

# Supporting Pupils: Minimising Exclusion Policy 2020

Approved by Committee on 26<sup>th</sup> November 2020



## Document Control

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## Table of Contents

1. Purpose statement	3
2. Application and Scope Statement	3
3. Responsibilities	3
4. Supporting Procedures & Documentation	3
5. Policy Statement/s & flow diagrams	4
6. Definitions	9
7. Risk	10
8. Policy Performance	11
9. Design and Delivery	11
10. Housekeeping and Maintenance	12
11. Communication Distribution	12
12. Information Management	12

## 1. Purpose Statement

- 1.1 The purpose of this Policy is to set out the policy objectives underpinning the management of exclusion in the City's schools in accordance with the Education Authority's statutory duties in relation to exclusion. Education and Children's Services Policy is that exclusion must be seen as an absolute last resort.
- 1.2 Including all children and young people effectively is a key aim for Aberdeen City's Integrated Children's Family Services and their partners. Exclusion should be used as a last resort and must comply with the law in relation to Exclusions (contained within Regulation 4 of the Schools General (Scotland) Regulations 1975 as amended) and the Equality Act 2010.
- 1.3 The terms of Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusion Guidance 2017 issued by the Scottish Government has been considered in the development of this Policy.

## 2. Application and Scope Statement

- 2.1 This Policy applies to learners who are enrolled in an Aberdeen City Council school, the parents and family of those learners, staff in schools, staff in Aberdeen City Council's education service and agencies who support our learners and families. This Policy applies when the exclusion of a child or young person is being considered by the Education Authority.
- 2.2 This Policy impacts on the decision making process in relation to the exclusion of a child or young person from an Aberdeen City Council school.

## 3. Responsibilities

- 3.1 The Chief Education Officer for Aberdeen City Council is responsible for managing and maintaining the Policy.
- 3.2 All headteachers employed by Aberdeen City Council are responsible for implementing the Policy within their schools and ensuring that all staff and parents are aware of the Policy. Parents must be advised of their right to appeal any exclusions to the Education Appeals Committee.
- 3.3 Any non-compliance with the Policy by an employee may result in the potential use of a corporate procedure e.g. disciplinary procedure, or a successful appeal before the Education Appeals Committee.
- 3.4 Non compliance with the Policy and any feedback can be reported directly to the Chief Education Officer as Policy owner. Alternatively, reports of non compliance can be made to the Quality Improvement Management Team by individuals or schools through normal reporting processes.

## 4. Supporting Procedures & Documentation

- 4.1 Related Policies:

- The Aberdeen City Policy and Procedure for Managing Substance Misuse Incidents Involving Children and Young People in Schools (2018)
- Equality and Diversity Policy

#### 4.2 Procedures/Guidance:

- Supporting and Minimising Exclusion Procedure and Guidance 2020
- Included, Engaged and Involved Part 2: Preventing and Managing School Exclusions 2017 (Scottish Government Guidance)
- Aberdeen City Anti-Knife and Weapons Guidance
- Independent Care Review: The promise 2020

#### 4.3 Supporting Documentation:

- Getting it Right for Every Child (GIRFEC)
- United Nations Convention on the Rights of the Child (UNCRC)
- United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)
- The Children and Young People (Scotland) Act 2014
- Schools General (Scotland) Regulations 1975 as amended
- Equality Act 2010
- Health and Safety at Work etc. Act 1974
- Standards in Scotland's Schools etc. Act 2000
- Education (Scotland) Act 1980
- Children's Hearing (Scotland) Act 2011
- The Age of Legal Capacity (Scotland) Act 1991

## 5. Policy Statement/s

- 5.1 Aberdeen City's aspiration is to reduce exclusion levels by providing appropriate, proportionate and timely support for our learners thereby reducing the need for exclusion.
- 5.2 Children, young people and staff have the right to work and learn in a safe environment. Exclusion can therefore be legally considered when the grounds in Regulation 4 of the Schools General (Scotland) Regulations 1975 are met.
- 5.3 Exclusion must be seen as a last resort. However, in exceptional circumstances such as assault, the use of weapons, substance misuse or grossly offensive or menacing behaviour, the Head Teacher may consider that the pupil should be excluded regardless of previous good behaviour.

In responding to substance misuse related incidents, schools must follow the Education Authority guidance and the information contained within The Aberdeen City Policy and Procedure for Managing Substance Misuse Incidents

Involving Children and Young People in Schools (2018). Aberdeen City Anti-Knife and Weapons Guidance must be followed if appropriate to the circumstances.

