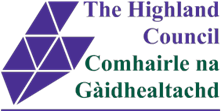
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| **Included, Engaged and Involved**  **Management of** **Exclusion in Highland Schools**  **Updated February 2017** |
|  |
| **Introduction**  Every learner is entitled to support to enable them to gain as much as possible from the opportunities which *Curriculum for Excellence* can provide, wherever they learn. Support should be appropriate, proportionate and timely. Early and staged intervention provides a framework for additional support where behaviour, for whatever reason, becomes more challenging.  The ethos and values within schools are fundamental to, and permeate, every aspect of school life. To enable all children and young people to be included, engaged and involved in their education, schools must develop an inclusive ethos where everyone's contribution to the school community is valued and everyone has a sense of belonging. School ethos and values heavily influence school policies and procedures, school rules and relationships. These also underpin positive relationships at all levels across whole learning communities. |
|  |
| **Guiding Principles**  These guidelines are rooted in a philosophical framework which recognises that:-   * The overarching aim is to support whole school communities, learning establishments and their partners to keep **all** learners fully included, engaged and involved in their education, wherever this takes place; and, to improve outcomes for those learners at risk of exclusion. * A shared approach of agencies working together, and responding to the needs of learners early and effectively, in line with the principles within the Children and Young People’s Act (2014), provides a model for best practice. * 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 – physically and psychologically. * Staff have the 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. * 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 which are supported by all stakeholders in the school community and applied consistently. |



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**SECTION 2 - SCHOOL POLICIES AND PRACTICE**

**Positive School Ethos**

**2.1** 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.

**2.2** 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 recog nition 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 relationships in explicit and carefully structured ways.

**2.3** A vital component of a positive school ethos is an actively inclusive approach. A key characteristic of schools which have been successful in minimising exclusion is the explicit 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 systems for promoting positive relationships;
* a commitment to providing an appropriately differentiated curriculum for all pupils, which ensures they are motivated, achieve success and are appropriately challenged;
* the organisation of lessons to ensure that all pupils are both challenged and supported; and
* recognition that taking account of different learning styles can make teaching more accessible and motivating for pupils.

**2.4** 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**.

**Support Systems**

**2.5** 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.

**2.6** 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 staff, such as Children’s Services 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.

**2.7** 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.

**Early/Staged Intervention**

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

**2.9** Early, pro-active and positive interventions can therefore 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 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 issues.

**2.10** Where appropriate, the Named Person will involve the Family Team, Additional Support Needs Services or voluntary organisations to engage at an early stage, perhaps initially on a consultative and advisory basis, leading to more direct suppor t or intervention if necessary:

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

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

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

**SECTION 3 – THE USE OF EXCLUSION**

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

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

**“are of the opinion that the parent of the pupil refuses or fails to comply, or to allow the pupil to comply, with the rules, regulations or disciplinary requirements of the school”.**

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

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

**3.4** Exclusion is usually a short-term measure with the vast majority of exclusions

(90%) for less than one week and the average length of exclusion 3 days.

**3.5** 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.

**3.6** The school must act in accordance with Highland Council policies and procedures as well as operating within relevant legislation. The school should acknowledge the importance of using a staged approach and addressing problems early, through promoting positive relationships and positive behaviour management strategies, through preventative 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 whi ch should be inclusive i.e. one in which all pupils are treated individually.

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

**3.8** Schools need to have regard to the continuing educational needs of pupils who have been excluded, in collaboration with other services and agencies e.g. Pupil Support Service, Psychological Service, and the Family Teams. The Local Authority remain responsible for the education of all pupils and therefore the school will have a responsibility to provide curricular support where appropriate, even when excluded. Where an alternative educational package requires to be provided, even for a short period of time, teaching resource may require to be transferred from the school to support the pupil’s continuing education.

**Special Circumstances**

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

**i) Pupils with Additional Support Needs**

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

**3.11** In reaching a decision to exclude, local authorities have to consider whether they could comply with section 4 of the Education (Additional Support for Learning) (Scotland) Act 2004 ("the 2004 Act")(2) which requires the authority to make "adequate and efficient" provision as long as it does not result in unreasonable public expenditure. There will therefore be a need to consider the particular facts and circumstances of each case.

