



**REPORT TO: CHILDREN AND YOUNG PEOPLE'S SERVICES COMMITTEE ON
2 MAY 2018**

**SUBJECT: INCLUDED, ENGAGED & INVOLVED: A POSITIVE APPROACH
TO MANAGING MORAY SCHOOL EXCLUSIONS**

BY: CHIEF EXECUTIVE

1. REASON FOR REPORT

- 1.1 The purpose of this report is to seek Committee approval of the revised locality authority policy on school exclusion – Included, Engaged and Involved: A Positive Approach to Managing Moray School Exclusions.
- 1.2 This report is submitted to Committee in terms of Section III (D) (1) of the Council's Scheme of Administration relating to exercising the functions of the Council as Education Authority.

2. RECOMMENDATION

- 2.1 **It is recommended that Committee considers and approves the revised policy on Moray school exclusions entitled: Included Engaged and Involved: A Positive Approach to Managing Moray School Exclusions (Appendix A).**

3. BACKGROUND

- 3.1 The current policy on Moray school exclusions entitled: Exclusions from School: Policies and Procedures was published on 21 August 2000.
- 3.2 It is necessary to periodically review and update policies to ensure they remain complicit with legislation and statutory guidance.
- 3.3 The revised policy (**Appendix A**) reflects current legislation.
- 3.4 The revised policy contains substantive changes from the previous version and as such should be viewed as a new document. A number of the more significant changes are listed (**Appendix B**).
- 3.5 The policy was revised following a protracted period of consultation. A working group oversaw the review. The working group contained representatives from primary schools, secondary schools, educational psychology, additional support needs team, social, emotional and behavioural needs team, quality improvement team and legal services.

- 3.6 The revised policy was initially presented to the Local Negotiating Committee for Teachers (LNCT) on 15 March 2017. The policy was then presented to Head Teachers on 20 April 2017. Following amendment the policy was presented and subsequently approved at LNCT on 25 January 2018.

4. **SUMMARY OF IMPLICATIONS**

(a) Moray 2026: A Plan for the Future and Moray Corporate Plan 2015 - 2017

This paper has been informed by Moray 2026 Priority 3 - 'Ambitious and confident young people'.

(b) Policy and Legal

The revised policy encompasses relevant parts of the following legislation:

- Schools General (Scotland) Regulations 1975
- Education (Scotland) Act 1980
- Age of Legal Capacity (Scotland) Act 1991
- Standards in Scotland's Schools etc. Act 2000
- Education (Additional Support for Learning) (Scotland) Act 2004
- Equality Act 2010
- Children's Hearings (Scotland) Act 2011
- Children and Young People (Scotland) Act 2014
- Human Rights Act 1998

(c) Financial implications

There are no financial implications arising directly from this report.

(d) Risk Implications

There is a risk that policies may not be complicit with legislation unless they are reviewed and updated regularly.

(e) Staffing Implications

There are no staffing implications arising from this report.

(f) Property

There are no property implications arising directly from this report

(g) Equalities

Under the Equality Act 2010, it is discriminatory to exclude a pupil because of a protected characteristic or for behaviours arising as a consequence of a protected characteristic. Decisions regarding the potential exclusion of a pupil will be considered on a case by case basis.

(h) Consultations

Senior Officers in Education and Social Care, Business Support Team Manager, Deborah Brands, Principal Accountant, Legal Services Manager (Litigation and Licensing), Tracey Sutherland, Committee Services Officer, Secondary Head Teachers and the Equal Opportunities Officer have been consulted and are in agreement with the contents of this report as regards their respective responsibilities.

5. CONCLUSION

- 5.1 Committee is asked to consider and approve the revised policy
'Included, Engaged and Involved: A Positive Approach to Managing
Moray Schools Exclusions'.**

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Background Papers:

Ref:

APPENDIX A

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Attached is the Policy for Moray School Exclusions – Included, Engaged & Involved: A Positive Approach to Managing Moray School Exclusions. This document was submitted for approval by the Children and Young People's Services Committee on 2 May 2018.

This policy should be reviewed in February 2021, or earlier if there are any legislative changes which impact on the policy.

HISTORY OF CHANGES AND AMENDMENTS		
DOCUMENT	CHANGE	DATE
	New policy on Moray School Exclusions – Included, Engaged and Involved: A Positive Approach to Managing Moray School Exclusions.	XXXX
SS/035/08	Previous policy on Moray School Exclusions - Exclusions from School: Policies and Procedures. Archived.	XXXX
SS/035/01	Previous policy on Moray School Exclusions - Exclusions from School: Policies and Procedures. Published.	16.07.2007



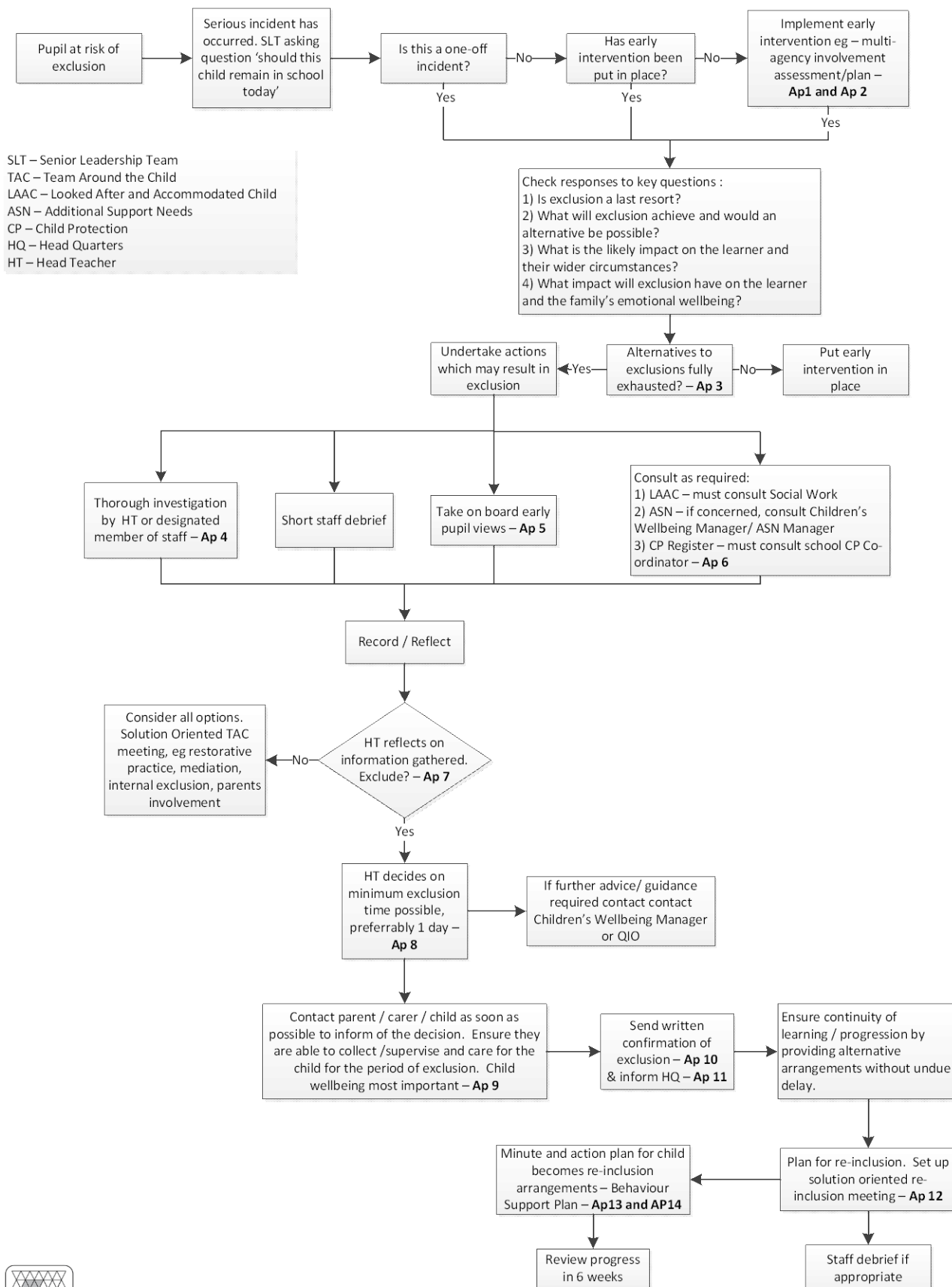
Included, Engaged and Involved

A Positive Approach to Managing Moray School Exclusions

Final Version

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1. Exclusion Policy Flowchart

2. INTRODUCTION

Aim & Purpose

2.1 The overarching aim of this document is to support school communities in ensuring **all pupils** are fully included, engaged and involved in their education, wherever this takes place.

2.2 The purpose of this document is three-fold. It is written to ensure that schools are able to:

- Take a positive and staged approach to minimising exclusions for pupils
- Make competent and robust decisions about the need to exclude following an incident
- Comply with the legal requirements should a pupil need to be excluded.

Key messages on the potential impact of exclusion

2.3 It is recognised that pupils and staff have a right to learn and work in an environment that is free from disruption and that they also have the right to feel physically and psychologically safe.

2.4 That said, the decision to exclude can never be one that is taken lightly as the ramifications for pupils are potentially wide-ranging:

2.5 Research tells us that:

- Exclusion can increase children and young people's already high levels of shame and fear
- Relationships with peers and adults are important for our most vulnerable pupils. School exclusion is likely to have a negative impact on such relationships. The loss and rupture of the relationships formed in schools can often exacerbate the negative consequences of earlier traumatic events
- Excluding pupils from the stable routines of school and leaving them in a chaotic home background or risky neighbourhood can expose them to greater risk or cause their behaviour to worsen
- There are strong correlations between school exclusion and other factors such as attainment, mental health, employment and offending behaviour.

(Included, Engaged and Involved Part 2, Scottish Government, 2017)

2.6 As a result, where exclusion is necessary, the primary goal should be a return to mainstream or routine education provision as soon as is practical.

Early intervention and staged intervention

2.7 Key to preventing exclusion is intervening early when problems arise and implementing a planned and staged approach to supporting pupils.

2.8 All local authorities utilise a [staged approach](#) when supporting pupils. These models vary but an effective model has 3 distinct levels: Universal, Universal with Support, and Targeted Intervention.

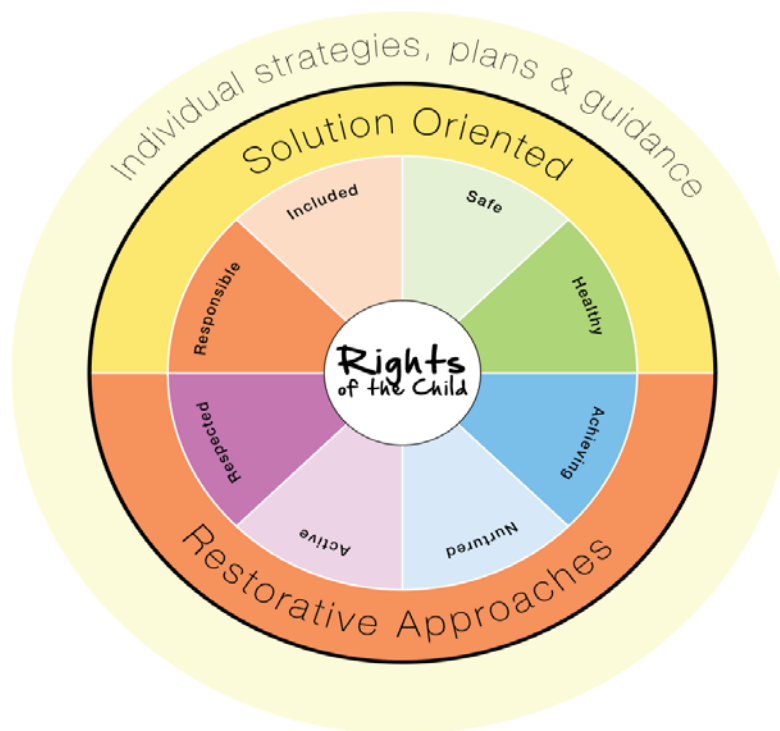
2.9 Fundamentally, there is an emphasis on universal aspects of the school – particularly in relation to whole school ethos, classroom climate and respecting rights. Indeed, [Building the Curriculum 3](#) (2008) states that the starting point for learning is a positive ethos. Integral to this is a climate of respect and trust centred upon shared values across the school community.

