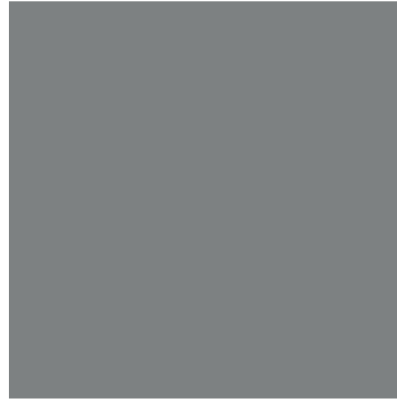




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Fostering Inclusion and Reducing Exclusions
Exclusion Guidance for
Schools and ELC Settings



Education & Children's Services

Fostering Inclusion/Reducing Exclusions

Exclusion Guidance for Schools and ELC:

Introduction

Perth & Kinross Council's guidance on school exclusions has been revised to take account of the updated national guidance in relation to exclusion, 'Included, Engaged and Involved Part 2: Preventing and Managing School Exclusions' (2017). It includes a refreshed focus on prevention, early intervention, and response to individual need in line with the principles of Getting it Right for Every Child (GIRFEC). The national guidance emphasises the need for learning establishments to create the conditions for inclusion through effective learning and teaching, promoting positive relationships and behaviour, and employing preventative approaches which reduce the need for exclusion. Therefore, this guidance should be implemented alongside other Education and ELC policy and guidance, to create the conditions to foster inclusion of all children and young people in Perth and Kinross Council schools.

It is well documented that exclusion from school can have long lasting negative consequences for a child or young person, especially for a child or young person who is considered to have a protected characteristic or who is statistically more likely to be at risk of exclusion. Whilst exclusion from school can be a necessity in exceptional circumstances, it should only be used as a last resort, when in the best interest of the child or young person and where there are no viable alternative options available. The Promise has recommended that exclusions must come to an end for all care experienced children and young people by 2024.

When a decision is made to exclude a child or young person this guidance will support the school to comply with the law in relation to Exclusions (contained within Regulation 4 of the Schools General (Scotland) Regulations 1975 as amended) and the Equality Act 2010. Including all children and young people in decisions that affect them is a key aim for Perth and Kinross Council Education and Children's Services.

This guidance applies to children and young people who are enrolled in a Perth and Kinross school or ELC setting and will be relevant to the parents and family of those children and young people, staff in schools, staff in Perth and Kinross Council's Education and Children Service's and agencies who support our children and young people and families. Education authority powers to exclude do not extend to early learning and childcare at a partner provider setting. Nevertheless, this guidance should support all early learning and childcare establishments in developing their own policies on promoting positive relationships.

The guidance is set out in two sections which can be accessed through the following links:

[Part 1: Policy](#) which explains the expectations of our schools and ELC settings and the legal basis and parameters relating to exclusions; and

[Part 2: Procedures](#) which provides some easy-to-follow flowcharts and checklists to help school staff manage situations where exclusion might be considered. The Appendices hyperlinked in Part 2 provide copies of the template letters available on SEEMiS, the list of SEEMiS reference codes and a template for the minute of the meeting to resolve an exclusion and support a return to school.



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Fostering Inclusion and Reducing Exclusions

Exclusion Guidance for Schools and ELC Settings

Part 1: Policy



Education & Children's Services

Exclusion guidance for Schools and ELC Part 1: Policy

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Exclusion Guidance for Schools and ELC Part 1: Policy

1. Background

“The power to exclude rests with education authorities under regulation 4 of the Schools General (Scotland) Regulations 1975 as amended. The Education (Scotland) Act 1980 also places a duty on education authorities to make appropriate education provision when a child or young person is excluded. The power to exclude, and make appropriate provision during exclusion, can be devolved by education authorities to senior management within a school.” (Included, Engaged, and Involved, 2017)

There has been a reduction in school exclusion in Perth and Kinross Council schools over the past 6 years from 27 pupils per 1000 pupils to 13 pupils per 1000 pupils. This reflects the developing ethos of inclusion in all our schools and provides a positive position on which to build further improvement.

Children’s Rights in relation to Education

Children have a right to education enshrined in Section 1 of the Standards in Scotland’s Schools etc. Act 2000: “It shall be the right of every child of school age to be provided with school education by, or by virtue of arrangements made, or entered into, by, an education authority”. Therefore, exclusion must be seen as an absolute last resort and only used when all other interventions have been exhausted.

The United Nations Convention on the Rights of the Child (UNCRC) is a legally binding international agreement that the Scottish Government aims to adopt into Scots’ law. Therefore, all considerations in relation to children and young people need to be made with their rights at the forefront. The most pertinent rights, particularly in relation to exclusion, are listed below and more detail on each article and useful contacts in relation to Children and Young People’s rights are available [here](#).

- Non-discrimination Article 2
- Best interests of the child Article 3
- The right to life, survival, and development Article 6
- The right to be heard Article 12
- The right to an inclusive education Article 24

Responsibilities of the Education authority and schools

Education authorities and schools share a responsibility to ensure all staff working in schools are aware of the guidance on exclusion and that the main purpose of exclusion is to ensure appropriate support is available for the child or young person, to support their engagement with their education.

Education authority and school policies and procedures on exclusion should be readily available in a variety of formats that are easily accessible and understood, and staff should have access to relevant training to support their understanding. Education authorities must ensure this policy and procedures sit within an Inclusion policy framework. Information for

parents on their policy on 'discipline, school rules and enforcement of attendance' must be made available on school and local authority websites, as outlined in the Education (School and Placing Information) (Scotland) Regulations 1982.

In addition, under the Education (School and Placing Information) (Scotland) Regulations 2012, schools are required to ensure that their school handbook contains relevant information about exclusions policies, pupil wellbeing and pupil safety.

Grounds for Exclusion

The grounds for exclusion and the procedures to be followed are contained in the Schools General (Scotland) Regulations 1975 (as amended 1982). Regulation 4 states that an Education Authority shall not exclude a child or young person from school unless the headteacher of educational establishments:

- "are of the opinion that the parent/carer(s) of the child/young person refuses or fails to comply, or to allow the child/young person to comply, with the rules, regulations, or disciplinary requirements of the school" or;
- "considers that in all the circumstances to allow the child/young person to continue attendance at the school would be likely to be seriously detrimental to order and discipline in the school or the educational well-being of the pupils there."

The school has to be able to demonstrate the support and modifications are in place to meet changing needs to avoid exclusion of a child or young person.

Exclusion should only ever be used as a last resort. The school has to be able to demonstrate the support and modifications are in place to meet changing needs to avoid exclusion of a child or young person. There should be clear evidence of the monitoring and evaluation of this support, over time. It should be a proportionate response where there is no alternative. Prior to an exclusion the views of the child or young person and parent/carers must be considered.

In all instances the following scenarios are considered forms of exclusion and should be recorded as such:

- where parents are requested by their child's school not to present their child at school; or
- where parents are requested by their child's school to take their child home from school for all or part of the day.

2. Fostering Inclusion and Preventing Exclusion - Guiding Principles

Including all children and young people effectively in education is a key aim for Education and Children's Services. Continuous positive engagement with education helps promote the development of happy, healthy, connected and achieving children and young people.

The need to proactively address barriers to learning for children and young people through personalisation is central to the Curriculum for Excellence, Getting it Right for Every Child (GIRFEC) and the United Nations Convention on the Rights of the Child (UNCRC). This is in keeping with The Children and Young People (Scotland) Act 2014 which enshrines the concept of wellbeing of children and young people into law.

