

# Supporting learners: Minimising Exclusion Accompanying Guidance and Procedure 2020

Children and Family Services

The bottom half of the page features a large, abstract graphic composed of several overlapping, irregular geometric shapes. The colors used are a light blue, a bright orange, a deep purple, and a vibrant pink. The shapes are layered, with some appearing in front of others, creating a sense of depth and movement. The overall design is modern and clean.



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## Part 1 Guidance

### 1. Children's Rights in relation to Exclusion

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

Children have a right to education enshrined in Section 1 of the [Standards in Scotland's Schools etc. Act 2000](#): "It shall be the right of every child of school age to be provided with school education by, or by virtue of arrangements made, or entered into, by, an education authority".

United Nations Convention on the Rights of the Child ([UNCRC](#)) will be adopted into Scots law. All considerations in relation to children and young people need to be made with their [rights](#) at the forefront of our minds. The most pertinent rights, particularly in relation to exclusion, are set out below:

#### **Non-discrimination** Article 2, Article 14

- All children in conflict with the law should be given equality of opportunity. Practitioners pay particular attention to those children who may require additional support. Children with disabilities, children who are homeless, placed in residential care, Looked After, Gypsy/Traveller and children with English as an additional language need particular protection
- Steps must be taken to ensure that children who have been in conflict or are at risk of exclusion do not face discrimination in relation to accessing education or employment

#### **Best interests of the child** Article 3

- The best interests of the child must be at the heart of all decisions, both in terms of any child exhibiting distressed behaviours and in terms of those impacted by this behaviour. A rights-based approach recognises that children differ from adults in their physical and psychological development, and their emotional and educational needs. In order to protect the best interests of the child, rehabilitation and restorative justice must be at the forefront of all approaches that deal with children that exhibit these behaviours.

#### **The right to life, survival and development** Article 6

- Exclusion and missing education can have a detrimental impact on learner's development.

#### **The right to be heard** Article 12

- The right of the child to express their views freely in all matters affecting them should be fully respected and implemented throughout.

United Nations Convention on the Rights of Persons with Disabilities ([UNCRPD](#)) Article 24 states parties shall ensure an inclusive education system at all levels and lifelong learning directed to ensure:

- a) persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from

- free and compulsory primary education, or from secondary education, on the basis of disability;
- b) persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
  - c) reasonable accommodation of the individual's requirements is provided;
  - d) persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
  - e) effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full [inclusion](#).

## 2. Promoting Inclusion and Preventing Exclusion

### 2.1 Promoting Inclusion: Preventing Exclusion as a Single Agency:

Including **all** children and young people effectively is a key aim for the education service and its 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 approaches and a focus on [the voice](#) of the learner. Multi agency GIRFEC arrangements in keeping with The [Children and Young People \(Scotland\) Act 2014](#) support the wellbeing of our learners.

[Included, Engaged and Involved](#) Part 2: Preventing and Managing School Exclusions, 2017 focuses on prevention, early intervention and response to individual need in line with the principles of GIRFEC. It emphasises the need for learning establishments to place a greater importance on [inclusion](#) through [effective learning and teaching](#); promoting positive relationships and behaviour; and employment of preventative approaches which reduce the need to consider exclusion. All Aberdeen City schools have policies and practices in place to support positive relationships and behaviour, developed in consultation with all members of the school community.

Whole school [positive management](#) approaches, a [nurturing](#), solution-focused ethos and staff who understand restorative approaches are the foundation from which schools can promote [inclusion](#) and [prevent exclusion](#).

Inclusive schools have:

- an [ethos](#) of mutual respect and trust, focusing [on positive relationships and behaviour](#)
- a focus on building and improving relationships with children and young people at risk of exclusion
- staged intervention approaches to ensure learners are included, engaged and involved in their education
- leaders who are visible, communicate effectively and support staff to understand decisions
- high expectations for all members of the school community

- a [curriculum](#) with flexibility designed to meet the needs of all learners
- effective and routinely reviewed [learner support](#) systems
- staff who are inclusive and flexible in their approaches to learning
- [effective plans](#) including IEPs, [Child's Plans](#) and [CSPs](#) where appropriate in place
- well-designed [targeted interventions](#) that are timely and appropriate
- [learner voice](#) at the heart of decisions about learning and wider decision making
- positive, non-judgemental relationships throughout within a framework of collegiality
- effective restorative approaches
- quality professional learning
- a calm and welcoming environment
- rules and routines which are short, simple, agreed and positive
- effective record keeping systems, including up-to-date [chronologies](#)

Research has shown that the most significant factors in successful learning outcomes is the teacher and the quality of dialogue enjoyed by the learner and teacher.

The [Staged Intervention Framework](#): Universal, Targeted and Specialist levels of support. Staff making use of the targeted level framework will have considered universal strategies before escalating. It may be appropriate to consider targeted support if a school has evidence that universal requirements are in place. The framework acts as a guide to approaches but does not limit options or access to support.

Aberdeen City Council's Children and Family Services is committed to empowering staff by delivering high quality professional learning opportunities and supports the use of general and accredited de-escalation training. Opportunities will be available for staff to develop confidence in effective de-escalation. Physical intervention training will be available for staff on a voluntary basis if it is deemed an appropriate support. This will be updated following the expected updated Scottish Government advice on seclusion and restraint.

Full use of chronologies should be made to record any interventions with positive and negative impact noted. Care should be taken to ensure significant events and entries are proportionate and relevant. The evaluation of the impact of adaptations will help inform future planning by all agencies, consider impact and next steps and help prevent exclusion.

[Included, Involved and Engaged Part 2](#) states that there are times when children and young people will exhibit challenging and distressed behaviour. Staff's knowledge and detailed assessment of a child or young person should be used to predict and plan for the type of situation which may cause that child or young person severe stress or frustration and may lead to challenging and distressed behaviour. Staff should recognise that all behaviour is communication and endeavour to identify, where possible, the triggers that may lead to a child or young person acting in a challenging and distressed way.

This information should be included in a plan to support the individual child or young person. The plan should state how the child or young person should be supported and clearly outline agreed strategies that should be used by staff. Specific consideration

should be given to a child or young person's additional support needs and the impact that these may have on their communication and behaviours. This should include consideration of complex additional support needs, such as language and communication needs, sensory needs and autism.

Person centred risk assessments should also be carried out to determine any potential concerns arising from the child or young person's behaviour, and should identify any steps deemed necessary to support the child or young person in preventing harm to themselves or others. Where possible learners and parents should co-create these with school. These should be informed by the information gathered using the National Practice Model and should be shared with the child or young person, their parents, and all staff who are involved with the child or young person. An important aspect of these assessments is the understanding that risk must always be an important consideration and should inform a school's decision whether or not to exclude a child or young person. Risk and health and safety assessment processes should also be applied to situations where unpredictable, challenging and distressed behaviour can arise. This will then feed directly into the plan around the learner.

As trauma awareness advises, there are a variety of reasons why children and young people may exhibit behaviours that may impact on good order and discipline or the wellbeing of others. This behaviour may indicate that their wellbeing is being adversely affected or that there is something else going on in their lives having an impact on their decisions.

Sensory needs and sensory changes can trigger reactions and should be considered and anticipated. The use of a sensory environmental checklist for example may inform planning.

It is important that we work in partnership with the learner and parents to understand what the behaviours may be telling us and put plans in place to support them and their learning at the earliest opportunity. This could be an Individual Education Plan (IEP) or, where support is targeted across the service, a Child's Plan. Where we have considered the need for exclusion, we should review the plan, where there is a coordinated Support Plan (CSP), the team should consider if this requires a review. The plan should be reviewed and refined to ensure that assessments of wellbeing are up to date, interventions are appropriate and effective, and the plan continues to take account of the learner's voice.

If a child does not have a plan in place at the time of exclusion is being considered, the incident triggers the need for non-statutory IEP, person centred risk assessment or statutory planning.

In order to support learners in line with legislation, actions at school level may include:

- following the Staged Intervention Framework, including a person-centred risk assessment to reduce risk and formulate an action plan
- analysing data to look for patterns, potential triggers and evidence of change
- working with the learner and parents and relevant key workers to identify and plan additional support which might include:
  - building a relationship with a key person or persons including buddies, pupil support
  - consideration of appropriate interventions, School Nurse advice



- break time supervision
- breakfast club arrangements
- considering the environment and where possible, a safe place for the learner to reflect
- redirecting support staff at key times
- providing Support for Learning for aspects of the curriculum or specialist support
  - proactive buddying or peer mentoring/mediation
  - appropriate health and wellbeing programmes
  - consideration of an appropriate curriculum to meet the needs of the learner
  - reward systems that have been agreed and understood by all
  - ensuring appropriate levels of support for staff

Advice and expertise may be sought from the Partnership Forum, [Educational Psychologist](#), Quality Improvement Officer (QIO), members of central team or [Virtual School](#).