2.10 There is a great deal of literature which outlines the features of a school which has a strong and supportive ethos. Factors include:

- A common language and purpose and shared values
- High aspirations for pupils
- A commitment to including and meeting the needs of all pupils irrespective of background or presenting concerns
- A classroom culture underpinned by trust, respect and openness
- Promotion of a 'can do' attitude where pupils are encouraged to take risks
- Positive and consistent welcoming and settling of pupils into school and their classrooms
- There is an understanding of difference
- High and clear expectations of behaviour documented in a behaviour management policy and within the School Handbook which offer rewards and sanctions as appropriate
- Active involvement of pupils
- Children's voices are heard collectively and individually
- A range of learning and teaching approaches are evident and are geared towards individual pupils feeling physically and emotionally safe
- Whole school approaches to developing relationships are evident (e.g. via [solution-oriented](#) or [rights respecting](#) approaches)
- Genuine partnership working with parents involving all parties working together, adopting a respectful, no blame approach

2.11 Consistent across all of the factors noted above is the need for practitioners to adopt a relational approach when working with colleagues, pupils, parents and multi-agency and community partners. This investment in relationships will help to ensure that the rights of all members within their community are respected. The Scottish Government's publication [Included, Involved & Engaged Part 2](#) (2017) recognises that the promotion of good relationships can be achieved through a variety of means and, in Moray, three core approaches support this:

- Adopting a [nurturing ethos](#) enables pupils to feel emotionally safe in their learning environment, improving their capacity for learning
- Adopting a [solution focused](#) approach shifts the emphasis from people's deficits to a more hopeful position based on collaboration and people's strengths
- Finally a commitment to working in a [restorative manner](#) can ensure issues are resolved without heightening people's sense of shame or helplessness.



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2.12 The remaining levels of intervention focus on tiers of support that can be offered to young people and their families. Getting support and provision right at each of these levels is fundamental to preventing exclusion.

- **Universal Services:** This level concentrates on strategies and supports that are in place most predominantly within the classroom environment. Supports might include use of ICT to support with literacy, reward schemes and charts, appropriate differentiation and visual timetables
- **Universal Services with Support:** At this stage, wider school supports are utilised. What is offered will vary greatly from school to school, but could include access to social skills groups, [Additional Support for Learning](#) intervention to support with literacy and numeracy, or support from the Home School Link Worker
- **Targeted Intervention:** Varying degrees of multi-agency support will be evident at this stage. Where appropriate, the Named Person will request support from other services as per the [Moray GIRFEC Pathway \(Appendix 1\)](#). The 5 GIRFEC Questions and the [National Practice Model \(Appendix 2\)](#) will aid the Named Person in this process.

2.13 The Five GIRFEC Questions:

1. What is getting in the way of this child or young person's well-being?
2. Do I have all the information I need to help this child or young person?
3. What can I do now to help this child or young person?
4. What can my agency do to help this child or young person?
5. What additional help, if any, may be needed from others?

2.14 The principles of GIRFEC offer a basis for practice. Approaches for reducing and managing exclusion should:

- ***Be child-focused***
It ensures the child or young person – and their family – is at the centre of decision-making and the support available to them.
- ***Be holistic and based on an understanding of the wellbeing of a child***
It looks at a child or young person's overall wellbeing – how safe, healthy, achieving, nurtured, active, respected, responsible and included they are.
- ***Tackle needs early***
It aims to ensure needs are identified as early as possible to avoid bigger concerns or problems developing.
- ***Involve joined-up working***
It is about children, young people, parents, and the services they need working together in a coordinated way to meet the specific needs and improve their wellbeing.

3. THE USE OF EXCLUSION

3.1 In Scotland, the power exists to exclude pupils from school only where the education authority is of the opinion 'that the parent of the pupil refuses or fails to comply, or to allow the pupils to comply, with the rules, regulations or disciplinary requirements of the school', or the education authority considers 'that in all the circumstances to allow the pupil to continue his attendance at school would be likely to be seriously detrimental to order and discipline in the school or to the educational wellbeing of the pupils there'. This power to exclude rests with local authorities under regulation 4 of the Schools General (Scotland) Regulations 1975.

3.2 Exclusion is therefore acknowledged within wider policies on relationships and behaviour in local authorities, where it has traditionally been seen as both the ultimate sanction and a deterrent to serious indiscipline, in the context of the wellbeing of the whole school community.

3.3. In addition, section 14(3) of the Education (Scotland) Act 1980 places a duty on local authorities to make alternative education provision when a pupil is excluded. In Moray, the power to exclude is devolved to the Head Teacher, and in their absence to the Deputy Head Teacher, within a school. The local authority remains responsible for the education of all children and young people.

3.4 Exclusion is usually a short-term measure for a fixed period of time; nationally the vast majority of exclusions (90%) are for less than one week and the average length of exclusion is 3 days. The Head Teacher should contact the Children's Wellbeing Manager or QIO if they wish to exclude a pupil for more than 5 days. Further information is available in Appendix 8.

3.5 Exclusion can be an acceptable action, but it should only be used as a last resort. Where exclusion is used it should be as a proportionate response where there is no appropriate alternative.

3.6 The school must act in accordance with Moray Council policies and procedures as well as operating within relevant legislation. The school should acknowledge the importance of using a staged approach and addressing problems early, through promoting positive relationships and positive behaviour management strategies, through preventative approaches, early intervention and support, involvement of parents/carers, and request for assistance to external agencies if appropriate. The school should also address the approach underlying this policy on exclusions which should be inclusive i.e. one in which all pupils are treated individually and offered an educational experience which they value.

3.7 It is recommended that schools monitor and analyse the use of exclusion data and other statistics as part of their regular processes of self-evaluation and review, to inform their practice and appropriate interventions. Exclusion data specific to an individual Moray school or on a Moray wide basis can be extracted from SEEMiS.

3.8 Schools need to pay regard to the continuing educational needs of pupils who have been excluded, in collaboration with other services and agencies e.g. SEBN Service, [Educational Psychology](#), and [Social Work teams](#). The local authority remains responsible for the education of all pupils and therefore the school will have a responsibility to provide curricular support, even for children or young people who are excluded. Where an alternative educational package requires to be provided, even for a short period of time, teaching and support staff may require to be transferred from the school to support the pupil's continuing education. This would be agreed through the Child's Planning Process.

3.9 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.

Risk assessments should 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 assessments should be informed by the information gathered through the Child's Planning process and should be shared with the child or young person, their parents, and all staff who are involved with the child or young person. Further information and guidance is available from the QIO or Children's Wellbeing Manager.

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 assessment processes should also be applied to situations where unpredictable, challenging and distressed behaviour can arise.

Further information and guidance is available in the Moray Council Policy, [Physical Intervention – Including Incidents of Violence and Aggression Against Staff](#).

3.10 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.

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
- it should be time limited

Appropriate support and training should be provided for staff and this should include guidance on support following an incident for all those involved. It is important to 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.

Further information and guidance is available in the Moray Council Policy, [Physical Intervention – Including Incidents of Violence and Aggression Against Staff](#).

3.11 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 be referred immediately to the head teacher, or in their absence the member of staff deputising. Staff should not directly challenge the child or young person.

Further information and guidance is available in the Moray Council Policy, [Weapons -Management of Incidents Involving Dangerous Weapons](#)

Special Circumstances

3.12 Before excluding a pupil, Head Teachers should take account of individual circumstances in every case. There are, in addition, certain groups of pupils whose circumstances must have special consideration:

i) Pupils with Additional Support Needs

3.13 The circumstances in which pupils with additional support needs may be excluded are the same as for other pupils. However, additional considerations apply where the pupil has additional support needs. Under section 1 of the Education (Additional Support for Learning) (Scotland) Act 2004 ("hereafter referred to as the 2004 Act"), a child or young person has additional support needs where, for whatever reason, the child or young person is, or is likely to be, unable without the provision of additional support to benefit from school education provided or to be provided for them. Local authorities remain under an obligation to make adequate and efficient provision for such additional support as is required by the excluded pupil, whether that support is expressed in a document such as an Individual Education Plan, [Co-ordinated Support Plan](#), [Child's Plan](#) or similar. The support may include, for example, allied health professional support or educational psychology. The exclusion does not affect the local authority's duty to provide these services whether on school premises or an alternative venue. Therefore, such provision should continue notwithstanding the exclusion. Consultation with any other service providers in order to maintain provision to an excluded pupil should be co-ordinated by the [Named Person Service](#).

3.14 In reaching a decision to exclude, Head Teachers have to consider whether they could comply with section 4 of the 2004 Act which requires the authority to make "adequate and efficient" provision as long as it does not result in unreasonable public expenditure. There will therefore be a need to consider the particular facts and circumstances of each case.

This, in effect, means that Head Teachers will have to consider:

- a) The extent to which the needs of the pupil have been assessed
- b) Whether appropriate strategies and supports have been put in place to meet those assessed needs
- c) Whether those strategies have been used according to protocol and whether absence or partial use of such strategies was a contributing factor in any incident
- d) Other mitigating factors leading up to the incident (e.g. actions of adults and other pupils)

3.15 It is important to take a multi-disciplinary approach to the consideration of the need for exclusion with regard to children with Additional Support Needs. Where possible, this should involve discussion about difficulties at school, involving the parents/carers and where appropriate the young person, in

addition to other professionals. Such discussion should take place **well in advance** of exclusion being considered as an option. In particular, under section 10 of the 2004 Act, where a child has a Co-ordinated Support Plan, an authority is required to carry out statutory review procedures to change the nominated school, or any other details, on the Co-ordinated Support Plan. The Head Teacher should therefore seek to balance the case for exclusion with the need to take all reasonable steps to ensure appropriate provision is made for the pupil's additional needs. However this additional consideration would not prevent exclusion where this is deemed absolutely necessary.

3.16 Accordingly, it should be normal practice to involve appropriate support services including the relevant educational psychologist. Where other professionals, e.g. social workers, family support workers, home school link workers, have a significant role in providing education, care and support for the child, their views should be sought when a decision to exclude is being considered, and when planning educational provision during the period of exclusion.

3.17 For pupils where an assessment process is taking place towards the possible opening of a Co-ordinated Support Plan the above procedures (3.13 – 3.16) should also be applied.

3.18 Any decision to exclude must take account and be in line with the authority's equalities duty, its duties under the 2004 Act, and where one exists, its duty to provide the services stipulated within the [Co-ordinated Support Plan](#).

Under the Equality Act 2010, it is discriminatory to exclude a pupil because of a protected characteristic. Disability is a [protected characteristic](#); as such, it is unlawful for Head Teachers to exclude a pupil because of their disability or for behaviours arising as a consequence of their disability. The law also prohibits Head Teachers from discriminating during the exclusion process and requires Head Teachers to make reasonable adjustments to the exclusion process for disabled children and young people. It is important to consider whether pupils with Additional Support Needs (ASN) have a disability and as such a protected characteristic.

ii) Looked after Children

3.19 Research indicates that Looked after Children are significantly more likely to be excluded from school. Effective and timeous collaboration between services is therefore central to good practice with pupils who are looked after by the local authority. Where possible, this should involve appropriate multi agency discussion regarding difficulties at school **well in advance** of exclusion being considered as an option.

