



**Scottish Borders Council  
Exclusions Policy**



## **EDUCATION & LIFELONG LEARNING**

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### **EXCLUSION POLICY AND PROCEDURES**

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#### **1 PURPOSE**

- 1.1 This document outlines the policy and procedures to be used when considering excluding a pupil from a Scottish Borders Council school or nursery.
- 1.2 The statutory framework this policy sits within includes the Education (Scotland) Act 1996, the Education (Additional Support for Learning) (Scotland) Act 2004 and 2009, and the Children (Scotland) Act 1995. The overarching policy framework is the Scottish Government's Getting It Right For Every Child (GIRFEC).
- 1.3 The power to exclude a pupil from school and the circumstances under which a pupil may be excluded are set out in Regulation 4 of the Schools General (Scotland) Regulations 1975, as amended. The relevant amending Regulations are the Schools General (Scotland) (Amendment) Regulations 1982 and the Schools General (Scotland) Amendment (No 2) Regulations 1982.
- 1.4 The power to exclude is delegated to the Headteacher of the school and to the senior member of staff deputising in his or her absence.
- 1.5 This policy replaces the Exclusion Policy and Procedures 2007.

#### **2 CORPORATE CONTEXT**

- 2.1 This policy supports Council priority 4.3, Young people are successful learners, demonstrating achievement and attainment.

#### **3 ACCESSIBILITY**

- 3.1 This document can be made available in large print, on tape or in other languages.

## **4 IMPLEMENTATION**

- 4.1 This policy is relevant for all staff based in schools, and specifically Headteachers, Depute Heads and pastoral staff. It is also relevant for Education Team Leaders, Senior Education Officers, and Integrated Children's Services Locality Managers.

## **5 PRINCIPLES**

- 5.1 Exclusion is an extremely serious option of last resort, impacting disproportionately on our most vulnerable children. Exclusion must only be used within an overall ethos of prevention, early intervention and support for children and young people, including consistently applied methods for promoting positive relationships and behaviour in schools.
- 5.2 Exclusion is ultimately a very short-term option. Schools and Learning Communities must be able to address issues around challenging behaviour constructively in the longer term.
- 5.3 Prevention of the need for exclusion is paramount. Professionals and families should work together using positive tools, such as Team teach that enable children and young people to engage in a positive learning environment. This should include the identification of children and young people at risk of exclusion and the assessment, planning and provision of support to prevent exclusion from occurring.
- 5.4 Scottish Borders Council operates a staged system of support, with a variety of resources available at school, Locality and authority level. All options should be exhausted prior to consideration of exclusion. Consideration of exclusion should always trigger the need to introduce or re-evaluate stages of intervention. Risk assessment of the child or young person may be necessary in some cases.
- 5.5 Every case considered for exclusion should be assessed on an individual basis, identifying and considering the specific circumstances of the child or young person. Additional risk factors such as additional support needs and Looked After status should be taken into account when making a decision to exclude.
- 5.6 Continuity of education is essential and the exclusion should be for as short a period as possible. Entitlements under Curriculum for Excellence to personal support and meeting additional support needs should be maintained. The duration of the exclusion should be used to:
- constructively resolve the situation
  - beginning the process of identifying and planning new support or provision, including review and updating of any support plan already existing, or the creation of a new support plan, eg, Individualised Education Plan, Child's Plan or Co-ordinated Support Plan

- plan and safeguard a successful return, in partnership with the learner and parents/carers and where appropriate other relevant key workers.

5.7 Plans for reintegration should consider the needs of all parties. Consideration of the impact of the incident or behaviour leading to an exclusion on other learners and staff should be undertaken prior to the resolution meeting and appropriate follow-up support and resolution implemented, for example the use of restorative practices.

5.8 Scottish Borders Council undertakes rigorous self-evaluation and audit in order to monitor and analyse the use of exclusion in our schools. This forms part of the annual Standards and Quality Report presented by the Department of Education & Lifelong Learning to the Education Executive. See section 18, Monitoring and Review.

## **6 TYPES OF EXCLUSION**

6.1 There are two forms of exclusion recognised by Scottish Borders Council:

### **a) “Exclusion”**

When a pupil is excluded from school and remains on the register of the school because it is expected that the pupil will return when the period of exclusion is completed.

### **b) “Removal/Exclusion from the Register”**

This would only be applicable in very serious situations which, because of the level of severity, would automatically involve the Director of Education & Lifelong Learning. The school must discuss the proposed exclusion with the relevant Head of Schools and the Director. The final decision is taken by the Director.

6.2 In accordance with the Guidance contained in Annex C to Scottish Executive Education Department Circular 8/03, all exclusions must be referred to in one or other of the terms in headings (a) and (b) above.

