

REPORT TO MARR AREA COMMITTEE - 31 MARCH 2020

PROMOTING INCLUSION AND REDUCING EXCLUSIONS IN ABERDEENSHIRE SCHOOLS

1 Reason for Report / Summary

- 1.1 To highlight the review of the of the Aberdeenshire Council policy - Education and Recreation Service Policy on School Discipline and the Use of Exclusion 2006.

2 Recommendations

The Committee is recommended:

To provide comments on the revised and updated draft policy on promoting inclusion and reducing exclusions in Aberdeenshire's schools, to replace the current "Aberdeenshire Council Education and Recreation Service Policy on School Discipline and the Use of Exclusion" (2006).

3 Purpose and Decision Making Route

- 3.1 The purpose of this report is to seek members' comments in relation to the consultation on an up-to-date and modern policy that is responding to and reflecting recent legislation.
- 3.2 The policy review and development is being undertaken in accordance with the Council's Policy Development and Review Framework in Part 4B of the Scheme of Governance. Area Committee consultation is a requirement of the framework and all Area Committees will receive a formal report and all comments from members will be reported to Education and Children's Services Committee in May 2020. Area Committee consultation is planned for February / March 2020. The concept of the revised policy - *Promoting Inclusion and Reducing Exclusions in Aberdeenshire Schools Draft* - has been considered by Education and Children's Services Leadership Team, Aberdeenshire Secondary Head Teachers' Association (ASHTA) and The Primary Head Teachers' Committee (PHTC) and LNCT, in preparation for its circulation amongst the wider stakeholder community, including schools and the appropriate pupil and parental engagement forums.

4 Discussion

- 4.1 The revised policy aims to define a clear and consistent protocol that schools must follow when considering, initiating and managing all aspects of the exclusion process.
- 4.2 Following the publication of [*Included Engaged Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions*](#), guidance published

by The Scottish Government in June 2017, Education and Children’s Services identified this as an opportunity to revise and update policy and practice in relation to exclusion.

4.3 It is recognised by officers that the current exclusion policy (*Aberdeenshire Council Education and Recreation Service Policy on School Discipline and the Use of Exclusion, 2006*) predates some national guidance and legislation, in particular: *The Equality Act 2010*; *Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions (2011, 2017)*; *The Children and Young People (Scotland) Act (2014)* and the national *Getting It Right For Every Child* strategy, GIRFEC (2008).

4.4 A Promoting Inclusion and Reducing Exclusions in Aberdeenshire Schools Working Group has been set up and it has met throughout session 2018 – 19 to gather information and discuss the requirements for a new draft policy on Promoting Inclusion and Reducing Exclusions. The group is made up of primary and secondary head teachers, colleagues from Education Psychology Service and Social Work and Quality Improvement Manager (Education and Children’s Services), who variously contributed to the policy draft. The working draft is in Appendix 1.

5 Council Priorities, Implications and Risk

5.1 This report helps deliver Council Priority 3 - Providing the best life chances for all our children and young people by raising levels of attainment and achievement.

The report helps deliver Council Priority 4 – Work with parents and carers to support children through every stage of their development.

5.2 This report helps deliver against Aberdeenshire Children’s Services 2019-20 NIF Plan Priority – Improvement in Children and Young People’s Health and Wellbeing (Promote inclusion and participation of vulnerable groups of learning by preventing and managing exclusions.) This report also helps to deliver Aberdeenshire Council’s Children’s Services Plan 2017-20.

5.3 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed.

Subject	Yes	No	N/A
Financial			x
Staffing	X		
Equalities	X		
Fairer Scotland Duty	X		
Town Centre First			x
Sustainability			x
Children and Young People’s	X		

Rights and Wellbeing			
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- 5.4 An Equalities Impact Assessment will accompany the Area Committee reports and all further reports to Education and Children’s Committee.
- 5.5 The staffing implications are: staff training will be required in order for the policy to be effectively applied.

The Children and Young People’s Rights and Wellbeing implications are:

This policy/recommendation will have a positive impact on the Wellbeing Indicators Included and Respected, as it exemplifies the protected characteristics, as enshrined in the Equality Act (2010)

This policy will have a positive impact on the Wellbeing Indicators Achieving, Respected, Included and Nurtured, as it lays out a clear set of protocols around the careful consideration of any child being excluded, to ensure that, where appropriate, a range of supports have been employed to promote inclusion.

This policy will have a positive impact on the Wellbeing Indicator Safe, as it ensures that, should an exclusion be deemed appropriate, that all factors are considered to ensure potential risks in relation to vulnerable youngsters are given very careful consideration and approached from a multi-agency perspective.

- 5.6 The following Risks have been identified as relevant to this matter on a Directorate Level:

[Risk ID: ECSR002](#)

Priority: Developing Excellence and Equality

Impact: Our E&CS estate will deliver an inclusive and positive environment.

