

## Lifelong Learning Committee – 29 January 2014

## REVIEW OF EXCLUSION GUIDELINES IN EDUCATION AND CHILDREN'S SERVICES

## Report by Executive Director (Education and Children's Services)

**PURPOSE OF REPORT**

This report provides an update of the guidelines with regard to exclusion from schools within Education and Children's Services (ECS). Perth and Kinross guidance on school exclusions has now been revised to take account of Scottish Government aims, priorities and guidance.

These revised guidelines (Appendix 1) reflect the Scottish Government's current policy, as outlined in the national report *Included, Engaged and Involved*.

**1. BACKGROUND / MAIN ISSUES**

- 1.1 This report provides updated guidance for staff when managing exclusion from school of children and young people. The guidance takes account of national expectations identified through key reports including 'Getting it Right for Every Child' (GIRFEC) and of 'Included, Engaged and Involved'. The revised guidelines updates 'Framework for Intervention – Exclusion Guidelines for Schools' which was approved by Lifelong Learning Committee on 19 April 2006 (Report No. 06/287 refers).
- 1.2 Exclusions from Perth and Kinross schools are infrequent and are carefully monitored at both school and authority level. However rare the incidences, there is still a need for clear policy guidance for staff and parents who may be involved when circumstances result in behaviours leading to exclusion.
- 1.3 The guidance provides an opportunity to focus on prevention, early intervention and response to individual need, incorporating staged interventions (see appendix 2). The Guidelines should further establish a fundamental way of working that is designed to help practitioners to focus on what makes the positive difference for children and young people, and their families. Additionally, and importantly, they also focus on addressing the challenging question of how we keep all learners *included, engaged and involved* and how we minimise the need to exclude a learner from their learning environment, however briefly.

**2. PROPOSALS**

- 2.1 These guidelines will form part of the Authority's suite of policies under the framework of the "Included, Engaged and Involved" Strategy.

2.2 It is proposed that the Committee agrees the Revised Guidelines for Exclusion from Schools in Education and Children’s Services attached as Appendix 1.

### 3. CONCLUSION AND RECOMMENDATION

3.1 Schools are encouraged to prevent exclusion from school where possible, by early and staged intervention (see appendix 2) and support while recognising that, at times, a short-term exclusion may be necessary and as a last resort.

3.2 The revised guidance provides clarity on

- the grounds for exclusion
- consideration of all relevant factors
- educational provision for young people not attending school after exclusion and
- suggested length of the period of exclusion.

3.3 The revised guidelines comply with the requirements of the legal framework currently in place for exclusion from school.

3.4 It is recommended that the Committee agrees the Revised Guidelines for Exclusion from Schools in Education and Children’s Services attached as Appendix 1.

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#### Approved

| Name       | Designation        | Date             |
|------------|--------------------|------------------|
| John Fyffe | Executive Director | 12 December 2013 |

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

| <b>Strategic Implications</b>                       | <b>Yes / None</b> |
|---|-------------------|
| Community Plan / Single Outcome Agreement           | <b>Yes</b>        |
| Corporate Plan                                      | <b>Yes</b>        |
| <b>Resource Implications</b>                        |                   |
| Financial   | <b>No</b>         |
| Workforce   | <b>Yes</b>        |
| Asset Management (land, property, IST)              | <b>No</b>         |
| <b>Assessments</b>                                  |                   |
| Equality Impact Assessment                          | <b>Yes</b>        |
| Strategic Environmental Assessment                  | <b>No</b>         |
| Sustainability (community, economic, environmental) | <b>No</b>         |
| Legal and Governance                                | <b>Yes</b>        |
| Risk  | <b>Yes</b>        |
| <b>Consultation</b>                                 |                   |
| Internal  | <b>Yes</b>        |
| External  | <b>Yes</b>        |
| <b>Communication</b>                                |                   |
| Communications Plan                                 | <b>Yes</b>        |

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

- 1.1 The Revised Guidelines for Exclusion from School in Education and Children's Services relates to the delivery of the Perth and Kinross Community Plan / Single Outcome Agreement in terms of the following priority:

- (ii) Developing educated, responsible and informed citizens

By helping children and young people understand the consequences of their actions and by supporting them to recognise patterns of behaviour which may be impacting on their lives.

Schools are encouraged to support children, young people and their families by recognising barriers to learning and behaviour, intervening early, responding to the needs of the individual and supporting opportunities for young people to recognise their pace in an educated and progressive society.

#### Corporate Plan

- 1.2 The Revised Guidelines for Exclusion from School in Education and Children's Services relates to the achievement of the Council's Corporate Plan priority:

- (ii) Developing educated, responsible and informed citizens

As indicated in 1.1

- 1.3 The report also links to the Education & Children’s Services Policy Framework in respect of the following key policy area:

- Inclusion and Equality

## 2. Resource Implications

### Financial

- 2.1 n/a

### Workforce

- 2.2 This policy has implications for training and development of staff currently employed within Education and Children’s Services. A plan for dissemination of this information will be forthcoming.

### Asset Management (land, property, IST)

- 2.3 n/a

## 3. Assessments

### Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

The Revised Guidelines for Exclusion from School in Education and Children’s Services have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- (i) Assessed as **relevant** and the following positive outcomes expected following implementation:

This policy is based on early intervention and inclusive practices taking into account Scottish government aims, priorities and guidance and reflects their current policy as outlined in Included, Engaged and Involved. Due consideration of any protected characteristic is expected.

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

The Revised Guidelines for Exclusion from School in Education and Children’s Services have been considered under the Act and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

## Legal and Governance

- 3.3 The Revised Guidelines comply with the requirements of the legal framework currently in place for exclusion from schools.

## Risk

- 3.4 A risk profile will be developed with ongoing monitoring to mitigate any identified risks.

## **4. Consultation**

### Internal

- 4.1 A short life working group was established which included a range of practitioners across the service. Pupils and parents were also consulted. The teacher's side of the JNCT have been fully consulted and contributed to the final draft document.

## **5. Communication**

- 5.1 The key target audience for this report is staff currently employed and working within schools in Perth and Kinross.

This will be communicated through the Schedule of Opportunities, staff development days and will form part of the Authority suite of policies under the framework of the Included, Engaged and Involved strategy.

## **2. BACKGROUND PAPERS**

The following papers were referred to in the preparation of this report:-

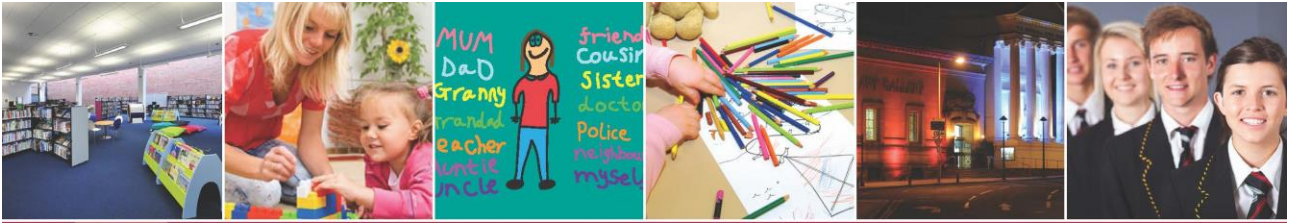
- Schools General (Scotland) Regulations 1975
- Education (Scotland) Act 1980 (as amended)
- Education (Appeal Committee Procedures) (Scotland) Regulations 1982
- Data Protection Act 1998
- Standards in Scotland's Schools etc Act 2000
- The Data Protection (Subject Access Modification) (Education) Order 2000
- Pupils' Educational Records (Scotland) Regulations 2003
- Education (Additional Support for Learning) (Scotland) Act 2004 (as amended 2009)
- Equality Act 2010
- A Guide to Getting It Right for Every Child (Scottish Government June 2012)
- The Children's Hearings (Scotland) Act 2011

### **3. APPENDICES**

Appendix 1 - The Revised Guidelines for Exclusion from School in Education and Children's Services

Appendix 2 – Framework for Intervention

Appendix 3 – Perth and Kinross Council Exclusion Guidelines 2012 – 13  
Overview of Amendments



January 2014

# Guidelines on the Exclusion of Children and Young People from Schools in Perth and Kinross



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# 1 Introduction

In recent years, and within the context of current joint aims and priorities of the Scottish Government for children and young people, we seek to implement and uphold the National Outcomes (*particularly 4, 5, 7, 8 and 11 - Appendix 1*), Curriculum for Excellence and the GIRFEC agenda, all of which are aimed at achieving best outcomes for all children and young people.

Additionally, *Included, Engaged and Involved Part 2: a positive approach to managing school exclusions (IEIP2)*, which provides updated guidance, was published (2011). Further relevant guidance has also been issued from the websites of the Equality and Human Rights Commission (<http://www.equalityhumanrights.com/scotland/>), and the Additional Support Needs Tribunals for Scotland (<http://www.asntscotland.gov.uk>).

Perth and Kinross guidance on school exclusions has now been revised to take account of Scottish Government aims, priorities and guidance.

Reflective study of the detailed contents of *Included, Engaged and Involved Part 2: a positive approach to managing school exclusions* is recommended. Perth & Kinross Exclusion Guidance should be used in conjunction with this. Some bullet point examples of IEIP2 content are shown below.

- *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. (p.1, paragraph 1)*
- *The guidance provides an opportunity to reassess and realign the use of exclusion in schools...This includes a focus on prevention, early intervention and response to individual need, incorporating staged interventions. (p.3, paragraph 3) See Appendix 2*
- *Exclusion is an extremely serious option of last resort with an impact on all learners and, in particular, on our most vulnerable learners. It is to be used within an overall ethos of prevention, early intervention and support for learners; and consistently applied policies for promoting positive relationships and behaviour in schools. (p.25, Key Principles)*

Perth & Kinross' guidance on exclusions continues to emphasise the importance of meeting the educational needs of excluded children and young people, and highlights the duties to provide education for them. It now also revises the *maximum* period of interruption to education beyond which education must be provided.

