

DATA LABEL: PUBLIC



PROMOTING POSITIVE RELATIONSHIPS IN WEST LOTHIAN EDUCATIONAL ESTABLISHMENTS

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Education Services
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1. BACKGROUND

This policy provides vision and guidance for all educational establishments in promoting positive relationships for all children and young people. The Scottish Government Better Relationships, Better Learning, Better Behaviour report states that:

“Recent research into behaviour in Scotland’s schools and exclusion statistics has shown encouraging and sustained improvements in recent years. Fewer and fewer children are being excluded and there has been a positive impact in schools where there was a focus on social and emotional wellbeing and an ethos of mutual respect and trust.”

(Better Relationships, Better Learning, Better Behaviour, 2013)

Appendix 1 to this document provides a brief summary of the national policy context in relation to children and young people being included, engaged and involved in their education.

In West Lothian, the majority of children and young people flourish within our schools through our implementation of the GIRFEC framework, the creative delivery of the Curriculum for Excellence, and our approach to building positive relationships.

The National Improvement Framework priorities,

- Improvement in attainment, particularly in literacy and numeracy
- Closing the attainment gap between the most and least disadvantaged children
- Improvement in children and young people’s health and wellbeing
- Improvement in employability skills and sustained, positive school-leaver destinations for all young people

are also integral to our planning and support for children and young people and are key to our approach to building and maintaining positive relationships.

Through these combined approaches, the aim is that all West Lothian children and young people become successful learners, confident individuals, responsible citizens and effective contributors.

At times, some children and young people will be faced with difficult life circumstances and adverse childhood experiences (*Tackling the Attainment Gap by Preventing and responding to Adverse Childhood Experiences, 2017*) which can result in presenting challenges to their families, schools and communities through using behaviour as a way of communicating their distress. Research shows that by focusing on building positive relationships and by setting a positive and inclusive ethos at all times, many issues can be avoided and any negative effects greatly diminished.

At a strategic level in West Lothian, Education Services work together with partners to contribute to the Single Outcome Agreement outcomes as follows:

Our children have the best start in life and are ready to succeed

We are better educated and have access to increased and better quality learning and employment opportunities

People most at risk are protected and supported to achieve improved life chances

Fundamental to this are good relationships developed within a positive ethos and a climate of mutual respect and trust based on shared values across communities. Inclusion, engagement and involvement are the key principles underpinning our work in ensuring this.

The following summarises the values underpinning our approach:

- mutual respect between children, young people and adults
- high expectations for pupils’ learning and achievement
- inclusion, engagement and involvement of all learners

- trust and tolerance between young people and between young people and adults
- all children and young people are valued irrespective of their needs, behaviour or background
- ensure every child / young person has the same opportunity to succeed

The Better Relationships, Better Learning, Better Behaviour report (2013) indicated that:

Schools are using a wide range of approaches to encourage positive behaviour, e.g. a curricular focus on social and emotional wellbeing, restorative approaches, nurturing approaches, peer mentoring, solution oriented approaches.

Positive and supportive approaches are increasingly being used far more than punitive methods.

Staff said that 'promotion of positive behaviour through whole school ethos and values' is the most helpful approach to improving behaviour.

The staged intervention model is a key component in local authority behaviour and relationships policies.

In West Lothian, Education Services aligns with these statements. The following sections outline the range of approaches that can be taken within our schools to support the development of better relationships which promotes better behaviour which in turn leads to better learning.

In West Lothian, our staged intervention model is called The Continuum of Support. The levels of support are summarised below:

Level 1 Core/Universal

Needs are met within the classroom by the class teacher.

Level 2 Additional

Additional planning is required to fully meet the needs of children and young people. The co-ordination of this support may be facilitated through child's planning meetings as appropriate.

Level 3 Enhanced

The child/young person's additional support needs require input from two or more agencies, and/or different parts of an agency, co-ordination is required. This is achieved through the child's planning meeting process.

Level 4 Intensive

Children and young people are accessing a special school/base either full or part time.

Section 2 below provides more information about the Continuum of Support within the context of positive relationships.