3.20 Those children who are looked after and accommodated in residential or foster care will have particular care needs that require to be taken into account if there is the possibility of exclusion. In all cases, prior to possible exclusion, the Head Teacher, or person nominated by the Head Teacher, should involve the child's Lead Professional in discussion and consideration of the implications of exclusion on the home or care placement to ensure that appropriate arrangements can be made. Discussions with other relevant persons should not be delayed should this not prove possible

3.21 The exclusion of Looked after Children and young people requires very serious consideration. The 2004 Act states that all Looked after Children will be deemed to have additional support needs unless assessed otherwise.

iii) Pupils on the Child Protection Register

3.22 Consultation with social work prior to a decision about exclusion is essential for all pupils on the Child Protection Register to ensure appropriate arrangements can be made to keep the child safe.

4. MANAGEMENT OF EXCLUSION PROCEDURES

Schools General (Scotland) Regulations (1975)

4.1 Regulation 4 states that a local authority shall not exclude a pupil from school unless the authority:

- **"consider that in all the circumstances to allow the pupil to continue [their] 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" or**
- **"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"**

4.2 Head Teachers, when deciding whether exclusion is necessary, must have regard to the particular facts and circumstances surrounding individual incidents and an understanding of the needs and circumstances of the individual pupil, and take into account how their behaviour affects others.

4.3 Failure to comply with the grounds set out above may render the local 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) or to action by Scottish Ministers under section 70 of the Education (Scotland) Act 1980, as amended.

4.4 School exclusions must also operate within the duties imposed by anti- discrimination, human rights and other relevant legislation, including the Equality Act 2010.

4.5 Guidance regarding exclusion is outlined in the Exclusion Flowchart (page 2) and associated appendices.

4.6 On the same day as the decision to exclude has been taken, the school must notify the parents/carers/pupil orally and/or in writing of the decision to exclude; **and** the date, time and place where the Head Teacher shall be available to discuss the decision to exclude. This meeting must be within 7 calendar days following the day of the decision to exclude. In exceptional circumstances, such as school holiday periods or family illness there may be a requirement to meet out with the 7 calendar day period. In such circumstances consultation with the pupil/parents/carers must take place and agreement to delay the meeting must be sought from the QIO or Children's Wellbeing Manager. It is suggested that parents and the young person be advised of the exclusion orally on the day of the exclusion and that this is followed up with a letter issued and posted on the same day. Where the pupil is a child (under 16yrs), notification of the exclusion and the meeting should be given to the parent(s). Where the pupil is a young person (16yrs+), such notification should be given only to the pupil themselves.

4.7 The date the decision to exclude is taken is counted as the first day of exclusion. Both start date and end date are inclusive. Further information is available in **Appendix 8**.

In Moray there are two types of exclusion:

1. Temporary Exclusion
2. Removal from Register

4.8 The appropriate pro-forma letter set out in **Appendix 10** must be used, explaining the position to the parents/carers or young person, as appropriate, and which includes a reference to the right of appeal. The appropriate letter set out in **Appendix 10** should be sent to any pupil over the age of 12 and any pupil under 12 who is deemed capable of understanding the contents of the letter, as they may have a separate right of appeal and have a right to give their views.

It should be ensured that an exclusion does not continue through school holidays.

4.9 Schools must contact parents prior to their child (under 16yrs) being required to leave school premises. In all cases, the school should check that appropriate arrangements for the care of the child are being made, before they are sent from school premises. If parents cannot be reached, the emergency contact number which the educational establishment normally holds for each pupil should be used. The child must be supervised at school until suitable arrangements can be made. In exceptional circumstances it may be appropriate to contact the social work triage team. A member of the social work staff will then act *in loco parentis*.

4.10 In some exceptional cases where breach of discipline, or the effects of it, are so severe that the child or young person cannot be readmitted to the school, the Head Teacher should exclude with a request that the child be Removed from the Register. Schools must still offer a date and time for a meeting within 7 days as with all other exclusions.

Where a Head Teacher decides to exclude a pupil with a recommendation to the Children's Wellbeing Manager for Removal from the Register the exclusion will continue until the Children's Wellbeing Manager makes a decision regarding removal from the register. Therefore this type of exclusion is temporary, but in form it differs from a temporary exclusion in that the number of days for the exclusion are not stipulated. The Head Teacher's decision can be subject to appeal. The Head Teacher will arrange a meeting with the parents of the pupil or the young person, as appropriate, within 7 days of the exclusion to discuss the circumstances and the recommendation to remove from the register. The Children's Wellbeing Manager may attend this meeting and make his decision on removal from the register at this point. If the Children's Wellbeing Manager does not attend this seven day meeting he has a further seven days to hold another meeting to consider removal from the register, and he will make his decision no later than the date of the second meeting.

No pupil will be removed permanently from the school roll without the agreement of the Children's Wellbeing Manager.

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

If the decision is taken by the Children's Wellbeing Manager to remove the pupil from the register a second appeal can be lodged against this decision.

No practical steps will be taken to enforce the decision to remove from the register while any appeal regarding the decision to remove from register is ongoing. The Children's Wellbeing Manager may reach his decision regarding removal from the register notwithstanding the fact that the temporary exclusion has been appealed against.

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

- 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 a school. The responsibility for this remains with the pupil's school

4.12 The purpose of section 14(3) is to ensure that excluded pupils are given every chance to continue their learning, even in situations where the circumstances have been such that they have to be removed from a school. The duty on local authorities to provide education continues, even when the pupil has been excluded, and the duty to provide alternative education for excluded pupils must be discharged without undue delay.

4.13 Where a pupil is to be placed at another school either as an agreed 'fresh start' or on the very rare occasion following removal from the register, the Named Person and Lead Professional will work with the Children's Wellbeing Manager to arrange all aspects of this onward placement, in the best interests of the pupil. Parents and pupils should be included in any decisions regarding placement at another school.

4.14 Where special arrangements for alternative education for the pupil are being made, other than at school, as far as possible, the quality, quantity and range of education which was previously available to the excluded pupil in school, prior to their exclusion should be provided. The need for any such special arrangements should arise only in exceptional cases and only as an interim measure prior to the pupil receiving full-time education, ideally within a school setting.

4.15 Pupils who receive tuition or external support during the period of exclusion remain on the roll of the base school (i.e. the school at which they are enrolled). Attendance monitoring will be carried out by the Support Service involved and passed onto the base school. Where there is a shared placement the 'base' school should continue to monitor attendance.

Communication with Parents / Carers

4.16 Copies of the Exclusion letter, as per pro-forma (**Appendix 10**), should be sent to the Children's Wellbeing Manager and recorded timeously in SEEMIS (Applications/Attendance/Exclusions). A record of the event should also be placed as a 'significant event' in Pastoral Notes.

Where information on a decision to exclude is included on a pupil's progress record, the decision of any appeal committee or further appeal to the Sheriff must also be recorded and the parent or young person must be informed of the terms of the entry in the record.

4.17 Where the pupil is Looked After Away From Home the letter should be sent to:

- the foster carer/kinship carer/residential provider
- parents
- the allocated Social Worker, who will inform other appropriate parties e.g. the birth parent(s), the Children's Reporter etc. as appropriate.

Returning from Exclusion

4.18 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.

4.19 It is good practice to meet with the child and their parent(s), or young person (with their parent(s) if agreed by the young person), 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 or to seek guarantees or contracts of behaviour with parents or young people before a return to school.**

4.20 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.

4.21 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.

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

4.22 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.

4.23 School 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.

4.24 Following the child or young person’s return to school after exclusion, support provision and planning mechanisms should continue to be regularly reviewed.

5. APPEALS PROCEDURES

5.1 Parents, or pupils over 16 years of age, and younger pupils deemed to have legal capacity (usually children 12 years of age and older) have a right to appeal to the School Placings and Exclusions Appeals Committee against the decision to exclude. If the pupil has legal capacity, they should be notified of their right to appeal when they are informed of the exclusion. An appeal can be made without limit of time under Section 28H of the Education (Scotland) Act 1980. An appeal to the School Placings and Exclusions Appeals Committee should be made in writing to the Clerk to the Committee.

5.2 The Clerk to the Committee must acknowledge receipt of the appeal within five working days and advise the education authority accordingly. The education authority will then notify the Head Teacher. An Appeal Hearing is to be held within 28 days of the appeal being lodged. It should be noted that this is 28 calendar days, not school days and appeals can therefore fall during school holiday periods. The education authority and appellant will be notified of the hearing date within 14 days of receipt of the reference.

At the hearing, the Committee will either decide to confirm or annul the decision to exclude. Should the decision to exclude be confirmed, the appellant will have a further right of appeal to the Sheriff Court.

5.3 A decision to appeal should in itself have no effect on the length of the exclusion.

5.4 The powers of the Health and Education Chamber of the First-tier Tribunal for Scotland include cases related to discrimination in education, including exclusions of pupils with Additional Support Needs for reasons related to their disability. The tribunal will not consider a disability discrimination claim unless it has been received before the end of the period of six months beginning when the act complained of was done. An appeal made to the tribunal should be sent directly to the tribunal offices.

Representing the Education Authority at the Appeals Committee

5.5 At the hearing, the Education Authority must defend its decision to exclude the pupil. If the decision was made by a Head Teacher, it will be for that Head Teacher to defend his or her decision at the hearing. If the decision to exclude was made by the Children’s Wellbeing Manager it will be for that officer to defend the decision, although the Head Teacher may nevertheless still be called upon to give evidence at the appeal hearing if considered appropriate.

Advice on preparing for the hearing can be sought from the Council's Legal Services department by contacting the Legal Service Manager (Litigation and Licensing) who can arrange for a member of the legal team to advise the Head Teacher. However, the presentation of the case for the Authority will lie with the person who made the decision to exclude.

5.6 The role of the decision-maker will be to provide evidence of the circumstances surrounding the decision and the reasons for that decision.

5.7 The Committee must either decide to confirm or annul the decision to exclude based on the grounds for exclusion provided in the legislation. The Committee is therefore using the same legal test as the Head Teacher or Children's Wellbeing Manager when making their assessment.

Documents to be Relied On and Lodged Ahead of the Hearing

5.8 Documentary Evidence

In preparing for the Committee, the decision-maker should gather all background papers, which should then be referred to when making their case at the hearing. In order for these documents to form part of the case at the hearing, the decision-maker must refer to them during the presentation. Any document that may be relied upon at the hearing must be lodged with the Clerk to the Appeals Committee and sent to the appellant at least 10 calendar days ahead of the hearing date. This timescale is a legal requirement. Any document that might be referred to should be included, as the Committee will not otherwise be provided with this paperwork.

5.9 Witness List

Whilst documentary evidence has to be lodged, it should be remembered that evidence can take various forms. In addition to presenting documentary evidence, the decision-maker may also wish to call other members of staff to give oral evidence as witnesses. Careful consideration should be given to whether witnesses are called and who these should be. For example, if investigation into an incident or if previous disciplinary action was delegated to a member of staff, they may be needed as a witness, although it is important that the decision-maker is familiar with the action they took. If witnesses are needed, a note of the names and occupations of these people will need to be sent to the Committee Clerk at the same time as providing background papers.

5.10 Intimation Letters

A copy of any intimation made of the decision to exclude and the date and time given for discussion with the Head Teacher should also be sent to the Appeal Committee within the same timeframe.