Identified Risks:

- Reduced Funding
- Failure to consistently apply best practice recommendations across all schools

6 Scheme of Governance

- 6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report “and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.
- 6.2 The Committee is able to consider and take a decision on this item in terms of Sections B.1.2 and B.11.1 of the List of Committee Powers in Part 2A of the Scheme of Governance, as the Committee is being asked to comment on proposals to amend Council Policy in accordance with the Policy Development and Review Framework in Part 4B of the Scheme of Governance.

**LAURENCE FINDLAY
DIRECTOR OF EDUCATION AND CHILDREN'S SERVICES**

Report prepared by Paul Cruickshank, Quality Improvement Officer, Aberdeenshire Council Education and Children's Services.

12 March 2020

List of Appendices

- Appendix 1: Promoting Inclusion and Reducing Exclusions in Aberdeenshire Schools Draft Policy.
- Appendix 2: Equalities Impact Assessment

APPENDIX 1

Promoting Inclusion and Reducing Exclusion Policy for Learning Establishments

Summary Table

Policy Status (circle as appropriate)	<i>Approved and finalised</i>
	<i>Subject to consultation</i>
	<i>Draft</i>
Responsible Officer	<i>Paul Cruickshank, Quality Improvement Officer, E & CS</i>
Policy Sponsor	<i>Vincent Docherty, Head of Education, E & CS</i>
Authorised by	<i>TBC</i>
Approval Date	<i>Draft version</i>
Review Date	<i>n/a</i>

1. Policy Statement

The Scottish Government is committed to supporting and promoting Children's rights under the United Nations Convention on the Rights of the Child. The Education (Additional Support for Learning) (Scotland) Act (2009) requires Authorities to reduce barriers to learning. Aberdeenshire Council is obliged to meet the requirements of equalities legislation.

This policy has been informed by: Schools General (Scotland) Regulations 1975, 1982, Amendment (No 2); Education (Scotland) Act 1980, 2016; the Age of Legal Capacity (Scotland) Act 1991; Equality Act 2010; Included, Engaged and Involved Part 2: *A Positive Approach to Preventing and Managing School Exclusions* (2011, 2017); The Children and Young People (Scotland) Act (2014); and has been shaped by the national Getting It Right For Every Child strategy, GIRFEC (2008).

This policy replaces previous exclusion guidance, policies and procedures adopted by Aberdeenshire Council, and those developed by individual establishments.

2. Scope

This policy has been developed by The Promoting Inclusion and Reducing Exclusions in Aberdeenshire Council Working Group, representing colleagues from Aberdeenshire Headteachers' Association (ASHTA), Primary Headteachers' Council (PHTC), Educational Psychology and Social Work. Relevant guidance documents will be published to support this policy, which will support establishments who have made the decision to exclude a pupil(s).

The scope of this policy extends to all learning establishments.

3. Principles

Background

Following the publication of *Included Engaged Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions*, guidance published by The Scottish Government in June 2017, Education and Children's Services identified this as an opportunity to revise and update policy and practice in relation to exclusion, recognising that current exclusion policy predates some national guidance and legislation.

This policy aims to define a clear and consistent protocol that schools must follow when considering, initiating and managing all aspects of the exclusion process.

All schools will have policies and practices in place to promote and support positive behaviour. These will have been developed in consultation with all members of the school community and will be regularly reviewed. Effective arrangements for learning and teaching and for a flexible, pupil-centred curriculum go hand in hand with an ethos of nurture, care and respect. However, even in the most nurturing and respectful school environment, there will be instances where behaviours displayed by children and young people, or actions taken by them are unacceptable. Key to preventing exclusion is intervening early when problems arise and implementing a planned and staged approach to supporting pupils. A range of measures will be taken in the classroom or in the wider school, to support children and young people in these circumstances. In most cases these approaches are sufficient to move the situation forward. Sometimes the situation is more complex and will require support from partners or a multi-agency approach to supporting inclusion.

Formal exclusion is an important sanction with a legitimate place within a school's relationships and promoting positive behaviour management policy. It marks the extreme seriousness of a breach of discipline that is detrimental to the good order of the school or to the educational well-being of the pupils there, and formally engages parents and carers in working in partnership with the school to support the development of children and young people to learn to regulate their own behaviours.

Exclusion is the most serious sanction that can be imposed on a pupil. Head Teachers should seek to minimise the need to use it by promoting a positive and inclusive school ethos. When considered necessary, it must be used as a last resort, short in duration, and implemented in accordance with agreed procedures. In exceptional circumstances such as assault, the use of weapons, substance misuse or grossly offensive or menacing behaviour, the Head Teacher may consider that the behaviour of a pupil is such that the pupil should be excluded regardless of previous good behaviour. In these circumstances, it is acknowledged that it may not be possible to follow the good staged practice outlined in the guidance associated with this policy.

In response to the policy context and the priorities of National and Local Government, this policy is based on the following key principles:

- All children and young people have a right to education and Aberdeenshire Council has a duty to provide this education;
- A consistent and well-maintained commitment to a whole school ethos of prevention, early intervention and support as the context for the promotion of positive relationships, learning and behaviour;
- All children and young people need to be included, engaged and involved in their learning;
- Everyone in a school or learning establishment should feel they are in a safe and nurturing environment;
- All children and young people have the right to get the support they need to benefit fully from their education and fulfil their potential;
- Exclusion should be the last resort; it should be for as short a time as possible, and always have a positive, purposeful intention for the learning and wellbeing of the child or young person;
- Exclusion should not be viewed as punitive;
- Where exclusion is used, it should be as a proportionate response where there is no appropriate alternative and the wellbeing of the children and young people should be a key consideration.

