

# Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions

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# **Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions**

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## MINISTERIAL FOREWORD



**The defining mission of this Government is delivering excellence and equity in Scottish education. We can work together to raise the bar for all our children and young people; and close the attainment gap.**

There can be no greater responsibility than working to improve the life chances of all our children and young people.

The most critically important part of our early years and school education system is the relationship between our teachers, practitioners, children and young people.

The rate of exclusion has more than halved since 2006/07 due to the continued focus by schools and education authorities to build on and improve their relationship with our children and young people most at risk of exclusion in their learning communities.

That relationship is at the heart of every story of success. In every school that succeeds, you find great teachers able to reach out and influence the lives of the children and young people in their classrooms.

**'Included Engaged and Involved Part 2: a positive approach to preventing and managing school exclusions'** has a fundamental role to play in helping us realise our vision for all children and young people. It will support the Scottish Government's focus on transforming the lives of our children and young people,

closing the educational attainment gap and opening the doors of opportunity to all.

This refreshed guidance gives a stronger focus on approaches that can be used to prevent the need for exclusion, ensuring all children and young people are Included, Engaged and Involved in their education.

Our aim is to make Scotland the best place to grow up and our policies are designed to give all our children the best possible start in life.

We hope that this guidance will be a useful and helpful resource for teachers and practitioners working with children and young people. Its importance should be recognised in the context of our shared drive to raise attainment for all, close the attainment gap and, crucially, ensure that the focus on children and young people's wellbeing is given the importance it deserves. This Government remains committed to supporting its implementation through training, professional development and promoting good practice so we can continue to support all our children and young people to realise their full potential.

**John Swinney MSP**

**Deputy First Minister and Cabinet Secretary for Education and Skills**

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Partnership  
Equity  
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Children and Young People (Scotland) Act  
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## Section 1 – Introduction

The purpose of this guidance is to refresh national policy on the prevention of and the management of exclusion from school in the context of national government and education authority<sup>1</sup> responsibilities and desired outcomes for children and young people. The overarching aim of this guidance is to support schools, communities and their partners to keep all children and young people **fully included, engaged and involved** in their education; and, to improve outcomes for **all** Scotland's children and young people with a particular focus on those who are at risk of exclusion. It also recognises the need for all members of a learning community to be safe and feel protected. Early Learning and Childcare establishments can also use this guidance to support practice.

This guidance replaces '**Included, Engaged and Involved Part 2: a positive approach to managing school exclusions**'<sup>2</sup> published in March 2011. '**Included, Engaged and Involved Part 1: attendance and absence in Scottish schools**'<sup>3</sup>, published in December 2007 relates to the promotion of attendance and management of absence in schools.

This guidance is an opportunity to refresh and realign the use of exclusion in learning establishments. 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)**<sup>4</sup>. 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 approaches which reduce the need to consider exclusion.

**Exclusion should only be used as a last resort.** It should be a proportionate response where there is no alternative and it is important that the views of the child or young person and those of their parent(s)<sup>5</sup> are taken into account. Schools and education authorities should also consider all the facts and circumstances surrounding the incident(s) leading to exclusion. The purpose of the exclusion and the impact on the child or young person should be taken into consideration, including the long term impact on life chances (see Section 5). The wellbeing and safety of the whole school community should also be taken into account when considering exclusion.

Where exclusion is used it should be a short term measure with the aim of improving outcomes. It should enable further planning and assessment and provide an opportunity for reflection for both the child or young person and staff involved. Relationship-

1 Throughout this document the term 'education authority' will be used to apply to both education authority and local authority.

2 <http://www.gov.scot/Publications/2011/03/17095258/14>

3 <http://www.gov.scot/Publications/2007/12/05100056/7>

4 <http://www.legislation.gov.uk/asp/2014/8/contents/enacted>

5 Throughout this document the term parent(s) will be used to apply to anyone with parental responsibility, including carer, those providing a foster or residential placement, or the local authority where full parental responsibility rests with them.

based approaches, such as solution oriented or restorative approaches, should be used to guide and support a child or young person's return to school.

The Scottish Government is committed to research into **Behaviour in Scottish Schools**<sup>6</sup> (BISSR) to help inform guidance. Previous BISSR research has demonstrated that investing time and resources into improving relationships and behaviour in learning establishments leads to positive outcomes around inclusion, engagement, attainment and achievement in the short term and community safety and cohesion in the longer term.

Children entitled to funded early learning and childcare can receive this in local authority or partnership settings. Partnership settings are those in the private and voluntary sectors (including childminders) that have been commissioned to provide early learning and childcare on behalf of the education authority. This guidance is intended to support professionals within these settings. Regulation 4 of the Schools General (Scotland) Regulations 1975 as amended applies to early learning and childcare settings under the management of education authorities, although the use of exclusion in such settings would be very unusual and would not reflect high quality inclusive practice.

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 and behaviour.

Voluntary and independent schools may also find this guidance helpful when developing positive relationship approaches in their establishments. In addition, whilst colleges will have their own exclusion guidance and procedures, this guidance can be used to support their approach in preventing and managing exclusions, particularly for colleges when working in partnership with schools. Education authorities should consider how to adopt and disseminate the key messages in this guidance for partners such as parents, children and young people and early learning and childcare partnership providers.

There is an expectation that education authorities and schools will use this guidance to revise and review existing policies and procedures on exclusion, taking account of local circumstances and involving all partners in the development of the new policy. Education authorities and schools should ensure that their policies are set against a framework within which schools, pupils and parents can encourage and maintain a focus on social and emotional wellbeing and an ethos of mutual respect and trust, in order to promote inclusion and a whole school ethos based on positive relationships and behaviour.

Education authorities and schools also have a responsibility to ensure all staff are aware of the guidance; and that the main purpose of exclusion is to ensure appropriate support for the child or young person, and

6 <http://www.gov.scot/Publications/2012/10/5408>

that they are able to re-engage in education. Career Long Professional Learning should be available to support staff. Education authority and school policies and procedures on exclusion should be readily available in a variety of formats that are easily accessible and understood. In addition, education authorities must provide information on their general policy or practice with regard to discipline and school rules and arrangements for enforcing school attendance. They must also make available (at each school and on local authority websites) information to parents on their policy on *'discipline, school rules and enforcement of attendance'* as outlined in the Education (School and Placing Information) (Scotland) Regulations 1982<sup>7</sup>.

Under the Education (School and Placing Information) (Scotland) Regulations 2012 schools are required to provide certain information to parents within a School Handbook. The accompanying guidance on school handbooks sets out the key items of information that should be included in School Handbooks. This includes matters pertaining to the school ethos, support for pupils and school policies. Schools should ensure that their school handbook contains relevant information about exclusions policies, pupil wellbeing and pupil safety.

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7 <http://www.legislation.gov.uk/ssi/2012/130/made>

## Section 2 - Background

This section focuses on the background and context of exclusion.

The power to exclude rests with education authorities under regulation 4 of the Schools General (Scotland) Regulations 1975 as amended<sup>8</sup>. The Education (Scotland) Act 1980<sup>9</sup> 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. The education authority ultimately remains responsible for the education of all children and young people within their establishments, including those who have been removed from the register of a school (see Section 8 for further detail).

There has been a drop in exclusion rates since 2011 when the original 'Included, Engaged and Involved Part 2: a positive approach to managing school exclusions' was published. Figures published in December 2015 were at their lowest since national statistics were first collated in 1998/99. The rate of exclusions per 1,000 pupils has continued to fall to 27.2 in 2014/15 compared with 32.8 in 2012/13. Removals from register have also dropped significantly over this period with only five recorded in 2014/15, which has dropped from 60 in 2011/12. Further information on national statistics on exclusions can be found in Annex D.

8 <http://www.legislation.gov.uk/ukxi/1975/1135/made>

9 <http://www.legislation.gov.uk/ukpga/1980/44>

The overall drop in school exclusions reflects the focus schools and education authorities have placed on developing a whole school ethos; promoting inclusion; and developing positive relationships and behaviour. It also reflects the commitment of staff, as well as the use of staged intervention and approaches to keeping children and young people included, engaged and involved in their education. This also reflects the policy guidance within '**Better Relationships, Better Learning and Better Behaviour**'<sup>10</sup> which was published in March 2013 as a direct response to the ongoing '**Behaviour in Scottish Schools Research**'<sup>11</sup>.

Evidence shows that the exclusion levels of those groups most likely to be excluded are decreasing but the gaps between those with risk factors (refer to Section 7) and those without remain. National statistics on exclusions from schools indicate that children and young people are more likely to be excluded where they:

- are assessed or declared as having a disability;
- are looked after;
- are from the most deprived areas;
- have an additional support need (ASN); and
- have an additional support need that has been identified as social, emotional and behavioural.

10 <http://www.gov.scot/resource/0041/00416217.pdf>

11 <http://www.gov.scot/Publications/2012/10/5408>

Prior to 2010, only pupils with Co-ordinated Support Plans, Individualised Educational Programmes or who were attending a special school were recorded as having an additional support need. However, in 2010 this was extended to include anyone receiving additional support. This has led to a large increase in the number of pupils recorded with additional support needs since 2010. This reflects the widening definition of additional support need to include social, emotional and behavioural needs (SEBN), or specific life events, such as bereavement.

### Section 3 – Guiding Principles (to become an infographic)

- The foundation for schools, learning establishments and education authorities is a whole school ethos of prevention, early intervention and support against a background which promotes positive relationships, learning and behaviour;
- Everyone in a learning community should feel they are in a safe and nurturing environment;
- All children and young people have a right to education; and education authorities have a duty to provide this education;
- All children and young people need to be included, engaged and involved in their learning;
- All children and young people have the right to get the support they need to benefit fully from their education and fulfil their potential;
- Exclusion should be the last resort;
- Where exclusion is used, it should be as a proportionate response where there is no appropriate alternative and the wellbeing of the child or young person should be the key consideration; and
- Exclusion must be for as short a period as possible with the aim of improving outcomes for the child or young person. The time during and after the exclusion period should be used constructively to resolve the situation and ensure positive and appropriate support is in place for all.

## Section 4 – National policy context

This section provides a brief summary of the policy context in which **'Included, Engaged and Involved Part 2: a positive approach to preventing and managing school exclusions'** is set. The specific legislative context in relation to the prevention and management of school exclusions is outlined in more detail in other sections of this document.

Since the last publication (March 2011) of **'Included, Engaged and Involved Part 2: a positive approach to managing school exclusions'**, the policy and legislative landscape has changed as it continues to increasingly emphasise the importance of wellbeing and relationships in shaping positive outcomes for children and young people. This document emphasises the need for all learning establishments to have robust policies and procedures in place to ensure a consistent approach to improving relationships and behaviour across the whole community and for all learning establishments to consider children's rights in accordance with the **United Nations Convention on the Rights of the Child (UNCRC)**<sup>12</sup>.

One of the key legislative changes which has been implemented since the last publication of **'Included, Engaged and Involved Part 2: a positive approach to managing school exclusions'** is the **Children and Young People (Scotland) Act (2014)**. Some of the key messages and terminology from this Act are referenced throughout this document. The Act sets out new

statutory responsibilities for local authorities in relation to the wellbeing of children and young people deemed to be at risk of becoming looked after, as well as setting out the eight aspects of wellbeing which should be considered when assessing needs. It also sets out additional statutory responsibilities for Corporate Parents, as specified, in relation to those who are looked after. All education authority guidance on the prevention and management of exclusions should take cognisance of this legislation, particularly with regard to promoting the rights and wellbeing of children and young people; and when using the new support structures, as outlined in the paragraph below, to help identify any problems at an early stage.

Since 2008, **Getting it Right for Every Child (GIRFEC)** has been the national approach to improving outcomes for children and young people. GIRFEC takes a holistic approach to the wellbeing of the child or young person. The eight wellbeing indicators are *safe, healthy, achieving, nurtured, active, responsible, respected and included*. GIRFEC advocates preventative work and early intervention to support children, young people and their families through the provision of strong universal services, and partnership working with other services when needed. The approach supports children and young people's rights and involves children and young people in any decisions that affect them in line with the core principles of UNCRC (see also page 36 for further information).

GIRFEC recognises that while children and young people will have different experiences in their lives, all of them have

<sup>12</sup> [http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC\\_PRESS200910web.pdf](http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf)

the right to expect appropriate support from adults to allow them to grow and develop and to reach their full potential. All parts of the Children and Young People (Scotland) Act 2014 are underpinned by the GIRFEC approach.

