



Management of Exclusion in Schools

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SECTION 1 - INTRODUCTION

These procedures concerning exclusion from school conform to the recommendations outlined within the SEED Circular 8/03, Exclusion from Schools in Scotland: Guidance to Education Authorities, and builds on earlier advice in Circular 2/98. The Circular should be retained by schools for reference - the grounds for exclusion according to the legislation are detailed in Appendix 1.

The Management of Exclusions in School Guidelines are rooted in a philosophical framework which recognises that:-

- learning and teaching is most effective in environments where the ethos is one of mutual respect and where positive relationships are encouraged.
- pupils and staff have a right to learn in school without having their learning disrupted
- pupils have a right to feel safe in school
- Staff have a right to teach in an environment which is not subject to disruption and aggression.
- Pupils, parents & staff all have a share in the responsibility to promote and maintain positive behaviour and positive relationships in schools.

Whilst the Guidance seeks to draw attention to the particular needs of those pupils with Additional Support Needs, those pupils who are “Looked After” by the Authority, and those pupils on the Child Protection Register, these particular groups are highlighted in order to emphasise best practice when considering the needs of all children, rather than to suggest a different approach.

A list of Frequently Asked Questions relating to this policy and the process of exclusion are provided as a summary at the end of this document. It may be helpful to use this as a guide to the process.

SECTION 2 - SCHOOL POLICIES AND PRACTICE ON EXCLUSION

All schools should have in place effective policies on building positive relationships and maintaining positive behaviour, which are developed in consultation with staff, pupils, parents/carers and the Parent Council, and which are supported by all stakeholders in the school community. The school policy should be applied consistently across the school.

A school's policies and procedures should address aspects under the following headings:-

2.1 The circumstances under which exclusion can be used

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

The school should set out the circumstances in which exclusion will be considered, which will reflect the fact that the school must act in accordance with the education authority's policies and procedures as well as operating within relevant legislation. The school should acknowledge the importance of using a staged approach and addressing problems early, through promoting positive relationships and positive behaviour management strategies, through preventative approaches, early intervention and support, involvement of parents/carers, and request for assistance to external agencies if appropriate. The school should also address the approach underlying its policy on exclusions which should be inclusive i.e. one in which all pupils are treated individually and offered an educational experience which they value.

2.2 Procedures

The steps that must be taken to meet the terms of legislation on exclusion and Council advice on the management of exclusions. (See Appendices 1 - 4)

2.3 Responsibilities

Who is responsible for managing exclusions at school and authority level? In primary schools this would generally be the Head Teacher. In a secondary school this could be a depute Head Teacher for 1 to 10 day exclusions, but should always be the Head Teacher in exclusions of 11 days or more. Any decision to remove a pupil from the school register following an exclusion of more than 15 days must be a decision for the Area ECS Manager in consultation with the Head Teacher.

2.4 Consultation

The steps which the school will take to ensure that the views of the parents/carers and also the pupil are accurately established and taken into account. This consultation process should, in most circumstances, take place before the exclusion decision, although it is recognised that in instances of gross misconduct, such consultation might not be possible until after the

exclusion decision. Staff should be aware of the importance of significant multi-disciplinary discussion and inter-agency co-operation, particularly concerning the circumstances of those pupils with additional support needs, and/or those who are looked after. (Please refer also to Appendix 3 of these Guidelines which reproduces advice contained in Circular 8/03 on “*Good practice in preventing the need for exclusion and avoiding its inappropriate use*” and “*Good practice in making decisions about exclusion in individual cases*”)

2.5 Return to school

The conditions of return of a pupil to school, including appropriate support strategies for the excluded pupil, should be clearly defined and agreed in writing following a meeting with parents / carers.

The measures to be put in place to provide appropriate support for other pupils and staff when planning for an excluded pupil’s reintegration into the school.

In instances where conditions for return cannot be agreed, further discussion with the Area ECS Manager should take place.

2.6 Evaluation

A commitment to monitor and analyse the use of exclusion via statistics, self-evaluation and review.