Schools must take due cognisance of the key steps, in accordance with the national guidance set-out in *Included Engaged Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions*, which provides guidance on approaches that can be used to prevent the need for exclusion, ensuring all children and young people are Included, Engaged and Involved in their education and summarises the legislative duties placed on Local Authorities regarding exclusion from school.

3.1 Powers to Exclude

Regulations 4 and 4a of the Schools General (Scotland) Regulations 1975 as amended and the Schools General (Scotland) Amendment (No.2) Regulations 1982 lays out the power to exclude a pupil and the circumstances under which a pupil may be excluded; and the requirements on local authority where a decision to exclude has been taken. Head teachers have the power to exclude where:

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

- *"are of the opinion that the parent of the child or young person refuses or fails to comply, or to allow the child or young person to comply, with the rules, regulations or disciplinary requirements of the school";*

or

- *"consider that, in all the circumstances, to allow the pupil to continue his/her attendance at the school would be likely to be seriously detrimental to the order and discipline in the school or the educational well-being of the pupils there."*

4. Carefully consider key messages on the potential impact of exclusion

The cost of exclusion can be seen in terms of wellbeing, attainment and later offending behaviour, with recognition that the negative impact of exclusion is cumulative. Children and young people can often become involved in a negative cycle of exclusion and non-attendance which are very likely to reduce social capital and significantly impact on later life chances. (*Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions*, 2017)

4.1 Children and Young People with Risk Factors

National statistics on exclusions indicate that children and young people are more likely to be excluded where they:

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

4.2 Equality Act (2010)

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

Protected characteristics (within school education) include:

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

4.3 Looked After Children

The term 'Looked After Child/ren' describes any child who is currently looked after by the local authority on a legal basis including a child or young person who is 'Looked after at Home' on a Compulsory Supervision Order. The term 'Care Experienced' refers to this group of children/young people and any child or young person who has previously been looked after.

The Education (Additional Support for Learning Act) (Scotland) Act 2004, as amended 2009, states that all looked after children will be deemed to have additional support needs unless assessed otherwise. To exclude a care experienced child or young person requires very serious consideration, which should include discussion and planning with the Team Around the Child in line with GIRFEC principles. Looked after and care experienced young people's already potentially challenging circumstances are likely to be further exacerbated, and an additional loss of learning is likely. Exclusion from school may also have a significant impact upon their home lives including their placement in foster care or residential care. An exclusion from school may be the catalyst to a placement disruption as the need to ensure appropriate care and supervision for the child or young person whilst excluded, may place a significant pressure on a parent or carer. The impact on both the child/young person and the wider system should not be underestimated.

4.4 Additional Support Needs (ASN)

Children and Young People with additional support needs are identified in specific pieces of legislation and management of exclusions should take note of this, in particular with regard to promoting the rights and wellbeing of children and young people.

Children and Young People with Additional Support Needs Including Those with a Disability

In considering the exclusion of a child or young person with a disability as defined by the **Equality Act 2010**, schools should ensure they comply with the provisions of that Act in relation to **discriminatory behaviour** in context of the exclusion from school.

The Equality Act 2010 states that it is discrimination when a person treats another **less favourably** than they treat (or would treat) others because of a protected characteristic.

A pupil has a disability for the purposes of the Act if he/she:

- Has a physical or mental impairment e.g. ASD or ADHD;

- Has an impairment which has a substantial and long-term adverse effect i.e. having lasted or is likely to last for more than 12 months;
- Has an impairment that impacts on his/her ability to carry out normal day-to-day activities. e.g. going to school, attending class, getting dressed or ability to concentrate.

Discrimination arising from disability occurs where a pupil is treated unfavourably because of something arising in consequence of their disability. Excluding a pupil with a disability for behaviour which arises as a consequence of their disability is likely to result in unlawful disability discrimination unless it can be shown that the exclusion was a proportionate means of achieving a legitimate aim. For example, a pupil with ADHD is excluded for their behaviour, including refusing to sit at their desk, distracting other pupils by talking and running around during classes. This is likely to be unlawful as they were excluded for behaviour which is related to their disability and unlikely to be viewed as a proportionate means of achieving a legitimate aim as no other efforts were made to support. If, on the other hand, a pupil with ADHD has a package of support and assaults pupils and/or staff, their exclusion may be justified because the aim of the exclusion is to ensure the health and safety of others and to seek to put in place additional measures of support.

It is our responsibility to make reasonable adjustments to enable our learners to be successful. Making reasonable adjustments may require changes to disciplinary procedures and other policies in school. We may have to disregard behaviour which is a direct consequence of a pupil's disability e.g. disregarding swearing in class by a pupil with Tourette's syndrome. Effective information sharing with all staff will be crucial in supporting the learner and consideration should be given as to how to share appropriate information with other children and young people. In many cases, an appropriate support plan will be in place (such as an IEP, single agency or multi-agency Child's Plan). Head Teachers should speak with their QIO if concerns about discrimination arise when exclusion is being considered.