Promoting positive relationships and behaviours

The Scottish Government guidance, [Included, Engaged and Involved Part 2: Preventing and Managing School Exclusions](#) (2017), focuses on prevention and early intervention to reduce exclusions, responding to individual need in line with the principles of GIRFEC. It emphasises the need for learning establishments to place a greater importance on inclusion through effective learning and teaching; promoting positive relationships and behaviour; and employment of preventative and de-escalation approaches which reduce the need to consider exclusion. All Perth and Kinross schools are expected to have policies and practices in place to support positive nurturing relationships and behaviour, developed through consultation and engagement with all members of the school community.

Inclusive schools and ELC settings

Schools and ELC settings that have an ethos of mutual respect and trust, and focus on positive relationships and behaviours, provide children and young people with a sense of belonging. By developing an understanding of trauma, adverse childhood experiences and additional support needs, school and ELC staff can have an impact on or prevent children and young people's behaviours that could otherwise lead to exclusion. Inclusive schools and ELC settings benefit from:

- staged intervention approaches to ensure children and young people are included, engaged, and involved in their education, with barriers to learning identified
- learner voice at the heart of decisions about learning and wider decision making
- quality professional learning supporting inclusive practice by all staff
- a calm and welcoming environment with a nurturing ethos
- rules and routines which are short, simple, agreed, and positive

3. General Approaches and Practice that Foster Inclusion

Effective Learning and Teaching

Positive behaviour is promoted through engagement in meaningful, high quality learning experiences where all children and young people experience nurturing, supportive and inclusive learning environments. Through effective learning and teaching appropriate support and challenge will be in place, which reflects high aspirations for all children and young people, detailed understanding of learners' progress and a strong ethos to minimise potential barriers to learning.

Appropriate Curriculum

Children and young people will be supported by an appropriate curriculum which is coherent and flexible, that is of interest to them and adaptable and responsive to their diverse needs. The curriculum will support children and young people to develop by providing them with opportunities to build the full range of skills, attributes, and capacities to be resilient and to have the best opportunity to fulfil their potential. More information on how Curriculum for Excellence can support inclusive education is available [here](#).

Prevention and Early Identification

'Included, Engaged and Involved: Part 2' states that there are times when children and young people will exhibit distressed and challenging behaviour that could lead to an exclusion. Staff knowledge and assessment of a child or young person's needs should be used to plan to prevent the type of situation which may cause the child or young person severe stress or frustration. Staff should endeavour to identify, where possible, the triggers that may lead to a child or young person exhibiting challenging behaviours.

Child/Young Person's Planning

If a child/young person is involved in an incident that places them at risk of exclusion from school but does not have a Child or Young Person's Plan in place, the incident should trigger consideration of an assessment of risk and need and, where required, a Child and Young Person Plan should be established.

To support children and young people at risk of exclusion, in line with legislation, actions at school level should include:

- Identifying barriers to learning
- Analysing data to look for patterns and potential triggers
- Exploring with the child/young person, parents and plan partners the child/young person's strengths and what may help
- Making further adjustments to supports in place
- Identifying relevant supports and interventions available through ITM, following the Staged Intervention Framework

De-escalation Strategies

Perth and Kinross Council Education and Children Services is committed to empowering staff by delivering high quality professional learning opportunities and supports the use of general and accredited behaviour de-escalation training as an approach to promoting

positive behaviour. Training opportunities will continue to be available for staff to develop confidence in effective de-escalation of situations where a child or young person is presenting distressed or challenging behaviour.

Managing Risk

Risk assessments and behaviour protocols (*Hyperlink to be inserted once hosted externally*) are required where the behaviour could pose a risk to health and safety, this will inform the planned actions to mitigate a foreseeable risk. It is good practice to involve the child/young person and parent in the development of these. All completed risk assessments and behaviour protocols should be shared with the parents, child or young person and all relevant staff and professionals who may need to take forward the actions.

Restorative Approaches

Consideration should also be given to the needs of those who have been affected by the incident or events that might lead to an exclusion, and appropriate levels of practical and emotional support provided. [Restorative approaches](#) are used to support areas of conflict and dysregulation, to ensure that we have sufficient strategies to encourage positive relationships and behaviour, in conjunction with any individual planning in place.



4. Working effectively with parents and carers to prevent exclusion

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." Therefore, throughout this document the term parent will be used to cover both parents and carers.

All schools and ELC settings aim to build positive involvement and engagement with parents of children and young people enrolled in their school or setting. It is particularly important that every effort is made to engage with parents when the behaviour of a child or young person is challenging. Unless a serious (possibly unexpected) incident has taken place, parents should be informed at an early stage when their child's behaviour begins to escalate and be helped to understand and where possible, inform the strategies the school puts in place. In the event of an exclusion being considered, parents should be made aware of this. Parents also have responsibility to support their child's engagement in their education and to work in partnership with the school to reduce the risk of a potential exclusion.

A parent also has an advocacy role in promoting the views of their child. This is particularly crucial where their child is at risk of being, or has been, excluded. It is good practice to inform parents of how they might gain the support of another adult, professional or organisation, which might assist them or advocate on their behalf, to ensure that the child or young person receives support when needed.

5. Preventing and Providing Alternatives to Exclusion Through Multi-Agency Partnership Approaches

A partnership approach is fundamental to preventing or establishing alternatives to exclusion for children and young people. This is consistent with GIRFEC.

Anticipating situations

Some situations, such as transitions, increase stress levels for children and young people and as such, those who are undertaking a transition such as moving from one-year group to another or into a new establishment are more likely to show an escalation in distressed behaviour. Consideration should be given to planning transitions to ensure that effective practice is shared and built upon.

A holistic approach to managing escalating situations

When situations are escalating, the plan partners in the team around the child or young person need to work collaboratively to consider how best to modify behaviours that have led to consideration of exclusion through identifying and addressing any root cause factors. For this holistic approach to assessment of wellbeing it is essential that partners have a clear understanding of their roles within the legislative framework and have a shared understanding of thresholds of intervention.

The partners in the team around the child and young person should consider the following questions which broadly align to the [GIRFEC planning questions](#) :

- What is the trigger for the behaviours –
 - a breakdown in behaviour or in relationships in school or elsewhere?
 - changes in other areas of the child/young person’s life?
 - if their plan is comprehensive enough and consistently delivered?
- How the views of the child or young person have been sought and acted upon?
- Whether parents are sufficiently engaged, and their views sought and acted on?
- Whether the learner requires additional support in school or a different approach. If so, who can best provide this?

Plan partners

Schools should collaborate with statutory partners, community partners or other third sector organisations that can support the child or young person, to consider their holistic needs and how these can be best met. This collaboration can also help in designing and implementing a flexible and relevant learning pathway. Those at risk of multiple exclusions are often in need of a clear multi-agency focus on their learning progression. In situations where the child or young person is care experienced, the lead professional will be key to sharing information and supporting interventions.

Alternative learning environments

A child or young person’s needs may require a flexible approach to how and where ongoing learning takes place. In this situation the responsibility for ensuring that this learning is appropriate, relevant, and progressive continues to rest with the school. This includes when the child/young person is learning through a split placement approach out with the school, such as at Connections (primary resource) or Navigate (secondary resource). The plan should enable the child or young person access to education with their peers as much as possible.

Where a split placement is demonstrating the child or young person is engaging more positively in one of the settings, the school should identify what helps the child or young person in that setting and then work in partnership to ensure this approach is applied consistently in both setting.