Consideration should also be given to the needs of those who have been affected and appropriate levels of practical and emotional support for staff. Restorative approaches should be used where appropriate, and where this is not appropriate, advice on alternative approaches for those with additional support needs may be sought from those above. Where a member of staff is supporting the learner, consideration should be given to how best support the staff member.

## 2.2 Multi-Agency Partnership Approaches to Preventing Exclusion

A [partnership approach](#) is fundamental to GIRFEC and recognises the complexity of the lives of some of our learners. For this holistic approach to assessment of wellbeing it is essential that partners have a clear understanding of their roles within the legislative framework and have a shared understanding of thresholds of intervention.

Key partnerships for schools include:

- Educational Psychology
- Health professionals appropriate to the learner's needs
- Community Learning
- The Third Sector
- Social Work
- The Children's Reporter
- Police Scotland

Colleagues may find themselves working with employers and other third sector organisations or commissioning a service to meet particular needs. All have a valuable role in helping design and implement a flexible and relevant curriculum pathway.

Those at risk of exclusion are often in need of a clear multi-agency focus on their learning progression. Whilst assessing need, the team around the learner considers wellbeing in the widest sense and consideration of how wellbeing is impacting on learning will inform learning pathways.

Needs may necessitate a flexible approach to how and where learning takes place. Although responsibility for ensuring that this learning is appropriate, relevant and progressive still rests with the learner's school, the learner may engage in learning out with the school delivered by key partners such as SHMU or Community Learning for

part of a timetable. Information on the range of services and partners is available from the [Family Information Service](#). Consideration should be given to ensure any partners are appropriately placed and qualified to meet needs. GDPR must be adhered to. Discussion with QIM/ QIO/ central team may be appropriate. Where an appropriate pathway is being developed, the aim should be the transference of skills, enabling access to education with their peers as much as possible.

The team around the learner should consider:

- what is the trigger for the behaviours - a breakdown in behaviour or in relationships?
- whether 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
- whether parents/carers have been sufficiently and supportively engaged, both when things are working well and not so well

When stressful situations are escalating, the team around the learner works collaboratively to consider how best to modify behaviours through considering the root cause and mitigating risk. Guidance is available in the [risk and health and safety assessment](#).

### 3 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*)

It must be noted that these Regulations have not been amended since they were introduced in 1975. The Regulations must now be interpreted in light of the Equality Act 2010 and the policy objectives of both the Government and the Council. These include prevention, early intervention, response to individual need in line with the principles of GIRFEC, the need for learning establishments to place a greater importance on inclusion through effective learning and teaching and promoting positive relationships and behaviour.

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.

While the use of the ground, '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' is seldom used, schools should set out their rules, regulations or disciplinary requirements in their school handbooks. Schools may, in particular, want to make provision for rules about the inappropriate use by parents of social media e.g. derogatory remarks about other pupils, parents, staff and the school.

### **Education and Children's Services Policy is that exclusion must be seen as an absolute last resort.**

Included, Engaged and Involved Part 2 is very clear that:

- exclusion should be a last resort
- exclusion should be a proportionate response where there is no alternative
- the purpose of the exclusion and impact on the child or young person should be taken into consideration
- exclusion should be a short-term measure with the aim of improving outcomes

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 etc. Act 1974 as this approach will reduce this risk of incidents occurring and protect staff.

## 4. Terminology

Terms such as 'temporary exclusion' 'suspension' 'informal exclusion' and 'expulsion' have no place in policy or in the legal framework. All instances where parents are requested to take a learner home from school are forms of exclusion and should be recorded as such. The only exception to this is when a learner 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 learner 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 learner 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 learner does not return to the school and where this has not been considered to be in the interests of the learner 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.

## 5. Taking the Decision to Exclude

## 5.1 Before taking the decision to exclude:

Exclusions generally fall into one of two categories: sudden, unexpected but serious incidents or on-going difficulties over an extended period where other supports have not had the desired effect.

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 responding to substance misuse related incidents, schools must follow education authority guidance and the information contained within Aberdeen City [Policy and Procedures for Managing Substance Misuse Incidents Involving Children and Young People in Schools](#). In all such circumstances, parents will be involved, and their cooperation 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 learner notified accordingly. Where a learner 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 Chief Officer 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 priority and the pupil must be made aware that it may not be possible to respect confidentiality.

Before taking the decision to exclude the following questions should be carefully considered:

- is the learner safe?
  - does the learner have additional support needs; are they Looked After; on the Child Protection Register?
  - 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?
- (See Procedure)

Each learner and situation must be looked at individually.

It is 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 them.
- 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.

Exclusion should not be used as a punishment. Each exclusion should consider individual circumstances and should be as brief as possible. Consideration has to be given as to whether there are other ways the matter could be dealt with. Exclusion must be the very last resort. The exclusion must also be proportionate to the facts and circumstances of the incident or course of behaviour. An exclusion should not exceed 5 days (one calendar week) without discussion with the Chief Education Officer.

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.

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:

- whether the exclusion is indicative of a breakdown in behaviour or in relationships
- whether 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
- whether parents/carers have been sufficiently and supportively engaged, both when things are working well and not so well

## 5.2 Additional considerations for Vulnerable Learners

Exclusion can be extremely detrimental as it can reinforce a sense of rejection and have long-term negative outcomes for that child or young person. Scottish Government statistics show that there are identifiable groups who are more likely to be excluded such as those who are Looked After or care-experienced, or with Additional Support Needs, or those in conflict with the law.

Highlighted by the [Independent Care Review](#) the promise: “The formal and informal exclusion of care-experienced children from school must end. Schools and Local Authorities must do everything required to support children to build positive relationships at school and maintain attendance, engagement and learning in a meaningful and supportive way. Schools in Scotland must also not exacerbate the trauma of children by imposing consequences for challenging behaviour that are restrictive, humiliating and stigmatising”

Children and young people who are vulnerable are likely to exhibit behaviours to communicate distress. This can be a sign of stress or feeling rejected. It is important that schools do all they can to interpret the behaviour so that partners can collaborate to address the cause. For some of our most vulnerable learners, unconditional positive relationships may be missing, and these children and young people can seem to proactively seek exclusion.

Discussion with the QIM/QIO/ central team will enable consideration of needs and appropriate supports identified in order to prevent the potential for a pattern of exclusion to develop.

Following the discussion with the QIM/QIO, if the decision to exclude is taken, the Head Teacher must ensure that the child does not leave school until safety, health and wellbeing are assured and appropriate arrangements are in place.

Parents, children and young people must be given full reasons for the exclusion. It is not enough simply to quote the SEEMiS definition. Where possible a timescale should be agreed and shared.

### 5.2.1 Discrimination and the Protected Characteristics including Disabled Pupils

[Consideration](#) has to be given as to whether the decision to exclude could be considered discriminatory.

The [Equality Act 2010](#) provides that it is unlawful to exclude a pupil because of a protected characteristic. Section 85 (2)(e) provides that the responsible body of a school must not discriminate against a pupil by excluding the pupil from the school. Section 85(5)(e) provides that the responsible body must not victimise a pupil by excluding them from the school.

The Equality Act 2010 states that it is discrimination when a person treats another **less favourably** than they treat (or would treat) others because of a protected characteristic. The protected characteristics for schools are disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation. It is direct discrimination therefore to exclude a learner because he/she is gay or Sikh or Roma or is male or has ADHD.

The Equality Act 2010 does not prohibit schools from excluding children or young people with particular protected characteristics, but it does prohibit schools under section 85(2)(e) from excluding children and young people because of their protected characteristic or from discriminating during the exclusion process.

Great care must be taken when considering the exclusion of disabled children.

- 5.2.1.2 A learner has a disability for the purposes of the Act if he/she:
- has a physical or mental impairment e.g. ASD or ADHD although it should be noted that a medical diagnosis is not essential
  - has an impairment which has a substantial and long-term adverse effect i.e. having lasted or is likely to last for more than 12 months
  - has an impairment that impacts on his/her ability to carry out normal day-to-day activities e.g. going to school, attending class, getting dressed or ability to concentrate.

Discrimination arising from disability occurs where a learner is treated unfavourably because of something arising in consequence of their disability e.g. disability related behaviour and the treatment cannot be justified.