2.7 Requirement to consider the continuing needs of pupils who have been excluded

Schools are expected to pay regard to the continuing educational needs of pupils who have been excluded, in collaboration with other services and agencies e.g. Pupil Support Service, Psychological Service, and Social Work Services. Circular 8/03 continues to emphasise the importance of meeting the educational needs of excluded pupils, highlights the duties to provide alternative education for them, **and suggests a maximum period of 10 days of interruption to education beyond which alternative education must be provided. Such planning should be addressed at Area level at the time of exclusion.**

2.8 Special Circumstances

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

2.8i Pupils with Additional Support Needs

It is important to take a multi-disciplinary approach to the consideration of the need for exclusion with regard to children with Additional Support Needs. Where possible, this should involve discussion about difficulties at school, involving the parents/carers and where appropriate the young person, in addition to other professionals, well in advance of exclusion being considered as an option. The school should seek to balance the case for exclusion with

the need to take all reasonable steps to ensure appropriate provision is made for the pupil's additional needs.

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

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

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

2.8ii Looked After Children

Research indicates that looked after children are significantly more likely to be excluded from school.

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

Those children who are looked after and accommodated in residential or foster care will have particular care needs that require to be taken account if there is the possibility of exclusion. **In all cases, prior to possible exclusion, the Designated School Manager should involve the child's nominated social worker (Lead Professional) in discussion and consideration of the implications of exclusion on the home or care placement to ensure appropriate arrangements can be made.** Discussions with other relevant persons should not be delayed should this not prove possible

2.8iii Pupils on the Child Protection Register

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

2.8iv Pupils living in school hostels or lodgings

It should be noted, that although children living in school hostels or lodgings are not looked after, there are specific issues which require to be considered if exclusion is being considered for such a pupil. It is essential, in such circumstances, that appropriate discussion takes place with hostel wardens, landlords and the parents/carers of the pupil.

In certain exceptional circumstances it may be appropriate for a pupil to be excluded from school due to behaviour within the setting of a school residence. This would apply as a last resort and where the said behaviour could reasonably be described as giving rise to a situation where allowing the pupil to continue their attendance at the school would be likely to be seriously detrimental to order and discipline in the school or the educational well-being of the pupils there. In such cases the Head Teacher will be required to work closely with the local Residence Officer. Invariably it will be the staff of the Residence who will first alert the Head Teacher and ECS Manager to issues of this kind, to discuss possible supports, alternative strategies or interventions from external agencies where appropriate.

SECTION 3 – MANAGEMENT OF EXCLUSION PROCEDURES

(NB Head Teachers might also wish to refer to The Frequently Asked Questions at the end of this document which is specifically designed to guide them through the stages of the exclusion process)

Exclusions of 1 to 5 days

On the same day as the decision to exclude has been taken, the school must notify the parents/carers in writing, including a copy of the Parents Leaflet (appendix 4). Head Teachers might also wish to consider involving the child/young person, as recommended for all excluded children in the procedures for notification under the 1975 Regulations. Circular 8/03 also advises that it is good practice for schools to contact parents prior to the pupil being required to leave school premises. In all cases, the school should check that appropriate arrangements for the care of the child or young person are being made, before they are sent from school premises.

In accordance with Regulation 4(a), Schools General (Scotland) Amendment Regulations 1982 the exclusion letter should include a date, within 7 days, for a meeting when the Head Teacher and/or a member of the Senior Management Team are available, stating the time and place, the period of exclusion and the date on which the pupil is expected to return to school. This letter should explain the position to the parents/carers, being readily understandable whilst fulfilling the statutory requirements, and written in a tone likely to elicit a positive response. It may also state the conditions for accepting the pupil back to school. In some circumstances the school may regard a parental interview with the pupil present as a condition of return. This letter should include a reference to the right of appeal.

The date the decision to exclude is taken, is counted as the first day of exclusion. Exclusions of 1 to 5 days should be resolved **within 5 school days or earlier and ensure that an exclusion does not continue through school holidays.**

Should the parent wish to resolve the exclusion earlier, they should contact the school to make an appointment to discuss this.

Exclusions of 6 to 10 days

The school must notify the parents in writing on the same day as the decision to exclude has been taken, including a copy of the Parents Leaflet (appendix 4). The maximum length of exclusion is 10 school days. The letter to the parents should give the reasons for exclusion and the conditions for resolving the exclusion. Recorded Delivery could be used where the school feels it is appropriate. The letter should also include a date and place, within 7 days, when the Head Teacher and/or a member of the Senior Management Team are available to meet with the parents. The letter should include reference to the right of appeal. If the school decide that the conditions for return include a parental meeting, then it should be arranged early in the exclusion, and in any case no later than 7 days from the date of exclusion. This leaves time for a further appointment to be made should the parents fail to attend for any reason.