Underpinning the Scottish policy context and aims to improve outcomes for *all* Scotland's children and young people, is the Scottish Government's additional commitment to support and promote children's rights through:

1. The establishment and consolidation of National Outcomes, particularly 4; 5; 7; 8 and 11 and the acknowledgment of the Articles of the United Nations Convention on the Rights of the Child (UNCRC) (*Appendix 2*), with specific reference to Articles 2; 3; 6; 12; 29, all of which are detailed in Section 4 of *IEIP2*.
2. The Equality Act 2010 (<http://www.legislation.gov.uk/ukpga/2010/15/contents>)
3. The Education (Additional Support for Learning) (Scotland) Act 2004 (<http://www.scotland.gov.uk/Publications/2012/02/7679/0>)
4. Looked After Children and Young People: We Can and Must do Better (2007)

*“We want to develop peaceful, positive and inclusive learning environments where all our children (are) safe, included, responsible, respected, active, nurtured, achieving and healthy in order to grow and develop and become successful learners, confident individuals, effective contributors and responsible citizens. And we want to improve outcomes for those at risk of exclusion.”*

*“The Curriculum for Excellence provides the best opportunity we have to make sure learning is personalised and supported so that everyone has opportunities to move into positive destinations beyond school, with skills for life and work. It also provides an opportunity to focus on the social, emotional, mental and physical wellbeing of every learner as a requirement for learning.”*

(Angela Constance MSP, Minister for Skills and Lifelong Learning, in the foreword to *Included, Engaged and Involved Part 2: a positive approach to managing school exclusions*, 2011)

## 2 School Discipline - General Principles and Practice

Everyone working with children, young people and their families needs to be aware of *Getting It Right For Every Child (GIRFEC)* and that this approach will have a positive impact on outcomes for all children and young people. *Getting it right* means putting the wellbeing of children and young people at the centre of the work of a school and ensuring that support, when required, is “appropriate, proportionate and timely”. It also means that all children and young people get the help they need *when they need it*; i.e. “*the right help in the right place, at the right time*” (*Doran Review 2012*) (<http://www.scotland.gov.uk/Resource/0040/00408307.pdf> ). GIRFEC principles thread through all existing policy, practice, strategy and legislation affecting children, young people and their families. It is a fundamental way of working, designed to help practitioners to focus on what makes a *positive* difference for children and young people, and their families.

*Included, Engaged and Involved Part 2: a positive approach to managing school exclusions* (2011) provides a comprehensive update of national guidance for schools and local authorities. Additionally, and importantly, it also focuses on addressing the challenging question of *how we keep all learners included, engaged and involved* and *how we minimise the need to exclude a learner from their learning environment*, however briefly. It also recommends preventing the need for exclusion through early intervention and staged intervention, covering education and care plans and a wide range of preventative approaches and provision. Early intervention and Prevention are key parts to a framework focused on ensuring we *get it right* for all our children and young people.

This guidance presents a continuing focus on the principles and practice of positive and effective school discipline, including, below, some examples of preventative measures. Referral to *IEIP2* is recommended for further examples of early intervention and prevention. It is expected that you also refer to Perth and Kinross’ GIRFEC documentation in relation to matters of exclusion.

A number of other relevant factors should also be considered in terms of preventing the need for exclusion:

### Positive Ethos

A positive ethos has been identified in school improvement studies as being fundamental to raising achievement and is linked to the development of anti-bullying, peer support and other whole school strategies. Schools with a positive ethos encourage achievement, celebrate success, have high expectations of every child and have lower exclusion rates and fewer discipline problems.

## Effective Learning and Teaching

Good discipline cannot be achieved or maintained in the absence of effective learning and teaching. In terms of learning and teaching, it is important that specific arrangements for meeting the needs of *all* learners, including potentially vulnerable groups, and addressing barriers to learning, are given serious reflection.

In terms of meeting all learners' needs, the delivery of effective learning and teaching *includes identifying the needs of, and providing support and challenge for, groups or individuals who may have additional support needs arising from, for example, the learning environment, family circumstances, disability or health needs; or social and emotional factors.* (QI 5.3: Meeting Learning Needs – HGIOS)

## Appropriate Curriculum

A fundamental aim of all schools must be the provision of a full and appropriate curriculum for all children and young people with due emphasis being given to alternative and flexible approaches. Children and young people have the right to be treated as individuals, to be treated fairly and to be offered an educational experience which they value and which is appropriate to their age, ability, aptitude and social context.

## Discipline Policy and Codes of Conduct

- Schools must have a coherent Positive Behaviour Support policy which should be clearly understood by all school staff, children and young people and parents.
- Schools should have, and operate within, a clearly understood code of conduct.
- Schools should seek to develop best practice approaches in promoting positive behaviour in explicit and carefully structured ways.
- Children and young people, parents and school staff should be consulted on and encouraged to contribute to codes of conduct and they should be aware both of their rights and their responsibilities.

Please Note: any reference to “parent/s” throughout these guidelines includes those in the role of “carer/s”

## Child or Young Persons' Views

Children and young people should have their views taken into account when decisions are made about exclusion, with due weight being given to their views in accordance with their age and maturity, especially at the Resolution Meeting. This links directly with Article 12 of the UNCRC which states that “When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account...”

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. There is a general presumption that children aged 12 years and over have that capacity.

Please Note: In the interests of hearing the *Child or Young Person View*, a sample of young people, who have been through the Exclusion process whilst in school, was consulted, with the direct support of Perth & Kinross' Children's Rights' Officer (CRO). Their collective comment has informed sections of this review, where relevant, and examples of their actual comments have been included on these pages for your interest, information and reflection.

### Child and young person / CRO Viewpoint:

*After an incident has taken place the child and young person who is under investigation should be able to share his / her views regarding the incident with someone independent of the situation and their views should be taken into account when decisions about the exclusion are made. In the first instance this may be a member of school support staff but should certainly be someone with whom the child and young person feels comfortable. If it is still felt that exclusion is the only appropriate course of action the child and young person should be met during the days that follow and asked what s/he feels the school could do to support them in school. This information should be what informs the completion of the Resolution Form.*

## Support and Re-integration

Support should be given to the victims of anti-social or violent behaviour. Approaches such as mediation or restorative justice should be developed to prepare children and young people, parents and staff involved, to enable the excluded child or young person to be re-integrated to school in ways which encourage a positive school atmosphere; this may also be achieved, for example, through the initial use of a part-time timetable. (Appendix 6)

## Partnership with Parents / Carers

It is important that the school works in partnership with individual parents / carers. Parental co-operation is all-important and every effort should be made to strengthen links with the home. All communications with parents and carers should be positive and supportive and involve them fully in consideration of their child's educational provision.

## Parent / Carers Responsibility

- Parents and carers should, and, where necessary, be supported to, accept responsibility for their children's behaviour.
- They should also support the school in implementation of the agreed policy.
- They should ensure that their children attend school regularly and also respect the agreed policy.

## Parent Council

Parent Councils should be consulted on an on-going basis with regard to reviewing school behaviour policies. However, in the interests of confidentiality they should not discuss individual cases.

## Preventative Strategies

This guidance provides an opportunity to reassess and realign the use of exclusion within current policy and best practice. This includes a focus on prevention, early intervention and response to individual need, incorporating staged interventions. Section 6 of *Included, Engaged, and Involved Part 2* provides a fairly comprehensive list of strategies which should be considered. One recommended and important example from this document, which has already been used to great effect in Perth & Kinross, is provided here for your convenience.

- Restorative Approaches

It is important that schools recognise that Restorative Approaches can offer a powerful method of promoting harmonious relationships and can lead to the successful resolution of conflict and harm. Use of Restorative Approaches is an essential part of these guidelines.

## Part-time Timetables (See Appendix 6)

The use of part-time timetables may also be considered, but only as a short-term, preventative and supportive strategy in order to enable detailed school planning for full educational provision appropriate to the child or young person's needs.

This guidance recommends making reference to the Authority's guidelines on the use of part-time timetables. This is entitled *Child or Young Persons on Part-Time Timetables* (2013) and provides specific and detailed guidelines for use when considering the placement of a child or young person on a part-time timetable. The use of a part-time timetable is a special measure and should be used, initially, for a period of no more than 6 weeks. It is *not* to be used for an extended period of time as the child or young person may then be considered to be *excluded* for the time not in school.

Part-time timetables should also be strictly monitored. The Scottish Government advises that:-

*Local authorities should be aware of, and monitor carefully, any part-time provision, including targets for full-time provision. (IEIP2 – 2011)*

Please Note: Use of part-time timetables should be recorded through SEEMIS, as appropriate.

### 3 Grounds for Exclusion

Exclusion should be seen in the light of the education authority's duty to ensure that there is "*adequate and efficient*" provision of school education made for their area. The grounds for exclusion and the procedures to be followed are contained in the Schools General (Scotland) Regulations 1975, as amended.

Head Teachers have the power to exclude where:

- a. *They are of the opinion that the parent of the child or young person refuses or fails to comply, or to allow the child or young person to comply, with the rules, regulations or disciplinary requirements of the school; or*
- b. *They consider that, in all the circumstances, to allow the child or young person to continue his / her attendance at the school would be likely to be seriously detrimental to the order and discipline in the school or the well-being of the other children and young people*

Although ground a. above refers to a situation concerning a parent's actions, in practice it is ground b., namely that relating to the child or young person's behaviour, which is most frequently used.

In both types of situation, both prior, and subsequent, to any exclusion, all parties - the school, parents / guardians and support services, should co-operate fully in seeking solutions.

School exclusions must also operate within the duties imposed by anti-discrimination, human rights and other relevant legislation. (Section 7: Equality Act 2010)

Please Note: Schools have in the past used short-term, cool down periods at home as part of education plans *and* to positively engage parents. However a *school* decision to send children and young people home for any length of time constitutes exclusion and there is a legal requirement to record this approach as exclusion so that it remains transparent and carefully monitored. It should now be noted, therefore, that *informal* exclusion is not permissible.

## 4 Considerations Relevant to Exclusion

1. Exclusion can be an acceptable and effective action. Children and young people and school staff have the right to work and learn in a safe environment with the minimum of disruption.
2. Within the context of the legal grounds for exclusion defined in Section 3, exclusion would be deemed to be an appropriate response in most cases of unprovoked physical assault by a child or young person on a member of staff or other child or young person. Head Teachers should continue to use their judgment in determining the particular circumstances of each case. For example, it should be recognised that unprovoked physical assaults may be avoided by providing appropriate support or by recognising behaviour “triggers”. This is especially important in the case of children and young people with additional support needs, including looked after children and young people.
3. Exclusion should be used only as a last resort. It should already be a proportionate response for which there is no appropriate alternative. Schools should have considered, and provided, a range of identified alternatives prior to the decision to exclude, wherever appropriate.
4. As schools should be employing preventive strategies, except for extreme cases exclusion should follow a graded series of attempts to ensure compliance with school rules and regulations. It is essential that parents / guardians have a central involvement at an early stage in the whole process. (Flowchart - Appendix 3)
5. Appropriate early warning should be given when any child or young person is regularly behaving in disruptive ways. Parallel action should be taken by the school, in conjunction with its relevant partner agencies / services, to assess / address identified difficulties. This should include consideration of the use of diagnostic tools (e.g. Goodman’s Strengths and Difficulties questionnaire) to identify any underlying condition such as Autistic Spectrum Disorder (ASD) or Attention Deficit (Hyperactivity) Disorder [AD(H)D] which may be a contributing factor to any challenging behaviour/s. Referral to Perth and Kinross’ Psychology Services and / or Child and Adolescent Mental Health Service (CAMHS) may be a recommendation in some cases. Knowledge of the individual circumstances of each child or young person should influence the decision to exclude or not.

### 6. Looked After Children (LAC):

Children and young people can become looked after for a number of reasons and, as a group, they are among the most socially disadvantaged.

Schools have a duty to know which children and young people are looked after and to actively collaborate with all partners to foster their wellbeing, encourage positive behaviour and assist them in achieving their full potential from the learning opportunities made available to them.



The exclusion of Looked After Children and Young People requires very serious consideration. The Education (Additional Support for Learning Act) (Scotland) Act 2004, as amended 2009, states that all Looked After Children and Young People will be deemed to have additional support needs unless assessed otherwise.

