



MANAGEMENT CIRCULAR

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Education Services, City Chambers, 40 John Street, Glasgow G1 1JL

To **Heads of all Schools***

January 2020

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

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* Refers to all Units, Early Years, Primary and Secondary Schools.

INTRODUCTION

1.1 Background

This is an update to 'Management Circular No.8: Procedures Governing the Exclusion/Removal from the School Register of Children and Young People from School'. This update reflects the City's response to the national guidance on the prevention and management of exclusions, 'Included, Engaged and Involved - Part 2'. It includes a renewed focus on prevention, early intervention and response to individual need in line with the principles of Getting it Right For Every Child as set out in the Children and Young People (Scotland) Act 2014. It emphasises the need for learning establishments to place a greater importance on inclusion through effective learning and teaching; promoting positive relationships; and employment of preventative approaches which reduce the need to consider exclusion.

Therefore, this circular has been developed in articulation with the following:

- Education (Scotland) Act(s) (1980 and 2016)
- Standards in Scotland's Schools Act (2000)
- Additional Support for Learning Acts (2004 as amended)
- Equality Act (2010)
- Getting it Right for Every Child
- Children and Young People (Scotland) Act (2014)
- We Can And Must Do Better
- Promoting Positive Relationships in Glasgow - The Nurturing City
- Learning Community - Joint Support Team/Integrated Support Group Practice Guidelines (Revised February 2017)
- Every Child is Included and Supported: Getting it right in Glasgow, the Nurturing City (including the Anti-Bullying Guidance)
- Corporate Parenting Policy
- Management Circular No. 22
- United Nations Convention on the Rights of the Child
- How Good Is Our School 4/How Good is Our Early Learning and Childcare
- De-escalation Practice Guidelines (under review on Glasgow Online)
- Include Engaged and Involved (2017)
- Building the Ambition
- Child Protection Policy

As provided by the United Nations Convention on the Rights of the Child, all children and young people have the right to:

- protection from discrimination (Article 2);
- be supported by adults who do what is best for them (Article 3);
- an opinion, and for it to be listened to and taken seriously (Article 12);
- be protected from being hurt or badly treated (Article 19);
- special care and education if they have additional support needs (Article 23);
- an education which develops their personality, their ability to respect others, their ability to respect the environment (Article 29);
- know and learn about their rights (Article 42).

All schools and learning establishments in Glasgow City Council will promote and realise the six Nurture Principles¹:

1. Children's learning is understood developmentally;
2. The classroom offers a safe base;
3. The importance of nurture for the development of wellbeing;
4. Language is a vital means of communication;
5. All behaviour is communication;
6. The importance of transition in children's and young people's lives.

1.2 Scope

The aims of this circular are to support schools:

- to meet the requirements of legislation regarding the positive approaches to preventing and managing school exclusions;
- to guide and support progress in developing nurturing schools in a nurturing city;
- to ensure that the needs of individual children and young people are met;
- to support increased inclusion, and reduced exclusion of Glasgow's learners;
- to establish the rights of children and young people - and their parents/carers - within the framework for support.

1.3 Rationale and Vision - A Nurturing City

It is Glasgow's ambition to be 'a nurturing city'. A nurturing city has schools in which children and young people feel they belong, they are listened to and they and their families are valued. The ethos of nurturing schools is supportive and all staff are clear about their roles and responsibilities. In nurturing schools, staff continually and collaboratively evaluate their practice to ensure that it promotes the wellbeing of all children and young people. They understand that supporting all children and young people and ensuring they make the best possible progress depends on the curriculum they provide, on learning and teaching of the highest quality, and on their commitment to continuing professional development.

Previous iterations of this guidance have referred to exclusion as a 'final sanction'. Such an understanding of exclusion is incompatible with national and local policies which seek to promote children's rights, inclusion, learning, development and wellbeing. Children and young people have the inalienable and inviolable right to an education; it is the duty of the local authority, each school, and every member of staff therein to create the relationships and environment within which prevention and early intervention can support every child or young person to realise this right.

This circular recognises that, at times and in certain circumstances, it may be necessary and appropriate to exclude a child or young person from school as one component of a wider provision of support.

1.4 Guiding Principles

With specific reference to making the decision to exclude a child or young person from a school or learning establishment, the following principles must be upheld:

- 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;

¹ As defined by the Nurture Group Network.

- everyone in a learning community should feel they are in a safe and nurturing environment;
- all children and young people have a right to education; and education authorities have a duty to provide this education² including to those who have been excluded;
- all children and young people need to be included, engaged and involved in their learning;
- all children and young people have the right to get the support they need to benefit fully from their education and fulfil their potential;
- exclusion should be the last resort; it should be for as short a time as possible; always have a positive, purposeful intention for the learning or wellbeing of the child or young person; and 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 the key consideration;
- the time during and after the exclusion period should be used constructively to resolve the situation and ensure positive and appropriate support is in place;
- at all times, a commitment to the United Nations Convention on the Rights of the Child should be demonstrated and developed; a consistent adherence to the four guiding principles of the United Nations Convention on the Rights of the Child is crucial if children's rights are to be realised through this circular:
- inclusion (non-discrimination) - Article 2;
- best interests - Article 3;
- survival and development - Article 6;
- participation - Article 12.

2. INCLUSION, EXCLUSION: THE CONTEXT(S)

2.1 Legal Context

If all other interventions are evidenced as having been exhausted, exclusion may be an appropriate intervention to support learning and wellbeing with the aim of improving outcomes. Under Regulation 4 and 4A of the Schools General (Scotland) Regulations 1975 (as amended)³, it is the education authority which has the power to exclude children from school. The Education (Scotland) Act 1980 places a duty on education authorities to make appropriate education provision when a child or young person is excluded. These powers (to exclude and make appropriate provision during exclusion) can be devolved by education authorities to senior management within a school.

Regulation 4 and 4A provides that an education authority **shall not exclude** a child or young person from school **unless** the authority:

- "...is of the opinion that the parent/carer 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
- "...considers that in all the circumstances to allow the pupil to continue his attendance at the school would be likely to be seriously detrimental to order and discipline in the school or the educational well-being of the pupils there"⁴.

Excluding a child or young person for any other reason/purpose has no legal basis.

2.2 National Context

National exclusion statistics 2016 to 2017⁵ recorded the lowest figures since records were first collated in 1998/99. 'Better Relationships, Better Learning, Better Behaviour', the response to the Behaviour in Scottish Schools Research⁶, suggests that the overall drop in school

²United Nations Convention on the Rights of the Child Article 28/29.

³www.legislation.gov.uk/uk/si/1975/1135/made.

⁴www.legislation.gov.uk/uk/si/1982/1735/made.

⁵www2.gov.scot/Topics/Statistics/Browse/School-Education/exclusiondatasets/exclusionsdataset2017

⁶www.gov.scot/publications/behaviour-scottish-schools-research-2016/

exclusions is a reflection of the focus schools and education authorities have placed on developing a whole school ethos; promoting inclusion, positive relationships and behaviour⁷.

2.3 Equity, Equality and ‘Closing the Gap’⁸

The principle of inclusion/non-discrimination is a key driver of Scottish Attainment Challenge which seeks to address the poverty-related attainment gap. However, while evidence shows that a reduction in exclusion levels of those children and young people who are most likely to be excluded, there remain gaps between those with risk factors and those without. National statistics on exclusions from schools⁹ indicate that children and young people are more likely to be excluded when:

- they are assessed or declared as having a disability;
- they are looked after;
- they are from the most deprived areas;
- they have an additional support need and furthermore when that additional support need is identified as social, emotional and behavioural.

Additional observations from the most recent national dataset on exclusions are¹⁰:

- boys are excluded almost four times as often as girls;
- exclusions increase as young people progress through school stages, rising to a peak in S3;
- additional support need sector schools continue to have the highest rate of exclusion.

2.4 Glasgow Context

The most recent Standards and Quality Report indicates the continuing improving picture in Glasgow, particularly since 2010, as regards the days lost due to exclusion. This improvement is particularly evidenced in the mainstream secondary sector. In line with the above research, the main barriers to be addressed in Glasgow now are the concerning correlations between children and young people who are excluded and:

- deprivation;
- being looked after;
- being male;
- attending an additional support for learning establishment.

While the aforementioned improvement must be recognised, it must be equally noted that a reduction in recorded exclusions does not necessarily mean an increase in inclusion. There remains much more to be done to ensure equity for all of Glasgow’s children and young people.

With specific reference to Glasgow’s *“Looked After Children”*, it must be highlighted that the Headteacher - or delegate - must ensure that care-experienced children’s needs are addressed appropriately. Given the negative impact that exclusion may have on the particular circumstances around a child or young person who is looked after (either at home, or away from home), the Headteacher **must** discuss the proposal to exclude with the appropriate Head of Service or their representative.

In short, when difficulties arise with the behaviour of a care-experienced child, they should be referred, in line with all children and young people, via the staged model as per the Learning Community - Joint Support Team/Integrated Support Group Practice Guidelines. Further information can be accessed in Glasgow City Council’s Corporate Parenting Policy

⁷ www.gov.scot/resource/0041/00416217.pdf.

⁸ <https://education.gov.scot/improvement/Documents/SAC/SAC11equitygap2.pdf>

⁹ www.gov.scot/Resource/0049/00494378.xls.

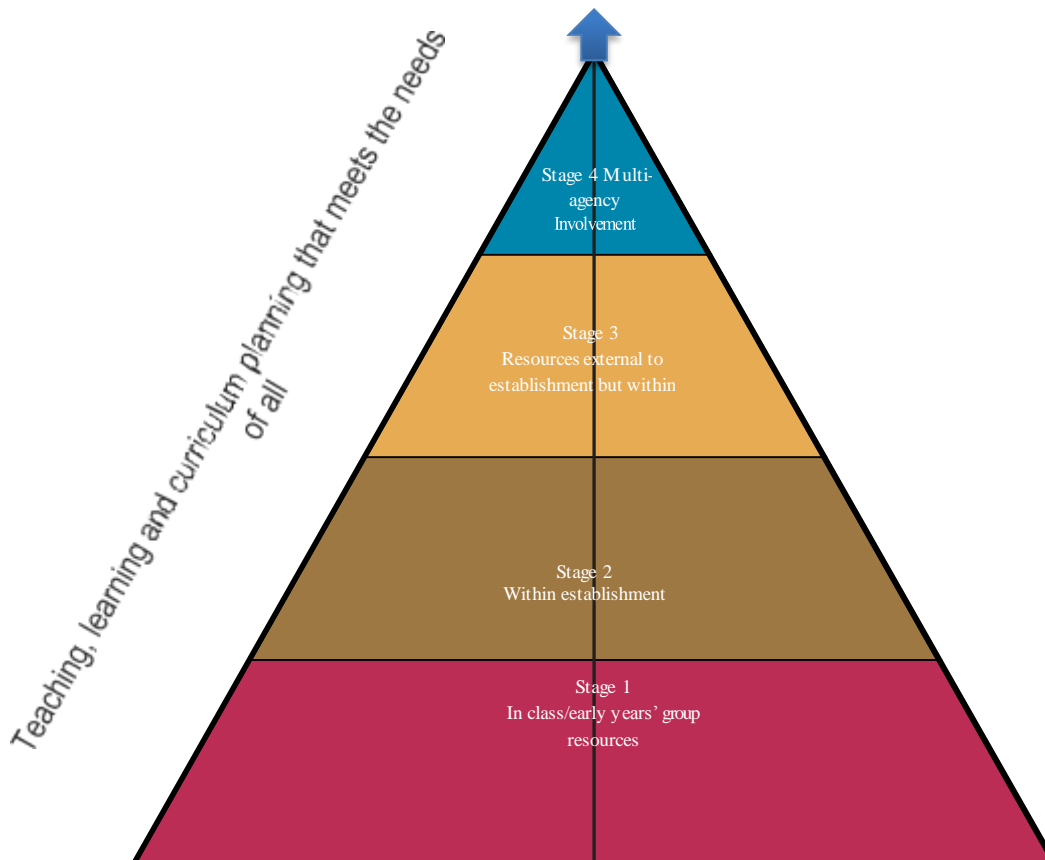
¹⁰ Ibid. (Chart 2).