Excluding a disabled learner for behaviour which arises as a consequence of their disability is likely to result in unlawful disability discrimination unless it can be shown that the exclusion was a proportionate means of achieving a legitimate aim.

For example, a learner with ADHD is excluded for his behaviour including refusing to sit at his desk, distracting other learners by talking and running around during classes. This is likely to be unlawful as he was excluded for behaviour which is related to his disability and unlikely to be viewed as a proportionate means of achieving a legitimate



aim as no other efforts were made to support him. If, on the other hand, a learner with ADHD has an appropriate package of support and assaults learners and/or staff, his exclusion may be justified because the aim of the exclusion is to ensure the health and safety of others.

It is our responsibility to make [reasonable adjustments](#) to enable our learners to be successful.

Making reasonable adjustments may require changes to disciplinary procedures and other policies in school. We may have to disregard behaviour which is a direct consequence of a learner's disability e.g. disregarding swearing in class by a learner with Tourette's syndrome. Effective information sharing with all staff will be crucial in supporting the learner and consideration should be given as to how to share appropriate information with other children and young people.

The duty to make reasonable adjustments requires a school to take positive steps to ensure that disabled pupils can fully participate in the education provided by the school, and that they can enjoy other benefits, facilities and services that the school provides for pupils.

Many reasonable adjustments are inexpensive and will often involve a change in practice or policy rather than the provision of expensive pieces of equipment or additional staff.

A school's duty to make reasonable adjustments is an anticipatory one owed to disabled pupils generally, and therefore schools need to think in advance about what disabled pupils might require and what adjustments might need to be made for them.

Indirect discrimination can also take place. Indirect discrimination occurs when a school applies a provision, criterion or practice in the same way for all pupils or a particular pupil group, but this has the effect of putting pupils sharing a protected characteristic within the general student group at a particular disadvantage.

It does not matter that the school did not intend to disadvantage the pupils with a particular characteristic in this way; what does matter is whether the provision, criterion or practice does, or would, disadvantage such pupils compared to pupils who do not share that characteristic.

Applying the concept of Indirect Discrimination to the area of exclusion of disabled pupils, the Education Authority must be mindful of not indirectly discriminating against disabled pupils. School staff must bear this in mind when taking the decision to exclude and exclusion rates of particular categories of pupils will be monitored by central officers.

Head Teachers should speak with the Chief Education Officer and/or a member of the Legal Service if concerns about discrimination arise when exclusion is being considered.

### 5.2.2 Children and Young People who have an Additional Support Need, ASN, including Social, Emotional or Behavioural Needs

If a learner has additional support needs including those that may result in the child displaying distressed behaviour, putting themselves and others at risk, steps **must** be taken to ensure that any additional provision, such as speech and language therapy, Child and Adolescent Mental Health Service (CAMHS) or Young People's Department (YPD) related to those needs, continues during the period of exclusion and that alternative arrangements are made, including an alternative location where this work can be undertaken wherever possible. It may be necessary to undertake a risk assessment to minimise the risk. The Child's Plan may need reviewed.

Transitions increase stress levels and as such, children who are undertaking a transition such as moving from one year group to another or into a new establishment are more likely to show an escalation in behaviour. Often vulnerable children display unsettled behaviours prior to or immediately after school holidays. Planning around this could help avoid a situation which will potentially lead to exclusion. Consideration should be given to planning transitions to ensure that effective practice is shared and built upon. If the decision to exclude is taken, consideration needs to be given to the child's wellbeing.

Where there are concerns around the mental health of children and young people, consideration should be given to seeking the advice of an [Educational Psychologist](#).

### 5.2.3 Looked After Children

Looked After Children require special consideration when there is a risk of exclusion.

The Education (Additional Support for Learning Act) (Scotland) Act 2004, states that all Looked After Children and Young People are deemed to have additional support needs unless assessed otherwise.

Looked After Children fall into four main categories; those who are looked after:

- by a Local Authority in a residential establishment
- with foster carers on behalf of a Local Authority
- in their own home, Compulsory Supervision Order
- in a kinship care arrangement where the Authority has placed the child

The exclusion of Looked After Children and Young People requires very serious consideration since exclusion from school may have a significant impact upon their home lives and may even lead to a change in placement because of additional pressures on them, parents or carers. Early contact with the Virtual School will support early intervention. Contact should be made when any escalation in behaviour is evident. The Virtual School will be able to support planning for the child/young person.

Any actions being considered should minimise disruption or uncertainty. Local authorities have [legal duties](#) to ensure that Looked After Children and young people have the same access to educational opportunities as other children and young people. These 'corporate parent' responsibilities include making additional arrangements in order to overcome disadvantage and participation in education in the broadest sense.

### 5.2.4 Supporting a Looked After Child with escalating behaviours

If a Looked After Child has escalating behaviours, it is important that the Lead Professional calls a Multi-Agency Meeting at the earliest opportunity to explore causes and solutions. The Lead Professional in a Kinship Care arrangement is the Social



Worker. This will allow partners to review the Child's Plan and minimise the risk of exclusion. In most cases it will be appropriate to work through the risk assessment process to inform the plan and mitigate to minimise the risk. A more flexible pathway may be put in place to calm the situation and enable long term successful reintegration.

Where a Head Teacher is considering an exclusion and has taken account of the additional considerations for vulnerable learners who are looked after, they must make every effort to contact the Social Worker prior to excluding the child to ensure the safety of the child during the period of exclusion.

In the majority of cases Looked After Children should not be excluded without first contacting the Social Worker/Parent/Carer depending upon living arrangements. The decision to exclude ultimately rests with the Head Teacher of the school.

The learner'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 home. It is also important to check SEEMiS for any child protection related alert. Alternative provision must be put in place urgently to ensure the ongoing monitoring of the welfare of the learner, as well as provision made for their education needs as described in the Child's Plan.

The Establishment Contact/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.

The learner should be actively involved and participate in all stages of the process.

## 6. Part-time Timetables

Following exclusion, schools, supported by the Authority should continue to ensure that learners attend school or another learning environment for 25 hours in primary schools and 27.5 hours for secondary schools *Guidance Circular 4/2002: Length of the school week: learners in special schools and units.*

Aberdeen City aims to ensure all learners are in full-time education and discourage the use of [part-time timetables](#), since learners on part-time timetables are often vulnerable to becoming missing in education. In exceptional circumstances as part of a positive phased and agreed re-engagement strategy, and with the agreement of parents, Central Officers, the young person, partner agencies, and the Virtual School if a learner is looked after, a relevant personalised timetable may be developed by the school.

Part-time timetables should be developed for the learner in the style of a Child's Plan and in line with supporting learners procedures and should:

- state the intended purpose of the part-time arrangement
- include details of the arrangements for the education of the learner outwith school building
- the expected time span of the part-time arrangement (must be time related) □  
the steps which will be taken to bring about full-time attendance

Part-time timetables are a temporary solution and regularly reviewed. Part-time arrangements should not exceed 6 weeks and should be subject to weekly review. It is recognised that this approach can be used as a positive, planned and agreed strategy with parents and young people to re-integrate the learner. Such arrangements should be recorded in SEEMiS under Code PTX.

Since the Local Authority has a statutory responsibility to identify and track learners missing in education or at risk of becoming missing from education, the part-time timetable **must** be agreed, shared with and be monitored by the Quality Improvement Manager (QIM). The Central team will keep an accurate database of all learners on part-time timetables.

In some cases, it may be appropriate for a learner to be intensively supported offsite for a period of time whilst remaining on the roll and being the responsibility of the school. Where this is the case, the aim will be to return the learner to their own school with the skills to be successful there. Decisions on how best to support learners should be made by the team around the child and be recorded in a Child's Plan.

## 7. Alternative Education Provision during Exclusion

Without continuation of their studies the likelihood is that learners 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*.

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.

### 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 learner, 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 learner with additional support needs, such as therapies, at an agreed location
- consider the use of IT equipment and how this can be accessed safely and appropriately ensuring access is focussed to learner need.
- provide homework or class work and involve contact with learners on a regular basis. This contact could be supported by visits from Home School Liaison Officers or Education Social Workers or via email or telephone call.
- provide the name of a school contact who can address any concerns relating to the course work. It is anticipated that the nature of work given will be dependent upon the age and stage of the learner. This may include considering our responsibilities as a [corporate parent](#).

## 8. Breakdown of Placement

If it is felt to be in the learner's best interests to access education somewhere other than in their current school, the Head Teacher should contact the Chief Education Officer. If, following consideration, it is felt to be in the best interests of the learner, a personalised arrangement which could include a hosting arrangement will be made taking account of individual needs.