6. Additional considerations for children and young people with Protected Characteristics or who are Looked After or Care-experienced

Scottish Government and local statistics show that there are identifiable groups of children and young people who are vulnerable to exclusion, such as those who have a disability, additional support needs, or are Looked After or care-experienced, including those involved with the Youth Justice system.

Children and young people with a disability or additional support needs are considered to have a protected characteristic under Equality legislation. This means that decisions about exclusion can be challenged not only through the Education Appeal Committee, but also through the Additional Support Needs Tribunal, a judicial body independent of the Council.

(a) Children and Young People with a disability or additional support needs

The Equality Act 2010 states that it is discrimination when a person with a protected characteristic is treated less favourably than others are or would be treated. In addition to disability, the protected characteristics are:

- gender reassignment,
- pregnancy and maternity,
- race,
- religion and belief,
- sex, and sexual orientation.

Children and young people with additional support needs may not have an identified disability but may still be protected by the Equality Act 2010.

In situations where exclusion is being considered for a child or young person with a protected characteristic, consideration should be given to whether the decision to exclude could be discriminatory. The Equality Act 2010 does not prohibit schools from excluding children or young people with protected characteristics, however it does state that it is unlawful to exclude a pupil **because of** a protected characteristic.

If consideration is being given to excluding a child or young person with a protected characteristic, the Headteacher must be satisfied that all reasonable adjustments are in place and fully implemented. It is recommended this is discussed with a Quality Improvement Officer (QIO), prior to the decision to exclude being made. If unable to contact a QIO, the Headteacher should seek advice from an Education or Inclusion Service Manager to support their decision making.

Further guidance on the consideration that should be given prior to the exclusion of disabled children is available [here](#).

(b) Care Experienced Children and Young People

Care Experienced (previously termed Looked After) children and young people require special consideration when there is a risk of exclusion. The Education (Additional Support for Learning Act) (Scotland) Act 2004, states that all Looked After Children and Young People are deemed to have additional support needs unless assessed otherwise.

The Children and Young People (Scotland) Act 2014, Part 9, sets out the role the local authority has as a corporate parent. The Corporate Parent role applies to all Council services, therefore Education alongside other services is required to carry out many of the roles of a parent. Children and Young People who are 'Care Experienced,' all have a lead professional, this is most frequently, but not exclusively, a social worker who is responsible for ensuring that the child's needs are met. It is therefore expected that schools must engage with the Lead Professional if there is consideration of exclusion of a child or young person who is care experienced.

Exclusion from school removes the ability for school to be a protective factor in keeping some children or young people safe. Any actions being considered should minimise disruption or uncertainty. Local authorities have legal duties to ensure that Care Experienced children and young people have the same access to educational opportunities as other

children and young people. These 'corporate parent' responsibilities include making additional arrangements to overcome disadvantage and participation in education in the broadest sense.

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

If a Care Experienced child or young person has escalating behaviours, it is important that the school informs the Lead Professional at the earliest opportunity to explore causes and establish if any additional or alternative support is required to minimise the risk of exclusion. This should be informed by an assessment of risk and may require a Child and Young Person Planning/ Professional's meeting.

It is also important to check SEEMiS for any child protection related alert. This may require alternative provision if the decision to exclude is taken so that there is ongoing monitoring of the welfare of the child and young person, as well as provision made for their education needs as described in the Child and Young Person's Plan.

Where a Headteacher is considering exclusion of a Care Experienced child or young person, every effort must be made to contact the Social Worker, Lead Professional or the Duty Social Worker prior to excluding the child or young person. The Headteacher of the school has delegated responsibility from the Executive Director to make the decision to exclude, however this should be informed by discussion of the safety of the child or young person during the period of exclusion. If the child or young person is in a foster placement, then the foster carer should also be contacted at the earliest opportunity. Where it has not been possible to contact the Social Worker or their Senior, the Child Protection Duty Team worker should be contacted.

Following an exclusion, the Headteacher should arrange to complete shared risk assessment with the Lead Professional. This should inform the co-ordination of the support necessary to minimise risk to the child or young person while excluded. In almost all cases It is beneficial to have a Child/Young Person's Planning meeting, which should take place within 3 days. This meeting could also support the readmission of the child or young person to school. The child or young person should be actively involved and participate in all stages of the process.

7. Support for Excluded Children and Young People

Where a child or young person has been excluded, their school must provide ongoing learning opportunities to ensure that they continue their learning (Section 14(3) of the Education (Scotland) Act 1980).

If a child or young person is normally provided with any support in school by other agencies, such as speech and language therapy, Child, and Adolescent Mental Health Service (CAMHS) and/or Occupational Therapy related to their wellbeing, arrangements should be made for this to continue to be provided during the period of exclusion. An alternative delivery location should be identified where this work can be undertaken. Attendance in any non-school based learning should be continued, such as, college link course or Navigate, unless there is a health and safety concern. The exclusion that has taken place, only applies to the individual school or ELC setting, and therefore the child or young person who has been excluded can continue to access community facilities, in a community campus.

8. Rights to Appeal

When a Head Teacher decides to exclude, the parents and the child or young person if aged 12 or over (and of legal capacity), must be informed of their right to appeal against the exclusion decision. A pupil aged 16 or over has the sole right of appeal but his/her parents do not have such a right. Appeals should be submitted to Education Appeal Committee.

Where an appeal has been made against exclusion, this will not affect the return date to school. The child or young person will return to school on the date set out in the exclusion letter.

The Headteacher will be informed by the QIO if a parent or young person does decide to appeal a decision to exclude. 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 Head of Legal and Governance must receive, from Education & Children's Services, copies of all relevant Information including, correspondence from the exclusion, reports, and minutes of any relevant meetings. The Headteacher has responsibility to provide all the relevant information to the relevant School Service Manager. In addition, at least the day before the hearing, the Head of Legal and Governance should be advised as to whether the child or young person has been readmitted to school and if so, when.

There is no specific time limit for lodging such an appeal. In these circumstances, the Headteacher will be required to be a witness for the Education Authority at any appeal to the Appeals Committee and then as a witness for the Council in any further appeal (by the young person or parent) to the Sheriff Court. At this time, the Solicitor involved would also advise those concerned as to the procedures involved at the appeal, whether before the committee or Sheriff.

The Equality Act 2010 also provides the right to make a claim (appeal) to the [ASN Tribunal](#) in respect of an exclusion where it is considered that there is discrimination in respect of a child or young person's disability. Claims may be made by the parent or the child (where the child has the capacity to make the claim). The Headteacher, and potentially other school

staff, may be required to be a witness(s) for the Council in a Tribunal Hearing. The ASN Tribunal is a legal process and makes its decision after carefully considering all the evidence and arguments presented.

9. Actions required by Local Authority and School Leaders

As a result of this policy and the legislative framework it sits within, the following actions are required.

Perth and Kinross Council Education Service (Education Authority) will:

Develop, routinely review, and make available on the Perth and Kinross Council website, policy in variety of a formats that are easily accessible and understood to support prevention and management of exclusion.

Support schools to provide training to enhance staff understanding and implementation of policy and procedures to prevent and manage exclusion.

Develop, routinely review, and make available on the Perth and Kinross Council website, the overarching Inclusion Policy Framework, including the Inclusion Policy Statement, Relationships Framework, Attendance Guidance and Positive Behaviour and Anti-Bullying Guidance.

Leaders of Perth and Kinross Council schools and Early Learning Childcare settings will:

Ensure that their school or setting policies and procedures reflect this policy and the overarching Inclusion Policy Framework, supporting their school community to focus on social and emotional wellbeing and have an ethos of mutual respect and trust, that promotes inclusion based on positive relationships and behaviour.