2.5 Impact of Exclusion

Exclusion must have a positive and purposeful intent and should be an intervention that is deployed in the best interests of the children and young people involved. Without such a context of support, exclusion can be viewed as a punitive exercise of authority which could run the risk of potentially fostering a range of possible negative consequences. For example:

- a rise in offending behaviour (a study of pathways leading to offending behaviour or the young people in Her Majesty's Young Offender Institution, Polmont showed that at least 80% of the young people had been excluded from school¹¹);
- an increase in shame and fear¹²;
- an exacerbating of earlier experiences of trauma;
- a degrading of a sense of connectedness and rapport which are vital elements for positive outcomes;
- a reduction in the stability and predictability of positive routines as found at school.

Therefore excluding a child or young person from school is an extremely serious intervention which can have a significant impact on their learning and future outcomes. Therefore, it must be an appropriate and positive intervention after every other preventative strategy has been exhausted.



Staged Intervention Framework

¹¹ www.cycj.org.uk/resource/young-men-in-custody-a-report-on-the-pathways-into-and-out-of-prison-of-young-men-aged-16-and-17.

¹² www.ncbi.nlm.nih.gov/pubmed/23646817.

2.6 Supporting Prevention and Early Intervention

Getting it Right for Every Child is the national approach to improving outcomes for children and young people which has been enshrined in law through the Children and Young People (2014) Act. Getting it Right for Every Child requires a holistic approach to the wellbeing of the child or young person and advocates preventative work and early intervention to support children, young people and their families. In the context of this circular, it is essential that all adults clearly understand their role in promoting, supporting and protecting the wellbeing of those children for whom they have a duty of care. As such, all schools should have appropriate systems and professional learning opportunities in place to ensure that all staff have a practical understanding of the eight indicators of wellbeing (Safe, Healthy, Active, Nurtured, Achieving, Respected, Responsible and Included), the National Practice Model¹³, and the expectations outlined in *Every Child is Included and Supported*¹⁴; particular consideration should be given to the application of the Staged Intervention Framework (above) as outlined in Section 6.2 of *Every Child is Included and Supported*.

Curriculum for Excellence offers many opportunities to explore and develop children's and young people's understanding of relationships and behaviours as well as improving their skills of self-regulation and effective communication. The curriculum also outlines the "*ethos and life of the school as community*" as one of the contexts for children's and young peoples' learning. As indicated by recent research from the Children and Young People's Commissioner of Scotland, there is a positive correlation between a school's attainment and its ethos of participation, stating that "*positive teacher-pupil relations were key and...a culture of (mutual) respect was highly valued*"¹⁵.

Nurturing schools in Glasgow are expected to foster such an ethos of participation, respect and learning through the following:

- a coherent health and wellbeing curriculum which supports staff to understand and realise those outcomes and experiences, especially those pertaining to the mental, emotional, social and physical wellbeing of children and young people, which are the responsibility of all;
- effective parental/carer engagement and supportive family learning programmes¹⁶;
- continued implementation of each school's strategic approach to promoting positive relationships and behaviour¹⁷;
- effective engagement with the Professional Review and Development process¹⁸;
- consistent and effective assessment of wellbeing and planning of support¹⁹;
- demonstration of the theory and practice underpinning nurturing approaches as described by the six Nurture Principles²⁰.

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¹³ www.gov.scot/publications/girfec-national-practice-model/

¹⁴ www.glasgow.gov.uk/article/19456/Every-Child-is-Included-and-Supported

¹⁵ www.cypcs.org.uk/ufiles/achievement-and-attainment.pdf.

¹⁶ Cf. National Improvement Framework and HGIOS 4 Q1 2.5.

¹⁷ As described in the Glasgow City Council Promoting Positive Behaviour policy www.glasgow.gov.uk/councillorsandcommittees/viewselecteddocument.asp?c=P62AFQZLZ3UT81T1.

¹⁸ With a specific focus on: professional values; 2.1.4; 2.1.5; 2.3.1; 2.3.2; 3.1.1; 3.1.2; 3.2.2.

¹⁹ As described in Section 6 of *'Every Child is Included'*.

²⁰ As defined by the Nurture Group Network.

Appendix 1: Guidance on the use of Reduced Hours and Reduced Hours Timetables

1. Introduction

Glasgow Education Services is committed to ensuring every child is supported, enabled and empowered to learn. However, in order to support that learning there may be some limited occasions where the use of reduced hours or a reduced timetable for a short period of time may more appropriately meet a child's/young person's individual needs. This document aims to provide supportive guidance to schools, professionals, parents, carers and pupils around the circumstances in which the use of such reduced hours and timetables may be appropriate and the correct processes for ensuring timely consideration, implementation and review.

There is a statutory obligation on education authorities to provide full-time education for **all** children/young people. This document refers to the Scottish Government Guidance (*Included, Engaged and Involved Part 2, 2017*) on the use of reduced hours, and this should be consulted when a school is considering requesting that a pupil is placed on a reduced hours timetable.

Whilst reduced hours timetables may be used to support a pupil's return to school any change should be clearly justified, time limited, accurately recorded and well documented.

2. Legislation

The legislation and policy that supports a child/young person's entitlement to education is of vital importance in this context. The Appendix (Key Legislation and Policy) outlines the most pertinent aspects in this regard and should be understood and borne in mind.

3. What is a Reduced Hours Timetable?

A reduced hours timetable is one in which there is a session during the school day when a child/young person is not required to attend any provision arranged by the education authority. Reduced hours timetables *may* be applicable when **all** of the following circumstances apply together but would, however, **still need to be agreed by the relevant Head of Service**.

- A child/young person is unable to sustain full-time attendance in school due to health/medical needs including those of a mental health nature e.g. school phobia.
- There is **full agreement** with parents/carers and the child/young person that reduced attendance is appropriate **for a limited duration**
- There is a **clear plan with time limits and support for re-integration** of the child/young person to full-time education

If the reduced timetable is used inappropriately to restrict the pupil's attendance it will be viewed as a form of exclusion and can compromise the education authority's legal duty to provide 'adequate and efficient' school education to all pupils for whom it is responsible.

4. Supporting Pupils: Using Reduced Hours Timetables

A. Decision Making Processes

- As stated, a reduced number of learning hours may be provided if the Education Authority is satisfied that the pupil's wellbeing would be adversely affected if normal school hours were to be made available. In this context, and on occasion, a school *may* recommend to limit a child/young person's attendance in the following circumstances.

- As a result of an assessment that the pupil cannot cope with a full school day as evidenced by the record of the child's/young person's distressed emotional and/or behavioural presentation [this being assessed using the SHANARRI indicators].
- As part of an initial support package on a return to school following a period of exclusion. In particular, where a crisis situation has developed - e.g. around ill health including mental health - it may be appropriate for the learner to return to school on reduced hours for a short period of time as part of wider phased re-admission.
- As part of a support package for learners who are reluctant to attend.
- Pupils **do not have to earn the right to return** to full-time education - they have a statutory entitlement enshrined in law. Therefore it is **not acceptable** for a child to be required to 'evidence an improvement in behaviour' (refer to Management Circular 8 Section 2.11) in order to increase their time in school.
- Reduced hours timetables may only be suggested/implemented following consultation and agreement from the Area Head of Service who is responsible for monitoring the placement and reintegration to full-time education. Any pupil on a reduced hours timetable should be monitored closely by the school's Senior Management Team and the situation reviewed at multi-agency meetings. The information should also be shared with the school's link Quality Improvement Officer, Educational Psychologist and Area Education Officer.

B. Pupil Planning Mechanisms

- Whilst it is thus recognised that in certain circumstances it *may* be in the best interests of the child/young person to attend school on a reduced hours timetable, nonetheless, it should be kept to an absolute minimum and should be phased up to full-time education as quickly as possible. As such: **reduced hours timetables should not last beyond 6 weeks** as the pupil may be deemed to be denied their entitlement to education which could be contrary to their wellbeing.
- The school should have employed a variety of strategies and worked through the staged intervention and multi-agency action planning process before reaching this point. The reduced hours should only be used to support the child/young person back into the school on a full-time basis and the anticipated duration should be stated at the onset. Any such plans would need to be documented within the appropriate planning mechanisms.
- The reduced hours timetable must be recorded within the multi-agency Action Plan minute and Child's Plan including the intended purpose of the intervention, time span and next steps to increase education to full time attendance. Details **must** also be included for provision of education for the pupil beyond their attendance at school. As stated, staff should refer to the SHANARRI indicators when considering the pupil's wellbeing and using, for example, the pupil's Wellbeing and Assessment Plan (WAP) to record this.
- Under GIRFEC, the focus of the plan must be on the child's/young person's needs and best interests, and **not** what the school believes it can accommodate. It is necessary for a school to consider the antecedents to the behaviour demonstrated by the child/young person i.e. in order to write plan appropriately and to avoid the triggers leading to the concerning issues arising (refer to Management Circular 8 Section 1.7). For example:
 - What needs may have been unrecognised or perhaps inadequately understood?
 - What contextual factors, including adult behaviours, may have influenced the situation?

It is important for school staff to consider the supports required to ensure that the pupil will progress in full time education. **Those supports must be provided to the pupil.** There may be times when further assessment is appropriate and/or where it is appropriate to have a risk assessment in place. The needs of the pupil are paramount and must be met at all times.

It is also appropriate for the school to have planned crisis measures in place to respond to an episode of extreme behaviour to safeguard the welfare of the child, peer group and staff.

C. Parents/Carers Involvement

- i. As stated, it is the right of every pupil to be provided with a full-time school education and, in accordance with parents/carers rights, reduced hours timetable arrangements can **only** be considered if agreed by the child/young person (where appropriate) and the parents/carers. Reduced hours timetable arrangements cannot be implemented without this level of consent.
- ii. Where a learner is receiving a reduced hours timetable on this basis this should be viewed as an **agreement** between school, parent/carer and pupil to support the child/young person. As such, while the pupil is allowed to attend school, nonetheless, if they do not attend as part of this agreement it will **not** be marked as an "unauthorised absence". It is important that such arrangements are transparent and closely monitored.
- iv. There **must** be a clear agreement with parents/carers regarding responsibility for safeguarding of the pupil during a session when the child/young person is not attending school.
- v. The wider context of communication through education plans, letters, and meetings with parents/carers should reflect that the approach is positive, planned, agreed and carefully monitored, and does not reflect negatively on the learning establishment's use of exclusion.

D. Care Considerations

It is always worth bearing in mind that reduced hours timetables may create additional issues for the child/young person, their family and the education authority - as part of its corporate parenting responsibilities. For example:

- i. If a child/young person is regularly missing part of their school entitlement then they may become disconnected from their school environment; fail to reach their educational potential; lose contact with peers; and thus increase feelings of isolation and anxiety.
- ii. Parents/carers bear additional stress to supervise the child which may add to an already fragile family situation e.g. in the case of Looked after Children, this may also jeopardise the child/young person's care placement.
- iii. A child/young person may be left unattended and some may engage in risk-taking and anti-social behaviour within the community. Such risk taking and anti-social behaviour may then result in a referral to the Children's Panel with all the potential accompanying risks of placement outwith the local authority including: removing the child/young person from the support of their family and local community; reducing post school options; and diverting resources from the education authority to external providers etc.

