

Education and Learning
Policy and Procedures

PREVENTING AND MANAGING SCHOOL EXCLUSIONS

POLICY AND PROCEDURES FOR HEADTEACHERS OR OTHER DELEGATED SCHOOL MANAGERS

2022

Supporting Learners Service
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Contents

1. Introduction	<u>Page</u> 3
a) Aims and Rationale	
b) Policy Context	
c) Particular Groups: ASN and LAC	
d) The Legal Basis	
2. Promoting Positive Behaviour	6
a) Culture and ethos	
b) Better Relationships Better Learning	
c) Anti-bullying programmes	
d) Effective learning and teaching	
3. The Role of the School – Before Exclusion	8
a) School Policies and Procedures	
b) Role of Individual School Staff	
c) Escalation of Behaviours	
4. Exclusion Process	10
a) Procedures	
b) Purpose and Length of Exclusion	
c) Alternative Arrangements	
d) Serious Incidents and Multiple Exclusions	
e) Resolution and Return from Exclusion	
f) Appeals	
5. Monitoring Exclusions Group	14
a) Aims of the Group	
b) Group Membership	
c) Process	
6. Appendices	15
1. Exclusion flowchart	
2. Exclusion checklist	

1. Introduction

The following policy is as adopted by the Council, as Education Authority, and based on the relevant statutory requirements. It replaces all previous policies, procedures and guidelines in relation to exclusion from school.

a) Aims and Rationale

The overarching aim is to support whole school communities, learning establishments and their partners to keep all pupils fully included, engaged and involved in their education, wherever this takes place.

Prior to any consideration of exclusion, the expectation is that **all efforts at prevention and early intervention strategies will have been exhausted** and appropriate GIRFEC wellbeing assessments and planning will have been undertaken (only in very exceptional circumstances where a very serious incident has occurred will this not be the case).

In line with national expectations, the purpose of exclusion should be seen as enabling schools, children, young people and parents to plan for an effective return to school. **Exclusion should not be regarded as a punishment**, but instead be an opportunity to make changes that will improve the educational experience for the child or young person.

The purpose of exclusion should not be regarded as punishment.

b) Policy Context

This section provides a brief summary of the policy context in which our exclusion policy and procedures are set. This list is not exhaustive.

- [*Included Engaged and Involved Part 2* \(2017, Scottish Government\)](#) provides the national guidance on preventing and managing school exclusions. This national expectation is the basis of the Dumfries and Galloway Council policy and procedures
- [*Developing a positive whole-school ethos and culture – Relationships, Learning and Behaviour* \(2018, Scottish Government\)](#) is the national response to the latest Behaviour in Scottish Schools research and provides guidance on approaches that improve culture and ethos and in turn, behaviour.
- [*Guidance on the Presumption to Provide Education in a Mainstream Setting* \(2019, Scottish Government\)](#) defines inclusion and provides guidance on ensuring all children and young people are included in their education
- [*How Good Is Our School 4* \(2015, Education Scotland\)](#) provides a framework to support effective self-evaluation. Quality Indicator 3.1 relates directly to ensuring wellbeing, equality and inclusion
- [*The Schools General \(Scotland\) Regulations 1975*](#) is the law that sets out the legal basis for school exclusion in Scotland

c) Particular Groups: ASN and LAC

The Education Authority is committed to reducing exclusions, particularly for children and young people with additional support needs or who are looked-after. These exclusions should be avoided as much as possible.

Additional Support Needs (ASN)

- Before any decision is taken to exclude a child or young person who has additional support needs, including a child with an Individual Education Plan (IEP), **the Headteacher must be absolutely convinced that the behaviour is not a result of the child's additional support needs.**

Where a child or young person with additional support needs is excluded and it is found that the behaviour was a result of their needs, the exclusion could be legally challenged, which may lead to the exclusion being rescinded.