Some of the other key drivers upon which the current guidance is set are outlined below:

- Learning in health and wellbeing as part of **Curriculum for Excellence (CfE)**, ensures that children and young people develop the knowledge and understanding, skills, capabilities and attributes which they need for mental, emotional, social and physical wellbeing now and in the future. **Responsibility of All** emphasises that some aspects of health and wellbeing are the responsibility of **all** adults in schools, working together to support the learning and development of children and young people.
- **‘Building the Ambition’, National Practice Guidance on Early Learning and Childcare**<sup>13</sup> provides detailed, practical guidance on the experiences and interactions necessary to deliver the learning journey of babies, toddlers and young children. The aims of this document should inform how early learning and childcare practitioners support wellbeing and positive relationships within early learning and childcare settings.
- One of the most important aims of the **National Improvement Framework** for

<sup>13</sup> <http://www.gov.scot/Resource/0045/00458455.pdf>

Scottish Education<sup>14</sup> is to drive improvements in learning for individual children and to ensure that there is a purpose to assessment and information gathering. More robust and transparent assessment and information gathering should help schools and local authorities to support children and young people more appropriately. As well as a focus on literacy and numeracy, it will also bring greater focus to improvements in the health and wellbeing of children and young people.

- The Scottish Government recognises the need to raise the attainment of all children and young people to ensure every child has the same opportunity to succeed, with a specific focus on closing the poverty-related attainment gap. Scottish Government have set out their aims for this within the **Scottish Attainment Challenge**<sup>15</sup>. This is set within the context of Curriculum for Excellence and targets improvement in the areas of literacy, numeracy and health and wellbeing. Addressing the barriers faced by children and young people in these circumstances should also impact on the gap in the exclusion figures for those groups most likely to be excluded, as referenced on page 10.
- **Developing the Young Workforce: Scotland’s Youth Employment Strategy**<sup>16</sup> aims to ensure that there is a work relevant education experience on offer for all our young people and that a rich blend of learning, including vocational education, is valued.

<sup>14</sup> <http://www.gov.scot/Publications/2016/01/8314>

<sup>15</sup> <http://www.gov.scot/Topics/Education/Schools/Raisingeducationalattainment>

<sup>16</sup> <http://www.gov.scot/Publications/2014/12/7750>

- Getting It Right For Looked After Children and Young People Strategy 2015-2020** sets out what the Scottish Government are doing and what is expected of other corporate parents. The strategy outlines the three priority areas of work to improve outcomes for looked after children and young people. These are early engagement, early permanence and improving the quality of care with the thread running through the strategy of the importance of relationships. Children who are looked after at home have been identified as a particular priority as they tend to have the worst outcomes of all looked after children and have a complex range of needs. Of particular relevance is that children who are looked after at home have, on average, the lowest school attendance (79%) compared with the average for all looked after children (89%), which in turn is lower than for all children (93%). They are also the most likely children who are supervised in a community setting to be excluded from school, and have the lowest average educational tariff figures. Only 10% of children who are looked after at home achieve qualifications at level 5, compared with 25% of all looked after children. Just under 60% of children who are looked after at home are in positive destinations 9 months after leaving school, almost 15% behind all looked after children and over 30% behind all school leavers<sup>17</sup>.
- 'Preventing offending: Getting it Right for children and young people' The Youth Justice Strategy 2015-2020**<sup>18</sup> places a particular focus on the quality of relationships that children and young people experience as a key factor in building on their strengths as well as helping to manage risks. School inclusion is a key strategic focus within the strategy as it is integral to improving life chances. It pledges to: work with school professionals to build capacity and awareness about working with young people involved or at risk of involvement in offending by the end of 2016; share good practice throughout Scotland in approaches to school inclusion with a focus on preventing offending by the end of 2016; and ensure that young people at risk of disengagement from education are identified early and supported.

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17 <http://www.gov.scot/publications/2014/09/6499/> and <http://www.gov.scot/publications/2015/06/6439/>

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18 <http://www.gov.scot/Publications/2015/06/2244>

## Section 5 – The Impact of Exclusion on Children and Young People

It is important that schools and education authorities are aware of the impact that exclusion can have, particularly within those groups of children where exclusions are more prevalent: those with an assessed or declared disability; looked after children and young people; children and young people from the most deprived areas; and those with an additional support need (particularly if that support need is social, emotional and/or behavioural). Having an understanding of the evidence that highlights the impact that exclusion can have will support informed decision-making about the appropriateness of an exclusion; but will also recognise that exclusion when used in a proportionate and supportive way can have a positive outcome for the child or young person and the wider school community.

### Links between exclusion and attainment

The following findings are from Scottish Government figures that look at the attainment of S4/S5 and S6 pupils in the year 2012/13:

- **5.7%** of pupils who had been excluded in that school year, achieved Level 6 or above in terms of qualifications, whilst **57.7%** of pupils who had no exclusions, achieved Level 6 or above;
- **4.5%** of pupils who had been excluded in that school year went on to achieve **no** qualifications, whilst only **1.3%** of pupils who had **not** been excluded in that school year, went on to achieve no qualifications; and

- **11.1%** of pupils who had **5** exclusions gained no qualifications, compared with **3.4%** of pupils who had **1** exclusion.

**It is recognised that other factors may also contribute to the future outcomes of children and young people, including socioeconomic factors and additional support needs.**

The cost of exclusion can be seen here in terms of wellbeing, attainment and later offending behaviour, with recognition that the negative impact of exclusion is cumulative. Children and young people can often become involved in a negative cycle of exclusion and non-attendance which are very likely to reduce social capital and significantly impact on later life chances.

### Research on the links between exclusion and anti-social/offending behaviour

- In a cohort of 4000 young people who started secondary education in 1998, one of the most important predictors of criminal record status was found to be school exclusion by the third year of secondary education. (Edinburgh Study of Youth Transitions and Crime 2012)<sup>19</sup>;
- A study of the pathways leading to offending of 125 young people in Polmont Young Offenders Institution found that at least 80% of the young people had been excluded from school. (Smith, Dyer and Connelly 2014)<sup>20</sup>; and

19 <http://www.research.ed.ac.uk/portal/en/publications/negotiated-order%288dfe2f32-a081-4441-8166-7361198ab7f5%29.html>

20 <http://www.cycj.org.uk/resource/young-men-in-custody-a-report-on-the-pathways-into-and-out-of-prison-of-young-men-aged-16-and-17/>

- The overarching risk associated with children and young people permanently excluded from school was found to be social exclusion with associated risks including anti-social behaviour, crime, drug taking and suicide. (Rabie and Howard, 2013)<sup>21</sup>. Exclusion can be the first step to a life of social exclusion and addictions. (Sutherland, Monro and Wood, 2012).
- School connectedness and relationships are seen as vital in leading to a number of positive outcomes for children and young people. (Learner and Kruger 1997; Commodari 2013; and Bergen and Bergen 2008). School exclusion is likely to have a negative impact on such relationships; and
- Excluding young people from the stable routines of school and leaving them in a chaotic home background or risky neighbourhood can worsen behaviour. (Barnardo's, 2010).

Based in part on the findings of such studies, the current approach to Youth Justice and preventing offending by young people in Scotland is based on prevention and early intervention with a focus on providing appropriate support to divert young people from offending, thereby minimising re-victimisation and improving their life chances and outcomes. The study in Polmont also emphasised a focus on promoting creative and individualised tailored approaches to learning for this group of young people, with a focus on a nurturing and supportive ethos.

### **Key messages on the potential impact of exclusion**

- Exclusion can increase children and young people's already high levels of shame and fear. (Taransaud, 2011);
- The additional impermanency that exclusion can bring to children and young people, i.e. the loss and rupture of the relationships that the children and young people have formed in schools, can often exacerbate the negative consequences that earlier traumas have had on their lives. (Perry, 2011);

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<sup>21</sup> <http://www.ncbi.nlm.nih.gov/pubmed/23646817>

## Section 6 – Prevention, Early Intervention and Staged Intervention

This section focuses on approaches that work towards preventing the need for exclusion. The focus is on creating a positive whole school ethos that promotes positive relationships and behaviour, based on robust assessment and planning processes, which extend from universal and targeted school based support to specialist, extended provision of education and support.

### Prevention

#### Whole school culture and ethos

A school's culture, ethos and values are fundamental to promoting positive relationships and behaviour. An inclusive ethos where everyone's contribution is valued and encouraged should be promoted. A positive ethos has been identified in school improvement studies as being fundamental to raising attainment. Schools with a positive ethos promote pupil and staff participation, encourage achievement, celebrate success and have high expectations of every child and young person. They have lower exclusion rates and experience less disruptive behaviour. Research by the Children and Young People's Commissioner Scotland, '**How Young People's Participation in school supports achievement and attainment**'<sup>22</sup> highlighted that positive pupil/teacher relationships, active engagement of learners and feelings of belonging were key factors identified by pupils in high-achieving schools. Effective whole school approaches

<sup>22</sup> <http://www.cypcs.org.uk/ufiles/achievement-and-attainment.pdf>

can only be developed by involving everyone in the learning community – children and young people, staff, parent(s) and the wider community.

Learning in Health and Wellbeing, as part of Curriculum for Excellence (CfE), ensures that children and young people develop the knowledge and understanding, skills, capabilities and attributes which they need for mental, emotional, social and physical wellbeing.

All adults who work in schools have a responsibility to support the mental, emotional, social and physical wellbeing of the children and young people in their care. The **Responsibility of All** includes each practitioner's role in establishing open, positive, supportive relationships across the school community. CfE is designed to improve education for children and young people by putting their learning experiences at the heart of education.

Leadership is recognised as one of the most important aspects of the success of any school. Leaders at all levels who are empowered, and who empower others to take ownership of their own learning, have a strong track record of ensuring the highest quality of learning and teaching. This in turn helps to ensure that all children achieve the best possible outcomes.

Highly effective leadership is key to ensuring the highest possible standards and expectations are shared across schools to achieve excellence and equity for all. We want to empower the leaders at all levels in our schools. We believe good leaders are best placed to improve outcomes for our

children and can drive further improvement by collaborating across boundaries.

The General Teaching Council for Scotland (GTCS) Standards for Leadership and Management<sup>23</sup> states that one of the key purposes of a Head Teacher is to lead the whole school community:

*‘in order to establish, sustain and enhance a positive ethos and culture of learning through which every learner is able to learn effectively and achieve their potential’.*

Head Teachers should also build and sustain partnerships with learners families and relevant partners to meet the identified needs of all learners they have responsibility for.

The professional values and personal commitments core to being a teacher are: social justice, integrity, trust & respect and professional commitment:

*‘respecting the rights of all learners as outlined in the UNCRC & their entitlement to be included in decisions regarding their learning experiences and have all aspects of their wellbeing developed and supported’.*

They should also ensure a safe and secure ‘environment for all learners within a caring and compassionate ethos and with an understanding of wellbeing’. There is evidence that the integration of social and emotional programmes into the broader school curriculum can have a positive effect

<sup>23</sup> <http://www.gtcs.org.uk/professional-standards/the-standards/standards-for-leadership-and-management.aspx>

on academic achievement and wellbeing (Emerson et al 2012; Patrikakou 2008). Social and emotional types of learning can improve pupils’ understanding of academic subject matter, reduce anxiety, and increase their motivation to learn (Patrikakou 2008). Focusing on the social and emotional wellbeing of children early in their development, rather than waiting until some pupils begin to exhibit problems, may help to prevent any potential achievement gap (Scott et al 2010). Using parental engagement in education as a tool to enhance pupil wellbeing rather than solely to promote academic achievement, can also reduce the risk of parents placing excessive pressure on students to excel (Emerson et al 2012).

Parental engagement is also seen as an important factor in improving a child or young person’s progress in school. Research into the effects of family engagement in education has been shown to have a significant positive effect on a range of outcomes including attainment, achievement, health and wellbeing. When parents become engaged in their children’s learning as well as forming positive ways of managing children’s behaviour, children’s achievement improves (Beckett et al 2012 and Kiernan and Mensah 2011, both cited in Grayson 2013).

Parental engagement in their children’s learning in the home has a greater effect on their achievement than parental involvement in school-based activities (Goodall 2013; Altschul 2011). However, maximising children’s learning is best facilitated by parents engaging in learning activities in the home in tandem with similar critical instructions being received at

school (Crosnoe 2012). The likelihood of educational attainment increases when the child perceives continuity of values between school and family (Blanch et al 2013).

