

**ABERDEEN CITY COUNCIL – PLANNING & POLICY FOR EDUCATION  
CULTURE & LEARNING**

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<b>PRIORITY:</b>	
<b>Action:</b>	
<b>Respond By:</b>	
<b>Information:</b>	✓
<b>Policy:</b>	✓
<b>Procedure:</b>	✓
<b>Replaces Circular:</b>	<b>PP/ASC/016/03</b>
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<b>P.O.M. Ref:</b>	

### **EXCLUSION POLICY AND PROCEDURES**

As you will be aware we have been revising the Exclusions Policy and associated Procedures. There has been much consultation and I wish to thank all those colleagues who have helped to inform the revision whether via contributions in writing or the ASG meetings. In particular I should like to acknowledge the work of head teachers and other colleagues who served on the task-and-finish group which was responsible for the revision. I am pleased to say that the revision was approved recently by Policy and Strategy (Education) Committee on June 9 2009. The revised Policy and Procedures are attached. We are circulating the revision now so that schools will be able to adopt the new Policy and Procedures from August 2009.

Revised template letters to support the operation of the Policy and Procedures are currently being finalised. The letters should assist, in particular, with communication between establishments, parent(s)/carer(s) and pupils. Establishments may of course adapt the letters where this is felt to be necessary and/or appropriate. Copies of these template letters will follow and be available for use for the start of the new session.

Also to follow are leaflets for parent(s)/carer(s) and pupils which may be distributed as and when establishments feel this is appropriate action. These leaflets are designed to inform parent(s)/carer(s) and pupils of the exclusion process along with their rights and responsibilities.

The task and finish group will reconvene in about a year's time to undertake an evaluation of the revised Policy and Procedures and your contribution at that time be welcomed.



**Rhona Jarvis**  
**Head of Planning & Policy for Education**

**Circulation:** To all schools

**For Information To:** Heads Of Service Culture and Learning, Service Managers  
Schools and Children's Services, Education Officers, Pupil Support Srv

**The Management of Exclusion in School**

**Policy and Procedures**

**August 2009**



**ABERDEEN  
CITY COUNCIL**

## **Exclusion Policy**

### **1. Introduction**

1.1. This policy sets out the factors to take into consideration and the processes to follow when making the decision to exclude a pupil.

1.2. The Management of Exclusion in School Policy is set within a value based framework which recognises that:-

Pupils 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.

1.3. Exclusion should be used as a last resort or in certain clearly prescribed circumstances, and where exclusion is used it should be as a proportionate response where there is no appropriate alternative.

1.4. Exclusion should not be seen as a form of punishment, but rather as a management tool to maintain good order and discipline.

1.5. The need to use exclusion should be reduced by the promotion of a positive and inclusive ethos which celebrates success, has high expectations of every child and where all pupils are treated consistently and fairly.

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

1.7. Schools must ensure that pupil support is offered within a framework which allows for a proactive and flexible approach. This has to include using as appropriate all resources and support at school, locality or authority level.

1.8. Links with partner agencies and services should strengthen support to pupils and parents. The Integrated Assessment Framework, which is being implemented as part of the Getting It Right for Every Child (GIRFEC) agenda, provides guidance and direction in order to facilitate and encourage multi-agency working and co-operation.

### **2. Inclusion**

2.1. The Aberdeen City Council definition of inclusion is that:

Inclusion is the process of developing flexible systems to support the needs of all children and young people through collaborative partnership working.

This is supported by the ACC statement of intent:

To effectively meet individual needs we will improve existing skills and celebrate success thereby ensuring that all children and young people have opportunities to realise their full potential and belong to their learning communities. It is about actually making policies work and delivering real improvements for the benefit of all.

Aberdeen City Council welcomes diversity in all its forms and values the contribution every child and young person makes to our city.

- 2.2. There is no quick fix to issues of indiscipline in school which can be used instead of exclusion. However, the work undertaken to create an inclusive school should result in a positive school experience for all pupils and hence reduce the use of exclusion;

“A key factor underlying all alternative measures is the professional ideology of staff, particularly, though not exclusively, staff in senior positions. If staff hold a professional commitment to an inclusive school, then exclusion are likely to be rare. This means perceiving it to be the job of the teachers to teach all pupils, not just the well-behaved, those who want to learn or high achievers.” (Exclusion and In-School Alternatives SOEID 1997)

- 2.3. The GTC Code of Practice on Teacher Competence asserts that teachers “should show in their day-to-day practice a commitment to social justice and inclusion.”
- 2.4. Authorities with a positive ethos, which encourage achievement, celebrate success, and have high expectations for every child, have lower exclusion rates and fewer discipline problems.
- 2.5. It is expected that schools will make effective use of their in-school supports and resources and when appropriate and necessary will seek relevant consultation (for example with Educational Psychologist) and request any available additional supports, in order to enable pupils to be maintained in school where it is safe and appropriate to do so.

### 3. Legal Position

- 3.1. In Scotland the legal criteria, which must be met for exclusion is laid down in the Schools general (Scotland) Regulations 1975 as amended. These are:

An education authority shall not exclude a pupil from school unless the authority:

- i) “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”; or

ii) “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.” (Regulation 4 of the Schools General (Scotland) Regulations 1975)

Exclusion from school of a pupil other than in conformity with the Regulations has no statutory backing.

- 3.2. The Age of Legal Capacity (Scotland) Act 1991 states that a person under the age of 16 has legal capacity where they have sufficient maturity and understanding, and there is a general presumption that children aged 12 and over have that capacity. This requires schools to communicate directly with the pupil if he/she has legal capacity. However, it is considered good practice to also keep parents informed and involved at every stage regardless of the age of the child. In general, there is a presumption that children over 12 have sufficient maturity and understanding to have legal capacity. This requires schools to communicate directly with the pupil if they have legal capacity. Parents have a responsibility for guidance of children and young people up to the age of 18 years. They should therefore receive copies of any communication and must be fully involved in the process.
- 3.3. Arrangements to ensure that the education of excluded children is not disrupted must be considered and put in place on exclusion. There is a legal duty under section 14(3) of the Education (Scotland) Act 1980 to, without undue delay, either provide school education for the excluded pupil in another school whether or not under the Education Authority’s management or make special arrangements for the excluded pupil to receive education other than at a school. (See Step D of the Procedures for Exclusion for further guidance.)