Looked-After Children (LAC)

- Before any decision is taken to exclude a child or young person who is Looked-After (LAC) either at home or away from home on a Compulsory Supervision Order (CSO), **the Headteacher must discuss the situation with both a Supporting Learners Manager, and the child or young person's Social Worker.**

Where a child or young person who is looked after is excluded without prior discussion as set out above, the exclusion could be legally challenged, which may lead to the exclusion being rescinded.

d) The Legal Basis

In Scotland, the power exists to exclude children and young people from school:

“where it is considered that in all circumstances to allow the child or young person to continue attendance at school would be likely to be seriously detrimental to order and discipline in the school or the educational wellbeing of the pupils there”

or

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

Exclusion from school of a pupil other than in compliance with the Schools General (Scotland) Regulations 1975 has no legal basis.

Failure to comply with the Regulations in such circumstances may render the Authority open to legal challenge by the parents or the pupil.

Therefore:

- Children and young people must not be sent home on an **'informal exclusion'** or to **'cool-off'**
- Arrangements within school which lead to withdrawal from mainstream class must be part of a planned strategy to support wellbeing and **must not constitute punishment by seclusion or isolation**

The **decision to exclude** is delegated from the education authority to **Headteachers (HTs)**. In the event of the HT being out of school and not contactable, this can be delegated to a nominated Depute Headteacher (DHT), or in the case of a small school with no senior managers, the Principal Teacher (PT) in charge. Ultimately, **the responsibility for any exclusion decisions rests with the Headteacher (HT)**.

2. Promoting Positive Behaviour: Preventing the Need for Exclusion

a) Culture and Ethos

A positive culture and ethos where children and young people feel safe, supported and encouraged is essential to promoting positive relationships and behaviour.

Schools should promote:

- An inclusive ethos where everyone's contribution is valued and respected
- Pupil, staff, parent and community participation and involvement at all levels
- The celebration of achievements and successes
- High expectations of every child and young person
- Positive pupil/teacher relationships
- Approaches which contribute to feelings of belonging

(Summarised from *Included, Engaged and Involved Part 2*, p22)

...By far the strongest predictor of experiences of negative behaviours, for teachers and support staff in both sectors, was perceptions of school ethos: those who gave a poorer rating when asked to rate 'the overall ethos of your school' reported that they experienced negative behaviours more often.

(From *Developing a Positive Whole-School Culture and Ethos*, p3)

b) Better Relationships Better Learning

The Dumfries and Galloway Council Better Relationships Better Learning approach is grounded in national and international evidence which shows that children and young people thrive in an environment which is positive, encouraging and inclusive.

The forthcoming Dumfries and Galloway Relationships Framework (2022) provides schools with a range of practical strategies and advice to help them implement the key approaches of Better Relationships Better Learning. Below are some key features of the three main approaches, including the nurture principles, restorative questions, and example solution-focused methods.

- **Nurturing approaches**
 - Children's learning is understood developmentally
 - The classroom offers a safe base
 - The importance of nurture for the development of wellbeing
 - Language is a vital means of communication
 - All behaviour is communication
 - The importance of transition in children's lives
- **Restorative approaches**
 - What happened? (...and then what happened?)
 - What were you thinking at the time?
 - How do you feel about what's happened?
 - Who else has been affected by this? How have they been affected?
 - What do you need from this meeting to make things better/improve the situation/to help you to move on?

- **Solution-focused approaches**

- The Miracle question – when you wake up in the morning and the problem doesn't exist, what will be different? What will you see, hear, feel? What will others notice?
- Scaling – use a scale of 1 to 10 to describe the problem. What would it take to increase by one point on the scale?
- Exceptions – are there times when the problem is not present?

c) Anti-bullying programmes

Mentors in Violence Prevention and Respect for All promote respect, responsibility and positive behaviour, with a focus on reducing bullying and violence.