Arrangements will depend upon individual circumstance and will only be made when the Chief Education Officer, or their representative, confirms that the Staged Intervention process has been followed.

In some cases, it may be necessary to engage to support restoration of relationships prior to a child or young person being hosted in another school as this can be fundamental in supporting learners and staff in moving on.

## 9. Guidance on Hosting Arrangements

In keeping with approaches used in other Local Authorities and those advocated in Included, Engaged and Involved Part 2, Aberdeen City Council may consider an arrangement of 'hosting'.

### 9.1 What are Hosting Arrangements

Arrangements between two educational establishments will support some learners who are finding it difficult to maintain a placement in their school. It is likely that the learner will have been excluded on several occasions and will already have been receiving additional support at stage 2 or 3 of the Staged Intervention Framework. In almost all cases a Child's Plan will be in place. The objectives of a hosting arrangement may be to:

- sustain learners in mainstream education and reduce any loss of time to a minimum
- provide a fresh start for a learner and enhance the likelihood of success in a new establishment.

### 9.2 How to identify a child or young person likely to benefit

Careful and on-going analysis of exclusion and other data will help inform thinking around who may benefit from a hosting arrangement. Hosting should not be considered for all children who have been excluded, only where evidence suggests that hosting could be beneficial. Hosting should be accepted as a positive strategy to support learners by all staff in school and will be dependent upon:

- all schools being open, fair and honest with each other in the process of hosting and be open to support learners from across the city
- schools and locality teams having used all strategies and resources available to them in order to continue the learner's education in their school
- learner, parent and social worker (if a looked after child) agreeing to the hosting
- each school following its own induction process for hosting learners
- identification of host schools being established based around localities and bus routes.

Head Teachers or Establishment Contacts should alert the Chief Education Officer to the potential benefits of a hosting arrangement. Where the Chief Education Officer is satisfied that the first two criteria above have been met the Head Teacher/ Establishment Contact should engage in discussion about the potential merits of a hosting arrangement with the learner, family and Lead Professional (where in place) during a Multi-Agency Meeting. The views of all parties are fundamental to the success of a hosting arrangement and should only be considered if all parties agree.

### 9.3 Planning Hosting Arrangements

Following discussion and agreement with parents, carers and the learner, the Establishment Contact will make initial contact with the host establishment to inform the school about the learner and discuss possible hosting arrangements.

The Head Teachers, or their representatives, will meet to discuss arrangements and to put a proposed timescale for action in place within two weeks of the initial approach to the host school. The timescale for action will be shaped into a transition plan and a further Multi-Agency Meeting. The transition plan will be in the Child's Plan and include:

- intended outcomes
- review procedures
- arrangements for visiting the "base" school
- coursing arrangements
- details of any targeted interventions.

Measuring Success:

Clear success criteria will be established and agreed by all relevant parties. This could include:

- positive attendance
- engagement with host school/ key persons
- progression in subjects

It is anticipated that hosting arrangements will begin as soon as practicable and within one month of initial contact.

### 9.4 Accepting Hosting Arrangements

The host Head Teacher will write to the base Head Teacher agreeing to the arrangements. Placement expectations will be agreed between the schools, signed by both establishments, the learner and the parent/carer. The learner will then move to the host school subject to regular and careful review.

During the trial period the base school retains responsibility for the learner. Following a successful trial period all partners would agree an appropriate date for the host school to take full responsibility for the learner. Due to the complex nature of these cases careful assessment and planning is required involving all key partners.

### 9.5 Reviewing Hosting Arrangements

Arrangements will be reviewed regularly. An initial review date must be set when the arrangement is put in place. A meeting will be called by the Establishment Contact or Lead Professional as appropriate and should be attended by a representative of the host school, the base school, the learner and parent/carer. If it is relevant for other persons to attend e.g. Virtual School, educational psychologist, they should be invited.

If the arrangements are not working, they will be changed at this stage. This might mean changes in support arrangements.

At this initial review a date for a second Review Meeting must be set. If the arrangements in the host school are still positive, the learner should be considered for enrolment at the host school.

If the arrangements have broken down the following options are available:

- return to base school
- move to another host school
- referral to the Reception Team
- referral to the Reporter to the Children's Panel
- outside agencies

If a learner has been working with an outside agency, this should continue in the host school.

## 9.6 Roles and Responsibilities

### Base School

- to provide full reports about the learner from school staff and all relevant outside agencies
- to liaise fully with the host school in decisions about the best way forward

### Host School

- to be as flexible as possible in integrating the learner into the host school
- to keep the base school informed about the learner's progress
- to alert the base school at the first sign of the placement breaking down in order to draw on their knowledge and expertise

### Parents/Carers

- to co-operate fully with the host school and attempt to establish good school/parent contacts as soon as possible

### Learners

- to co-operate fully with the structures in the host school
- to make the best attempt possible to meet the agreed criteria for success

### Education Service

- to support schools in working together to agree and implement hosting arrangements which meet the needs of the learner

## 9.7 Removal from register

Removal from the register is used very rarely as more proactive 'hosting' arrangements allow for careful consideration of needs and planning. Further information is available from the Chief Officer.

## 10. Duty to advise parents, children and young people of their right to appeal

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 learner 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 learner's rights to appeal the exclusion decision but may help resolve the situation. Where an appeal has been made against exclusion, this will not affect the return date to school. The learner will return to school on the date set out in the exclusion letter.

A Head Teacher will be informed if a parent or learner 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 learner 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.

## 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.

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. 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.

Further information to support parents is available:

[Parent Learning Hub](#), [Enquire](#), [Parent guide](#), [Autism](#), [Parentzone](#), [National Autistic Society](#), [mediation, advocacy](#), [Parenting across Scotland](#), [Govan Law Centre](#)

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.

## 12. Considerations to support inclusion:

### 12.1 Rights based approaches

Scottish Human Rights Commission, 2013, elements of a rights-based approach, or PANEL principles are:

- Participation: People should be involved in decisions that affect their rights
- Accountability: There should be monitoring of how people's rights are being affected, as well as remedies when things go wrong
- Non-Discrimination and Equality: All forms of discrimination must be prohibited, prevented and eliminated. People who face the biggest barriers to realising their rights should be prioritised.
- Empowerment: Everyone should understand their rights and be fully supported to take part in developing policy and practices which affect their lives
- Legality: Approaches should be grounded in the legal rights that are set out in domestic and international laws

12.2 [Whole System Approach](#): a multi-agency, multidisciplinary approach 'to put in place tailored support and management based on the needs of each individual child'. Seeks to respond to distressed behaviour as an indicator of need. Responses are proportionate, developmental, systemic and trauma-informed to reduce risk behaviours and underpinned by a rights-based approach and embedded in GIRFEC.

12.3 Themes identified by [Centre for Youth & Criminal Justice](#) for those at risk of exclusion:

- High risk behaviour in the community;
- Trauma; loss and bereavement (frequently multiple and traumatic bereavements); mental health concerns; self-harm and suicidal intent; low confidence and self-esteem;
- Developmental delay, diagnosis or suspicion of conditions such as attention deficit hyperactivity disorder (ADHD), autism spectrum disorder, foetal alcohol spectrum disorder and brain injuries;
- Early disengagement from school; poor attendance; disruptive and aggressive behaviour; assaults on staff and pupils; isolation from peers; bullying and scapegoating by other children; seeking of group acceptance and relationships absconding from school; difficult transition from primary to secondary school.