Parental engagement with their children is particularly important at times of transition (Goodall 2013; Harris and Goodall 2009). Evidence has shown that concerted efforts for parental engagement during periods of transition, especially the transition from primary to secondary school, prevent any gains in achievement prior to a transition from being lost (Harris and Goodall 2009). With effective partnership working between families and schools, the likelihood of truancy, exclusion, or disengagement is lessened (Harris and Goodall 2009).

### **Key Approaches to developing positive relationships and behaviour**

There are a range of approaches (definitions provided in Annex B) which schools use to improve relationships and behaviour. These are centred around the principle that all behaviour is a form of communication. The effective implementation of these approaches can often prevent the need for exclusion. These include:

- restorative and solution oriented approaches as part of a whole school approach;
- whole school nurturing approaches based on nurturing principles, including nurture groups in early years, primary, and secondary and specialist provision;
- anti-bullying policies and practice which contribute to social and emotional wellbeing including the Mentors in

Violence Prevention (MVP) Programme<sup>24</sup> and respectme<sup>25</sup>, Scotland's anti-bullying service; and

- effective learning and teaching which contributes to developing good relationships and positive behaviour in the classroom, playground and wider school community.

The above approaches can also be used in a timely fashion to target early intervention of children and young people who may be at risk of exclusion. For example, solution oriented or restorative meetings which involve key staff are often utilised in schools to help identify the main issues as well as sharing effective strategies and identifying the way forward. Nurture groups can also be used to support pupils as a targeted intervention to prevent exclusion.

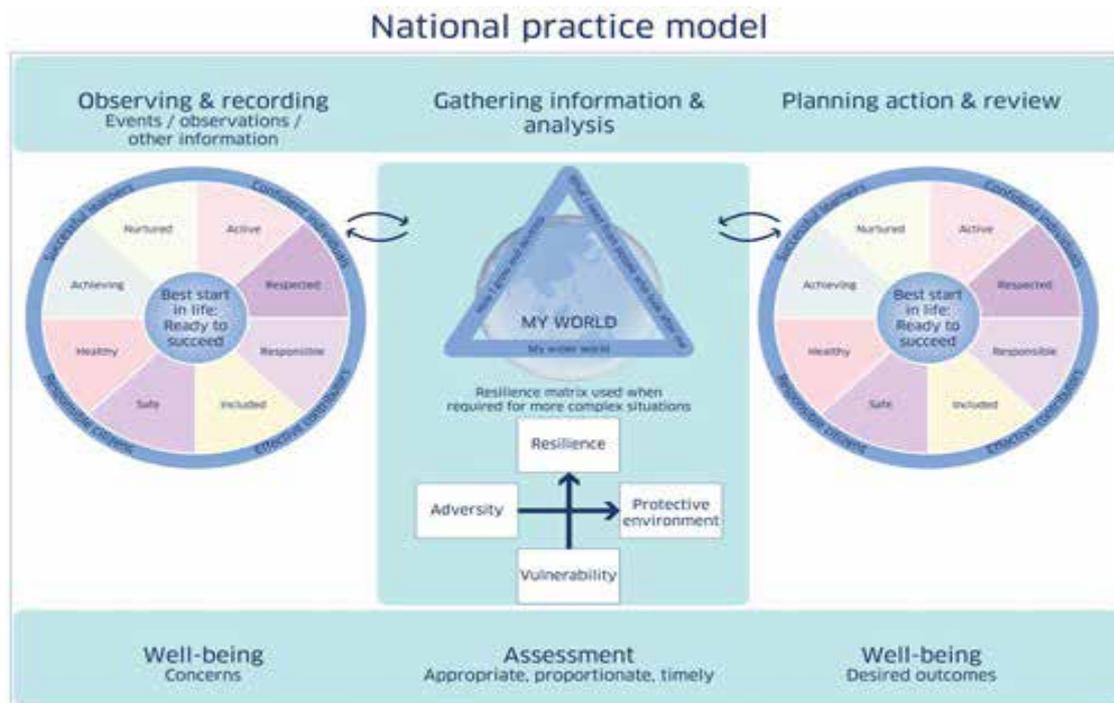
### **Early Intervention and Staged Intervention**

Early intervention and prevention are key elements of a framework focused on ensuring we get it right for all our children and young people. Early intervention is crucial in reducing the need for exclusion whilst recognising that all support should be appropriate, proportionate and timely. Staged intervention models should include a range of approaches from universal through to more targeted and specialist support that are adapted across local authorities in accordance with local context and needs.

A key aspect of this framework is the emphasis on robust planning and

<sup>24</sup> <http://mvpscotland.org.uk/>

<sup>25</sup> <http://www.respectme.org.uk/>



assessment which places the wellbeing of children and young people at the centre. The wellbeing of children and young people is at the heart of GIRFEC and focuses attention on how *safe, healthy, achieving, nurtured, active, responsible, respected and included* a child is and feels.

It is particularly important that professionals engaging with children and young people seek to develop a shared understanding of the child's overall wellbeing and agree what approaches are to be used and how to assess their impact.

All practitioners should use the **National Practice Model** as a framework for assessing, planning and reviewing the support of a child or young person. This model also emphasises the key part that relationships play in building up resilience, providing a protective environment, supporting vulnerability and managing

adversity. Local Authorities should work with partner agencies and unions to offer professional learning opportunities to develop staff's understanding of assessment, planning and review processes.

Joined-up partnership working is a fundamental aspect of the whole system approach; where children and young people, parents, and the services they need all work together in a co-ordinated way to meet specific needs and improve the child or young person's wellbeing. GIRFEC focuses on improving outcomes and supporting the wellbeing of children and young people by offering the right help at the right time from the right people. It supports them and their parent(s) to work in partnership with the services that can help them. Having effective assessment and co-ordinated planning (a single plan) where a child or young person has wellbeing needs, such as the prospect, or current reality of, being

excluded, facilitates effective collaborative working to make good use of resources and avoid unnecessary duplication for the child or young person, their parent(s) and practitioners.

Partnership working is a key factor in successfully preventing and managing school exclusions.

### **De-escalation and Physical Intervention**

All education authorities have a duty of care to all children and young people attending school in respect of the health, safety, wellbeing and welfare of the children and young people in their care.

There are times when children and young people will exhibit challenging and distressed behaviour. Staff's knowledge and detailed assessment of a child or young person should be used to predict and plan for the type of situation which may cause that child or young person severe stress or frustration that can lead to challenging and distressed behaviour. Staff should recognise that all behaviour is communication and endeavour to identify, where possible, the triggers that may lead to a child or young person acting in a challenging and distressed way.

This information should be included in a plan to support the individual child or young person. The plan should state how the child or young person should be supported and clearly outline agreed strategies that should be used by staff. Specific consideration should be given to a child or young person's additional support needs and the impact that these may have on their communication and behaviours. This should include consideration of

complex additional support needs, such as language and communication needs and autism.

Risk and health and safety assessments should also be carried out to determine any potential concerns arising from the child or young person's behaviour, and should identify any steps deemed necessary to support the child or young person in preventing harm to themselves or others. The risk and health and safety assessments should be informed by the information gathered using the National Practice Model<sup>26</sup> and should be shared with the child or young person, their parents, and all staff who are involved with the child or young person.

An important aspect of these assessments is the understanding that risk must always be an important consideration and should inform a school's decision whether or not to exclude a child or young person. Risk and health and safety assessment processes should also be applied to situations where unpredictable, challenging and distressed behaviour can arise.

Education authorities, in consultation with staff and key delivery partners including staff unions should develop their own policy on de-escalation and physical intervention within the wider context of positive relationship and behaviour approaches based on their own individual needs and context.

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26 <http://www.gov.scot/Topics/People/Young-People/gettingitright/national-practice-model>

Education authorities should develop this as part of a framework of promoting a positive ethos, and positive relationships and behaviour. This should clearly articulate the expectations of staff with regard to physical intervention, for example it is only acceptable to physically intervene where the member of staff reasonably believes that if they do not physically intervene, the child or young person's actions are likely to cause physical damage or harm to that pupil or to another person<sup>27</sup>.

A key aspect of a school approach to intervening early and reducing the need for exclusion is staff having an understanding and awareness of de-escalation techniques. All relevant staff should be offered professional learning opportunities to learn about de-escalation techniques and to understand the different types of challenging behaviour.

Staff should also be provided with opportunities to reflect on the potential emotional impact on children, young people and staff during any incidents of challenging and distressed behaviour and engage in discussions about how this can be supported in a school context.

## Seclusion

Seclusion of a child or young person within a separate space is also a form of physical intervention and should also only be used as a last resort to ensure the safety of a child or young person, or others.

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<sup>27</sup> <http://www.legislation.gov.uk/asp/2000/6/section/16>

Any separation of a child or young person must be in a place that is safe and that does not cause any additional distress to the child or young person.

The use of this form of physical intervention should be included in an agreed plan for the individual. Where seclusion is used:

- it must be in a place that is safe;
- it should be managed under supervision;
- it should take into account the additional support needs of the child or young person; and
- it should be time limited.

Education authorities should ensure that appropriate support and training is provided for staff and this should include guidance on support following an incident for all those involved.

An education authority policy should also specify the appropriate levels of intervention when responding to challenging and distressed behaviour, recognising that the majority of children and young people in our schools will never require any form of physical intervention.

Any incident where a decision is made to physically intervene must be recorded and monitored. Details on how this should be undertaken should be included in an education authority's policy on de-escalation, physical intervention. The recording and monitoring of such incidents will help education authorities to monitor the effectiveness of their policy and practice. It will ensure transparency, enable

them to review and improve their policy and help identify professional learning needs and further supports where appropriate.

The rights of all children and young people must be a key consideration where physical intervention is being considered. This reflects the recognition and realisation of children and young people's rights across Scottish public policy, public services and society as a whole. It is important to consider the United Nations Convention on the Rights of the Child (UNCRC) in this context. Article 37 states that 'No one is allowed to punish children in a cruel or harmful way.' Article 3 states that 'the best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children'.

### **Managing incidents involving weapons**

Where school staff suspect that a child or young person is in possession of a weapon, such as a knife, in school, this should, where possible, be referred to the headteacher, or in their absence the member of staff deputising immediately. Staff should not directly challenge the child or young person.

Schools should ensure that training and support on de-escalation is provided for all school staff. This should include how to respond to situations where a child or young person may be suspected of having a weapon. When considering the most appropriate way to deal with a situation where school staff suspect a child or young person is in possession of a weapon,

consideration must be given to the safety of the child or young person and all others within the school. It may be evident from the circumstances that there is a need to call the police to attend. Prior training in risk assessment for such situations should be undertaken within all schools.

A member of school staff, in the presence of another member of senior staff, where possible, may – if they believe it is safe to do so – ask the child or young person to disclose and display the contents of pockets or bags, to ascertain if there is a weapon. If the child or young person will not co-operate by displaying their belongings, then the child or young person should be asked to remain where they are and the police should be called immediately.

Education authorities, in consultation with key partners including staff unions should develop their own policy on weapons within the wider context of positive relationships and behaviour approaches. Education authorities and schools have a responsibility to ensure that all staff are aware of the local policy and procedures to follow if they suspect that a child or young person is in possession of a weapon.

Any incident where a decision is made to undertake a search of a child or young person and/or where a weapon is suspected or found, must be recorded. Education authorities and schools should develop their own recording and monitoring processes for weapons within their existing systems to ensure that they have accurate evidence, which is monitored and reviewed to help identify emerging issues and support early action.

Details on how this should be undertaken should be included in an education authority's policy on preventing exclusions and supporting positive relationships. Regular monitoring of such incidents will help education authorities to monitor the effectiveness of their policy and practice. It will also enable them to review and improve their policy, and will help identify any professional learning needs.

Schools should consider, as part of their health and wellbeing curriculum, how children and young people can be supported to develop safe and responsible attitudes, including understanding the risks and dangers that can arise from carrying a weapon and by being encouraged to speak with an adult if they suspect that someone has a weapon.