The date the decision to exclude is taken, is counted as the first day of exclusion. Exclusions of 6 to 10 days should be resolved **within 10 school days or earlier and**

ensure that an exclusion does not continue through school holidays.

Exclusions of 11 to 15 days

As in all exclusions, the parents must be informed of the decision to exclude in writing, on the day of the exclusion, including a copy of the Parents Leaflet (appendix 4). The **maximum** length of exclusion is **15 school days**. In normal circumstances, an exclusion of 11 to 15 days should not be delegated to a Depute Head Teacher; it should be managed by the Head Teacher. The parental interview should be made early in the exclusion, no later than 7 days from the date of exclusion, in order that a further appointment can be made within the 15 days, should the parents be unable to attend the first appointment. Exclusions of 11 to 15 days should be resolved **within 15 school days or earlier to ensure that an exclusion does not run through school holidays.**

Exclusions of more than 15 days

Where a school seeks to exclude a pupil for more than 15 days it is necessary for the Head Teacher to discuss the matter with the Area ECS Manager in order that a case conference can be convened to agree appropriate action, including arrangements for continuing educational provision. This change in educational placement will require a review of the child's plan, which should be amended to include these new arrangements. **Exclusions of more than 15 days should be resolved at the earliest possible opportunity and the needs kept under review so that there can be no 'drift' in their situation.**

Dealing with Serious Offences

In a small number of cases pupil behaviour will be of a serious nature requiring an immediate response by the Head Teacher. These incidents would include:

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

Where a criminal offence has been alleged, Head Teachers should contact Legal Services (Tel 01463 702110) within the Council and/or the local Police.

The circumstances regarding such exclusions should be clearly prescribed and included in the school's Policy on Supporting and Managing Positive Relationships and an appropriate reference should be included in the School Prospectus.

Communication with Parents / Carers

The exclusion letter to parents / carers (see Appendix 2) must include:

- the statutory basis for the decision to exclude
- the reasons for the decision to exclude, and the justification
- the start and end date of the exclusion
- the conditions with which the pupil must comply to be re-admitted, if appropriate to the individual case.

- the offer of an interview with the head teacher or delegated member of staff, at which the pupil should be present unless in circumstances where this would not be appropriate
- a note of the right to appeal
- the address to which an appeal should be sent

A copy of the Parent Leaflet (appendix 4) should also be sent out with the notification of exclusion.

If the pupil is over 16 years of age, letters should be addressed to the parent/carer with a copy to the pupil. Head Teachers might wish to consider sending such notification to all pupils deemed capable of understanding the contents, and to all pupils aged 12 and over.

Copies of all letters as per the pro-forma (see Appendix 2) should be sent to the Area ECS Manager.

Where the pupil is a Looked After and Accommodated Child the letter should be sent to the foster carers or Manager of the Children's Centre in which he/she is accommodated, with a copy to the Children's Services Area Manager who will inform appropriate parties eg. the birth parent(s), the Children's Reporter etc.

Unresolved Exclusions

In any exclusion, if the pupil/parent does not meet the conditions of the school or fails to return on the agreed day of return, except in cases where there is an authorised absence, the Head Teacher should seek to ensure the matter is resolved through the involvement of the Area ECS Manager where appropriate.

It would be expected that the Head Teacher would, in attempting to resolve the exclusion, seek the co-operation of all other agencies available to the school, in particular Psychological Services, the Pupil Support Service and where appropriate, Social Work Services, Legal Services or the Police. Pupils who receive tuition or external support following exclusion remain on the roll of the base school. Attendance monitoring will be carried out by the Support Service involved and passed onto the base school.

When an exclusion is resolved, appropriate recording of the exclusion should be made in the attendance reporting procedures in Phoenix. Schools are required to ensure that record keeping on exclusions and attendance is resolved on a monthly basis.

SECTION 4 – APPEALS PROCEDURES

Parents, or pupils over 16 years of age, and younger pupils deemed to have legal capacity (typically, 12 years of age and older) have a right to appeal against the decision to exclude. They should be notified of their right to appeal when they are informed of the exclusion. An appeal can be made without limit of time under Section 28(b) of the Education (Scotland) Act 1980. The appeal must be made in writing to the Area ECS Manager who will pass the appeal to Corporate Services for processing.