2. CONTINUUM OF SUPPORT (CoS)

2.1 Creating Positive School Environments (CoS Level1)

West Lothian Education Service acknowledge the vital role that parents, carers and families have in promoting children and young people's positive engagement in school and learning. It is important that schools work collaboratively with families, and that they involve parents and carers in the development of a school ethos and policies which promote positive relationships at all levels.

All educational establishments should therefore develop an agreed, written statement and procedures for Promoting Positive Relationships which is created through consultation with the whole school community in order that it is unique to each individual school setting. This document should incorporate the school's Anti-Bullying and Equality policy and procedures, and should include reference to the Council's Risk Management procedures.

Fundamental to this development is the Getting it Right for Every Child framework which is embedded in our planning for pupils and ensures that the wellbeing needs of our children and young people are being met.

2.2 Whole School Approaches (CoS Level1)

Building Curriculum for Excellence Through Positive Relationships and Behaviour (2010) states that: *“The Curriculum for Excellence cannot be delivered without good relationships and positive behaviour.”* It further highlights the fact that: *“Health and wellbeing across learning is a responsibility for all. Children and young people should feel happy, safe, respected and included in the learning environment and all staff should be proactive in promoting positive behaviour in the classroom and the wider learning community.”*

Adopting a culture of raising self-esteem, raised aspirations, equity and excellence, through good staff - pupil relationships and creating opportunities for pupils to meet their full potential, forms the basis of our approach to building positive relationships in our schools.

In West Lothian the importance of early attachment development in the promotion of positive relationships is also acknowledged and Education Services use this to inform practice in the Early Years and through early intervention for West Lothian’s most vulnerable young people.

West Lothian Council also engages with various whole schools strategies for promoting positive relationships and behaviour as outlined in the recently revised Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions (2017). These include:

- Restorative and Solution Oriented approaches as part of whole school development
- Whole-school nurturing approaches based on nurturing principles and including nurture groups
- Rights Respecting Schools
- Anti-bullying policies and procedures which contribute to social and emotional wellbeing including the Mentors in Violence Prevention (MVP) programme.

Each of the above approaches, when aligned with the culture of the school, can create a highly effective climate to support positive relationships and behaviour within the school.

West Lothian Educational establishments require to engage in self-evaluation of the promotion of positive relationships using guidance within How Good is Our School 4, 2016 (HGIOS4) and How Good is Our Early Learning and Childcare, 2016 (HGIOELCC) to ensure that they are meeting the needs of all children and young people within their framework for promoting positive relationships.

In line with the Teacher Professionalism driver from the National Improvement Framework, all Head Teachers should use the Professional Update and school improvement planning process to ensure all staff are provided with appropriate learning and development opportunities in the area of Positive Relationships.

2.3 Continuum Of Support Levels 2, 3 & 4

Whilst it is acknowledged that the majority of children and young people flourish within the learning environments created through the strategies and approaches outlined above, there are times when some children and young people require additional planning and support to meet their needs.

In West Lothian use of positive behaviour techniques is advocated where the school’s approach to relationships is applied in a clear and consistent way. The importance of early intervention and de-escalation of situations is also acknowledged as being key to the maintenance of healthy relationships. Schools should adopt non–reactionary strategies to pre-empt potentially disruptive situations. The use of proactive methods will help keep interactions positive, raise pupil self-esteem and promote inclusion. (For fuller details on this approach, see Appendix 2 to this document)

The Continuum of Support should be used to assist in more detailed planning and the provision of additional support when increasing levels of need are identified. Where appropriate, the Risk Assessment process should be considered at this level of planning. In all circumstances, the National Practice Model should be used to support the child's planning process.

Full details of how to support children and young people using West Lothian's Continuum of Support can be found here: <http://intranet.westlothian.gov.uk/article/12829/Inclusion-and-Wellbeing-Service>

2.3.1 Partnership with Parents/Carers and Children/Young People

Schools should take proactive steps to involve parents and carers in all planning and decision making which affects their child or young person. Children and young people too should be encouraged to take responsibility for their learning and wellbeing, and should be given the opportunity to be involved in their own planning and decision making in a way that is appropriate for their age and stage of development.