## 4. Staged Intervention

- 4.1 Exclusion should only be used when all other strategies have failed. However there may be occasions in the case of a serious single incident where exclusion may be deemed necessary. The following incidents would normally result in exclusion for example:
- a) Physical, verbal or racist or sexual threats to staff and / or fellow pupils.
  - b) Unprovoked physical assault on staff and / or pupils.
  - c) Incidents which put the health and safety of staff and pupils at risk.
  - d) Drug related incidents.
- 4.2 Schools should adopt the staged intervention procedure as described in the Additional Support for Learning (ASL) procedures manual and The Integrated Assessment Framework operational guidance. Best practice would see the use of an I.E.P (Individual Education Plan) being considered in order to reduce the need for exclusion. Positive approaches and appropriate support offer a more positive experience for the pupil and are in line with the requirements to ensure

that children get the help they need when they need it. (Protecting Children and Young People: Framework for Standards)

- 4.3 Alternatives can be thought of in two ways – alternative punitive sanctions seen as less severe than exclusions as set out in the school behaviour management policy, or pro-active supportive measures designed to avoid the need for the use of exclusion as a sanction.
- 4.4 Pro-active supportive measures perceived as effective begin in the classroom. These include advance planning and preparation by the teacher, a differentiated and flexible curriculum and using classroom seating arrangements to separate some pupils (Exclusion and In-School Alternatives SOEID 1997)
- 4.5 Alternative strategies which may be considered within the Staged Procedures framework include, but are not limited to;
  - a) Personal Learning Planning
  - b) Consultation with other staff members e.g. Guidance, Support for Learning, the ASG.
  - c) Involvement of Educational Psychologist.
  - d) Restorative conference.
  - e) Solution Oriented Approach.
  - f) Risk Assessment carried out.
  - g) Referral to Pupil Support Service.
  - h) Involvement of an Educational Social Worker.
  - i) Alternative educational provisions (e.g. shared placements, use of outdoor education).
  - j) Referral to Social Work Services
  - k) Seek advice from, or refer a child to the Reporter to the Children’s Panel (where there are concerns over care, control, and attendance).
  - l) Involvement of Community Learning and Development.
  - m) Access to a Mental Health Professional
- 4.6 The appropriate social, emotional and behavioural provisions (in-school and outwith) should allow support to be offered at an earlier stage to a greater number of pupils. A focus on in-school support and shared placements should reduce the need for exclusion by providing appropriate local support.
- 4.7 All schools should have in place effective policies on discipline, or behaviour, which are the result of consultation with all members of the school community and are supported by, and promulgated to, all staff, pupils, and parents. The policies should be applied consistently throughout the school.
- 4.8 Schools should not operate a policy where a certain number of temporary exclusions automatically trigger a request for removal from register. This may not give enough time for supports to have an effect and would be detrimental to a pupil who is experiencing a crisis causing multiple difficult behaviours over a short period of time.

- 4.9 The use of 'informal' exclusions, where a parent is asked to keep a pupil at home, is not acceptable under any circumstances as it could leave the Authority open to legal challenge.
- 4.10 The use of a Courting Exclusion letter should be used to clearly indicate to parents/carers and the pupil that there is a serious concern regarding behaviour. This course of action can also act as an impetus to promote a positive change in behaviour, formally engage parents/carers in focused discussions with respect to behaviour and to identify constructive ways in which to move forward. A Courting Exclusion letter would also serve as part of a chronological record of steps which have been taken by the school (see 9.1).
- 4.11 Although parents do have the right to request a place in another school for their child, it is not acceptable to encourage a parent to request a place at another school for their child as a means of avoiding the exclusion process.

## 5 Children with Additional Support Needs

- 5.1 The Education (Additional Support for Learning) (Scotland) Act 2004 states that additional support needs may occur :

*Where for whatever reason the child or young person is or is likely to be unable without the provision of additional support to benefit from schools education provided or to be provided for the child or young person.*

In these circumstances it may be problematic for the pupil to receive education other than at the school. It may be that the child's needs cannot be catered for unless the child attends the school or is immediately enrolled in another school. The pupil will have particular support needs and a period of exclusion, which requires home-based education, may place unacceptable stress on the family. This creates a tension for school staff who have to balance the case for exclusion with the need to make appropriate educational provision.

- 5.2 Some children who have additional support needs will also be disabled in terms of the Disability Discrimination Act 1995 as amended. That Act imposes a duty on Education Authorities not to treat a disabled pupil less favourably than a child who is not disabled and a duty to make reasonable adjustments to ensure that disabled pupils are not placed at a disadvantage. The definition of a disabled person under the Disability Discrimination Act 1995 is "Someone who has a physical or mental impairment which has a substantial and long term adverse affect on his/her ability to carry out normal day to day activities".
- 5.3 This is a broad description that covers pupils with physical or mental impairments and may include children with learning disability, sensory impairment, severe dyslexia, diabetes, or epilepsy, pupils who are incontinent, or who have AIDS, severe disfigurements or progressive conditions like muscular dystrophy. This list is not exhaustive and other pupils may be regarded as disabled, based on their own

individual circumstances and the impact this has on their ability to function day to day.