Exclusion from school may have a significant impact upon the home lives of Looked After Children and Young People. An exclusion from school may serve as the catalyst to a change in placement for a child or young person, as the need to ensure appropriate care and supervision for the child or young person, whilst excluded, may bring significant additional and unwelcomed pressures to parents / carers.

It is recommended that, where possible, the decision to exclude a Looked After Children and Young People should be avoided and alternative solutions found in consultation and collaboration with the Lead Professional /Social Worker for the child or young person and any other agency.

The importance of a multi-disciplinary approach and inter-agency cooperation, including services such as CAMHS both generally, and specifically, in relation to the exclusion of looked after children and young people, must be emphasised.

#### Corporate Parent Role

Local authorities have legal duties to ensure that Looked After Children and Young People have the same access to educational opportunities as other children and young people. These duties, commonly called 'corporate parent' responsibilities, will often mean making additional arrangements in order to support learning, overcome disadvantage and encourage participation in education in the broadest sense. (*Looked After Children and Young People: Working Together to Improve Outcomes – Scottish Government 2008*)

In terms of children and young people who are 'looked after and accommodated', Perth and Kinross Council is the corporate parent, therefore all staff have an important role in relation to the Council's functions as the corporate parent. All staff have opportunities to support and guide looked after children and young people in their everyday actions and interactions, for example, by providing encouragement and support; by providing stability and consistency, by having high expectations of them and helping them to participate and achieve in their learning.

7. In addition to Looked After Children and Young People, it is also vital to give consideration to the circumstances of those other children and young people who may be considered to be more vulnerable, examples of these being young carers, those with mental health issues, those with complex learning disabilities and gypsy travellers. Schools should be aware that the needs of these children and young people can sometimes be "hidden" from general view.

8. Reasonable measures should be put in place, to provide appropriate support for other children and young people and staff, following a breach of discipline or when planning for an excluded child or young person's re-integration to the school. A brief note on the rationale for these measures should be recorded. Schools should deploy resources which can offer short / long term support for challenging children and young people and, where relevant, to any victim of an incident resulting in exclusion. Schools should refer to [Perth and Kinross Anti-bullying strategy](#) (May 2013) for advice. In the case of staff, specific professional development / training may be required / identified e.g. de-escalation techniques and such development is to be encouraged.
9. Schools should be alert to any child or young person having repeat exclusions and be mindful that such children and young people may have, as yet, unrecognised / undiagnosed needs. Such a circumstance should be addressed timeously.
10. Early Intervention may prevent the need for exclusion for any child or young person. Some examples of early intervention might include:
  - *Early engagement with parent/s*
  - *Provision of curriculum alternatives*
  - *Involvement of Child or young person Support Teachers / Child or young person Support Assistants*
  - *Positive alternative timetable arrangements which should be regularly reviewed. PKC policy guidelines, 'Child or young persons on Part-Time Timetables' (January 2013), which recommends correct use of part-time timetables, may help with this.*
  - *The use of identified support areas within the school / campus and individualised support programmes*
  - *Restorative Justice*
  - *Short-term, specific and focused programme/s*
  - *Referral to multi-agency team / integrated team*
  - *Consideration of assessment of Additional Support Needs*
  - *Identified Agency support, including the Psychology Service (with appropriate parental permissions)*
  - *Specific staff training e.g. de-escalation techniques*
  - *Make arrangements for the child or young person to receive school education in another school, where the senior managers of the identified school are willing to receive the child or young person*
  - *Make special / alternative arrangements for the child or young person to receive education other than at school. These might include:*
    - *use of virtual learning environment; Glow material*
    - *temporary placement in a school support base*
    - *positive behaviour development programme*
    - *placement in alternative, specialist provision (this must be subject to review)*

The Perth & Kinross Staged Intervention Process identifies available supports for intervention at universal, targeted and specialist levels.

## 5 Educational Provision / Support for Excluded Children and Young people

Where a child or young person has been excluded, Section 14(3) of the Education (Scotland) Act 1980 requires the education authority without undue delay to ensure that excluded children and young people are given the opportunity to continue their studies. Without continuation of their studies the likelihood is that such children and young people will fall further behind in their education and become even more distant from both learning as a process and the school as an institution. The longer term negative effects of this are well researched and documented.

Section 127 of the Children (Scotland) Act 2011 gives a Children's Hearing power to make the National Convener refer a case to the Scottish Ministers where it appears to the Children's Hearing that a local authority is under a duty in terms of section 14(3) of the 1980 Act to provide education for an excluded pupil (who is the subject of that Hearing) and the local authority is failing to comply with that duty.

Unless the exclusion is of only one or two days duration, it will not be sufficient simply to provide excluded children and young people with homework or class work *if* they do not also receive sufficient teaching to enable them to understand the material. Any arrangements, therefore, should involve contact with learners on a regular basis. This could be provided in the form of an email address / telephone number of a school contact who can address any concerns relating to the course work allocated. There is also a responsibility on learners and their parents to make sure the provision arranged is carried out and used during any period of exclusion.

Please Note: It is expected that any existing involvement, by the child or young person, in non school-based learning e.g. work experience, college course/s, should continue uninterrupted unless there is a health and safety issue.

The Scottish Government guidance states if the exclusion is not resolved and the child or young person is not allowed back into school immediately, then it is reasonable to expect appropriate alternative arrangements for the child or young person's education provision, to be effective within three days. This was previously advised as 10 days.

The guidance also states that, where possible, arrangements should be made for a child or young person, excluded for more than ten days, to attend another school. This may not be possible in circumstances where the child or young person lives in a rural area and there is no other school sufficiently close, or where the reason for the child or young person's exclusion makes it inappropriate for the child or young person to be placed in any other school until the exclusion is resolved e.g. where the child or young person has assaulted a member of staff.

Furthermore, it states that, where it is not appropriate for the child or young person to attend another school, the authority must make arrangements which provide, as far as possible, the range of education which the child or young person had access to *prior* to

the exclusion.

Such arrangements may include:

- The provision of a suitable coursework pack, sufficient to ensure that the child or young person reviews the work that is to be taught in class during the period of exclusion, with a subsequent check to ensure that the child or young person has understood the material.
- Involvement of the child or young person in structured programmes of learning outside the home in a place such as a community centre or library.
- Involvement of the child or young person in structured programmes of learning outside the home in a unit or centre specifically designed for that purpose.
- Involvement of the child or young person in programmes designed to address the behaviour or needs of the child or young person in order to support re-integration to school education and prevent further exclusions.
- Utilising ICT to sustain child or young person's learning
- Access to virtual learning opportunities including the use of GLOW

Senior Integrated Team (SIT): Referral to the Senior Integrated Team, for additional support, may also be considered for any child or young person who is deemed to have reached Level 3 on the Staged Intervention Process i.e. at risk of a residential placement. It is expected that greater use be made of the Staged Intervention Process both in terms of early intervention and of prevention. As with the use of a part-time timetable, referral to SIT should be considered a short to medium term supportive intervention to enable appropriate school planning for full educational provision appropriate to the child or young person's needs. This referral should only be made *after* all other interventions have been tried without success and evidence of this will be expected. This Exclusion Guidance recommends making reference to SIT *Level 3 Referral Guidance (2012 -2013)* where it may be considered to be of relevance.

## 6 Exclusion and Children and young people with Additional Support Needs

In relation to children and young people who have additional support needs, the circumstances under which a child or young person may be excluded are the same as they are for other children and young people. However additional considerations apply, particularly for those children and young people who have Co-ordinated Support Plans (CSP) which detail the extent of the child or young person's needs, the support required and the school to be attended.

Where a child or young person with additional support needs is at risk of exclusion, a balance should be sought between the case for exclusion and the need to take all reasonable steps to ensure that appropriate provision is made for the child or young person's additional support. Implementation of exclusion procedures should be handled with the utmost sensitivity for the well-being of the child or young person concerned. This is *vital* when the child or young person is looked after or on the Child Protection Register.

It should be noted that exclusion does not alter the education authority's duty to continue to provide for the additional support needs of a child or young person as outlined in their CSP. In cases where exclusion of a child or young person with additional support needs is deemed absolutely necessary, steps should be taken to ensure that alternative provision for the child or young person's additional support needs is made available.

Where there is involvement from a Lead Professional, Named Person or Key Worker for the child or young person, that person should also be informed of any exclusion (or early intervention / prevention strategies employed to seek to avoid exclusion).

The appropriate Lead Professional / Social Worker should always be informed of a decision to exclude where the child concerned is on the Child Protection Register or is a Looked After Child.

As far as possible, provision should be put in place to ensure the ongoing monitoring of the welfare of the child or young person, as well as provision for their educational needs as described in the child or young person's Care Plan. A note should be maintained of all such contact/s and be held in the Pupil Progress Record (PPR). The Head Teacher should be advised of such contact/s and respective outcomes.

# 7 Equality Act 2010

## Discrimination - General

Since October 2010, new duties have been placed on education authorities making it unlawful to discriminate without justification against a child or young person with a protected characteristic in all aspects of school life, including exclusion, for reasons related to the child or young person's protected characteristic.

Protected characteristics in relation to schools are:

- Disability
- Gender Re-assignment
- Pregnancy and maternity
- Race
- Religion and belief
- Sex

Many of the duties were already incumbent on schools under previous equality legislation. The 2010 Act however brings these into a single legal framework. Some new duties are created and gender re-assignment and pregnancy and maternity are two new protected characteristics for schools to consider.

In relation to exclusion, the Equality Act 2010 makes it unlawful to exclude a child or young person with a protected characteristic because of the protected characteristic.

## Disability Discrimination

In relation to a child or young person with a disability, (as defined by the Equality Act 2010) the duties on education authorities are more extensive. Disability discrimination arises where:

- you treat a disabled child or young person unfavourably; i.e. put them at a disadvantage, even if this was not your intention
- this treatment is because of something connected with the disabled child or young person's disability (which could be the result, effect or outcome of that disability) such as disability-related behaviour, *and*
- you cannot justify the treatment by showing that it is a proportionate means of achieving a legitimate aim ... unless the school does not know, and could not reasonably be expected to know, that the child or young person has the disability. Education Authorities are also obliged to make reasonable adjustments for disabled children and young people:
- a provision, criterion or practice of a school puts a disabled child or young person at a substantial disadvantage; *or*
- a disabled child or young person would be put at a substantial disadvantage without the provision of an auxiliary aid

The Act sets the definition of “disabled” as follows:

- A mental or physical impairment
- The impairment has an adverse effect on the person’s ability to carry out normal day-to-day activities
- The adverse effect is substantial
- The adverse effect is long-term (meaning it has lasted for 12 months, or is likely to last for more than 12 months or for the rest of the person’s life).

The Equality and Human Rights Commission has produced a code of practice for schools which can be downloaded from their website at <http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/equality-act-guidance-downloads/>

Advice from Quality Improvement Officers and Legal Services should be sought as appropriate.