2.3.2 Partnership with Other Professionals

In West Lothian Council Education Services, It is recognised that the Service needs to work collaboratively with partner agencies to ensure that the wellbeing needs of all children and young people are fully met and that the child / young person is at the centre of the planning process. Within West Lothian, there are a range of services available to schools to further support the promotion of positive relationships.

These services can offer support for individual pupils, in addition to staff training and strategic planning/discussion. Full details of how to support children and young people using West Lothian's Continuum of Support can be found here. <http://intranet.westlothian.gov.uk/article/12829/Inclusion-and-Wellbeing-Service>

2.3.3 Use of Part-Time Timetables

Children and young people have a right to be provided with a school education and this right is enshrined in the Standards in Scotland's Schools Act, 2000. It should also be recognised that pupils are to be educated in accordance with the wishes of their parents, (Education (Scotland) Act 1980). Therefore no part-time arrangement can be considered if it is against the wishes of the pupil's parents or carers. Appendix 3 outlines the circumstances in which schools may consider the use of part-time timetables for pupils.

2.3.4 Continuum of Support (Level 4)

Level 4 of the Continuum of Support relates to children and young people attending special schools/bases. For full details of the processes and procedures involved in accessing specialist provision for children and young people see the Continuum of Support guidance: <http://intranet.westlothian.gov.uk/article/12829/Inclusion-and-Wellbeing-Service>

3. ANTI-BULLYING

The National Approach to Anti-Bullying for Scotland's Children and Young People is outlined in the Scottish Government's published report "Respect For All" 2017. This framework builds on the positive work which has already taken place in Scotland to address bullying. It provides a holistic framework for all adults working with children and young people to address all aspects of bullying, including prejudice-based bullying. Respect for All reflects Getting it Right for Every Child and recognises that bullying impacts on wellbeing. In order to thrive and achieve their full potential, children and young people need learning environments which are safe, nurturing, respectful and free from fear, abuse and discrimination. West Lothian Council Education Services adopts the "Respect For All" framework for implementation across all schools. The Framework can be found using the following link <http://www.gov.scot/Publications/2017/11/6766>.

4. VIOLENCE AND AGGRESSION

It is envisaged that the effective implementation of the Continuum of Support will lead to positive, inclusive environments and the engagement of children and young people in their learning. It is acknowledged that in some circumstances, situations occur that escalate to include physically challenging behavior.

Schools should address physically challenging behaviour in the context of a school statement for positive relationships that emphasises positive approaches, success in learning, achievement and the prevention of difficulties.

Education Services has a duty of care for the health and safety of all of its staff, children and young people. The implementation of the school's positive relationships approach, including risk assessment, will be considered as part of the Validated Self-Evaluation process.

The use of force against another person constitutes an assault. However the law recognises certain justifications for its use. In the context of services for young people, the sole justification for the use of force relates to circumstances in which:

- the young person is or is about to present a danger to themselves
- the young person is or is about to present a danger to other people
- the young person is doing or is about to do significant damage to property including her/his own (this can also present a direct danger to her/himself or others, or serious risk to property if s/he does so).

It is recognised that crisis situations are often not clear-cut and it is difficult to specify the exact circumstances in which force is justified pro-actively. The law operates with hindsight generally on the basis of precedent and will examine each case on its merits. There are, however, clear cut situations where physical intervention is required eg:

- when a child is engaging in self-mutilation or
- endangering themselves or others or
- where an attempt to abscond would result in an unacceptable level of risk

Assessment of risk must take account of the age, vulnerabilities and circumstances of the individual pupil.

The use of physical interventions must always be viewed as a last resort. It is only acceptable to physically intervene where the member of staff reasonably believes that if they do not physically intervene, the child or young person's actions are likely to cause physical damage or harm to that pupils or to another person. Whilst the law generally allows force to be used to prevent damage to property, it is likely to expect a lesser degree of force to be employed than in the prevention of personal injury. Therefore force should not be used to prevent damage to property unless there is a strong probability of injury to an involved party arising out of the damage to property.