**It is less favourable treatment to exclude a pupil for a reason relating to his disability. The "less favourable treatment" duty does not mean that disabled pupils have an excuse for disruptive or antisocial behaviour. There has to be a direct link between the reason for the less favourable treatment and the pupil's disability. If there is no such link, there is no discrimination.**

Less favourable treatment can be justified but only if the reason for it is both material to the circumstances of the particular case and substantial e.g. assault on a teacher. Determining whether there is justification requires a balancing exercise. The authority has to show that the unfavourable treatment was justified in all the circumstances, including the interests of the school and of the disabled pupil. This is difficult to establish if reasonable steps which could have been taken to prevent an incident happening in the first place were not taken so schools must be mindful also of the duty to take such steps as are reasonable to ensure that disabled pupils are not placed at a substantial disadvantage in comparison with those who are not disabled. The Act says that the Education Authority discriminates against a disabled child if it fails to the detriment of the child and without justification to take these reasonable steps e.g. training of staff about particular disabilities affecting pupils within the school and how such disabilities manifest themselves and development of strategies for staff and the pupils concerned to avoid difficulties.

When a child/young person with a disability warrants exclusion, consideration should be given to minimising the impact on the support provided for parents. The provision of a robust, chronological paper trail to cover this should always be ensured.

- 5.4 Children, who have suffered abuse or are under considerable stress, may communicate their hurt in different ways, for example by disrupting their classes, damaging property, outbursts and fights or bullying, or by becoming uncooperative or withdrawn. Teachers need to provide a balance between responding to challenging behaviour in a way that provides consistency for the class, whilst understanding that a troubled child may require support alongside discipline. Managing such situations requires schools to think creatively about how best to progress the interests of the majority of their pupils whilst meeting the needs of individuals.
- 5.5 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 (ASN). Where possible this should involve discussion about difficulties at school involving the parents/carers and where appropriate the young person in addition to other professional 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 pupils' education needs.
- 5.6 Looked After at Home or Looked After Away from Home children can face additional barriers to success in education, including a lack of full-time education (sometimes for substantial periods of time) when excluded from school. Whilst it is important that head teachers retain the right to exclude disruptive pupils, schools also need to be



aware of the many challenges and obstacles that Looked After at Home or Looked After Away from Home children face. Schools, therefore, need to deal with Looked After at Home or Looked After Away from Home children's' behaviour in and attitudes to, school with sensitivity and also access and provide appropriate support where and when necessary.

5.7 The designated manager for LAC within the school should be involved at any time exclusion is being considered for a Looked After at Home (LAC) or Looked After Away from Home child.

5.8 The teacher for Children Looked After Away from Home (LAAC) should be involved in any case where a LAAC residing in any of the children's units within Aberdeen City is having problems at school. They should be informed prior to exclusion and immediately if there is a serious incident which results in exclusion.

5.9 It would be best practice for LAAC to have an I.E.P and all LAC to be considered for an I.E.P as this may help to support them in school and positively manage any behavioural problems that they may have by engaging them in a meaningful way.

## 6 Multi-disciplinary working

6.1 Effective support for children and young people should come from school staff and staff from other services and agencies working together. It is important that protocols for sharing information and co-coordinating approaches are clear to avoid duplication or omission. The Integrated Assessment Framework and Single Plan will promote, facilitate and support this process.

## 7 Safe Environment for children and staff

### 7.1 Aberdeen City Council

'is committed to supporting all employees in an environment that is free from all forms of bullying, harassment and aggression and where they can expect, at all times, to be treated with respect.

The Council acknowledges that, in the day to day delivery of services, employees can be confronted by aggressive or violent behaviour by service users/members of the public. Whilst acknowledging that such eventualities may arise, the Council affirms that such behaviour is wholly unacceptable'. (ACC Circular PP/ASC/015/06)

7.2 Pupils and school staff are entitled to experience education in an environment which is free from disruptive or aggressive behaviour. It can be necessary to exclude a pupil from school in the interests of meeting the needs of the majority of pupils and teachers and helping foster an environment in which they can learn and teach with as little disruption as possible.

7.3 The zero tolerance of abuse of staff should be dealt with using the school behaviour policy and would not necessarily lead to exclusion. The circumstances should be

ascertained and considered and appropriate sanctions, under the staged procedure should be used. This is not to say that exclusion may not be used but it should not be an automatic response. It would be seen as best practice that where a member of staff has experienced abuse their views should be taken into account. This would help to ensure that the individual(s) affected by the abuse has a clear understanding and appreciation of the reason(s) why a particular sanction has been employed. A Restorative Conference may be used as a viable alternative to exclusion where the staff member and pupil involved have been consulted and engaged with in a meaningful way in order to arrive at this agreed course of action. Each incident should be judged on an individual basis and within the context in which it arose.

7.4 In considering the handling of any exclusion, the circumstances leading to a decision to exclude a pupil should be carefully considered. The feelings of teachers and staff who have witnessed, or been the victims of breaches of discipline should be considered when planning for the re-integration of an excluded pupil, where this is the expected conclusion following the period of exclusion. It is good practice when making arrangements for an exclusion to consider whether there are arrangements which should be put in place for staff or other pupils who may have been involved in any incident, or for the wider school community. The atmosphere and ethos of the school could be compromised if the views and feelings of the wider pupil population are not acknowledged and managed appropriately. The evaluation of the way such incidents are managed can enable schools to learn and inform their policies and practices for the benefit of the school.

7.5 Consideration should be given to the use of Restorative Practices or Solution Oriented Approaches in order to support the implementation of 7.3. A risk assessment will help to identify and suggest future supports and strategies and as such should be carried out before re-integration after any violent incident.

## 8 Consultation

8.1 Section 2 of the Standards in Scotland's Schools etc. Act 2000 requires that Education Authorities have due regard, so far as is reasonably practicable, of any views of a child or young person to whom they are providing education in decisions that significantly affect them, taking account of the child or young person's age and maturity. Any views expressed by a pupil should be noted.

8.2 Behaviour or discipline policies should be written in consultation with the whole school community. The Pupil Council and Parents' Council should be consulted.