Procedure at the Hearing

5.11 The Committee will consist of a panel of three or five members drawn from a pool of lay persons and local Councillors. When parties arrive, they will be taken to a separate room until called into the Committee room. At the hearing, the Chair will explain how the hearing will proceed. Unless stated otherwise, an appeal hearing will proceed as follows:

- (a) presentation of case for the education authority;
- (b) questioning by the appellant;
- (c) presentation of case for the appellant;
- (d) questioning by the education authority;
- (e) summing up by the authority; and
- (f) summing up by the appellant.

5.12 The appellant may represent themselves if they choose, or may be represented by a solicitor, friend, relative or other representative, if they wish.

5.13 Once each party has presented their case, the other party – the appellant or authority – and the Committee members will have the opportunity to ask questions. If either party is leading a witness/witnesses as part of the presentation of their case, their witness will be called into the appeal hearing by the Clerk to the Committee to be questioned first by that party and then by the other party and Committee members.

5.45 Once the appellant's case has been presented, both parties will make closing submissions.

5.15 In addition to the Appeals Committee papers (consisting of all the papers lodged by both parties in advance of the hearing), the decision-maker should bring the pupil's progress record and any other file held in respect of the child to the appeal hearing. Permission of the Committee can then be sought to refer to the file if some particular piece of information is requested that cannot be recalled.

The Committee must communicate its decision within 14 days of the hearing.

Representing the Education Authority at the Additional Supports Needs Tribunal (ASNTS)

5.16 At tribunal the education authority will need to defend its decisions. In this situation, legal advice and representation must be sought from the Council's Legal Services department by contacting the Legal Service Manager (Litigation and Licensing) who can arrange for a member of the legal team to assist.

6. DEFINITIONS

6.1 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.

6.2 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’.

6.3 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) (Scotland) Act 2004, every looked after child is considered to have an additional support need by virtue of being looked after unless, in the course of identifying the particular additional support needs of the child or young person in question, the education authority forms the view that the child or young person is, or is likely to be, able without the provision of additional support to benefit from school education provided for them.

6.4 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.

6.5 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.

6.7 Equality Act 2010

Protected characteristics (within school education):

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

Incidents involving any of the protected characteristics (for example homophobic bullying or racial abuse) must be reported as per the guidance on the Equalities Incident Monitoring Form which can be found at http://intranet.moray.gov.uk/documents/PandPLib/ES_Education%20and%20Social%20Care/EqualIncidentMonitorGuide.pdf

6.8 Learning establishment

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

6.8 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.

6.9 Looked After Children

Section 17(6) of the Children (Scotland) Act 1995 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; or
- 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:

1. **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
2. **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 or is subject of a Permanence Order under section 80 of the Adoption and Children (Scotland) Act 2007. 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.

6.10 Parent/carers

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".

6.11 Removal from the register

This refers to an exclusion which is permanent.

6.12 Staged intervention

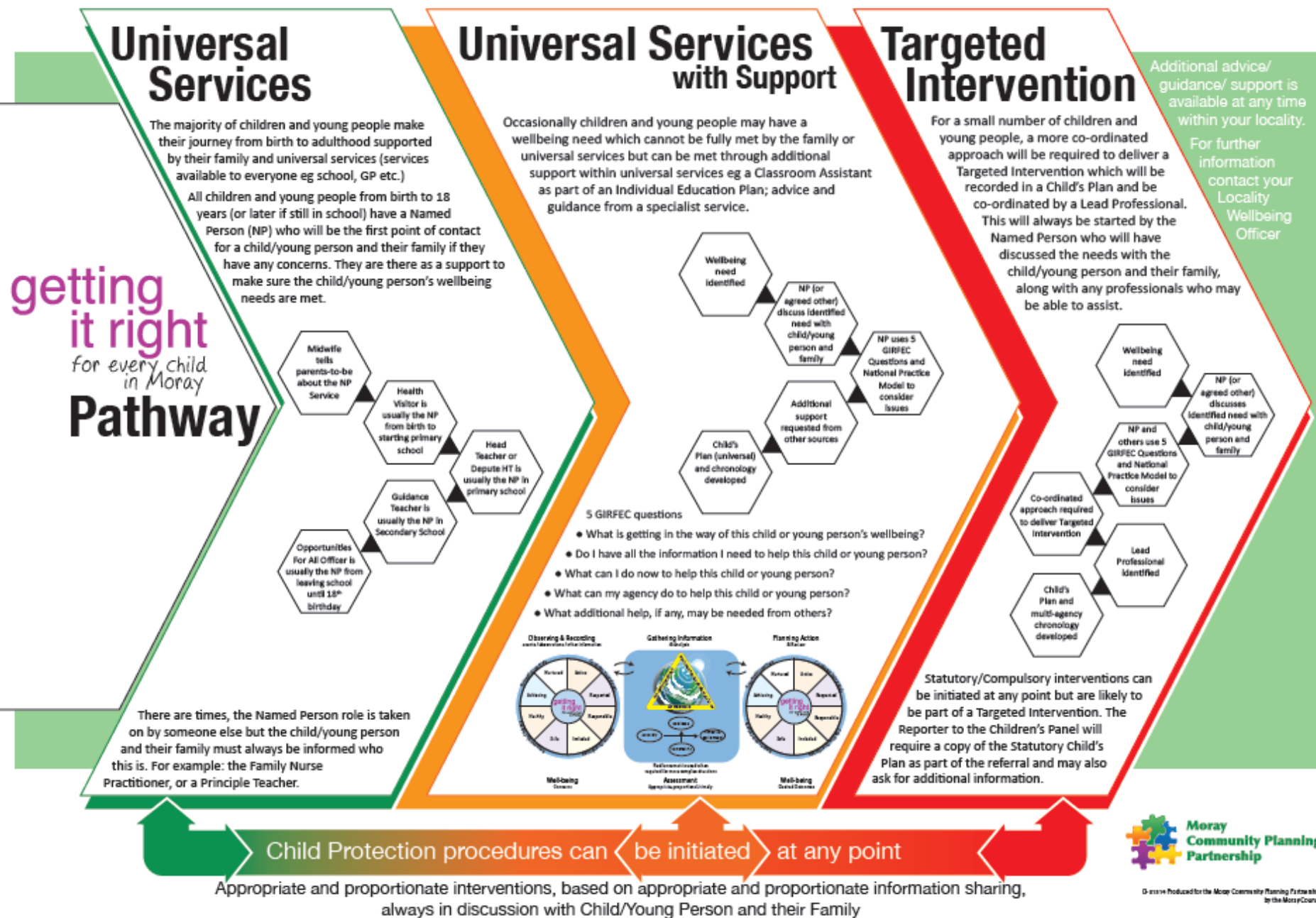
This is a structured process used to identify the level of support required to meet the learning needs of an individual child or young person. The Moray Staged intervention model has three stages. A child or young person's progress is regularly reviewed and they may move between stages.

6.14 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.

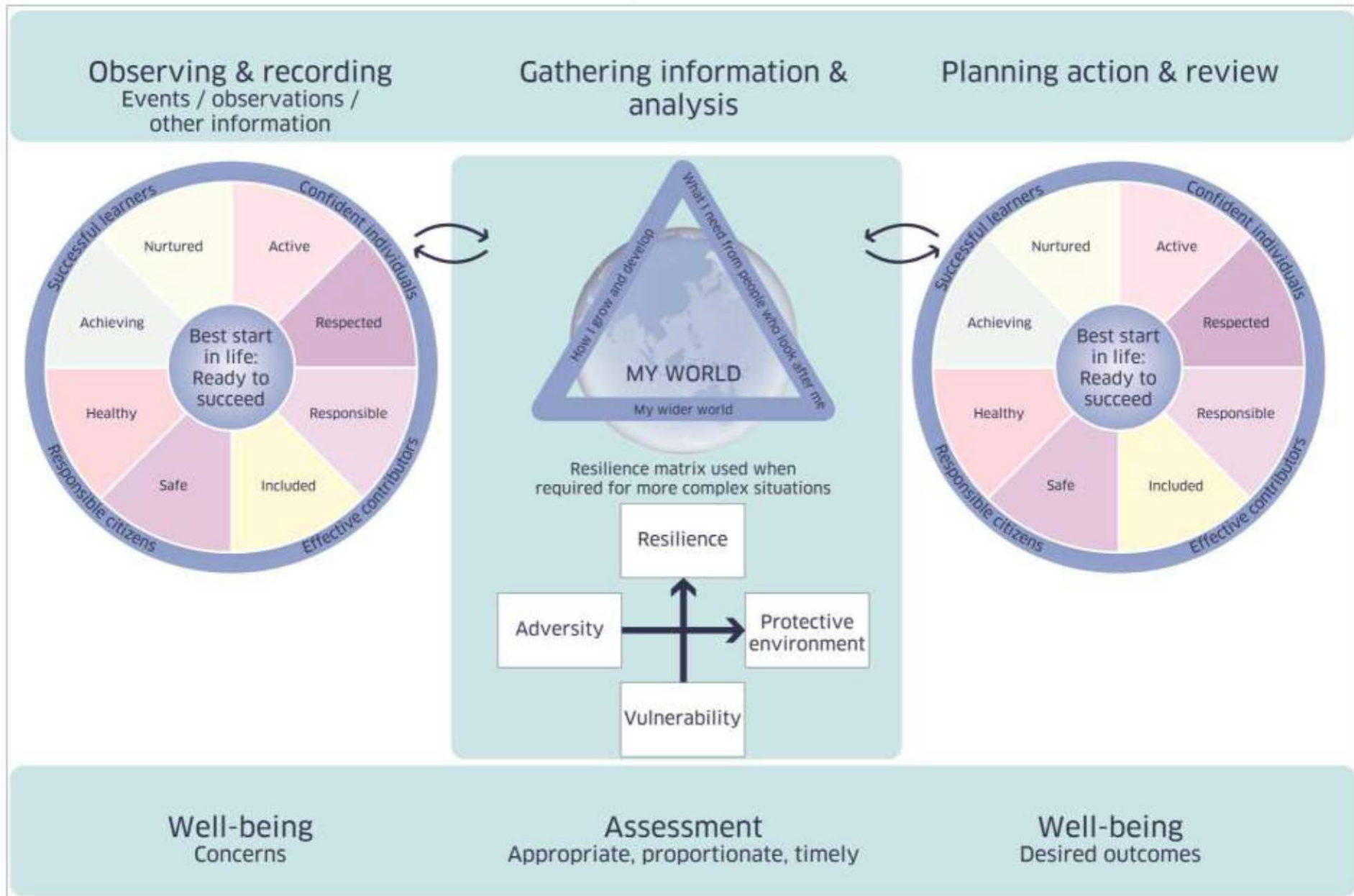
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National practice model

APPENDIX 2



Appendix 3

Alternatives to Exclusion

Moray Council is committed to helping schools to access support in a timely manner. A partnership approach is fundamental to GIRFEC and recognises the complexity of the lives of some of our most vulnerable pupils. This can sometimes only be effectively planned for through multi-agency working.

The GIRFEC National Practice Model supports a holistic approach to the assessment of wellbeing and therefore it is essential that partners have a clear understanding of their roles within the legislative framework and have a shared understanding of thresholds of intervention.

The key partnerships for schools are:

- Educational Psychology;
- SEBN Team;
- LMGs - Locality Wellbeing Officers;
- Health professionals appropriate to the pupils needs;
- Engagement Team;
- The Third Sector;
- Social Work;
- Police Scotland;
- The Children's Reporter.

Partnerships can be wider and will depend upon the wellbeing needs of the pupil. Colleagues may find themselves working with employers and other third sector organisations or commissioning a service to meet particular needs. All have a valuable role in helping design and implement a flexible and relevant curriculum pathway.