Make available on the school or setting website information for parents on school or setting policy relating to inclusion, including discipline, school rules and enforcement of attendance.

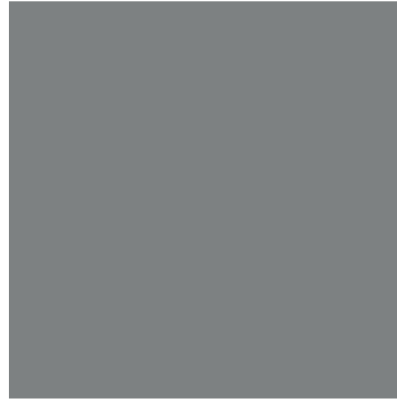
Provide information for parents within the School Handbook about exclusion policy and procedures, pupil wellbeing and pupil safety.

Ensure school staff understand and implement the policy and procedures provided to prevent exclusion wherever possible and manage positive re-engagement with their setting and engagement if exclusion is required.

This policy and guidance will be reviewed every three years or as required by Perth and Kinross Council. It will be reviewed if there are any changes in legislation or in its application.



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Fostering Inclusion and Reducing Exclusions

Exclusion Guidance for Schools and ELC Settings

Part 2: Procedures



Education & Children's Services

Exclusion Guidance for Schools and ELC - Part 2: Procedures

Exclusions should be prevented wherever possible, however in exceptional circumstances may not be avoidable. Exclusions will generally fall into one of two categories:

- sudden, unexpected, serious incidents
- on-going difficulties over an extended period where other supports have not improved the behaviour exhibited by the child or young person.

Exclusion **must** be the very last resort. The grounds for exclusion and the procedures to be followed are contained in the Schools General (Scotland) Regulations 1975 (as amended 1982). Regulation 4 states that an Education Authority shall not exclude a child or young person from school unless the headteacher of educational establishments:

"are of the opinion that the parent/carer(s) of the child/young person refuses or fails to comply, or to allow the child/young person to comply, with the rules, regulations, or disciplinary requirements of the school" or;

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

In the situation of a serious incident, such as assault, the use of weapons, substance misuse or grossly offensive behaviour, the Headteacher may consider that the behaviour of a child or young person is such that the child or young person should be excluded.

The following guidance outlines the procedures to be followed in the event of an exclusion and provides a series of flow diagrams to aid decision-making and actions of Headteachers or other Senior Leadership Team members, if they have been delegated this responsibility by their Headteacher. In situations where responsibility to manage a situation is delegated, the Headteacher will retain overall accountability.

In all instances the following scenarios are considered forms of exclusion and should be recorded as such:

- where parents are requested by their child's school not to present their child at school; or
- where parents are requested by their child's school to take their child home from school for all or part of the day.

Drug and Alcohol related incidents

In responding to substance misuse related incidents, schools must follow education authority guidance and the information contained within [Guidance for Tayside Schools in Dealing with Drug Related Incidents](#). In all such circumstances, parents will be involved, and their cooperation expected. It should be understood by the child, young person, and their parents that the Police will be contacted if drugs or alcohol misuse is suspected or discovered. Even where the young person is aged 16 or over, their parents will still be contacted, and the young person notified accordingly.

Before taking the decision to exclude

Before taking the decision to exclude in relation to any incident the following questions should be carefully considered:

- is the child or young person safe if excluded?
- does the child or young person have additional support needs; do they have a disability: are they care experienced; are they on the Child Protection Register?
- is exclusion the last resort or are there other additional supports for the child or young person that could still be tried?
- are there other partners that could provide additional interventions for the child or young person to reduce the need for exclusion?
- were agreed support arrangements, contingencies and protocols followed fully?
- does the frequency and seriousness necessitate exclusion?
- how have other children and young people and staff been affected and how could this be resolved?
- Would the exclusion increase risk of behaviours escalating and create a longer-term impact for the child or young person, and their wider circumstances?

When a child or young person's behaviour starts to escalate to the extent that the Headteacher is considering exclusion, please use the flowchart:

Flowchart 1: Before taking the decision to exclude: Prevention and Early Intervention available at page 20.

Checklists 1a and 1b: The Included, Engaged and Involved: Part 2 checklists are available at pages 21 – 23. 1a will be helpful in supporting decision making of senior leaders considering any exclusion. Checklist 1b will be helpful for specific circumstances e.g., care experienced, disabled or additional support needs.

Taking the decision to exclude

When a situation occurs that the Headteacher or relevant SLT members identifies as requiring the exclusion of a child or young person, it is recommended that the Headteacher or the person delegated with the responsibility for the decision should discuss this with a QIO or Service Manager before taking the decision to exclude. If the child or young person is on the Child Protection Register, or is care experienced, the person with the responsibility for the decision should also discuss this with the allocated Social Worker, Lead Professional or Child Protection Duty Team. If the decision to exclude is taken, the Headteacher must ensure that the child or young person does not leave school until their safety, health and wellbeing is assured and appropriate arrangements with the parent or carer are in place.

Each child and young person and situation must be looked at individually. It is important to identify what the purpose of the exclusion is and what positive outcomes for the child or young person can be achieved by excluding them from education. This might include:

- Time to review the risk assessment and planning in place
- To undertake further assessment to identify any additional needs or support

- To provide time for the young person to be supported to recognise the harmful behaviours that led to the situation and create a plan to overcome them.

If the decision is taken to exclude, then please use the flow diagrams:

[Flowchart 2: Actions to be taken on the day of the exclusion](#) (page 24), and

[Flowchart 3: Meeting to resolve and plan](#) (page 27)

[Checklist 2](#) and [Checklist 3](#): The Included, Engaged and Involved: Part 2 checklist 2 (page 25 – 26) and checklist 3 (page 28) may also be helpful in supporting actions taken.

Notification

Parents, children, and young people must be provided with the full reasons for the exclusion which should have been shared in the initial verbal communication. A timescale for resolution of the exclusion and a readmission meeting should be agreed and shared. A readmission meeting is not essential but is desirable as an opportunity to discuss the situation and subsequent actions. An exclusion should not exceed 5 days (one calendar week) without discussion with a Quality Improvement Officer.

Template letters are included at [Appendix 1](#) and SEEMiS reference codes are included at [Appendix 2](#).

To determine the duration of the exclusion, consideration should be given to the tasks which are required to be completed, i.e., review of risk assessment.

Arrangements to provide learning for the child or young person whilst excluded should be discussed with the parents, child/young person.

Planning for readmission

Given that exclusion is a very short-term option, consideration of exclusion should always trigger a re-evaluation of planning for the child or young person, including interventions used so far to meet the needs of the child/young person, and a further refinement of plans for support. In circumstances where a child or young person does not have any identified additional support, the exclusion should trigger consideration of whether an assessment is needed to identify any factors underpinning the behaviours.