## 9 Record Keeping

9.1. It is important that the school has a chronological record of all steps taken to support pupils and the supports which were put in place prior to exclusion. This should include records of consultation with the Educational Psychologist and any other professionals. Furthermore it is important that schools detail evaluations of supports and strategies implemented and reference resources which they have tried to access but been unsuccessful in securing – along with the reasons for this.

Records kept as a result of movement through the Exclusion Flow Diagram will help to facilitate this process.

## 10 Conclusion

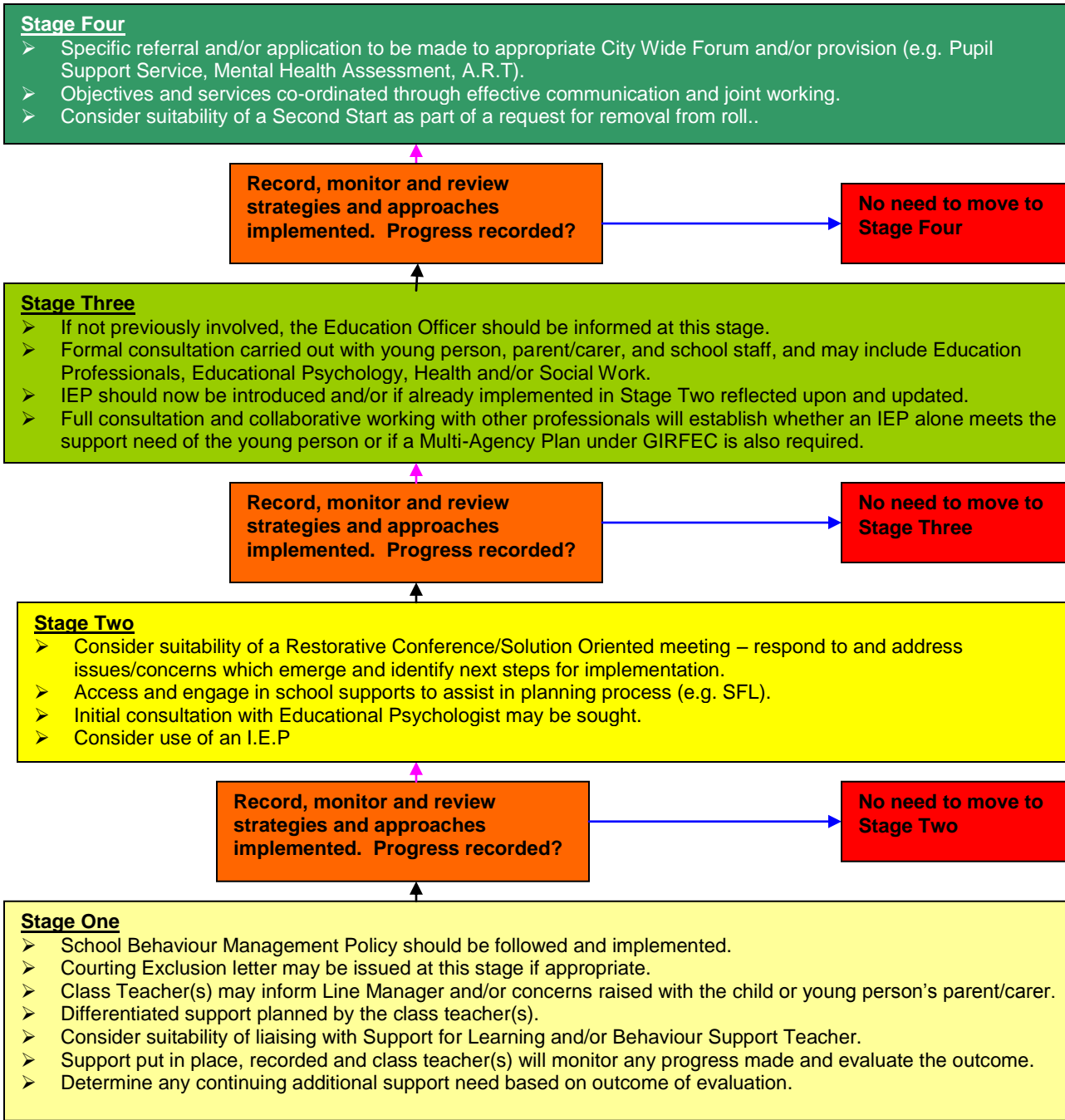
10.1 In conclusion, exclusion is necessary as a sanction in cases of extreme continuous indiscipline or a single serious incident. Preventative measures should be in place and positive supports and procedures followed and exhausted before consideration of exclusion. Early intervention is also important and would be seen as best practice.

10.2 Behaviour outside school should be dealt with in the same way as behaviour inside school where it is considered that there is a clear link between the inappropriate behaviour outside the school maintaining good behaviour and discipline among the pupils as a whole. Pupil behaviour in the immediate vicinity of the school or on the journey to and from school may result in exclusion.

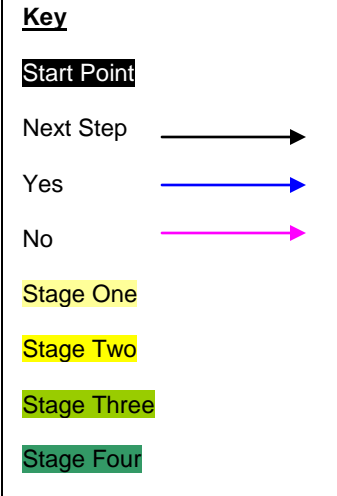
10.3 As outlined in Circular 8/03 from the Scottish Government it is good practice to take decisions regarding exclusion on the basis of a balanced and comprehensive view of key factors, taking into account all relevant factors:

- The importance of maintaining confidence amongst pupils, parents and staff that the safety and well being of the whole school community is a primary consideration.
- What steps may be taken to avoid the need for exclusion, consideration 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/carers in planning to address behaviour and gain the most from educational opportunities.