KEY LEGISLATION AND POLICY

- **Education (Additional Support for Learning) (Scotland) Act 2004 amended 2009 -**
 - (1) Every education authority must—
 - (a) in relation to each child and young person having additional support needs for whose school education the authority are responsible, make adequate and efficient provision for such additional support as is required by that child or young person, and
 - (b) Make appropriate arrangements for keeping under consideration—
 - (i) The additional support needs of, and
 - (ii) The adequacy of the additional support provided for, each such child and young person.
 - (1) Every education authority must in exercising any of their functions in connection with the provision of school education, take account of the additional support needs of children and young persons having such needs.
- **Standards in Scotland's Schools Act 2000 -**

States that it is the duty of the authority to secure that the education is directed to the development of the personality, talents and mental and physical abilities of the child/young person to their fullest potential. In carrying out their duty under this section, an education authority shall have due regard, so far as is reasonably practicable, to the views (if there is a wish to express them) of the child/young person in decisions that significantly affect that child/young person, taking account of the child/young person's age and maturity.

- **Children and Young People (Scotland) Act 2014 -**

Requires a shared approach from agencies working together and responding to the needs of learners early and effectively. It introduced statutory “wellbeing” and SHANARRI indicators.

- **Equality Act 2010 –**

States that those with Protected Characteristics (for schools they are disability, gender reassignment, race, religion and belief, sex and sexual orientation) must not be discriminated against when seeking admission to schools, when accessing the education and benefits provided, or by being excluded from school. Statistics show that people with protected characteristics, on the whole, do less well in education. This is because they can face additional vulnerabilities or barriers compared to other learners. The Equalities Act 2010 lists protected characteristics as:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Whilst children with care experience are not named in the equalities act, many care experienced children will face similar barriers

A discrimination claim could be raised against the education authority if reasonable adjustments are not made in order to remove barriers or improve supports for children/young people with protected characteristics. Examples of this could include the correct auxiliary aids not being in place for a pupil with a physical disability or a child/young person missing a portion of school due to the distance of their care placement from school.

Scottish Government Guidance: Included, Engaged and Involved, 2017, states that:

As part of an initial support package on return to school it may be appropriate, particularly where a crisis situation has developed, for the learner to return to school on a part time basis for a short period of phased re-admission. These arrangements should be considered as 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."

APPENDIX 2: MANAGING AND RESOLVING EXCLUSIONS - GENERAL GUIDANCE

2.1 Compliance and Accountability

- The power to exclude temporarily is delegated to the Headteacher or whoever is their delegated representative if they are unavailable. The procedures outlined in this Management Circular apply equally to all schools and learning establishments in Glasgow City Council and must be complied with in full. Any divergence from the procedures may result in the exclusion being defined as incompetent, resulting in the child or young person being reinstated without delay in the school and the exclusion being expunged from their school record.
- The Headteacher, or their delegated representative, who carries out the exclusion should be aware that he or she may be required to justify their decision to exclude if an appeal is lodged in the Sheriff Court; Additional Support Needs Tribunal; or an Educational Appeals Committee. In all circumstances, accurate recording of the circumstances and the decision-making process is essential. It is also important to gather as much information as possible; including witness statements.

2.2 Children's Rights, Participation and Advocacy

- In line with good practice and Article 12 of the United Nations Convention on the Rights of the Child, the views of the learner as well as those of the parents/carers should at all times be accurately represented, recorded and appropriately taken into account. As the views of learners may diverge from their parents/carers, it is not sufficient to assume that the views of the parents/carers automatically reflect the views of the learner.
- In line with Article 5 of the United Nations Convention on the Rights of the Child, children and young people must be supported to express their views whilst respecting the extent to which they are able to do this for themselves. Special consideration should be given to those children and young people who may require advocacy or support to express and share their views.
- Care should be taken to ensure that a young person receives the same quality of information as does the parent/carer and that all young people have copies of communications made available to them. This stipulation now applies to any young person who has reached the age of legal capacity, which will generally be from 12 years upwards, unless there is evidence to the contrary.
- Young people 16 years of age and over still enjoy the rights of the child; nevertheless, the increased autonomy, rights and responsibilities of such young people must be kept in mind.
- Glasgow City Council's '*Children's Rights Service*'²¹ offers rights information, support and advocacy to children and young people from Glasgow who are looked after away from home, and to care leavers.
- **Independent Additional Support Needs Advocacy Service:** Scottish Ministers have a legal duty to provide a free advocacy service for families and young people who appeal to the Additional Support Needs Tribunals for Scotland. This national service, known as "*Let's Talk ASN*" is provided by a partnership of Govan Law Centre and Kindred Advocacy. A user-friendly guide to navigating the dispute resolution mechanisms, which can be accessed under the Act and beyond, is available from Enquire: <https://enquire.org.uk/3175/wp-content/uploads/2017/11/resolving-disagreements-4.pdf>
- The function of Independent Mediation in the Act is to support the resolution of disagreements at as early a point as possible and to re-establish and restore relationships and communication between services and families.

²¹ www.glasgow.gov.uk/index.aspx?articleid=17239

2.3 Promoting Positive Relationships Policy

- Schools should be continuing to sustain strategies to promote positive relationships and behaviour, in line with Glasgow City Council's policy²².
- As a last resort, and within the context of a whole-school approach to promoting positive relationships and behaviour, the decision to exclude a child or young person will always remain an option. This decision must always be taken with the best interests of the child or young person in mind and must have a positive intent such as to allow appropriate support to be planned and implemented.

2.4 Temporary and Permanent Exclusions

- The law does not differentiate between temporary and permanent exclusion. However, in practice, the following distinction will assist:
 - a) **Temporary Exclusion:** a time limited exclusion imposed by the Headteacher, or delegate, at the conclusion of which the child or young person returns to their current school;
 - b) **Permanent Exclusion:** a decision taken by the Executive Director of Education Services to remove a child or young person from the register of their current school. Such an action also necessitates the authority identifying an equivalent school in which the child or young person can continue their education, immediately or without undue delay (See Section 3.4: Permanent Exclusion).
- In either case, there must be sufficient grounds which would comply with the requirements in the legislation²³.

2.5 Equality Duty

- In terms of the Equality Act 2010, it is unlawful to exclude a child or young person because they have a protected characteristic, or they are perceived to have that characteristic. It is also unlawful to exclude a child or young person with a protected characteristic for behaviour that a child or young person without that characteristic would not be excluded. For the purpose of schooling these protected characteristics are: disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
- It could be deemed unlawful discrimination if a child or young person is excluded from school for behaviour connected to his/her disability or additional support need. In such circumstances, the school must be prepared to justify the exclusion as being a proportionate means of achieving a legitimate aim. A legitimate aim may be to ensure the health, safety, education and wellbeing of all children and young people and staff within the school.
- The school also has to demonstrate how it has fulfilled its duty to make reasonable adjustments for the child or young person. Without such evidence, it is likely to be difficult to show that the exclusion was an appropriate and proportionate response.
- The Act requires schools to make reasonable adjustments for disabled children and young people both to the exclusion process; and to any actions by the school/local authority arising out of this process. This may result in differing actions or actions being applied in a different way, to avoid putting a disabled child or young person at a substantial disadvantage to a non- disabled child or young person. Please contact Legal Services for further advice if required.
- All employees and children and young people have a personal and legal responsibility not to behave in a manner that could be offensive to others. The authority, through the Headteacher and designated staff acting on their behalf, has a responsibility to investigate any complaints of harassment or bullying by staff or children and young people in line with Glasgow's Every Child is Included and Supported - Anti-Bullying guidance.

²² www.glasgow.gov.uk/councillorsandcommittees/viewselecteddocument.asp?c=P62AFQZLZ3UT81T1.

²³ Exclusion from School Guidance at <https://www.gov.scot/publications/included-engaged-involved-part-2-positive-approach-preventing-managing-school/pages/2/>

2.6 Additional Support Needs and Looked After Status

- Within the framework of the Additional Support for Learning Act 2004 (as amended 2009), it is assumed that Looked After Children have additional support needs unless otherwise stated. Any Looked After Children who have additional support needs should be considered in this context to require support. Whilst individual circumstances and any additional support needs must be taken into account, the grounds for exclusion are the same for all children and young people.
- Additional considerations may apply where the child or young person has additional support needs. Education still has a duty to provide services - e.g. access to allied health professionals or Glasgow Psychological Service - whether on school premises or at an alternative venue. Such provision should continue notwithstanding the exclusion.

2.7 Wellbeing and Assessment Plan and Risk Assessment including the use of violence and weapons

- In any situation where a child or young person is identified or assessed as being at risk of exclusion, the current Risk Assessment and Wellbeing and Assessment Plan must be followed and reviewed appropriately; if neither of these assessments are already in place, they should be considered as part of the school's preventative strategy.
- Whilst Glasgow City Council adheres to a policy of zero tolerance of violence to staff in its policy Managing Violence At Work²⁴, especially in circumstances where weapon-use is implicated, nonetheless an appropriate response may not always result in an exclusion - see Section 1.5 above. In this context, risk assessment plays a critical part in identifying and preventing potential violence. To mitigate against this, senior managers should undertake the necessary risk assessment and support planning (see Section 5: Risk Assessment).
- Where a weapon is involved, or suspected of being involved, please refer to the Scottish Government advice contained in Included, Engaged and Involved - Part 2 (2017) (www.gov.scot/resource/0052/00521260.pdf, pages 25-26). In addition, and as part of the recording and monitoring process in such situations, Form 1b in Appendix 7 should be completed and submitted to the relevant Head of Service.

2.8 Timescales

- Any period of exclusion should be for as short a time as possible, normally one day (two openings).
- The maximum length of a single temporary exclusion must not exceed five days (10 openings).
- A single exclusion should not, barring very exceptional circumstances, carry over from one academic year to the next, even when the exclusion takes place towards the end of the summer term. Where this is anticipated, reference must be made to the Head of Service.

2.9 Legal Capacity

- The Age of Legal Capacity (Scotland) Act 1991, Section 2(4A) and (4B) provides that a person under the age of 16 has legal capacity to instruct a solicitor in connection with any civil matter where they have a general understanding of what it means to do so. A young person of 12 or more is presumed to be of sufficient age and maturity to have that understanding.
- Section 135(1) of the Education (Scotland) Act 1980 (*"the 1980 Act"*) defines a young person as *"a person over school age who has not attained the age of 18 years"*.

2.10 "Informal Exclusions"

- The practice of "informal exclusions" has no legal basis, is contrary to Glasgow City Council's Child Protection Procedures and should not be used in any circumstance.

²⁴ www.glasgow.gov.uk/CHttpHandler.ashx?id=39432&p=0

2.11 Exceptional circumstance related to mental or emotional wellbeing

- i. Where it has been identified that a child's or young person's additional support need pertains to significant mental or emotional distress, and/or a difficulty to self-regulate, the school may seek support from a parent/carer to help the child or young person de-escalate and to allow further planning to meet the needs of the child or young person at school level. This may, in some circumstances, involve the child or young person being taken home by the parent/carer in a similar way to a child or young person who presents as unwell.
- ii. While this is not an exclusion any intention to use this kind of supportive intervention must be:
 - a) intimated to the Head of Service;
 - b) for the shortest possible duration;
 - c) identified in the child's or young person's Risk Assessment (see Section 4) and Wellbeing and Assessment Plan;
 - d) reviewed and evaluated rigorously by the Learning Community - Joint Support Team or Staged Intervention and Inclusion Meeting (as appropriate).

2.12 Record-keeping

All schools must formally record any exclusion from school on SEEMiS, using the appropriate attendance code (available from the Policy, Planning and Performance Unit) as outlined in Management Circular No. 5.