## Important Points to Remember

- It is unlawful to exclude a child or young person because of a protected characteristic (listed above)
- The Act does not prohibit schools from excluding a child or young person with a protected characteristic but it does prohibit schools from excluding a child or young person *because of* their protected characteristic
- It is unlawful to exclude a child or young person with a protected characteristic for behaviour for which a child or young person without a protected characteristic would not be excluded
- It is unlawful to exclude a disabled child or young person for a reason connected with his / her disability unless the school can show that the exclusion was a proportionate means of achieving a legitimate aim. It will be difficult to show that the treatment was proportionate if the school has not complied with its duty to make relevant reasonable adjustments
- It is unlawful to exclude a pupil because of her pregnancy or maternity
- There is a duty to make reasonable adjustments where a disabled child or young person is placed at a substantial disadvantage. This may include adjustments to procedures to manage behaviour which might otherwise lead to exclusion, disciplining the child or young person in a different way or adjustments to the exclusion process itself to enable the child or young person to fully participate
- There is a duty to provide auxiliary aids where a disabled child or young person is at a substantial disadvantage without this
- Behaviour and Exclusion policies which result in a higher proportion of children and young people with a particular protected characteristic being disciplined or excluded may result in unlawful indirect discrimination and should be monitored and reviewed for such effect

## 8 Who Makes the Decision to Exclude?

In Perth and Kinross Council, the power to exclude children and young people from school has been delegated to Head Teachers and Depute Head Teachers in Secondary schools and to the Head Teacher in Primary Schools, and, in the absence of the Head Teacher, to the Depute Head Teacher.

Where neither the Head Teacher nor the Depute Head Teacher is available to consider a possible exclusion situation, the power in these circumstances has been delegated to the Heads of Education Services and to Quality Improvement Officers, School Improvement. No further delegation is permissible.

Where exclusion may lead to a child or young person being removed from the school register – please refer to Section 12 (Removal from the Register).

## 9 Length of Exclusion

There is no legal provision limiting or specifying how long exclusion may last. The guiding principle is that any sanction should be proportionate to the breach of discipline. Therefore the length of any exclusion should reflect the effect on order and discipline in the school and the seriousness of:

- *The breach of discipline which resulted in the exclusion*
- *The child or young person's past disciplinary record*
- *Any other relevant circumstances surrounding the child or young person and / or the incident(s) on which the decision to exclude is based*

It is good practice to resolve the exclusion and resolution issues within the same academic year. A single exclusion should not, barring exceptional circumstances, span more than one academic year, even where a decision to exclude is taken during the last few days of the summer term. The length of the exclusion should be proportionate to the breach of discipline while also taking into account the time within the academic session.

The school has an obligation to notify the appropriate Quality Improvement Officer if exclusion is longer than three days (see Section 5).

A decision to appeal against exclusion should, in itself, have no effect on the length of exclusion. Children and young people should always be made aware of their rights to appeal exclusion.

### Child and young person / CRO Viewpoint:

If a *child and young person* believes he/she has reason to appeal then he/she should be encouraged to exercise this right and the appeal should be taken seriously. Again, the services of a support worker / advocate may be required.



## 10 Procedures to be Followed When a Decision is Taken to Exclude a Child or Young Person from School

*The following procedures should be strictly adhered to:*

- “Parents” are specifically defined in the Education (Scotland) Act as including “guardian and any person who is liable to maintain or has parental responsibilities in relation to, or has care of, a child or young person”.
- This means that a child or young person may have several people who fall within that definition including foster carers or relatives with whom the child or young person normally resides. Generally, schools should contact the person with whom the child or young person normally lives as the main “parent” contact.
- If there is any doubt regarding appropriate procedures in a particular case, advice should be sought from the appropriate Quality Improvement Officer and / or Legal Services.

## Day of Exclusion

1. Notification.

The child or young person is informed that he / she is to be excluded.

2. The school should attempt to contact parent(s) immediately, by telephone if possible, to advise them briefly of the circumstances and to offer an early appointment.

a. Where the child is looked after by the local authority in a foster placement, residential establishment, or where the child is subject to a supervision requirement of the Children's Hearing, the designated Lead Professional, Social Worker or Key Worker and the Foster Carer should also be contacted and advised of any likely or intended exclusion, though schools are strongly advised to try to find alternative solutions in the case of a looked after child and young person.

b. Note: A child may not be excluded from school until the end of the school day on which a decision has been taken unless the child can be delivered directly into the care of a parent or person authorised by the parent.

3(i) **If the child or young person is a "child"** i.e. under school leaving age:

A letter, (Appendix 4A as appropriate) must be sent confirming the decision to exclude and offering an appointment for a date, time and place within seven days to discuss the exclusion, and conditions for re-admission if appropriate. Appointments must be offered for a date within 7 days of the exclusion (but good practice is to hold the meeting as soon as possible). The letter must also specify the right to appeal.

The letter should be addressed to:

- a. Parents (where the child is under 12 years).
- b. Parents and child where the child or young person is over 12 years but under school leaving age.
- c. In the case of a primary school child the appropriate Quality Improvement Officer, School Improvement, must be notified.
- d. The letter to the parents should be sent by first class mail on the day of exclusion and, in addition, a copy should be given to the child to take home. If the parent attends at the school on the day of the exclusion, the letter can alternatively be handed directly to him / her.
- e. Where the child is over 12 years the letter addressed to the child should be handed to him / her.
- f. Where appropriate, the Lead Professional for the child should also be notified.

**3(ii) If the child or young person is a “young person” i.e. over school leaving age:**

- a. In this case the young person may be excluded with immediate effect unless b. or c. below applies. There is no legal requirement to contact parents. However, if the young person agrees, then parents should be kept informed.
- b. If the young person has learning or physical disabilities, or is considered particularly vulnerable, which might place him / her at risk if excluded without parents’ knowledge, the parents should be contacted.
- c. Where the young person is looked after by the local authority in a foster placement, residential establishment, or where he / she is subject to a supervision requirement of the Children’s Hearing, the designated Social Worker, Key Worker or Foster Carer should be contacted and advised of any likely or intended exclusion, though schools are advised to try to find alternative solutions in the case of a looked after young person.
- d. A letter addressed to the young person (Appendix 4A IV) must be given, confirming the decision to exclude and offering an appointment for a date, time and place within seven days to discuss the exclusion, and conditions for readmission if appropriate. (Good practice is to hold the meeting as soon as possible). The letter must also specify the right of the young person to appeal. The letter should be handed to the young person. This may be copied to the parents with the young person’s knowledge and agreement. If the young person agrees, the parents should also be invited to the meeting with the school.  
NB: In this case the parents have no right of appeal against the decision to exclude and any letter to parents must indicate so.

**4. File Notes and Forms**

- a. Form Appendix 4J - Record of Investigation which may lead to an Exclusion. This checklist must be completed as soon as possible after the exclusion decision as a file note of the relevant information leading to the decision.
- b. Copies of all letters sent to parent / child or young person must be retained on file with a copy of the Record of Investigation form.
- c. The appropriate Quality Improvement Officer, School Improvement, should be notified.
- d. An exclusion is categorised as unauthorised absence for statistical purposes and should be coded as ExC in SEEMIS.

## Within Seven Days of Exclusion

### 1 The Resolution Meeting

A meeting, as specified in the letter of Exclusion, must be offered for a date within seven days of the exclusion. This meeting should take place as soon as possible.

If the parent / child or young person fails or is unable to attend the meeting or a re-arranged meeting within the seven day period, then the procedures in the Section entitled, “Where Child or young person Not Re-admitted Within Seven Days” will apply. The legislation makes no provision for any exception to the offer of a meeting within seven days. Accordingly, if the Head Teacher is absent, the school should ensure that there are procedures for an appropriate member of staff to hold the meeting in the Head Teacher’s absence.

If the Resolution Meeting becomes the point at which additional support needs are raised then normal ASN procedures should be followed after the resolution.

### 2 Purpose of the Resolution Meeting

The purpose of the Resolution meeting is to:

- Discuss the exclusion
- Advise the parent / child or young person of their legal right of appeal (see Page 26)
- Inform the parent /child or young person that all documentation relating to the child or young person’s exclusion will be retained within the Pupil Progress Report
- Consider conditions for return to school. This is not a requirement and, depending upon the individual case, it may be appropriate to develop and agree action or support plans with the parents and child or young person as part of the Resolution meeting; and as part of a review of staged interventions including the identification of respective roles and responsibilities.
- Additionally, it may be appropriate to refer to the Authority’s guidance on part-time timetables (Appendix 6), to enable the child or young person to re-integrate as quickly as possible.

#### Child and young person / CRO Viewpoint:

The collective consultation with young people reported that they found the “Re-Admission” meeting (as previously named) to be “an intimidating experience” and perhaps not the most appropriate forum for expressing their views.

### 3 Assurances

It will be helpful in most circumstances for the child or young person and parents to sign an assurance as to the child or young person's future conduct. Where the young person is over school leaving age, the parents should not be asked to sign any assurance (see Appendix 4 D, page 41). However, where the young person and parents make clear, verbally, their willingness to comply with the conditions for readmission any difficulty over written assurances should not be an obstacle to readmission. Where verbal assurances only have been given, a written record of this should be made by the school (see Appendix 4 E, page 42).

The written / verbal assurances do not form a legally binding contract, but are useful evidence of what has already been discussed and agreed.

### 4 File Notes and Forms

- a. Any resolution of the exclusion should be noted on SEEMIS.
- b. Written assurance / note of verbal assurances should be filed in the child or young person's PPR.

### Where Child or Young Person Is Not Re-admitted Within Seven Days

- a. If the child or young person has not been readmitted, either because no agreement was possible at the resolution meeting, or if, for any reason, there was no attendance at the meeting, a formal letter must be sent without delay (see Appendix 4F or 4G, as appropriate, pages 43-44) to:
  - the parent only where the child is under 12
  - the parent and the child where the child is over 12 years but under school leaving age
  - the young person only where the young person is over school leaving age. (The letter can be copied to the parent with the young person's agreement)
- b. The appropriate Quality Improvement Officer, School Improvement, must be notified.

In the event of particularly difficult cases write to the appropriate Quality Improvement Officer, School Improvement, outlining the circumstances.

# 11 Unresolved Exclusion

- 1 Only the most difficult cases are expected to lead to exclusions lasting eight days or more. In such circumstances, the Head Teacher should contact the appropriate Quality Improvement Officer, School Improvement.
- 2 In making decisions to resolve the exclusion all relevant factors should be taken into account. Therefore it is good practice when making a final judgement that a balanced and comprehensive view of the following main factors is taken:
  - What is in the best interests of the child or young person in terms of meeting his / her educational needs, taking account of any social, emotional or behavioural needs which he / she may have and of the views of parent(s)/carer(s) and, where appropriate, the child or young person him / herself, and
  - The risk to good order in the school and the effective education of other children and young people in the school should the identified child or young person return, taking account of any special arrangements or provision which can be made to make difficulties less likely or easier to manage.

Schools and Education & Children's Services' management should ensure that they have as full an assessment as possible of the child or young person and the situation in school, including input from other relevant services or outside agencies, before coming to a decision.