6.3 Only formal exclusions, recorded as such, are acceptable. Any other form of exclusion which involves sending the learner home is not acceptable. Any decision to exclude a learner must conform with the legislative framework provided by the Schools General (Scotland) Regulations 1975.

## **7 GROUNDS FOR EXCLUSION**

7.1 Regulation 4 states that an education authority shall not exclude a pupil from school unless the authority and/or its delegates:

- (a) “are of the opinion that the parent of the pupil refuses or fails to comply, or to allow the pupil to comply, with the rules, regulations or disciplinary requirements of the school”; or
- (b) “consider that in all circumstances to allow the pupil to continue attendance at the school would be likely to be seriously detrimental to order and discipline at the school or the educational well-being of the pupils there.”

## **8 APPROPRIATE CIRCUMSTANCES**

- 8.1 When deciding to exclude a pupil, schools must ultimately be able to demonstrate to the courts if necessary that such action is the appropriate response to the behaviour in question. Exclusion is not a form of punishment, but rather a management tool to maintain good order and discipline.
- 8.2 Exclusion may only be used when other measures have been considered and deemed inappropriate, and where the circumstances are such that its implementation would achieve one or more of the following:
  - safeguard the well-being and education of other pupils
  - safeguard the well-being of school staff
  - safeguard the well-being of the excluded pupil

## **9 CONSIDERATION OF INDIVIDUAL CIRCUMSTANCES**

- 9.1 Certain groups of children and young people are both more at risk of exclusion and more vulnerable/at risk. Children and young people are more likely to be excluded where:
  - a) they have a disability (1.6 times more likely)
  - b) they are looked after (8.5 times more likely)
  - c) they are from the most deprived areas (7.7 times more likely)
  - d) they have an additional support need (ASN)
  - e) the additional support need is social, emotional and behavioural.

*(Included, engaged and involved part 2:  
a positive approach to managing school exclusions)*

- 9.2 Schools should consider the individual circumstances of a child or young person and the additional risk factors that child or young person may have before taking the decision to exclude. Appendix 2 contains further information on groups of pupils whose individual circumstances and risk factors **must** be considered prior to the decision to exclude. These are:
  - Learners with Additional Support Needs
  - Learners with disabilities
  - Looked After Children
  - Children on the Child Protection Register
  - SQA candidates

## **Shared Placements and Part Time Hours**

- 9.3 When a pupil has a joint educational provision (on the register of their local 'base' school but attending part time at a specialist support centre) the responsibility for recording an exclusion remains with the pupil's base school. It is the responsibility of the support centre to ensure the base school is informed of the details of the exclusion to enable this.
- 9.4 It may be appropriate, particularly where a crisis situation has developed, for a learner to return to school on a part-time basis for a short period of phased re-admission. This decision must be taken within the context of the Integrated Assessment Framework, ie, the decision must be taken at a Meeting Around the Child and involve all agencies involved in supporting the learner, along with parents, carers, and the child or young person.
- 9.5 Part time curriculum arrangements are an interim step to expedite a prompt return to full time education and should have a clear timescale attached. The length of this arrangement should be kept to an absolute minimum. The part time arrangements must be reviewed at least every four weeks with a view to re-integration into a full timetable or consideration of alternative provision. Part time arrangements must be reported to the Education Management Team via the Locality Senior Education Officer on a monthly basis.
- 9.6 Where a learner is receiving a part time timetable on this basis there remains a legal requirement to mark attendance as attendance and time absent as exclusion. Where an agreed package is in place to support the part time curriculum, for example a work placement, attendance at college, or a specified activity delivered by a third party such as a voluntary agency, this should be recorded as attendance at a shared placement.

## **10 COMMUNICATION WITH PARENTS/CARERS**

- 10.1 If the pupil is a young person over school leaving age, then all correspondence in the first instance should be sent to the young person. Copies should be sent to parent carers unless the young person gives specific instructions that this should not happen.

## **11 PROCEDURE FOR EXCLUSIONS**

Headteachers (or the senior member of staff deputising for the Headteacher) must follow the procedures detailed below, which are designed to ensure fairness and openness in the handling of exclusions. NB: Where an action is assigned to the Headteacher below, this should be read as Headteacher or delegate, as above.