Mentors in Violence Prevention (MVP) is a peer mentoring programme that gives young people the chance to explore and challenge the attitudes, beliefs and cultural norms that underpin gender-based violence, bullying and other forms of violence.

The positive impacts of MVP include pupils more able to recognise issues of safety, pupils intervening to reduce harmful behaviour, improved confidence and ethos, as well as staff feeling more skilled in dealing with issues around gender-based violence. Training opportunities on MVP exist locally and schools can contact the Education Safeguarding Manager to discuss needs.

[Respect for All](#) is the national approach to anti-bullying. Training on anti-bullying can be accessed through [Respect Me, Scotland's Anti-Bullying Service](#).

d) Effective learning and teaching

Registered teachers: know how to promote and support the cognitive, emotional, social and physical wellbeing of all learners, and demonstrate a commitment to raising all learners' expectations of themselves
(From *GTCS Standards for Registration* p8)

To prevent behaviour issues from arising in the first place, it is vital that good learning and teaching is present, focusing on the needs of all learners. Good learning and teaching will include:

- Using a range of teaching methods and strategies
- Lessons that are differentiated appropriately for all learners
- Identifying and striving to overcome any barriers to learning
- Learners understanding the purpose of the learning
- Having high expectations of all pupils
- Children and young people involved in decisions about their learning
- Recognising distressing behaviour early and taking positive steps to help
- Using de-escalation strategies to intervene early and prevent behaviour escalating

3. The Role of the School – Before Exclusion

a) School Policies and Procedures

All schools should have their own policies and procedures that aim to prevent the need for exclusion through building positive relationships through a culture and ethos of mutual respect and understanding. The Council’s Better Relationships Better Learning approach has meant that some schools have replaced their “Behaviour” policy with a “Relationships” policy which sets out the approaches used in the school at the early intervention and prevention stage so that any issues do not escalate. Examples of these approaches are included above in section 2 of this document.

b) Roles of Individual School Staff

All staff in schools have a role to play in ensuring a positive environment is created in school where all children and young people feel safe, happy and encouraged.

Head Teacher	Model positive relationships Use approaches to promote positive behaviour Understand legislation and have an awareness of national and local guidance Monitor school procedures Have an overview of significant issues in the school Lead individual planning for escalated cases from DHTs where there are significant ongoing concerns Ensure staff compliance with guidance and policy Be responsible for any exclusions, including decision-making and pupil returns from exclusion Contact Supporting Learners and Social Work to discuss any proposed exclusions involving looked after children
Depute Head Teacher (or relevant PT in primary)	Model positive relationships Use approaches to promote positive behaviour Understand legislation and have an awareness of national and local guidance Have an overview of significant issues in the school where appropriate As Child Protection Coordinator, identify risk associated with concerning behaviours Discuss any concerns with pupils and parents/carers Progress individual planning as appropriate in response to concerns Escalate ongoing behaviour concerns as appropriate to HT
PT Pupil Support / Pastoral Care (Secondary)	Model positive relationships Use approaches to promote positive behaviour Support pupils to improve behaviour Discuss any concerns with pupils and parents/carers Regularly update pupil chronology Progress individual planning as appropriate in response to concerns Escalate ongoing behaviour concerns as appropriate to school managers
PT Curriculum (Secondary)	Model positive relationships Use approaches to promote positive behaviour Support pupils to improve behaviour Support staff in department/faculty to promote positive behaviour Discuss any concerns with pupils and parents/carers Escalate ongoing behaviour concerns as appropriate to school managers
Teachers	Model positive relationships Use approaches to promote positive behaviour Develop a positive classroom environment and culture Discuss any concerns with pupils Escalate ongoing behaviour concerns as appropriate to line manager