Those at risk of exclusion are often in need of a clear multi-agency focus on their learning progression. Whilst assessing need, the team around the child consider wellbeing in the widest sense and consideration of how wellbeing is impacting on learning will inform learning pathways. Needs may necessitate a flexible approach to how and where learning takes place. Although responsibility for ensuring that this learning is appropriate, relevant and progressive still rests with the pupil's school, the pupil may engage in learning out with the school. Where an alternative pathway is being developed, the ultimate aim should be the transference of skills enabling fuller access to mainstream education.

When behaviours are escalating, the team around the child should work collaboratively to consider how best to de-escalate behaviours through considering the root cause and mitigating risk.

In order to constructively address issues around behaviour in the longer term in line with legislation, actions at school level could include:

- Following the steps outlined in the Staged Intervention Framework, including undertaking a risk assessment to reduce risk and formulate an action plan including support for any members of the school community negatively affected;

- Analysing data already available in schools to look for patterns and evidence of change;
- Working with the pupil and parents to identify and plan additional support possible in the particular setting that might include:
 - nurturing approaches;
 - restorative approaches;
 - break time supervision;
 - breakfast club arrangements;
 - looking at the environment and where possible consider a safe place for the pupil to reflect;
 - redirecting support staff at key times;
 - providing Support for Learning for specific aspects of the curriculum;
 - proactive buddying or peer mentoring/mediation;
 - appropriate health and wellbeing programmes;
 - reward systems that have been agreed and understood by all parties;
 - working in partnership with young people and their parent(s) or carer(s), and where appropriate other relevant key workers;
 - ensuring appropriate levels of support for staff.

Schools can approach their Educational Psychologist, Quality Improvement Officer (QIO), SEBN Team, Children's Wellbeing Manager or Locality Wellbeing Officer for support. When schools require intensive support it will be delivered from teams across the wider education service. If behaviour continues to escalate consideration should be given to approaching local partnerships for advice and expertise.

Consideration should also be given to the needs of those who have been victims and appropriate levels of practical and emotional support for staff. Restorative approaches should be used to support successful integration and inclusion in schools.

Monitoring of Part-Time Timetables

The Local Authority has a statutory responsibility to identify and track pupils missing from education or at risk of becoming missing from education. Pupils on part-time timetables are often vulnerable to becoming missing from education. The effective monitoring of these pupils requires robust information sharing between all partner agencies in order to identify and track vulnerable pupils.

Scottish Government advises that, *"Local authorities should be aware of and monitor carefully any part-time provision including targets for full-time provision."* ([Included, Engaged and Involved, 2017](#)).

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

Appendix 4

Record of Investigation Which May Lead to Exclusion

1. Reason for Decision to Exclude

2. Details of Incident

Date of incident:

Time of incident:

Nature of incident:

Victims:

Reported by:

Witnessed by:

3. Statement of affected pupils (statement per pupil)

Time/date of interview/statement:

Name of interviewer:

Victim statement:

4. Statement of affected staff (statement per staff member)

Time/date of interview/statement:

Name of interviewer:

Witness statement(s):

5. Statement of other affected parties

Time/date of interview/statement:

Name of interviewer:

Statement:

****Please note that where a criminal offence has been alleged, Head Teachers should contact Police Scotland in the first instance. Head Teachers should also contact their Quality Improvement Officer****

Appendix 5

PUPIL STATEMENT

(Where the pupil is 16 years or over, delete sections in italics.)

This is a true account of the statement which I gave to [insert Head Teacher/Assistant Head Teacher/Guidance Teacher] on [insert date], which has been read to me *in the presence of my parents* today [insert date].

Signed

Parent

Head Teacher

Other staff members as appropriate

The following checklists are intended as a useful tool to support the education authority 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.

Appendix 6

Checklist of Key considerations to be made prior to 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"> • Parents/carers • Key education staff • Other professionals (eg Social work, Educational Psychologist) 		
Has there been clear assessment of the child or young person and their needs?		
Have additional support/interventions been provided for the child or young person?		
Have alternative arrangements been made for the child or young person prior to the exclusion? Eg. 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 to explore 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?		
Has the child or young person been consulted on their views of the situation?		
Has the Named Person/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? (see accompanying table)		
Does the child or young person's recent presentation constitute a recent 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 Child's 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?		
Have the rights of the child or young person been considered, with regard to the Human Rights Act 1998?		
Have all other options been considered before deciding on exclusion as a necessary step?		

Appendix 7**Individual Circumstance**

Individual Circumstance	Additional consideration	Consideration given	Comments
Looked After child	Social worker/Lead professional consulted prior to decision		
	Education manager/named person 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	School Child Protection Coordinator and Social Worker/Lead Professional consulted		
	SEEMiS pastoral notes checked		
	Children's Wellbeing Manager 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		
	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		
Wellbeing Concerns	Consideration should be given to the impact on child's wellbeing		

Appendix 8

Duration and Timing of Exclusions

The length of an exclusion is not defined in legislation and is accordingly a matter for the discretion of the education authority. The guiding principle is that the exclusion should be as short as possible and should be used to constructively resolve the situation with all those affected; plan for any new support or provision; and safeguard a successful return, in partnership with pupils and their parent(s) or carer(s). This will be in relation to individual circumstances and include time to successfully resolve and arrange reintegration.

In response to very serious incidents such as serious physical assault, use of weapon or dealing in illegal substances, there may need to be additional interventions such as contact with police or referrals to the Children's Reporter. In such situations a risk assessment will be required.

Where the timing of a decision to exclude a pupil means that it falls near the end of a school term it is good practice to resolve the exclusion and re-admission processes within the same term. This is very important for the benefit of everyone involved.

A pupil or parent's decision to appeal against exclusion should in itself have no effect on the length of the exclusion. Pupils return to school after a period of exclusion regardless of the appeal process and timing.

It is good practice that incidents resulting in exclusion are resolved within the same school term that the exclusion occurred.

In the circumstances where the exclusion meeting has resulted in an agreed resolution between the pupil, their parents and the school, a return to school prior to the end of the exclusion period may be appropriate. This decision should be taken by the head teacher. To ensure consistency across Moray Council schools, head teachers are offered the following guidelines. The length of the exclusion should reflect the seriousness of the incident(s) on which the decision to exclude is based. This includes consideration of the effect on the wider school community that would be caused by the pupil's continued attendance in school. Consideration of the effect on the school should be closely related to a consideration to take forward, as an alternative to exclusion, a flexible package of support. It is important, however, that the facts and circumstances of each case are carefully looked at. Schools may not set tariffs or implement automatic exclusions for particular offences.

Suggested Exclusion Duration Examples of Seriousness of Incident

½ a school day up to 2 school days

The exclusion may be in response to an unexpected or uncharacteristic action or reaction by a pupil. The pupil is unlikely to have had a previous exclusion. The purpose of the exclusion is to signal to parents and pupils the unacceptable nature of the behaviour, while minimising the loss of attendance.

3 school days up to 5 school days

The exclusion may be in response to continuous or repeated serious and unacceptable behaviour or a very serious but isolated offence. The pupil is likely to have had a previous exclusion.

6 school days up to 10 school days

The exclusion may be in response to persistent, serious breaches of school discipline despite appropriate interventions by school support mechanisms. The exclusion may be in response to an isolated incident or short series of incidents involving serious acts of violence or the threat of serious acts of violence. Where the exclusion results from a continued pattern of unacceptable behaviour, the pupil is likely to have been excluded on one or more previous occasions.

Where the Head Teacher considers that the seriousness of the incident requires an exclusion of more than 5 school days then the Head Teacher should contact the Children's Wellbeing Manager for the school to discuss alternatives to exclusion.

In very exceptional circumstances it may be that the Head Teacher believes that the pupil's behaviour is such that it may merit the pupil's removal from the register of the school and therefore referral to the Children's Wellbeing Manager for consideration is required. Where the decision is made to remove a pupil from the register, the SEBN Team in liaison with the excluding school will arrange for new educational provision to be made. This is usually in the form of attendance at another establishment. Arrangements for transfer of the pupil to a new establishment should be made expediently to ensure minimal risk to educational provision for the pupil. In addition, alternative provision must be made during any period of exclusion. Schools must ensure timely transfer of educational records and plans to support the effective transition of the pupil to their new educational provision.

Education Provision During The Period Of Exclusion

There is no legislative definition of 'without undue delay'. However, the objective is to ensure the child or young person **continues to receive an education while excluded**. Alternative education provision should be in place as soon as possible and, in any event, no later than three days after the exclusion.

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;
- virtual learning through GLOW/online learning.

Where Exclusion affects Exams

In some circumstances a pupil's behaviour or the occurrence of an incident may lead to exclusion around the time where a pupil is due to be presented for examinations. Every effort should be made to ensure that the pupil is able to sit their exams as planned, or within an alternative location in the school. Where this is not possible schools should make arrangements to enable the pupil to sit their exams within another centre or location. Schools should contact the [Scottish Qualifications Authority](#) (SQA) for advice and to progress any arrangements should this be required.

Appendix 9**Actions to be Taken Prior to Exclusion**

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 (LAC) 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		
LAC and children or young people on Child Protection Register/child protection concerns – decision communicated to lead professional, team around the child and Children's wellbeing Manager		
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 the child or young person must be supervised at school until suitable arrangements can be made. In exceptional circumstances it may be appropriate to contact the social work triage team.		
If verbal contact is made, follow up by written confirmation of exclusion on same day exclusion takes place. Include reason for exclusion and information on Right of Appeal		
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		
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 and child or young person to liaise with re. educational provision		
Parent/carer should be informed of their responsibility to supervise their child 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 via Incident Report Form Appendix 11		
If exclusion is lengthy or multiple, refer to Children's Wellbeing Manager or QIO 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 to discuss		
Referral to Scottish Children's Reporter if appropriate		

APPENDIX 10**EXCLUSION LETTERS**

Regulation 4A of the Schools General (Scotland) Regulations 1975 makes provision for the procedures to be followed in exclusion. Under the regulations, letters conveying particular information must be sent either to the parent of a child or a young person within certain prescribed timescales.

There are two sets of information that need be provided:

1. On the day of the exclusion:

- (a) the decision to exclude; and
- (b) the date, time and place, within 7 calendar days, where the Head Teacher of the school or other teacher at the school or official of the Education Authority will be available to discuss the decision to exclude the pupil.

This must be communicated in writing or orally.

2. The following further information must be sent within 8 calendar days the decision is made:

- (a) the reasons for the decision to exclude;
- (b) any conditions with which the pupil, parent or both the pupil and parent are required to comply as conditions precedent to the pupil being readmitted to school;
- (c) the right to appeal the decision and the address to send appeals to; and
- (d) any other information the Education Authority considers appropriate.

This must be in writing and sent by post or hand delivered to the parent or young person personally.

If possible, Head Teachers can send the above two sets of information in one letter. However, if there is insufficient time to send both sets of the above information on the day of the exclusion, the information in the second paragraph will have to be sent separately within 8 days.

As noted, the parent, child and/or young person also must be informed of their right to appeal the authority's decision to exclude. Whilst this must be intimated within 8 days, it is recommended that this is intimated at the earliest opportunity.

In each style letter that follows, the information in italics relates to paragraph 2, above. If there is insufficient time to include the information in italics in the initial letter, this information must be sent in a subsequent letter within 8 days of the decision to exclude.

(The information in paragraph 2, above, need not be provided in very limited circumstances. These are where the pupil is readmitted to the school with 7 days and the parent and/or pupil as the case may be, indicates (orally or in writing) within those 7 days that s/he does not wish to refer the matter to an Appeal Committee or otherwise to pursue the matter further.)