In considering the exclusion of a pupil who receives additional support, account should be taken of the potential impact of the loss of both their learning and support provision. It is the school's responsibility to be aware of the arrangements in place with other agencies such as Social Work services and Health services in making provision and take account of any disruption to the provision of these services to the pupil and to the services themselves.

In considering exclusion of those children and young people who have social, emotional and behavioural needs, schools and authorities should take account of the ongoing support from partners, such as Speech and Language Therapy (SALT), Child and Mental Health Service (Child and Adolescents Mental Health Service), which pupils are receiving and to ensure continuity of provision throughout any exclusion to support their learning needs. Steps must be taken to ensure this provision continues during the period of exclusion.

4.5 Child Protection Register / Concerns

In cases where the exclusion of a child or young person who is on the child protection register, or for whom there are current or previous child protection concerns, is being considered, the member of staff with responsibility for child protection within the school should be informed. In addition, where the decision to exclude is being considered, social work services should be made aware of the decision, in order that appropriate discussion can take place. It is essential that this is done immediately prior to the child or young person being sent home in order to ensure their health and wellbeing, and social work services should be engaged throughout the period of exclusion from school and in line with local protocols. In all cases where a decision to exclude is being taken, schools should be prepared to undertake a risk assessment to ensure that the child or young person will not be placed at further risk whilst excluded from school, and that appropriate planning and provision should take place in collaboration with social work colleagues without undue delay.

5. Steps in the Exclusion Process

5.1 Prior to the Exclusion

When deciding whether exclusion is necessary, schools must have regard to the individual facts and circumstances surrounding individual incidents and an understanding of the needs and circumstances of the individual learner, including any risk factors. **(See appendix 1, Checklist 1a and, where appropriate, 1b)**

5.2 Sending Home Without Excluding

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

5.3 During Exclusion (see Appendix 1, Checklist 2)

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

On the same day as the decision to exclude has been taken, the school must notify the parents/carers/pupil orally and in writing of the decision to exclude and the date, time and place where the Head Teacher, or other member of the senior management team, shall be available to discuss the decision to exclude and next steps for the pupil returning to school **(See Appendix 2)**. This should be arranged before or on the last day of the exclusion. This should also include information on the Right of Appeal (<https://www.aberdeenshire.gov.uk/schools/school-info/education-appeals/placing-request-and-exclusion-appeals/>).

5.4 Provision of Education During an Exclusion

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

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

or

- make arrangements for the excluded pupil to receive such an education in any other school the managers of which are willing to receive the excluded pupil;

or

- make special arrangements for the excluded pupil to receive education other than at an educational establishment.

There is no legislative definition of 'undue delay'. However, the objective is to ensure the child or young person continues to receive an education while excluded. It is reasonable to expect alternative education provision to be in place after 3 days.

Where a child or young person has identified ASN and has a programme of targeted support as part of their school timetable, the authority has a duty to ensure a continuation of that provision. (TBC)

5.5 Length of Exclusion

The length of an exclusion should be proportionate and take into account individual circumstances. All exclusions should be recorded accurately in SEEMIS. Relevant supporting paperwork should be completed (pre- exclusion checklists and, where appropriate, relevant Single Agency Assessment and Planning Meeting / Multi Agency Assessment and Planning Meeting documentation). The school's QIO should be informed. Where exclusion is used by a school, it should be a short-term measure (unless there are exceptional circumstances) to enable further planning and assessments and provide an opportunity for reflection for both the child or young person and staff involved.

5.6 Post Exclusion: Resolution and Ways Forward (see Appendix 1, Checklist 3)

Prior to a child or young person returning to school, an update to the wellbeing assessment and planning should be carried out in order to ensure the right support is provided. It is important that appropriate approaches and strategies (e.g. restorative approaches) are utilised to ensure that the child or young person, parent(s), staff and peers are supported to enable a return to school in a positive way.

It is good practice to meet with the child or young person and their parent(s) to discuss their return to school and to agree the most appropriate supports moving forward.

Return to school planning with the child or young person and their parent(s) may include some discussion about the roles and expectations for all those involved, including the child or young person. A Support and Next Steps Meeting should focus on:

- The reasons for the exclusion and what the child or young person was communicating through their behaviour which led to the exclusion;
- The essential partnership between home and the school and how both parties can work together to support the child/young person;
- Strategies and supports that will be implemented to support the child or young person on their return should also be discussed and agreed.

The meeting should be solution oriented and focusing on the best interventions and outcomes for the learner. While it may be important for the school to set out some helpful expectations it is important that the Support and Next Steps Meeting is not purely a list of 'do's and don'ts' but is seen as positive and proactive discussion of strategies and interventions to support the young person's return to school. Re-admission to school not dependant on this taking place.