<b>1.</b>	<b>Initial Investigation of the incident</b>	<b>ACTION</b>
1.1	Undertake an investigation of the incident and compile a	Headteacher

	written report on the incident form.	
1.2	Consider the individual circumstances of the learner, including any additional risk factors, the likely impact of excluding, and potentially mitigating circumstances.	Headteacher
1.3	Consider whether a Risk Assessment is required.	Headteacher
1.4	Taking account of the investigation, this policy and any supplementary guidance provided by the Department, decide the appropriate action.	Headteacher
<b>2.</b>	<b>Where the decision is taken to exclude</b>	
2.1	For Looked After Children and children on the Child Protection register: Notify the Integrated Children's Services Locality Office to discuss the proposed exclusion and its potential impact. Note that the decision to exclude remains with the Headteacher. The purpose of the discussion is to ensure all relevant information is taken into account.	Headteacher ICS Locality Manager Relevant Locality ICS staff
2.2	Assuming the decision to exclude stands following this discussion: <ul style="list-style-type: none"> <li>• Immediately notify the parent/carer by telephone.</li> <li>• Make arrangements for the learner to be sent or taken home safely, bearing in mind specific circumstances as described in this policy.</li> <li>• If parents/carers or their agreed substitutes cannot be contacted or are unable to agree arrangements for the learner, the learner must be supervised in school until satisfactory arrangements can be made.</li> <li>• If the learner cannot be safely supervised within the school, eg, learner is exhibiting violent behaviour, it may be necessary to involve the police.</li> <li>• If the learner leaves the school grounds, the parents/carers must be notified of this as soon as they can be contacted.</li> </ul>	Headteacher
2.3	The telephone contact must be followed up by written confirmation to the parent/carer or the pupil (where the pupil is over school leaving age). This must be completed and sent on the day of exclusion (see appendices)	Headteacher School admin staff
2.4	Relevant school work must be provided for the learner.	Headteacher Class teacher/s
2.5	Arrangements for the learner to access any existing supports must be made (see Pupils with Additional Support Needs and Pupils with Disabilities).	Headteacher Class teacher/s Relevant service

		providers
2.6	Arrangements must be made within a reasonable time frame (not more than 5 working days) to review the child's existing support and consider what additional support may be necessary. This may take the form of an internal school meeting or a Meeting Around the Child.	Headteacher Class teacher/s Relevant service providers
2.7	The exclusion must be accurately recorded on SEEMIS, including: - Date of exclusion - Date of re-admission - Total number of half day attendances lost through exclusion - Circumstances of the exclusion (use standardised phrases from Incident Report Forms) - The details of the exclusion	Headteacher School admin staff
2.8	All exclusions over 5 days must be reported immediately to the Locality Senior Education Officer for monitoring by the Education Management Team.	Headteacher SEO
<b>3.</b>	<b>Where the decision to exclude is not taken forward</b>	
3.1	Arrangements must be made within a reasonable time frame (not more than 5 working days) to review the child's existing support and consider what additional support may be necessary. This may take the form of an internal school meeting or a Meeting Around the Child.	Headteacher Class teacher/s Relevant service providers
<b>4.</b>	<b>Returning to school</b>	
4.1	Planning should begin as soon as possible for the learner's return and re-integration into school.	Headteacher Class teacher/s
4.2	Parents/carers and learners must be offered a re-admission meeting within five working days from the date of exclusion.	Headteacher School admin staff
4.3	If parents/carers fail to attend the re-admission meeting, then the school should make contact again and set an alternative date.	Headteacher School admin staff
4.4	<b>The learner should not be excluded past the original date of return because the parents have not responded.</b> It is not in the interests of the child to remain away from school because the parents or carers are not engaging with the re-admission process. The school should consider whether a phone call or visit is necessary to ensure the family are aware of the expected date of return.	Headteacher
4.5	If no response is elicited after the second contact then the	Headteacher School admin

	school should notify the Locality Education Team Leader and the Senior Education Officer. The school should send letter 3 (see appendices).	staff
4.6	In consultation with relevant staff, the Headteacher must decide what conditions, if any, are required for re-admission and compile a re-admission agreement for discussion at the re-admission meeting. The agreement should state clearly the actions to be taken by each party to enable the learner to return and make satisfactory progress.	Headteacher
4.7	At the re-admission meeting, if agreement is reached the re-admission form should be signed and then copied for distribution to the parents/carers, the learner, the Locality Education Team Leader, and the Senior Education Officer. Distribution to other Council staff may be done via email.	Headteacher
4.8	The learner should be re-admitted to school immediately after reaching agreement.	Headteacher
4.9	If no agreement on conditions for return to school can be agreed at the re-admission meeting, the school should notify the Locality Education Team Leader and the Senior Education Officer. The school should send the appropriate letter 2 to parents/carers or pupils over the age of 16 where consent has not been given. (see appendices)	Headteacher School admin staff
<b>5.</b>	<b>Where an appeal against the exclusion is lodged</b>	
5.1	If an appeal takes place, the entry on the pupil's SEEMIS record will form the documentary evidence for the appeal committee. Therefore it is essential that records are accurate and detailed.	Headteacher School admin staff
5.2	The pupil must not remain excluded because an appeal is pending. If the pupil does not return to school after the end of the original exclusion period, this should be recorded as absence.	Headteacher School admin staff
5.3	If an appeal is successful, the entry must be removed from the Pupil Record.	Headteacher School admin staff

## **12 PROCEDURE FOR EXCLUSION/REMOVAL FROM THE REGISTER**

- 12.1 If an incident is so severe that removal from the register becomes necessary, the Headteacher will discuss this in the first instance with the relevant Head of Schools who will in turn discuss this with the Director of Education & Lifelong Learning.
- 12.2 If the Director decides that “Exclusion/Removal from the Register” is necessary then the Director will write to the parent/carer, unless the pupil is over 16 years, in which case the Director shall write to the pupil and shall only write to the parent/carer if the pupil agrees.