The use of force must only be employed as a last resort using the principal of least restrictive intervention. Physical intervention should be an act of care. Its actual or threatened use must never be employed to coerce or force compliance with staff instructions, unless non-compliance would result in injury.

Staff generally have a right to defend themselves when attacked. The law also allows the use of force as a response to attack on a third party. However, the degree of force used must be minimum and reasonable. Even where force is used in response to the first use of violence, there is a requirement in law that staff should cease acting in self defence, at the first available opportunity. When seeking to prevent a crime or injury to self or others, physical intervention is likely to be deemed justifiable if it is aimed at preventing a greater and more significant harm. Staff should always assess the risks of intervention against the consequences of non-intervention.

In summary, in all situations where there is a potential for violence, staff must make an assessment of the situation and decide whether or not physical intervention is required. Non-intervention is acceptable as long as it has been a reasoned decision.

West Lothian Education Services expects and supports the highest professional standards and behaviour from all staff in the implementation of this policy.

5. SECLUSION

Seclusion of a child or young person within a separate space is a form of physical intervention and should only be used as a last resort to ensure the safety of a child or young person, or others.

Any separation of a child or young person must be in a place that is safe and that does not cause any additional distress to the child or young person.

The use of this form of physical intervention should be included in an agreed plan for the individual. Where seclusion is used:

- it must be in a place that is safe;
- it should be managed under supervision;
- it should take into account the additional support needs of the child or young person; and
- it should be time limited.

Training on the use of Seclusion interventions will be provided for all schools on an annual basis.

6. MANAGING INCIDENTS INVOLVING WEAPONS

Where school staff suspect that a child or young person is in possession of a weapon, such as a knife, in school, this should, without delay, be referred to the headteacher, or in their absence the member of staff deputising. Staff should not directly challenge the child or young person.

Schools should ensure that training and support on de-escalation is planned for and/or provided for all school staff. This mandatory training is accessed through Education Services' Career Long Professional Learning programme. This will include how to respond to situations where a child or young person may be suspected of having a weapon. When considering the most appropriate way to deal with a situation where school staff suspect a child or young person is in possession of a weapon, consideration must be given to the safety of the child or young person and all others within the school. It may be evident from the circumstances that there is a need to call the police to attend. Prior training in risk assessment for such situations should be undertaken within all schools.

A member of school staff, in the presence of another member of senior staff, where possible, may – if they believe it is safe to do so – ask the child or young person to disclose and display the contents of pockets or bags, to ascertain if there is a weapon. If the child or young person will not co-operate by displaying their belongings, then the child or young person should be asked to remain where they are and the police should be called immediately.

Any incident where a decision is made to undertake a search of a child or young person and/or where a weapon is suspected or found, must be recorded in both the pupil's file in SEEMIS and the council's RIVO system. Risk assessment procedures should also be followed in these circumstances in line with council policy.

This information will be used to ensure West Lothian Council can monitor processes for weapons within their existing systems to ensure that they have accurate evidence, which is monitored and reviewed to help identify emerging issues and support early action including the identification of

any professional learning needs.

Schools will consider, as part of their health and wellbeing curriculum, how children and young people can be supported to develop safe and responsible attitudes, including understanding the risks and dangers that can arise from carrying a weapon and by being encouraged to speak with an adult if they suspect that someone has a weapon.

For circumstances in which staff are responding to a knife or other offensive weapons incident within school, it is expected that in each and every incident the school will report this to police via the following appropriate channels:

Utilising the 999 emergency call service in the event of an ongoing emergency

Utilising the police non-emergency number 101 if there is no immediate danger

Reporting to a Youth Community Officer if such an individual is on site and this is deemed more expedient or appropriate than either of the above two methods.

These 3 methods are highlighted in order to clarify that it is up to the professional judgement of the Headteacher to identify the seriousness of the incident and therefore utilise the most appropriate method of reporting accordingly.