### **Flexible packages to improve outcomes**

As a result of an appropriate assessment, establishments may consider the use of individualised, planned packages of support that may include time in onsite school support and offsite support 'centres' in order to prevent exclusion. Partners from within and outwith the education authority should, where possible, support schools in providing packages of support to engage children and young people across all sectors. In such cases, the assessment and planning team may consider the use of college and vocational placements; community learning and development programmes; social work and third sector interventions. However, schools should seek to ensure that children and young people attend school or another learning environment for the recommended 25 hours in primary schools and 27.5 hours for

secondary schools<sup>28</sup>. Whilst establishments in partnership with education authorities may agree that the needs of a child or young person are best met through a reduction in the number of hours spent at school for a limited period, this should be carefully negotiated, recorded and monitored. This arrangement can now be recorded as a separate code through the SEEMiS system as outlined in Section 8.

### **Sending home without excluding**

All exclusions from school must be formally recorded. **Children and young people must not be sent home on an 'informal exclusion' or sent home to 'cool-off'.**

Following an incident where the decision is made that the child or young person cannot remain in school, for one of the reasons specified in regulation 4 of the Schools General (Scotland) Regulations 1975 as amended, this must be recorded as an exclusion. This will ensure transparency, allow for appropriate monitoring and enable support to be put in place through the education authority's staged intervention system.

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28 <http://www.edlaw.org.uk/guidance/week.pdf>

## Section 7: The Consideration of Individual Circumstances in the Exclusion Process

This section outlines the individual circumstances that should be taken into account when excluding a child or young person from school, particularly with regard to those children or young people who have additional support needs, a disability, are looked after, or where there are child protection concerns. **Excluding a child or young person from school, whatever their individual circumstances, is an extremely serious step. It can have a serious impact upon learning and their future outcomes.**

Therefore, in all circumstances it is necessary to consider whether the exclusion will lead to improved outcomes for the child or young person. Targeted support should be explored and exhausted to ensure the on-going wellbeing and stability of placement of the child or young person, with **exclusion from school always being the last resort.**

Statistics suggest that exclusion is more prevalent amongst certain groups of children: those with an assessed or declared disability; looked after children and young people; children and young people from the most deprived areas; and those with additional support needs, particularly if that additional support need is social, emotional and behavioural. Consequently, for some of the groups that are highlighted, there are additional factors that need to be considered.

Prior to the decision to exclude being made discussions with the child or young person, their parent(s), and any involved

professionals should take place, where possible. Where the decision is to exclude, other professionals involved, such as social workers, family support workers etc., should be made aware of the situation. Education authorities should make clear what their protocols are around ensuring other agencies' views with regard to the potential exclusion of a child or young person are taken into account.

### Children and young people with additional support needs

The circumstances in which a child or young person with additional support needs can be excluded are the same as any other child or young person. However, any decision to exclude must take account of and be in line with the local authority's duties under the **Education (Additional Support for Learning) (Scotland) Act 2004 (as amended)**<sup>29</sup> and the **Equalities Act 2010**<sup>30</sup>. The Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) places specific duties on education authorities and other appropriate agencies to:

- make adequate and efficient provision for the Co-ordinated Support Plan; and
- provide support and/or services whether on school premises or outwith. This may be taken forward by the Lead Professional.

29 <http://www.legislation.gov.uk/asp/2004/4/contents>

30 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

Where a child or young person with an additional support need is at risk of exclusion, the education authority must take all reasonable steps to ensure that appropriate provision can be made to meet the child or young person's additional support needs during the period of exclusion. An education authority must continue to provide additional support as required, under the terms of the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended).

### **Children and young people with protected characteristics**

The Equality Act 2010 does not prohibit schools from excluding children or young people with particular protected characteristics, but it does prohibit schools under section 85(2)(e) from excluding children and young people because of their protected characteristic or from discriminating during the exclusion process.

### **Children and young people with disabilities**

In addition to the above, under section 85(6) Equality Act 2010, schools also have a duty to make reasonable adjustments to the exclusion process for disabled children and young people.

Schools and education authorities should ensure that they comply with the provisions of the Equality Act 2010 in relation to discriminatory behaviour in the context of exclusion from school. The **Disability Discrimination Act 1995 Code of Practice**<sup>31</sup> indicates that responsible bodies must not discriminate against a learner with a disability by excluding him or her for a reason related to the learner's disability.

31 <http://www.legislation.gov.uk/ukpga/1995/50/section/28L>

### **Looked After Children**

Understanding the specific needs of Looked After Children is crucial in order to ensure that any exclusion of a looked after child or young person is managed appropriately. School life can be a protective factor in the lives of Looked After Children and good relationships both within the educational establishment and beyond, are fundamental to ensuring that all appropriate steps are taken when considering and managing exclusion. It is likely that an exclusion from school will have a significant impact upon the life chances of a looked after child, if not mitigated for.

In the short term, exclusion could lead to the need to move placement, with all the disruption to existing relationships that this causes if appropriate care and supervision cannot be provided while the child or young person is excluded. In the longer term, ongoing instability in a child's life is very likely to lead to life-long challenges and ongoing disadvantage.

Children and young people may move between different types of placement while being looked after. This might include being looked after at home where the child or young person is subject to a compulsory supervision order while continuing to live in their usual place of residence; or being looked after away from home, which could include foster care, residential care or kinship care. Local authorities have certain responsibilities to children or young people who are looked after by them in terms of the definition in section 17 of the **Children (Scotland) Act 1995 (as amended)**<sup>32</sup>. In cases where looked after children are

32 <http://www.legislation.gov.uk/ukpga/1995/36/contents>

placed outwith their local authority, in a care placement and school, the Looked After Children (Scotland) Regulations 2009 makes the responsible authority the authority that is looking after, or last looked after, the child or young person. While the responsibility for delivering service or support will likely be transferred to the host authority, the responsibility for securing and promoting the individual's wellbeing remains with the placing home authority, and so facilitating continuity of support and cooperative planning will be necessary.

In all cases prior to exclusion, the Designated Manager for Looked After Children within the school, should involve the child or young person's lead professional, as well as the child's parent with a view to considering the implications and potential impact on wellbeing that exclusion can have. The **Education (Additional Support for Learning Act) (Scotland) Act 2004 (as amended)**<sup>33</sup>, states that all Looked After Children and Young People will be deemed to have additional support needs, unless assessed otherwise, and appropriate consideration should be given to how to support these needs during any period of exclusion.

Corporate Parenting in Part 9 of the Children and Young People (Scotland) Act 2014 and the corresponding guidance sets out the statutory duties and responsibilities of all corporate parents to safeguard the rights and promote the wellbeing of looked after children. All employees of the local authority should be made aware of their responsibilities with regard to corporate

33 <http://www.legislation.gov.uk/asp/2004/4/contents>

parenting. This includes the requirement to collaborate with other corporate parents, including other local authority departments, to meet the needs of looked after children. Good communication between corporate parents, alongside the meaningful involvement of children and their families, will support meeting the needs of individual children when considering and managing exclusions.

### Children who are adopted

Each year a significant number of children in Scotland who cease to be looked after are adopted<sup>34</sup>. The needs of these children remain the same as they were while looked after. Many of these children continue to struggle with some aspects of school life. They often have complex needs<sup>35</sup> that can lead to challenging behaviours and the risk of exclusion. These difficulties in school and especially exclusions can overwhelm what can sometimes be fragile home and family lives.

This guidance on preventing exclusions is especially relevant to many adopted children, for example, schools facilitating parental engagement, providing early intervention, assessment, and understanding behaviour as communication. Without these kinds of support, and awareness of their needs, there is a risk that exclusion will lead to a worsening in a child's behaviour in school and at home.

34 <http://www.gov.scot/Topics/Statistics/Browse/Children/PubChildrenSocialWork/AdditionalTables2014-15>

35 [http://www.gla.ac.uk/media/media\\_475647\\_en.pdf](http://www.gla.ac.uk/media/media_475647_en.pdf)

### **Child protection register/concerns**

Child protection concerns may arise due to a number of differing reasons: from wellbeing concerns about potential abuse or neglect; to behaviours by the child or young person themselves which may put them at risk. It is essential that staff in all educational establishments know which senior staff are aware of who is or has been on the child protection register or for whom there are concerns.

All education authorities are responsible for maintaining a central register of all children and young people – including unborn children – who are on the Child Protection Register. In cases where the exclusion of a child or young person who is on the child protection register, or for whom there are current or previous child protection concerns, is being considered, the member of staff with responsibility for child protection within the school should be informed. In addition, where the decision to exclude is being considered, social work services should be involved in the decision. It is essential that this is done immediately prior to the child or young person being sent home in order to ensure their health and wellbeing, and social work services should be engaged throughout the period of exclusion from school and in line with local protocols. In all cases where a decision to exclude is being taken schools should be prepared to undertake a risk assessment to ensure that the child or young person will not be placed at further risk whilst excluded from school, and that appropriate provision should be available without undue delay.

### **Children and young people who are living in areas of socioeconomic deprivation**

Whilst exclusion figures continue to fall, children and young people living in areas of socioeconomic deprivation are still over represented in the numbers of children and young people who are excluded from school. Rates of exclusion per 1,000 pupils are more than six times greater for pupils living in the 20% of areas associated with most deprivation, compared with pupils living in the 20% associated with least deprivation with the least deprivation, as defined by the Scottish Index of Multiple Deprivation. Children and young people who are living in these areas are more likely to have experienced a wide range of adverse living circumstances which impact on their wellbeing. Schools need to take account of how a range of factors may be impacting on children and young people's behaviour and be aware that exclusion can be an additional stress factor for children and young people and their families who are experiencing such adverse life circumstances.

Schools need to also take into account that an exclusion may also have an immediate impact on the wellbeing of children and young people from such backgrounds. This might include missing out on free school meals and being prevented from accessing the security and continuity of the school environment.

### **Children and young people who are excluded on multiple occasions**

Where multiple exclusions of a child or young person have taken place it should highlight to the school that the support provision being used/in place is not working. In these instances schools should

seek additional support in line with their authorities' staged intervention policy. The education authority should monitor and track learners who are excluded on multiple occasions and clear guidance should be given to schools that **where a child or young person is excluded on multiple occasions a different intervention is required.**

### **Children and young people living in school hostels or lodgings**

In education authorities, where children and young people are living in hostels or lodgings as part of their education, the local authority should have procedures in place to take this into account when considering an exclusion.

There are specific issues which will need to be considered if exclusion of a child or young person living in school hostels or lodgings is being considered. It is essential, in such circumstances, that appropriate discussions take place with hostel wardens or landlords and the parents of the child or young person.

In certain exceptional circumstances it may be appropriate for a child or young person to be excluded from school due to behaviour within the setting of their school hostel or lodgings. This would have to be a last resort and where the behaviour that has taken place could reasonably be described as giving rise to a situation where allowing the child or young person to continue their attendance at school would be likely to be seriously detrimental to order and discipline in the school or educational wellbeing of other children or young people there.

In such cases the Head Teacher will be required to work closely with the local residence officer. Invariably it will be the staff of the residence who will first alert the Head Teacher and Area Manager to any issues of this kind to enable discussions around support that can be provided, and any alternative strategies or interventions that can be used to support the child or young person.

## Section 8 Exclusions – Management of, resolution and ways forward

The following section should be considered in the wider context of the ‘**Guiding Principles**’ (Section 3) which state that the foundations for schools, learning establishments and education authorities is a whole school ethos of prevention, early intervention and support.

Where prevention and early intervention strategies have been exhausted and exclusion is deemed to be necessary, this section outlines the legislation, regulations and procedures which inform how school exclusions should be carried out, including providing guidance on good practice. Guidance on decision-making, communicating, rights of appeal, recording and the provision of education during the period of exclusion are also outlined. Finally, this section considers the process of resolution and future supports.

### Key legislation relating to exclusion

The power to exclude a child or young person from school rests with the relevant local authority. It is, however, open to a local authority to delegate the power to exclude children or young people to senior management level within a school. The following legislation needs to be incorporated into local exclusion guidance. It should not, however, be relied upon as an exhaustive consideration of the legal duties which may now or in the future, be imposed on local authorities.

The power to exclude a pupil from a school and the circumstances under which a pupil may be excluded; and the requirements on local authorities where a decision to exclude has been taken are set out in Regulations 4

and 4A of the Schools General (Scotland) Regulations 1975 (“the 1975 Regulations”), as amended<sup>36</sup> and the Schools General (Scotland) Amendment (No. 2) Regulations 1982<sup>37</sup> (S.I. 1982/1735).