## **13 APPEALS PROCEDURE**

- 13.1 A Parent/Carer or a pupil over 16 has the right to appeal a decision on exclusion to the Council’s Education Appeal Committee and ultimately to the Sheriff. The process of appeal is begun by writing to the Director of Education.
- 13.2 In some circumstances a younger pupil may also have the right to appeal. According to the Age of Legal Capacity Act a child as young as 12 is presumed to be of sufficient age and maturity to have the legal capacity to instruct a solicitor in civil proceedings, and has been given the right to appeal against their own exclusion in terms of the Standards in Scotland’s Schools, etc Act 2000.
- 13.3 The Education Appeal Committee comprises 3, 5 or 7 people nominated by the local authority from a Panel of 54 people as below:
- a) The Convener, who will be Chairman of the Panel
  - b) The Vice-Chairman of the Education Executive, who will be Vice-Chairman of the Panel [Neither of these may chair an Appeal Committee.]
  - c) Members of the Education Executive
  - d) 25 Members of Council who are not members of the Education Executive
  - e) 18 individuals who are not members of the Council or the Education Executive and who are either parents of children of school age or people with experience in education or familiar with the educational conditions in the Borders, and who are nominated by a Parent Councils. One representative may be nominated by each Secondary School Parent Council and by the Parent Council for the largest primary school in each of the catchment areas for the nine secondary schools. In the event of any Parent Council declining to provide a nominee, then a nomination will be sought from the Parent Council of the next largest primary school and so on. Members of staff of the education authority (except teachers) are expressly excluded from serving on appeals panels. Any person with

any connection with a school which could raise doubts about their impartiality is also excluded from hearing appeals.

- 13.4 Corporate Administration will arrange and clerk the Hearing and invite the person making the appeal to attend. The rights of the person making an appeal are:
- a) To appear or to be represented at the Hearing
  - b) To be accompanied at the Hearing by up to three supporters, one of whom may also represent the person making the appeal
  - c) To lodge written representations; and
  - d) To allow the presentation of the case to rest on written representations.
- 13.5 At the start of a Hearing, the chairman of the Appeal Committee will outline procedure. The proceedings will usually be conducted in the following order:
- a. Presentation of case for the Education Authority
  - b. Questioning by the person making the appeal
  - c. Presentation of case for the person making the appeal
  - d. Questioning by the Education Authority
  - e. Summing up by the Authority; and
  - f. Summing up by the person making the appeal.

The chairman has certain discretionary powers to disallow questioning that is elaborative or repetitive.

#### **Decision of the Education Appeal Committee**

- 13.6 At the end of the Hearing the chairman of the Appeal Committee shall inform the person making the Appeal and the Authority whether the Committee are in a position to confirm its decision, or if they require further time for consideration.
- 13.7 If the person making the Appeal is not present or represented at the Hearing, they must be notified immediately of either the decision or need for further time to consider the decision. It is important that the decision is fully and clearly expressed and capable of being understood by a lay person.
- 13.8 If the Appeal Committee is unable to make a decision at the end of the Hearing it has a maximum of fourteen days to notify the person making the Appeal of the decision and the reasons for it. Where it is appropriate, the letter must inform the person making the appeal of any right of appeal to the Sheriff and the time limits that will be applicable.
- 13.9 All decisions must be in writing and reasons given to support the decision.

#### **Support Services for the Appeals Hearing**

- 13.10 In order to reach its decision, each member of the Appeal Committee will, for the purpose of the Committee reaching a decision, be obliged to

cast a vote either in favour of or against refusing to confirm the decision of the Education Authority to which the appeal relates.

- 13.11 Each Appeal Committee will have the services of a clerk whose role should be fully explained to the person making the appeal. The clerk will be an officer of the Local Authority, authorised by the Head of Corporate Administration and will be responsible for arranging the Hearings and ordering the business at the Hearing.
- 13.12 The clerk will be an employee who, in the course of his/her employment by the Authority, does not deal regularly with the exclusion of children. There should be no potential conflict of interest. The clerk will take notes, record decisions and the reasons for decisions, and generally ensure the smooth running of the Hearing on the day.
- 13.13 It will also be the clerk's duty to remain with the Committee during the deliberative stage and, when necessary, offer advice on procedures.
- 13.14 The clerk will keep brief notes of the proceedings – who was in attendance, the voting process and record the decisions – in a form previously agreed by the Authority.