Learning Assistants	Model positive relationships Use approaches to promote positive behaviour Discuss any concerns with pupils Discuss ongoing behaviour concerns with teachers or PTs as appropriate
Admin / Clerical Staff	Model positive relationships Use approaches to promote positive behaviour Support school management team with phone calls or correspondence to parents as appropriate Process any exclusions via Seemis on behalf of the Headteacher

c) Escalation of Behaviours

Where all approaches at promoting positive behaviour and preventing escalation have not worked and behaviour has escalated considerably, schools should carefully consider next steps. Possible next steps could include:

- Some time out of class, supported by a member of staff, to help the pupil's behaviour to deescalate
- A discussion with a Principal Teacher or Depute Headteacher to find out more about the issue and whether there are underlying factors contributing to the concerning behaviour
- A restorative conversation to try to resolve any issues and move on
- A discussion with colleagues in Supporting Learners, such as Supporting Learners Managers, Inclusion PTs or Educational Psychology, which may result in a referral to a specialist service

Efforts must be made to discuss any concerning escalation of behaviours with the pupil, parents/carers and the lead professional (if applicable) before any decision is made to exclude.

4. The Exclusion Process

a) Procedures

The flowchart in Appendix 1 guides Headteachers (or their delegated DHT or PT) through the exclusion process.

NOTE: School managers must complete and retain a copy of an Exclusion Checklist (Appendix 2) for every exclusion. These may be required by the Exclusion Task Force or in the event of an appeal or legal challenge.

Before a decision is finally made to exclude any pupil, efforts must be made to discuss the situation with the pupil and, whenever possible, with his/her parents and lead professional (if applicable). In discussion with parents and/or the pupil, Headteachers (HTs) should take the opportunity to establish if they know of any **mitigating circumstances** which could influence the HT's decision to exclude the pupil or the duration of the exclusion. The HT should also consider the potential impact of exclusion on the pupil's personal and home circumstances.

The HT must discuss any potential exclusion of a child who is looked-after with a Supporting Learners Manager and the child's Social Worker before a decision is taken.

The HT should contact the parent(s)/ carer(s) to ask them to collect their child from school or to make suitable alternative arrangements for collection. If the parents are not at home or if they cannot be contacted to uplift their child from school, **the HT must ensure that the child or young person does not leave the school until their safety, health and wellbeing are assured.**

In terms of the action to be taken after a decision to exclude, there are statutory procedures which must be followed and for which there is a strict timescale.

- **The decision to exclude must be made on the day of the incident in question (or in extreme cases, the next day)** and should not be made retrospectively. This is especially important when a pupil has returned to school following an incident (it would not be appropriate to then exclude them)
- Notification of any exclusion **must be given on the day upon which a decision to exclude is taken**, giving information as to the date, time and place where the HT, their delegated representative or an official of the Authority is available to discuss the decision.
- As well as parents/ carers, **all pupils of 12 years of age or over and who are deemed to have legal capacity must be provided with a personal written explanation** of the duration of the exclusion, the reasons for that exclusion and any conditions for re-admission.
- The letter to the pupil can be handed directly to the pupil but the letter to the parents must be sent as soon as possible thereafter and consideration should be given to sending this by Recorded Delivery.

Exclusion letters must contain sufficient detail as to the events leading up to the exclusion. It is not enough to simply choose from the drop-down menu on SEEMiS – detailed narrative must be provided too. The letter must also contain an invitation to attend a meeting at the school to discuss the circumstances. A specific date and time for a meeting should be offered. **Legally, this meeting must take place during the period of exclusion, and within seven days** of the first day of exclusion, and there is the option of reducing the planned duration of the exclusion.

An exclusion must not span an extended school holiday period.

b) Purpose and Length of Exclusion

The purpose of exclusion should not be regarded as punishment.

The purpose of exclusion is to allow all parties: the pupil, parents/carers and school to make amendments to ensure the educational provision in place is effective in meeting the needs of the pupil. An exclusion can give everyone time to make necessary arrangements and adaptations.

The maximum length of an exclusion is 7 school days.

