

From: [Foi Enquiries](#)
To: [REDACTED]
Subject: FOI-19-1687 - Seclusion and Restraint in Schools
Date: 04 February 2020 14:38:27
Attachments: [V3 - Further Information - Right to Review & Appeal.pdf](#)
[FOI-19-1687 - Minimising Exclusion - Policy 2017.pdf](#)
[FOI-19-1687 - Grab and Go Restraint-Seclusion Guide.pdf](#)

Dear [REDACTED]

Thank you for your information request of 16 December 2019 and please accept our apologies for delay in providing the response to you. Aberdeen City Council (ACC) has completed the necessary search for the information requested. Our response is now detailed below.

For the avoidance of doubt, any reference to “schools” refers to local authority run pre-schools/nurseries as well as both primary and secondary schools.

- 1. Any information you hold on the guidance, policy and procedures used by schools on the management of “challenging behaviour”; information should include, but not be limited by, any information on the management of children or young people with conditions such as Aspergers or autism in schools within your area.**

Each school holds its own positive relationship policy / positive behaviour policy.

- ACC Minimising Exclusions Policy
- ACC Child Planning Support Process
- ACC PCRA Guidance

All support in relation to ‘challenging behaviour’ is offered through a number of avenues including support from Educational Psychology Service, Partnership Forum Multi Agency Meetings, Educations Support Officers, Quality Improvement Officers and Quality Improvement Managers.

- 2. Since 2010: Any records you hold showing the number and name of schools in your area that have employed the use of “isolation or seclusion rooms”, sometimes known as an internal exclusion unit, where pupils deemed to be disrupting their class are removed to.**

No schools within ACC have an ‘isolation or seclusion room. Children who require time in a smaller / less busy environment to support their wellbeing may be planned for/ offered time in a space such as another class learning space, multi-sensory room, quiet area.

- 3. Any information held on risk assessments, evaluations and/or teacher feedback on the use/efficacy of such rooms or spaces.**

All schools will risk assess their own learning spaces for individual children and groups.

- 4. Any data on incident reports, complaints or other logs which involved the use of an isolation/exclusion space.**

No schools within ACC have an ‘isolation or seclusion room. Children who require time in a smaller / less busy environment to support their wellbeing may be planned for/ offered time in a space such as another class learning space, multi-sensory room, quiet area.

- 5. Any data held on the number of class hours lost per term, on average, by children or young people sent to such areas.**

Children supported away from their mainstream classroom are provided this as part of their individual plans and in response to the needs of the child.

6. **Guidance issued by you to any school on the use of seclusion and restraint**

Please see attached ref: [FOI-19-1687 - Grab and Go Restraint-Seclusion Guide](#)

7. **Any incident logs, accident reports and/or monitoring data held by you or schools in your area relating to the use of restraint**

The Grab and Go guide has just been recently issued and no data has been gathered according to this shared definition

We are unable to provide you with information on **incident logs, accident reports and/or monitoring data held by you or schools in your area relating to the use of restraint** as it is not held by ACC. In order to comply with our obligations under the terms of Section 17 of the FOISA, we hereby give notice that this information is not held by us.

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,



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ABERDEEN CITY COUNCIL

Education and Children's Services

Supporting Pupils:
Exclusion
Policy



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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.

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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 relevant SEEMiS code should be used. Only in extreme circumstances should 'Other' be used. This code may be questioned.
- 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/carers, 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

RESTRAINT & EXCLUSION

The Legislative Context

Civil Law

Civil law states that you have a Duty of Care to pupils. Duty of care is the obligation to exercise a level of care towards an individual, as is reasonable in all circumstances, to avoid injury to that individual or his property. Staff must make sure they are not Negligent with regard to Duty of Care. This can be either by

- commission (performing an act that has caused harm) or
- omission (not performing an act that is expected/ necessary)

The question to ask here is 'was anyone harmed by your action/ inaction?'

Common Law

In Common Law you must have a lawful excuse to restrain. Reasons for restraint would be:

- Prevention of greater and significant harm
- Prevention of significant damage to property

In Common Law we also must consider Use of Force. The Law states that if used force must be "Reasonable ". It must be the only available option and it must be proportionate in degree/ duration/ nature. It must involve no cruel excess.