- 3 It should be noted that a period of time without a school attendance routine, as a result of exclusion, may serve to bring about a significant increase in the extent to which a child or young person is vulnerable. Therefore he / she may be "at risk" in the community or at home. This can be the case for looked after children and young people. In all such cases it will be particularly important that the school, and Education & Children's Services' management, discuss the child or young person's needs and reach an agreed assessment of the risks to the child or young person.
- 4 Early arrangements should be made to convene a case conference to which all interested parties and relevant support services should be invited. Arrangements for the case conference must allow for the parent(s) / carer(s) and the child or young person to be fully involved in the discussion. Where a child or young person has additional support needs, the procedures for Additional Support Needs meetings should be followed.
- 5 If an agreement has been reached to readmit the child or young person but the child or young person has not returned to school, the appropriate Quality Improvement Officer, School Improvement, should be contacted with a view to re-establishing the child or young person's attendance. In extreme cases attendance default procedures might require to be implemented.

- 6 Even if an appeal against exclusion is pending, appropriate action should continue to be taken to seek a solution. The appropriate Quality Improvement Officer, School Improvement, should be consulted in such circumstances.

## 12 Removal from Register

In some exceptional cases where the exclusion cannot reasonably be resolved and the breach of discipline, or the effects of it, are so severe that the child or young person cannot be re-admitted to the school, the Head Teacher should refer to the appropriate Quality Improvement Officer, School Improvement, who will investigate and make recommendations to the Head of Education, as to whether the child or young person should be removed from the register.

Schools must still offer a date and time for a meeting within 7 days as with all other exclusions.

In the event of a child or young person being removed from the register of a school the education authority will make alternative arrangements for that child or young person's education.

# 13 Appeals

Who has the right to appeal?

- \*Parent only, where child or young person is under 12 years.
- \*Parent and / or child or young person, where child or young person is over 12 but under school leaving age.
- \*\*Young person only, where he / she is over school leaving age.
- \*Parent of young person, where young person is not capable of appealing on own behalf due to learning disabilities.

\*The term “parent” is specifically defined in the Education (Scotland) Act as including “guardian and any person who is liable to maintain or has parental responsibilities in relation to, or has care of a child or young person”

\*\*The term “young person” is defined in the 1980 Act as a person over school age who has not yet attained the age of 18 years.

An appeal to an Education Appeal Committee is made by the parent and / or child or young person in writing to the Council Secretary, who as Clerk to the Education Appeal Committee, will acknowledge receipt within five working days and advise Education & Children’s Services of receipt of the appeal.

An Education Appeal Committee should be held within 28 days of receipt of the reference. With the consent of both parties this timescale may be extended if necessary.

At least ten working days before the date fixed for the Education Appeal Committee hearing, the Council Secretary must receive, from Education & Children’s Services, copies of all relevant information including, correspondence from Excl2, reports and minutes of any relevant meetings. In addition, at least the day before the hearing, the Council Secretary should be advised as to whether the child or young person has been readmitted to school and if so, when.

The Head Teacher, or person who made the decision to exclude, will require to be the principal witness for Education & Children’s Services.

Details about the Education Appeal Committee are contained in Appendix 5A, page 49.

If the Appeal is unsuccessful, the parent and / or child or young person may appeal to the Sheriff.

NB A decision to appeal against exclusion should in itself have no effect on the length of exclusion. The period of exclusion should not therefore be extended simply because an



appeal is pending. Only in exceptional cases would it be appropriate for the child or young person not to be re-admitted until the appeal is dealt with.

## 14 Pupil's Progress Record

All documentation relating to any child or young person's exclusion from school must be retained within the Pupils Progress Record (PPR). The following instructions should be noted:

- Where a decision to exclude a child or young person has been appealed to the Education Appeal Committee or to the Sheriff, details of any appeal decision must also be recorded in the PPR.
- The parent (where the child is under school leaving age) and the young person (where the child or young person is over school leaving age) must be informed of the content of any reference to an exclusion held in the PPR.
- Care should be taken that details of any third parties are not disclosed unless they have consented.

*Where the decision to exclude has been annulled on appeal by the Education Appeal Committee or the Sheriff, information relating to that exclusion in the PPR should not normally be disclosed except to the child or young person or parent seeking disclosure under the Data Protection Act 1998 or the Child or Young Person's Educational Records (Scotland) Regulations 2003.*

# 15 Appendices

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## Appendix 1

### National Outcomes:

1. We live in a Scotland that is the most attractive place for doing business in Europe.
2. We realise our full economic potential with more and better employment opportunities for our people.
3. We are better educated, more skilled and more successful, renowned for our research and innovation.
4. **Our young people are successful learners, confident individuals, effective contributors and responsible citizens.**
5. **Our children have the best start in life and are ready to succeed.**
6. We live longer, healthier lives.
7. **We have tackled the significant inequalities in Scottish society.**
8. **We have improved the life chances for children, young people and families at risk.**
9. We live our lives safe from crime, disorder and danger.
10. We live in well-designed, sustainable places where we are able to access the amenities and services we need.
11. **We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.**
12. We value and enjoy our built and natural environment and protect it and enhance it for future generations.
13. We take pride in a strong, fair and inclusive national identity.
14. We reduce the local and global environmental impact of our consumption and production.
15. Our people are able to maintain their independence as they get older and are able to access appropriate support when they need it (new outcome).
16. Our public services are high quality, continually improving, efficient and responsive to local people's needs.

## Appendix 2

### Relevant Articles from the UN Convention on the Rights of the Child

Article 1 (Definition of the child): The Convention defines a 'child' as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. The Committee on the Rights of the Child, the monitoring body for the Convention, has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18.

Article 2 (Non-discrimination): The Convention applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from. It doesn't matter where children live, what language they speak, what their parents do, whether they are boys or girls, what their culture is, whether they have a disability or whether they are rich or poor. No child should be treated unfairly on any basis.

Article 3 (Best interests of the child): The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.

Article 4 (Protection of rights): Governments have a responsibility to take all available measures to make sure children's rights are respected, protected and fulfilled. When countries ratify the Convention, they agree to review their laws relating to children. This involves assessing their social services, legal, health and educational systems, as well as levels of funding for these services.

Article 5 (Parental guidance): Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly. Helping children to understand their rights does not mean pushing them to make choices with consequences that they are too young to handle. Article 5 encourages parents to deal with rights issues "in a manner consistent with the evolving capacities of the child".

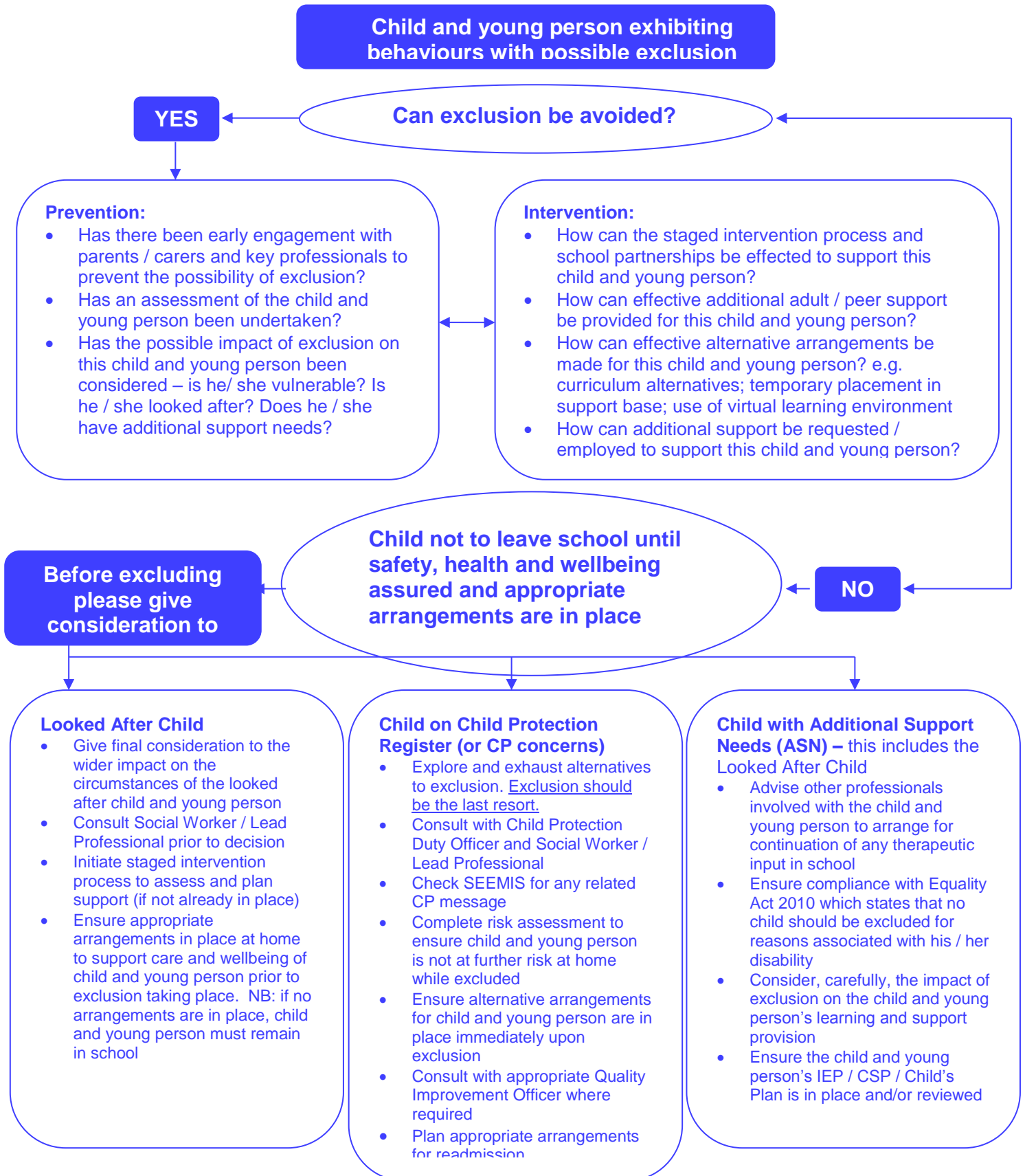
Article 6 (Survival and development): Children have the right to live. Governments should ensure that children survive and develop healthily.

Article 12 (Respect for the views of the child): When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account. This does not mean that children can now tell their parents what to do. This Convention encourages adults to listen to the opinions of children and involve them in decision-making - not give children authority over adults. Article 12 does not interfere with parents' right and responsibility to express their views on matters affecting their children. Moreover, the Convention recognises that the level of a child's participation in decisions must be appropriate to the child's level of maturity. Children's ability to form and express their opinions develops with age and most adults will naturally give the views of teenagers greater weight than those of a pre-schooler, whether in family, legal or administrative decisions.

Article 29 (Goals of education): Children's education should develop each child's personality, talents and abilities to the fullest. It should encourage children to respect others, human rights and their own and other cultures. It should also help them learn to live peacefully, protect the environment and respect other people. Children have a particular responsibility to respect the rights their parents, and education should aim to develop respect for the values and culture of their parents. The Convention does not address such issues as school uniforms, dress codes, the singing of the national anthem or prayer in schools. It is up to governments and school officials in each country to determine whether, in the context of their society and existing laws, such matters infringe upon other rights protected by the Convention.