- 5.4 Additional considerations have to be made when a child or young person is on the Child Protection Register, a Looked After Child or Disabled.

If a child or young person is a Looked After Child or on the Child Protection Register, the child's Social Worker/Lead Professional and the Duty Social Worker should be informed of a decision to exclude. The Establishment Contact/Lead Professional should ensure that a Multi-Agency Meeting is convened as a matter of urgency to guarantee risk assessment is undertaken to minimize risk to the child or young person while excluded.

Regard must be had to the Council's duties not to discriminate on the grounds of a protected characteristic under the Equality Act 2010 when excluding a learner and to consider whether the duty to make reasonable adjustments has been met in respect of a disabled learner. This is ensured through discussion with the Quality Improvement Manager or Officer in order that the decision to exclude is a last resort and does not discriminate.

The Education Authority must also bear in mind its public sector equality duty under the Equality Act 2010 in the execution of this policy and exclusion generally.

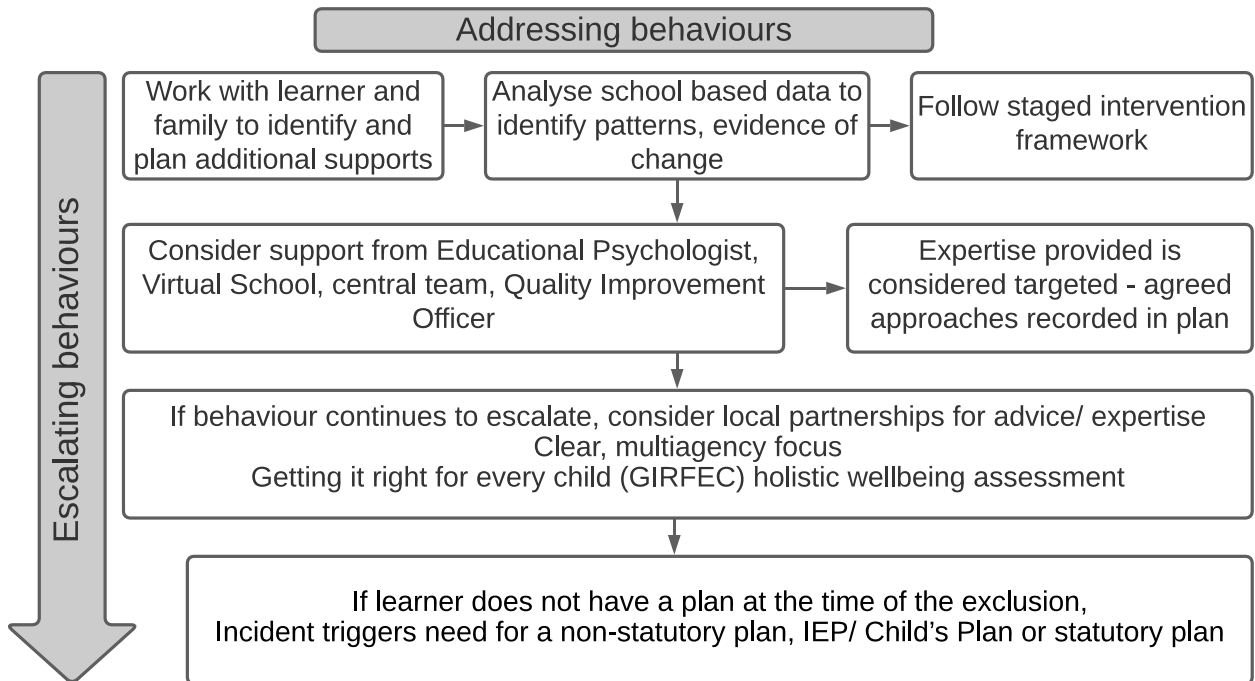
The Education Authority must be aware of the risk of Indirect Discrimination and must monitor its exclusion rates appropriately, through weekly reporting to the Quality Improvement Team.

- 5.5 Hosting arrangements will be rare but can support learners when they are finding it difficult to maintain a placement in their mainstream school. All requests for hosting and removal from the register will be overseen by the Chief Education Officer.
- 5.6 Only the most challenging cases will lead to exclusions of more than 5 days. Exclusions should be for the shortest time possible.
- 5.7 The Education Authority are required to ensure that the excluded children and young people are given the opportunity to continue their studies, without undue delay. Consideration should be given to the best means of providing this support which will be dependent upon the age and stage of the child/young person.