5.7 Removal from the Register

In extremely exceptional circumstances it may be that the school believes that the child or young person's behaviour is such that it may merit their removal from the register of the school and therefore referral to the local authority for consideration. The ability to exclude resulting in a pupil being removed from the register is not devolved to Head Teachers, but is vested in the Director of Education. In the case of exclusion which may result in Removal from the Register, Head Teachers should discuss their wish for such an exclusion with their Quality Improvement Officer.

5.8 Potential Legal Implications of Exclusion

In any circumstance where a decision to exclude has been taken by the headteacher or nominated depute, it must be clear and transparent in terms of recording the investigations made, the decisions taken and procedures followed, that the exclusion can be fully justified. The decision to exclude may be held up to public scrutiny, in some instances in a court of law. Headteachers should be fully aware that should an exclusion be [appealed through any legal process](#), they will be required to justify their actions and demonstrate that not only were procedures followed, but that their actions could not be seen as being in breach of any pertinent legislation. There is an expectation that paperwork will be produced at any subsequent appeals.

6. Related Links

If this policy should be read in conjunction with Included Engaged Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions (2011, 2017).

Appendix 1: Checklist 1a

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

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

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

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

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

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

Action to be taken	Action taken	Comment
Child or young person is informed he/she is to be excluded		
Immediately inform parents/carers verbally		
Looked after children and children or young people on Child Protection Register/child protection concerns – communication with all potential carers as well as any person who may have parental rights and responsibilities		
Looked after children and children or young people on Child Protection Register/child protection concerns – decision communicated to lead professional, Social Worker, Key Worker, Foster Carer, Educational Psychologists and Head of Service		
Make arrangements for child or young person to be sent or taken home. Child or young person not to leave school until safety, health and wellbeing assured and appropriate arrangements are in place		
If parents/carers cannot be contacted child young person must be supervised at school until suitable arrangements can be made		
If verbal contact made, follow up by written confirmation of exclusion on same day exclusion takes place. Include reason for exclusion and information on Right of Appeal		

Inform of date, time and place where Head Teacher or official of authority is available to discuss the exclusion		
If child or young person is of legal capacity inform them in writing of exclusion and right of appeal		
Record of exclusion filled out – incident report form		
Ensure exclusion is recorded accurately on SEEMiS		
All documents relating to exclusion to be retained in Pupil's Progress Record		
Appropriate educational provision to be provided and monitored, e.g. course work, access to library, online learning		
Arrangements for the child or young person to access any existing support made(outwith school if necessary)		
A contact person should be allocated for parent / carer /young person to liaise with re. educational provision		
Parent/carer should be informed of their responsibility to ensure child or young person is provided with appropriate education throughout the period of exclusion		
Parent/carer should be provided with information on support to assist them or advocate on behalf of child or young person		
Notify local authority		
If exclusion is lengthy or multiple, refer to local authority for support in decision making		
If parent/carer and/or child or young person exercise their		

right of appeal, meet with parent/ carer and child or / young person and/or an advocate for the child to discuss		
Referral to Scottish Children's Reporter if appropriate		

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Checklist 3: Return to School After Exclusion

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

Appendix 2: Parent / Carer / Pupil Correspondence

(Letter 1) Parent / Carer Letter

Dear Parent/Carer

NAME OF PUPIL – DATE OF BIRTH

Temporary Exclusion From School

I write to inform you that I have today excluded your child from School for a period of ___ days with effect from (**add dates**) inclusive.

The decision to exclude has been taken on the following grounds that (**delete as appropriate**):

A

It is my view that to allow **Child/Young Person's name to continue** attendance at the school is likely to be seriously detrimental to order and discipline in this school, or the educational wellbeing of the pupils there.

B

As the parent of **Child/Young Person's name** you have refused or failed to comply, or allow the **Child/Young Person's name** to comply, with the rules, regulations or disciplinary requirements of the school.

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

details relating to the circumstances leading to exclusion, including reference to other actions taken previously in managing the behaviour of this particular pupil

It is essential that we meet soon to discuss the exclusion and agree supports and next steps for **Child/Young Person's name** return to school. I **or name of other staff member if appropriate** will meet with you at **time** on **date** in **room** at the school. If you are unable to attend this appointment, please contact me as soon as possible in order that we can make suitable arrangements. **Child/Young Person's name must accompany you to this meeting.** In the meantime, **Child/Young Person's name** must not attend school, be within the school or school grounds, or take part in any school activities, until the exclusion has been resolved.

If you wish to appeal, you should do so in writing to the Clerk to the Schools Placing and Exclusions Appeal Committee at the following address:

Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen AB16 5GB

or educationappeals@aberdeenshire.gov.uk

It would be very helpful if you could have a look at the questions on the back of this letter before you come to the meeting. You may find it helpful to go over these questions with your child.

Yours sincerely
Head Teacher

Helpful questions before the Support and Next Steps meeting	
Why were you excluded from school?	
What is going well for you at school?	
What is not going well?	
What can you do to make sure you are not excluded again?	
What can the school do to make sure you are not excluded again?	
Is there anything we can do to help?	
Is there anyone else you would like to help you?	