Corporate Services must acknowledge the appeal within 5 days and advise the education authority accordingly. The education authority will then notify the school. An Appeal Hearing is to be held within 28 days of the appeal being lodged. The parents or pupil over 16 years of age, and younger pupils deemed to have legal capacity, will be notified of the hearing date at least 14 days in advance.

Circular 8/03 states in Paragraph 34 that a decision to appeal should in itself have no effect on the length of the exclusion or on any conditions attached to the pupil's return. The Circular also advises that the views of the pupil should be sought even when it is the parent taking forward the appeal.

Once an appeal is lodged, the child may return to school following the period of exclusion, without parental assurance or conditions of return being met, pending the outcome of the appeal unless **in the case of exclusions of more than 11 days, the authority consider the pupil's return to school pending the outcome of the appeal to be inappropriate in that to allow the pupil to continue his / her attendance at the school would be likely to be seriously detrimental to order and discipline in the school and the educational well-being of the pupils there.**

Notes

1. The frequency of appeal against exclusion is low. Legal representation for the Head Teacher can be arranged where the Authority feels that this is appropriate.
2. The implication of applying the above principle will be examined on a case-by-case basis.

SECTION 5 - FREQUENTLY ASKED QUESTIONS - USING HIGHLAND COUNCIL MANAGEMENT OF EXCLUSION PROCEDURES

Introduction

Whilst there is no replacement for reading the full documentation that applies to this aspect of school management, it is intended that this aide memoir will ensure Head Teachers feel fully supported in their application of Highland Council's exclusion policy. It is also intended to be a checklist that will help Head Teachers feel secure in their decisions around exclusions. These intentions are met through specific directions to the relevant sections of the policy and tackling the most frequently asked questions at the point of exclusion:

How do I know whether I can exclude or not?

- Appendix 1 - The Legislation
- Section 2 - School Policies and Procedures

Who needs to know about an exclusion?

- Section 3 - Management of Exclusion Procedures

What are my school's obligations to a child or young person who has been excluded?

- Section 2 - School Policies and Procedures
- Section 2.8 - Specific Guidance on:
 - Pupils with Additional Support Needs
 - Looked After Children
 - Children on the Child Protection Register

What paperwork needs to be completed?

- Section 3 - Management of Exclusion Procedures.

Anything else I should think about at the point of exclusion?

- If the pupil has an ASN is "looked after" or is on the Child Protection Register then the views of involved professionals should be sought when a decision to exclude is being considered and when planning provision during the period of exclusion.
- Consideration should be given to any social, emotional, or behavioural difficulty which the pupil may have, the impact the exclusion will have on the learning and achievement of the pupil and appropriate involvement of the pupil and his/her parents in planning to address behaviour and gain most from educational opportunities.

How can I be sure that I have followed best practice in relation to exclusion?

- Annex B in circular 8/03, which is reproduced in Highland Council's Guidelines, can be particularly helpful in this regard.

THE LEGISLATION

The power to exclude a pupil from school and circumstances under which a pupil may be excluded are set out in regulation 4 of the Schools General (Scotland) Regulations 1974, as amended. The power to exclude – and so legal responsibility for exclusion – rests with the education authority. It is however, open to an authority to devolve the ability to exclude to school level. An exclusion resulting in the removal of a pupil's name from the register cannot be devolved to school level.

The only circumstances in which an education authority (or a school if operating under devolved responsibility) may exclude a pupil from school are where:

1. the authority is of the opinion that the parent of the pupil refuses or fails to comply, or to allow the pupil to comply, with the rules, regulations, or disciplinary requirements of the school; or
2. the authority considers that to allow the pupil to continue his/her attendance at the school would be likely to be seriously detrimental to order a discipline in the school or the education well-being of the pupils there.

The exclusion from school of a pupil other than in conformity with the terms of the Schools General (Scotland) Regulations has no statutory backing. This means any exclusion, which might be defined as “an informal exclusion”, or a “suspension” or sending a pupil home for a “cooling-off period” has no statutory backing and therefore no right of appeal. Such arrangements can lead to confusion and lack of clarity of the school's and the pupil's position.

Failure to comply with the Regulations in such circumstances may render the authority open to legal challenge by the parents or to action by the Secretary of State under Section 70 of the Education (Scotland) Act 1980.

SAMPLE OF EXCLUSION LETTER FORMAT - GUIDANCE FOR SCHOOLS

Dear Parent/Carer

NAME OF PUPIL – DATE OF BIRTH

I write to inform you that I have today excluded your child _____ from _____ School for a period of _____ days with effect from _____ date to _____ - both dates inclusive.