- Inconsistent and poor parenting; being outwith parental control; lack of a stable base; history of being Looked After; insecure patterns of attachment; parental addictions and mental health issues; lack of role models for education or employment; poor parental experiences of education and inability/ fear/ reluctance to engage with education professionals; sibling bullying; and young carer responsibilities;

#### 12.4 Common factors for success, [What made the successes possible?](#)

- Building a relationship with the child or young person: getting to know them and their individual circumstances and responses to situations, recognising that this takes time and that there will be changes with age and stage of development;
- All practitioners adopting a holistic approach when working with the child and family, one which takes account of all the factors affecting the child and recognises the central importance of relationships: a child-centred, traumainformed, rights-based approach, founded on an understanding of brain development and attachment theory.
- Focusing on developing solutions and resilience, building on strengths and being prepared to pre-empt and address potential difficulties;
- Looking beyond the child's behaviour to their needs, seeking to understand the distress often experienced by our children on a daily basis, and supporting reflection on how a focus on compliance and punitive approaches can be perceived by children and impact on their behaviours;
- Taking a whole-family approach, with all those involved feeling valued and receiving appropriate individual, as well as joint, support. The support can be as broad as the issues being experienced by the family, such as combinations of: support; information-giving; practical and emotional support; crisis support; and helping families to feel able to ask for help without judgement;
- Recognising the crucial role of education staff and utilising all available services that education can provide, while identifying where external support, communitybased services and support outwith school may be necessary;
- Recognising that the transition between primary and secondary school can be a particularly challenging time for vulnerable young people and that good planning and additional support can be crucial for the transition and beyond;
- Recognising that some children and young people find it very difficult to engage with traditional school provision and ways of working, and so providing a flexible and supportive learning environment within which options are tailored to the individual young person and their needs. For these young people, key questions are: What are this young person's needs and interests? How can we help to ensure they are able to participate in and benefit from the full range of opportunities school provides, in the classroom and beyond? How can we make school work for them, what could others do to support this?
- Empowering children and young people and enabling them to develop agency: showing rather than telling; role modelling rather than 'doing for'; with children and young people as active participants, while also providing advocacy for child and family when required;
- Clear planning, appropriately sequenced and paced and regularly reviewed, especially at times of transitions;
- Supporting teaching staff to understand the needs of young people they are working with, provide emotional support and be the type of teacher young people tell us is important to them. In addition, increasing understanding of the



additional negative long-term impacts of exclusion on children who have already experienced severe difficulties;

- Willingness to identify challenges and possible barriers to success through the multidisciplinary approach, and a collective commitment to make any necessary changes to address these, with mutual respect by leaders from relevant sectors;
- Perseverance in the face of setbacks and recognition by all those involved that addressing multi-faceted and long-standing difficulties takes time and that progress/achievements needs to be recognised, marked, and celebrated by workers step by step.

## 12.5 Examples of effective practice:

This section will develop as practice is identified across the city.

### 12.5.1 Learner voice:

Pupils believe we all have rights and these should be the same across all schools in Aberdeen and that everyone should be respected but they also have the right to change their actions.

- Learners need help to understand the impact of their actions on others.
- Different layers and steps are good.
- Parents take responsibility for pupils who are excluded.

Exclusion needs to exist so pupils know when enough is enough as they don't always listen to staff or understand their behaviour is unacceptable. Exclusion is a last resort, not a punishment

Try using these strategies first: They felt that making parents aware of how they are behaving in school helps everyone to work together. Set up counselling sessions for them if they maybe need someone different to talk to and share things with. Making sure everyone is working together – pupil, teacher, parent and Head Teacher. Possibly separate breaks with perhaps a friend or member of staff they feel comfortable with. Provide opportunities for working on their social skills through games in pairs and groups. Have a monitor book to record good and bad behaviour. Also have them spend time with a teacher or pupil that may not necessarily be in their class but that they have a connection with.

Consider the impact of exclusion on the learner you are thinking about excluding:

They might feel ashamed, regretful, feel labelled and get a reputation. They might feel inferior and have negative thoughts. It may cause them to lose friends because their friends might not want to play with them anymore or actually be allowed to play with them anymore. They might feel scared and want to stay away from school and not want to come back. They might be physically and mentally affected by the exclusion. They might get in more trouble at home.

Consider impact of not excluding on other learners:

Other pupils may feel scared of them, While this pupil is disrupting the class it may cause others to lose concentration and get fed up in class and feel unsettled. It might cause divide amongst the pupils within their class.

Give extra consideration to learners with disabilities/ additional support needs/ who are looked after

Make sure pupils in their class and throughout the school have been educated on the needs of the child so they can understand a little better. Make sure

teachers and other staff have training on what they have if they haven't come across a child with their disability before. Find out from parents and carers strategies they use that work to help the child. Maybe get help from other people outside the school to support the child in the school. Have a school message that everyone is equal and will be respected no matter what. Have a 'quiet' place for them if they need time out to calm down and feel peaceful. Assign a pupil who is willing to be their friend so that they are never feeling alone.

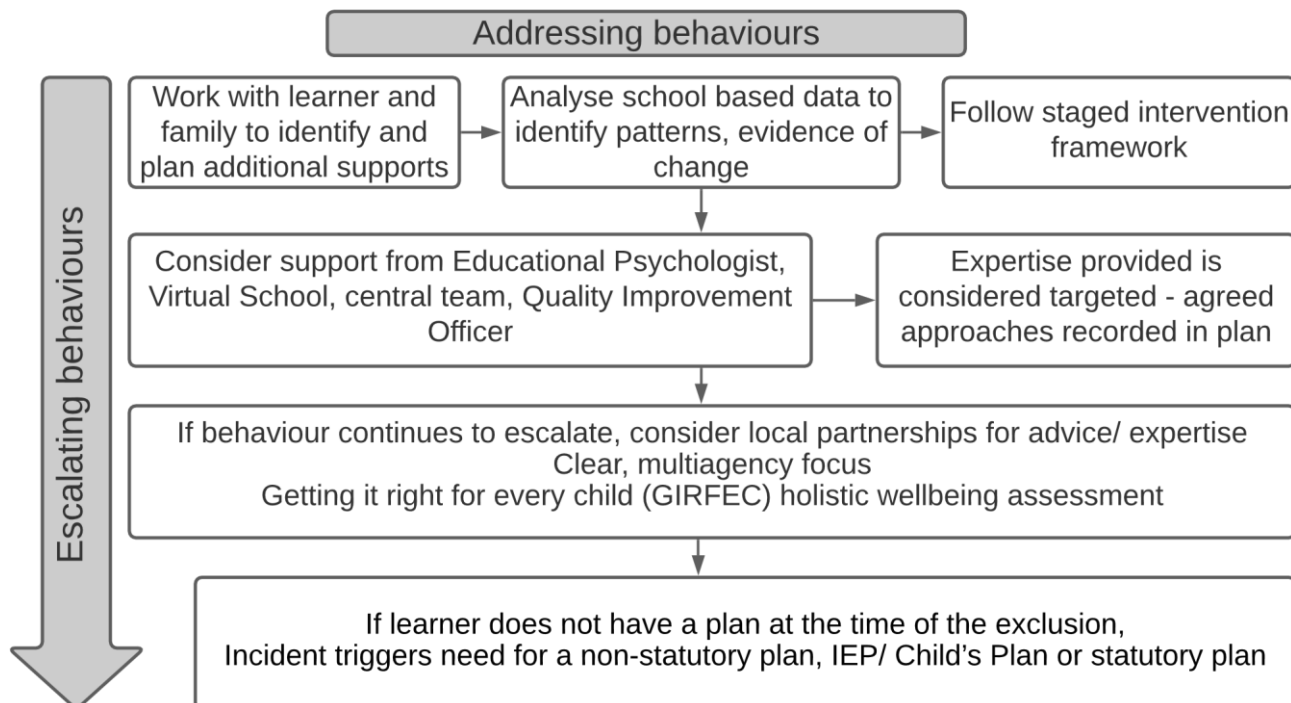
#### Secondary School:

The school had given careful attention to adjusting the curriculum to meet the needs of disaffected pupils and those exhibiting behavioural difficulties. It was continuing to develop flexibility within the curriculum to meet needs. It provided a variety of vocational courses including ASDAN as well as imaginative inserts into courses at different stages to develop pupils' awareness and skills in enterprise and citizenship. The school provided a wide range of activities outwith the school day including sporting, cultural and charitable activities, this helped pupils identify with the community. Pupils were awarded certificates and rewards for example for displaying improved behaviour. The system was developed by a working group of pupils. The school had developed a succinct set of important value statements and posters were displayed in public areas. Every classroom displayed clear expectations, developed by a working group of staff and pupils. All learning support staff worked very well together providing a good range of services. Guidance staff were committed to providing a high quality of care for their pupils. Through the system of staged intervention the school had good links with educational psychology, social work, agencies and health. In some cases, as a result of the operation of the joint assessment team, pupils whose behavioural difficulties were very challenging and complex had been allocated places, mostly on part-time basis to a range of off-site centres. The support for pupils teams kept close contact to monitor progress.