(Letter 2) Child Under 16 Letter

Dear Child / Young Person's Name

Temporary Exclusion from School

I write to inform you that I have today excluded you from School for a period of ___ days with effect from (**add dates**) inclusive.

The decision to exclude has been taken on the following grounds:

It is my view that to allow you to continue your attendance at the school is likely to be seriously detrimental to order and discipline in this school, or the educational wellbeing of the pupils there.

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

details relating to the circumstances leading to exclusion, including reference to other actions taken previously in managing the behaviour of this particular pupil

I will be organising a meeting, soon, with your parent / carer soon to discuss the exclusion and agree supports and next steps for you to return to school. I ***or name of other staff member if appropriate*** will meet with you and your parent / carer at ***time*** on ***date*** in ***room*** at the school.

It is essential that we meet soon to discuss the exclusion and agree supports and next steps for ***Child/Young Person's name*** return to school. I ***or name of other staff member if appropriate*** will meet with you at ***time*** on ***date*** in ***room*** at the school. If you are unable to attend this appointment, please contact me as soon as possible in order that we can make suitable arrangements. ***Child/Young Person's name must accompany you to this meeting.*** In the meantime, ***Child/Young Person's name*** must not attend school, be within the school or school grounds, or take part in any school activities, until the exclusion has been resolved.

If you wish to appeal, you should do so in writing to the Clerk to the Schools Placing and Exclusions Appeal Committee at the following address:

Aberdeenshire Council
Woodhill House or educationappeals@aberdeenshire.gov.uk
Westburn Road
Aberdeen AB16 5GB

It would be very helpful if you could have a look at the questions on the back of this letter before you come to the meeting. You may find it helpful to go over these questions with your child.

Yours sincerely
Head Teacher

Helpful questions before the Support and Next Steps meeting	
Why were you excluded from school?	
What is going well for you at school?	
What is not going well?	
What can you do to make sure you are not excluded again?	
What can the school do to make sure you are not excluded again?	
Is there anything your parent / carer can do to help?	
Is there anyone else you would like to help you?	

Draft

(Letter 3) Learner Over 16 Letter

Dear Child / Young Person's Name

Temporary Exclusion from School

I write to inform you that I have today excluded you from School for a period of ___ days with effect from (**add dates**) inclusive.

The decision to exclude has been taken on the following grounds:

It is my view that to allow you to continue your attendance at the school is likely to be seriously detrimental to order and discipline in this school, or the educational wellbeing of the pupils there.

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

details relating to the circumstances leading to exclusion, including reference to other actions taken previously in managing the behaviour of this particular pupil

It is essential that we meet soon to discuss the exclusion and to consider the supports and next steps, for your return to school. I ***or name of other staff member if appropriate*** will meet with you at ***time*** on ***date*** in ***room*** at the school. If you are unable to attend this appointment, please contact me as soon as possible in order that other arrangements can be made

You can bring your parent/carer/a supporter to this meeting.

If you wish to appeal, you should do so in writing to the Clerk to the Schools Placing and Exclusions Appeal Committee at the following address:

Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen AB16 5GB

or educationappeals@aberdeenshire.gov.uk

It would be very helpful if you could have a look at the questions on the back of this letter before you come to the meeting. You may find it helpful to go over these questions with your parent / carer or someone you know well.

Yours sincerely

Head Teacher

Helpful questions before the Support and Next Steps meeting	
Why were you excluded from school?	
What is going well for you at school?	
What is not going well?	
What can you do to make sure you are not excluded again?	
What can the school do to make sure you are not excluded again?	
Is there anything your parent / carer can do to help?	
Is there anyone else you would like to help you?	

(Letter 4) Agreement for all learners following a 'Support and Next Steps Meeting'

Dear ***Child/young person's name***

Supports and Next Steps Agreed for Return to School

Today we (*you, your parent/carer/school staff*) discussed your exclusion from your school and agreed how we can support you upon your return to school.

At the meeting we have discussed:

- What is going well for you in school?
- What is not going well?
- What can you do to make sure you are not excluded again?
- What can the school do to make sure you are not excluded again?
- What can your parent/carer do to make sure you are not excluded again?
- Is there anyone else you would like to help you?

This is what we agreed:

-
-
-
-
-

We also ask all learners to try to follow the school's promoting positive behaviour code.

This information will form your plan so that you, your parent/carer and the Headteacher can clearly see how we agree to work together to support you.

If you understand and agree with all the above, please sign here:

Signature of learner -----

Signature of parent/carer -----

Signature of Headteacher/Depute Headteacher -----

Date

(Letter 5) Agreement for parent /carer following 'Support and Next Steps Meeting'

Dear

Following the exclusion of *Child/Young Person's name* from school, we confirm that the reasons for this as described in the original letter of exclusion have been discussed and we have focused on how we can make *Child/Young Person's name's* return to school a positive experience. We also explained your right of appeal.

At the meeting, you, *child/Young Person's name* and the school agreed the following:

This is what we agreed:

-
-
-
-
-

I, as Headteacher of the school, am satisfied with the arrangements made for *Child/Young Person's name* return to school.