The decision to exclude has been taken on the following grounds that:

A

The Education Authority consider that in all circumstances to allow _____ continued attendance at this school is likely to be seriously detrimental to order and discipline in this school, or the educational wellbeing of the pupils there.

B

The Education Authority is of the opinion that as the parent of _____ you refuse or fail to comply, or allow the pupil to comply, with the rules, regulations or disciplinary requirements of the school.

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

_____ details relating to the incidents/circumstances leading to exclusion, including reference to other actions taken previously in managing the behaviour of this particular pupil _____

I write to advise you that I shall be available to discuss with you the decision to exclude _____ (name of pupil), at _____(time), on _____(date), within _____ (School) and I should be obliged if you would confirm that you wish to take up this offer and that _____will attend. I attach for your information, a leaflet explaining the management of exclusion of pupils by the school and the Education Authority. If you wish to discuss this matter further, before the date specified, I would be obliged if you could contact the school to ascertain whether a mutually convenient day and time may be arranged.

I must advise you that you have the right to refer the decision to exclude your child to an Appeal Committee set up and maintained under The Education (Scotland) Act 1980 and if you wish to lodge an appeal, this should be sent to the Area ECS Manager _____ (Appropriate Area ECS Office address).

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

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

Yours sincerely

Head Teacher

cc. Area ECS Manager

Exclusion From Schools In Scotland: Guidance to Education Authorities Circular 8/03

ANNEX A

Good practice in preventing the need for exclusion and avoiding its inappropriate use

In auditing their own policies and procedures with regard to exclusion, education authorities and schools should systematically consider the extent to which they have a range of aspects of good practice in place. Some of these aspects are highlighted here.

Scottish Ministers are committed to assisting and supporting education authorities in their continuing aim to reduce the need for exclusion and the educational opportunities potentially lost through exclusion. It is recognised, however, that there are circumstances where the use of this sanction is appropriate and where schools and education authorities will exclude pupils when they feel that such action is warranted. They must then act in accordance with the appropriate legislation and guidelines.

Scottish Ministers will continue to use the information collected to inform future policy and practice in relation to exclusion.

Guiding Principle

As indicated throughout this Circular, while legitimate on occasion to meet the needs of the whole school, exclusion should be considered as a sanction of **last resort**, to be used only when all other reasonable courses of action have been exhausted, or are inappropriate in the immediate circumstances that prevail

Positive School Ethos

Where pupils enjoy a positive and purposeful learning experience which meets their individual needs, treats them with respect and promotes their active involvement in decision-making, the challenging behaviour which often leads to exclusion can be significantly reduced.

With regard to the general management of school discipline, there is much that schools can do to promote good behaviour and relationships amongst their pupils and thus make it less likely that the circumstances which lead to the exclusion of pupils will arise. A school with a positive ethos will not only provide sanctions in response to poor behaviour but will also reward good behaviour. Positive recognition of good behaviour will help pupils learn the behaviour that is expected of them and promote a model of good discipline within the school. Schools should be aware that pupils may need to learn good discipline and should ensure that all teaching staff make clear what is expected of pupils in terms of their behaviour. All schools should seek to develop best practice approaches in promoting positive behaviour in explicit and carefully structured ways. The Discipline Task Group Report, "Better Behaviour - Better Learning" (2001), will provide schools with a source of ideas in this respect.

A vital component of a positive school ethos is an actively inclusive approach. A key characteristic of schools which have been successful in minimising exclusion is the Management of Exclusion in Schools Policy 2010

explicit adoption of the aim of meeting the needs of all pupils who are part of their school community, whatever their ability, background or social circumstances. This aim can be reflected in a wide range of aspects of the operation of the school, including:

- the development of effective systems of support for individual pupils, integrated with well-designed discipline systems;
- a commitment to providing an appropriately differentiated curriculum for all pupils, which ensures they are motivated, achieve success and are appropriately challenged;
- the organisation of lessons to ensure that all pupils are both challenged and supported; and
- recognition that some pupils learn best by listening and talking and others by visual diagrams, pictures and presentations. Taking account of these different learning styles can make teaching more accessible and motivating for pupils.

Education authorities and schools should seek to ensure that they are achieving levels of best practice in these areas.