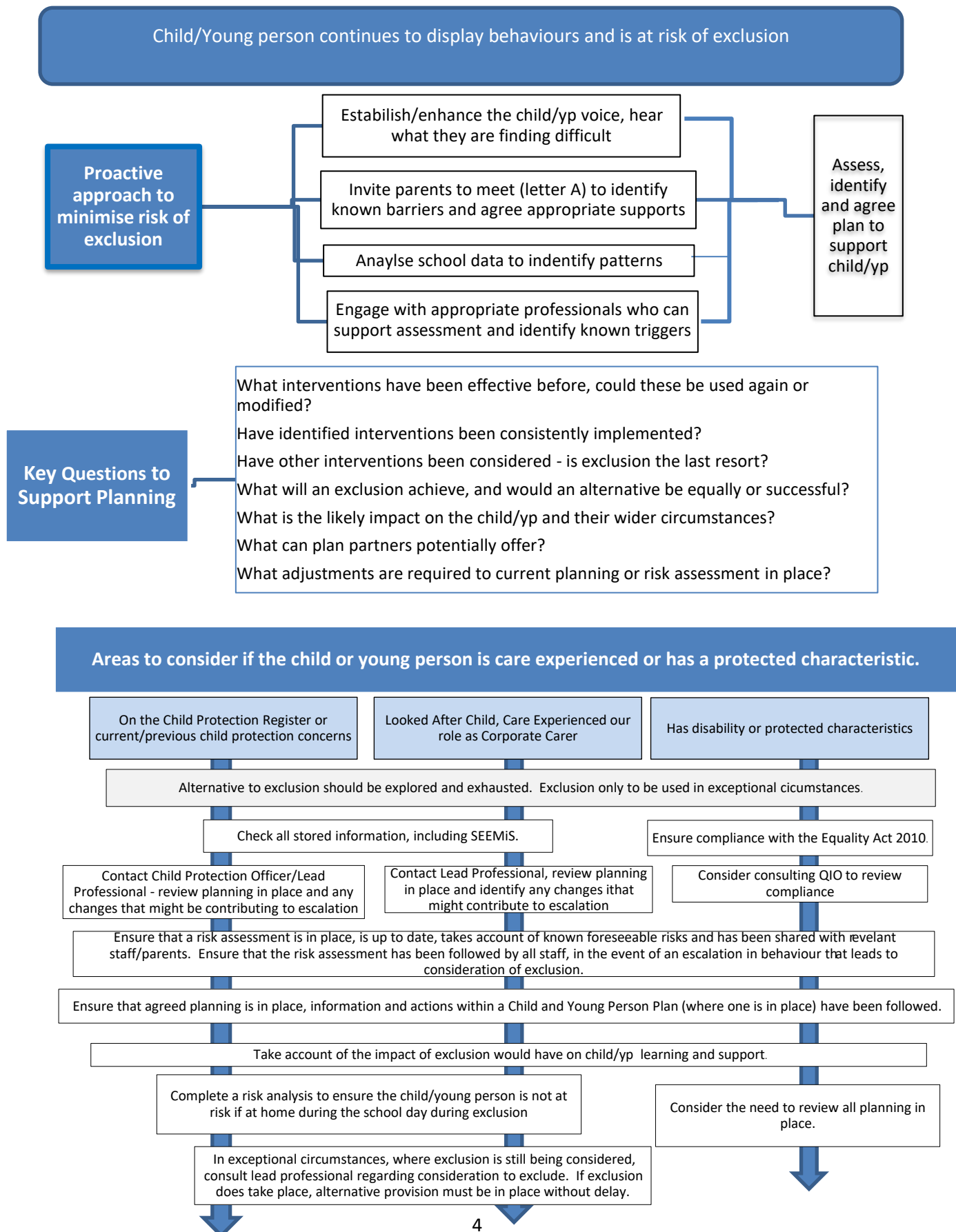
The strategies to support the child or young person on their return from exclusion should be discussed with the child or young person and their parent(s) at the meeting to resolve the exclusion. This will include consideration of:

- whether the exclusion is indicative of a breakdown in behaviour or in relationships.
- whether the child or young person requires additional support or a different approach
- how the views of the child and young person have been sought and acted upon the positive engagement of parents and partners

The meeting [minute template](#) is available at Appendix 3.

Although advised as good practice, there is no legal requirement to have a meeting before the child or young person returns to school.

Flowchart 1: Before taking the decision to exclude - Prevention and Early Intervention



Included, Engaged, and Involved: Part 2 - Checklists 1a and 1b

Checklist 1a (this should be used alongside checklist 1b where appropriate) - Prior to an exclusion

Key consideration questions	Consideration given	Comment
Has the child or young person been excluded before? What was impact of this?		
Have the following been engaged to help prevent exclusion? <ul style="list-style-type: none"> • Child or young person; • Parents/carers; • Key education staff; and • Other professionals (e.g. Social work, Educational Psychologist). 		
Has there been clear assessment of the child or young person and their needs?		
Have additional support/interventions been provided for the child or young person?		
Have alternative arrangements been made for the child or young person prior to the exclusion? e.g. curriculum alternatives, temporary placement in base, use of virtual learning		
How can the staged intervention process and school partnerships be utilised to further support this child or young person?		
Has the incident that precipitated the consideration of exclusion been reviewed with all staff who were present to explore fully what happened?		
Has another professional from within the school who is not directly involved, been consulted on the situation in order to provide a different perspective?		

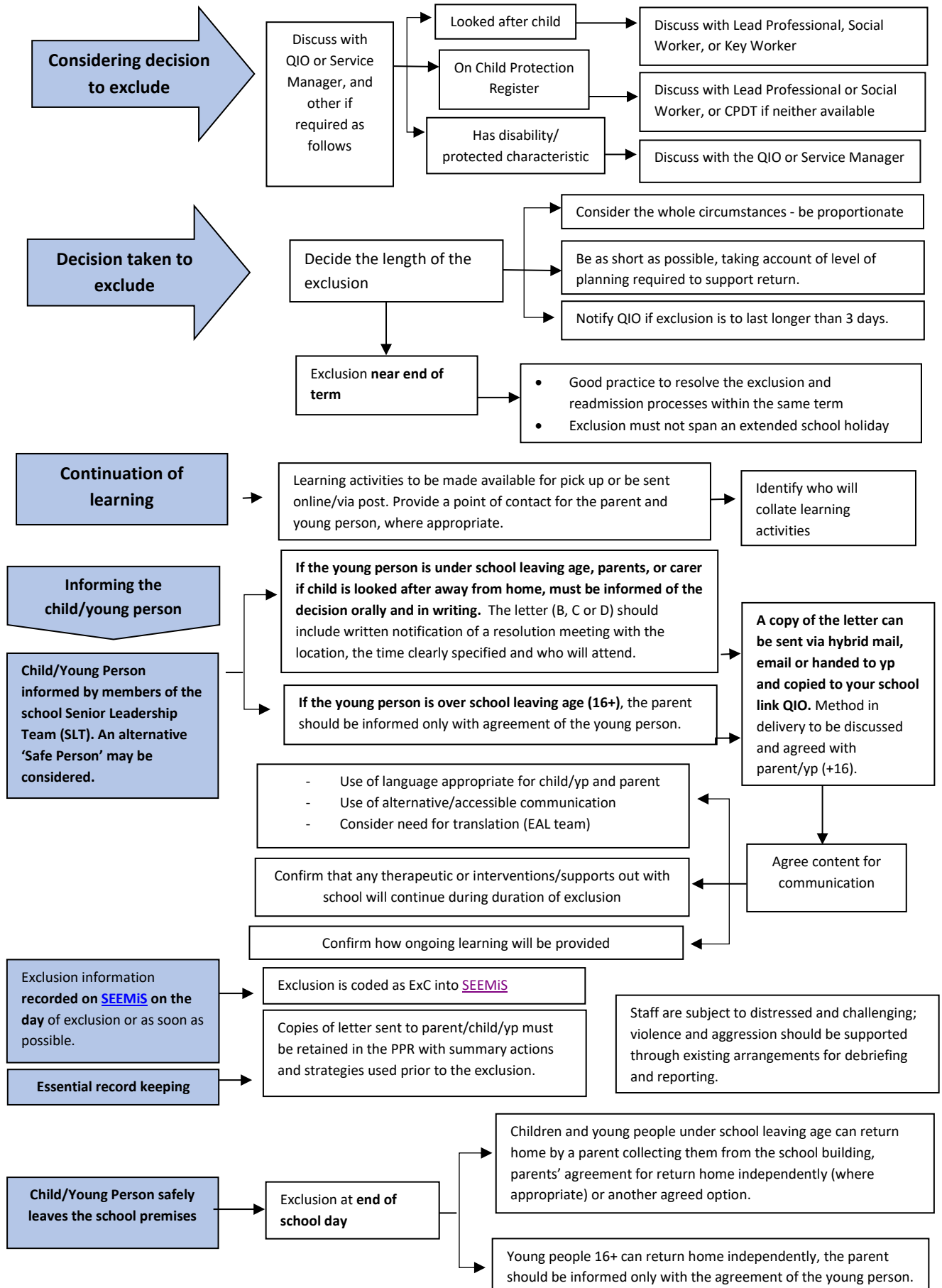
Key consideration questions	Consideration given	Comment
Has the child or young person been consulted on their views of the situation?		
Has Pupil Support/Guidance/Key worker, or if available, has the lead professional been consulted on how to move forward?		
Has the possible impact of exclusion on the child or young person been considered in light of individual circumstances?		
Does the child or young person's recent presentation constitute a wellbeing concern?		
What might the impact of an exclusion be on a child or young person's wider circumstances?		
What impact might an exclusion have on the planning processes?		
Has a risk assessment been completed for the child or young person where appropriate?		
What are the hoped for outcomes of an exclusion? Are there other alternatives that might achieve this?		
Has there been consideration given to length of exclusion to ensure it is proportionate and in best interests of child/young person?		
Does the exclusion comply with the regulation 4 of the 1975 regulations as amended?		
Have the rights of the child or young person been considered, with regard to articles of UNCRC?		
Have all other options been considered before deciding on exclusion as a necessary step?		