This guidance should be read in conjunction with:

- Minimising Exclusion policy and accompanying guidelines
- ACC Guidance on Restraint & Exclusion
- Anti-Weapon/Knife Crime Policy

All children and young people have the right to learn and work in an environment free from disruption or aggression. All adults in schools have the same right.

“The foundation for schools, learning establishments and education authorities is a whole school ethos of prevention, early intervention and support against a background which promotes positive relationships, learning and behaviour:

What is physical intervention?

Physical intervention is where the actions of one or more persons place limits on the freedom of another. This may include restriction of movement, guiding or blocking a route or action for example.

Any use of physical intervention should:

- Be a last resort
- Be for the shortest time possible
- Respect the dignity of all involved

What is seclusion?

The seclusion of a child may constitute a deprivation of liberty, Article 5 ECHR. Deprivation of liberty can only be authorised by a court or tribunal to be lawful. Compliance or perceived comfort of the child is not consent. The risk of breaching this right is particularly acute where the child lacks capacity.

Seclusion occurs where a child or young person is confined in a room or space and not able to leave independently or cannot understand how to leave if they choose to.

Seclusion must only be used in order to prevent the child or young person from harming themselves or others and where this behaviour cannot be managed in any other way. Staff must be able to observe the child or young person at all times. Seclusion must be for the minimum time possible.

What is restraint?

Non-consensual physical intrusion is a human rights violation unless it meets the criteria above: lawful, necessary and proportionate.

Restraint is the proportionate application of force in exceptional circumstances to restrict the mobility of a child or young person to prevent harm to themselves or others.

When should we use physical intervention?

Physical intervention should only be used in exceptional circumstances to prevent harm to the child/ young person or others.

“There can be no doubt that, except in emergency situations where an individual is at risk of immediate harm and only for the minimum time necessary, any unplanned, undocumented use of restraint or seclusion that restricts a child’s physical liberty and compromises their dignity, their physical health and their mental wellbeing, is a breach of that child’s rights.” No Safe Place: Restraint and Seclusion in Scotland's Schools, Commissioner for Children and Young People in Scotland. 2018

Should we ever consider seclusion?

Seclusion occurs where a child or young person is confined in a room or space and not able to leave independently or cannot understand how to leave if they choose to.

The seclusion of a child may constitute a deprivation of liberty, Article 5 ECHR. Deprivation of liberty can only be authorised by a court or tribunal to be lawful. Compliance or comfort of the child is not consent. The risk of breaching this right is particularly acute where the child lacks capacity. Contravention of this right applies to all children regardless of any additional support need or disability.

Seclusion of a child or young person in a separate space is a form of physical intervention and should only be used as a last resort to ensure the safety of a child or young person, or others whilst seeking assistance. Any separation must be in a place that is safe and that does not cause any additional distress. This physical intervention should be in an agreed plan. Included, Engaged and Involved 2

Where seclusion is used it:

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

Circumstances in which different methods of restraint or seclusion may be justified, taking into account the benefits and risks entailed, and the correct application of such measures

- Safe use of practices for all involved, understanding, prevention and control of violence
- Effective use of de-escalation techniques and measures to avoid the use of restraint or seclusion, working with people and supporting them through enhancing skills for resilience, relationships, knowledge and self esteem
- The use of the National Practice Model, Assessment, Plan and Person-Centred Risk Assessment, helping people to identify and focus on the innate strengths within themselves and communities and enhancing and supporting them.
- Post incident debriefing and support for staff and children/ young people. Building networks and friendships so people can support each other, make sense of their environments and take control of their lives.

Adapted from: Understanding and Values for the “Children’s Workforce” In Scotland 2012.

Effective training and professional development are necessary in order to ensure safe practice for all. It is vital that children and young people are supported by staff who have access to high quality training in order to develop the knowledge and skills and that procedures are in place for responding to incidents and that they match the level of risk. Staff exposed to the risk of behaviour of concern need training on procedures in the event of an incident, and on what they must do. It is important that they are aware of the criteria for initiating procedures and are free to do so when they feel vulnerable. Staff also need to be equipped with effective skills so that physical and emotional trauma are minimised when, as a last resort, restrictive practices are used.