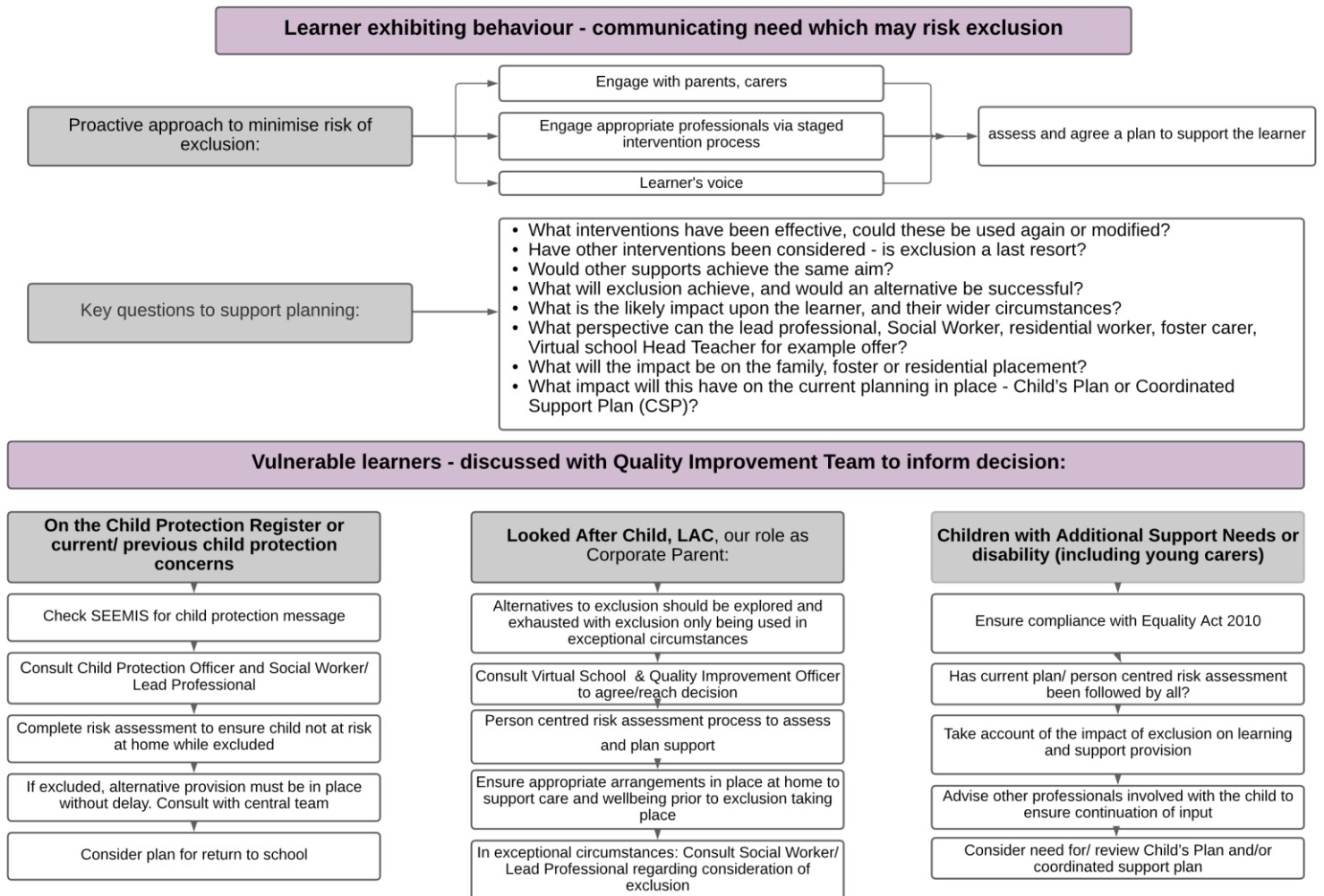
## Part 2: Procedure

When a child or young person's behaviour starts to escalate to the extent that the Head Teacher is considering exclusion, the following Addressing Behaviours flow diagram and Learner Exhibiting Behaviour flow diagram should be followed:

### 1. Stage 1: considering behaviours flow diagram:

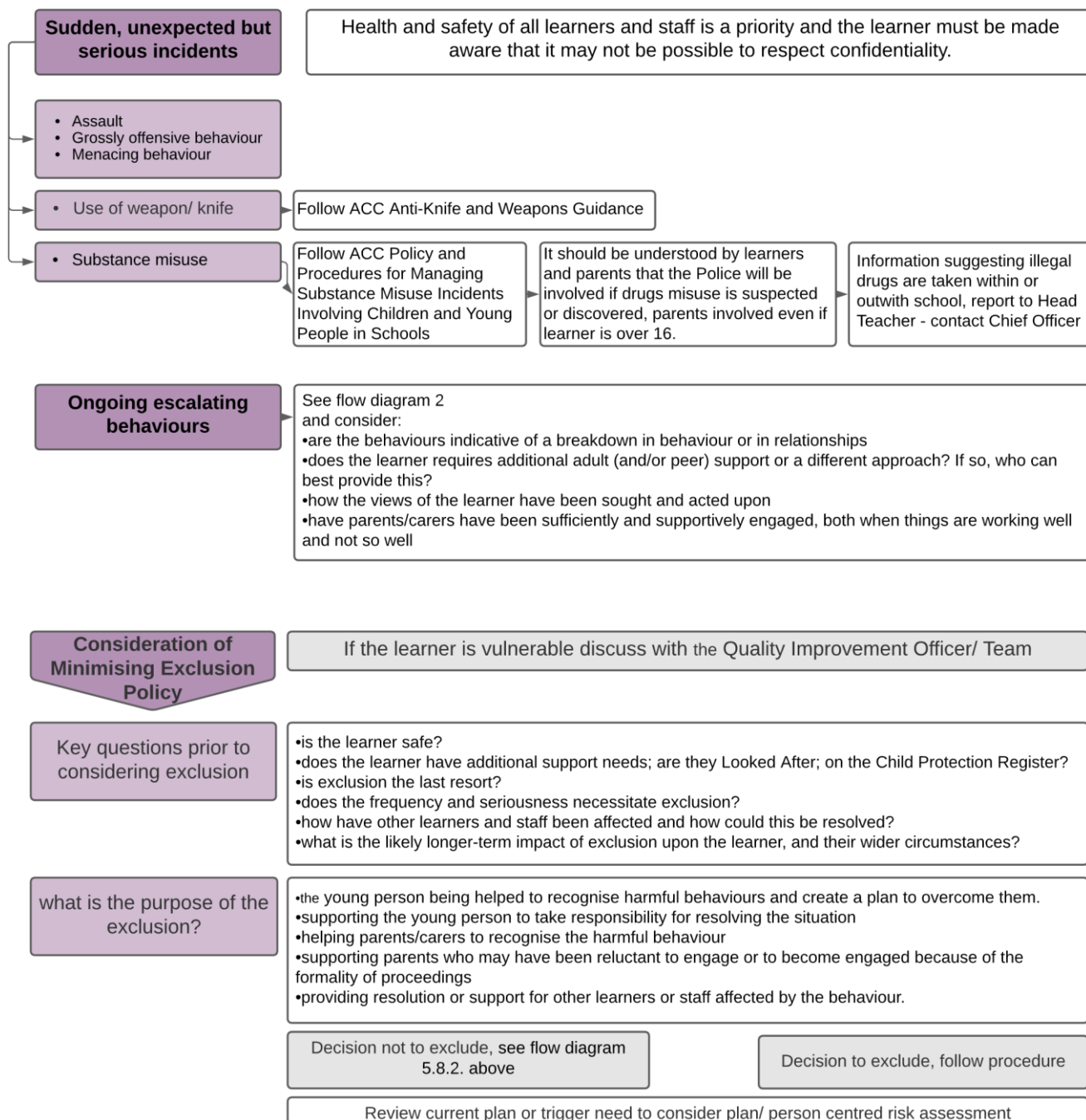


## 2. Learner exhibiting ongoing behaviours flow diagram:

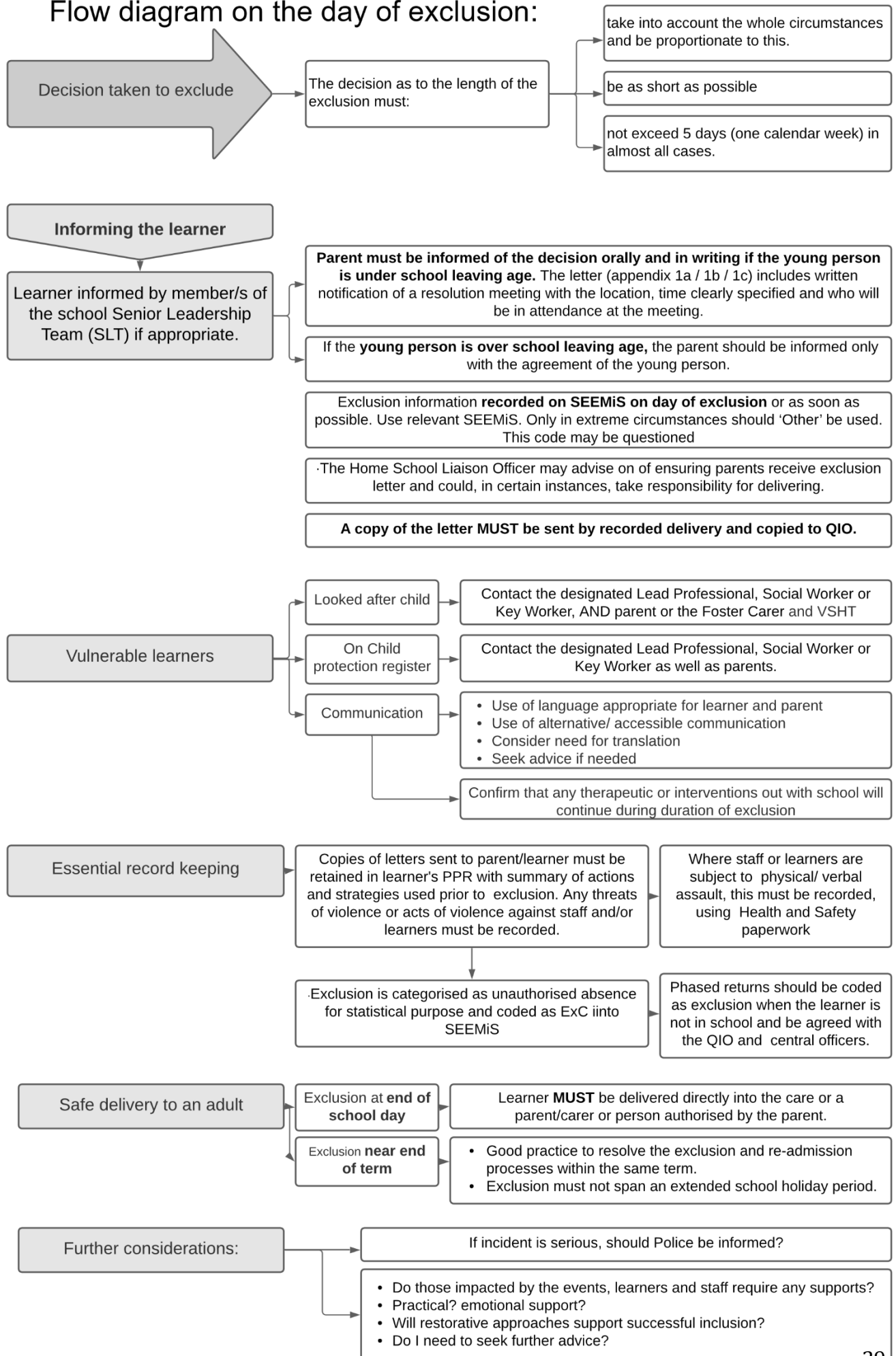


- 2.1 The checklist 1a page 53 from [Included, Engaged and Involved Part 2](#) may be helpful in supporting this process for senior leaders
- 2.2 Checklist 1b page 55 for specific circumstances eg vulnerable, looked after

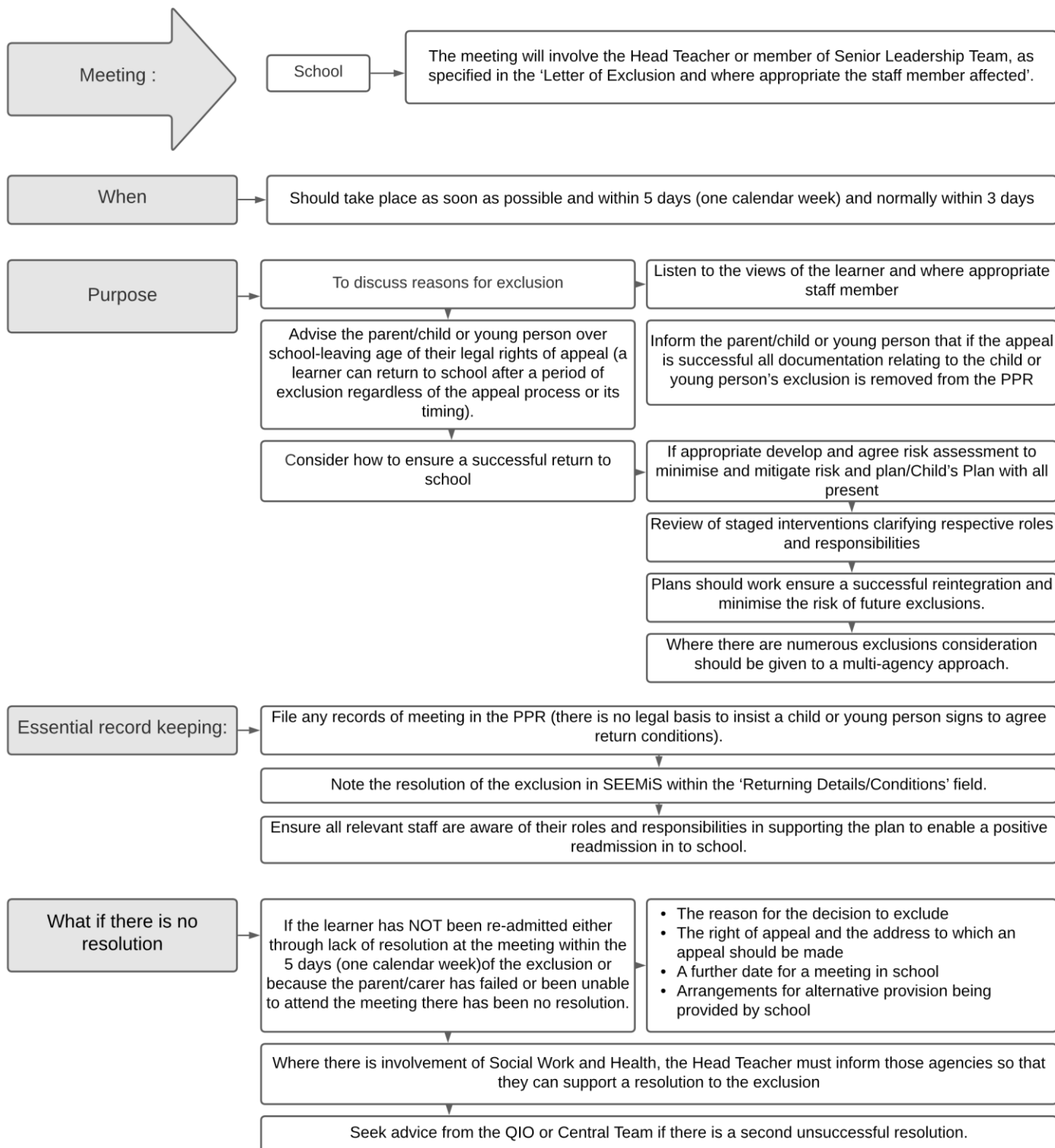
### 3. Flow diagram to support decision making process:



#### 4. Flow diagram on the day of exclusion:



## 5. Meeting to resolve and plan:



## 6. Example Letters

### Example letters to be personalised and issued on school headed notepaper

#### [To parent/carer of a pupil without legal capacity - a]

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 *[no.]* days 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 - do not simply use the SEEMIS code]***

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 expectations 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:- Chief Officer, Governance (Exclusion Appeals), Aberdeen City Council, Town House, Broad Street, Aberdeen AB10 1AQ or by e-mail to [committeeservices@aberdeencity.gov.uk](mailto:committeeservices@aberdeencity.gov.uk). *[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.

#### [To a pupil with legal capacity - b]

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 expectations 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:- Chief Officer, Governance (Exclusion Appeals), Aberdeen City Council, Town House, Broad Street, Aberdeen AB10 1AQ or by e-mail to [committeeservices@aberdeencity.gov.uk](mailto:committeeservices@aberdeencity.gov.uk).

*[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.