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

**3.13** 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.**

**3.14** 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.

**3.15** 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. (See link below)

<https://www.equalityhumanrights.com/sites/default/files/equalityact2010-technicalguidance-schoolsinscotland-2015_0.pdf>

**ii)**  **Looked After Children**

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

**3.17** 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 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.

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

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

**iv)**  **Pupils living in school residences**

**3.19** It should be noted, that although children living in school residences 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 Residence Manager and the parents/carers of the pupil. If the behaviour of a pupil means they are to be excluded from the Residence, they are not automatically excluded from school. Alternative arrangements will be made in consultation with the school & parents, to support continued attendance at school.

**3.20** 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 Manager. Invariably it will be the Residence Officer who will first alert the Head Teacher and Area Additional Support Needs Manager or Area Care and Learning Manager to issues of this kind, to discuss possible supports, alternative strategies or interventions from external agencies where appropriate.

**SECTION 4 – MANAGEMENT OF EXCLUSION PROCEDURES**

**Regulations**

**4.1** Regulation 4 states that a local authority **shall not exclude** a learner from school unless the authority:

**"consider that in all the circumstances to allow the pupil to continue attendance at the school would be likely to be seriously detrimental to order and discipline in the school or the educational well-being of the pupils there." or**

**"are of the opinion that the parent of the pupil refuses or fails to comply, or to allow the pupil to comply, with the rules, regulations, or disciplinary requirements of the school"**

**4.2** Local authorities, when deciding whether exclusion is necessary, must have regard to the particular facts and circumstances surrounding individual incidents and an understanding of the needs and circumstances of the individual learner, and take into account how their behavior affects others.

Key considerations before decision to exclude is taken – Appendix 1

Key considerations once the decision to exclude has been made – Appendix 2

**4.3**  Failure to comply with the grounds set out above may render the Authority open to legal challenge by the parent/s, or the pupil (where the pupil is a young person or is a child with legal capacity in terms of the Age of Legal Capacity (Scotland) Act 1991) or to action by Scottish Ministers under section 70 of the Education (Scotland) Act 1980, as amended.

**4.4** School exclusions must also operate within the duties imposed by anti- discrimination, human rights and other relevant legislation. Therefore, local authorities and schools should keep fully aware of developments. This includes the Equality Act

2010.

**4.5** Guidance regarding exclusion

|  |  |
| --- | --- |
| **Length of Exclusion** | **Authority to exclude** |
| 1 - 5 days (resolved within 5 days or earlier) | Head Teacher, Depute |
| 6 -10 days (resolved within 10days or earlier) | Head Teacher, Depute |
| 11 - 15 days (resolved within 15 days or earlier) | Head Teacher |
| 16 days + | Head Teacher with agreement of the Area ASN Manager or Area Care and Learning Manager |

No pupil will be removed permanently from the school role without the agreement of the Area ASN Manager or the Area C&L Manager

**4.6** On the same day as the decision to exclude has been taken, the school must notify the parents/carers/pupil orally and in writing of the decision to exclude; **and** the date, time and place where the Head Teacher, or other member of the senior management team, shall be available to discuss the decision to exclude. The meeting about the pupil’s return to school with the parent and pupil should be arranged before or on the last day of the exclusion.  For longer periods of exclusion, this meeting **must** be within 7 calendar days following the day of the decision to exclude. The reason for this is that there may be adjustments/changes needed by the pupil, parents, and the school to ensure there is the best possible chance of a positive return to school on the first day back.

**4.7** At the end of the exclusion the young person would be expected to return to school as planned and agreed at the ‘return to school meeting’. The exception to this would be where an exclusion is for only one day and there is no alternative but to have the meeting with parents and pupil on the day following the exclusion ie the day the pupil returns to school.

**4.8** The date the decision to exclude is taken, is counted as the first day of exclusion. Both start date and end date are inclusive.

**4.9** The pro-forma letter set out in Appendix 3 **must** be used, explaining the position to the parents/carers and which includes a reference to the right of appeal. The pro forma letter set out in appendix 4 should be sent to any pupil over the age of 12 and any pupil under 12 who is deemed capable of understanding the contents of the letter, as they may have a separate right of appeal and have a right to give their views.

It should be ensured that an exclusion does not continue through school holidays.

**4.10** 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.

**Exclusions of more than 15 days**

**4.11** 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 Additional Support Needs Manager or Area Care and Learning Manager especially if alternative arrangements are required for continuing educational provision. Any change in educational placement and/ or off roll will require a review of the Child’s Plan and agreement of the Area Additional Support Needs Manager or the Area Care and Learning Manager. **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.**

**4.12** Section 14(3) of the 1980 Act places a duty on local authorities to make alternative education provision for excluded learners. The duty is to, **without undue delay**, either:

* provide school education for [the excluded pupil] in a school managed by them; or
* make arrangements for [the excluded pupil] to receive such education in any other school the managers of which are willing to receive [the excluded pupil]; or
* make special arrangements for the excluded pupil to receive education other than at a school.