Exclusion letters should be provided to the following people:

- only the parent(s): where the pupil is of school age and does not have legal capacity;
- the parent(s) and the pupil: where the pupil is of school age and does have legal capacity;
- only the pupil: where the pupil is above school age.

In each case, letter 1, 3 or 5 will be sent to either the parent (where the pupil is of school age) or the pupil (where the pupil is above school age). Letters to pupils where the pupil has legal capacity but is still of school age are found below as letters 2, 4 and 6 and would be sent to the pupil when their parents receives their corresponding letter (1, 3 or 5).

School Age

A pupil ceases to be of school age:

- on the summer leaving date if they are 16 between 1 March and 1 October; and
- on the Christmas leaving date if they are 16 between 1 October and 1 March.

Legal Capacity

A pupil has legal capacity where (s)he has a general understanding of the matter. There is a presumption that children aged 12 and over will have capacity.

Index to Style Exclusion Letters

Exclusion Letters

1. Letter to Parent or Pupil if Over School Age
2. Letter to Child with Legal Capacity

Exclusion Letters – Conditions Attached

3. Letter to Parent or Pupil if Over School Age
4. Letter to Child with Legal Capacity

Removal From Register Letters

5. Letter to Parent or Pupil if Over School Age
6. Letter to Child with Legal Capacity

EXCLUSION: LETTER TO PARENT OR PUPIL IF OVER SCHOOL AGE
(This letter should not be sent to the parent if the pupil is over school age.)

Please read the information in Appendix 10 to determine who should receive this letter and the information that must be included in each letter.

Dear [Parent/Carer or Pupil Over School Age]

[NAME OF PUPIL – DATE OF BIRTH]

I write to inform you that I have today excluded your child, [insert child's name], you from [insert school name] School.

I will be available to discuss my decision to exclude on [date within 7 calendar days] at [time] here in school and request that you meet with me to discuss then. Please contact me immediately to arrange an alternative date if this is not suitable.

This exclusion will be a temporary one for a period of [1-5 school days] from [date of first day of exclusion] to [date 1-5 school days later] inclusive.

The decision to exclude has been taken on the basis of the following ground that:

A

The Local Authority consider that in all circumstances to allow ____ continued attendance at this school is likely to be seriously detrimental to order and discipline in this school, or the educational wellbeing of the pupils there.

or

B

The Local Authority is of the opinion that as the parent of ____ you refuse or fail to comply, or allow the pupil to comply, with the rules, regulations or disciplinary requirements of the school.

[Delete A or B above, as appropriate]

The decision to exclude has been taken for the following reasons:-

[Insert details relating to the circumstances leading to exclusion, including reference to other actions taken previously in managing the behaviour of this particular pupil/historical background/meetings and details of any relevant incident(s) being relied upon.]

[Insert any other information considered appropriate.]

Only where letter is to young person: You have a right to appeal against my decision and the Children and Young People's Rights Worker can support you with this. If you would like to discuss this further please

phone the Service on 0800 169 4394. The Children and Young People's Rights Service is run by CHILDREN 1st and is independent of the Moray Council. The service is confidential.

If you wish to appeal, you should do so in writing to:

- a) the Clerk to the School Placing and Exclusions Appeals Committee at the following address:

Clerk to the School Placings and Exclusions Appeals Committee
Legal and Democratic Services
The Moray Council
Council Offices
High Street
ELGIN
IV30 1BX

or

- b) in cases where it is alleged that the reason for exclusion is disability discrimination then to:

First-tier Tribunal for Scotland Health and Education Chamber
4th Floor, 1 Atlantic Quay
45 Robertson Street
GLASGOW
G2 8JB

Under no circumstances should [insert child's name] /you appear within school grounds throughout the duration of the exclusion other than to attend the meeting referred to.

Only where letter is to parent: I would remind you that it is your duty to supervise [insert child's name] during school hours whilst he/she is excluded from school.

Yours sincerely

Head Teacher

EXCLUSION: LETTER TO CHILD WITH LEGAL CAPACITY

(This letter should be sent to the child if the child has legal capacity and when the parent is sent letter 1.)

Please read the information in Appendix 10 to determine who should receive this letter and the information that must be included in each letter.

There is no requirement for children *without* legal capacity to receive their own letter. Should a head teacher wish to do so, however, the reference to the appeals procedure should be removed from their letter.

Dear [Child with Legal Capacity]

Exclusion

As I informed you in person today, I have decided to exclude you from school.

I will be available to discuss my decision to exclude on [date within 7 calendar days] at [time] here in school and request that you meet with me to discuss then. Your parent(s) has/have been informed of this decision and will also be invited to this meeting.

This exclusion will be a temporary one for a period of [1-5 school days] from [date of next school day] to [date 1-5 school days later] inclusive.

The decision to exclude has been taken on the basis of the following ground that:

A

The Local Authority consider that in all circumstances to allow ____ continued attendance at this school is likely to be seriously detrimental to order and discipline in this school, or the educational wellbeing of the pupils there.

or

B

The Local Authority is of the opinion that as the parent of ____ you refuse or fail to comply, or allow the pupil to comply, with the rules, regulations or disciplinary requirements of the school.

[Delete A or B above, as appropriate]

The decision to exclude has been taken for the following reasons:-

[Insert details relating to the circumstances leading to exclusion, including reference to other actions taken previously in managing the behaviour of this particular pupil/historical background/meetings and details of any relevant incident(s) being relied upon.]

[Insert any other information considered appropriate.]

You have a right to appeal against my decision and the Children and Young People's Rights Worker can support you with this. If you would like to discuss this further please phone the Service on 0800 169 4394. The Children and Young People's Rights Service is run by CHILDREN 1st and is independent of the Moray Council. The service is confidential.

If you wish to appeal, you should do so in writing to:

- a) the Clerk to the School Placing and Exclusions Appeals Committee at the following address:

Clerk to the School Placings and Exclusions Appeals Committee
Legal and Democratic Services
The Moray Council
Council Offices
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IV30 1BX

or

- b) in cases where it is alleged that the reason for exclusion is disability discrimination then to:

First-tier Tribunal for Scotland Health and Education Chamber
4th Floor, 1 Atlantic Quay
45 Robertson Street
GLASGOW
G2 8JB

I would remind you that, whilst you are excluded from school, under no circumstances should you appear within the school buildings and grounds other than to attend our meeting.

Yours sincerely

Head Teacher

EXCLUSION – CONDITIONS ATTACHED: LETTER TO PARENT OR PUPIL IF OVER SCHOOL AGE
(This letter should not be sent to the parent if the pupil is over school age.)

Please read the information in Appendix 10 to determine who should receive this letter and the information that must be included in each letter.

Dear [Parent/Carer or Pupil Over School Age]

[NAME OF PUPIL – DATE OF BIRTH]

I write to inform you that I have today excluded your child, [insert child's name],/you from [insert school name] School.

I will be available to discuss my decision to exclude on [date within 7 calendar days] at [time] here in school and request that you meet with me to discuss then. Please contact me immediately to arrange an alternative date if this is not suitable.

I have decided that [insert child's name]'s/your readmission to this school be dependent upon certain conditions being agreed by both yourselves and [insert child's name]/you and I will discuss these at our meeting. *The conditions under which your child/you will be readmitted are as follows [insert conditions].*

The decision to exclude has been taken on the basis of the following ground that:

A

The Local Authority consider that in all circumstances to allow ____ continued attendance at this school is likely to be seriously detrimental to order and discipline in this school, or the educational wellbeing of the pupils there.

or

B

The Local Authority is of the opinion that as the parent of ____ you refuse or fail to comply, or allow the pupil to comply, with the rules, regulations or disciplinary requirements of the school.

[Delete A or B above, as appropriate]

The decision to exclude has been taken for the following reasons:-

[Insert details relating to the circumstances leading to exclusion, including reference to other actions taken previously in managing the behaviour of this particular pupil/historical background/meetings and details of any relevant incident(s) being relied upon.]

[Insert any other information considered appropriate.]

Only where letter is to young person: You have a right to appeal against my decision and the Children and Young People's Rights Worker can support you with this. If you would like to discuss this further please phone the Service on 0800 169 4394. The Children and Young People's Rights Service is run by CHILDREN 1st and is independent of the Moray Council. The service is confidential.

If you wish to appeal, you should do so in writing to:

- a) the Clerk to the School Placing and Exclusions Appeals Committee at the following address:

Clerk to the School Placings and Exclusions Appeals Committee
Legal and Democratic Services
The Moray Council
Council Offices
High Street
ELGIN
IV30 1BX

or

- b) in cases where it is alleged that the reason for exclusion is disability discrimination then to:

First-tier Tribunal for Scotland Health and Education Chamber
4th Floor, 1 Atlantic Quay
45 Robertson Street
GLASGOW
G2 8JB

Under no circumstances should [insert child's name] /you appear within school grounds throughout the duration of the exclusion other than to attend the meeting referred to.

Only where letter is to parent: I would remind you that it is your duty to supervise [insert child's name] during school hours whilst he/she is excluded from school.

Yours sincerely

Head Teacher

EXCLUSION – CONDITIONS ATTACHED: LETTER TO CHILD WITH LEGAL CAPACITY

(This letter should be sent to the child if the child has legal capacity and when the parent is sent letter 3.)

Please read the information in Appendix 10 to determine who should receive this letter and the information that must be included in each letter.

There is no requirement for children *without* legal capacity to receive their own letter. Should a head teacher wish to do so, however, the reference to the appeals procedure should be removed from their letter.

Dear [Child with Legal Capacity]

Exclusion

As I informed you in person today, I have decided to exclude you from school.

I will be available to discuss my decision to exclude on [date within 7 calendar days] at [time] here in school and request that you meet with me to discuss then. Your parent(s) has/have been informed of this decision and will also be invited to this meeting.

Your readmission will be dependent upon certain conditions being agreed by both you and your parent(s) and I will discuss these at our meeting. *The conditions under which you will be readmitted are as follows [insert conditions].*

The decision to exclude has been taken on the basis of the following ground that:

A

The Local Authority consider that in all circumstances to allow ____ continued attendance at this school is likely to be seriously detrimental to order and discipline in this school, or the educational wellbeing of the pupils there.

or

B

The Local Authority is of the opinion that as the parent of ____ you refuse or fail to comply, or allow the pupil to comply, with the rules, regulations or disciplinary requirements of the school.

[Delete A or B above, as appropriate]

The decision to exclude has been taken for the following reasons:-

[Insert details relating to the circumstances leading to exclusion, including reference to other actions taken previously in managing the behaviour of this particular pupil/historical background/meetings and details of any relevant incident(s) being relied upon.]

[Insert any other information considered appropriate.]

You have a right to appeal against my decision and the Children and Young People's Rights Worker can support you with this. If you would like to discuss this further please phone the Service on 0800 169 4394. The Children and Young People's Rights Service is run by CHILDREN 1st and is independent of the Moray Council. The service is confidential.

If you wish to appeal, you should do so in writing to:

- a) the Clerk to the School Placing and Exclusions Appeals Committee at the following address:

Clerk to the School Placings and Exclusions Appeals Committee
Legal and Democratic Services
The Moray Council
Council Offices
High Street
ELGIN
IV30 1BX

or

- b) in cases where it is alleged that the reason for exclusion is disability discrimination then to:

First-tier Tribunal for Scotland Health and Education Chamber
4th Floor, 1 Atlantic Quay
45 Robertson Street
GLASGOW
G2 8JB

I would remind you that, whilst you are excluded from school, under no circumstances should you appear within the school buildings and grounds other than to attend our meeting.

Yours sincerely

Head Teacher

REMOVAL FROM REGISTER: LETTER TO PARENT OR PUPIL IF OVER SCHOOL AGE

(This letter should not be sent to the parent if the pupil is over school age.)