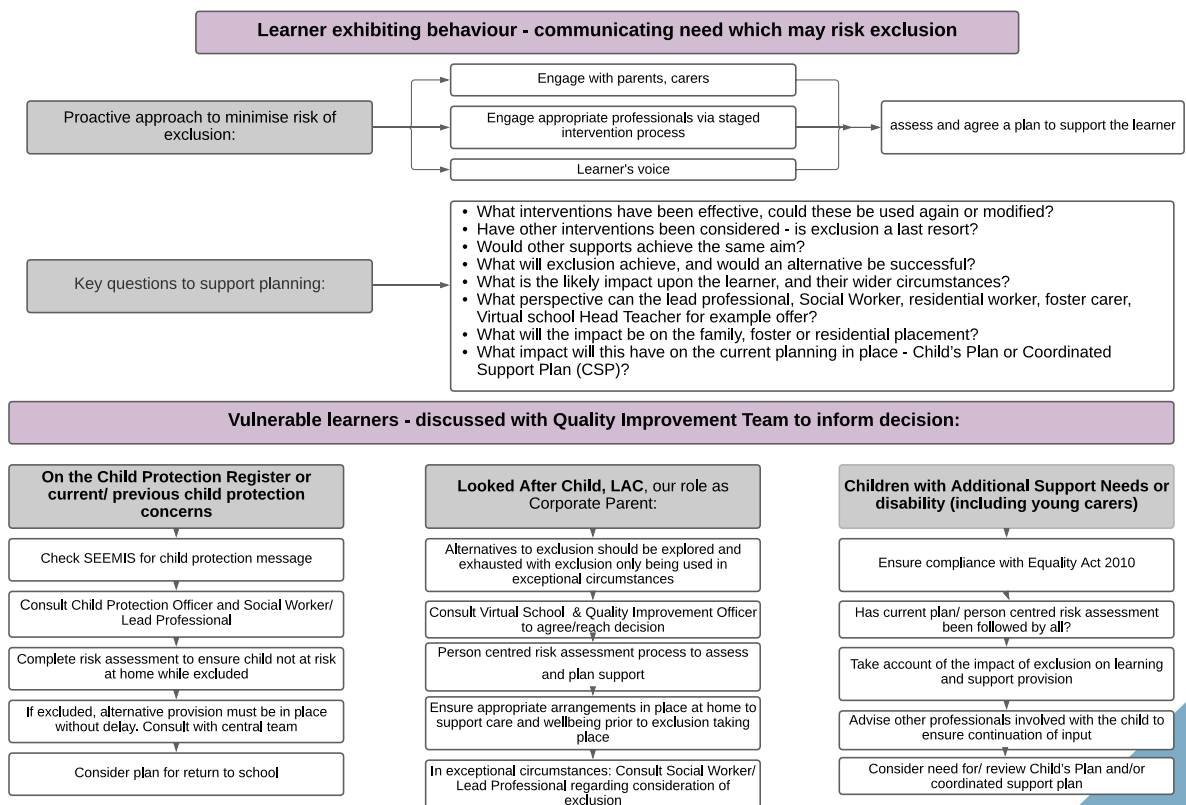
Continuation of support specified for a child with additional support needs, such as therapies, should take place at an agreed location.