The decision as to the length of the exclusion must consider the whole circumstances and must be proportionate to this. In deciding on the duration of exclusion, the HT must take into account all relevant factors, including the views of staff, parents, others involved **and the pupil**. HTs must not automatically or routinely impose a longer exclusion for a second misdemeanour or because of a previous history. **The length of an exclusion should primarily be based on how long is required to make any necessary adjustments to the pupil's education provision.**

In the case of multiple exclusions for the same pupil or for similar incidents, HTs should consider what fundamental changes can be made to prevent future incidents and may contact their Supporting Learners Manager for advice.

While most exclusions will relate to very serious incidents within the school, there may be occasions when the question of pupil exclusion for behaviour outwith school premises and outwith school hours is raised. The possibility of exclusion of a pupil in such circumstances should be assessed by the HT in terms of whether or not the incident(s) is/are likely to be seriously detrimental to the order and discipline in the school or the educational well-being of the pupils. These exclusions could be particularly open to legal challenge so should be very carefully considered. HTs may seek advice from Legal Services if they are unsure.

In all cases, HTs are welcome to contact an appropriate member of the Supporting Learners Management Team, such as their link Supporting Learners Manager.

c) Alternative Arrangements

The duty to provide education continues during an exclusion and alternative provision must be put in place as soon as is practicable, but certainly after a **maximum of two days**.

Alternative arrangements should, in the first instance, involve providing pupils with the same classwork and homework for completion, marking and return which they could expect if they had not been excluded. Unless the exclusion is of only a few days duration, it will not be sufficient simply to provide excluded pupils with homework or classwork if they do not also receive sufficient support with learning to enable them to understand the material. Any arrangements should therefore involve contact with pupils on a regular basis; HTs must identify a key person who can address any concerns relating to the course work provided. **There is responsibility on the parents, or the pupil who is a young person, to make sure the provision arranged is carried out and used during a period of exclusion.**

Possible education provision during the period of exclusion may include:

- Work available for collection by the pupil/parent/carer by prior arrangement
- Making arrangements for the excluded pupil to be educated in another school, the managers of which are willing to receive the pupil (this may be particularly relevant in schools falling under the management of a single Headteacher)
- Glow or other electronic platforms to send work back and forth to home. This could be seen more as tutorial/distance learning (recognising that not all homes have computers)
- After-school tutorials provided by staff volunteers.
- Assistance from Supporting Learners Officers, such as Attendance Support, Autism Outreach Support or Care-Experienced Support Officers with transferring work to and from with comments / advice provided by teaching staff.
- If the child was receiving support from any Inclusion Support Base, that would continue during the period of exclusion.

The school must maintain an accurate and up-to-date record of all exclusions, and instances of planned provision following withdrawal from mainstream class, including a record in the individual pupil's file. Any threats of violence or acts of violence against staff or other pupils must be recorded as must threats of violence to other pupils.

A note of the ongoing educational arrangements in place must be placed on the SEEMIS page where the exclusion is already recorded.

d) Serious incidents and multiple exclusions

If, in exceptional circumstances, where an incident is particularly serious, such as an act of violence, or where a pupil has been excluded multiple times during the academic year, the school may consider that it would be in the best interests of the pupil to not return as normal at the end of the most recent exclusion. In these circumstances, which should be rare, the school should consider the following possible options:

- **A part-time or phased return to school following exclusion.** This should be arranged through the child's plan and allows for a temporary reduction in school attendance to support the pupil to engage with education. It should be regularly reviewed with the expectation that the pupil will return to full time education in the future. During the period of reduced attendance, the SEEMiS code PTX (Part-time attendance, exclusion-related) can be used by the school.
- **An alternative package of education.** This could involve a referral for an offsite placement at an Inclusion Base, or a reduced timetable in school supplemented by other opportunities such as work experience. HTs may discuss this with the relevant PT Inclusion or Supporting Learners Manager for advice or support.
- **A School-Led Supported School Move to another school.** This can be arranged by agreement between the two HTs involved and by submitting a School-Led Supported School Move Form to Supporting Learners. This would be initially for a period of 6 weeks before being reviewed. The pupil would remain on the roll of their home school for the period of the Supported School Move and will be transferred formally after the arrangement has been successfully reviewed. **HTs should consult the Supported School Move Guidelines.**
- **An Authority-Led Supported School Move to another school.** In the event that HTs have tried all of the above, they may contact the relevant Supporting Learners Manager to discuss the possibility of an Authority-Led Supported School Move. If it is possible, a Lead Officer will identify a host school and work with the home school and host school to implement the arrangement. **HTs should consult the Supported School Move Guidelines.**

HTs should bear in mind that pupils have a legal right to return to their current school at the end of their exclusion (maximum of 7 school days). Therefore, any part-time arrangement, alternative package, or supported school move must be organised before the end of the exclusion or the pupil will return to school.

e) Resolution and Return Following Exclusion

Prior to a child or young person returning to school, an update to the wellbeing assessment and planning should take place to ensure the right support is provided.

It is good practice to undertake discussions about the roles and expectations for all those involved, including the child or young person, parents and school staff.

Even though it is good practice, it is not a legal requirement to have a pre-return meeting, seek guarantees or contracts of behaviour, or to ask for any agreement to be signed. This must not be a basis to prolong or prevent a return from exclusion.

f) Appeals

HTs should be aware that a legal right to appeal exists. If appealed, a Hearing will be heard before an appeals committee and subsequently at the Sheriff Court if further appealed. HTs will be required to be a witness for the Authority and should ensure prior to the decision to exclude that they are confident that all aspects of these procedures have been adhered to, and appropriate and sufficient investigation and record keeping has been undertaken.

Where an appeal has been made, this does not affect the return date to school.

HTs are encouraged to contact Legal Services for any advice.

5. Monitoring Exclusions and Exclusion Task Force

Supporting Learners Officers consider exclusion data regularly. Officers aim to:

- Use monthly performance data to monitor trends and patterns in exclusions in individual schools
- Use more in-depth performance data to ensure children and young people are flagged up early to prevent major exclusions
- Track and monitor exclusions for groups with a greater risk of exclusion: Looked-After Children, Children and Young People with Additional Support Needs, and those eligible from Free School Meals

An Exclusion Task Force is being formed during the 2022-23 school year to provide support and challenge to schools, with the aim of reducing exclusions. The task force will use performance data that has been considered and scrutinised by Supporting Learners Officers to target individual schools in need of support or challenge.

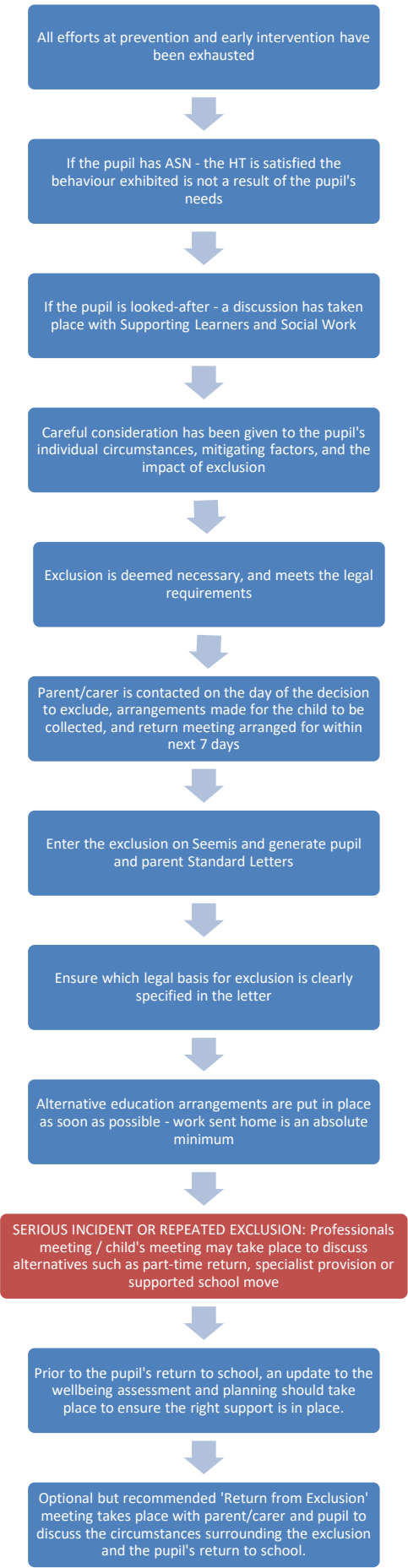
It is critical that schools fully complete an exclusion checklist for every exclusion and that HTs are satisfied that the exclusion process has been undertaken correctly as these will be scrutinised as part of the work of the Exclusion Task Force.