Regulation 4 provides that an education authority **shall not exclude** a pupil from school unless the authority:

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

“consider that in all the circumstances to allow the pupil to continue his 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. ”

Exclusion from school of a child or young person other than in conformity with the terms of the 1975 Regulations as amended has no statutory authority. Failure to comply with the 1975 Regulations as amended in such circumstances may render the authority open to legal challenge by the parent(s), or the pupil (where the pupil is a young person or is a child with legal capacity in terms of the Age of Legal Capacity (Scotland) Act (1991))<sup>38</sup> or to action by the Scottish Ministers under section 70 of the Education (Scotland) Act 1980, as amended.

36 <http://www.legislation.gov.uk/ukxi/1982/1735/made>

37 <http://www.legislation.gov.uk/ukxi/1982/1735/contents/made>

38 <http://www.legislation.gov.uk/ukpga/1991/50/contents>

Section 21 of the Education (Scotland) Act 2016<sup>39</sup> inserts new section 2ZA into the Education (Scotland) Act 1980, providing Ministers with the power to prescribe the number of learning hours to be made available (by education authorities and grant aided schools) to school pupils. The regulation making power provides the necessary flexibility to accommodate situations in which it would be legitimate for an authority/manager of a grant aided school to offer a reduced level of provision, such as exclusion. The Scottish Government will consult fully and widely in accordance with the requirement in section 2ZA(11) before exercising this power.

In the event of an exclusion of a child receiving their 600 hours of early learning and childcare (ELC) entitlement at an **authority managed provider or a partner provider**, the child still has a legal right to receive the hours they might miss due to having been excluded. However, it is very unlikely that a child would be excluded from ELC in the first place, and as ELC is an entitlement and is not compulsory, the parent would also need to request the hours to be made up by the local authority. If an eligible pre-school child, who receives their funded ELC entitlement at a **partner provider**, is excluded from that partner provider, it would fall to an education authority to make alternative arrangements to provide the entitlement to the child elsewhere.

Exclusion policy should also be seen in the wider context of an authority's duties to:

- "...secure that there is made for their area

<sup>39</sup> <http://www.legislation.gov.uk/asp/2016/8/contents/enacted>

**adequate and efficient provision of school education...."** (under section 1 of the Education (Scotland) Act 1980);

- "...secure that the education is directed to **the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential.**" (under section 2(1) of the Standards in Scotland's Schools etc. Act 2000)<sup>40</sup>;
- "...have due regard, so far as is reasonably practicable, to **the views (if there is a wish to express them) of the child or young person in decisions that significantly affect that child or young person**, taking account of the child or young person's age and maturity." (under section 2(2) of the Standards in Scotland's Schools etc. Act 2000 in regard to section 2(1); and
- "...have regard to the general principle that, so far as is compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, **pupils are to be educated in accordance with the wishes of their parents.**" (under section 28 of the Education (Scotland) Act 1980).

Therefore, in any relevant procedures, including appeals against the decision to exclude, the views of the child or young person, as well as those of the parent(s) should be accurately represented and appropriately taken into account. As the views of child or young person may diverge from their parent(s), it is clearly not sufficient to assume that the views of the

<sup>40</sup> <http://www.legislation.gov.uk/asp/2000/6/contents>

parent(s) automatically reflect those of the child or young person.

Further consideration should also be given by the local authority to the following legislation:

The Equality Act (2010) provides that it is unlawful to exclude a pupil because of a protected characteristic. Section 85 (2) provides that:

- The responsible body of such a school must not discriminate against a pupil–
  - (a) in the way it provides education for the pupil
  - (b) in the way it affords the pupil access to a benefit, facility or service;
  - (c) by not providing education for the pupil
  - (d) by not affording the pupil access to a benefit, facility or service
  - (e) by excluding the pupil from the school
  - (f) by subjecting the pupil to any other detriment.

Section 85(5) provides that:

- The responsible body of such a school must not victimise a pupil–
  - (a) in the way it provides education for the pupil
  - (b) in the way it affords the pupil access to a benefit, facility or service
  - (c) by not providing education for the pupil
  - (d) by not affording the pupil access to a benefit, facility or service
  - (e) by excluding the pupil from the school

- (f) by subjecting the pupil to any other detriment.

In reaching a decision to exclude, education authorities have to consider whether they could comply with section 4 of the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) which requires that every education authority must:

- “(1)(a) in relation to each child and young person having additional support needs for whose school education the authority are responsible, make adequate and efficient provision for such additional support as is required by that child or young person, and
- (b) make appropriate arrangements for keeping under consideration–
  - (i) the additional support needs of, and
  - (ii) the adequacy of the additional support provided for, each such child and young person.
- (2) Subsection (1)(a) does not require an education authority to do anything which–
  - (a) they do not otherwise have power to do, or
  - (b) would result in unreasonable public expenditure being incurred.”

### **Management of exclusion**

Once a decision to exclude has been made, the local authority should ensure that the child or young person does not leave school until their safety, health and wellbeing are assured and appropriate arrangements are in place. Refer to Checklist 2.

**Local authorities or their delegated manager, when deciding whether exclusion is necessary, should consider the particular facts and circumstances surrounding the**

**individual incident(s) and the child or young person. These are outlined clearly in Section 7 of this guidance.**

**Procedures to follow when excluding a child or young person**

Regulation 4A of the 1975 Regulations as amended makes provision for the procedures to be followed in exclusion.

The authority must, on the day upon which a decision to exclude a child or young person is taken, intimate in writing or orally (where intimations are oral they must be confirmed in writing) to the child's parent or if the learner is a young person, the young person (defined in section 135(1) of the Education (Scotland) Act 1980 ("the 1980 Act") as "a person over school age<sup>41</sup> who has not attained the age of 18 years"):

- the decision to exclude; **and**
- the date, time and place where the head teacher, other teacher at the school or official of the education authority, shall be available to discuss the decision to exclude. This meeting must be within seven calendar days following the day of the decision to exclude.

The authority must, notify the parent/carer or young person in writing (by post or handed to the parent or young person directly):

- (a) the reason(s) the pupil was excluded
- (b) the conditions, if any, with which the parent and/or pupil must comply, or

41 "school age" is defined in section 31 of the Education (Scotland) Act 1980 as "subject to sections 32(3), 33(2) and (4) of this Act, a person is of school age if he has attained the age of five years and has not attained the age of sixteen years".

undertake to comply before the pupil may be re-admitted;

- (c) the right to refer the decision to exclude the pupil to an appeal committee under section 28H of the 1980 Act and the right to appeal this committee's decision to the sheriff and how appeals can be initiated; **and**
- (d) any other information which the education authority considers appropriate.

In most instances the authority will delegate this to the school.

A child or young person should be actively involved and participate in all stages of the process. A core principle of the UNCRC is a commitment to ensuring that children and young people have the opportunity to participate in the decisions that affect them. The UNCRC defines participation as "ongoing processes, which include information-sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes"<sup>42</sup>. The Children and Young People's Commissioner Scotland has developed a resource called 'the 7 Golden Rules of Participation'<sup>43</sup> which provides advice on how best to plan and deliver participation with children and young people. '7 Golden Rules for Participation Symbols Resource' is also available to help

42 <https://www.un.org/ruleoflaw/blog/document/the-right-of-children-to-be-heard-childrens-right-to-have-their-views-taken-into-account-and-to-participate-in-legal-and-administrative-proceedings/>

43 <http://www.cypcs.org.uk/education/golden-rules>

deliver participation rights for younger children and children and young people with additional support needs.

Section 41 of the Standards in Scotland's Schools etc. Act 2000 extended the right of appeal in section 28H of the 1980 Act to pupil with "legal capacity" within the meaning of section 2(4A) and (4B) of the Age of Legal Capacity (Scotland) Act 1991. Therefore, the education authority should send the intimation regarding the right to make a reference to the appeal committee to a pupil with legal capacity, as well as the parent, so that they are aware they also have the right of appeal, as well as a right to express a view. Further information on appeals is outlined below.

**It is good practice to agree a plan to support the child or young person on their return to school.** This should not take the form of a 'good behaviour contract'. **It is not a legal requirement that pre-return conditions are set.** Full guidance on returning to school following a period of exclusion can be found under '**Resolution and ways forward**' page 43.

### Length of exclusion

The length of an exclusion is not defined in the legislation and accordingly is a matter for the discretion of the local authority and should be detailed in local guidance. It should be proportionate and take into account individual circumstances (see Section 7). The local authority remains responsible for the provision of education for the child or young person during the period of exclusion.

### Recording an exclusion

All exclusions should be recorded on the local authority management information system. Recording and monitoring of exclusions are essential for a number of reasons:

- ensuring that appropriate interventions and supports are in place at the whole school level;
- identifying if there is an unmet wellbeing need for an individual child or young person; and
- providing data about patterns of exclusion to inform future practice.

Regulation 10(1A) of the 1975 Regulations as amended provides that, where a pupil's progress record contains information relating to a decision to exclude, certain other information is also to be recorded. This other information includes any decision of an appeal committee, and if the appeal committee is appealed, any decision of a sheriff. Regulation 10(1A) also requires the parent/carer or young person to be informed of the terms of the entry in the record, as soon as practicable after the entry is made. However, information about exclusion is not something which must be included on the record, although the above referred to requirements apply where such information is included.

### Right of appeal against the decision to exclude

The right of appeal against the decision to exclude is conferred by section 28H of the 1980 Act, as extended to learners with legal capacity in terms of section 2(4A) and (4B) of the Age of Legal Capacity (Scotland) Act 1991 by section 41 of the 2000 Act.

As previously outlined, the education authority should send the intimation regarding an exclusion to a learner with legal capacity, or to a young person as well as the parent, so that the learner and young person has full knowledge of the decision since they have the right of appeal, as well as a right to express a view. In the case of pupils who are under 16 the intimation regarding an appeal should be made to the parent. The meeting to discuss the appeal should be with the parent. The child or young person may attend the meeting if both the education authority and the parent(s) agree; and should attend if it was the learner who exercised the right of appeal.

Regulation 4A (2) of the 1975 Regulations as amended provides that an education authority shall, within the period of eight days immediately following the day upon which the decision is taken ensure that intimation in writing is made to the parent of the pupil, where the pupil is a child, or to the pupil himself, where he is a young person, of:

- (a) the reason for the decision to exclude
- (b) the conditions, if any, with which the pupil and his parent or either the pupil or his parent are required to comply or to undertake to comply as conditions precedent to the pupil being re-admitted to the school
- (c) the right to refer the decision under section 28H of the Education (Scotland) Act 1980 to an appeal committee set up and maintained under section 28D of that Act

- (d) the address to which such a reference should be made
- (e) any other information which the education authority consider appropriate.

Regulation 4A(3) of the 1975 Regulations as amended provides that there is a duty on an authority to provide notification where:

- (a) a pupil who has not been re-admitted to the school from which he was excluded within seven days of the date of the decision so to exclude him
- (b) a pupil whose parent has not indicated orally to the head teacher of the school or in writing after receiving intimation in accordance with section 28H of the Education (Scotland) Act 1980 or otherwise to pursue the matter further.

Where the learner has been readmitted to the school within seven days of the decision to exclude and the learner's parent (or learner where applicable) has indicated to the head teacher that they do not intend to appeal the decision, the education authority may issue the subsequent written notification within eight days of the decision to exclude, or thereafter.

### **Education provision during the period of exclusion**

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

- provide school education for the excluded pupil in a school managed by them; or

- make arrangements for the excluded pupil to receive such education in any other school the managers of which are willing to receive the excluded pupil; or
- make special arrangements for the excluded pupil to receive education other than at an educational establishment.

Where a child or young person is to be placed at another school either as part of an exclusion or following removal from the register, education authorities should not only arrange, but also co-ordinate, all aspects of this onward placement in the best interests of the child or young person. Parents and the child or young person should be included in any decisions regarding placement at another school.

There is no legislative definition of ‘undue delay’. However, the objective is to ensure the child or young person **continues to receive an education while excluded**.

It is reasonable to expect alternative education provision to be in place after 3 days. Education authorities should set their own policies on the provision of education for excluded children and young people which should include details of who will provide the education as well as where and when it will be provided.

The education authority should seek to provide the quality, quantity and range of education which adheres, as far as is practicable, to that which was available to the child or young person before they were excluded.

It will not be sufficient to simply provide excluded children and young people with homework/classwork if they do not also receive sufficient teaching to enable them

to understand the material. Any arrangements, therefore, should involve contact with the child or young person on a regular basis. This could be provided in the form of an e-mail address/telephone number of a school contact who can address any concerns relating to the course work. There is also a responsibility on the child or young person and their parent(s) to make sure the provision arranged is carried out and used during any period of exclusion.