## 5.8 Flow diagrams to support the decision-making process:

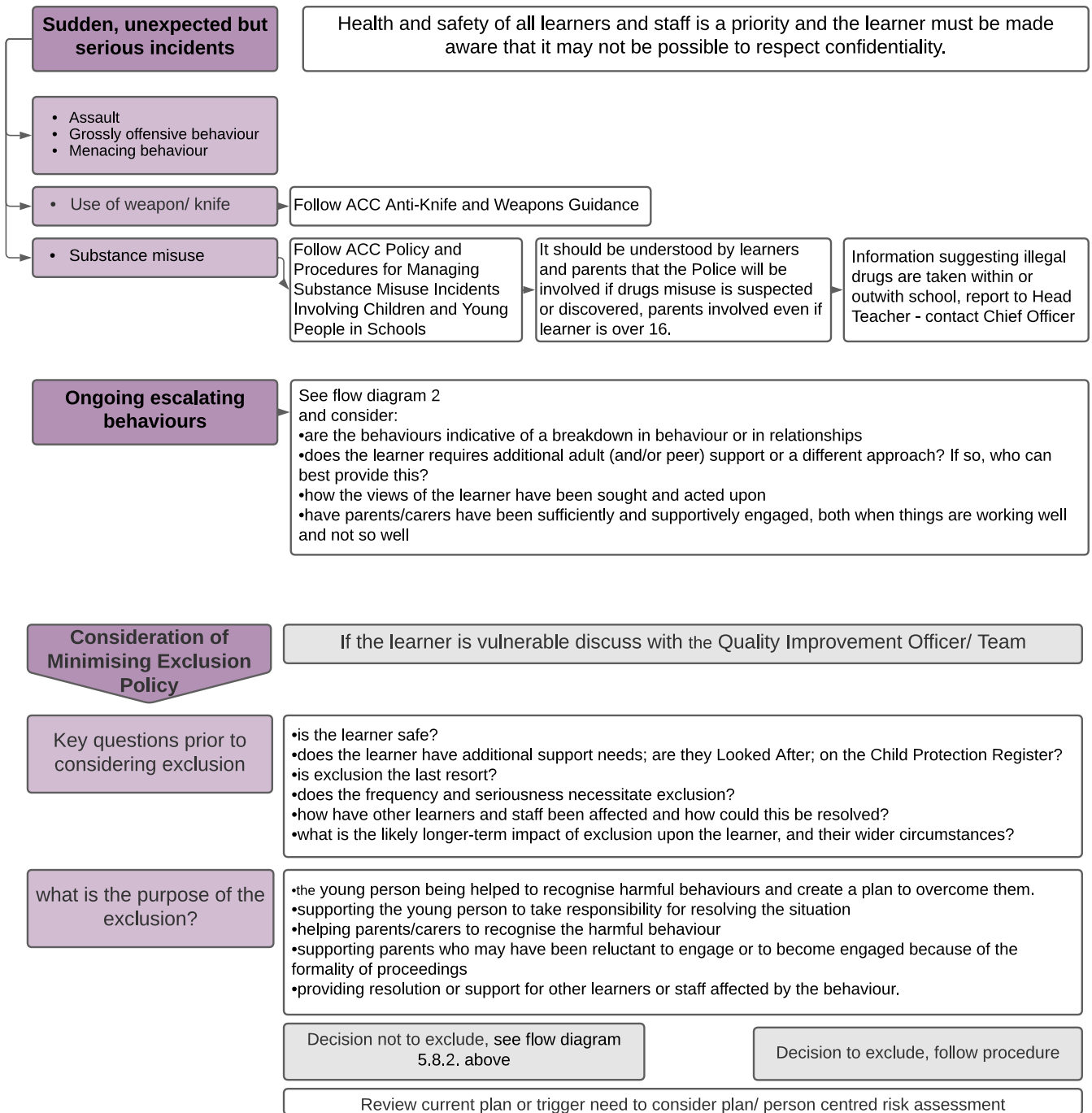
### 5.8.1 Addressing behaviours



### 5.8.2 Learner exhibiting ongoing behaviours flow diagram



### 5.8.3 Flow diagram to support decision when considering exclusion:





## 6. Definitions

- 6.1 **Exclusion:** The legal definition of Exclusion is contained within Regulation 4 of the Schools General (Scotland) Regulations 1975 as amended. Exclusion can be legally considered when:
- To allow the pupil to continue attendance at the school would be likely to be seriously detrimental to order and discipline in the school and or the educational wellbeing of the pupils there; or
  - The parent of the pupil refuses or fails to comply, or allow the pupil to comply, with the regulations or disciplinary requirements of the school.
- 6.1.1 Exclusion from school of a pupil other than in compliance with the Schools General (Scotland) Regulations 1975 as amended, has no legal basis. Accordingly, there is no legal basis for what might be termed “informal exclusions” with schools requesting that children are collected to prevent an exclusion from occurring. Failure to comply with the Regulations in such circumstances may render the Authority open to legal challenge by the parents or the pupil.
- 6.1.2 **Temporary exclusion, suspension, informal exclusion:** terms such as “temporary exclusion”, “suspension”, “informal exclusion” and “expulsion” have no place in policy or in the legal framework. All instances where parents are requested to take a child home from school are forms of exclusion and should be recorded as such. The only exception to this is when a child or young person is unwell.
- 6.1.3 The term “exclusion” refers to exclusion for a fixed period which should be for as short a period as possible.
- 6.2 **Hosting:** the term “hosting” is used to describe when a child/young person attends another setting for a trial period whilst remaining on the roll of their local school. This hosting arrangement will be planned to positively support the child/young person and can lead to the ‘Host’ school taking full responsibility for the learner and the learner being enrolled at the host school if all partners support this.
- 6.3 **Request for removal from the register.** The term “request for removal from the register” refers to an exclusion where the child does not return to the school and where this has not been considered to be in the interests of the child through normal assessment and planning processes. Removal from the register is used very rarely as more proactive “hosting” arrangements allow for careful consideration of needs and planning.
- 6.4 **Direct discrimination** occurs when a school treats a pupil less favourably because of a protected characteristic than it treats, or would treat, another pupil.
- 6.5 **Indirect Discrimination** occurs when a school applies a provision, criterion or practice in the same way for all pupils or a particular pupil group, but this has the effect of putting pupils sharing a protected characteristic within the student group at a particular disadvantage.