APPENDIX 3: PROCEDURES FOR TEMPORARY EXCLUSIONS

In most instances the Authority will delegate the following process to the school:

3.1 Accompanying Documentation

When imposing a temporary exclusion, schools must use the approved documentation in Appendix 7.

3.2 Decision to Exclude: Initial Communication

In line with regulation 4A of the 1975 Regulations, the following procedures should be adhered to following an exclusion. On the day of the exclusion, the Authority must intimate to the child's parent/carer, or to the young person (as defined above) either orally or in writing:

- a) the decision to exclude;
- b) the date, time and place where the Headteacher, other teacher at the school or official of the education authority, shall be available to discuss the decision to exclude. This discussion must take place within seven days of the exclusion.

3.3 Parent/Carer Unavailability

- i. On the day of the exclusion, if the parent or carer is not available, a child cannot be sent home and must remain under school supervision until the end of the normal school day.
- ii. Normally a young person aged 16 years or over can be sent home.

3.4 Safeguarding, Wellbeing or Looked After Children Concerns

- i. Consideration of excluding any child or young person who has been assessed as being particularly at-risk (such as a child who is looked after, or is on the Child Protection Register) should be discussed with the Head of Service, or their representative, prior to exclusion. This discussion should also consider the contacting of Glasgow City Health and Social Care Partnership.
- ii. Where there are concerns regarding the care, welfare and protection of the learner, or where the learner is Looked After, the Child Protection procedures must be followed appropriately and Glasgow City Health and Social Care Partnership notified; this communication should be logged.

3.5 Decision to Exclude: Formal Communication

- i. In the case of temporary exclusions, the parent or carer of a child, or where a young person who lacks the capacity their parent/carer, must receive written confirmation of the decision to exclude Form 2a and 2b (Appendix 7). Where a young person with capacity is excluded they must receive written confirmation of the decision to exclude. This confirmation must include:
 - a) the reasons for the decision to exclude;
 - b) the conditions associated with a return to school;
 - c) information on how to appeal the decision to exclude;
 - d) the address to which reference should be made;
 - e) any other information which the authority considers appropriate;
 - f) affirmation of the parent/carer's duty to provide efficient education for their child which is suitable to their age, ability and aptitude, even during a period of exclusion. (As described in Section 30 of the Education (Scotland) Act 1980).

- ii. If the young person is 12 years of age or over copies of all correspondence should be directed to him/her personally and discussion about the exclusion held with them. They can agree to their parents/carers being present at any subsequent meetings. Copies of the correspondence could be copied to the parents/carers, with the agreement of the young person, or where this is deemed to be appropriate. If the young person lacks capacity correspondence should be sent to the parent/carer.

3.6 Children's/Young People's Right to Participate, Corporate Parenting and Advocacy Support

- i. Given the legal duty to ensure that a child's or young person's views are recorded when any significant decision is taken regarding them, it is vital that the views of the child or young person are heard and documented throughout the process (see Appendix 7: Nurturing Me and Glasgow's Motivating Wellbeing Profile). The views of the learner as well as those of the parents/carers should be accurately represented and appropriately taken into account.
- ii. Although a child with legal capacity or a young person has the right to appeal on their own behalf, the role of the parent/carer in supporting their child and ensuring their views are represented should be recognised and encouraged throughout the process.
- iii. In line with the authority's Corporate Parenting responsibility, the support of Children's Rights Officers and Advocacy Services can be highlighted to support children or young people who would benefit from such assistance (such as a child or young person who is being Looked After by the local authority).

3.7 Decision to Exclude for the Maximum Period: Formal Communication

When the maximum period is imposed (5 days/10 openings), on the day of exclusion the Form 1a (Appendix 7) should be submitted to Children and Young People Support, email cypsenquiries@glasgow.gov.uk.

3.8 Provision of Education During Exclusion

- i. Section 14(3) of the 1980 Act places a duty on education authorities to make education provision for excluded learners without "*undue delay*". It would be insufficient to provide excluded children and young people with homework/classwork without the requisite teaching to enable them to understand the material. Any arrangements, therefore, should involve contact with the child or young person on a regular basis. This could be provided in the form of an e-mail address/telephone number of a school contact who can address any concerns relating to the course work. Details should be recorded as part of the '*Proposed Next Steps*' in Appendix 7, Form 1a or 1b.
- ii To support uninterrupted learning of the same quality, quantity and range as if the child or young person were still at school, schools can:
 - a) provide access to coursework which should be assessed to ensure comprehension;
 - b) learning programmes to explore and support the behaviour needs of the child or young person. This could include support to engage in a Restorative Enquiry to support resolution at the 'return to school' meeting;
 - c) online learning through GLOW or other online resources.
- iii. Any existing involvement in non-school based learning should continue; this may include college placements, therapeutic support, or mentoring programmes. In such occasions, it may be necessary to arrange an alternative venue for such supports during the period of exclusion.
- iv. Children and young people who have additional support needs/disabilities in specialist provisions must equally have their educational needs met during periods of exclusion. This may involve the use of specialist support services as well as support from other agencies. The responsibility rests with the Headteacher to ensure that appropriate arrangements are made without delay.

3.9 Re-admission Meetings: Wellbeing and Assessment Plan and Risk Assessment

- i. A restorative or solution oriented meeting with staff and the children and young people involved should be considered to help repair and restore relationships and trust as part of the return to school. Re-admission should take into consideration preparing and meeting the needs of staff and other children and young people affected by the behaviour/incident which led to the exclusion, and any follow-up support that may be required.
- ii A re-admission meeting should, in normal circumstances, be held before the child or young person is readmitted.
- ii. This re-admission meeting itself should focus on the reasons for the exclusion, exploration of what was being communicated through the behaviour which led to the exclusion, as well as strategies that will be implemented to support the young person back into school. The importance of partnership and co-operation being undertaken by the home and the school should also be a focus of this meeting. In addition, seeking agreement, from all parties, on the support package that will be implemented on the child's or young person's return to school is essential.
- iv. If the parent/carer, or in the case of a young person of 16 and over the young person themselves, agree to meet the Headteacher, or a nominated senior member of staff, and also agree to sign the standard 'Agreed Wellbeing Needs, Supports and Next Steps' (Appendix 7, Form 4a/4b), the child or young person should be re-admitted to school and the matter recorded.
- v. If, in the course of the meeting, there is mutual agreement to modify the conditions, this should be noted in Appendix 7, Form 3 and on the 'Agreed Wellbeing Needs, Supports and Next Steps' (Appendix 7, Form 4a/4b).
- vi. One copy of the 'Agreed Wellbeing Needs, Supports and Next Steps' form should be entered in the child's or young person's file; another copy should be given to the parent/carer, and child or young person.
- vi. At this point, schools should also undertake to review the Wellbeing and Assessment Plan to reflect the circumstances and needs of the learner, and the support measures that have been planned to support learning and wellbeing. As with all Wellbeing and Assessment Plans, this plan should be reviewed and monitored.
- vii. There may be occasions when the school feels that a risk assessment needs to be carried out to identify ways in which any current or future risk can be minimised that would allow the child or young person to continue to attend school. The risk assessment should identify the priorities and needs of the child balanced against the strategies required to ensure the safety of all children, young people and staff. See Appendix 7, Form 5 for further information regarding risk assessment.

3.10 Failure to reach agreement on next steps

- i. If the parent/carer or young person fail to agree to the pupils Wellbeing Needs, Supports and Next Steps, or are unable to meet the Headteacher or delegate, or the parent/carer (or in the case of a young person of 16 and over, the young person themselves) refuse to agree, then the matter should be reported to the appropriate Head of Service or their representative.
- ii. In this instance re-admission to the school can still take place, with the matter discussed in a consultation meeting with the appropriate Head of Service or their representative. The refusal should be noted on the paperwork, and the solution oriented or restorative enquiry based re-admission meeting should be attempted. In these circumstances, and where practical, it is likely to be necessary to discuss the matter at the Learning Community - Joint Support Team and/or the Integrated Support Group.
- iii. The standard written 'Agreed Wellbeing Needs, Supports and Next Steps' form should be signed by the parent/carer, or young person, and by the authority representative. One copy of the form should be entered in the child's or young person's file, and one copy should be given to the parent/carer and to the young person. All signed documentation must be retained in the child's or young person's file.

- iv. Headteachers, or their delegate, should, however, consider any additional support needs that the child or young person has that may impact on the capacity of the child or young person to sign this agreement.
- v. Until an exclusion has been concluded in terms of the above procedures, the child or young person will be deemed to be trespassing should they enter school premises or playground areas. It is within the Headteacher's discretion to contact Police Scotland if the child or young person will not leave voluntarily.
- vi. The parent or carer should be advised not to enrol a child or young person in another school until the exclusion process has been concluded. However they would still have the right to do so.

3.11 Recording Exclusion

- i. A written record must be kept of all procedures mentioned in this document and all information, including the reasons why a Headteacher, or delegate, decided on a particular course of action, should be filed in the child's or young person's educational record. Comments should be specific/explicit including the names of teachers, dates, times and any other information that may be deemed to be relevant. This information may, in certain circumstances, be required to substantiate the authority's case in a court of law or tribunal, should the case go to appeal.
- ii. Given the legal duty to ensure that a child's or young person's views are recorded when any significant decision is taken regarding them, they must be given the opportunity, where possible, to have their views documented at the point of exclusion within Appendix 7, Form 1a or 1b. The views of the learner as well as those of the parent/carers should be accurately represented and appropriately taken into account.
- iii. A full record of the exclusion, and action taken by the school should be entered into SEEMIS Click+Go by the school. The information held should also reflect the level of co-operation shown by the child or young person and, where appropriate, the parent/carers. The following codes (available from the Policy, Planning and Performance Unit) must be used in SEEMIS Click+Go to record all exclusions:

X - Exclusion

Y - PTX: Part Time Timetable (only with agreement of the relevant Head of Service)

3.12 Post Exclusion Support: Flexible Learning Packages and Part-Time Timetables

- i. As part of an initial support package on return to school, it may be appropriate, particularly where a crisis has developed, for a learner to return to school on a part-time basis, or with a flexible learning package being put in place. Such "*Modification of Conditions*" should be recorded within Appendix 7, Form 3 and Form 4a/4b as appropriate.
- ii. Any such arrangements should be for a **short**, agreed period with the aims and conditions around this recorded in any support plan. The intention to use such an arrangement must be discussed and approved by the appropriate Head of Service, or their representative, and should be planned, transparent, mutually agreed between the school, the parents/carers and the child or young person, short term and kept to an absolute minimum.
- iii. Records must be kept, including records of attendance which accurately reflect the times that learners spend at home with parental or carer permission. To aid in such record-keeping, the new SEEMIS code (Y - PTX) should be used for any children and young people who are returning to school on a part time basis following a period of exclusion. This will be considered as an 'authorised absence'.

3.13 Transition to an alternative mainstream provision

- i. If, after a period of implementing a Wellbeing and Assessment Plan, it is agreed by the relevant Learning Community - Joint Support Team, with the explicit agreement of the parent(s)/carer(s), that a transfer of school is appropriate, then this will be intimated to the relevant Head of Service by the Headteacher.