7. MANAGEMENT OF EXCLUSIONS FROM SCHOOL

Where prevention and early intervention strategies have been exhausted and exclusion is deemed to be necessary, this section outlines the legislation, regulations and procedures which inform how school exclusions should be carried out, including providing guidance on good practice.

Guidance on decision-making, communicating, rights of appeal, recording and the provision of education during the period of exclusion are also outlined in Appendix 4.

7.1 Key Legislation relating to Exclusion

The power to exclude a child or young person from school rests with the local authority. West Lothian Council delegates the power to exclude children or young people to the Senior Management Team within a school and particularly with regard to those children or young people who have additional support needs, a disability, are looked after, or where there are child protection concerns this delegated authority lies directly with the Head Teacher.

The power to exclude a pupil from a school and the circumstances under which a pupil may be excluded; and the requirements on local authorities where a decision to exclude has been taken are set out in Regulations 4 and 4A of the Schools General (Scotland) Regulations 1975 (“the 1975 Regulations”), as amended and the Schools General (Scotland) Amendment (No. 2) Regulations 1982 (S.I. 1982/1735).

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

“are of the opinion that the parent of the pupil refuses or fails to comply, or to allow the pupil to comply, with the rules, regulations, or disciplinary requirements of the school”; or

“consider that in all the circumstances to allow the pupil to continue his 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.”

Exclusion from school of a child or young person other than in conformity with the terms of the 1975 Regulations as amended has no statutory authority. Failure to comply with the 1975

Regulations as amended in such circumstances may render the council open to legal challenge by the parent(s), or the pupil (where the pupil is a young person or is a child with legal capacity in terms of the Age of Legal Capacity (Scotland) Act (1991)) or to action by the Scottish Ministers under section 70 of the Education (Scotland) Act 1980, as amended.

In the event of an exclusion of a child receiving their 600 hours of early learning and childcare (ELC) entitlement at an authority managed provider or a partner provider, the child still has a legal right to receive the hours they might miss due to having been excluded. However, it is very unlikely that a child would be excluded from ELC in the first place, and as ELC is an entitlement and is not compulsory, the parent would also need to request the hours to be made up by the local authority. If an eligible pre-school child, who receives their funded ELC entitlement at a partner provider, is excluded from that partner provider, it would fall to Education Services to make alternative arrangements to provide the entitlement to the child elsewhere.

Exclusions should also be seen in the wider context of Education Services' duties to:

"...secure that there is made for its area adequate and efficient provision of school education..." (under section 1 of the Education (Scotland) Act 1980);

"...secure that the education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential." (under section 2(1) of the Standards in Scotland's Schools etc. Act 2000);

"...have due regard, so far as is reasonably practicable, to the views (if there is a wish to express them) of the child or young person in decisions that significantly affect that child or young person, taking account of the child or young person's age and maturity." (under section 2(2) of the Standards in Scotland's Schools etc. Act 2000 in regard to section 2(1); and

"...have regard to the general principle that, so far as is compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents." (under section 28 of the Education (Scotland) Act 1980).

Therefore, in any relevant procedures, including appeals against the decision to exclude, the views of the child or young person, as well as those of the parent(s) should be accurately represented and appropriately taken into account. As the views of child or young person may diverge from their parent(s), it is clearly not sufficient to assume that the views of the parent(s) automatically reflect those of the child or young person.

Further consideration should also be given by the local authority to the following legislation.

The Equality Act (2010) provides that it is unlawful to exclude a pupil because of a protected characteristic. Section 85 (2) provides that:

The responsible body of such a school must not discriminate against a pupil—
in the way it provides education for the pupil
in the way it affords the pupil access to a benefit, facility or service;
by not providing education for the pupil
by not affording the pupil access to a benefit, facility or service
by excluding the pupil from the school
by subjecting the pupil to any other detriment.

Section 85(5) provides that:

The responsible body of such a school must not victimise a pupil—
in the way it provides education for the pupil
in the way it affords the pupil access to a benefit, facility or service
by not providing education for the pupil
by not affording the pupil access to a benefit, facility or service
by excluding the pupil from the school by
subjecting the pupil to any other detriment.