10.4 Schools would be advised to refer to the options and stages outlined in the preceding flow diagram in order to ensure that possible support options and strategies are considered. **Professional judgment along with consideration for the complexities of each individual case (as discussed in 10.3) should guide and aid use of the outlined procedures.**



## Secondary Context



Re-integration meeting – S.O approach/Restorative Conference may be considered. Recognition should also be given to the responsibilities the pupil and parents/carers share in maintaining positive behaviour.

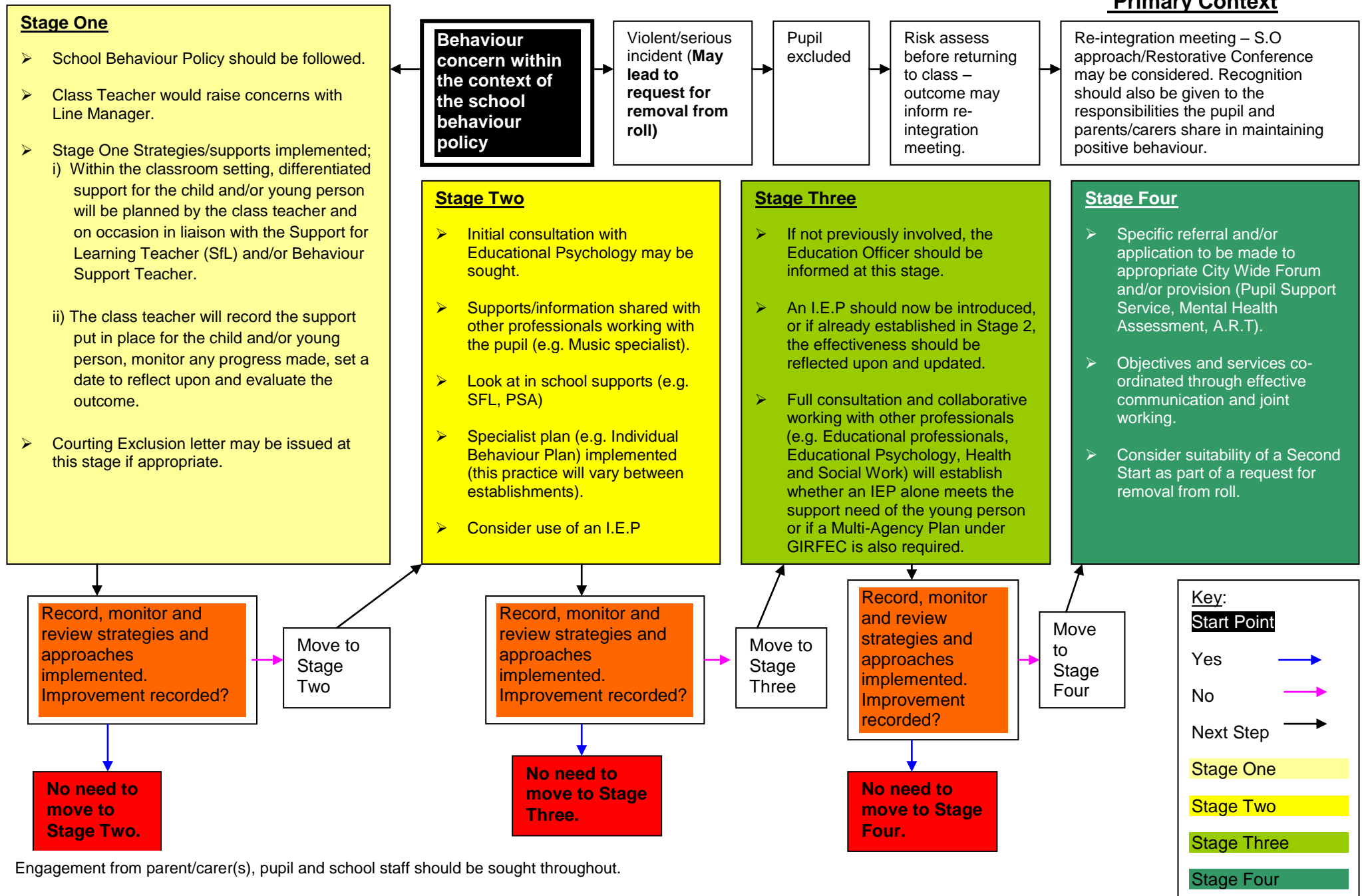
Risk assess before returning to class – outcome may inform re-integration meeting.

Pupil excluded.

Violent/serious incident (May lead to request for removal from roll)

Engagement from Parent/carer(s), pupil and school staff should be sought throughout.

## Primary Context



Engagement from parent/carer(s), pupil and school staff should be sought throughout.

## Procedures for Exclusion

<b>Step A</b>	<ul style="list-style-type: none"> <li>• The decision to exclude on a temporary basis must be taken by the Head Teacher (or a senior member of staff in the absence of the Head Teacher). Where the decision is taken in the Head Teacher's absence then it should be clear that the member of staff is acting on behalf of the Head Teacher and has delegated power to do so.</li> <li>• Where this is the third exclusion of a pupil within an academic year, the Education Officer must be informed, it is important to note however, that concerns can be raised before the third exclusion. This process serves to alert the Education Officer that there is a recurring problem. At this point it would be seen as good practice for the Head Teacher or Depute Head to communicate with the Education Officer and the Educational Psychologist in order to identify appropriate support. It could be that such supports have to be considered within the context of GIRFEC and the Single Planning process depending on the complexities of each individual case.</li> <li>• The period of exclusion should reflect the level of misbehaviour – taking into account the context of the incident, the intent of the child or young person and any other relevant factors.</li> <li>• In order that exclusions can be monitored, schools are required to provide information on exclusions, after each exclusion. The reporting procedure is detailed in Circular INF/ASC/128/01. This information is used to compile the annual report to the Scottish Government Education Department.</li> </ul>
<b>Step B</b>	<ul style="list-style-type: none"> <li>• The school must, on the day upon which a decision to exclude a pupil is taken, give intimation of the following information to the pupil's parent/carer, or young person/ pupil with legal capacity:             <ul style="list-style-type: none"> <li>i) the decision to exclude and</li> <li>ii) the date, time and place where the Head Teacher, or teacher or official of the education authority, shall be available to discuss the decision to exclude. This meeting must be within 7 days of the decision to exclude. This intimation can be made in two ways, either orally or in writing. If given orally, the details should be confirmed in writing.</li> </ul> <p>However intimation is given, the letter must include all of the following information:-</p> <ul style="list-style-type: none"> <li>a) The decision to exclude, including the reason(s) why.</li> <li>b) The date, time and place where the Head Teacher, or teacher or official of the education authority, shall be available to discuss the decision to exclude. This meeting must be within 7 calendar days of the decision to exclude.</li> <li>c) The conditions, if any, with which the pupil and their parents/carer, or</li> </ul> </li> </ul>