Please read the information in Appendix 10 to determine who should receive this letter and the information that must be included in each letter.

Dear [Parent/Carer or Pupil Over School Age]

[NAME OF PUPIL – DATE OF BIRTH]

I write to inform you that I have today excluded your child, [insert child's name]/you from [insert school name] School with effect from [date of exclusion] and have today requested that the Education Authority remove [insert child's name]'s name/your name from the register of this school.

A

I will be available to discuss my decision to exclude on [date within 7 calendar days] at [time] here in school and request that you meet with me to discuss then. The Children's Wellbeing Manager will be present at this meeting and will thereafter issue his decision as to whether [insert child's name]/you will be removed from the register in writing within a further 7 days. Please contact me immediately to arrange an alternative date if this is not suitable.

OR

B

I will be available to discuss my decision to exclude on [date within 7 calendar days] at [time] here in school and request that you meet with me to discuss then. The Children's Wellbeing Manager will contact you separately regarding whether or not [insert child's name]/you will be removed from the register.

[Delete A or B above, as appropriate]

The decision to exclude has been taken on the basis of the following ground that:

C

The Local Authority consider that in all circumstances to allow ____ continued attendance at this school is likely to be seriously detrimental to order and discipline in this school, or the educational wellbeing of the pupils there.

or

D

The Local Authority is of the opinion that as the parent of ____ you refuse or fail to comply, or allow the pupil to comply, with the rules, regulations or disciplinary requirements of the school. [Delete C or D above, as appropriate]

The decision to exclude has been taken for the following reasons:-

[Insert details relating to the circumstances leading to exclusion, including reference to other actions taken previously in managing the behaviour of this particular pupil/historical background/meetings and details of any relevant incident(s) being relied upon.]

[Insert any other information considered appropriate.]

Only where letter is to young person: You have a right to appeal against my decision and the Children and Young People's Rights Worker can support you with this. If you would like to discuss this further please phone the Service on 0800 169 4394. The Children and Young People's Rights Service is run by CHILDREN 1st and is independent of the Moray Council. The service is confidential.

You have a right to appeal against my decision. If you wish to appeal, you should do so in writing to:

- a) the Clerk to the School Placing and Exclusions Appeals Committee at the following address:

Clerk to the School Placings and Exclusions Appeals Committee
Legal and Democratic Services
The Moray Council
Council Offices
High Street
ELGIN
IV30 1BX

or

- b) in cases where it is alleged that the reason for exclusion is disability discrimination then to:

First-tier Tribunal for Scotland Health and Education Chamber
4th Floor, 1 Atlantic Quay
45 Robertson Street
GLASGOW
G2 8JB

Under no circumstances should [insert child's name] /you appear within school grounds throughout the duration of the exclusion other than to attend the meeting referred to.

Only where letter is to parent: I would remind you that it is your duty to supervise [insert child's name] during school hours whilst he/she is excluded from school.

Yours sincerely
Head Teacher

REMOVAL FROM REGISTER: LETTER TO CHILD WITH LEGAL CAPACITY

(This letter should be sent to the child if the child has legal capacity and when the parent is sent letter 5.)

Please read the information in Appendix 10 to determine who should receive this letter and the information that must be included in each letter.

There is no requirement for children *without* legal capacity to receive their own letter. Should a head teacher wish to do so, however, the reference to the appeals procedure should be removed from their letter.

Dear [Child with Legal Capacity]

Exclusion

As I informed you in person today, I have decided to exclude you from school with effect from [date of exclusion] and have today requested that the Education Authority remove your name from the register of this school.

A

I will be available to discuss my decision to exclude on [date within 7 calendar days] at [time] here in school and request that you meet with me to discuss then. Your parent(s) has/have been informed of this decision and will also be invited to this meeting. The Children's Wellbeing Manager will be present at this meeting and will thereafter issue his decision as to whether you are to be removed from the register within a further 7 days.

or

B

I will be available to discuss my decision to exclude on [date within 7 calendar days] at [time] here in school and request that you meet with me to discuss then. Your parent(s) has/have been informed of this decision and will also be invited to this meeting. The Children's Wellbeing Manager will contact you separately regarding whether or not your name is to be removed from the register.

[Delete A or B above, as appropriate]

The decision to exclude has been taken on the basis of the following ground that:

C

The Local Authority consider that in all circumstances to allow ____ continued attendance at this school is likely to be seriously detrimental to order and discipline in this school, or the educational wellbeing of the pupils there.

or

D

The Local Authority is of the opinion that as the parent of ____ you refuse or fail to comply, or allow the pupil to comply, with the rules, regulations or disciplinary requirements of the school.

[Delete C or D above, as appropriate]

The decision to exclude has been taken for the following reasons:-

[Insert details relating to the circumstances leading to exclusion, including reference to other actions taken previously in managing the behaviour of this particular pupil/historical background/meetings and details of any relevant incident(s) being relied upon.]

[Insert any other information considered appropriate.]

You have a right to appeal against my decision and the Children and Young People's Rights Worker can support you with this. If you would like to discuss this further please phone the Service on 0800 169 4394. The Children and Young People's Rights Service is run by CHILDREN 1st and is independent of the Moray Council. The Service is confidential.

If you wish to appeal, you should do so in writing to:

- a) the Clerk to the School Placing and Exclusions Appeals Committee at the following address:

Clerk to the School Placings and Exclusions Appeals Committee
Legal and Democratic Services
The Moray Council
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ELGIN
IV30 1BX

or

- b) in cases where it is alleged that the reason for exclusion is disability discrimination then to:

First-tier Tribunal for Scotland Health and Education Chamber
4th Floor, 1 Atlantic Quay
45 Robertson Street
GLASGOW
G2 8JB

I would remind you that, whilst you are excluded from school, under no circumstances should you appear within the school buildings and grounds other than to attend our meeting.

Yours sincerely

Head

Teacher

SCHOOL										DATE OF EXCLUSION						
NAME OF PUPIL										DATE OF BIRTH						
Year Group	Gender		ASN		Looked After		Incident in Class		Temporary (T) or Request for Removal from Register (RFR)*		If Temporary, Length of Exclusion in School Days*		Appeal		Appeal Successful	
	M	F	Y	N	Y	N	Y	N					Y	N	Y	N

PLEASE COMPLETE SECTIONS A, B and C BELOW USING A TICK AGAINST THE APPROPRIATE CODE

(A) Reason for Exclusion: Incident Type (more than 1 can be selected)

Code	Circumstances	Code	Circumstances
34	Fighting	67	Damage to personal property of staff
35	Spitting	68	Theft from pupil
36	Verbal abuse of staff	69	Theft from staff
37	Verbal abuse of pupil	70	Threat of sexual violence against pupil
38	Fire raising	71	Threat of sexual violence against staff
39	Damage to school property	72	Threat of physical violence, no weapon, against pupil
46	Threat to school property	73	Threat of physical violence, no weapon, against staff
48	Indecent exposure	74	Threat of physical violence, using weapon or improvised weapon, against pupil
51	Sustained peer exclusion for the purpose of causing significant distress	75	Threat of physical violence, using weapon or improvised weapon, against staff
53	General or persistent disobedience	76	Threat to personal property against pupil
54	Insolent or offensive behaviour	77	Threat to personal property against staff
55	Refusal to attend class	78	Malicious communications against pupil
56	Parental non-cooperation	79	Malicious communications against staff
57	Substance misuse – alcohol	80	Slander and libel (inc website) against pupil
58	Substance misuse – not alcohol	81	Slander and libel (inc website) against staff
60	Physical assault with no weapon against pupil	82	Stalking of pupil
61	Physical assault with no weapon against staff	83	Stalking of staff
62	Physical assault using weapon against pupil	84	Extortion from pupil
63	Physical assault using weapon against staff	85	Extortion from staff
64	Physical assault using improvised weapon against pupil	99	Other
65	Physical assault using improvised weapon against staff		
66	Damage to personal property of pupil		

(B) Motivating Factor

(more than 1 can be selected)

Code	Circumstances
31	Racial
32	Gender/sexual harassment

(C) Alternative Provision

Interim Alternative Provision		Long-term Alternative Provision	
Code	Description	Code	Description
01	Other school within LA	01	Other school within LA
02	Other school outwith LA	02	Other school outwith LA

*** Please Note:**

Conditional Exclusion:

the length of exclusion should be completed when the child returns to school and the Incident Report form **must** be sent to the Children's Wellbeing Manager **within 7 days**.

33	Homophobia/sexual orientation
34	Disability of victim
35	Religion
36	Sectarian
37	Substance misuse – alcohol
38	Substance misuse – not alcohol
39	Territorial/gang related
50	Assailant medical condition/disability
90	Other known factor
98	Not known

03	Special Unit	03	Special Unit
04	College	04	College
05	Bridge course	06	Support bases
06	Support bases	08	Other
07	Home tuition	09	No provision
08	Other		
09	No provision		

Request for Removal Exclusions:

Incident Report Forms must be sent to the Children’s Wellbeing Manager on day of Exclusion.

PLEASE RETURN COMPLETED FORMS TO:
THE CHILDREN’S WELLBEING MANAGER,
EDUCATION & SOCIAL CARE, THE MORAY COUNCIL, HIGH STREET, ELGIN, IV30 1BX.

Appendix 12**Preparation for Re-admission: Pupil Reflection Sheet**

You have recently been excluded from school. At your re-admission meeting you will be asked to reflect on what you can do to prevent this happening again. You will then work with school staff to produce a Behaviour Support Plan; this will include next steps for you and the school.

Pupil name:

Reason for exclusion from school:

Date & Time of Re-admission Meeting:

(bring this completed sheet with you to the meeting)

Think about the events leading up to the exclusion. What happened?

Who was affected by your behaviour?

How were you affected by your behaviour?