In reaching a decision to exclude, education authorities have to consider whether they could comply with section 4 of the Education (Additional Support for Learning) (Scotland) Act 2004 (as

amended) which requires that every education authority must:

“(1)(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—
the additional support needs of, and
the adequacy of the additional support provided for, each such child and young person.
(2) Subsection (1)(a) does not require an education authority to do anything which—
they do not otherwise have power to do, or
would result in unreasonable public expenditure being incurred.”

7.2 The Consideration of Individual Circumstances in The Exclusion Process

This section outlines the individual circumstances that should be taken into account when excluding a child or young person from school, particularly with regard to those children or young people who have additional support needs, a disability, are looked after, or where there are child protection concerns.

Excluding a child or young person from school, whatever their individual circumstances, is an extremely serious step. It can have a serious impact upon learning and their future outcomes. Therefore, in all circumstances it is necessary to consider whether the exclusion will lead to improved outcomes for the child or young person. Targeted support should be explored and exhausted to ensure the on-going wellbeing and stability of placement of the child or young person, with exclusion from school always being the last resort.

Statistics suggest that exclusion is more prevalent amongst certain groups of children: those with an assessed or declared disability; looked after children and young people; children and young people from the most deprived areas; and those with additional support needs, particularly if that additional support need is social, emotional and behavioural. Consequently, for some of the groups that are highlighted, there are additional factors that need to be considered.

Prior to the decision to exclude being made discussions with the child or young person, their parent(s), and any involved professionals should take place, where possible. Where the decision is to exclude, other professionals involved, such as social workers, family support workers etc. should be made aware of the situation.

7.2.1 Children and young people with additional support needs

The circumstances in which a child or young person with additional support needs can be excluded are the same as any other child or young person. However, any decision to exclude must take account of and be in line with the local authority's duties under the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) and the Equalities Act 2010. The Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) places specific duties on education authorities and other appropriate agencies to:
make adequate and efficient provision for the Co-ordinated Support Plan; and
provide support and/or services whether on school premises or outwith. This may be taken forward by the Lead Professional.

Where a child or young person with an additional support need is at risk of exclusion, the education authority must take all reasonable steps to ensure that appropriate provision can be made to meet the child or young person's additional support needs during the period of exclusion. An education authority must continue to provide additional support as required, under the terms of the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended).

7.2.2 Children and young people with protected characteristics

The Equality Act 2010 does not prohibit schools from excluding children or young people with

particular protected characteristics, but it does prohibit schools under section 85(2)(e) from excluding children and young people because of their protected characteristic or from discriminating during the exclusion process.

7.2.3 Children and young people with disabilities

In addition to the above, under section 85(6) Equality Act 2010, schools also have a duty to make reasonable adjustments to the exclusion process for disabled children and young people.

Schools and education authorities should ensure that they comply with the provisions of the Equality Act 2010 in relation to discriminatory behaviour in the context of exclusion from school. The Disability Discrimination Act 1995 Code of Practice indicates that responsible bodies must not discriminate against a learner with a disability by excluding him or her for a reason related to the learner's disability.

7.2.4 Looked After Children

Understanding the specific needs of Looked After Children is crucial in order to ensure that any exclusion of a looked after child or young person is managed appropriately.

School life can be a protective factor in the lives of Looked After Children and good relationships both within the educational establishment and beyond, are fundamental to ensuring that all appropriate steps are taken when considering and managing exclusion. It is likely that an exclusion from school will have a significant impact upon the life chances of a looked after child, if not mitigated for.

In the short term, exclusion could lead to the need to move placement, with all the disruption to existing relationships that this causes if appropriate care and supervision cannot be provided while the child or young person is excluded. In the longer term, ongoing instability in a child's life is very likely to lead to life-long challenges and ongoing disadvantage.

Children and young people may move between different types of placement while being looked after. This might include being looked after at home where the child or young person is subject to a compulsory supervision order while continuing to live in their usual place of residence; or being looked after away from home, which could include foster care, residential care or kinship care. Local authorities have certain responsibilities to children or young people who are looked after by them in terms of the definition in section 17 of the Children (Scotland) Act 1995 (as amended). In cases where looked after children are placed outwith their local authority, in a care placement and school, the Looked After Children (Scotland) Regulations 2009 makes the responsible authority the authority that is looking after, or last looked after, the child or young person.