either of them, are required to comply, or to undertake to comply, before the pupil will be re-admitted to the school.

d) The right to refer the decision to exclude to an appeal committee and the address to which a reference to the appeal committee should be made.

- The Age of Legal Capacity (Scotland) Act 1991 states that a person under the age of sixteen has legal capacity where they have sufficient maturity and understanding, and there is a general presumption that children aged 12 years and over have that capacity. An intimation of exclusion should be made to a pupil of legal capacity, or young person (over 16). However, Government advice is that it is good practice to keep parents informed and involved at every stage regardless of the age of the child.
- If initial contact with the parent by telephone or in person has not been possible on the day the decision to exclude is made, the school must hand deliver the letter. A letter must be sent 1<sup>st</sup> class and recorded delivery on the day of the decision to exclude in these circumstances.
- When contact with the parent is made on the day of exclusion the following action should be taken:
  - i) Primary Pupils' parents should be asked to collect their child from school as soon as possible. Parents may arrange for the emergency contact to collect the child and in this case the Head Teacher must check that the person collecting the child is the emergency contact.
  - ii) Secondary Pupils' Parents should be asked to collect their child from school as soon as possible, or send an agreed substitute.
- While not required by the relevant legal provision, 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 the school premises.
- If the young person is 16 years or over they can be sent home immediately.
- In any circumstances where the pupil cannot be sent home alone (e.g. because they are too young or there is an identified risk) the pupil should remain in school and should be supervised away from other pupils until the end of the school day.

In the case of Looked After at Home (LAC) or Looked After Away from Home child (LAAC) pupils or where a pupil is on the Child Protection register Social Work Services should be informed.

	<ul style="list-style-type: none"> <li>• The designated LAC manager within the school should be involved at any time exclusion is being considered for a Looked After child or young person.</li> <li>• The teacher for Looked After and Accommodated Children (LAAC) should also be informed prior to exclusion and immediately if there is a serious incident which results in exclusion.</li> </ul>
<b>Step C</b>	<ul style="list-style-type: none"> <li>• Remind parents of their legal responsibility to supervise their child during school hours and advise them that their child must not appear within school grounds.</li> <li>• If the pupil attempts to enter school/enter the school grounds during the period of exclusion they will be deemed to be trespassing. It is within the Head Teachers discretion to contact the police if the pupil will not leave voluntarily. The parent/carer should also be informed.</li> <li>• Where the placement is shared with another educational establishment or provision e.g. Pupil Support Service, the exclusion is specific to the establishment which initiated the exclusion. The other establishment should be notified of the exclusion.</li> <li>• Parents/carers and pupils with legal capacity should also be made aware that an appeal could be made to the Head of Democratic Services (Exclusion Appeals) Resources Management Aberdeen City Council Town House Broad Street Aberdeen AB10 1AQ</li> </ul>
<b>Step D</b>	<ul style="list-style-type: none"> <li>• Section 14(3) of the Education (Scotland) Act 1980 places a duty on Education Authorities to make alternative education provision for excluded pupils. As such the school must make immediate arrangements to provide school education for the pupil. In the case of a short exclusion (less than a week) homework which covers the range of work which the pupil is likely to miss may be given. For a longer exclusion, consideration should be given to the support required to enable completion of work. This may be by negotiation with another school or by provision of work and support from the school. It may be appropriate to involve the Pupil Support Service in providing this support.</li> <li>• The following list of alternative educational provision is not intended to be prescriptive, nor exhaustive, but provide examples of the type of contact which may take place as part of special arrangements, although not all will be appropriate or available for every pupil; <ol style="list-style-type: none"> <li>I. The provision of suitable homework sufficient to ensure that the pupil reviews the work that is to be taught in class during the period of the exclusion, with a subsequent check to ensure that the pupil has fully understood the material;</li> </ol> </li> </ul>



