road School	#
2018	Primary	13EC046	Westpark School	#
2018	Primary	13EC047	Woodside Primary School	11
2018	Secondary	13ED001	Aberdeen Grammar School	#
2018	Secondary	13ED003	Bucksburn Academy	#
2018	Secondary	13ED004	Cults Academy	#
2018	Secondary	13ED005	Dyce Academy	14
2018	Secondary	13ED006	Harlaw Academy	26
2018	Secondary	13ED007	Hazlehead Academy	#
2018	Secondary	13ED013	Lochside Academy	29
2018	Secondary	13ED009	Northfield Academy	25
2018	Secondary	13ED010	Oldmachar Academy	9
2018	Secondary	13ED011	St Machar Academy	14
2019	Primary	13EC006	Brimmond School	#
2019	Primary	13EC007	Broomhill Primary School	#
2019	Primary	13EC010	Culter School	#
2019	Primary	13EC012	Danestone Primary School	#
2019	Primary	13EC024	Kainhill School	#
2019	Primary	13EC028	Kittybrewster School	#
2019	Primary	13EC040	St Josephs School	#
2019	Primary	13EC041	St Peter's RC Primary School	#
2019	Primary	13EC047	Woodside Primary School	6
2019	Secondary	13ED001	Aberdeen Grammar School	#
2019	Secondary	13ED004	Cults Academy	#
2019	Secondary	13ED005	Dyce Academy	#
2019	Secondary	13ED006	Harlaw Academy	8
2019	Secondary	13ED007	Hazlehead Academy	#
2019	Secondary	13ED009	Northfield Academy	#