While the responsibility for delivering service or support will likely be transferred to the host authority, the responsibility for securing and promoting the individual's wellbeing remains with the placing home authority, and so facilitating continuity of support and cooperative planning will be necessary.

In all cases prior to exclusion, the Designated Manager for Looked After Children within the school, should involve the child or young person's lead professional, as well as the child's parent with a view to considering the implications and potential impact on wellbeing that exclusion can have. The Education (Additional Support for Learning Act) (Scotland) Act 2004 (as amended), states that all Looked After Children and Young People will be deemed to have additional support needs, unless assessed otherwise, and appropriate consideration should be given to how to support these needs during any period of exclusion.

Corporate Parenting in Part 9 of the Children and Young People (Scotland) Act 2014 and the corresponding guidance sets out the statutory duties and responsibilities of all corporate parents to safeguard the rights and promote the wellbeing of looked after children. Good communication

between corporate parents, alongside the meaningful involvement of children and their families, will support meeting the needs of individual children when considering and managing exclusions.

There are specific issues which will need to be considered if exclusion of a child or young person living in West Lothian's Residential Houses is being considered. It is essential, in such circumstances, that appropriate discussions take place with the Residential House Manager. In certain exceptional circumstances it may be appropriate for a child or young person to be excluded from school due to behaviour within the setting of the Residential House. This would have to be a last resort and would require to be a situation where the behaviour that has taken place could reasonably be described as giving rise to a situation where allowing the child or young person to continue their attendance at school would be likely to be seriously detrimental to order and discipline in the school or educational wellbeing of other children or young people there.

In such cases the Head Teacher will be required to work closely with the Residential House Manager. Invariably it will be the staff of the residence who will first alert the Head Teacher to any issues of this kind to enable discussions around support that can be provided, and any alternative strategies or interventions that can be used to support the child or young person.

7.2.5 Children who are adopted

Each year a significant number of children in Scotland who cease to be looked after are adopted. The needs of these children remain the same as they were while looked after. Many of these children continue to struggle with some aspects of school life.

They often have complex needs that can lead to challenging behaviours and the risk of exclusion. These difficulties in school and especially exclusions can overwhelm what can sometimes be fragile home and family lives.

It is essential that schools recognise the importance of facilitating parental engagement, providing early intervention, assessment, and understanding behaviour as communication as key to preventing exclusions. Without these kinds of support, and awareness of their needs, there is a risk that exclusion will lead to a worsening in a child's behaviour in school and at home.

7.2.6 Child protection register/concerns

Child protection concerns may arise due to a number of differing reasons: from wellbeing concerns about potential abuse or neglect; to behaviours by the child or young person themselves which may put them at risk. It is essential that staff in all educational establishments know which senior staff are aware of who is or has been on the child protection register or for whom there are concerns.

West Lothian Council is responsible for maintaining a central register of all children and young people – including unborn children – who are on the Child Protection Register. In cases where the exclusion of a child or young person who is on the child protection register, or for whom there are current or previous child protection concerns, is being considered, the member of staff with responsibility for child protection within the school should be informed. In addition, where the decision to exclude is being considered, Social Policy must be involved in the decision. It is essential that this is done immediately prior to the child or young person being sent home in order to ensure their health and wellbeing, and Social Policy should be engaged throughout the period of exclusion from school. In all cases where a decision to exclude is being taken schools should undertake a risk assessment to ensure that the child or young person will not be placed at further risk whilst excluded from school, and that appropriate provision should be available without undue delay.