Checklist 1b (to be used alongside checklist 1a if appropriate) – Individual circumstances

Individual circumstance	Additional consideration	Consideration given	Comments
Looked After child	Social worker consulted prior to decision		
	Education manager or lead professional (where one exists) consulted on plan regarding particular issues		
	Appropriate arrangements made with regard to support/care and wellbeing at home		
	Decision made as to whether exclusion to go ahead		
Child on Child Protection Register/child protection concerns previously raised	Child Protection Designated Officer and Social Worker consulted		
	SEEMiS checked for child protection message		
	Education authority consulted about appropriate provision		
	Appropriate arrangements for return into school considered		
Child with additional support needs	Other professionals involved with child consulted on continuation of any additional input		
	Confirmation sought that child or young person is not being excluded for reasons associated with disability		
	Ensure that child or young person is not being excluded for reasons associated with a protected characteristic		

Individual circumstance	Additional consideration	Consideration given	Comments
	Account is taken of impact of exclusion on child or young person's learning and support provision		
	Consideration is given to review of any Child's plan or Coordinated Support Plan		
	Transition planning is taken into account with regard to return to school		
Children from an area of socioeconomic deprivation	Consideration should be given to the impact on child's wellbeing, e.g. free school meals		

Flowchart 2: Actions to be taken on the day of exclusion



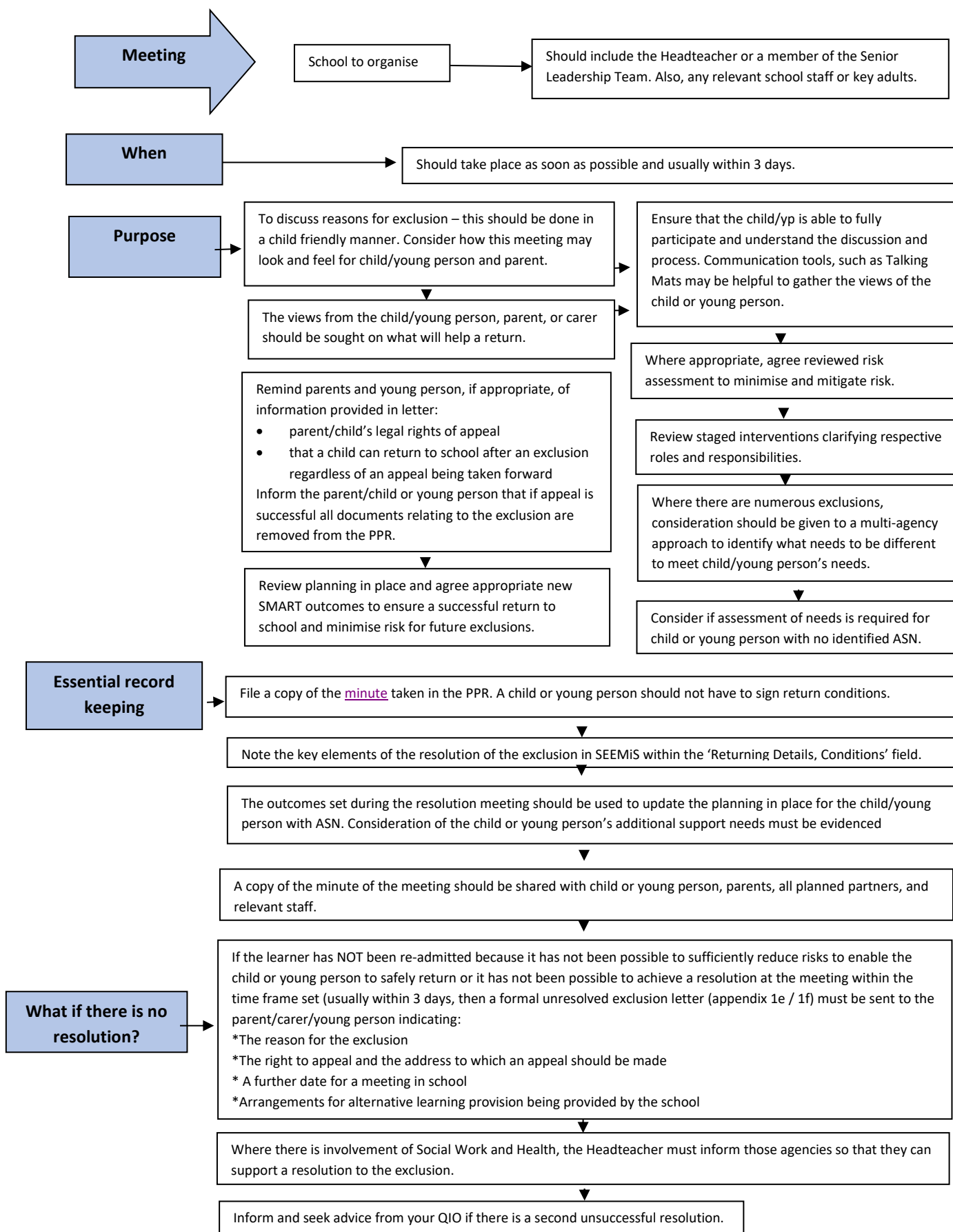
Included, Engaged, and Involved: Part 2 - Checklist 2

Checklist 2 - Decision to exclude has been made (this checklist should be used after completion of Checklist 1a (and 1b where appropriate))