## Appendix 3

### Prevention, Intervention and Management of Exclusions - Considerations



**Appendix 4A (i)** (to be reproduced on school headed paper)

Letter of Exclusion to **Parents of Child or young person** Under the Age of 12

Dear (Name of Parent/Carer)

Child or young person's Name, Date of Birth, Class

I regret to advise you that (name) has today been excluded from attendance at school and / or campus on the grounds that: (cut and paste grounds a. or b. as listed below). The reasons for this decision are given at the end of this letter.

It is important that we meet to discuss the exclusion and to consider the conditions, if any, for re-admission. I would propose that we meet in school on (date) at (time). You will also be advised at the meeting of your legal right of appeal under Section 28H of the Education (Scotland) Act 1980. When attending this meeting, you should bring (name) with you.

Meantime, (name) must not attend school, be within the school or campus grounds during school hours, or take part in any school activities, until the exclusion has been resolved.

If you are unable to keep the above appointment, please contact me as soon as possible in order that other arrangements may be made.

Yours sincerely

Head Teacher

Reasons for decision to exclude:

Grounds

- a. you as (name)'s parent / carer refuse or fail to comply or to allow (name) to comply with the rules, regulations or disciplinary requirements of the school;
- or
- b. that in all the circumstances to allow (name) to continue (his / her) attendance at the school and / or campus would be likely to be seriously detrimental to order and discipline in the school or the educational well-being of the child or young person there.

**Appendix 4A (ii)** (to be reproduced on school headed paper)

Letter of Exclusion to **Parents of Child or young person 12+ but Under School Leaving Age**

Dear (Name of Parent/Carer)

Child or young person's Name, Date of Birth, Class

I regret to advise you that (name) has today been excluded from attendance at school and / or campus on the grounds that: (cut and paste grounds (a) or (b) as listed below). The reasons for this decision are given at the end of this letter.

It is important that we meet to discuss the exclusion and to consider the conditions, if any, for re-admission. I would propose that we meet in school on (date) at (time). You will also be advised at the meeting of your legal right of appeal under Section 28H of the Education (Scotland) Act 1980. When attending this meeting, you should bring (name) with you. You should note that a letter in similar terms has been given to (name).

Meantime, (name) must not attend school, be within the school or campus grounds during school hours, or take part in any school activities, until the exclusion has been resolved.

If you are unable to keep the above appointment, please contact me as soon as possible in order that other arrangements may be made.

Yours sincerely

Head Teacher

Reasons for decision to exclude:

Grounds

- a. you as (name)'s parent / carer refuse or fail to comply or to allow (name) to comply, with the rules, regulations or disciplinary requirements of the school.

or

- b. that in all the circumstances to allow (name) to continue (his / her) attendance at the school would be likely to be seriously detrimental to order and discipline in the school and / or campus or the educational well-being of the children and young people there.



**Appendix 4A (iii)** (to be reproduced on school headed paper)

Letter of Exclusion to **Child or young person aged 12+ but under school leaving age**

Dear (Name of Child or young person)

Exclusion from School

I write to confirm that you have been excluded from attendance at school and / or campus with effect from (date) on the grounds that: (cut and paste grounds a. or b. as listed below). The reasons for this decision are given at the end of this letter.

It is important that we meet with you and your parents / carers (delete as appropriate) to discuss the exclusion and to consider the conditions, if any, for re-admission. A meeting has therefore been arranged in school on (date) at (time). You will also be advised at the meeting of your legal right of appeal under Section 28H of the Education (Scotland) Act 1980. Your parents / carers (delete as appropriate) will also receive a letter inviting them to attend the meeting.

Meantime, you must not attend school, be within the school or campus grounds during school hours, or take part in any school activities, until the exclusion has been resolved.

Yours sincerely

Head Teacher

Reasons for decision to exclude:

Grounds

- a. your parents / carers refused or failed to comply or to allow you to comply with the rules, regulations or disciplinary requirements of the school.

Or

- b. that in all the circumstances to allow you to continue your attendance at the school would be likely to be seriously detrimental to the order and discipline in the school and / or campus or the educational well-being of the child or young person there.

**Appendix 4A (iv)** (to be reproduced on school headed paper)

Letter of Exclusion to **Young Person over school leaving age**

Dear (Name of Young Person)

Exclusion from School

I write to confirm that you have been excluded from attendance at school and / or campus with effect from (date) on the grounds that: (cut and paste grounds a. or b. as listed below). The reasons for this decision are given at the end of this letter.

It is important that we meet with you to discuss the exclusion and to consider the conditions, if any, for re-admission. A meeting has therefore been arranged in school on (date) at (time). You will also be advised at the meeting of your legal right of appeal under Section 28H of the Education (Scotland) Act 1980.

As agreed, your parents/carers (delete as appropriate) will also receive a letter inviting them to attend the meeting. *(include this paragraph only where agreement has been given)*

Meantime, you must not attend school, be within the school or campus grounds during school hours, or take part in any school activities, until the exclusion has been resolved.

Yours sincerely

Head Teacher

Reasons for decision to exclude:

Grounds

- a. your parents/carers refused or failed to comply or to allow you to comply with the rules, regulations or disciplinary requirements of the school.

or

- b. that in all the circumstances to allow you to continue your attendance at the school would be likely to be seriously detrimental to order and discipline in the school and / or campus or the educational well-being of the children and young people there.

**Appendix 4A (v)** (to be reproduced on school headed paper)

Letter of Exclusion to Parents of **Young Person over school leaving age** (where the young person agrees to this)

Dear (Name of Parent/Carer)

Child or young person's Name, Date of Birth, Class

I write to confirm that (name) has been excluded from attendance at school with effect from (date) on the grounds that: (cut and paste grounds a. or b. as listed below). The reasons for this decision are given at the end of this letter.

A meeting to discuss the exclusion has been arranged with (name) to take place in school on (date) at (time). (Name) has agreed that you also be notified and invited to the meeting. (Name) will be advised at the meeting of the right to appeal under Section 28H of the Education (Scotland) Act 1980. As (name) is over school leaving age, you as parents / carers (delete as appropriate) do not have any right to appeal.

Meantime, (name) must not attend school, be within the school or campus grounds during school hours, or take part in any school activities, until the exclusion has been resolved.

If you are unable to keep the above appointment, please contact me as soon as possible in order that other arrangements may be made.

Yours sincerely

Head Teacher

Reasons for decision to exclude:

Grounds

a. you as (name)'s parent / guardian refused or failed to comply or to allow (name) to comply, with the rules, regulations or disciplinary requirements of the school;

or

b. that in all the circumstances to allow (name) to continue (his / her) attendance at the school would be likely to be seriously detrimental to order and discipline in the school and / or campus or the educational well-being of the children and young people there.

## Appendix 4B(i)

Statement of **Child Assurance Under the age of 12** - *to be reproduced on school headed paper*

To (Child or young person's name)

### Conditions for Return to School After Exclusion

You have been temporarily excluded for serious misbehaviour which cannot be accepted in a school. Now that the period of exclusion is over, I must ask you to agree to some conditions which will allow you to come back into school and / or campus.

The first of these conditions applies to everyone who is excluded. You must promise to try very hard to follow the school rules in future.

There are some conditions which, however, are special to you. They are:

1

2

3

If you understand and agree to these conditions, please sign here:-

Signature of Child: .....

There are some things which the school will do to help you. They are:

1

2

We expect you to do your very best to improve your behaviour in future.

I hope that there will be no need for further action and that you will quickly settle back into your timetable and do well.

Signature of Head Teacher or Designee .....

Date .....

## Appendix 4B(ii)

### Statement of **Child or young person assurance (Over the age of 12 and Under School Leaving Age)** - *to be reproduced on school headed paper*

To (Child or young person's name)

#### Conditions for Return to School After Exclusion

You have been temporarily excluded for serious misbehaviour which cannot be accepted in a school. Now that the period of exclusion is over, I must ask you to agree to some conditions which will allow you to come back into school and / or campus.

The first of these conditions applies to everyone who is excluded. You must make every attempt to follow the school rules in future.

There are some conditions which, however, are special to you. They are:

- 1
- 2
- 3

If you understand and agree to these conditions, please sign here:

Signature of Child or young person.....

There are some things which the school will do to help you. They are:

- 1
- 2
- 3

You are expected to co-operate with everything mentioned above and do your very best to improve your behaviour in future.

I hope that there will be no need for further action and that you will quickly settle back into your timetable and do well.

Signature of Head Teacher or Designee .....

Date .....

## **Appendix 4C**

Statement of Parental assurance (for **Parents of Child or young person Under School Leaving Age**) –*to be reproduced on school headed paper*

Following the exclusion of (name) from school, I confirm that the reasons for this as described in the original letter of exclusion have been fully and fairly discussed during today's meeting at which our right of appeal was also explained.

I am satisfied with the arrangements made for (name)'s return to school and / or campus.

I undertake to ensure to the best of my ability that (name) will now co-operate with the normal school disciplinary procedures and that (his / her) behaviour will not be detrimental to the well-being of other children or young people.

Signature of Parent/Carer \_\_\_\_\_

Signature of Head Teacher or Designee \_\_\_\_\_

Date

## Appendix 4D

### Statement of **Young Person's assurance (for young people over school leaving age)** – *to be reproduced on school headed paper*

Following my exclusion from school and / or campus, I confirm that the reasons for this as described in the original letter of exclusion have been fully and fairly discussed during today's meeting at which my right of appeal was also explained.

I am satisfied with the arrangements made for my return to school and / or campus.

I undertake that while a young person at (school name), I will make every effort to work within the school rules.

I also agree to (any other conditions specific to this case).

I understand that the school has offered the following support: (details as appropriate)

I accept that any further breach of the school rules may lead to serious consequences.

Signature of Young Person \_\_\_\_\_

Signature of Head Teacher or Designee \_\_\_\_\_

Date

## Appendix 4E

### Written Record of Verbal Assurance

To be completed by the Head Teacher/Designee in the event of the child or young person / parents decision not to sign Appendices 4B, 4C or 4D.

Child or young person's name \_\_\_\_\_

Child or young person's and Parent's/Carer's Verbal Statement:-

Signature \_\_\_\_\_

Head Teacher/Designee \_\_\_\_\_

Date \_\_\_\_\_



## Appendix 4F (i)

Letter - **No Agreement (Parents of child or young person under school leaving age)** - *to be reproduced on school headed paper*

Dear (Name of Parent/Carer)

Child or young person's Name, Date of Birth, Class

I refer to my letter of (date) and to our subsequent meeting on (date) to discuss the exclusion of (name).