## **14 MONITORING AND REVIEW**

- 14.1 Annual exclusion statistics are compiled and reported to the Education Executive. Exclusion figures also form part of the annual return to Scottish Government for compilation and comparison with other local authorities.
- 14.2 Exclusions for Looked After Children are recorded separately in addition to the main statistics and form part of the Children Looked After Statistics return to Scottish Government.
- 14.3 For the purposes of monitoring, all exclusions over five days' duration must be reported immediately to the Locality Senior Education Officer, who will in turn report these to the Education Management Team on a monthly basis. All part time curriculum arrangements must be similarly reported.

## **15 EQUALITIES**

- 15.1 This policy adheres to the principle of considering individual circumstances prior to the decision to exclude. It contains specific guidance for considering the decision to exclude groups of children and young people who may be disproportionately affected by exclusion.
- 15.2 It is anticipated that there will be no adverse impact due to race, disability, gender, age, sexual orientation or religion/belief arising from the proposals contained in this policy.

## 16 APPENDICES

- 16.1 Appendix 1: Proactive management planning for children with behaviour issues relating to a diagnosed condition
- 16.2 Appendix 2: Categories of pupils requiring particular consideration of circumstances and risk factors
- 16.3 Appendix 3: Letter 1 to parents/carers
- 16.4 Appendix 4: Letter 2 to parents/carers
- 16.5 Appendix 5: Letter 3 to parents/carers
- 16.6 Appendix 6: Letter 1 to pupil
- 16.7 Appendix 7: Letter 2 to pupil
- 16.8 Appendix 8: Letter 3 to pupil

## 17 MONITORING AND REVIEW

- 17.1 This policy will be reviewed on a three yearly cycle by a senior education officer nominated by the Director of Education & Lifelong Learning or his delegate.
- 17.2 If appropriate, a report will be submitted to the Education Executive to request changes to the policy.
- 17.3 The first policy review will be in **date**.

## 18 VERSION CONTROL

<b>Name of Document:</b> Exclusions policy		<b>Version Number:</b> <b>V6.2</b>
<b>Approved by:</b>		
<b>Date first approved:</b>	<b>Date of Review: August 2012</b>	
<b>Name of officer responsible for the review:</b> Amanda Cronin		
<b>Changes to the policy</b>		
<i>Paragraph No:</i>	<i>Wording that changed</i>	<i>Reason for change</i>

## **Appendix 1: Proactive management planning for children with behaviour issues relating to a diagnosed condition**

It is unlawful to exclude a child/young person with a disability where the reason for the exclusion is directly related to their disability.

This includes behavioural issues relating to a child's diagnosis, for example challenging behaviour relating to ADHD or being on the autistic spectrum.

The Scottish Government's guidance *Included, engaged and involved part 2: a positive approach to managing school exclusions* advises exclusion of a learner with a disability for a behavioural incident is likely to be justified where **all reasonable steps** to avoid the incident occurring were taken.

This includes training, specific strategies for managing common situations, de-escalation strategies and policies. Where these steps have not been taken, exclusion for the same or a materially similar incident may not be justified.

Where a child or young person has a diagnosed condition which includes challenging behaviour, it is good practice to proactively plan for potential behaviour issues. This should be done in the context of the Integrated Assessment Framework, involving all practitioners who support the learner, the parents or carers, and the learner.

All parties should be in agreement about the actions to be taken should behavioural issues relating to a child's diagnosis warrant the child being temporarily removed from the class or the school for the child's own benefit and/or that of other pupils.

The goal of the proactive planning is to identify the situations or circumstances which may lead to challenging behaviour, and agree acceptable standards of behaviour, strategies for de-escalation, and specific actions to be taken. These plans should be written down as part of the child's support plan (Individualised Education Plan, Child's Plan and/or Co-ordinated Support Plan) and agreed by all parties. It may also be appropriate to agree unacceptable behaviour which does not relate to the learner's diagnosis and which will be managed through the usual disciplinary process.

The purpose of the removal is to enable the learner to recover from a crisis and regain equilibrium. The learner would usually be expected to return the following day. However the school and the rest of the Team Around the Child should take the opportunity to review the proactive planning and adapt it to include any lessons learned from the incident.