	<p>II. Home tuition;</p> <p>III. Involvement in programmes designed to address the behaviour or needs of the pupil in order to support re-integration into school education and prevent further exclusion;</p> <p>(For further clarification please refer to Exclusion From Schools in Scotland; Guidance to Education Authorities Circular 8/03 reference point 49 and p31–32)</p> <ul style="list-style-type: none"> <li>• Where a pupil has additional support needs the duty to provide that additional support continues, whether that is at school or in an alternative location.</li> <li>• Where a pupil is Looked After by the local authority or is on the Child Protection Register provision must be put in place, in conjunction with the Social Worker, to ensure ongoing monitoring of the welfare of the child as well as provision for their educational needs as described in the pupil's Care Plan.</li> </ul>
<b>Step E</b>	<ul style="list-style-type: none"> <li>• Parents/carers and pupils must be offered a re-integration meeting within seven calendar days from the date of exclusion.</li> <li>• In consultation with relevant staff, the Head Teacher or relevant Depute Head Teacher must decide what planned strategies and supports are required to support and facilitate the re-integration of the pupil.</li> <li>• A re-integration agreement for discussion at the meeting should be compiled. Targets should be SMART and where possible take into account the views of the pupil and parent/carer.</li> <li>• The agreement should relate to the reasons for exclusion and should state clearly the actions to be taken by each party to support the pupil's return and potential to make satisfactory progress. The agreement should be reviewed and evaluated regularly in order that supports can be reduced or enhanced accordingly or strategies modified. Parents/carers should be kept informed of any progress or lack of.</li> <li>• For pupils who are at Stage 3 of the staged procedure the Educational Psychologist could also be involved in helping to construct a re-integration plan. However involvement of an Educational Psychologist cannot be a condition of re-integration.</li> <li>• Where a pupil has been involved in a violent incident the re-integration agreement should consider the trigger for that behaviour, the likelihood of recurrence and the actions required to protect staff and other pupils. In all cases of a violent incident a formal risk assessment should be carried out.</li> <li>• Where conditions are not accepted by the parent(s) and/or the pupil, the pupil will not be re-admitted. In such cases the school should refer the matter in</li> </ul>

	<p>writing to the Education Officer. The temporary exclusion will continue until the matter can be resolved. In order to enable an acceptable and pragmatic resolution to be realised, best practice would see the use of strategies such as Solution Oriented Approaches and where appropriate the involvement of partner agencies sought.</p> <ul style="list-style-type: none"> <li>• The school must send a letter to the parent/pupil with legal capacity by recorded delivery with a copy sent by first class mail stating clearly that the original has been sent by recorded delivery. This letter should state: <ul style="list-style-type: none"> <li>I. Why the pupil has not been re-admitted.</li> <li>II. That the matter has been referred to the Education Officer.</li> <li>III. That the period of temporary exclusion will continue until the matter can be resolved.</li> <li>IV. This letter should be copied to any other agencies involved in the case.</li> </ul> </li> </ul>
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**Request to Remove A Child From the Roll**

<b>Step F</b>	<ul style="list-style-type: none"> <li>• The decision to remove a pupil from the register of a school can only be taken by a representative of the Education Authority. In Aberdeen this is delegated to the Education Officer. When requesting removal the Head Teacher must be able to provide written evidence in the form of minutes of meetings, re-integration plans, where in place an I.E.P and records of any reviews to show: <ul style="list-style-type: none"> <li>I. That the Staged Procedure has been followed and there has been extensive use of appropriate strategies, school resources and full consideration of involving SEBN services. Where SEBN services have not been accessed reason should be provided to explain why.</li> <li>II. That consultation with other services and agencies involved with the pupil has been carried out. Where consultation with other services has not taken place reasons should be provided to explain why.</li> <li>III. Details of support implemented identifying outcomes and the impact.</li> </ul> </li> <li>• <b>In cases where a single serious incident</b> has led to a request for removal from the register, it may not be possible to provide such evidence. In such cases the Head Teacher should contact the Education Officer as soon as possible to discuss the request.</li> <li>• The notification procedures described in Step B and C should be followed. This includes meeting with the parent/pupil with legal capacity within 7 calendar days of the exclusion.</li> <li>• When a removal from register is being requested by the Head Teacher, the Head Teacher temporarily excludes the child from school and refers the case, in writing on the day of the exclusion, or failing that, the following school day to the</li> </ul>
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	<p>Education Officer. The child is excluded from school until such time as the Education Officer reaches a decision. The referral to the Education Officer should be accompanied by full details of the circumstances leading to the request, details of previous meetings of planning meetings and Form EX 3 with relevant pupil details. The Head Teacher should still meet with the parent/child with legal capacity within 7 calendar days of the day of exclusion to explain the reasons for the exclusion and the decision to refer the case to the Education Officer for removal from the roll.</p> <ul style="list-style-type: none"> <li>• The Education Officer, acting on behalf of the Education Authority, is required to ensure that the school has followed the Authority's policies and procedures. The school must provide written evidence of the steps taken to support the pupil prior to this request and the procedures followed in seeking the exclusion.</li> <li>• Following receipt of the request for exclusion removal from register from the school, the Education Officer will send a letter to the parents within seven calendar days which will offer the parents and child an appointment within fourteen calendar days of the date of the exclusion at a specific time and place.</li> <li>• A copy should be sent to all agencies involved in the case and make clear that the purpose of the meeting is for the Education Officer to meet with the parents and child to consider the circumstances of the exclusion prior to a decision being reached on the school's request to exclude and remove the child from the register.</li> </ul>
<b>Step G</b>	<ul style="list-style-type: none"> <li>• Where the decision is made to grant the request for removal from register, the Education Officer sends written confirmation to the parent/pupil with legal capacity. This letter must be sent by recorded delivery with a copy sent by first class mail stating clearly that the original has been sent by recorded delivery</li> </ul> <p>A copy will be sent to the school and all agencies involved in the case.</p> <p>This letter will:</p> <ol style="list-style-type: none"> <li>I. Confirm that the child is excluded and removed from the register of the school, and give the grounds for that decision.</li> <li>II. Detail the circumstances leading up to the exclusion and the action taken by the school.</li> <li>III. Remind parents of their legal responsibility to supervise their child during school hours and advise them that their child must not appear within school grounds. Where Community Learning and Development facilities form part of the building or premises of a community school, then exclusion will also apply to the Community Learning and Development Facilities during the school day. In this case the Head of Establishment for these facilities should be notified of the exclusion. The Head teacher should discuss with the head of establishment arrangements for attendance out with school hours. Any such agreement should also be included in the letter.</li> </ol>