- 6.6 **Discrimination arising from disability** occurs when a school treats a disabled pupil unfavourably because of something connected with his or her disability and cannot justify such treatment.

## 7. Risk

- 7.1 This Policy and the supporting procedures specified in Section 4 are designed to reduce or eradicate various risks as follows:

- **Strategic risk.** The Policy will reduce Disability Discrimination and Indirect Discrimination towards pupils.
- **Compliance risk.** The Policy will reduce any legal penalties or financial loss which could be incurred by the Education Authority if Exclusions are not legal and compliant with duties under the Equality Act 2010.
- **Operational Risk.** The Policy will reduce risk to the particular child involved in the exclusion, along with the other children at the school and the staff members at the school by ensuring that exclusion is used appropriately.
- **Financial Risk.** The Policy will reduce successful appeals to the Appeals Committee and/or First Tier Tribunal for Scotland (Health and Education Chamber) and Courts. This will reduce financial implications for the Education Authority.
- **Reputational Risk.** The Policy will prevent the Education Authority's reputation being affected by claims against them.

- 7.2 The Policy will mitigate the risks of discrimination and inequalities, particularly in the exclusion gap between mainstream pupils and those with additional support needs and/or disabilities.

- 7.3 The risks identified will be monitored, managed and mitigated by the Education Authority by regular meetings of the Quality Improvement Officers and Quality Improvement Managers who will report the outcomes to the Chief Education Officer

- 7.4 This Policy supports the Education Authority's PREVENT obligations following the guiding principles of inclusion and proportionality. Through CONTENT framework of prevention; supporting and safeguarding vulnerable learners, ensuring they remain part of their community with multiagency support where appropriate.

## 8. Policy Performance

- 8.1 The key factor in ensuring the effectiveness of the Policy is the effective partnership working between children and young people; parents and carers; school teams; agencies and the third sector. Inclusive schools need to know their families well and make effective use of resources towards early intervention.

- 8.2 The Policy will be effective where the Education Authority can evidence a reduction in:
- the number of children excluded
  - the duration of the exclusions
  - the number of children with a disability who are excluded

- the number of children with an additional support need, including those who are looked after, who are excluded
- 8.3 The Senior Leadership Team in each school will use the information available from SEEMiS to closely monitor exclusions. This information will be used to inform improvement planning.. Information will be reported to the Quality Improvement Management Team and Chief Officer of Education weekly.

## 9. Design and Delivery

- 9.1 This Policy is designed to ensure Aberdeen City Council meets its legal obligations to meet the overarching Community Planning Partnership ambition to tackle some of the more deep-rooted inequalities present in Aberdeen. The Policy sees a shift of resources towards early intervention and prevention in alignment with the Target Operating Model.
- 9.2 This Policy is in line with the objectives contained within the Local Outcome Improvement Plan, primarily that children are respected, included and achieving. The particularly relevant parts of the Local Outcome Improvement Plan are:
- 5.1 Improving education outcomes for care experienced children and young people.
  - 6.1 95% of children living in Aberdeen City priority localities will sustain a positive destination upon leaving school by 2026.
  - 8.1 Young people receive the right help at the right time through provision of a strong universal offer alongside availability of multi-disciplinary targeted interventions (using a trauma-informed approach) to improve outcomes for young people at risk of becoming involved in the Justice System.

## 10. Housekeeping and Maintenance

- 10.1.1 The Policy will be reviewed every three years or as required by Aberdeen City Council. It will be reviewed if there are any changes in legislation or in its application.

## 11. Communication and Distribution

- 11.1 This policy will be available on the Aberdeen City Council Website for members of the public and on the manager's portal. A copy may be requested from any Aberdeen City School and in accordance with Aberdeen City Council policy, it is available in accessible formats on request.

## 12. Information Management

- 12.1.1 The information generated by the application of the Policy will be managed in accordance with the Council's Corporate Information Policy and supporting Procedures.