## Appendix 2: Categories of pupils requiring particular consideration of individual circumstances and risk factors

### Pupils with Additional Support Needs

- 2.1 If considering the exclusion of a learner who receives additional support, schools must take account of the potential impact of the loss of both their learning and support provision. Staff should 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 the impact of any disruption to the provision of these services to the learner, and to the services themselves.
- 2.2 In considering the exclusion of children and young people with social, emotional and behavioural needs schools and authorities should take account of the ongoing support which learners are receiving to support their additional needs and to ensure continuity of provision throughout any exclusion to support their learning needs.
- 2.1 Learners should be allowed to continue to access any therapeutic support such as physiotherapy, speech and language therapy or occupational therapy as ongoing and necessary support and intervention.
- 2.3 Returning to school after an exclusion can be particularly challenging for learners with additional needs, and this should be considered when planning the learner's return and re-integration.
- 2.4 Where a learner with additional needs has an Individualised Educational Programme or a Co-ordinated Support Plan, any exclusion will need to be factored into the next review of the plan, which may require adjustment.

### Pupils with Disabilities

- 2.5 The definition of a disabled person under the Disability Discrimination Act 1995 is "Someone who has a physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day to day activities".
- 2.6 This is a broad description that covers pupils with physical or mental impairments and may include children with learning disability, sensory impairment, severe dyslexia, life-limiting illness or progressive conditions like muscular dystrophy. This list is not exhaustive and other pupils may be regarded as disabled, based on their own individual circumstances and the impact this has on their ability to function day to day.
- 2.7 It is unlawful to exclude a child/young person with a disability where the reason for the exclusion is **directly related** to their disability.
- 2.8 This can include behavioural issues relating to a child's diagnosis, for example challenging behaviour relating to ADHD or being on the autistic spectrum. Guidance advises exclusion for a behavioural incident is likely to be justified where all reasonable steps to avoid the incident occurring (eg, training, specific strategies for managing common situations, de-escalation strategies and policies) were taken. Where these steps were not taken, exclusion for the same or a materially similar incident may not be justified. Please see Appendix

1 for further information on proactive planning to reduce the likelihood of incidents relating to a child or young person's diagnosis.

- 2.9 When a child/young person with a disability warrants exclusion, consideration should be given to minimising the impact on the support provided for parents. The relevant Integrated Children's Services Locality Office should be consulted to see if the child or young person receives a service from the locality CHAD (Children Affected by Disability) Social Worker, and to seek advice from the CHAD worker and/or the Locality Education Team Leader. The provision of a robust audit trail should always be ensured.

### **“Looked After” Children**

- 2.10 The term "corporate parenting" refers to the local authority's duty under the Children (Scotland) 1995 Act to safeguard and promote the welfare of children and young people who are Looked After. Being a good corporate parent means:
- accepting responsibility for the council's Looked After children and young people
  - making their needs a priority
  - seeking for them the same outcomes any good parent would want for their own children.
- 2.11 Looked After children and young people are not a homogenous group with the same backgrounds or needs. A child or young person who has become Looked After is likely to have had some difficult experiences in that process. Their experiences may bring challenges to their wellbeing and learning. For example, they may have experienced or be experiencing instability, separation or anxiety.
- 2.12 Staff in education have an important role as corporate parents and unique opportunities to support and guide Looked After children and young people through their everyday interactions. Stability is crucial to children's development and happiness and school can provide a constant in a Looked After child's life.
- 2.13 The exclusion of Looked After children and young people is an extremely serious step. The child's already 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 the child or young person's home lives. An exclusion from school may be the catalyst to a change in placement due to the need to find an alternative school, which can both unsettle and disrupt the learners' learning. The need to ensure appropriate care and supervision for the child or young person whilst they are excluded may be a significant pressure on a parent or carer. The pressure to deal with the learner's ongoing behaviour 24 hours a day for the period of the exclusion may also bring significant pressure to a placement.

- 2.14 Schools should consider very carefully the decision to exclude a Looked After child or young person and if at all possible should avoid taking the decision to exclude. Staff must contact the relevant Integrated Children’s Services Locality office and discuss any potential exclusion with the designated Social Worker **prior to** the learner being sent home. Please see below for a contact protocol of the staff to contact in event of the designated Social Worker being unavailable.

<b>Contacting the Locality Integrated Children’s Services Office to advise of the prospective exclusion of a vulnerable child (Looked After, on the Child Protection Register, learner affected by a disability or with additional support needs).</b>	
1	Contact the Locality Duty Worker and ask for the child or young person’s designated Social Worker.
2	If that person is not available, ask to speak with the Senior Social Worker or the Social Work Team Leader.
3	If none of these are available, please give the details of the child or young person facing exclusion and the reason for the exclusion to the Duty Worker to be passed to the relevant Social Worker as soon as possible.
4	Please send a follow-up email explaining the incident or behaviour and any conditions for readmission to the Social Worker, the Locality Education Team Leader and the Locality Senior Education Officer.

- 2.15 Where appropriate, the Team Around the Child should consider proactive contingency planning in the event of a potential exclusion as part of the Child’s Plan.

- 2.16 In considering exclusion, school staff must ensure that appropriate arrangements are in place to ensure the care and wellbeing of any Looked After learner before they are excluded and sent home during school hours. If appropriate arrangements are not in place the learner must remain in school during school hours until such time as arrangements are in place.