- ii. In this circumstance the chairperson of the Learning Community - Joint Support Team should be satisfied that demonstrable and robust evidence exists to support transfer to another school. This should be an exceptional circumstance and only recommended to the Head of Service, or their delegate representative, when all strategies are exhausted. Discussion at the appropriate Integrated Support Group may be helpful regarding overview and multi-agency engagement for such a move.
- ii. Based on the information provided the appropriate Head of Service or their representative may decide:
 - a) to direct the establishment to again review the child's or young person's Wellbeing and Assessment Plan and any existing Risk Assessment;
 - b) that the above discussion at Learning Community - Joint Support Team level has become exhausted and that a placement in another similar provision may be a useful option. Such an approach would only be adopted in very exceptional circumstances where it was agreed by all parties including the young person:
 - that time spent amongst different role models may be of benefit;
 - that it would reduce the stresses on the young person themselves of having to maintain a negative behaviour pattern to meet peer expectation and would be beneficial in "breaking a cycle";
 - that the "targeted" school was able to offer a close timetable match and was within realistic travel distance;
 - that there is a jointly agreed system to record successes and challenges of the placement to inform the support structures e.g. Learning Community - Joint Support Team and/or Integrated Support Group.
- iv. If the decision is (ii) - as described above - then a *Transition Planning Meeting* will be arranged on behalf of the appropriate Head of Service, or their representative, by Children and Young People Support in consultation with relevant schools and Glasgow Psychological Service (on an initial consultative basis for both referred and non-referred children and young people). This meeting will be held in the receiving school and chaired and minuted by the receiving school normally within five working days. The meeting should include the relevant staff from the receiving and excluding schools, Glasgow Psychological Service and relevant partner agencies. This would involve parent/carers and child/young person when appropriate.
- v. The process is not completed until the child or young person has successfully transitioned to a new placement and has been enrolled there. Whilst waiting for the child or young person to enrol/transition to another school, it is the responsibility of the existing establishment to ensure that alternative educational arrangements are in place which ensure educational continuity and that links with the child or young person and family are maintained. As well as fulfilling our legal obligations, this is particularly vital to ensure the best possible start and successful transition to the receiving school.

**APPENDIX 4: A. PROCEDURES FOR TEMPORARY EXCLUSIONS -
ACUTE WELLBEING CONCERNS
B. PROCEDURES FOR PERMANENT EXCLUSIONS**

4.1 Definition and Scope

- i. For the purposes of this circular, an “*Acute Wellbeing Concern*” may arise from:
 - a) an incident which has resulted in significant damage to people, property, or the public reputation of the school or the local authority;
 - b) long-term and persistent concerns that have already been considered and supported through the Learning Community - Joint Support Team/Integrated Support Group process.
- ii. The process of assessing needs and the planning of supportive interventions must always be managed within the framework of staged intervention as described in Every Child is Included and Supported. This remains the case both when managing single incidents which are, per se, acute in nature, and those concerns which have become acute by virtue of a failure to improve despite progressing through the stages of intervention.
- iii. Headteachers should continue to exercise a level of discretion in determining how best to manage the support of a child or young person involved in an acute incident, recognising that an appropriate response could include:
 - a) restorative enquiry and meeting or solution oriented or restorative enquiry meeting;
 - b) temporary exclusion to facilitate assessment of need and the planning of support;
 - c) referral to the Staged Intervention and Inclusion Meeting or to the Learning Community - Joint Support Team;
 - d) where there is any uncertainty, or if it is anticipated that a permanent exclusion is the most appropriate means of supporting a young person, or if referral to the Learning Community - Joint Support Team would result in an inordinate delay in supporting a young person, Headteachers should consult the appropriate Head of Service or their representative.
- iv. It should be noted that all responses, at all stages of intervention, must be solution-oriented in nature and be in the best interests of the young person.

4.2 Where an Acute Wellbeing Concern involves a criminal offence

- i. It is vital that any serious offence committed by a child or young person be reported to the Police (see Management Circular No. 22: Guidelines on police and legal issues affecting school children and young people and staff).
- ii. Even where grounds exist for bringing a child or young person before a children’s hearing, the grounds may be denied by the child or young person or by his/her parent/carer. In such cases the hearing is powerless to act until the allegations have been proven in a process before the Sheriff.
- iii. Such offences could include, for example, some instances of theft, assault, vandalism, drug abuse, incidents of a sexual nature etc. Further clarification can be sought from the Head of Service - or their delegate - or from Education Services Solicitor or Chief Executive’s Office, Legal and Administration Services section.

- iv. Every effort should be made to assist the police in their enquiries although it is preferable for interviews involving police officers and children and young people to take place in the child's or young person's home rather than in the school. This is particularly important in the case of primary aged children.
- v. It should be noted, however, that if the police insist on interviewing a child or young person in school, the child's or young person's parent/carer should be contacted immediately to give them the opportunity to be present and the interview should be witnessed by a senior promoted member of staff. If a child or young person is removed from the premises by the police the school should also immediately notify the parent/carer.
- vi. Should the young person refuse to leave the school following an individual acute incident, the Headteacher should consider involving the police after, if possible, discussing this matter with the appropriate Head of Service or their representative.

4.3 Consultation with Head of Service

- i. As indicated in 3.1 above, a Headteacher must consult with the Head of Service, or their representative, where there is any uncertainty, or when a permanent exclusion is to be considered. To ensure a supportive and solution-oriented consultation, the following information should be made available to the Head of Service:
 - a) the Wellbeing and Assessment Plan and other appropriate plans that are in place for the child or young person e.g. information on previous exclusion history;
 - b) a chronology of significant events;
 - c) any hitherto support and advice from Glasgow Psychological Service, other education service and/or any other involved partner;
 - d) any existing Risk Assessment.
- ii. This circular recognises that, for some children and young people, an acute wellbeing concern may be the first time when such intervention is required, and consequently, there may be no history of intervention or support-planning. In such instances, the Headteacher should be able to evidence learning progress, attendance and support provisions/concerns up to the point of referral.
- iii. Following this consultation, the following outcomes may result:
 - a) the appropriate Head of Service, or their representative, endorses the Headteacher's recommendation that, while recognising the seriousness of the incident, a temporary exclusion is the most appropriate action; or,
 - b) where a temporary exclusion has already been actioned, a re-admission meeting should be convened to review the conditions of return to school while concurrently referring the case to the Learning Community - Joint Support Team and/or Integrated Support Group; or,
 - c) a joint solution-oriented or restorative enquiry meeting with the appropriate Head of Service or their representative may be convened. This option is most likely in cases where permanent exclusion is to be considered for presentation to the Executive Director.

4.4 Permanent Exclusion

- i. The power to exclude on a permanent basis lies with the Executive Director of Education, or member of the Education Directorate in the absence of the Executive Director. To inform this decision, it is essential that all available information about the child and their case has been submitted to the Head of Service, and an initial consultation has been undertaken.
- ii. One outcome of a consultation with the appropriate Head of Service or their representative, as outlined above, is to explore permanent exclusion i.e. the removal of a child or young person permanently from the school register.
- iii. A permanent exclusion relates only to the school from which the child or young person has been permanently excluded. The child or young person can still enrol in another establishment within the authority. If the decision or preference is for the child or young person to remain at a school within the authority the appropriate Head of Service, or their representative, will decide which school will be the receiving school; the parent or carer and child or young person should be notified of this decision. The authority has a statutory obligation to identify an alternative educational provision immediately/without undue delay.
- iv. As in 2.10 the parent/carer should be advised not to enrol a child or young person in another school until the exclusion process has been concluded - however they would still have the right to do so.

4.5 Transition Meeting Arrangements

- i. Following the decision to permanently exclude, a Transition Meeting will then be arranged on behalf of the appropriate Head of Service, or their representative, by Children and Young People Support in consultation with the relevant schools, Glasgow Psychological Service (on an initial consultative basis for both referred and non-referred children and young people), and other agencies as appropriate. This meeting will be held in the receiving school and should be chaired and recorded by the receiving school. The meeting should include the relevant staff from the receiving and excluding schools, Glasgow Psychological Service and relevant partner agencies.
- ii. This meeting should also involve parents/carers and the child or young person at an appropriate juncture as decided by the chairperson.
- iii. The meeting should be arranged within five working days of the confirmation of permanent
- iv. exclusion.
- v. The process is not completed until the child or young person has successfully transferred to a new placement and has been enrolled there. Any alternative educational arrangements put in place should remain in place until enrolment in the new school.
- vi. In these circumstances, it would be appropriate to complete a Risk Assessment. The Risk Assessment (Appendix 7, Form 5), used in conjunction with an appropriate transition plan, Wellbeing and Assessment Plan and any other relevant plans, will provide a clear overview of the strategies and planned outcomes intended to support the child or young person and minimise the risk to staff or other children and young people.

4.6 Scottish Qualification Authority Arrangements

Should the acute incident take place at a time when a child or young person is expected to sit Scottish Qualification Authority or other examinations the school must make arrangements to allow the young person the opportunity to sit those examinations.

APPENDIX 5: RISK ASSESSMENT

5.1 Definition and scope

- i. The Health and Safety Executive provides a general definition of what a risk assessment is:
“A risk assessment is simply a careful examination of what, in your work, could cause harm to people, so that you can weigh up whether you have taken enough precautions or should do more to prevent harm”.
- ii. A risk assessment within a behavioural context identifies the associated hazards, e.g. features of a child’s or young person’s violent or aggressive behaviour such as kicking or biting, the people who might be harmed, and sets out actions to be taken to prevent such harm. It is important that such risks are contextualised within pupil planning and are properly assessed. It is not always appropriate to exclude a child or young person for violent or abusive behaviour (see Section 1.5) therefore it is essential that a proportionate response of the extent of the risk is properly assessed and appropriate measures, precautions, procedures and strategies are identified, implemented and recorded.
- iii. Risk assessment can be applied to individual learners or adults and is a complex process. Some children and young people may be considered to present a risk as a result of the presented violent and abusive behaviours they may demonstrate. In such circumstances Heads of School should consider carrying out and recording a formal risk assessment. In other circumstances Wellbeing and Assessment Plans should reflect actions and strategies to be undertaken.
- iv. The five-step approach to risk assessment recommended by the Health and Safety Executive as a generic tool is essential to the control of all risk situations. The process includes the following steps:
 - a) identification of hazards associated with the presented behaviour;
 - b) identification of those persons at risk;
 - c) evaluation of the risks and proposed strategies required to manage those risks;
 - d) recording of findings and proposals;
 - e) monitoring, evaluation and review of the risk assessment & processes on a regular basis.

5.2 Risk Assessment Process

- To carry out risk assessment in an educational context with specific regard to behaviour management, the assessment should identify:
 - a) presented/potential behaviours of concern;
 - b) who might be at risk and how;
 - c) conditions that increase the probability of the behaviour occurring;
 - d) primary preventative strategies;
 - e) proactive strategies to prevent an outburst occurring (e.g. changing the learning environment);
 - f) early behavioural indicators that the child or young person may be losing self-control;
 - g) secondary preventative strategies - this involves identifying initial signs of distress and ways of defusing them;
 - h) procedures to be followed during an incident;
 - i) procedures to be followed after an incident;
 - j) how any risk assessments are to be incorporated into pupil plans and reviewed;
 - k) who has agreed with the plan;
 - l) a specific review date.
- In such instances the Risk Assessment (see Appendix 6, Form 5) should be completed by a member of the establishment management team, in conjunction with and fully discussed with relevant staff members. Further support and guidance can be sourced from the Education Services *Risk Assessment Management Standard* [Risk Assessment Management Standard](#) and or Education Services Health and Safety Section Tel: 287 4581.
- Risk assessment should be an integral part of planning to meet learners' needs and should consider the learners educational history and the strategies that have worked (or not) to reduce the targeted behaviour.