Where a pupil is moved to out-of-class facilities, whether located in school or off-site, ideally this should be used as a short-term strategy, aimed at supporting the pupil through their difficulties and enabling them to **resume normal classroom education as soon as possible**.

The report by HM Inspectorate of Education "Alternatives to School Exclusion" (2001), identifies key principles and recommendations which can support schools in becoming more inclusive for all children and young people.

Discipline or Behaviour Policies

The Discipline Task Group recommended that all schools in Scotland review their policies on discipline and good practice regarding the content of these policies is further explored in their report, "Better Behaviour - Better Learning" (p13-15).

Involving pupils in the creation and review of school discipline policies can lead to those pupils having a greater sense of ownership and commitment to the rules and sanctions involved. It can also create a heightened sense of pride in, and belonging to, the school itself.

The consistent application of agreed routine procedures for the management of pupils, in classrooms and in and around schools, will lead to a greater likelihood of pupils understanding what is expected of them and behaving accordingly.

Schools should evaluate policy on behaviour within the normal cycle of self-evaluation. Education authorities should take active steps to disseminate good practice in their areas.

Support systems

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

Schools should develop re-integration strategies that will ensure that appropriate support is provided to pupils on their return to school. Consideration should be given to the contribution that can be made in such cases by other local authority staff, such as home-school links workers. It should also be recognised that school staff and/or other pupils may also require some level of support as a result of the pupil being excluded and on that pupil's return to school.

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

Education authorities should provide sensitive, well-publicised systems to provide practical, non-judgmental **support for teachers** experiencing difficulties with indiscipline, which can be easily accessed before difficulties escalate.

Early/staged intervention

Research has shown that many pupils who are excluded have pre-existing learning difficulties or social, emotional or behavioural problems which have not been fully recognised or addressed prior to a crisis point being reached.

Early, pro-active and positive interventions can make significant differences to the educational, social and personal outcomes for a child or young person and his/her family. Investment in early intervention strategies is crucial in reducing the need for exclusion. Schools should ensure that their disciplinary and pupil support systems are designed in such a way that appropriate early warning is given when any pupil is regularly behaving in disruptive or disturbing ways. When such warning is given, action should be taken, sensitive to the individual circumstances of the case, to address the difficulties. The **pupil's parent/s should be involved at an early stage** and schools should take care to develop positive, constructive relationships with the parent/s, despite the difficult circumstances which might prevail, in order to provide the best chance of mutual support in resolving the problems.

Where appropriate, the services of external agencies such as Psychological Services, Social Work Services, health services and voluntary organisations should be engaged at an early stage, perhaps initially on a consultative and advisory basis, leading to more direct support or intervention if necessary. Many local authorities arrange for named social workers to link with schools on a regular basis.

Multi-disciplinary approach and inter-agency co-operation

Integrated Community Schools create the context in which multi-disciplinary approaches can be developed and managed, involving a range of agencies in planning to meet the needs of a child and to make appropriate interventions when required, to prevent exclusion or manage re-integration of a child into the school following exclusion. This multi-agency approach can also provide appropriate support

for pupils or staff who have been adversely affected by the behaviour of another pupil.

In many areas, the development of formal inter-agency policies, sometimes known as 'youth strategies', have provided a context in which improvements in the effectiveness of agencies working together have been achieved. The precise mechanisms will vary between authorities, but all should develop a strategy for promoting inter-agency collaboration appropriate to their specific circumstances. Good inter-agency co-operation improves co-ordination, efficiency and effectiveness, reduces frustration between professionals from different disciplines and makes better use of existing resources. The publications 'Schooling with Care?', published by the Department in 1994, 'Sharing Good Practice', published in 1997, and the Action Plan on Better Integrated Services for Children "For Scotland's Children", published in 2001, should help authorities and schools in this regard.

To be effective in addressing the needs of vulnerable children, local authority children's services plans need to refer not only to the role of social work services but also to the contribution of other services provided by the local authority, particularly education.

Good practice as regards a multi-disciplinary approach and inter-agency co-operation and planning includes procedures for:

- ensuring that, at an early stage, schools and other agencies share information about pupils in difficulty, and consider what steps need to be taken to support those pupils and their families;
- co-ordinating a full range of appropriate assessments involving teachers and professionals from other agencies and integrating these to provide a picture of the whole child.
- jointly planning, undertaking and reviewing programmes of intervention to address underlying difficulties identified;
- joint placement and review of pupils in specialised provision; and
- ensuring appropriate collaboration between education, social work and, where appropriate, other agencies, with regard to pupils in residential provision or children who are being 'looked after' by the local authority in children's home or other contexts.