Appendices

Appendix 1: Flowchart of procedures

Appendix 2: Exclusion checklist

Appendix 1: Flowchart – follow this in conjunction with completing an Exclusion Checklist (in appendix 2)



Appendix 2: Exclusion Checklist

An exclusion checklist should be completed and retained for every exclusion.

Pupil Name	
Date of Birth	
School	

Prior to Exclusion

	Comment
Has the pupil been excluded before? What was the impact of this?	
What measures have been taken to prevent exclusion? (Alternatives to exclusion)	
Who else has been engaged to try to prevent exclusion? (Other staff, other professionals, parents/carers, etc)	
What might the impact of an exclusion be on the pupil? (Consider individual circumstances, wider circumstances, etc)	
What are the hoped for outcomes of an exclusion? Are there alternative ways to achieve these?	
Does the pupil have additional support needs? (List and explain them) Are you satisfied that an exclusion would not be as a result of the additional support needs?	
Is the pupil looked-after? Have you discussed this with Supporting Learners and Social Work? What were their views on the exclusion?	
Has there been consideration of the length of the exclusion to ensure it is proportionate and appropriate?	
Have the rights of the pupil been considered with regard to the UNCRC?	
Have all other options been considered before deciding that exclusion is absolutely necessary?	

After decision has been made to exclude

	Comment
Has the pupil been informed of the exclusion?	
Has the parent been informed of the exclusion?	
For looked-after children: Have all relevant parents/carers been informed? Have Social Work been informed? Have Supporting Learners been informed?	
What arrangements have been made for the pupil to be collected or safely sent home?	
Has the exclusion been entered accurately on SEEMiS and sufficient detail included?	
Has the child and parent been sent/given standard exclusion letters with sufficient detail as to the reasons for exclusion?	
Has the child and parent been made aware of their legal right to appeal?	
Does the child and parent know how to discuss the exclusion and/or when a meeting will take place to arrange the pupil's return?	
What alternative education provision is being provided during the period of exclusion?	
Serious incident/multiple exclusions: What action needs to be taken to plan for the pupil returning to education? (Professionals meeting, child's meeting, discussions with local authority, supported school move explored, etc)	

Following exclusion

	Comment
Has a meeting been held with parent/carer and pupil to discuss readmission? What was discussed at the meeting? (This is not mandatory, but good practice)	
What additional supports or other arrangements will be in place when the pupil returns? (Timetable changes recorded on Seemis if necessary)	
Is a risk assessment required? If so, what aspects need to be assessed?	
How are the needs of staff and other pupils going to be taken into account? Is there a need for any restorative work to be done? (With whom?)	
Serious incident/multiple exclusions: Supporting Learners advice sought? What alternatives to the standard return to school are being put in place?	
When/how will the return to school be reviewed?	

Completed by: _____

Designation: _____

Date: _____