APPENDIX 6: APPEALS

6.1 Right of Appeal

- i. Exclusion or removal from education are not subject to the council's complaints procedures. The process for appealing an exclusion is outlined below.
- ii. The parent/carer of a child or young person who has reached the age of legal capacity, has the right to appeal against the decision to exclude: Section 41 of the Standards in Scotland's Schools etc. Act 2000 extended the right of appeal in section 28H of the 1980 Act to young person with "*legal capacity*" within the meaning of section 2(4A) and (4B) of the Age of Legal Capacity (Scotland) Act 1991.
- iii. Therefore, the education authority should send the intimation regarding the right to make a reference to the Education Appeals Committee to a young person with legal capacity, as well as the parent/carer, so that they are aware they also have the right of appeal, as well as a right to express a view.
- iv. The Headteacher will be informed if a parent/carer or a young person makes an appeal against the decision to exclude a child or young person and he/she will require to be the principal witness for the authority at the subsequent appeal hearing and, if necessary, in the Sheriff Court. The Head of Service, or their representative, Senior Solicitor will arrange for the Head Teacher to be suitably briefed prior to the appeal hearing or Sheriff Court proceedings and, in due course, will notify them of the results of such appeals.

6.2 The Appeals Process

- i. This appeals procedure will apply when a parent/carer of a child, or a young person appeals against a decision to exclude. In the case of an appeal by a young person the relevant legislation in effect treats the young person as if he/she was an appealing parent/carer. This stipulation now applies to any young person who has reached the age of legal capacity, which will generally be from 12 years upwards, unless there is evidence to the contrary. Care should be taken to ensure that a young person appealing receives the same quality of information.
- ii. Education Services should normally allow the child/young person to return to school after the exclusion period but pending the outcome of the Appeal Hearing. This is a decision that will be made by the Head of Service or their representative.
- iii. Following Section 2(2) of the 2000 Act the views of the child or young person should be sought in all practicable cases, even when it is the parent/carer who is taking forward the appeal.
- iv. The parent/carer or young person makes the appeal in writing to the Director of Legal and Administrative Services and it will be dealt with by the Education Appeals Committee.
- v. Legal and Administrative Services will inform Education Services that an appeal has been lodged.
- vi. The Head of Service, or their representative, will inform the school.
- vii. The Authority's solicitor will discuss the case with the Head of Service or their representative and the school.
- viii. Where the child or young person has a disability and alleges disability discrimination the appeal will not be to the Education Appeals Committee but to the Additional Support Needs Tribunal.

6.3 The Education Appeals Committee

- i. Prior to the Appeal Hearing formal evidence will be assembled. Copies of this formal evidence must be with the Education Appeals Committee at least 10 days before the date of the Appeal Hearing.
- ii. The Education Appeals Committee consists of a councillor and two parents/carers, with one parent/carer in the chair.
- iii. Any person involved in the discussions about the exclusion may not be a member e.g. teachers, young people, parents/carers, parent/carers members at/or connected to the relevant school.
- iv. The proceedings of the Education Appeals Committee will be in private.
- v. The appellant has a right to be present at the hearing and to be represented by a lawyer or anyone else whom they choose.
- vi. The appellant can be accompanied by up to three supporters including their representative.
- vii. The appellant can present a written statement to the hearing and present any further information they may wish. Either party can present oral evidence at the hearing.
- viii. Education Services will be represented and witnesses may be called to give evidence. The school will be required to justify to the Education Appeals Committee the action taken in respect of excluding the child or young person and that the action falls within one of the grounds prescribed by the regulations.
- ix. The Scottish Committee of the Council of Tribunals has an oversight of hearings and a member of the committee has a right to be present at the hearing as an observer.

6.4 The Decision of the Appeals Committee

- i. The Education Appeals Committee must give their decision within 14 days.
- ii. If the Education Appeals Committee annuls Education Services' decision, then that decision is
 1. overruled and the exclusion nullified. The authority has no right of appeal against this decision.
- iii. The decision must be recorded in the Pupil Progress Record. This is the responsibility of the host education establishment.
- iv. The child or young person must be re-admitted to the school from which he/she was excluded. Where the decision to exclude has been annulled on appeal, whether or not the exclusion period has been completed, any reference in the child's or young person's progress record may **not** be disclosed.
- v. If the Education Appeals Committee confirms Education Services' decision then the parent has a further right of appeal to the Sheriff, provided they do so within 28 days of the Appeals Committee's decision.
- vi. If there is no hearing within two months of the appeal or if the Appeals Committee do not fix a date for the hearing to continue within 14 days of an adjournment or if the Appeals Committee do not give a decision within 14 days after the end of the hearing it is deemed that the Appeals Committee have upheld Education Services' decision.



Incident Report Form

Record of single exclusion - Form 1a

PLEASE USE BLACK INK AND BLOCK LETTERS

Name of School/Centre		
Primary, Secondary or Additional Support Needs		
Name of Child/Young Person		
SCN		
Postcode for Child's/Young Person's Home Address		
Year Group		
Circumstances of Exclusion (A)*		
Incident in class?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Temporary or Removed from Register?		
If Temporary, Length of Exclusion in Days (C)*		
Ethnic Group (B)*		
Sex?	<input type="checkbox"/> MALE	<input type="checkbox"/> FEMALE
Previous Exclusion?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Free School Meals?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Record of Needs?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
If looked after under the Children (Scotland) Act 1995, is the child looked after?	<input type="checkbox"/> At home	<input type="checkbox"/> Away from home
Proposed Next Steps		
Any views expressed by child/young person and parent/carer		
Appeal?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Appeal successful?	<input type="checkbox"/> YES	<input type="checkbox"/> NO

* See Codes below

A: Codes for Circumstances

1. Code Circumstances

2. Fighting
3. Verbal abuse of Pupils
4. Verbal abuse of staff
5. General or persistent disobedience
6. Insolent or offensive behaviour
7. Refusal to attend class
8. Fire raising
9. Parental non cooperation*
10. Substance misuse – not alcohol
11. Substance misuse – alcohol
12. Spitting
13. Damage to school property
14. Threat to school property
15. Indecent exposure
16. Sustained peer exclusion for the purpose of causing significant distress
17. Physical assault with no weapon against pupil
18. Physical assault with no weapon against staff
19. Physical assault using weapon against pupil
20. Physical assault using weapon against staff
21. Physical assault using improvised weapon against pupil
22. Physical assault using improvised weapon against staff
23. Damage to personal property of pupil
24. Damage to personal property of staff
25. Theft from pupil
26. Theft from staff
27. Threat of sexual violence against pupil
28. Threat of sexual violence against staff
29. Threat of physical violence, no weapon against pupil
30. Threat of physical violence, no weapon against staff
31. Threat of physical violence using weapon or improvised weapon against pupil
32. Threat of physical violence using weapon or improvised weapon against staff
33. Threat to personal property against pupil
34. Threat to personal property against staff
35. Malicious communication against pupil
36. Malicious communication against staff
37. Slander and libel (inc website) against pupil
38. Slander and libel (inc website) against staff
39. Stalking of pupil
40. Stalking of staff
41. Extortion from pupil
42. Extortion from staff
43. Other
 - This code remains on SEEMiS and should not be used as a reason for exclusion

C: Length of exclusion to be recorded in days and half-days where appropriate

B: Codes for Ethnic Background

1. White Scottish
2. Other White British
3. White Irish
4. Gypsy / Traveller
5. White Polish
6. Other White
7. Mixed or multiple ethnic group
8. Asian - Pakistani, Pakistani Scottish or Pakistani British
9. Asian - Indian, Indian Scottish or Indian British
10. Asian - Bangladeshi, Bangladeshi Scottish or Bangladeshi British
11. Asian - Chinese, Chinese Scottish or Chinese British
12. Asian Other
13. Black - African, African Scottish or African British
14. Other African
15. Black - Caribbean, Caribbean Scottish or Caribbean British
16. Black, Black Scottish or Black British
17. Caribbean or Black - Other
18. Arab - Arab, Arab Scottish or Arab British
19. Other Ethnic Group
20. Not known/not disclosed



Weapon-Use: Incident Report Form

Record of weapon use - Form 1b

(This form should only be completed in circumstances of weapon use otherwise disregard)

PLEASE USE BLACK INK AND BLOCK LETTERS

Name of School/Centre
Primary, Secondary or Additional Support Needs
Name of Child/Young Person
SCN
Postcode for Child's/Young Person's Home Address

Year Group

Circumstances of Weapon-Use (*tick as appropriate*)

Fellow Child(ren)/Young Person(s)

Member of Staff

Other (*please specify*)

Incident Location? (*e.g. class, playground etc.*)

Incident Description

Ethnic Group (see B above)

Gender?

MALE

FEMALE

Free School Meals?

YES

NO

Wellbeing and Assessment Plan/Co-ordinated Support Plan?

YES

NO

If looked after under the Children (Scotland) Act 1995, is the child looked after?

At home

Away from home

Previously looked after

Proposed Next Steps

Any views expressed by child/young person and parent/carer

Signature of Head of Establishment/Representative _____

Date _____



Executive Director of Education
Maureen McKenna

Name of School/Centre
Address of School/Centre
Continuation Line
Glasgow G0 0AA
Phone 0141 000 0000
Fax 0141 000 0000

Email headteacher@school.glasgow.sch.uk
Web www.school.glasgow.sch.uk

Head of School/Centre
Name of Head of School/Centre

Name of Addressee
Address
Continuation Line
GLASGOW
G0 0AA

Our ref
Date

Your ref

Dear

INTIMATION OF TEMPORARY EXCLUSION

Your child (insert name) has been excluded from this school for a period of (number) days.

The decision is taken in accordance with the Schools General (Scotland) Regulations 1975 as amended.

The reasons for the exclusion are that the school is of the opinion...

The details of which are...

I would be grateful if you would arrange to meet with (contact's name) on (date) at (time) to discuss the situation and what is required to support (child's name)'s safe and productive return to school. You may bring a friend with you to the meeting if you would find it helpful.

You have the right of appeal against the decision to exclude. You should submit your appeal in writing to the Director of Legal and Administrative Services, Education Services, Glasgow City Council, City Chambers, 40 John Street. Glasgow, G1 1JL. Please note that if an appeal is being made with reference to alleged disability discrimination, the appeal should be made to the Additional Support Needs Tribunal. Full details of the appeal process are attached to this letter.

As described in Section 30 of the Education (Scotland) Act 1980, it remains the parent's/carer's duty to provide efficient education for their child which is suitable to their age, ability and aptitude, even during this period of exclusion.

Yours sincerely

Name
Head of School

If phoning or visiting please ask for
Direct phone 0141 000 0000



Appeals Procedures

for Children and Young People excluded from school - Form 2a

1. Procedures to appeal against a decision to exclude can be made to the Education Appeals Committee. All appeals can be heard by the Education Appeals Committee.
2. However, in certain circumstances (for example, where there is alleged disability discrimination) appeals against the exclusion of a child or young person who has additional support needs/a disability could be dealt with by the Additional Support Needs Tribunal for Scotland and not the Education Appeal Committee.
3. A Head of School will be informed if a parent/carer or a young person makes an appeal against the decision to exclude a child or young person and he/she will require to be the principal witness for the authority at the subsequent appeal hearing and, if necessary, in the Sheriff Court. The Head of Service (or their delegate)/ Senior Solicitor will arrange for the Head of School to be suitably briefed prior to the appeal hearing or Sheriff Court proceedings and, in due course, will notify them of the results of such appeals.
4. The following Appeals procedure will apply when a parent/carer of a child, or a young person appeals against a decision to exclude. In the case of an appeal by a young person the relevant legislation in effect treats the young person as if he/she was an appealing parent/carer. This stipulation now applies to any young person who has reached the age of legal capacity, which will generally be from 12 years upwards, unless there is evidence to the contrary. Care should be taken to ensure that a young person appealing receives the same quality of information.
5. The parent/carer of a child, or a young person who has reached the age of legal capacity, has the right to appeal against the decision to exclude. Education Services may allow the child or young person to return to school after the exclusion period but pending the outcome of the Appeal Hearing. This is a decision that will be made by the Head of Service (or their delegate).
6. Following Section 2(2) of the Standards in Scotland's Schools etc. Act (2000) the views of the child should be sought in all practicable cases, even when it is the parent who is taking forward the appeal.
7. The parent/carer or young person makes the appeal to the Director of Legal and Administrative Services.
8. Legal and Administrative Services will inform Education Services that an appeal has been lodged.
9. The Head of Service (or their delegate) will inform the school.
10. The Authority's solicitor will discuss the case with the Head of Service (or their delegate) and the school.
11. Prior to the Appeal Hearing formal evidence will be assembled. Copies of this formal evidence must be with the Education Appeal Committee at least 10 days before the date of the Appeal Hearing.
12. The Education Appeals Committee consists of a councillor and two parents/carers, with one parent/carer in the chair.
13. Any person involved in the discussions about the exclusion may not be a member e.g. teachers, young people, parents/carers, parent members at/or connected to the relevant school.
14. The proceedings of the Committee will be in private.
15. The membership of the Committee changes for each hearing.
16. The appellant has a right to be present at the hearing and to be represented by a lawyer or anyone else whom they choose.

continued...