	<p>IV. Indicate that an appeal can be made to the Head of Democratic Services, Aberdeen City Council.</p> <p>V. Copies of all correspondence should be sent to the school and other agencies involved.</p> <ul style="list-style-type: none"> <li>• Where removal from register occurs close to the dates of national examinations, the Education Officer, with the school, should consider alternative provision and arrangements to allow the pupil to sit the examinations.</li> </ul>
<b>Step H</b>	<ul style="list-style-type: none"> <li>• Where the Education Officer does not agree that exclusion and removal from the register is appropriate (s)he will inform the parent/pupil with legal capacity in writing and ask the Head Teacher to agree an re-integration plan on behaviour with the parents and child prior to re-integrating the child back in to school. The Educational Psychologist may be involved in helping to construct a re-integration plan.</li> </ul>

### **Procedures for Appeal**

- 1.1 All letters from the school concerning exclusion should give details of the provision for appeal.
- 1.2 Children with legal capacity and young people over 16 years of age may lodge an appeal on their own behalf. A child of 12 years or over is presumed to have legal capacity but a child under 12 years could appeal if they understand what the appeal is about.
- 1.3 In the case of temporary exclusion, if a parent/pupil with legal capacity lodges an appeal, the pupil should be re-admitted to school at the end of the period of exclusion pending the outcome of the appeal. If the appeal is unsuccessful then the school should take steps to agree a Re-integration plan for behaviour as detailed above.
- 1.4 In the case of an appeal against the Education Officer's decision on an exclusion removal from register, the child will remain excluded pending the outcome of the appeal.
- 1.5 Should the parent/pupil with legal capacity decide to appeal against an exclusion the Authority's Appeals procedure will operate and the matter will be dealt with by Resources Management. Such appeals may ultimately be heard by a Sheriff. Both parents and the child will be invited to attend Appeals Hearings. The Parents, young person/child have the right to be represented by a Solicitor at an appeal hearing.
- 1.6 The Education Authority will be represented by a Solicitor from the Office of the City Solicitor, who should make contact well in advance of any hearing in order to prepare the case. Once the appeal has been initiated the hearing should take place within 28 days.
- 1.7 An appeal hearing is quasi-judicial in form and therefore the case must be properly prepared and documented. The Education Authority as such will require to be represented at any hearing by appropriate members of school staff. The school must be able to demonstrate how it has dealt with the case prior to the exclusion in line with the ASL protocols and the exclusion procedure. The members of staff who appear before the appeals committee must be provided with full and detailed records of the actions taken by the school to support the pupil and of the other agencies involved in the case.
- 1.8 The legislation indicates that parents have the right to a copy of any entry specifically made in a pupil's record referring directly to the exclusion and the reasons for it. Such entries should be confined to a copy of the letter confirming exclusion referred to in Step Two of the Procedures. Under the Pupils Educational Records (Scotland) Regulations 2003 and the Data Protection Act 1998, parents and/or pupils may have a right to inspect or obtain a copy of all information held by the authority which identifies the

pupil. Request must be made in writing and a small fee may be charged. Such requests must be referred to the relevant data manager in the area in which the school is managed.

1.9 If an appeal against exclusion is successful, details of the exclusion should be removed from the pupil's record.

## **Second Start Procedure**

### **1. Preparation**

- 1.1. There should be no delay in arranging placement of a pupil in a second start school. The pupil should remain on the roll of the excluding school until such time as the pupil is recorded, on the database as enrolled in the new school.
- 1.2. The Education Officer, who agrees the exclusion, should ensure that all stages of the process are completed by checking the database until the child is recorded as enrolled in another school. This is essential to ensure that the pupil does not go missing from the education system.
- 1.3. The view of the parent, pupil and any professional involved should be sought and considered when making the decision about where to place the pupil.
- 1.4. The excluding school will have details of the pupil's difficulties and the strategies already tried. It is important that this information is passed on without delay to the receiving school in order to help ensure pupils are given the best possible opportunity to succeed in the second start school. Where an I.E.P is in place this could be used to support the transition.
- 1.5. The Educational Psychologist from the excluding school should liaise with the Educational Psychologist of the receiving school to consider support which may be required by the pupil.

### **2. Procedure**

- 2.1. When the request for removal from register is made consideration should be given to factors which influence the choice of second start school. For instance the needs of the child/young person, resource availability, subject availability, and travel implications.
- 2.2. The Education Officer should complete the first part of the database (columns 1-5).
- 2.3. When the Education Officer makes the decision to remove from the register, (s)he should ask the child and parents about any factors which may influence the choice of second start school. It should be explained that this will be given serious consideration, but other factors will also contribute to the final decision such as those referred to in 2.1.

- 2.4. The Head Teacher will be informed of the decision to remove from register and the Education Officer will complete the next section of the database (columns 6-9).
- 2.5. The Second Start Panel comprises, Head Teachers or their representatives and School Services Managers and Education Officers. This group should meet monthly.
- 2.6. The exclusion panel should consider the information and agree the placement. As far as possible, an even distribution of second starts between the schools should be the aim to ensure an equitable system.
- 2.7. Where the receiving school is more than 3 miles away the pupil will receive a bus pass to enable attendance.
- 2.8. Particularly in 3<sup>rd</sup> and 4<sup>th</sup> year, it may be difficult to offer a curriculum match. This should not delay the process and a school should be offered even if all subjects cannot be accommodated.
- 2.9. The receiving school contacts the parent and pupil to invite them to an admission meeting as soon as possible. This should be logged in the database.
- 2.10. If the parent cannot be contacted, or does not attend an admission meeting, without good reason, the non-attendance procedures should be followed by the receiving school. Notification should be sent to the Education Officer for the excluding school.
- 2.11. When the pupil is enrolled in the receiving school, the database must be updated.
- 2.12. The Education Officer from the excluding school should monitor the process until enrolment in the new school is complete.
- 2.13. The receiving school should liaise with their Educational Psychologist to provide any support identified for the transition.
- 2.14. Where a pupil has been removed from the register because of a violent incident, the receiving school should carry out a risk assessment before the pupil attends.