Any existing involvement in non-school based learning should continue. These include college placements, therapeutic support, or mentoring. It may be necessary to provide any such support in an environment outwith the school building during the period of exclusion.

The following are suggested types of education provision during periods of exclusion:

- suitable course work – to ensure the child or young person keeps up with work being taught during time excluded with a subsequent check to ensure the child or young person has understood the work;
- structured learning outside of home – i.e. library;
- programmes to address the behaviour needs of the child or young person to support re-integration to school and help prevent further exclusions; and
- virtual learning through GLOW/online learning.

## Parent/carer(s) responsibilities

A parent of a child or young person of school age has a duty under section 30 of the Education (Scotland) Act 1980 to provide efficient education for their child suitable to his or her age, ability and aptitude by causing their child to attend a public school (local authority) regularly, or by other means. **Parent(s) continue to be subject to this duty even if their child has been excluded from school. All parent(s) are encouraged to co-operate with their local authority to support any necessary provisions or special arrangements for their child or young person's education, if required to do so.**

Parent(s) should work with their child's school to develop and implement an agreed course of action. Parent(s) should also support and encourage their child to attend school regularly.

It is vital that the views of the child or young person are heard throughout the process. A parent can play an important advocacy role and ensure that their child's views are taken into consideration. This is particularly crucial where a child or young person is at risk of being, or has been, excluded from school. It is good practice to inform parents of how they might gain the support and advice of a practitioner, another adult or a relevant organisation which might assist them, advocate on their behalf or represent the views of the child or young person. It is also important for the child or young person to receive relevant support where necessary.

Children's Rights Officers and advocacy services have an important role to play in supporting children or young people who are being looked after by the local authority. Although a child with legal capacity, or a young person has the right to appeal, the role of the parent in supporting their child and ensuring their views are represented should be recognised and encouraged throughout the process.

The Scottish Ministers will consider complaints brought by parent(s) or other interested parties, who think the local authority has failed to fulfil its legal duty under any enactment relating to education, under section 70 of the Education (Scotland) Act 1980. If the Scottish Ministers are satisfied that an authority has failed to fulfil one of its legal duties, they may make an order requiring the authority to carry out that duty.

## Hostings or managed moves

Some local authorities have introduced a policy to support children and young people where they are finding it difficult to maintain a placement in a mainstream school. A strategy that can be used is a 'hosting' arrangement between two educational establishments. This strategy is often used where the child or young person has been excluded on several occasions and where they may have also been receiving additional support. The objective of a 'hosting' arrangement may be to:

- sustain the child or young person in mainstream education and reduce any loss or time to a minimum; and
- provide a 'fresh start' of measurable benefit for a child or young person and therefore enhance the likelihood of success in a new learning establishment.

Any consideration of a host or managed move should include careful assessment and planning, involving both schools, parent, child or young person and any other agencies to determine whether this is the best course of action for the child or young person. The child or young person would move to the 'host' school for a trial period. During the trial period the base school would retain responsibility for the child or young person. However, following a successful trial period, if all partners (including the child or young person) agree for the 'host' school to take full responsibility for the child or young person, an appropriate date for a permanent move will be set. Managed moves can be used within a cluster of schools, a local authority or across local authorities. Careful assessment, planning and monitoring which considers the child's or young person's wellbeing needs should be carried out throughout this period.

### **Exclusion and referral to the Reporter**

When considering whether a child or young person should be excluded because of serious disruptive behaviour, for example, physical assault on a pupil or member of staff; or, deliberate damage to buildings or equipment, consideration of referral to the Scottish Children's Reporter may be appropriate. The referral of a child or young person to the Reporter would be appropriate where there may be a need to intervene on a compulsory basis because the child or young person is deemed 'at risk' and his/her behaviour is giving serious cause for concern and should be addressed.

Referral to the Reporter would normally be considered once the school's formal processes have been followed, although in

some cases it may be appropriate to refer at an earlier stage. Decisions to refer to the Reporter should be based on an assessment of wellbeing, involving the appropriate agencies and the pupil and their parent(s), to identify the interventions which may be required to meet the pupil's needs. Where police have been involved, they will automatically refer the child or young person to the Children's Reporter.

Children and young people who display particularly challenging behaviour may be the victims of neglect or abuse and/or be the witnesses of domestic abuse. All children's behaviour is a form of communication and schools have a responsibility to alert other services if they have child protection concerns. The individual circumstances of the learner, using a multi-agency approach, and the national practice model, should be considered as part of the decision on whether to make a referral to the Children's Reporter in line with local authority procedures. The grounds for referral are set out in section 67(2) of the Children's Hearings (Scotland) Act 2011<sup>44</sup>. Schools, in consultation with the child, family and other relevant professionals, should be able to determine the appropriate course of action in such circumstances.

On referral, the Reporter will investigate the case and determine whether the evidence provided forms the basis for an assessment of whether compulsory measures of intervention may be required. If there is sufficient evidence of a potential need for compulsory measures, a Children's Hearing will be held. More information is available

<sup>44</sup> <http://www.legislation.gov.uk/asp/2011/1/contents>

from the Scottish Children's Reporter Administration (SCRA)<sup>45</sup> and Children's Hearings Scotland<sup>46</sup>.

## Resolution and ways forward

### 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. Appropriate approaches and strategies should be developed to prepare the child or young person, parent(s), staff and peers to enable them to return to school in a positive way.

It is good practice to meet with the child or young person and their parent(s) to discuss their return to school and to agree the most appropriate supports moving forward. Return to school planning with the child or young person and their parent(s) may include arrangements for further planning including some discussion about the roles and expectations for all those involved, including the child or young person. This planning can take place through a formal meeting or as part of on-going discussions with all those involved. Identified supports leading on from a risk assessment, should also be discussed and put into place, where appropriate. **It is not, however, a legal requirement to have a pre-return meeting, seek guarantees or contracts of behaviour with parents or young people before a return to school.**

Re-admission should take into consideration preparing and meeting the needs of staff and other children and young people affected by the behaviour/incident which led to the exclusion and their need for follow-up support. It is good practice to hold a restorative or solution oriented meeting(s) with staff and the children and young people involved to help repair and restore relationships and trust as part of the return to school. On-going support and monitoring should be provided by appropriate staff, e.g. guidance staff, to ensure that the child or young person's wellbeing needs are being met.

In order to support the child or young person appropriately and enhance the transition back to school, it may be necessary in exceptional circumstances to implement a package of support that could be achieved using a flexible or part time timetable with an agreed timescale as to when this will end. Any such arrangements should be for a short, agreed period with the aims and conditions around this recorded in any support plan. This should also be recorded in SEEMiS with a new code which has now been created for children and young people who are returning to school on a part time basis following a period of exclusion.

45 <http://www.scra.gov.uk/home/index.cfm>

46 [www.chscotland.gov.uk](http://www.chscotland.gov.uk)

Following discussion with SEEMiS the new code being introduced is:

Description	Code	Short Code
Part Time Timetable (exclusion related)	PTX	Y

When using this code, the time outwith school will be classed as **'authorised absence'**.

All partners including parents and the child or young person should be involved in the development of this temporary, short-term arrangement. The child's plan should reflect the steps taken by the education authority to provide the child or young person with their statutory entitlement of hours, ensuring that their learning needs are met. Education authorities should be aware of and monitor carefully any such provision, including any targets and timescales for return to full time provision which is an entitlement. Education authorities may want to consider further guidance on appropriate timescales within their local context.

Following the child or young person's return to school after exclusion, support provision and planning mechanisms should continue to be regularly reviewed. Schools and education authorities should continue with their staged intervention systems as outlined earlier.

## Removal from register

In 2014/15, only five pupils were removed from the register of a school<sup>47</sup> which is a significant reduction on previous years. In the context of education authorities' continuing duty to provide education, it is imperative that everything possible is considered to avoid such a situation. It is also important that removal from the register does not represent a failure to assess and implement the range of approaches and options available and involve the child or young person and their family.

In very exceptional circumstances it may be that the school believes that the child or young person's behaviour is such that it may merit their removal from the register of the school and therefore referral to the local authority for consideration. In such cases, this should be managed as a supportive way forward for the child or young person with transition planning put into place, in order to bring some resolution to the situation and avoid unnecessary gaps in educational provision.

## Admission to a new school following removal from the register

Where the decision is made to remove a child or young person from the register, local authorities must arrange for new educational provision to be made with the appropriate supports put into place. This is usually in the form of attendance at another establishment. Arrangements for transfer of the child or young person to a new establishment should be made

<sup>47</sup> <http://www.gov.scot/Publications/2015/12/7925/321888>

expediently to ensure minimal risk to the educational provision and to continuity of support. In addition, appropriate provision must be made during any period of exclusion. Where a plan is in place, consideration should be given to the need to transfer management of the plan.

Schools must ensure timely transfer of educational records and plans to support the effective transition of the learner to their new educational provision.

## Annexes

### ANNEX A

#### Definitions

##### Child protection

‘Child protection’ means protecting a child from child abuse or neglect. Abuse or neglect need not have taken place; it is sufficient for a risk assessment to have identified a likelihood or risk of significant harm from abuse or neglect. Equally, in instances where a child may have been abused or neglected but the risk of future abuse has not been identified, the child and their family may require support and recovery services but not a Child Protection Plan. In such cases, an investigation may still be necessary to determine whether a criminal investigation is needed and to inform an assessment that a Child Protection Plan is not required.

There are also circumstances where, although abuse has taken place, formal child protection procedures are not required. For example, the child’s family may take protective action by removing the child from the source of risk. Children who are abused by strangers would not necessarily require a Child Protection Plan unless the abuse occurred in circumstances resulting from a failure in familial responsibility. For example, if a young child is abused by a stranger, a Child Protection Plan may be required only if the family were in some way responsible for the abuse occurring in the first instance, or are unable to adequately protect the child in the future without the support of a Child Protection Plan.

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting, or by failing to act to prevent, significant harm to the child. Children may be abused in a family or in an institutional setting, by those known to them or, more rarely, by a stranger. Assessments will need to consider whether abuse has occurred or is likely to occur.

##### Child

A person under the age of 18 as defined in section 97 of the Children and Young People (Scotland) Act 2014.

##### Child’s Plan

A single agency or multi-agency plan which outlines a child’s wellbeing needs and how they are to be supported. A child’s plan forms the basis of a single planning framework which can incorporate plans that are required under other legislation. A Child’s Plan is required only when identified wellbeing needs cannot be met, or fully met, without one or more ‘targeted interventions’. A “young person” under section 22(2) in the Children and Young People (Scotland) Act 2014 refers to those who are beyond their 18<sup>th</sup> birthday and still at school; the Child’s Plan only applies until the 18<sup>th</sup> birthday.

##### Children with additional support needs

A child or young person has additional support needs if they are, or are likely to be, unable without the provision of additional support to benefit from school education provided or to be provided for them. Under the Education (Additional Support for Learning Act) (Scotland) Act 2004 (as amended), every looked after child is considered to have an additional support need by virtue of being looked after.

### Co-ordinated support plan (CSP)

A CSP is for those who have complex needs and need a high level of support from different services. A CSP will only be prepared for children who have complex or multiple additional support needs which have a 'significant adverse effect' on most areas of their learning; they need support from a local authority and at least one other non-education service or agency. These needs must last for 12 months or longer. It is a legal document, which means that the local authority must make sure that the child or young person receives the support outlined in their plan.

### Corporate Parenting

Corporate Parenting duties are set out in Part 9 of the Children and Young People (Scotland) Act 2014, and it specifies the public bodies and individual 'corporate parents' in schedule 4, who have responsibility for promoting and safeguarding the wellbeing of looked after children and care leavers. Corporate Parenting is described as the formal and local partnership needed between all services responsible for the needs of looked after children, young people and care leavers to enable them to achieve the best outcomes. The Act requires every corporate parent to be alert to matters which, or which might, adversely affect the wellbeing of looked after children, young people and care leavers under the age of 26 and:

- to assess the needs of those children and young people for the support and services it provides;
- to collaborate with each other when exercising their responsibilities in relation to looked after children and young people;
- to promote the interests of those children and young people;
- to seek to provide those children and young people with opportunities to participate in activities designed to advance their wellbeing;
- to take action it considers appropriate to help those children and young people to access opportunities and support and make use of the services it provides; and
- to take any other action as it considers appropriate for the purposes of improving the way in which it exercises its functions in relation to those children and young people.