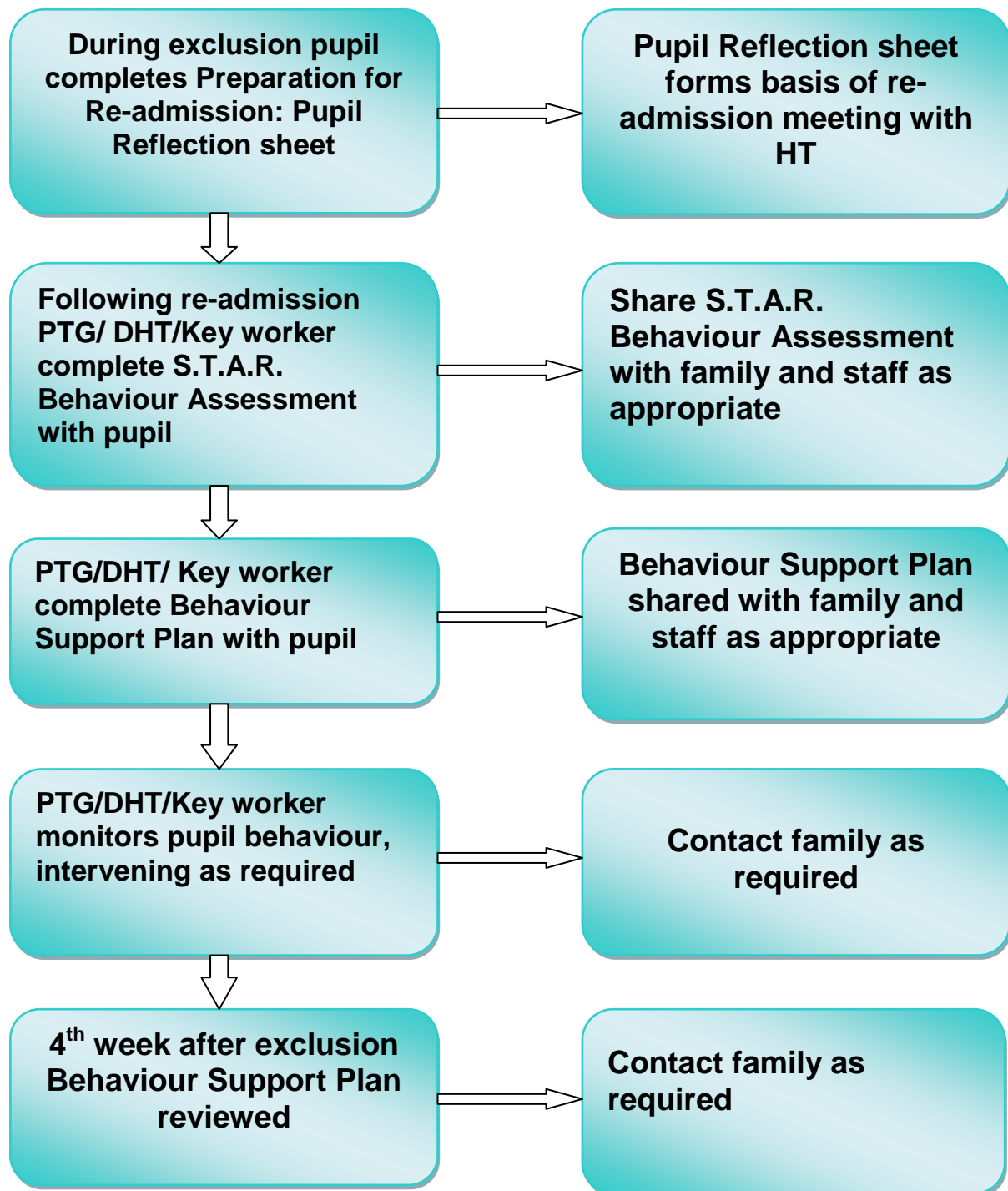
What do you need to do to get back on track?

What might the other people affected need from you?

What can you do to put things right?

What can the school do to help you make this happen?

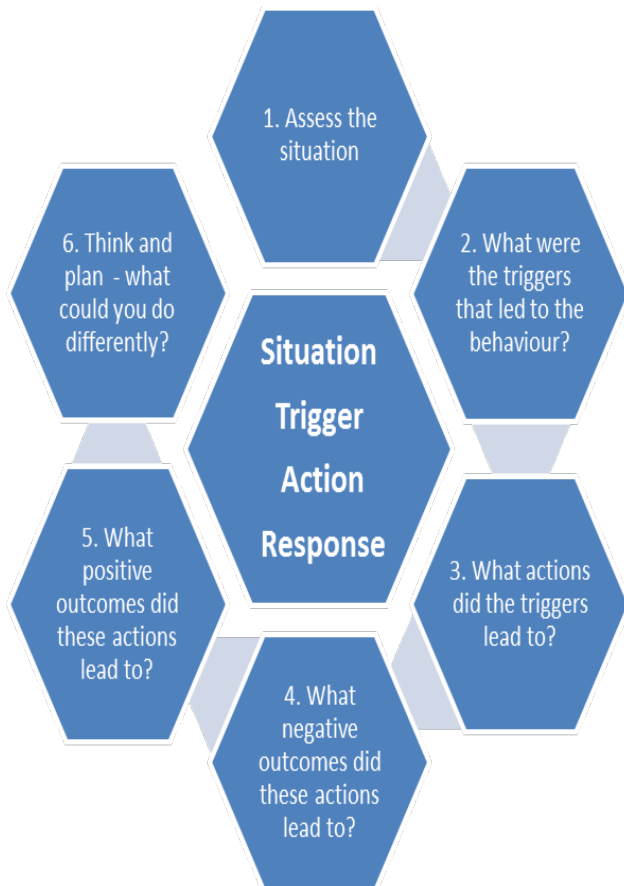
Appendix 13
Procedures for compiling Behaviour Support Plan



(STAR = Situation, Trigger, Action, Response)

S.T.A.R. Behaviour Assessment

1. ***How did I get into this mess?*** Think about the Situation, Trigger, Action, Response.



S.T.A.R. Behaviour Assessment

2. How do I do things differently? Think about your goal.



3. My Behaviour Support Plan Think about how to take control of your behaviour

My 1st behaviour goal:

2. To achieve my goal I will do these things:

3. I will need help with these things to achieve my goal:

4. When I have achieved my goal I will do & be these things:

5. Others will see these things when I have achieved my goal:

6. The positive outcomes of achieving my goal will be:

Name:
Date:
Review date:

My 2nd behaviour goal:

2. To achieve my goal I will do these things:

3. I will need help with these things to achieve my goal:

4. When I have achieved my goal I will do & be these things:

5. Others will see these things when I have achieved my goal:

6. The positive outcomes of achieving my goal will be:

Name:
Date:
Review date:

APPENDIX 14

APPEALS COMMITTEE LETTERS AND DOCUMENT LIST

As noted in Section 5, when preparing a case for the Appeals Committee, certain information that is to be relied on at the Committee hearing must be sent to the Clerk to Committee and the Appellant a minimum of 10 calendar days prior to the hearing date.

The following style cover letters and document list can be sent to the Clerk and Appellant. Copies of the documents that will be relied upon at the appeal hearing should then be attached.

TEMPLATE 1

Letter to the Clerk to the Placings and Exclusions Appeals Committee

**Appeal Against Exclusion of [insert name of pupil]
Appeal Hearing [insert date]**

Please find attached a list of the documents, with copies attached, that I intend to refer to at the above Appeal hearing.

I will also have the undernoted witnesses.

Yours faithfully,

Undernote:

1. [List name and occupation of witness]
2. [List name and occupation of witness]
3. Etc.

Letter to the Appellant

[Insert Name and Address of Appellant]

Dear [Insert name of Appellant]

School Placings & Exclusions Appeals Committee – [Insert date of appeal hearing] at [Insert time of Appeal Hearing], [Insert location of Appeal hearing]

As you are aware, your appeal is to be heard at [insert time] on [insert date] within [insert location].

I will be present to defend my decision to exclude [insert name].

The procedure, which I am required to follow, is set out in the Education (Appeal Committee Procedures) (Scotland) Regulations 1982. These regulations require that 10 days prior to the date of the hearing I provide you with copies of any documents that I may refer to during the hearing. Please find copies of the documents enclosed.

I must also advise you that I will ask [insert names of witnesses] to give evidence of the part that (s)he played in this matter.

You are also obliged to give me a copy of any documents that you intend to bring to the hearing 10 days prior to the hearing. Please therefore send me any documents that you intend to rely on. If you intend to bring along any witnesses, you should also advise me beforehand who they are.

I look forward to hearing from you with any documents that you intend to refer to and the names and details of any witnesses that you wish to bring.

Yours sincerely

Head Teacher

APPEAL AGAINST EXCLUSION OF [Insert name of Pupil]

School Placings and Exclusions Appeals Committee – [Insert Date]

List of Education Authority Documents

(These may be referred to during the course of the Appeal.)

[The following are examples only. Documentation may change from case to case.]

1. Exclusion Letter from [Insert name] Head Teacher, to [Insert name] dated [Insert date].
2. Account of incident on [Insert date] written by [name withheld]
3. Account of incident on [Insert Date] written by [Insert name]
4. File note of meeting between [Insert name] and [Insert name] on [Insert date].
5. File note recording meeting between [Insert name] and [Insert name] on [Insert date].

Appendix 16**Glossary of Terms.**

CSP	Coordinated Support Plan
GIRFEC	Getting it right for every child
HT	Head Teacher
IEP	Individual Education Plan
LA	Local Authority
LAAC	Looked After and Accommodated Child
LAC	Looked After Child
LMG	Locality Management Group
LWO	Locality Wellbeing Officer
SEBN	Social, Emotional and Behavioural Needs
SEEMiS	Scottish Education Management Information System
UNCRC	United Nations Convention on the Rights of the Child

APPENDIX B

Included, Engaged and Involved: A Positive Approach to Managing Moray School Exclusions

Summary of the main changes in the revised (2018) policy

1. Document Title Changed

The previous Moray exclusion policy was entitled School Exclusions: Policies and Procedures. The emphasis of the refreshed title and document puts a greater emphasis on early intervention and prevention.

2. Document Layout

The previous publication had a general information section and a section for Head Teachers; this resulted in a lot of duplication. The revised document reads as a single document.

3. Hyperlinks

Hyperlinks have been utilised throughout the document.

4. Contents Section Updated

Fully refreshed to reflect the new layout of the document. (Pg.1)

5. Flowchart

A flow chart has been added to guide the reader through the decision making process from early intervention through to exclusion. (Pg.2)

6. Introduction

A new introduction section has been included. This includes information on Staged Intervention, Moray GIRFEC Pathway and the potential impact of exclusion. (Pg.3 – Pg.6)

7. 16 Year Olds

In the event of a pupil aged 16 years old or over being excluded from school, the said pupil must consent to any information being shared with their parents. (Pg.11)

8. SEEMiS

Increased emphasis on the recording and analysis of information on SEEMiS. (Pg.8)

9. Physical Intervention Policy

Information and links to the Physical Intervention Policy have been added. (Pg.9)

10. Seclusion

Information in relation to the use of seclusion within schools has been added. (Pg.9)

11. Weapons in Schools Policy

Information and links to the Weapons in Schools Policy have been added. (Pg.9)

12. Special Circumstances

Refreshed information and guidance on 'special circumstances' in relation to children with Additional Support Needs, Looked after Children and Children on the Child Protection Register. (Pg.9 – Pg.10)

13. Alternative Education Provision

There is increased emphasis and additional guidance on the need for an alternative education provision if a pupil is excluded from school. (Pg.12)

14. Exclusion over School Holiday period

Periods of exclusion should not carry over school holiday periods. (Pg.12)

15. Part-time Timetables

General information and details of the new SEEMiS code that is available for children returning from exclusion on a Part-time Timetable. (Pg. 14)

16. Exclusion Appeals

Guidance for Head Teachers has been refreshed and updated. (Pg.15)

17. Definition Section

A definition section has been added to provide further detail on key terms. (Pg.18)

18. Moray GIRFEC Pathway

Diagram added. (Appendix 1)

19. National Practice Model

Diagram added. (Appendix 2)

20. Alternatives to Exclusion

Details on alternatives to exclusion have been added. (Appendix 3)

21. Record of Investigation and Pupil Statement

Supporting documents have been added to aid the investigation process. (Appendix 4 & 5)

22. Checklists

Checklists have been added to aid Head Teachers in their decision making. These are not mandatory however may help Head Teachers in certain circumstances. The checklists are:

- Key Considerations (Appendix 6)
- Individual Circumstances (Appendix 7)
- Checklist of Actions (Appendix 9)

23. Duration of Exclusions

Additional guidance has been provided. (Appendix 8)

24. Exam Implications

Additional guidance has been provided. (Pg.32)

25. Exclusion Letters The number of potential letters has been reduced to aid decision making. (Appendix 10)**26. Incident Report**

This document has been updated. (Appendix 11)

27. Preparation for Readmission

The option for a Conditional Exclusion has been removed. This is in line with national thinking. Legislation allows for two types of Exclusion 'temporary' and 'removal from register'. A supporting document entitled Preparation for Readmission provides schools with a template document which can be utilised as part of the readmission process. (Appendix 12)

28. Behaviour Support Plans

Information on Behaviour Support Plans has been added. The plans provided are examples and are not mandatory. (Appendix 13)

29. Exclusion Appeal Letters and Supporting Documents

Refreshed documents and guidance (Appendix 14)