17. The appellant can be accompanied by up to three supporters including their representative.
18. The appellant can present a written statement to the hearing and present any further information they may wish. Either party can present oral evidence at the hearing.
19. Education Services will be represented and will bring such witnesses as it wishes. The school will be required to justify to the Appeals Committee the action taken in respect of excluding the child or young person and that the action falls within one of the grounds prescribed by the regulations.
20. A member of the Scottish Committee of the Council of Tribunals has a right to be present at the hearing as an observer. The Scottish Committee has an oversight of hearings.
21. The Appeals Committee must give their decision within 14 days.
22. If the Appeals Committee annuls Education Services' decision, then that decision is overruled and the exclusion nullified. The authority has no right of appeal against this decision.
23. The decision must be recorded in the Pupil Progress Record. This is the responsibility of the host school.
24. The child or young person must be re-admitted to the school from which he/she was excluded. Where the decision to exclude has been annulled on appeal, whether or not the exclusion period has been completed, any reference in the child's or young person's progress record may not be disclosed.
25. If the Appeals Committee confirms Education Services' decision then the parent/carer has a further right of appeal to the Sheriff, provided they do so within 28 days of the Appeals Committee's decision.
26. If there is no hearing within two months of the appeal or if the Appeals Committee do not fix a date for the hearing to continue within 14 days of an adjournment or if the Appeals Committee do not give a decision within 14 days after the end of the hearing it is deemed that the Appeals Committee have upheld Education Services' decision.
27. Exclusion or removal from education are not subject to the council's complaints procedures. The process for appealing an exclusion is outlined above.
28. In terms of the Equality Act 2010 if a child or young person is excluded from school for behaviour connected to his or her disability this could be alleged to be unlawful discrimination arising from the disability unless the school can justify the exclusion as being a proportionate means of achieving a legitimate aim. A legitimate aim may be to ensure the health and safety of children, young people and staff within the school. However, the school has a duty to make reasonable adjustments for the child or young person. Unless those adjustments have been made it may be difficult to show that the treatment was proportionate.
29. If a decision to exclude a child or young person is based on a disability or the needs arising out of a disability an appeal could be made to the Additional Support Needs Tribunal for Scotland and not the Education Appeal Committee. The claim can be made up to six months after the decision to exclude the pupil. Both the parent/carer and the child or young person have an independent right to make a claim. A young person of 12 is presumed to have capacity to make their own claim unless there is evidence to the contrary. Further details can be found at <https://www.enquire.org.uk/service/additional-support-needs-tribunals-for-scotland/>



Executive Director of Education
Maureen McKenna

Name of School/Centre
 Address of School/Centre
 Continuation Line
 Glasgow G0 0AA
Phone 0141 000 0000
 Fax 0141 000 0000

Email headteacher@school.glasgow.sch.uk
 Web www.school.glasgow.sch.uk

Head of School/Centre
Name of Head of School/Centre

Name of Addressee
 Address
 Continuation Line
 GLASGOW
 G0 0AA

Our ref
 Date

Your ref

Dear

INTIMATION OF TEMPORARY EXCLUSION

You have been excluded from this school for a period of (number) days.

The decision is taken in accordance with the Schools General (Scotland) Regulations 1975 as amended.

The reasons for the exclusion are that the school is of the opinion...

The details of which are...

I would be grateful if you would arrange to meet with (contact's name) on (date) at (time) to discuss the situation and what is required to support your safe and productive return to school. You may invite your parent(s)/carer(s) or any other party to accompany you to this meeting.

You have the right of appeal against the decision to exclude by writing to the Director of Legal and Administrative Services, Education Services, Glasgow City Council, City Chambers, 40 John Street, Glasgow, G1 1JL. If you think your exclusion is discriminating on the grounds of disability you should write to the Additional Support Needs Tribunal. Full details of the appeal process are attached to this letter.

As described in section 30 of the Education (Scotland) Act 1980, it remains the parent's/carers' duty to provide efficient education for their child which is suitable to their age, ability and aptitude, even during this period of exclusion.

Yours sincerely

Name
 Head of School

If phoning or visiting please ask for
Direct phone 0141 000 0000



Appeals Procedures

for Young People with Legal Capacity excluded from school - Form 2b

(This form should only be completed when a young person is judged to be of legal capacity otherwise disregard)

1. If you wish to appeal against a decision to exclude, you should write to the Director of Legal and Administrative Services, Education Services, Glasgow City Council, City Chambers, 40 John Street. Glasgow, G1 1JL. All appeals can be heard by the Education Appeals Committee.
2. If you believe that you have been excluded because of a disability or an additional support need, you should make your appeal to the Additional Support Needs Tribunal for Scotland. More details are available here: Further details can be found at <https://www.enquire.org.uk/service/additional-support-needs-tribunals-for-scotland/>
3. The Headteacher will be informed of any appeal against the decision to exclude and he/she will be the main witness at the appeal hearing and, if necessary, in the Sheriff Court.
4. Since you are above 12 years old with "*legal capacity*", you can make the appeal yourself, and it is important that your views are listened to in this process. To help with this, you may wish to request the assistance of an adult, parent or carer, or you can contact Glasgow City Council's Children's Rights Service by calling 0141 276 5631 or visiting www.glasgow.gov.uk/index.aspx?articleid=17239
5. You or your parent/carer has the right to appeal against the decision to exclude. Education Services may allow you to return to school after the exclusion while the appeal is being considered. This is a decision that will be made by the Head of Service.
6. Once you write to the Director of Legal and Administrative Services, Education Services will be told about your appeal. The school will then also be told.
7. Before there is a meeting to discuss your appeal, it is important that all the facts are gathered. These facts will then be considered by the Education Appeal Committee which is a group made up of a councillor and two parents/carers.
8. You, your parents/carers, your teachers, or anyone directly involved in the exclusion will not be part of the Committee.
9. You have the right to be present at the hearing and to be represented by a lawyer or anyone else you choose.
10. You can bring up to three supporters including your formal representative.
11. You can bring a written statement to the hearing to explain any further information that you wish. Everyone involved can talk through further evidence at the meeting.
12. The school will be asked to explain the decision to exclude you to the Appeals Committee.
13. The Appeals Committee will give their decision within 14 days.
14. If the Committee agree with your appeal, your exclusion will be reversed, and no mention of the exclusion can be included on your record. This decision cannot be appealed.
15. The decision will be recorded in your Pupil Progress Record.
16. If the Appeals Committee agrees with decision to exclude you, then you/your parent can make another appeal to the Sheriff. This has to be done within 28 days of the Appeals Committee's decision.
17. If there is no hearing within two months of the appeal, or if the Committee does not set a date within 14 days for a meeting to continue after a formal break (adjournment), or if a decision has not been given within 14 days of the hearing meeting, you should understand this as the Committee agreeing with the decision to exclude.
18. The Council's complaints procedures does not consider exclusion or removal from education. The process described here should be followed for appealing an exclusion.



Post (Temporary) Exclusion

Record of Interview - Form 3

PLEASE USE BLACK INK AND BLOCK LETTERS

	Name of School/Centre	
	Name of Child/Young Person	

Date of Interview		
Period of Exclusion	From	To

Present	
SMT	
Child/Young Person	
Parent/Carer	
Others	

OUTCOME

Agreed Wellbeing Needs, Supports and Next Steps form signed
(Appendix 7 - Form 4a or 4b)

YES

NO

Modifications of Conditions

YES

NO

(If Yes: Give details)



Agreed Wellbeing-needs, Supports and Next-steps

Parents/Carers/Head of Establishment - Form 4a

PLEASE USE BLACK INK AND BLOCK LETTERS

Name of Child/Young Person _____

Considering the eight Indicators of Wellbeing for this and other young people:

<p>What is getting in the way of this child's or young person's wellbeing? <i>(Including child's or young person's view)</i></p>	<p>Do we have all the information we need to help this child or young person?</p>
<p>What can we each do now to help this child or young person? <i>(Including the child or young person)</i></p>	
<p>What can the wider school/ family do to help this child or young person?</p>	<p>What additional help, if any, may be needed from others <i>(e.g. multi-agency partners)</i>?</p>

I understand why _____ was excluded from _____ School and I shall do all I can to support his/her learning and wellbeing in line with the school's standards and expectations.

I also understand that _____ is being given another chance to comply with the school's standards and expectations, and that without improvement, any further similar incidents may lead to further exclusions from the school.

Signature of Parent/Carer _____

Signature of Head of School/Representative _____

Date _____



Agreed Wellbeing-needs, Supports and Next-steps

Parents/Carers/Head of Establishment - Form 4b

PLEASE USE BLACK INK AND BLOCK LETTERS

Name of Young Person (16+) who has Legal Capacity _____

Considering the eight Indicators of Wellbeing for this and other young people:

<p>What is getting in the way of this child's or young person's wellbeing? <i>(Including child's or young person's view)</i></p>	<p>Do we have all the information we need to help this child or young person?</p>
<p>What can we each do now to help this child or young person? <i>(Including the child or young person)</i></p>	
<p>What can the wider school/ family do to help this child or young person?</p>	<p>What additional help, if any, may be needed from others <i>(e.g. multi-agency partners)</i>?</p>

I understand why I was excluded from _____ School and I give my assurance that if I am re-admitted to school, I will comply with the rules, regulations and disciplinary requirements of the school.

I also understand that I am being given another chance to comply with these requirements and that any further serious breaches of school discipline may lead to further exclusions from the school.

Signature of Young Person who has Legal Capacity _____

Signature of Parent/Carer *(Optional)* _____

Signature of Head of School/Representative _____

Date _____



Glasgow City Council
Education Services

RISK ASSESSMENT DOCUMENTATION: (BEHAVIOUR SUPPORT: RISK ASSESSMENT)

SUBJECT AREA OF ASSESSMENT: (Pupil/Behaviour/Activity etc.)	
---	--

Department:	Education Services	Name of School/Centre:	
Pupil Name:		Date of Birth & Year Group	
Background Information: (Factors Relating to ASN)		Long Term Targets: (School/Wellbeing Plan/CSP etc.)	

COMPLETION SHEET

Ref.	Risk Rating (BS 8800)	Identified Further Actions to be Taken	Target Date	Progress

Signed (Authorising Manager As Appropriate)	Title:	Date:
--	------------------------	-----------------------

DATE OF NEXT ASSESSMENT:

PART 1. LIST OF SUBJECTS: BEHAVIOURS Etc.

Hazard Ref N°	List of Subjects (Potential Behaviours, Activities, Locations etc.)