Corporate parents are required to prepare, consult on and publish a corporate parenting plan and keep this under review. They will also be required to report on how they are exercising their duties to Scottish Ministers every three years starting from April 2018.

### Equality Act 2010

Protected characteristics (within school education):

- Disability;
- Gender re-assignment;
- Pregnancy and maternity;
- Race;
- Religion and belief; and
- Sex.

## Early learning and childcare

The term early learning and childcare was introduced by the Children and Young People (Scotland) Act 2014. It is defined in section 46 as “a service consisting of education and care, of a kind which is suitable in the ordinary case for children who are under school age, regard being had to the importance of interactions and other experiences which support learning and development in a caring and nurturing setting”. It refers to all types of settings which offer early learning and childcare to children who have not yet reached school age. The term ‘early learning and childcare settings’ therefore encompasses settings previously known as nursery classes, pre-school centres, day nurseries, community nurseries, nursery schools and also now includes childminders.

Through Part 6 of the Children and Young People (Scotland) Act 2014, eligible children have a statutory entitlement to 600 hours a year (or a pro-rata amount for each part of a year that they are eligible) of funded early learning and childcare. Local authorities are under a statutory duty to deliver this, and can deliver it through their own settings or through partner providers.

## Exclusion

An exclusion from school for a fixed period.

## Learning establishment

Includes colleges, placements, and extended provision provided by partner, in addition to schools.

## Legal capacity

The Age of Legal Capacity (Scotland) Act 1991, section 2(4A) and (4B) provides that a person under the age of 16 has legal capacity to instruct a solicitor in connection with any civil matter where they have a general understanding of what it means to do so and a child of 12 or more is presumed to be of sufficient age and maturity to have that understanding. Such a person also has legal capacity to sue or to defend in any civil proceedings. Section 41 of the 2000 Act extended appeal rights under section 28H of the 1980 Act to a pupil with such legal capacity.

## Looked After Children

Section 17(6) of the Children (Scotland) Act 1995 (as amended by paragraph 2(4) of Schedule 5 of the Children’s Hearings (Scotland) Act 2011) provides that a child who is Looked After by a local authority is a child:

- (a) for whom the local authority is providing accommodation under section 25 of the 1995 Act
- (b) who is subject to a compulsory supervision order or an interim compulsory supervision order and in respect of whom they are the implementation authority (within the meaning of the Children’s Hearings (Scotland) Act 2011)
- (c) who is living in Scotland and subject to an order in respect of whom a Scottish local authority has responsibilities, as a result of a transfer of an order under regulations made under section 33 of the 1995 Act or section 190 of the Children’s Hearing (Scotland) Act 2011

- (d) in respect of whom a permanence order is in force.

The majority of children who are considered to be Looked After will come into one of the following two categories:

- **Looked After at home**, where the child is subject to a compulsory supervision order or an interim compulsory supervision order with no condition of residence through the Children's Hearing System section 83 of the Children's Hearing (Scotland) Act 2011. The child continues to live in their normal place of residence (i.e. often the family home); and
- **Looked After away from home**, (i.e. away from their **normal** place of residence), where the child is subject to a **Supervision Order with a** condition of residence through the Children's Hearing system, or is provided with accommodation under section 25 (voluntary agreement) of the 1995 Act<sup>48</sup> or is subject of a Permanence Order under section 80 of the Adoption and Children (Scotland) Act 2007<sup>49</sup>. The child or young person is cared for away from their normal place of residence, e.g. in a foster care placement, residential/ children's unit, a residential school or with a kinship carer.

48 <http://www.legislation.gov.uk/ukpga/1995/36/contents>

49 <http://www.legislation.gov.uk/asp/2007/4/contents>

## Parent/carer

The term parent or parent/carers includes those with parental responsibility, including those providing a foster or residential placement, or the local authority where full parental responsibility rests with them. Parent is defined in section 135(1) of the Education (Scotland) Act 1980 as including "guardian and any person who is liable to maintain or has parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995) in relation to, or has care of, a child or young person".

## Removal from the register

This refers to an exclusion which is permanent.

## Staged intervention

This is a structured process used to identify the level of support required to meet the learning needs of an individual child or young person. Staged intervention models may vary from one local authority to another but generally there are three, four or five stages. A child or young person's progress is regularly reviewed and they may move between stages.

## Young person

Is defined in section 135(1) of the 1980 Act: a young person means a person over school age who has not yet attained the age of 18 years.

A 'young person' in the Children and Young people (Scotland) Act 2014 is a person who:

- attained the age of 18 years while a pupil at a school
- has since attaining that age, remained a pupil at that or another school.

## ANNEX B

### Approaches to improving positive relationships and behaviour

A whole school approach to positive relationships and behaviour is the most effective way of supporting wellbeing for children and young people. This is supported by a wealth of evidence that links culture and ethos with wellbeing as well as attainment.

The Scottish Government, in partnership with local authorities, Education Scotland and other agencies, has invested significantly in a wide range of approaches which focus on improving positive relationships and behaviour and promoting community safety.

There are a range of strategies and programmes which schools can and do use to improve relationships and behaviour and prevent the need for exclusion. These include the use of behaviour support teams; the development of whole school solution oriented approaches, restorative approaches and nurture approaches; and programmes to help develop social, emotional and behavioural skills.

In addition to these targeted strategies and programmes, health and wellbeing is now a curricular area in its own right within Curriculum for Excellence. Learning in health and wellbeing ensures that pupils develop the knowledge and understanding, skills, capabilities and attributes they need for mental, emotional, social and physical wellbeing now and in the future. Health and Wellbeing is also seen as a responsibility of all adults who work with children and young people.

This annex provides a short summary of some of the practices and approaches which promote positive relationships and behaviour and can be adopted within learning establishments, with support from Education Scotland. Many of these approaches can be used both at the universal level of support, as well as targeted interventions.

Implementation and readiness are key factors for schools and local authorities when considering which approach might best suit their needs. It is important that these approaches and practices are adapted to fit within a local context whilst adhering to the fidelity of the approach.

### Restorative approaches

Restorative approaches are based on a philosophy which places relationships, respect and responsibility at the heart of effective practice. The skills and processes which are key elements of restorative approaches have been demonstrated by many schools, early years' establishments and other learning settings as being more effective in addressing issues of discipline and conflict than more traditional approaches based on rewards and sanctions.

### Training in restorative approaches may include:

- exploration of the key values, skills and practices involved in restorative approaches, e.g. unconditional regard, attunement, active, empathic listening;
- the development of a restorative ethos through activities such as peer support and circle time;

- exploration of the structure of restorative conversations when staff/peer mediators intervene in a situation; and
- the use of restorative meetings and conferences involving all those affected by an incident including families where appropriate (this can be more effective for schools who have already embedded restorative approaches in their practice).

Many schools across Scotland have, over the last few years, successfully introduced a range of restorative approaches and report improvements in school relationships and behaviour following this. This was reflected in research recently carried out by Glasgow and Edinburgh Universities which reported on the effectiveness of restorative approaches in three Scottish Local Authorities.

### **Solution oriented approaches**

Solution oriented approaches provide staff with opportunities to explore aspects of their working environment and relationships within it. When a problem has been identified solution oriented approaches enable the individual to identify the skills, strengths and resources that they already have which can help them to find their own solutions. The approach aims to build individual capacity for effective problem solving and reflective practice and can often be used effectively to support key meetings and discussions within schools.

Training in solution oriented approaches may include:

- exploration of the key principles, such as:
  - People have the necessary resources to make changes;
  - Everyone has their own ways of solving problems;

- No sign-up, no charge. Collaboration enhances change; and
- Language shapes and moulds how we make sense of the world.
- identification of applications to be used in day to day practice; and
- planning and organising a solution oriented meeting including multi-agency meetings, pre-and post-exclusion meetings and professional development reviews.

Solution oriented approaches have been used in schools for a number of years with regard to supporting day-to-day practice and can also be used to support whole school strategic change. More recently, solution oriented practice has also been used effectively to actively support positive relationships and culture at the classroom level with a growing evidence base for its use at this level.

### **Nurturing approaches**

Nurturing approaches are based on the original work of Marjorie Boxall who developed the concept of Nurture Groups in response to the social and emotional needs of young children.<sup>50</sup> A Nurture Group is intended to create a bridge between home and school with many of the interventions and targets for children and young people being based around assessment using the Boxall Profile. Adults have a key role in modelling many of the basic skills which may have been missed in early childhood.

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50 <https://nurturegroups.org/about-nurture>

Nurturing approaches are based on the theory of attachment which was developed by John Bowlby and Mary Ainsworth and uses the six Nurturing Principles which are outlined below.

- Learning is understood developmentally;
- Environment offers a safe base;
- Nurture is important for the development of self esteem;
- Language is a vital means of communication;
- All Behaviour is Communication; and
- Transitions are important in young people's lives.

There is a long established evidence base for the use of Nurture Groups as a targeted approach to support children and young people but schools and local authorities are also increasingly seeing the benefits of using a Nurturing approach at the whole school level.

Training in Nurture would typically include:

- An understanding of early development and attachment theory and its impact on children and young people;
- An understanding of brain, stress and trauma and how it relates to children and young people's behaviour and emotional and social development;
- An overview of the Nurture Principles and how they can be applied at the whole school level and small group level; and
- The implementation of a nurturing approach across the whole school as well as the implementation of a Nurture Group.

### **Building positive relationships through support staff**

Support staff provide a valuable contribution to improving behaviour in schools and working with some of our most vulnerable children and young people. They are often at the forefront of dealing with behaviour in schools.

Support staff need opportunities to extend their knowledge, skills and confidence to effect change within their current practice through the development of positive relationships.

Support staff should be given the opportunity to:

- reflect on practice;
- be more effective practitioners by redefining skills;
- further develop knowledge, understanding and confidence;
- become equipped with effective practical strategies to support the delivery of everyday duties; and
- be familiar with the range of programmes currently used in schools, e.g. restorative approaches and solution oriented approaches.

Education Scotland has revised and updated the training programme "Building Positive Relationships – a training programme for Support Staff (2008)"<sup>51</sup> in response to the policy guidance Better Relationships, Better Learning, Better Behaviour (2013).

The resource allows and helps support staff

<sup>51</sup> <https://education.gov.scot/improvement/Documents/inc52TrainingProgramforSupportStaffIntro.pdf>

to: reflect on practice; be more effective practitioners by redefining skills; focus on further developing qualities and capabilities; further develop knowledge and understanding; and become equipped with effective practical strategies to support the delivery of everyday duties.

### **Mentors in Violence Prevention**

The Mentors in Violence Prevention programme in Scotland (MVP)<sup>52</sup> is a leadership programme in which young people are given the opportunity to explore and challenge the attitudes, beliefs and cultural norms that underpin gender-based violence, bullying and other forms of violence. Senior pupils are trained to become young leaders who support and mentor younger pupils. Within MVP a range of behaviours are explored including bullying, name-calling, sexting, controlling behaviour and harassment. The bystander approach is utilised in the programme whereby both male and female pupils are empowered to support and challenge peers and to be active in preventing violence in a safe way. MVP is most effective when part of a whole school approach and can play a key role in helping young people stay safe and support each other and in encouraging positive healthy relationships amongst peers. MVP fits well with Curriculum for Excellence and the national approach to encouraging positive relationship and behaviour in schools, and is consistent with the health and wellbeing experiences and outcomes.

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52 <http://mvpscotland.org.uk/>

The Mentors in Violence Prevention Programme was developed in the US in the 1990's by Dr Jackson Katz<sup>53</sup>. The Violence Reduction Unit<sup>54</sup> in Scotland has adapted the model for the Scottish context and supports the expansion of the programme in partnership with Education Scotland. In January 2016 MVP was being run in 54 schools in nine local authorities.

### **Recognising and Realising Children's Rights<sup>55</sup>**

Since the UK ratified the United Nations Convention on the Rights of the Child in 1991, there has been a stated commitment to protect the fundamental human dignity of every child as described by the articles of the Convention.

Recognising and Realising Children's Rights is a professional learning resource which seeks to develop adults' knowledge and understanding of children's rights, and how this can impact on their work with children and young people.

An appreciation and realisation of children's dignity is necessary for all adults in education settings in order to understand and appropriately implement such approaches as GIRFEC, Nurture, Restorative and Solution-Oriented Approaches.