Action to be taken	Action taken	Comment
Child or young person is informed he/she is to be excluded		
Immediately inform parents/carers verbally		
Looked after children and children or young people on Child Protection Register/child protection concerns - communication with all potential carers as well as any person who may have parental rights and responsibilities		
Looked after children and children or young people on Child Protection Register/child protection concerns - decision communicated to lead professional, Social Worker, Key Worker, Foster Carer, Educational Psychologists and Head of Service		
Make arrangements for child or young person to be sent or taken home. Child or young person not to leave school until safety, health and wellbeing assured and appropriate arrangements are in place		
If parents/carers cannot be contacted child or young person must be supervised at school until suitable arrangements can be made		
If verbal contact made, follow up by written confirmation of exclusion on same day exclusion takes place. Include reason for exclusion and information on Right of Appeal		
Inform of date, time and place where Head Teacher or official of authority is available to discuss the exclusion		
If child or young person is of legal capacity inform them in writing of exclusion and right of appeal		
Record of exclusion filled out - incident report form		
Ensure exclusion is recorded accurately on SEEMIS		
All documents relating to exclusion to be retained in Pupil's Progress Record		

Action to be taken	Action taken	Comment
Appropriate educational provision to be provided and monitored, e.g. course work, access to library, online learning		
Arrangements for the child or young person to access any existing support made (outwith school if necessary)		
A contact person should be allocated for parent/carer/young person to liaise with re. educational provision		
Parent/carer should be informed of their responsibility to ensure child or young person is provided with appropriate education throughout the period of exclusion		
Parent/carer should be provided with information on support to assist them or advocate on behalf of child or young person		
Notify local authority		
If exclusion is lengthy or multiple, refer to local authority for support in decision making		
If parent/carer and/or child or young person exercise their right of appeal, meet with parent/carer and child or/young person and/or an advocate for the child to discuss		
Referral to Scottish Children's Reporter if appropriate		

Flowchart 3: Following an Exclusion – Resolution and Planning



Included, Engaged, and Involved: Part 2 - Checklist 3

Checklist 3 – Return to school after exclusion

Action to be taken	Action taken	Comment
School meet or discuss with parent/carer and child or young person – re-admission to school not dependant on this taking place		
Appropriate planning takes place to ensure support is provided		
Risk assessment is completed where appropriate		
Needs of staff and other children and/or young people taken into account – solution oriented/ restorative meeting held if appropriate		
Flexible package of support agreed and implemented where appropriate		
Any changes to timetable for limited period recorded on SEEMiS		
Staged intervention processes continued and adapted in light of exclusion		
Consideration given to discussion at multi-agency forum		
Pupil Support/Guidance/Key worker or lead professional (where one exists) updated		
Monitoring and review arrangement put in place to ensure continued support		

Appendix 1

Template Letters

Template letters to be personalised and issued on school headed notepaper

At Risk of Exclusion letter, A [To parent/carer of a child or young person under 16 years (without legal capacity)]

Dear (Name of Parent/Carer)

Name of child/young person:

I am writing to you inform you of a concern around the behaviour of your child/young person, child/young person's name. I have become increasingly concerned around the impact of these behaviours on your child and/or other pupils and staff. At present, child/young person's name, is at risk of being excluded.

It is important that we meet as soon as possible to discuss these concerns. At this meeting we will plan how we can all work together to support (child/young person's name) to have positive behaviour in school in the future and agree any actions required to support. I will meet with you and (child/young person's name) on [date, time, and place]. Please contact the school to let us know you can attend this meeting or wish to make other arrangements.

By working together, we can help to address any areas of difficulty that your child/young person may be having. One important aspect which can make a significant difference is ensuring effective communication and partnership working between home and school.

Yours sincerely

[Signature and Designation]

Exclusion letter B [To parent/carer of a child or young person under 16 years (without legal capacity)]

Dear (Name of Parent/Carer)

Exclusion of (Child or young person's Name and Date of Birth)

I regret to advise you that after careful consideration, I have today made the decision to exclude (child or young person's name) from school due to a significant event that has taken place, which has been discussed with you when (name of staff member) contacted you today. This incident has been categorised as (input SEEMiS code)

I therefore consider that to allow (child or young person's name) to continue attendance at the school is likely to be seriously detrimental to order and discipline in the school and/or the educational wellbeing of other child or young persons (Regulation 4(b) of the Schools General (Scotland) Regulations 1975).

Or if appropriate:

You as (child or young person's name) parent/carer refuse or fail to comply or allow (child or young person's name) to comply with the rules, regulations, or disciplinary requirements of the school (Regulation 4(b) of the Schools General (Scotland) Regulations 1975).

It is important that we meet as soon as possible to discuss the circumstances that led to the exclusion. At this meeting we will also plan how we can all work together to support (child/young person's name) to have positive behaviour in school in the future and agree any actions required to support readmission. I will meet with you and (child/young person's name) on [date, time, and place]. Please contact the school to let us know you can attend this meeting or wish to make other arrangements.

In the meantime, (child or young person's name) must not attend school or be present in the school grounds or take part in any school activities until the exclusion has been resolved. To ensure (child/ young person's name) continues to access education learning materials will be provided by (email/hard copies sent home with child or young person/etc). If you have any questions regarding the work provided to be completed, please contact...

You have the right to appeal this exclusion to the Education Appeal Committee. If you wish to appeal, you should do so in writing to: -

educationappeals@pkc.gov.uk or

The Clerk to the Education Appeal Committee,
Perth & Kinross Council, Council Buildings,
2 High Street,
PERTH, PH1 5PH
telephone (01738) 475168

[This exclusion does not apply to (name of support service/split placement provision) and (child or young person's name) should continue to attend there as normal]. I look forward to meeting with you on [date].

Yours sincerely

[Signature and Designation]

Exclusion Letter C [To a child or young person aged 16 years or over (with legal capacity)]

Dear (Name of young person)

Exclusion of (Child or young person's Name and Date of Birth)

I regret to advise you that after careful consideration, I have today made the decision to exclude you from school due to a significant event that has taken place, which has been discussed with you when (name of staff member) contacted you today. This incident has been categorised as (input SEEMiS code) ...

I therefore consider that to allow you to continue attendance at the school is likely to be seriously detrimental to order and discipline in the school and/or the educational wellbeing of other pupils (Regulation 4(b) of the Schools General (Scotland) Regulations 1975).

It is important that we meet as soon as possible to discuss the exclusion and plan how we can all work together to support positive behaviour in school and agree any conditions for readmission.

Accordingly, I will meet with you [and your parent/carer] on [date, time, and place]. Please contact the school to let us know you can attend this meeting or to make other arrangements. In the meantime, you must not attend school or be present in the school grounds during the school day or take part in any school activities until the exclusion has been resolved. (Note that if school is based in a Community Campus the child/young person cannot be excluded from non-school activities.)

You have the right to appeal this exclusion to the Education Appeal Committee. If you wish to appeal, you should do so in writing to: -

educationappeals@pkc.gov.uk or

The Clerk to the Education Appeal Committee,
Perth & Kinross Council, Council Buildings,
2 High Street,
PERTH, PH1 5PH
telephone (01738) 475168

[This exclusion does not apply to (name of support service) and you should continue to attend there as normal]. I look forward to meeting with you on [date].

Yours sincerely

[Signature and Designation]

Exclusion Letter D [To parent/carer of a young person aged 16 years or over (with legal capacity) enclosing letter C]

Dear (Name of Parent/Carer)

Exclusion of (Child or young person's Name and Date of Birth)

I enclose a copy of a letter which has been sent to (child or young person's name). This informs (child or young person's name) that they have been excluded from school and the reason for the exclusion. It is important that we meet as soon as possible to discuss the circumstances leading to the exclusion and plan how we can all work together to support positive behaviour in school and agree any conditions of readmission.