Hazard Ref. Nº	Hazard Description (i.e. potential causes of injury/damage) Type of Concerning Behaviour	Potential Injury and/or damage	Persons at risk	Current preventative and protective measures <ul style="list-style-type: none"> • Early behavioural indicators/triggers/signs • General protective strategies in place to prevent behaviour occurring (potential “diffusers” and “deflectors”) 	Procedures to be followed 'During' an Incident	Procedures to be followed 'Following' an Incident	Risk Rating (BS 800) Tolerable Substantial Etc.	Further action required

Signed: <i>(Risk Assessor)</i>	Title:	Date:
Signed: <i>(Authorising Manager)</i>	Title:	Date:

PART 3. CONTROL MEASURES - TRAINING

Ref.	Training Subject	Conducted By	Brief Details of Staff Training	Training Records Date of Completion Re-accreditation etc.	Is Training Evaluated? YES/NO (provide details)	Further action required

PART 4. CONTROL MEASURES – PERSONAL PROTECTIVE EQUIPMENT (PPE)

Ref.	Description/Type of PPE (incl. Standard where applicable)	Suitability of PPE Re Specific Risk Management e.g. Protective Sleeves, Visor etc.	Detail of any Training Requirements (where applicable) Including Records	Detail of Maintenance/Storage etc.

Risk Rating Scale

	Slightly Harmful	Harmful	Extremely Harmful
Highly Unlikely	TRIVIAL RISK	TOLERABLE RISK	MODERATE RISK
Unlikely	TOLERABLE RISK	MODERATE RISK	SUBSTANTIAL RISK
Likely	MODERATE RISK	SUBSTANTIAL RISK	INTOLERABLE RISK

Risk Level	Action and Timescale
TRIVIAL	No action is required and no documentary records need to be kept.
TOLERABLE	No additional controls are required. Consideration may be given to a more cost-effective solution or improvement that imposes no additional cost burden. Monitoring is required to ensure that controls are maintained.
MODERATE	Efforts should be made to reduce the risk, but the costs of prevention should be carefully measured and limited. Risk reduction measures should be implemented within a defined time period. Where the moderate risk is associated with extremely harmful consequences, further assessment may be necessary to establish precisely the likelihood of harm as a basis for determining the need for improved control measures.
SUBSTANTIAL	Work should not be started until the risk has been reduced. Considerable resources may have to be allocated to reduce the risk. Where the risk involves work in progress, urgent action should be taken.
INTOLERABLE RISK	Work should not be started or continued until the risk has been reduced. If it is not possible to reduce risk even with unlimited resources, work has to remain prohibited.

* Tolerable here means that the risk has been reduced to the lowest level that is reasonably practicable

APPENDIX 8: CONSULTING CHILDREN AND YOUNG PEOPLE - RECOMMENDED TOOLS

A child's or young person's views must be recorded when any significant decision is taken regarding them. The following tools may be useful to capture and consider the views of the learner, as well as those of the parent(s) or carer(s).

Nurturing Me

Nurturing Me is a Getting it Right for Every Child tool which seeks to capture the voice of the child. It enables the child to contribute directly to the planning process which often takes place around them. Nurturing Me is a mediated tool which uses concrete materials and is aimed at pre-school through to upper primary children. It may also be appropriate for some older children and young people who have additional support needs.

Nurturing Me is also available as an App which can be used on a tablet. A web based version of this tool is in the process of being developed www.goglasgow.org.uk/pages/show/2127.

Glasgow Motivation and Wellbeing Profile

The Glasgow Motivation and Wellbeing Profile is a 50 item questionnaire that explores a young person's motivation and sense of wellbeing in the social learning context. It elicits the young person's view of themselves and their emotions including their vulnerabilities. It also gives them an opportunity to reflect on their current experiences and encourages them to consider how they can increase their own sense of autonomy, affiliation and competence.

Completion of the Profile creates an opportunity for children and young people to take part in discussions with teachers, support workers, parents and carers about their sense of wellbeing. The Profile is ideally used with young people between the ages of 8 and 17 years and can be completed on paper or completed on a computer which has Microsoft® Excel. A guide to the Assessment and planning tool and the actual tool itself can be downloaded²⁵.

²⁵ www.goglasgow.org.uk/Pages/Show/1596.

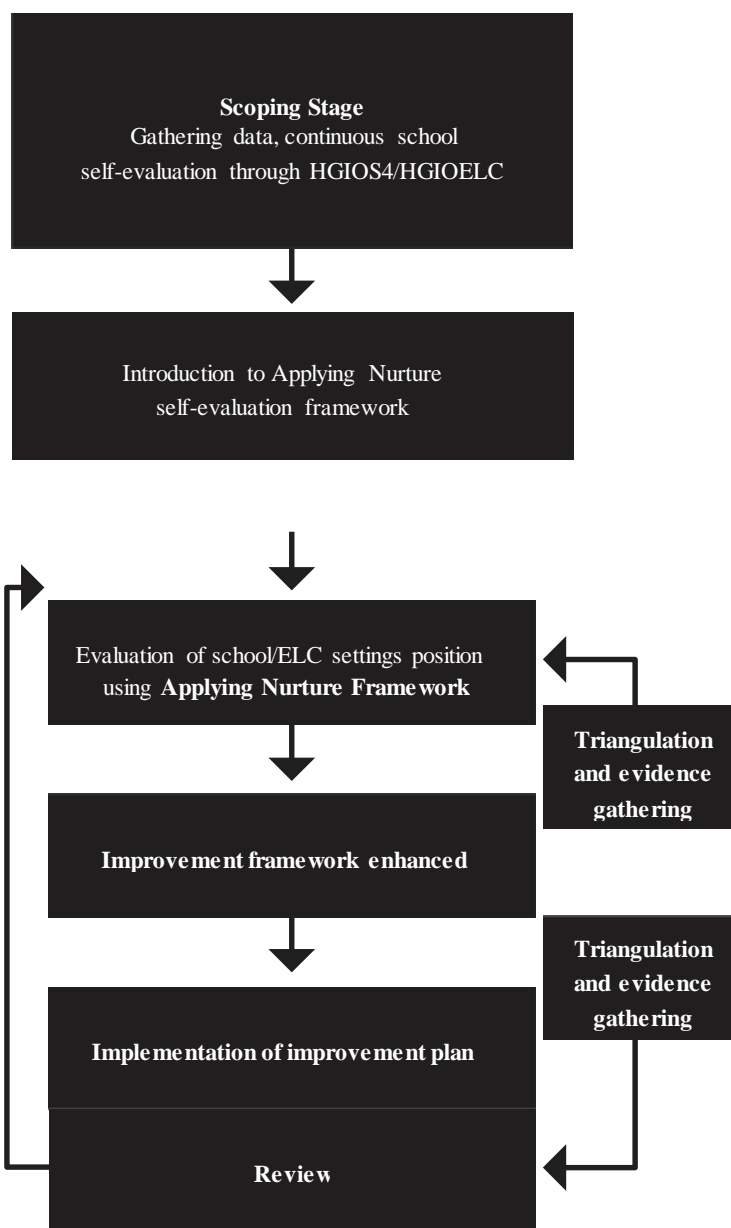
APPENDIX 9: OVERVIEW AND FLOW-CHART

Cultural and contextual considerations/prior to any exclusions

Use of the Glasgow City Council/Education Scotland ‘Applying Nurture As A Whole School Approach’ to evaluate:

- the ethos and culture of the school;
- staff knowledge and practice of Nurture;
- staff knowledge and practice of children’s rights and participation;
- the school’s strategic approach to promoting positive relationships.

Applied Nurture Self-evaluation Process



<https://www.education.gov.scot/improvement/documents/inc55applyingnurturingapproaches120617.pdf>, page 18.

PROMOTING INCLUSION (preventing exclusions)

Continuous improvement of the school's implementation of Nurture Principles and Practice, and positive relationships strategy through values, vision, aims, practices, self-evaluation and career-long professional learning.

Children and young people's wellbeing and learning needs are identified, assessed and supported by all staff. Staff are fully aware of their role in the Getting it Right for Every Child Approach and the requirements of additional support for learning and Equality legislation.

Consultation with Head of Service or delegate

Children and young people at-risk of exclusion identified; Wellbeing and Assessment Plan and risk assessment undertaken.

Consideration of exclusion:

- Does the distressed behaviour involve (potential) criminal action? See Management Circular No. 22;
- Has the child or young person been identified as being at particular risk (e.g. Looked After Child, Child Protection Register)? Discuss with Head of Service and/or allocated Social Worker; Inform Care Experienced Team if child/young person is Care Experienced.
- What is the positive and supportive purpose of the exclusion?
- Are there any additional support needs that need to be considered when making this assessment, or for the provision of support/learning during an exclusion? Are any specialist supports required?
- If the decision to exclude is made, the incident should be recorded on Appendix 7, Form 1a or 1b.

Initial Communication of the decision to exclude (2.2):

- The decision to exclude;
 - Date, time and place for discussion of the decision to exclude (on same day).
- (If parent/carer is unavailable, child or young person must remain under school supervision until the end of the day).

Formal Communication of the decision to exclude (2.5):

- Formal, written communication must be made to the parent/carer, AND a young person over 12; if the young person is 16 or over, the communication should be directed to him/her personally in the first instance, and then to parents/carers;
- (See 2.5 for an outline of what details must be communicated; Appendix 7 Form 2a/2b should be used for this formal communication; Any decision to exclude for the maximum time of 10 openings (five days) must be discussed with and communicated to the Head of Service with a copy of Appendix 7, Form 1a sent to Children and Young People Support.*
- The decision to exclude should be recorded on Appendix 7, Form 1a or 1b and SEEMS.

During An Exclusion

- Learning provision of an appropriate quantity, quality and range should be given for completion during the exclusion. Details should be recorded on Appendix 7, Form 1a;
- Any non-school-based learning should continue (e.g. college; therapeutic interventions; mentoring);
- The needs of those involved in the situation leading to the exclusion should be identified through a restorative enquiry for inclusion in the readmission meeting.

Following An Exclusion

- Re-admission meeting with those involved should be undertaken in a restorative and solution-oriented manner;
- Wellbeing Needs, Support and Next Steps (Appendix 7, Form 4a/4b) should be discussed and agreed; where this cannot be agreed, the pupil should be re-admitted and the matter discussed with the Head of Service;
- Wellbeing and learning support should be discussed and a plan agreed; WAP and risk assessments should be updated. Part-time learning must be discussed with the Head of Service; 'time at home' within this intervention must be recorded as an exclusion;
- Views of those involved (including the child/young person) should be recorded;
- Appendix 7 Forms 3 and 4a/4b should be completed as a record of the discussion.

Acute Wellbeing Concerns such as those arising from significant or grievous incidents, or those which are persistent) should be referred to the LC-JST and can be the focus of a consultation discussion with the Head of Service.

APPENDIX 10: QUALITY ASSURANCE - IMPLEMENTATION, EVALUATION AND REVIEW

Education Services Inclusion Strategy Group reviews Management Circular No. 8 annually and updates as appropriate; this review also considers the annual year-end reports on exclusion data which are provided by the Policy, Planning and Research Unit to the Executive Director. A biennial report on exclusion data is provided to the Scottish Government as part of census reporting processes.

In addition a Management Circular No. 8 Quality Assurance Group will be established with Terms of Reference relating to: effective implementation; appropriate joint staff training; good practice identification; recommended update content etc. The proposed members of this group will include representation of young people; parent/carers; LNCT; professional bodies; HSCP partners; CELCIS; Education Scotland; as well as from Education Services itself i.e.: schools; Education Improvement Service; Glasgow Psychological Service, Legal Services and Directorate.