Regrettably, our meeting did not lead to an agreement on (name)'s return to school and / or campus. Accordingly, (name) remains excluded. I am, therefore, advising you that you have a right to appeal against the decision to exclude and / or the conditions of re-admission under the terms of section 28H of the Education (Scotland) Act 1980. Such an appeal should be sent to:

The Clerk to the Education Appeal  
Committee Council Secretary  
Division  
Corporate Services  
Perth & Kinross Council  
2 High Street  
PERTH  
PH1 5PH

However, should you wish to reconsider any of the points discussed at our meeting I will be pleased to meet with you again in the hope of reaching agreement regarding (name)'s return to school and / or campus. Meantime, I am obliged to advise (name), the Quality Improvement Officer, School Improvement, of our present unresolved situation.

Yours sincerely

Head Teacher

Reasons for decision to exclude:

Conditions for re-admission to school and / or campus:

## **Appendix 4F (ii)**

**Letter - No Agreement (Child or young person over the age of 12) - to be reproduced on school headed paper**

Dear (Name of Child/young person)

Exclusion from School / Campus

I refer to my letter of (date) and to our subsequent meeting on (date) to discuss your exclusion from school and / or campus.

Regrettably, our meeting did not lead to an agreement on your return to school and / or campus. Accordingly, you remain excluded. I am, therefore, advising you, that you have a right to appeal against the decision to exclude and / or the conditions of re-admission under the terms of section 28H of the Education (Scotland) Act 1980.

Such an appeal should be sent to:

The Clerk to the Education Appeal  
Committee Council Secretary  
Division  
Corporate Services  
Perth & Kinross Council  
2 High Street  
PERTH  
PH1 5PH

However, should you wish to reconsider any of the points discussed at our meeting I will be pleased to meet with you again in the hope of reaching agreement regarding your return to school and / or campus. Meantime, I am obliged to advise (name), Quality Improvement Officer, School Improvement , of our present unresolved situation.

Yours sincerely

Head Teacher

Reasons for decision to exclude:

Conditions for re-admission to school and / or campus:

## Appendix 4G (i)

**Letter - Failure to Keep Appointment (Parents of child or young person under school leaving age) - to be reproduced on school headed paper**

Dear (Name of Parent/Carer)

Child or young person's Name, Date of Birth, Class

I refer to my letter of (date) and to my invitation to meet me on (date) to discuss the exclusion of (name).

Unfortunately, you did not keep the appointment and so (name) remains excluded. Conditions for (name)'s re-admission are given below. I must advise you that you have the right to appeal against the decision to exclude and / or the conditions of re-admission under the terms of section 28H of the Education (Scotland) Act 1980.

Such an appeal should be sent to:

The Clerk to the Education Appeal  
Committee Council Secretary  
Division  
Corporate Services  
Perth & Kinross Council  
2 High Street  
PERTH  
PH1 5PH

Should you now wish to discuss the matter with me, I will be pleased to meet with you in the hope of reaching agreement regarding (name)'s return to school and / or campus. Meantime, I am obliged to advise (name), Quality Improvement Officer, School Improvement, of our present unresolved situation.

Yours sincerely

Head Teacher

Reasons for decision to exclude:

Conditions for re-admission to school and / or campus:

## **Appendix 4G (ii)**

**Letter - Failure to Keep Appointment (Young Person over the age of 12) - to be reproduced on school headed paper**

Dear (Name Young Person)

Exclusion from School / Campus

I refer to my letter of (date) and to my invitation to meet me on (date) to discuss your exclusion from school and / or campus.

Unfortunately you did not keep the appointment and so you remain excluded. Conditions for your re-admission are given below. I must advise you that you have the right to appeal against the decision to exclude and / or the conditions of re-admission under the terms of section 28H of the Education (Scotland) Act 1980.

Such an appeal should be sent to:

The Clerk to the Education Appeal  
Committee Council Secretary  
Division  
Corporate Services  
Perth & Kinross Council  
2 High Street  
PERTH  
PH1 5PH

Should you now wish to discuss the matter with me, I will be pleased to meet with you in the hope of reaching agreement regarding your return to school and / or campus. Meantime, I am obliged to advise (name), Quality Improvement Officer, School Improvement, of our present unresolved situation.

Yours sincerely

Head Teacher

Reasons for decision to exclude:

Conditions for re-admission to school and / or campus:

## Appendix 4H - Reasons for exclusion

| Table A |   | Table B |  | Table C |  |
|---------|---|---------|--|---------|--|
| Code    | Reason for Exclusion  | Code    | Incident Motivation or Contributory Factor | Code    | Interim Temporary Alternative Provision Found At |
| 31      | Physical assault with weapon                                  | 31      | Racial                                     | 01      | Other School within LA                           |
| 32      | Physical assault with improvised weapon                       | 32      | Gender/sexual harassment                   | 02      | Other school outwith LA                          |
| 33      | Physical assault with no weapon                               | 33      | Homophobia/sexual orientation              | 03      | Special Unit                                     |
| 34      | Fighting  | 34      | Disability of victim                       | 04      | College  |
| 35      | Spitting  | 35      | Religion                                   | 05      | Bridge Course                                    |
| 36      | Verbal abuse of staff   | 36      | Sectarian                                  | 06      | Support bases                                    |
| 37      | Verbal abuse of pupil   | 37      | Substance Misuse – alcohol                 | 07      | Home tuition                                     |
| 38      | Fire raising  | 38      | Substance Misuse – not alcohol             | 08      | Other  |
| 39      | Damage to school property                                     | 39      | Territorial/gang related                   | 09      | No provision                                     |
| 40      | Damage to personal property                                   | 50      | Assailant medical                          |         |  |
| 41      | Theft   | 90      | Other known factor                         |         |  |
| 42      | Threat of sexual violence                                     | 99      | Not Known                                  |         |  |
| 43      | Threat of physical violence using weapon or improvised weapon |         |  |         |  |
| 44      | Threat of physical violence, no weapon                        |         |  |         |  |
| 45      | Threat to personal property                                   |         |  |         |  |
| 46      | Threat to school property                                     |         |  |         |  |
| 47      | Malicious communications                                      |         |  |         |  |
| 48      | Indecent exposure   |         |  |         |  |
| 49      | Slander and Libel (incl website)                              |         |  |         |  |
| 50      | Stalking  |         |  |         |  |
| 51      | Sustained Peer exclusion for the purpose of causing distress  |         |  |         |  |
| 52      | Extortion   |         |  |         |  |
| 53      | General or persistent disobedience                            |         |  |         |  |
| 54      | Insolent and offensive behaviour                              |         |  |         |  |
| 55      | Refusal to attend class                                       |         |  |         |  |
| 56      | Parental non-cooperation                                      |         |  |         |  |
| 57      | Substance misuse – alcohol                                    |         |  |         |  |
| 58      | Substance misuse – not alcohol                                |         |  |         |  |
| 99      | Other   |         |  |         |  |

## Appendix 4J

### Record of Investigation Which May Lead to Exclusion

Please append the following:

#### 1 Reason for decision to exclude

|  |
|--|
|  |
|--|

#### 2 Details of incident

Including:

- *Date of Incident*
- *Time of Incident*
- *Nature of incident*
- *Victims, if any*
- *Reported by*
- *Witnessed by*

#### 3 Statement of alleged victim (where appropriate)

Including:

- *Time/date of interview/statement*
- *Name of Interviewer*

#### 4 Witness Statement(s) (where appropriate)

Including:

- *Time/date of interview/statement*
- *Name of Interviewer*

#### 5 Statement of accused / child and young person

- *Time/date of interview*
- *Name of Interviewer*

#### 6 Statements of witnesses proposed by child and young person

## Appendix 5A

### Education Appeal Committee Procedure

There is no time limit for an appeal to the Education Appeal Committee in respect of an exclusion.

The Education Appeal Committee may confirm or annul the decision to exclude the child or young person. If there are conditions attached to the child or young person's re-admission to school, then the Education Appeal Committee may confirm the decision but modify the conditions.

The Education Authority must comply with the decision of the Appeal Committee. In Perth and Kinross, the Education Appeal Committee has 3 members:

- *A person with experience in education and acquainted with educational conditions in the area. (This person chairs the Appeal Committee)*
- *A member of the Lifelong Learning Committee*
- *A parent member of a school board (other than the school involved in the appeal)*

### Form of Hearing

The Education Appeal Committee hearing is as informal as possible, but must follow certain procedural requirements.

A hearing should normally be held within 28 days of receipt of the letter of appeal or, in the event of the Education Appeal Committee being unable to convene within that period due to circumstances out with their control, as soon as possible after the expiry of that period.

Legislation requires that 14 days' notice be given of the date of the hearing. Not less than 7 days before the date of the hearing the appellant and the education authority must be sent a copy of all documentation upon which the case is based. This is done by the Clerk to the Appeal Committee. In practice therefore the education authority and the appellant must send all written documentation which will be required during the hearing to the Clerk to the Education Appeal Committee at least 10 days before the date of the Hearing to allow the clerk to circulate the papers timeously.

The procedure which will normally be followed (unless on cause shown the committee determine otherwise) is:

- *A representative of the Executive Director of Education & Children's Services (ECS) will present the case for the authority, explaining why the child or young person was excluded and calling any witnesses.*
- *The appellant (i.e. parent or child or young person) has the opportunity to ask questions of the ECS representative or any of his / her witnesses.*
- *The Education Appeal Committee asks any questions of the ECS representative or any of his / her witnesses.*
- *The appellant then presents his / her case explaining why the exclusion was not justified or why the conditions attached to re-admission should be modified. The appellant may also call any witnesses necessary.*
- *The ECS representative has the opportunity to ask questions of the appellant or any of his / her witnesses.*
- *The Education Appeal Committee asks any questions of the appellant or any of his / her witnesses.*
- *The ECS representative sums up the case for the education authority.*
- *The appellant sums up his / her case.*

The appellant may present his / her own case, or may have a representative or friend to assist. The maximum number of people the appellant may bring to a hearing is three.

Alternatively the appellant may choose to let their case rest on their letter of appeal, supplemented by written representation if they wish.

#### Notification of Decision

Parties may be told the decision at the end of the Hearing. If not, they must be given the decision within 14 days. In either case the decision must be given or confirmed in writing and must include reasons for the decision and information regarding the further right of appeal to the Sheriff.

#### Further Appeal

If the appellant is dissatisfied with the decision he / she has a further right of appeal to the Sheriff within 28 days of receipt of the Education Appeal Committee's written decision.

The Education Authority does not have the right of appeal if the Education Appeal Committee's decision is against them.