**[To parent/carer of a child with legal capacity enclosing- c]**

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 they have 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 expectations 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. If you wish to appeal you should do so in writing to:- Chief Officer, Governance (Exclusion Appeals), Aberdeen City Council, Town House, Broad Street, Aberdeen AB10 1AQ or by e-mail to [committeeservices@aberdeencity.gov.uk](mailto:committeeservices@aberdeencity.gov.uk). 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 to parent/carer, child with legal capacity or young person – d]**

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. If you wish to appeal you should do so in writing to:- Chief Officer, Governance (Exclusion Appeals), Aberdeen City Council, Town House, Broad Street, Aberdeen AB10 1AQ or by e-mail to [committeeservices@aberdeencity.gov.uk](mailto:committeeservices@aberdeencity.gov.uk). 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 to parent/carer, child with legal capacity or young person – e]**

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. If you wish to appeal you should do so in writing to:- Chief Officer, Governance (Exclusion Appeals), Aberdeen City Council, Town House, Broad Street, Aberdeen AB10 1AQ or by e-mail to [committeeservices@aberdeencity.gov.uk](mailto:committeeservices@aberdeencity.gov.uk). Yours sincerely

*[Signature and Designation]*

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

### **[Example of a letter to a pupil with legal capacity]**

Dear *insert learners name,*

I regret to advise you that after careful consideration, I have today made the decision to exclude you from school from *insert dates* inclusive for the following reason: On the *insert accurate timing of incident* your behaviour was completely opposite to the values of the school and with the behaviour that represents the best of you as a person.

*Explanation of the facts and any actions taken by the learner and staff:*

When you arrived at Modern Studies you were in the middle of a heated discussion with another pupil. This had been going on since the previous class and concerned the other pupil's sexuality. You were berating the other pupil for being "gay". You threatened him by saying that you would fight him after school. This is a pupil who

you have pestered on previous occasions and who was upset by the insults and threats that you made on this occasion.

*Explanation of why the decision was taken to exclude:*

All of this disrupts the good order of the school, the education of the class and your own education. Your language was inappropriate and there is a particular issue with the terms used to address the other boy: they are examples of homophobic abuse and, as sexuality is a protected characteristic, must be classified as bullying in school and would be taken very seriously by the authorities if such an incident was to occur outside school. Clearly, it is not acceptable to threaten physically pupils or staff.

In recent weeks you had a spell of several days in which you managed your behaviour much better. That is the *insert learner name* that we need to see in school. A repeat of similar behaviour to the above will lead to similar consequences.

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 work together to support positive behaviour and relationships in school. Accordingly, I have arranged for us to discuss the above incident on *insert date and time*. 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: Chief Officer, Governance (Exclusion Appeals), Aberdeen City Council, Town House, Broad Street, Aberdeen AB10 1AQ or by e-mail to [committeeservices@aberdeencity.gov.uk](mailto:committeeservices@aberdeencity.gov.uk). I look forward to our telephone meeting with you on *insert date and time*.

Yours sincerely

*[Signature and Designation]*

# 7. Example personalised timetable

Date of timetable - date to be reviewed

Learner:		CLASS:							
TIME / DAY	REG	1	2	BREAK	3	4	LUNCH	5	6
	8.35	8.35-9.35	9.35-10.35	10.35-10.55	10.55-11.55	11.55-12.55	12.55-13.45	13.45-14.45	14.45-15.45
<b>MONDAY</b>	James goes to PS Room F23 Debrief CMD	Supported Tutorial F23 Mrs MacDonald	PSE Ms M Ewan PTG		Drama Mrs B Elphie F51 ICS Mrs Iron	English Mrs S Gordon F10 ICS Mrs Iron	Debrief CMD James lunch at home	Outdoor Learning G Mackie	
<b>TUESDAY</b>	James goes to PS Room F23 Debrief CMD	Maths Ms K Bells S67 ICS Mrs MacDonald	Supported Tutorial F23 Mrs MacDonald		Comp/IT Mrs J Mair F45 ICS Mrs Wallace	Home Ec Miss F Jones G10 ICS Mrs Wallace		13:30-15:00 Craigielea	
<b>WEDNESDAY</b>	James goes to PS Room F23 Debrief CMD	Maths Mr K Stone S89 ICS Mrs MacDonald	Science Ms Main S89 ICS Mrs MacDonald		Supported Tutorial F23 Miss M Ewan	PE Mrs C Alex ICS Mrs Wallace		Art & Design Miss Smith S15 ICS Mrs Iron	
<b>THURSDAY</b>	James goes to PS Room F23 Debrief CMD	Supported Tutorial F23 Mrs MacDonald	History Mrs V Mack/S63 ICS Mrs MacDonald		Science Ms Main S89 ICS Mrs MacDonald	English Mrs S Gordon F10 ICS Mrs Iron		13:30-15:00 Craigielea	
<b>FRIDAY</b>	James goes to PS Room F23 Debrief CMD	PE Mrs Alex ICS Mrs Wallace	Maths Mr K Stone S89 ICS Mrs MacDonald		English Mrs S Gordon F10 ICS Mrs Iron	Supported Tutorial F23 Mrs MacDonald		Life Skills & weekly debrief with J Mrs Wallace	

James has a Child's Plan

CMD will record daily concerns/news next steps and pass to YH/PTPS. Weekly updates completed by CMD and shared with Girfec partners

Timetable of support reviewed weekly by PS Teacher/PTPS  
Agreed with YH prior to being shared with Girfec team around the learner

James has a Child's Plan & Targets

Monthly Girfec meetings with all agencies: Social Work, Ed Psych, Craigielea, VSA, ACIS Counselling, School, Family & Community Support. QIO advised of update. Daily contact with James' family/home by PS Teacher

James is on a personalised timetable - periods 1/2 with CMD in support to: assess his level of need, establish relationships, begin gradual transition process as appropriate. James should be enabled to build up relationships with the team in order to build a sustainable support mechanism. Timetable reviewed weekly with PTPS/PS Teacher/YH/Home, update QIO.

Liaise with Pupil Support Team

**Strategies to be considered and adapted at weekly review:**

- Personalised timetable
- Calm, consistent environment
- Consistent use of language and expectations
- Ensure James has a way out of a task without losing face
- Anticipate and warn of change
- Give James the opportunity to work without supervision, work with rest of the class, check in with James visually.
- Allow James to keep his status in the class
- Do not engage with challenging behaviour, use support of PS Teacher, PTPS, YH and agreed targets in James' Child's Plan
- Enjoys active learning
- Use James' name
- Scaffold work
- Link to prior learning
- Consider using support to work with class to enable James working with Teacher
- Close liaison with Pupil Support Team
- Advise Pupil Support Team of effective, impactful strategies and those which may have lost impact

## 8. Restorative conversations:

Further information and [Training](#)

**Restorative script exemplar:** Tool to ensure everyone involved is heard and everything that needs to be done to repair a situation happens. Consideration may be given to which scripts are most useful or to devise own.

**Welcome, as you know my name is \_\_\_\_\_** and I have been asked to facilitate this meeting.

*(Introduce participants if necessary).* I have spoken to all of you about the incident *(briefly outline what happened)* I remind you that you are here to discuss what happened, not the character of anyone involved. I will invite you all to talk about how you and others may have been affected by what happened. This will help everyone understand what needs to be done to help put things right.

I would also like to remind you of the ground rules that we discussed in preparation to ensure that this meeting runs safely and respectfully. Do you remember what we discussed? (If necessary, read them out e.g. turn taking, listening to others, not interrupting, no shouting, respect for everyone) Are you still happy to agree to those ground rules?

**Begin with person who had displayed unwanted behaviours-** I would like to start by asking...

Can you tell us about what happened and how you became involved?

*If necessary -* What happened next and/or what else? *(ask this until their story unfolds)* What were you thinking at the time this happened?

What have your thoughts been since?

Who has this affected/upset by this and in what way?

What's been the hardest thing for you?

**Turn to those in receipt of behaviours** - I would like to start by asking ... Can you tell us about what happened and how you became involved?

*If necessary -* What happened next and/or what else *(ask this until their story unfolds)?*

What were you thinking at the time this happened?

What have your thoughts been since?

Who has this affected/upset by this and in what way?

What's been the hardest thing for you?

**Then remaining persons in turn same questions** *(if necessary theme in views of those not present)*

**Go back to initial person** – you have just heard how \_\_\_\_\_ and others have been affected by what you did, do you all see that harm/upset that has been caused?

Is there anything you want to say at this stage?

Do you think that something needs to be done to repair that harm/put it right?

**Go back to person in receipt** – What do you think needs to happen?

**Go back to initial person** – What do you think of what \_\_\_\_\_ has suggested?

**If necessary** - RETURN TO PERSON IN RECEIPT AND THEN OTHER SUPPORTERS -

What would you like to see come out of today's meeting?

**If necessary** - RETURN TO INITIAL – Is there anything you would like to add?

**Make agreement**

**Optional questions** – Would you do anything differently now? What other choices could you have made? What have you learned from the meeting?

**Final invitations to speak** – before I close is there anyone else who wishes to say or ask something?

**Closing** - Thank you for participating, I hope this has helped you deal with this matter