Accordingly, I will meet with you and (child or young person's name) on [date, time, and place]. Please contact the school to let us know you can attend this meeting or to make other arrangements. In the meantime, (child or young person's name) must not attend school or be present in the school grounds or take part in any school activities until the exclusion has been resolved.

Either (child or young person's name) or you on behalf of (child or young person's name) have the right to appeal this exclusion to the Education Appeal Committee. If you wish to appeal, you should do so in writing to: -

educationappeals@pkc.gov.uk or

The Clerk to the Education Appeal Committee,
Perth & Kinross Council, Council Buildings,
2 High Street,
PERTH, PH1 5PH
telephone (01738) 475168

I look forward to meeting with you on [date].

Yours sincerely

[Signature and Designation]

Exclusion Letter E [Unresolved exclusion to parent/carer/child with legal capacity or young person aged 16 years or over (with legal capacity)]

Dear (Name of Parent/Carer/and Child or Young Person)

Unresolved Exclusion of (Child or young person's Name and Date of Birth)

I refer to our meeting arranged for [Date] and am disappointed you did not attend. You will appreciate that (child or young person's name/you) remain/s excluded. As you know the reason for the decision to exclude is that a significant event has taken place.

It is important that we meet as soon as possible to resolve the exclusion and plan how we can all work together to support positive behaviour in school. Accordingly, I will meet with you on [date, time, and place]. Please contact the school to let us know you can attend this meeting or to make other arrangements.

In the meantime, (child or young person's name/you) must not attend school or be present in the school grounds or take part in any school activities until the exclusion has been resolved. You have previously been advised of the right to appeal this exclusion to the Education Appeal Committee. If you wish to appeal, you should do so in writing to: -

educationappeals@pkc.gov.uk or

The Clerk to the Education Appeal Committee,
Perth & Kinross Council, Council Buildings,
2 High Street,
PERTH, PH1 5PH
telephone (01738) 475168

I look forward to meeting with you on [date].

Yours sincerely

[Signature and Designation]

Exclusion Letter F [Unresolved exclusion to parent/carer or young person aged 16 years or over (with legal capacity)]

Dear (Name of Parent/Carer or Young Person)

Unresolved Exclusion of (Child or young person's Name and Date of Birth)

I refer to our meeting which took place on [Date] at which we failed to reach agreement with regard to (child or young person's name's/your) re-admittance to school. You will appreciate that (child or young person's name/you) remains excluded as a result. As you know the reason for the decision to exclude is that a significant event has taken place.

It is important that we meet again as soon as possible to find a way to resolve the exclusion and plan how we can all work together to support (child or young person's name/you) to have positive behaviour in school. Accordingly, I invite you to meet with me on [date, time, and place]. Please contact the school to let us know you can attend this meeting or to make other arrangements. In the meantime, (child or young person's name/you) must not attend school or be present in the school grounds during school time or take part in any school activities until the exclusion has been resolved. Alternative educational provision has been made for (child or young person's name/you). [here state what the alternative provision is]

You have previously been advised of the right to appeal this exclusion to the Education Appeal Committee. If you wish to appeal, you should do so in writing to: -

educationappeals@pkc.gov.uk or

The Clerk to the Education Appeal Committee,
Perth & Kinross Council, Council Buildings,
2 High Street,
PERTH, PH1 5PH
telephone (01738) 475168

Yours sincerely

[Signature and Designation]





Appendix 2

SEEMiS Reference codes

Table A		Table A cont.		Table B		Table C	
Code	Reason for Exclusion	Code	Reason for Exclusion	Code	Incident Motivation or Contributory Factor	Code	Interim Temporary Alternative Found at
34	Fighting	66	Damage to personal property of pupil	31	Racial	1	Other school in LA
35	Spitting	67	Damage to personal property of staff	32	Gender/sexual harassment	2	Other school out with LA
36	Abuse of staff	68	Theft from pupil	33	Homophobia/sexual orientation	3	Special unit
37	Abuse of pupils	69	Theft from staff	34	Disability of victim	4	College
38	Fire raising	70	Threat of sexual violence against pupil	35	Religion	5	Bridge course
39	Damage to school property	71	Threat of sexual violence against staff	36	Sectarian	6	Special bases
53	General or persistent disobedience	72	Threat of physical violence, no weapon, against pupil	37	Substance misuse- alcohol	7	Home tuition
54	Insolent or offensive behaviour	73	Threat of physical violence, no weapon, against staff	38	Substance misuse- no alcohol	8	Other
56	Parental non-co-operation	74	Threat of physical violence using weapon or improvised weapon, against pupil	39	Territorial/gang related	9	No provision
57	Substance misuse - alcohol	75	Threat of physical violence using weapon or improvised weapon, against staff	50	Assailant medical		
58	Substance misuse - not alcohol	76	Threat to personal property against pupil	90	Other known factor		
46	Threat to school property	77	Threat to personal property against staff	99	No known		
48	Indecent exposure	78	Malicious communications against pupil				
51	Sustained peer exclusion for the purpose of causing significant distress	79	Malicious communications against staff				
60	Physical assault with no weapon against pupil	80	Slander and libel (incl. website) against pupil				
61	Physical assault with no weapon against staff	81	Slander and libel (incl. website) against staff				
62	Physical assault using weapon against pupil	82	Stalking of pupil				
63	Physical assault using weapon against staff	83	Stalking of staff				
64	Physical assault using improvised weapon against pupil	84	Extortion of pupil				
65	Physical assault using improvised weapon against staff	85	Extortion of staff				
		99	Other				

Appendix 3

Meeting template for a return to school meeting

		<h2>Return to school meeting Agenda and Minute</h2>		
Date:				
Name of pupil		D.O. B		
Educational Establishment		Stage		
Attendees (note Keyperson and Chair of meeting)				
Name	Designation	Contact number	email	
Main reason for meeting today:				
X	Absence from school – plan for return from exclusion			
Agenda				Noted on ASN Profile
1	Recap on circumstances of exclusion (As this is a significant event, please summarise information in the minute)			
2	Views of child, young person, parent, or carer			
3	Child or young person's strengths			
4	Factors or possible factors contributing to difficulties leading to exclusion			
5	Updated or new Assessments if relevant			
6	Future support needs			
7	Agree actions to support a successful return			
8	Any concerns or disagreements			
Note of discussion				
Child or YPs Views				
Parent or carer Views				

identified Need of child/young person	New actions	Who?	When?

Additional Information / <u>Disagreements</u>
Bullet point any additional information or disagreements not noted above

From the information above and in the Child and Young Person Planning, it is evident that	
	All child/young person's needs are being met through universal support
	Additional support is in place to meet needs
	Action(s) or assessment are required to support child/young person's return to school/meet needs (include in next steps)

Next steps to support return to school	Who?	When?
Distribute minute and attachments, including (as relevant):		
Updated Child and Young Person Planning		
New assessments (please detail)		
Other (please detail)		

Update SEEMiS

Review details (allow time for supports to become embedded before attempting to measure impact)	
Details of agreed review of SLIP	Internal processes/communication/need for meeting/type of meeting Call/Virtual/Update email/sharing of info/ Meeting Agenda Items/Proposed Date



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This Guidance was approved by Education and
Children's Services Senior Management Team in
September 2022

For further information please contact:

Fiona Mackay
Service Manager Inclusion and Additional Needs

ASN@PKC.gov.uk



Education & Children's Services