**Children and Young People on the Child Protection Register**

- 2.17 Where a school is considering the exclusion of a learner who may be on the child protection register or for whom there are current or previous child protection concerns, the school must notify the school Child Protection Coordinator and the relevant Integrated Children’s Services Locality office to discuss the proposed exclusion.

- 2.18 It is essential that this discussion is held prior to the child or young person being sent home in order to ensure their health and wellbeing, immediately and throughout the period of exclusion from school. A child or young person for whom there are child protection concerns must not leave school premises during school time until this has been carried out.

- 2.19 In all cases where a decision to exclude is being taken the school should be prepared to undertake a risk assessment to ensure that the child will not be

placed at further risk whilst excluded from school, and alternative provision should be available without undue delay.

### **SQA Candidates**

2.20 If a pupil is excluded immediately before or during an examination period, adequate provision must be made to ensure that the pupil is not unduly disadvantaged.

### **Appendix 3: Categories of pupils requiring particular consideration of individual circumstances and risk factors**

**Glenn Rodger**  
*Director of Education and Lifelong Learning*

Please ask for:  
Our Ref:  
Your Ref:  
E-Mail: @scotborders.gov.uk  
Date:

Dear (Name of Parent/Carer)

**(PUPIL'S NAME AND DATE OF BIRTH)**

Further to our conversation today, I write to confirm that I have today decided to exclude your son/daughter from school, for the following reasons:

Or

Attempts were made to contact you today by telephone but these were unsuccessful and I therefore regret having to inform you by letter that I have decided to exclude your son/daughter from school, for the following reasons:

- 1.
- 2.
- 3.

The legal ground for the exclusion is that the school is of the opinion

**Select one**

- 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.
- to allow the pupil to continue attendance at the 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 exclusion will be for a period of (1-5) school days from (date of next school day) to (date 1-5 school days later inclusive). I invite you and (pupil's name) to attend a Readmission meeting which has been arranged for (insert date and time). Please contact the school immediately to arrange an alternative date if this is not suitable.

The school will provide work for the duration of the exclusion. I would remind you that it is your duty to supervise your child during school hours, whilst he/she is excluded from school and under no circumstances should he/she appear within school grounds throughout the duration of the exclusion.

You have a right of appeal under Section 28H of the Education (Scotland) Act 1980 to an Appeal Committee. Any appeal should be submitted in writing addressed to Director of Education, Council Headquarters, Newtown St Boswells, Melrose, TD6 OSA

The Appeal Committee has powers to confirm or annul my decision to exclude (child's name) from school. They may also modify any conditions which may be attached to re-admission. You may wish to seek independent legal advice if you are considering an appeal.

Yours sincerely

**(NAME)**  
**HEADTEACHER**

CC: Locality Senior Education Officer

**Glenn Rodger**  
*Director of Education and Lifelong Learning*

*Please ask for:*  
*Our Ref:*  
*Your Ref:*  
*E-Mail:* @scotborders.gov.uk  
**Date:**

Dear (Name of Parent/Carer)

**(PUPIL'S NAME AND DATE OF BIRTH)**

Following our meeting today, I write to confirm that we had difficulty in reaching agreement in relation to (Pupil's name)'s readmission to school.

The following conditions were discussed:

- 1.
- 2.
- 3.
- 4.

If, on reflection, the conditions for readmission can now be agreed, please arrange to return the principal copy of this letter to me, with the required signatures as indicated below, by (insert date). As soon as you return this to me, duly signed, I will make arrangements for (Pupil's name) to be readmitted to school. You may keep the enclosed duplicate copy for your records.

If the conditions for readmission cannot be agreed, then I will need to involve the Locality Senior Education Officer and Education Team Leader, in accordance with our SBC Exclusion Policy, to plan the next steps to resolve this situation.

If we do not hear from you by the date above, the Senior Education Officer will be in contact at the earliest opportunity to discuss how we can take this matter forward constructively.

Yours sincerely

**HEADTEACHER**

Cc: Senior Education Officer  
Education Team Leader

**CONDITIONS FOR READMISSION**

**PUPIL'S NAME AND DATE OF BIRTH**

1.

2.

3.

*Please sign at the appropriate points below and return the whole document to the Head Teacher.*

**We agree to re-admission to school on the above conditions.**

Signature of Pupil .....

Date

Signature of Parent/Carer .....

Date

Signature of Head Teacher .....

Date

**Glenn Rodger**  
*Director of Education and Lifelong Learning*

*Please ask for:*

*Our Ref:*

*Your Ref:*

*E-Mail:* @scotborders.gov.uk

**Date:**

Dear (Name of Parent/Carer)

**(PUPIL'S NAME AND DATE OF BIRTH)**

Following (pupil's name)'s exclusion from school on (date), I have written to you on two occasions with dates and times, inviting you to a Readmission meeting. My letters were dated (date) and (date) and I enclose a further copy of the most recent one for your reference.