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

Policies and procedures such as the above should ensure that it is only in exceptional circumstances that a pupil is excluded from school or removed from a school register without a clear plan for appropriate alternative provision being established beforehand, and without supportive intervention having already been undertaken, frequently involving collaboration with other agencies. When these circumstances do occur, appropriate assessment and planning procedures should be initiated as a matter of urgency, to ensure that the pupil is suitably placed as soon as possible.

Good practice in making decisions about exclusion in individual cases

Guiding Principle

As indicated throughout this Circular, exclusion, while legitimate in protecting the interests of the whole school, should be considered as a sanction of **last resort**, to be used only when all other reasonable courses of action have been exhausted.

Consideration on an individual basis

It is not considered to be appropriate to set a specific national ‘tariff’ which ties specific types of exclusion to particular behaviours in a rigid or automatic way. In order that due account can be taken of local context, discretion regarding exclusions rests with education authorities. **In making decisions about exclusion the specific circumstances of the case and of the individual/s concerned need to be taken into account.**

Balancing the needs of all pupils

It is good practice to take decisions regarding exclusion on the basis of a balanced and comprehensive view of key factors, taking into account all relevant factors:

- The importance of maintaining confidence amongst pupils, parents and staff that the safety and wellbeing of the whole school community is a primary consideration.
- What steps may be taken to avoid the need for exclusion, considering whether any additional support can be provided that is likely to have a positive effect on any difficult or challenging behaviour, therefore preventing the need to resort to exclusion.
- What is in the **best interests of the pupil** in terms of meeting his/her educational needs. Consideration should be given to any social, emotional or behavioural difficulties which the pupil may have, the impact the exclusion will have on the learning and achievement of the pupil, and appropriate involvement of the pupils and his/her parents in planning to address behaviour and gain the most from educational opportunities

These factors should be taken into account in a balanced way before coming to a final judgement. Schools and authorities should ensure that they have as full an assessment of the pupil as possible, including input from other agencies such as social work services, and of the situation in the school, before coming to a decision.

Risk assessment

The excluded pupil

In certain circumstances, a period of time excluded from school may bring about a significant increase in the extent to which a pupil is vulnerable and so ‘at risk’ in the community or at home. In these circumstances it will be particularly important that education and social work services should discuss the pupil’s needs and behaviour

and reach an agreed assessment of the risks to the pupil of continued exclusion. In assessing risks, it is important to work closely with the pupil's parent/s and the pupil. The assessment should identify and address any difficulties relating to home circumstances which would be likely to arise from exclusion. Where necessary, locally agreed child protection procedures involving all the relevant agencies may come into play.

Preventing incidents in school

A further aspect of risk assessment should be considered in relation to the challenges sometimes encountered when managing large numbers of pupils in difficult building or grounds layout. Schools and authorities should consider appropriate procedures and staffing to ensure the safety of pupils and staff.

Removals from the register

It is for education authorities to judge where it may be appropriate to delegate decision making regarding exclusion to senior staff either within authorities or their schools. Decisions on exclusion leading to removal from the register of any child must be taken in the context of the education authority's duty to provide for the education of all children and the duty to make alternative provision without undue delay for the excluded child. Any delegation of such decision making requires effective communication channels for all those involved in the decision-making process to ensure these duties are fulfilled.

Alternative education provision

The provision of alternative education is an immediate requirement in the case of **every** pupil excluded from school. This is in order to minimise any detrimental effects which deprivation of education may have on the pupil concerned.

When reaching a decision regarding the provision of alternative education to a pupil excluded from school, consideration should be given to the particular facts and circumstances surrounding individual incidents and/or pupils. It is therefore important to ensure, while planning the range of provision which authorities make available, that due regard be given to ensuring that a full range of interventions and placements are available and provided in appropriate numbers.

Nevertheless, a strong emphasis should be put on the development of provision which supports pupils in mainstream school attendance and, in so far as procedures do withdraw pupils from mainstream, they do so to the minimum extent necessary, and returns them to mainstream as soon as possible.

Alternative educational provision may, under some circumstances, be aimed at addressing or resolving the immediate social, emotional or behavioural difficulties of the pupil as part of a strategy to enable the child or young person to make the most of his or her learning potential. It may also provide a mediation approach as part of the process of reintegrating an excluded pupil back into full-time school education. However, such an approach must not replace consideration of the learning needs of children and young people whose difficulties are long term or a feature of their ongoing additional support needs.