**4.13** The purpose of section 14(3) is to ensure that excluded learners are given every chance to continue their learning, even in situations where the circumstances have been such that they have to be removed from a school. The duty on local authorities to provide education continues, even when the learner has been excluded, and the duty to provide alternative education for excluded learners must be discharged without undue delay.

**4.14** Where a learner is to be placed at another school either as part of an exclusion or following removal from the register, the Named Person and Lead Professional will work with the Area ASN Manager or Area C&L Manager to arrange all aspects of this onward placement, in the best interests of the learner. Parents and learners should be included in any decisions regarding placement at another school.

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

**Dealing with Serious Offences**

**4.16** 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, 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

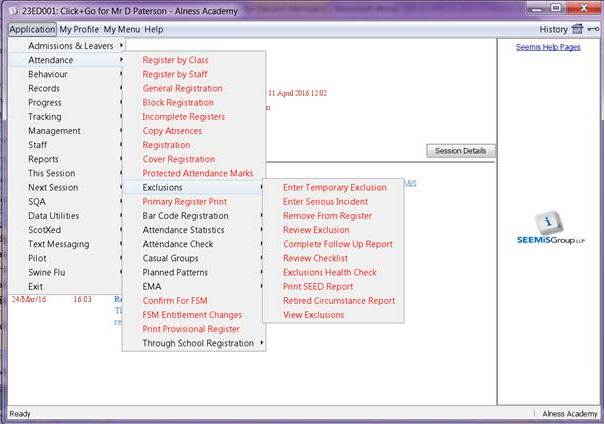
(d) drugs related incidents

**4.17** Where a criminal offence has been alleged, Head Teachers should contact the Area ASN Manager or Area Care and Learning Manager.

**Communication with Parents / Carers**

**4.18** Copies of the Exclusion letter, as per pro-forma (see Appendix 3), should be sent to the Area ASN Manager, Performance Management Unit (PMU) and recorded timeously in SEEMIS (Applications/Attendance/Exclusions - see screenshot below - this will also draw through automatically to Pastoral Notes so will avoid double entry of information.

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



**Unresolved Exclusions**

**4.20** 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 ASN Manager or Area Care and Learning Manager where appropriate.

**4.21** 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. Where there is a shared placement the ‘base’ school should continue to monitor attendance.

**SECTION 5 – APPEALS PROCEDURES**

**5.1** Parents or pupils over 12 years of age, (and if the pupil is deemed mature enough to understand the decision to exclude), have a right to appeal against the decision to exclude. The views of the pupil should be sought even when it is the parent taking forward the appeal. 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 ASN Manager or Area Care and Learning Manager who will pass the appeal to the Corporate Governance Service.

**5.2** The Corporate Governance Service 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 12 years of age, and younger pupils deemed to have legal capacity, will be notified of the hearing date at least 14 days in advance.

**5.3** 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.

**5.4** 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.

**5.5** The powers of the Additional Support Needs Tribunal Scotland have been extended to include cases related to discrimination in education, including exclusions of pupils with Additional Support Needs for reasons related to their disability.

**Notes**

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.

**REFERENCES**

Additional Support for Learning (Scotland) Act (2004) and as amended (2009), Scottish Government

Behaviour in Scottish Schools Research November (2009 - updates 2011 and 2013), Improving the Odds, Improving Life Chances, (2008) HMIE