I am disappointed that you have not responded to these letters, or attended the meetings offered. It is essential that discussion takes place between the school and yourself to resolve this situation as soon as possible.

I have therefore, in accordance, with our SBC Exclusion Policy, contacted the Locality Senior Education Officer and Education Team Leader who will contact you as soon as possible so that we can seek ways of working together to resolve the situation.

Yours sincerely

**HEADTEACHER**

cc Locality Senior Education Officer  
Locality Education Team Leader

**Glenn Rodger**  
*Director of Education and Lifelong Learning*

Please ask for:  
Our Ref:  
Your Ref:  
E-Mail: @scotborders.gov.uk  
Date:

Dear **(Name of Pupil)**

**(PUPIL'S NAME AND DATE OF BIRTH)**

Further to our conversation today, I write to confirm that I have today decided to exclude you from school, for the following reasons:

- 1.
- 2.
- 3.

The legal ground for the exclusion is that the school is of the opinion

**Select one**

- that you have refused or failed to comply with the rules, regulations or disciplinary requirements of the school.
- to allow you to continue attendance at the 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 exclusion will be for a period of **(1-5)** school days from **(date of next school day)** to **(date 1-5 school days later inclusive)**. I invite you to attend a Readmission meeting which has been arranged for **(insert date and time)**. Please contact the school immediately to arrange an alternative date if this is not suitable.

The school will provide work for the duration of your exclusion. I would remind you that it is in your best interests to continue with your education during this time. Under no circumstances should you appear within school grounds throughout the duration of the exclusion.

You have a right of appeal under Section 28H of the Education (Scotland) Act 1980 to an Appeal Committee. Any appeal should be submitted in writing addressed to Director of Education, Council Headquarters, Newtown St Boswells, Melrose, TD6 OSA

The Appeal Committee has powers to confirm or annul my decision to exclude you from school. They may also modify any conditions which may be attached to re-admission. You may wish to seek independent legal advice if you are considering an appeal.

Yours sincerely

**(NAME)**  
**HEADTEACHER**

CC: Locality Senior Education Officer

**Glenn Rodger**  
*Director of Education and Lifelong Learning*

*Please ask for:*

*Our Ref:*

*Your Ref:*

*E-Mail:* @scotborders.gov.uk

**Date:**

Dear **(Name of Pupil)**

**(PUPIL'S NAME AND DATE OF BIRTH)**

Following our meeting today, I write to confirm that we had difficulty in reaching agreement in relation to your readmission to school.

The following conditions were discussed:

- 1.
- 2.
- 3.
- 4.

If, on reflection, the conditions for readmission can now be agreed, please arrange to return the principal copy of this letter to me, with the required signatures as indicated below, by **(insert date)**. As soon as you return this to me, duly signed, I will make arrangements for you to be readmitted to school. You may keep the enclosed duplicate copy for your records.

If the conditions for readmission cannot be agreed, then I will need to involve the Locality Senior Education Officer and Education Team Leader, in accordance with our SBC Exclusion Policy, to plan the next steps to resolve this situation.

If we do not hear from you by the date above, the Senior Education Officer will be in contact at the earliest opportunity to discuss how we can take this matter forward constructively.

Yours sincerely

**HEADTEACHER**

Cc: Senior Education Officer  
Education Team Leader

**CONDITIONS FOR READMISSION**

**PUPIL'S NAME AND DATE OF BIRTH**

1.

2.

3.

*Please sign at the appropriate points below and return the whole document to the Head Teacher.*

**We agree to re-admission to school on the above conditions.**

Signature of Pupil .....

Date

Signature of Head Teacher .....

Date

**Exclusion:  
Pupil letter 3**

**Glenn Rodger**  
*Director of Education and Lifelong Learning*

*Please ask for:*  
*Our Ref:*  
*Your Ref:*  
*E-Mail:* @scotborders.gov.uk  
**Date:**

Dear (Name of Pupil)

**(PUPIL'S NAME AND DATE OF BIRTH)**

Following your exclusion from school on (date), I have written to you on two occasions with dates and times, inviting you to a Readmission meeting. My letters were dated (date) and (date) and I enclose a further copy of the most recent one for your reference.

I am disappointed that you have not responded to these letters, or attended the meetings offered. It is essential that discussion takes place between the school and yourself to resolve this situation as soon as possible.

I have therefore, in accordance, with our SBC Exclusion Policy, contacted the Locality Senior Education Officer and Education Team Leader who will contact you as soon as possible so that we can seek ways of working together to resolve the situation.

Yours sincerely

**HEADTEACHER**

cc Locality Senior Education Officer  
Locality Education Team Leader