Signature of Headteacher/Depute Headteacher

I as the parent/carers for *child/Young Person's name* agree with the arrangements set out above and will work with the school and others to support *child/Young Person's name*.

Signature of Parent/Carer

Date

EQUALITY IMPACT ASSESSMENT

EIA Version	Date	Author	Changes
Version 1	March 2020	Paul Cruickshank, QIO	

Stage 1: Title and aims of the activity (“activity” is an umbrella term covering policies, procedures, guidance and decisions including those that affect services the council delivers).	
Service	Education and Children’s Services
Section	Education
Title of the activity etc.	Promoting Inclusion and Reducing Exclusions in Aberdeenshire Schools
Aims and desired outcomes of the activity	<p>Aim: to produce of a revised and updated policy on promoting inclusion and reducing exclusions in Aberdeenshire’s schools, to replace the current “Aberdeenshire Council Education and Recreation Service Policy on School Discipline and the Use of Exclusion” (2006).</p> <p>Desired Outcome: to have a working policy that (a) addresses the changes in guidelines / legislation and ensures the policy is current and fit-for-purpose; (b) to have a policy that more effectively supports Aberdeenshire schools to respond appropriately to the exclusion procedures in schools.</p>
Author(s) & Title(s)	Paul Cruickshank, Quality Improvement Officer, Aberdeenshire Council Education and Children’s Services.

Stage 2: List the evidence that has been used in this assessment and explain what it means in relation to the activity you are assessing.		
Evidence	What does it say?	What does it mean?
Internal data (customer satisfaction surveys; equality monitoring data; customer complaints).	There have been a small number of school exclusions which have been challenged at tribunal, where an exclusion has been deemed to be inappropriate.	It is important that headteachers / staff involved in the process of exclusion have a policy that ensures, where an exclusion is appropriate, the correct procedures are followed and the appropriate factors are given consideration.

Internal consultation with staff and other services affected.		Staff consultation will take place in March 2020.
External consultation (partner organisations, community groups, and councils).		External consultation with appropriate stakeholder groups (Parent Councils / Pupil Participation Forum) will take place in March 2020.
External data (census, available statistics).	Latest Scottish Government figures on exclusion (2016-17) show Aberdeenshire school exclusion rates are below the national rates for primary, secondary and special schools.	Although Aberdeenshire school rates of exclusion are below national rates, there 23 exclusions per 1000 pupils during 2016-17. National rate was 26 per 1000 pupils in 2016-17.
Other (general information as appropriate).		

Stage 3: Evidence Gaps.	
Are there any gaps in the information you currently hold?	No. The exclusion data is recorded via the SEEMiS Education Management Information System (MIS). All local student data is processed and managed by SEEMiS software. Exclusions are recorded and the data can be scrutinised centrally by Education and Children's Services.

Stage 4: Measures to fill the evidence gaps.

What measures will be taken to fill the information gaps before the activity is implemented? These should be included in the action plan at the back of this form.	Measures:	Timescale:
	Education and Children's Services Staff consultation will take place in March 2020.	21 days. Completed by April 2020
	External consultation with appropriate stakeholder groups (Parent Councils / Pupil Participation Forum) will take place in March 2020.	21 days. Completed by April 2020
	Analyse Scottish Government Exclusion Data for 2018-19 when this is published in March 2020.	April 2020

Stage 5: What steps can be taken to promote good relations between various groups/areas?

These should be included in the action plan.	The policy places emphasis on building positive relationships, dialogue and communication between schools, pupils, parents and partner agencies (such as Social Work) to promote inclusion and reduce exclusions.
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Stage 6: How does the policy/activity create opportunities for advancing equality of opportunity?

The principles of The Equality Act (2010), particularly in relation to protected characteristics, are a key element of the policy. This will ensure that, in the event of an exclusion being considered for a child or young person with a protected characteristic, schools should not exclude as a result of their protected characteristic or discriminate during the exclusion process.

Stage 7a:

Are there potential impacts on protected groups?

The protected groups covered by the equality duty are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Who is affected by the activity or who is intended to benefit from the proposed activity and how?

Complete the table below for each protected group by inserting "yes" in the applicable box/boxes below.

	Positive	Negative	Neutral	Unknown
Age – Younger	yes			
Age - Older			yes	
Disability	yes			
Race – (includes Gypsy Travellers)	yes			
Religion or Belief	yes			
Sex	yes			
Pregnancy and maternity	yes			
Sexual orientation – (includes Lesbian/ Gay/Bisexual)	yes			
Gender reassignment – (includes Transgender)	yes			
Marriage and Civil Partnership	yes			

Stage 7b: Do you have evidence or reason to believe that this policy, activity etc. will or may impact on socio-economic inequalities?

This is about trying to be fair to everyone. Part of that is realising that not everyone may be starting at the same place. Some individuals and families may have low income, may have very little or no savings which means they are living from month to month therefore changes to council policies/services may have a greater adverse impact on them.