Included, Engaged and Involved Part 2, (2011) and (2016) Scottish Government

Scottish Government Social Research, University of Edinburgh

Standards in Scottish Schools etc Act (2000), Scottish Government

**APPENDIX 1a**

**Checklists of Key considerations to be made prior to exclusion**

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

**Appendix 1a checklist should be used (alongside Appendix 1b checklist where appropriate) – Prior to an exclusion**

|  |  |  |
| --- | --- | --- |
| **Key consideration questions** | **Consideration given** | **Comment** |
| Has the child or young person been excluded before? What was impact of this? |  |  |
| Have the following been engaged to help prevent exclusion?   * Parents/carers * Key education staff * Other professionals (eg Social work, Educational Psychologist) |  |  |
| Has there been clear assessment of the child or young person and their needs? |  |  |
| Have additional support/interventions been provided for the child or young person? |  |  |
| Have alternative arrangements been made for the child or young person prior to the exclusion? eg. curriculum alternatives, temporary placement in base, use of virtual learning. |  |  |
| How can the staged intervention process and school partnerships be utilised to further support this child or young person? |  |  |
| Has the incident that precipitated the consideration of exclusion been reviewed to explore what happened? |  |  |
| Has another professional from within the school who is not directly involved, been consulted on the situation in order to provide a different perspective? |  |  |
| Has the child or young person been consulted on their views of the situation? |  |  |
| Has the Named Person/Lead professional been consulted on how to move forward? |  |  |
| Has the possible impact of exclusion on the child or young person been considered in light of individual circumstances? (see accompanying table) |  |  |
| Does the child or young person’s recent presentation constitute a recent wellbeing concern? |  |  |
| What might the impact of an exclusion be on a child or young person’s wider circumstances? |  |  |
| What impact might an exclusion have on the planning processes? |  |  |
| Has a risk assessment been completed for the child or young person where appropriate? |  |  |
| What are the hoped for outcomes of an exclusion? Are there other alternatives that might achieve this? |  |  |
| Has there been consideration given to length of exclusion to ensure it is proportionate and in best interests of child/young person? |  |  |
| Does the exclusion comply with the regulation 4 of the 1975 Act? |  |  |
| Have the rights of the child or young person been considered, with regard to articles of UNCRC? |  |  |
| Have all other options been considered before deciding on exclusion as a necessary step? |  |  |

**APPENDIX 1b**

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

|  |  |  |  |
| --- | --- | --- | --- |
| **Individual Circumstance** | **Additional consideration** | **Consideration given** | **Comments** |
| Looked After child | Social worker/Lead professional consulted prior to decision |  |  |
|  | Education manager/named person consulted on plan regarding particular issues |  |  |
|  | Appropriate arrangements made with regard to support/care and wellbeing at home |  |  |
|  | Decision made as to whether exclusion to go ahead |  |  |
| Child on Child Protection Register/child protection concerns previously raised | Child Protection Development Officer and Social Worker/Lead Professional consulted |  |  |
|  | SEEMiS checked for child protection message |  |  |
|  | Education authority consulted about appropriate provision |  |  |
|  | Appropriate arrangements for return into school considered |  |  |
| Child with additional support needs | Other professionals involved with child consulted on continuation of any additional input |  |  |
|  | Confirmation sought that child or young person is not being excluded for reasons associated with disability |  |  |
|  | Ensure that child or young person is not being excluded for reasons associated with a protected characteristic |  |  |
|  | Account is taken of impact of exclusion on child or young person’s learning and support provision |  |  |
|  | Consideration is given to review of any Child’s plan or Coordinated Support Plan |  |  |
|  | Transition planning is taken into account with regard to return to school |  |  |
| Children from an area of socioeconomic deprivation | Consideration should be given to the impact on child’s wellbeing, eg free school meals |  |  |

**APPENDIX 2**

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

|  |  |  |
| --- | --- | --- |
| **Action to be taken** | **Action Taken** | **Comment** |
| Child or young person is informed he/she is to be excluded. |  |  |
| Immediately inform parents/carers verbally. |  |  |
| Looked After Children (LAC) and children or young people on Child Protection Register/child protection concerns – communication with all potential carers as well as any person who may have parental rights and responsibilities. |  |  |
| LAC and children or young people on Child Protection Register/child protection concerns – decision communicated to lead professional, Social Worker, Key Worker, Foster Carer, Educational Psychologists and Head of Service. |  |  |
| Make arrangements for child or young person to be sent or taken home. Child or young person not to leave school until safety, health and wellbeing assured and appropriate arrangements are in place. |  |  |
| If parents/carers cannot be contacted child or young person must be supervised at school until suitable arrangements can be made. |  |  |
| If verbal contact made, follow up by written confirmation of exclusion on same day exclusion takes place. Include reason for exclusion and information on Right of Appeal. |  |  |
| Inform of date, time and place where HT or official of authority is available to discuss the exclusion. |  |  |
| If child or young person is of legal capacity inform them in writing of exclusion and right of appeal |  |  |
| Record of exclusion filled out – incident report form |  |  |
| Ensure exclusion is recorded accurately on SEEMiS |  |  |
| All documents relating to exclusion to be retained in Pupil’s Progress Record |  |  |
| Appropriate educational provision to be provided and monitored, e.g. course work, access to library, online learning |  |  |
| Arrangements for the child or young person to access any existing support made (outwith school if necessary) |  |  |
| A contact person should be allocated for parent/carer and child or young person to liaise with re. educational provision |  |  |
| Parent/carer should be informed of their responsibility to ensure child or young person is provided with appropriate education throughout the period of exclusion. |  |  |
| Parent/carer should be provided with information on support to assist them or advocate on behalf of child or young person. |  |  |
| Notify local authority. |  |  |
| If exclusion is lengthy or multiple, refer to local authority for support in decision making. |  |  |
| If parent/carer and/or child or young person exercise their right of appeal, meet with parent/carer and child or /young person to discuss. |  |  |
| Referral to Scottish Children’s Reporter if appropriate. |  |  |