**The Highland Council
Education, Culture &
Sport Service**



**EXCLUSION FROM
SCHOOL**

**Information
For Parents/Carers**

If your child is at risk of being excluded or has been excluded from school, this leaflet:

- Gives you some background information
- Explains your rights and responsibilities
- Explains what happens next

The decision to exclude a pupil is based on the council's "Management of Exclusions" policy document which is available on request from your child's school or on our website at:

<http://www.highland.gov.uk/learning/here/supportforlearners/>

What happens at the meeting?

The Area Education, Culture & Sport Manager will arrange the meeting. Everyone there, including your child will have a chance to say what he or she thinks. The Area Manager will then decide what should happen next.

Who can I discuss this matter with?

This leaflet provides basic information on exclusion. If you wish to appeal against your child being excluded from school you should contact your local Head Teacher or Area Education, Culture & Sport Manager – see contact details below:

Caithness, Sutherland & Easter Ross

Area Education, Culture & Sport Manager
Drummuie
Golspie
KW10 6TA

Tel: 01408 635300

Inverness, Nairn/Badenoch & Strathspey

Area Education, Culture & Sport Manager
Glenurquhart Road
Inverness
IV3 5NX

Tel: 01463 702811

Ross, Skye & Lochaber

Area Education, Culture & Sport Manager
Education Centre
Castle Street
Dingwall
IV15 9HU

Tel: 01349 863441

The Right of Appeal

Parents/Carers and Pupils aged 16 and over have a right to appeal against the decision to exclude your child.

- At the time your child is excluded from school.
- After the meeting with the Head Teacher to discuss the exclusion
- After the meeting with the Area Education, Culture & Sport Manager.

If you appeal this will lead to an Appeals Committee Hearing

What is exclusion?

Exclusion means that your child will not be allowed to attend school. Exclusion usually lasts for a few days. The Head Teacher takes the decision. Normally the Head Teacher will talk to you about it and agree conditions for your child returning to school.

Sometimes the Head Teacher may not be able to agree that your child can come back to school. If this happens, the Area Education, Culture and Sport Manager will discuss the matter with you and may arrange a meeting.

Exclusion is generally a measure undertaken when all previous actions to address inappropriate behaviour have been unsuccessful.

We want children to be educated, wherever possible, in their local school or the school of their parents' choice.

Most children go back to school after being excluded. This is usually agreed between the Head Teacher, the parents/carers and the pupil. If there are continuing difficulties these are usually discussed and action agreed at a meeting.

What the law says about your rights and responsibilities

The Head Teacher may exclude a pupil because:

'to allow the pupil to continue his/her attendance at the school would be likely to be seriously detrimental to order and discipline in the school or the well-being of other pupils.'

This means that your child's behaviour has been unacceptable. It could be that he/she has been involved in several incidents over a period of time and despite everyone's efforts, behaviour has not improved.

It can also mean that he/she has been involved in only one incident and the Head Teacher feels that it is so serious that your child has to be excluded to maintain good order and discipline in the school.

The Head Teacher may exclude a pupil because:

'the parent of the pupil refuses or fails to comply, or to allow the pupil to comply, with the rules, regulations, or disciplinary procedures of the school'.

This happens when the Head Teacher feels that you as a parent/carer are not co-operating with the school or trying to make sure that your child behaves in an acceptable way. This type of exclusion does not happen very often.

What happens after a pupil has been excluded?

On the day your child has been excluded you will be informed about it. The Head Teacher will try to phone you. A letter will also be sent to you.

The Head Teacher has to offer you an appointment within seven calendar days to discuss the decision.

If, within the seven days, your child has been allowed back to school and you do not wish to appeal against the decision then no one has to do anything more in relation to the exclusion.

If the Head Teacher still cannot agree to allow your child back to school after a meeting with you, the situation will be referred to the Area Education, Culture and Sport Manager who will discuss the matter with you.

You and your child, along with the Head Teacher may be invited to attend a meeting to talk about the decision to help plan the way forward.

Other professionals may also be there. Everyone will have a chance to talk about what led to the exclusion and what needs to happen next. The agreed actions will be included in your child's plan by their named person or lead professional (the key person coordinating the support for your child) and you will receive a copy of this plan.