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53 <http://www.mvpnational.org/program-overview/history/>

54 <http://www.actiononviolence.org.uk/>

55 <https://education.gov.scot/parentzone/my-child/what-is-my-child-entitled-to/Children%27s%20rights>

**Education Scotland<sup>56</sup> will continue to promote and update the resources and training materials that are available to local authorities to promote positive relationships and behaviour nationally<sup>57</sup>.**

### **Resources to support communication**

Code of practice [working with children and families](#)

The Additional Support for Learning Code of Practice provides statutory guidance to those working with children and young people with additional support needs on seeking and taking account of their views and good practice in communicating and working with parents.

### **Autism Toolbox**

The Autism Toolbox provides a wide range of advice and support for those working with children and young people with autism. The Toolbox includes advice on [supporting pupils, their wellbeing and a range of supports and strategies to support communication needs](#). One of which is highlighted below.

### **Communication Passport**

A communication passport (person-centred booklet for those who cannot easily speak for themselves) may be a useful tool to help highlight to all staff (including those who don't know the child well) the areas of difficulty where a child or young person may require support and the agreed strategies. Ownership of the passport by

<sup>56</sup> <http://www.educationscotland.gov.uk/>

<sup>57</sup> <http://www.educationscotland.gov.uk/inclusionandequalities/relationshipsandbehaviour/aboutrelationships/index.asp>

the child or young person will increase its effectiveness.

[Technology to support children and young people with complex additional support needs](#)

This resource demonstrates how Isobel Mair School in East Renfrewshire is using a range of technology to enable children and young people with complex needs to access the curriculum and support them to learn and communicate.

### **Resources to support violence prevention**

[What Works to Reduce Crime?: A Summary of the Evidence](#)

[Work to reduce violence and knife crime](#)

### **Mentors in Violence Prevention**

Schools and local authorities may wish to engage with Mentors in Violence Prevention (MVP) Scotland. This is a leadership programme which uses a bystander approach to empower young people to safely challenge and speak out against bullying, abusive and violent behaviour, as well as the negative attitudes and assumptions which underpin this behaviour.

The MVP Scotland Programme has been developed by the Violence Reduction Unit and is working with Education Scotland and local authorities to engage young people in schools to promote positive healthy relationships for young people across Scotland.

The MVP programme aims to raise awareness and challenge thinking by countering mainstream messages about gender, sex and violence, by creating a safe

environment and opening dialogue for boys and girls to share their opinions and experiences and inspire leadership by empowering participants with concrete options to effect positive change.

Within MVP a range of behaviours are explored including bullying, name-calling, sexting, controlling behaviour and harassment. The bystander approach is utilised in the programme whereby both male and female pupils are empowered to support and challenge peers and to be active in preventing violence in a safe way. MVP is most effective when part of a whole school approach and can play a key role in helping young people stay safe and support each other and in encouraging positive healthy relationships amongst peers. MVP fits well with Curriculum for Excellence and the national approach to encouraging positive relationship and behaviour in schools, and is consistent with the health and wellbeing experiences and outcomes.

### **Local Policing**

All schools in Scotland irrespective of whether they are serviced by a Schools Based Officer have access to community based police officers who are available to engage with staff and students.

Some local authorities across the country will have access to a Campus or Schools Based Police Officer. The main aim of the role is to improve the relationship between young people and the police locally. Their presence supports both education and wider outcomes – better relationships in schools, less anti-social behaviour and better relations with police.

### **No Knives Better Lives**

Our national No Knives Better Lives(NKBL) partners are working with a variety of councils across the country to deliver a range of activities in schools and communities to get the message across to young people about the dangers and consequences of carrying a knife, and encourages them to make positive life choices.

NKBL is a primary prevention programme targeting young people aged 11-18 years, on the cusp of picking up a knife. The programme specifically addresses the issue of knife carrying but is informed by and is complimentary to wider youth diversionary interventions and activities that aim to prevent anti-social behaviour and offending.

## Annex C – Checklists of Key considerations to be made prior to, during and after exclusion

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

### 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"> <li>• Child or young person;</li> <li>• Parents/carers;</li> <li>• Key education staff; and</li> <li>• Other professionals (e.g. Social work, Educational Psychologist).</li> </ul>		
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		

**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		

### 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		

## ANNEX D

### Exclusion from Schools - Scottish Government National Statistics

**Table 1a: Cases of exclusion by type of exclusion, 2006/07 to 2014/15**

	2006/07	2007/08	2008/09	2009/10	2010/11	2012/13	2014/15
<b>Exclusions in total</b>	<b>44,794</b>	<b>39,717</b>	<b>33,917</b>	<b>30,211</b>	<b>26,844</b>	<b>21,955</b>	<b>18,430</b>
Of which:							
Temporary exclusions	44,546	39,553	33,830	30,144	26,784	21,934	18,425
Removed from register	248	164	87	67	60	21	5

**Table 1b: Cases of exclusion rate per 1,000 pupils, 2006/07 to 2014/15**

	2006/07	2007/08	2008/09	2009/10	2010/11	2012/13	2014/15
<b>Exclusions in total</b>	<b>63.9</b>	<b>57.5</b>	<b>49.9</b>	<b>44.7</b>	<b>40.0</b>	<b>32.8</b>	<b>27.2</b>
Temporary exclusions	63.5	57.3	49.7	44.6	39.9	32.7	27.2
Removed from register	0.4	0.2	0.1	0.1	0.1	0.0	0.0

**Table 2a: Cases of exclusion by gender, 2006/07 to 2014/15**

Primary schools							
	06/07	07/08	08/09	09/10	10/11	12/13	14/15
Total	6,018	5,616	4,953	4,433	4,191	3,854	3,478
Boys	5,525	5,188	4,537	4,030	3,823	3,552	3,197
Girls	493	428	416	403	368	302	281
Secondary schools							
	06/07	07/08	08/09	09/10	10/11	12/13	14/15
Total	37,566	32,905	27,704	24,665	21,688	17,106	14,098
Boys	28,323	24,985	20,933	18,559	16,119	12,699	10,734
Girls	9,243	7,920	6,771	6,106	5,569	4,407	3,364
Special Schools							
	06/07	07/08	08/09	09/10	10/11	12/13	14/15
Total	1,210	1,196	1,260	1,113	965	995	854
Boys	1,103	1,077	1,116	1,007	870	853	736
Girls	107	119	144	106	95	142	118

**Table 2b: Cases of exclusion rate per 1,000 pupils by gender, 2006/07 to 2014/15**

Primary schools							
	06/07	07/08	08/09	09/10	10/11	12/13	14/15
Total	15.7	15.0	13.4	12.1	11.5	10.4	9.0
Boys	28.3	28.2	24.0	21.5	20.5	18.8	16.2
Girls	2.6	2.3	2.3	2.2	2.1	1.7	1.5
Secondary schools							
	06/07	07/08	08/09	09/10	10/11	12/13	14/15
Total	119.9	106.5	91.3	81.6	72.2	58.4	49.5
Boys	180.4	161.7	137.6	122.3	106.6	86.0	75.0
Girls	53.1	51.3	44.8	40.6	37.3	30.3	23.8
Special Schools							
	06/07	07/08	08/09	09/10	10/11	12/13	14/15
Total	182.5	187.3	195.0	174.1	147.6	148.1	126.4
Boys	243.4	246.3	250.6	229.2	192.8	182.5	156.6
Girls	51.0	59.1	71.8	53.1	46.9	69.4	57.4

**Table 3a: Cases of exclusion by stage from 2002/03 to 2014/15**

Primary schools								
	Total	P1	P2	P3	P4	P5	P6	P7
2002/03	4,131	95	173	238	505	741	999	1,380
2003/04	4,478	80	178	322	492	851	992	1,562
2004/05	5,319	130	245	402	717	938	1,284	1,603
2005/06	5,779	134	225	400	714	1,151	1,321	1,833
2006/07	6,018	156	305	400	653	1,062	1,534	1,908
2007/08	5,616	152	225	398	589	968	1,358	1,926
2008/09	4,953	137	246	339	567	824	1,167	1,673
2009/10	4,433	174	252	347	559	757	964	1,380
2010/11	4,191	143	216	381	535	759	928	1,229
2012/13	3,854	161	222	351	499	737	853	1,031
2014/15	3,478	150	260	388	478	592	672	938

Secondary and Special Schools								
	Secondary Total	S1	S2	S3	S4	S5	S6	Special
2002/03	31,055	4,599	7,813	10,449	7,147	835	212	1,310
2003/04	33,465	5,180	8,948	11,032	7,342	807	156	976
2004/05	35,513	5,413	9,708	11,809	7,558	890	135	1,142
2005/06	36,136	5,570	9,444	12,400	7,723	865	134	1,075
2006/07	37,566	6,312	9,942	12,497	7,652	993	170	1,210
2007/08	32,905	5,139	8,723	10,912	7,202	801	128	1,196
2008/09	27,704	4,643	7,123	9,108	5,966	722	142	1,260
2009/10	24,665	3,985	6,553	8,240	5,042	691	154	1,113
2010/11	21,688	3,452	5,667	7,287	4,537	618	127	965
2012/13	17,106	2,865	4,670	5,414	3,459	565	133	995
2014/15	14,098	2,333	3,718	4,624	2,790	491	142	854

**Table 4: Cases of exclusion by pupils living in the 20% most deprived and 20% least deprived areas according to Scottish Index of Multiple Deprivation (SIMD), 2007/08 and 2014/15**

	Number of exclusions	Number of temporary exclusions	Number of removals from register	Number of pupils at census <sup>1</sup>	Rate per 1,000 pupils
<b>2007/08<sup>2</sup></b>					
Most deprived	17,308	17,228	80	147,431	117
Least deprived	2,008	1,993	15	133,658	15
<b>2014/15<sup>2</sup></b>					
Most deprived	7,579	7,578	1	145,720	52
Least deprived	1,005	1,005	0	126,680	8

1. 2007 pupil census data used in 07/08 and 2014 pupil census data used in 14/15.

2. SIMD 2006 was used for 07/08 data and SIMD 2012 was used for 2014/15 data.

**Table 5a: Cases of exclusion (temporary and removals) amongst pupils Looked After by local authorities, 2009/10 to 2012/13**

This data can be found here:

<http://www.gov.scot/Publications/2014/09/6499/5>

Please contact Ian Volante if you need to clarify anything about these tables.

**Table 6a: Cases of exclusion (temporary and removals) amongst pupils with additional support needs (ASN), by provision type, 2006/07 to 2014/15**

	06/07	07/08	08/09	09/10	10/11	12/13	14/15
<b>Primary</b>							
With ASN	1,668	1,537	1,573	1,565	1,636	2,272	1,926
all time in mainstream class	1,443	1,357	1,403	1,389	1,524	2,062	1,845
some time in special class	181	135	121	145	72	179	60
all time in special class	44	45	49	31	40	31	21
Without ASN	4,310	4,048	3,346	2,837	2,528	1,563	1,543
Data not available	40	31	34	31	27	19	9
<b>Secondary</b>							
With ASN	4,928	4,890	4,893	5,049	5,854	7,336	6,957
all time in mainstream class	4,278	4,226	4,358	4,691	5,555	7,127	6,783
some time in special class	541	543	368	267	239	149	141
all time in special class	109	121	167	91	60	60	33
Without ASN	32,000	27,828	22,555	19,424	15,739	9,703	7,095
Data not available	638	187	180	192	95	67	46
<b>Special</b>	1,210	1,090	1,179	1,037	916	931	805
Data not available	0	106	81	76	49	64	49
With ASN	7,806	7,517	7,645	7,651	8,406	10,539	9,688
No ASN	36,310	31,876	25,901	22,261	18,267	11,266	8,638

**Table 6b: Cases of exclusion (temporary and removals) rate per 1,000 pupils amongst pupils with additional support needs, by provision type, 2006/07 to 2014/15**

	06/07	07/08	08/09	09/10	10/11	12/13	14/15
<b>Primary</b>							
With ASN	105	93	89	79	48	36	26
all time in mainstream class	104	94	90	78	47	34	26
some time in special class	110	87	82	98	47	115	37
all time in special class	98	95	95	63	82	48	26
Without ASN	12	11	9	8	8	5	5
<b>Secondary</b>							
With ASN	372	366	343	287	205	151	117
all time in mainstream class	376	367	349	293	207	152	117
some time in special class	404	418	294	240	197	141	167
all time in special class	215	231	302	188	114	122	50
Without ASN	107	94	78	68	58	40	31
<b>Special</b>	183	171	183	162	140	139	119



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