**APPENDIX 3 HIGHLAND EXCLUSION LETTER FORMAT – Parents/Carers**

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 Local 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 t he educational wellbeing of the pupils there.

**B**

The Local 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 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 Local 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 ASN Manager (Name and Appropriate Area 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 ASN Manager,

[performance.managementunit@highland.gov.uk](mailto:performance.managementunit@highland.gov.uk)

**APPENDIX 4 HIGHLAND EXCLUSION LETTER FORMAT – Pupil**

Dear (insert pupil’s name)

**Exclusion from** (insert Name of School)

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 Local 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 t he educational wellbeing of the pupils there. or

**B**

The Local 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 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 and your parents/carers, the decision to exclude at (time), on (date), within (School).

I attach for your information, a leaflet explaining the management of exclusion of pupils by the school and the Local 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 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 ASN Manager (Name of ASN Manager and Appropriate Area Office address).

A copy of this letter will be held in your progress record. This letter comprises the only

reference to the exclusion which will be retained within the progress record.

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

Yours sincerely

Head Teacher

cc. Area ASN Manager

[performance.managementunit@highland.gov.uk](mailto:performance.managementunit@highland.gov.uk)

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| --- | --- | --- | --- | --- | --- |
| **The Right of Appeal**  Parents, or pupils over 12 years of age, (and younger if the pupil is deemed mature enough to understand the decision to exclude), have a right to appeal against the decision to exclude. You can do this:   * At the time the child is excluded from school. * After the meeting with the Head Teacher to discuss the exclusion. * After a meeting with the Area ASN Manager to discuss the exclusion.   If you appeal, this will lead to an Appeals Committee Hearing.  A decision to appeal will have no effect on the length of the exclusion or on any conditions attached to the pupil’s return.  **Who can I discuss this with?**  This leaflet provides basic information on exclusion. You can discuss an exclusion further with the Head Teacher. If you wish to appeal against your child being excluded from school you should write to the Additional Support Needs Manager or the Care and Learning Manager at your local Care and Learning Area Office. (For contact details see the back of this leaflet). |  |  | **Contact Details:**  **North Area**  Drummuie  Golspie  KW10 6TA  Tel: 01408 635300  **South Area**  Highland Council Headquarters  Glenurquhart Road  Inverness  IV3 5NX  Tel: 01463 702045  **Mid Area**  County Buildings  84 High Street  Dingwall  IV15 9QN  Tel: 01349 868546  **West Area**  Elgin Hostel  Portree  Tel: 01478 613697  Camaghael Hostel  Fort William  Tel: 01397 707350 |  | **The Highland Council**  **Care and Learning Service**    **EXCLUSION FROM**  **SCHOOL**  **Information**  **For Pupils/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 “Included, Engaged and Involved - Management of Exclusion in Highland Schools” policy document which is available on request from your child’s school or on our website at: <http://www.highland.gov.uk> |

**What is exclusion?**

Exclusion means that you/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 returning to school.

Sometimes the Head Teacher may not be able to agree that you/your child can come back to school. If this happens, the named person or Lead Professional will call a Child’s Plan review meeting and the Area Additional Support Needs Manager will be invited to attend.

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 pupils 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 the Child’s Plan Review.

**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 is excluded, you will be informed about it. Where possible the Head Teacher will speak with you. A letter will also be sent to you.

The Head Teacher will 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 to exclude, 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 Additional Support Needs 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.

Other professionals may also be there. Everyone will share their views 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 person coordinating support for your child) and you will receive a copy of this plan.

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