On this basis you should consider potential impacts on individuals/families by:

- Place: on specific vulnerable areas or communities (SIMD, regeneration, rural) e.g. housing, transport.
- Pockets: household resources, (Income, benefits, outgoings) ability to access a service
- Prospects: peoples life chances e.g.access to, or ability to access: employment, training, services (such as council or health) or support.

Groups of people who may be impacted include, but not limited to:

<ul style="list-style-type: none"> • Unemployed • Single parents and vulnerable families • People on benefits • Those involved in the criminal justice system • People in the most deprived communities • People who live in rural areas 	<ul style="list-style-type: none"> • Pensioners • Looked after children • Carers including young carers • Veterans • Students • Single adult households • People who have experienced the asylum system 	<ul style="list-style-type: none"> • Those leaving the care setting including children and young people and those with illness • Homeless people • People with low literacy/numeracy • People with lower educational qualifications • People in low paid work • People with one or more protected characteristic
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Please complete by inserting “yes” in the applicable box/boxes below.

Socio-economic disadvantage	Positive	Negative	Neutral	Unknown
Pockets: Low income/income poverty – cannot afford to maintain regular payments such as bills, food, clothing			yes	

<p>Pockets: Low and/or no wealth – enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future</p>			<p>yes</p>	
<p>Pockets: Material deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure and hobbies</p>	<p>yes</p>			
<p>Place: Area deprivation – where you live, where you work</p>	<p>yes</p>			
<p>Prospects: Socioeconomic background – social class i.e. parents education, employment and income , educational achievement.</p>	<p>yes</p>			

<p>Stage 8: What are the positive and negative impacts?</p>		
<p>Impacts.</p>	<p>Positive</p>	<p>Negative</p>
<p>Please detail the potential positive and/or negative impacts you have highlighted above. Detail the impacts and describe those affected.</p>	<p>Schools must give careful consideration to children and young people with protected characteristics, additional support needs, care experienced children and young people to ensure (in the case of those with protected characteristics) they are not discriminated against and that appropriate supports are in place, should an exclusion be deemed appropriate.</p>	

	<p>The policy requires schools to address factors that may play a part in the exclusion of a youngster and puts great store in ensuring appropriate supports and planning have been considered / applied to support children and young people at risk of exclusion or who may be excluded.</p>	

Stage 9: Have any of the affected groups/areas been involved, engaged with or consulted?

<p>If yes, please give details of how this was done and what the results were. If no, how have you ensured that you can make an informed decision about mitigating steps?</p>	<p>No. As part of the consultation process, we are looking to engage with the Pupil Participation forum, in order to receive feedback from pupils. Parental feedback will be received via school parent bodies, such as parent councils.</p>
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Stage 10: What mitigating steps will be taken to remove or reduce negative impacts?

<p>These should be included in any action plan at the back of this form.</p>	<p>Mitigating Steps</p>	<p>Timescale</p>

Stage 11: What monitoring arrangements will be put in place? How the EIA will be used to monitor the proposal

<p>These should be included in any action plan (for example customer satisfaction questionnaires).</p>	<ul style="list-style-type: none"> • Survey / questionnaire for schools following 1st year of policy implementation • Survey / questionnaire for pupils / families who have been involved in the exclusion process • Aberdeenshire Education and Children’s Services Data on school exclusions
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Stage 12: What is the outcome of the Assessment?

Please complete the appropriate box/boxes	1	No negative impacts have been identified –please explain.
	The policy is designed to minimise the need for school exclusions. Where an exclusion is justified, the policy sets-out the appropriate supportive steps that need to be in place around the child or young person who is being excluded and their parent / carer / family. In this sense, particularly in relation to pupils with protected characteristic, care experienced pupils and pupils with additional support needs, the policy aims to promote inclusion.	
	2	Negative Impacts have been identified, these can be mitigated - please explain. * Please fill in Stage 13 if this option is chosen.
	3	The activity will have negative impacts which cannot be mitigated fully – please explain. * Please fill in Stage 13 if this option is chosen

* Stage 13: Set out the justification that the activity can and should go ahead despite the negative impact.

Stage 14: Sign off and authorisation.			
Sign off and authorisation.	1) Service and Team	Education and Children's Services	
	2) Title of Policy/Activity	Promoting Inclusion and Reducing Exclusions in Aberdeenshire Schools	
	3) Authors: I/We have completed the equality impact assessment	Name: Paul Cruickshank Position: QIO Date: 06-03-20 Signature: Paul Cruickshank	Name: Position: Date: Signature:

for this policy/ activity.	Name: Position: Date: Signature:	Name: Position: Date: Signature:
4) Consultation with Service Manager	Name: Anne Marie Davies Date: 09-03-20	
5) Authorisation by Director or Head of Service	Name: Vincent Docherty Position: Head of Education Date: 09-03-20	Name: Position: Date:
6) If the EIA relates to a matter that has to go before a Committee, Committee report author sends the Committee Report and this form, and any supporting assessment documents, to the Officers responsible for monitoring and the Committee Officer of the relevant Committee.		Date:
7) EIA author sends a copy of the finalised form to: equalities@aberdeenshire.gov.uk		Date: 09-03-20