## **Appendix 5B**

### **Relevant Legislation**

Education (Scotland) Act 1980 (as amended)

Education (Additional Support for Learning) (Scotland) Act 2004 (as amended 2009)

Equality Act 2010

Standards in Scotland's Schools etc Act 2000

Data Protection Act 1998

Schools General (Scotland) Regulations 1975

Education (Education Appeal Committee Procedures) (Scotland) Regulations 1982

The Data Protection (Subject Access Modification) (Education) Order 2000

Child or Young Person's Educational Records (Scotland) Regulations 2003

Children and Young People Bill (2013)

## Appendix 6

### Guidelines for schools regarding the use of part-time timetables

- 1 In order to clarify practice in this area schools should adopt the following guidelines on part-time timetables. The guidelines do not apply to those pupils where alternative curriculum provision has been put in place. Provided that the school has a mechanism in place for ensuring that the pupil is attending the alternative curriculum provision and the pupil's total time allocation is full-time, such arrangements would not be considered a part timetable. Equally these guidelines would not apply where there is a medical or health related reason, or a school phobic problem, that prevents a pupil attending full-time education provision. For these pupils a part timetable may be the only way a pupil can benefit from education. The following guidance applies only to those situations where the school wishes to reduce the pupil's time in school because of their behaviour.
  - 1.1 Pupils have a right to be provided with a school education and this right is enshrined in the Standards in Scotland's Schools Act, 2000. It should also be recognised that pupils are to be educated in accordance with the wishes of their parents, (Education (Scotland) Act 1980). Therefore no part-time arrangement can be considered if it is against the wishes of the pupil's parents or carers. Schools cannot impose part-time arrangements on pupils without parental agreement. When considering a part timetable, it must be made clear to parents / carers that they have the right to refuse a part-time timetable. Additionally there is an obligation to consider and take account of the views of the child or young person.
  - 1.2 Scottish Government guidance, (Included, Engaged and Involved, 2011) states that, *"As part of an initial support package on return to school it may be appropriate, particularly where a crisis situation has developed, for the learner to return to school on a part-time basis for a short period of phased re-admission."* The guidance also states that, *"These arrangements should be considered as an interim step to expedite a prompt return to full-time education and should have a clear timescale attached. The length of this arrangement should be kept to an absolute minimum."* (Included, Engaged and Involved, 2011).
  - 1.3 Schools have a duty of care for all pupils who are on their roll. They must ensure that when pupils are not expected to attend the school full-time there is a clear agreement with parents / carers about who is carrying out that duty of safeguarding the pupil at each session.
  - 1.4 Part-time timetables should be recorded within the context of an Individual Educational Programme (IEP) for the pupil. This should state the intended purpose of the part-time arrangement, the expected time span of the part-time arrangement, and the steps which will be taken to bring about full time attendance. The IEP should also include details of the arrangements for the education of the pupil beyond school provision. Schools should use the ASL procedures to document the support needs of the pupil and the measures taken by the school to meet these support needs.

- 1.5 Part-time timetables should focus on what is best for the young person, not on what the school believes it can accommodate. It must be clear that part-time school attendance is better for the pupil than full-time attendance. In line with Scottish Government guidance, Education and Children's Services recognise that in certain circumstances it may be in the best interests of the young person for them to attend school on a part-time basis. This may be in order to help the young person gradually integrate back into the school setting. However the aim should be to achieve a return to full-time education as soon as possible, and normally within 6 weeks of the start of any part-time arrangement. It is not considered appropriate for pupils to be denied their entitlement to education by placing them on a part-time timetable for an extended period of time.
- 1.6 Pupils should not be expected to 'earn the right' to increase their time in school. It has sometimes been suggested that unless a pupil shows an improvement in behaviour, their time in school will not be increased. This approach makes conditional what is a statutory entitlement to education.
- 1.7 All pupils who are on part-time timetables should be known to and monitored by the Integrated Team in the case of secondary pupils, and by the school's Senior Management Team in the case of primary school pupils. Schools should also notify the Education Additional Support Officer whenever a pupil is on a part-time timetable so that this information can be monitored by the Senior Integrated Team. Where there are ongoing concerns the QIO for the school should be alerted.
- 1.8 It is recognised that in the latter stages of secondary schooling a variety of options exist that can take place outwith the school campus, such as College courses, work experiences, Duke of Edinburgh, and similar schemes. Any part-time arrangement at secondary school should seek to ensure that all these alternative options are fully explored so that the young person has a positive alternative to mainstream schooling rather than a straight reduction in their timetable.
- 1.9 In line with the principles of GIRFEC, advice from other agencies should be sought so that a holistic view of the young person's situation is obtained. Support for the young person and their family from other agencies may be required to ensure a successful return to school.
- 1.10 Schools should record information on the attendance of pupils on part timetables through SEEMIS under the appropriate code. This can be found in the ASL section of the Pupil Profile. This will differentiate pupils on part timetables from pupils who have unauthorised absences.

## **MONITORING OF PART-TIME TIMETABLES**

- 3.1 The Local Authority has a statutory responsibility to identify and track pupils missing from education or at risk of becoming missing from education. Pupils on part-time timetables are often vulnerable to becoming missing from education. The effective monitoring of these pupils requires robust information sharing between all partner agencies in order to identify and track vulnerable pupils. Scottish Government advises that, "*Local authorities should be aware of and monitor carefully any part-time provision including targets for full-time provision.*" (Included, Engaged and Involved, 2011).

3.2 Education Services Management Team will monitor figures for pupils on part-time timetables on a quarterly basis. These figures will be discussed with Headteachers within the context of the Learning and Achievement visits undertaken by QIOs. It is therefore essential that the information entered in SEEMIS is robust and accurate.

## Appendix 7

## List of abbreviations

|        |  |
|--------|--|
| ADD    | Attention Deficit Disorder                                     |
| ADHD   | Attention Deficit Hyperactivity Disorder                       |
| ASD    | Autistic Spectrum Disorder                                     |
| ASN    | Additional Support Needs                                       |
| CAMHS  | Child & Adolescent Mental Health Service                       |
| CP     | Child Protection   |
| CSP    | Co-ordinated Support Plan                                      |
| GIRFEC | Getting It Right For Every Child                               |
| HGIOS  | How Good Is Our School   |
| ICT    | Information & Communication Technology                         |
| IEI    | Included, Engaged & Involved                                   |
| IEP    | Individualised Educational Program                             |
| LAC    | Looked After Children  |
| PKC    | Perth & Kinross Council  |
| PPR    | Pupil Personal Record  |
| QIO    | Quality Improvement Officer                                    |
| SEEMIS | Scottish Education Establishment Management Information System |
| SIT    | Senior Integrated Team   |
| UNCRC  | United Nations Convention of the Rights of the Child           |

If you or someone you know would like a copy of this document in another language or format, (on occasion only a summary of the document will be provided in translation), this can be arranged by contacting School Improvement Services 01738 476331

إن احتجت أنت أو أي شخص تعرفه نسخة من هذه الوثيقة بلغة أخرى أو تصميم آخر فيمكن الحصول عليها (أو على نسخة معدلة للملخص هذه الوثيقة مترجمة بلغة أخرى) بالاتصال ب:  
الاسم: School Improvement Services  
رقم هاتف للاتصال المباشر: 01738 476331

اگر آپ کے کسی جاننے والے کو اس دستاویز کی نقل کسی دوسری زبان یا شکل میں درکار ہو، (کبھی کبھی یہ دستاویز کے ترجمے کا خلاصہ ہی پیش کیا جائے گا)، اس کا انتظام 01738 476331 پر School Improvement Services سے رابطہ کر کے کیا جا سکتا ہے۔




如果你或你的朋友希望得到這文件的其他語言版本或形式  
(某些時候，這些文件只會是概要式的翻譯)，請聯絡

School Improvement Services 01738 476331

來替你安排。



Council Text Phone Number 01738 442573

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|  <p><b>Level 1<br/>Universal</b></p> <p>Support from within the school / community</p> <p>Adopting an early intervention approach, which is pro-active and solution-focused, is expected</p> <ul style="list-style-type: none"> <li>Personalised Learning Programmes / Curriculum</li> <li>Teaching colleagues</li> <li>Principal Teachers/Senior Management Team</li> <li>Pupil Support Staff deployment and redeployment</li> <li>Early Years Inclusion Team (where relevant) e.g. Classroom Assistants</li> <li>Nurture Group (Primary) / Nurture Provision (Secondary) placement</li> <li>Consultation and advice e.g. visual impairment, hearing impairment, speech and language therapy, CALM advice</li> <li>Consultation with visiting support service staff such as the Educational Psychologist, School Nurse or Children's and Families Services</li> <li>Outreach Teacher consultation / support</li> <li>Use of Pupil Support base / identification of a personal support space</li> <li>Community group / Voluntary agencies</li> <li>Inclusion Team consultation / support</li> <li>Community Link Worker support</li> </ul> <p>Also,<br/>❖ <i>Involve Parents / Carers as partners at this Level and as early as possible</i><br/>❖ <i>Single Agency Plan (Personal Learning Planning / consideration of IEP)</i></p> |  <p><b>Perth and Kinross Staged Intervention Process</b></p> <p><b>Level 2 Targeted</b></p> <p>Support from within Education and Children's Services</p> <p>After School SMT / Integrated Team satisfied that all resources available at Level 1 have been exhausted<br/><u>It is expected that, where appropriate, Level 1 resources will also continue.</u></p> <ul style="list-style-type: none"> <li>Additional support, provided at Senior Management level, to facilitate multi-disciplinary support / approach</li> <li>Educational Psychology Service support</li> <li>Consultation, advice and support from e.g. visual impairment, hearing impairment, speech and language therapy, CALM</li> <li>Early Years Inclusion Service</li> <li>Youth Services (CLD/Community Education)</li> <li>Sports Development involvement</li> <li>Allied Health professionals e.g. CAMHS, Speech and Language Therapist, Physiotherapist, Occupational Therapist</li> <li>Voluntary agencies</li> <li>Skills Development Scotland</li> <li>Youth Justice Team</li> <li>Further Education Colleges e.g. Scottish Agricultural College / Higher Education Institutions</li> <li>Police Community Liaison support</li> <li>Other support e.g. Therapet, Music therapy, Outdoor learning</li> </ul> <p>Also,<br/>❖ <i>Continue to involve Parents / Carers as partners at this Level</i><br/>❖ <i>Single agency plan (IEP)</i></p> |  <p><b>Level 3 Specialist</b></p> <p>Support which is additional to all other supports</p> <p>If the School SMT/ Integrated Team considers that additional support is required and after all resources at Level 1 and Level 2 have been exhausted a Level 3 referral request may be submitted to the Senior Integrated Team for consideration / decision<br/><u>It is expected that, where appropriate, Level 1 and 2 resources will also continue.</u></p> <ul style="list-style-type: none"> <li>Additional Support staff time, (short-term and supplementary to the school's existing Audit allocation)</li> <li>Specialist Additional Support e.g. SACRO</li> <li>Placement (full / part time, by agreement) in the Authority's specialist educational provisions e.g. All Stars (Primary), Navigate (Secondary)</li> <li>Placement in the Authority's specialist provisions attached to identified mainstream schools, incl. Nurture Groups (Primary)</li> <li>Other identified specialised support by agreement e.g. Perthshire Families Support</li> <li>Recommendation only for placement in specialist provision out with PKC</li> </ul> <p>Also,<br/>❖ <i>Continue to involve Parents / Carers as partners at this level</i><br/>❖ <i>Multi-agency Plan (consideration of CSP) - Child's Plan</i></p> |
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**Continuous Professional Development** is seen as an essential part in the process of effective Staged Intervention. Advice and/or Training needs should be identified through the School CPD Co-ordinator / Integrated Team and may include e.g. school-based CPD, Multi-Agency Training and/or Specialist Training Provision, and identified options from PKC Schedule of Opportunities.