7.2.7 Children and young people who are living in areas of socioeconomic deprivation

Whilst exclusion figures continue to fall, children and young people living in areas of

socioeconomic deprivation are still over represented in the numbers of children and young people who are excluded from school. Rates of exclusion per 1,000 pupils are more than six times greater for pupils living in the 20% of areas associated with most deprivation, compared with pupils living in the 20% associated with least deprivation, as defined by the Scottish Index of Multiple Deprivation. Children and young people who are living in these areas are more likely to have experienced a wide range of adverse living circumstances which impact on their wellbeing. Schools need to take account of how a range of factors may be impacting on children and young people's behaviour and be aware that exclusion can be an additional stress factor for children and young people and their families who are experiencing such adverse life circumstances.

Schools need to also take into account that an exclusion may also have an immediate impact on the wellbeing of children and young people from such backgrounds. This might include missing out on free school meals and being prevented from accessing the security and continuity of the school environment.

6.2.8 Children and young people who are excluded on multiple occasions

Where multiple exclusions of a child or young person have taken place it should highlight to the school that the support provision being used/in place is not working. In these instances schools should seek additional support in line with the implementation of Education Services' Continuum of Support.

Education Services Senior Management Team will monitor and track learners who are excluded on multiple occasions and support schools in the implementation of appropriate interventions.

7.3 Operational Management Procedures of Exclusion

All exclusions from school must be formally recorded. Children and young people must not be sent home on an 'informal exclusion' or sent home to 'cool-off'.

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

As noted above, Appendix 4 provides details on the operational management procedures involved in excluding any child or young person from school. All aspects of this policy must be taken into account prior to and during the act of excluding a child or young person from school.

8. HOSTINGS

Hosting is a strategy that can be used to support children and young people where they are finding it difficult to maintain a placement in a mainstream school. This is an arrangement between two educational establishments. This strategy is often used where the child or young person has been excluded on several occasions and where they may have also been receiving additional support. The objective of a 'hosting' arrangement may be to:

sustain the child or young person in mainstream education and reduce any loss or time to a minimum; and
provide a 'fresh start' of measurable benefit for a child or young person and therefore enhance the likelihood of success in a new learning establishment

Appendix 5 provides the procedure for implementing a hosting arrangement for a pupil.

Any consideration of a host should include careful assessment and planning, involving both schools, parent, child or young person and any other agencies to determine whether this is the

best course of action for the child or young person. The child or young person would move to the 'host' school for a trial period. During the trial period the base school would retain responsibility for the child or young person. However, following a successful trial period, if all partners (including the child or young person) agree for the 'host' school to take full responsibility for the child or young person, an appropriate date for a permanent move will be set.

References:

This policy should be read in conjunction with the following Council policies and legislation:

National:

Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions (2017)

National Improvement Framework (2016)

Curriculum for Excellence – Health and Wellbeing Outcomes and Experiences

Delivering Excellence and Equity in Scottish Education – A Delivery Plan for Scotland, 2016

How Good is Our School 4th Edition (2016)

How Good is Our Early Learning and Childcare (2016)

Children and Young People's Act (2014)

Better Relationships, Better Learning, Better Behaviour (2013)

Health and Safety at Work etc Act 1974

Tackling the Attainment Gap by Preventing and responding to Adverse Childhood Experiences, 2017

Respect For All (2017)

Local Authority:

West Lothian Continuum of Support (2016)

Lothian Child Protection Policy and Procedures

Safe Environment at School (July 2012)

Personal Safety at Work Policy

Crisis and Aggression Limitation Management (2009)

Appendix One

National Policy Context

Since the Scottish Government publication in March 2011 of '**Included, Engaged and Involved Part 2: a positive approach to managing school exclusions**', the policy and legislative landscape has changed as it continues to increasingly emphasise the importance of wellbeing and relationships in shaping positive outcomes for children and young people. The Scottish Government published a refreshed **Included Engaged and Involved Part 2: a positive approach to preventing and managing school exclusions**' in June 2017. This document emphasises the need for all learning establishments to have robust policies and procedures in place to ensure a consistent approach to improving relationships and behaviour across the whole community and for all learning establishments to consider children's rights in accordance with the **United Nations Convention on the Rights of the Child (UNCRC)**.

One of the key legislative changes which has been implemented since the last publication of 'Included, Engaged and Involved Part 2: a positive approach to managing school exclusions' is **The Children and Young People (Scotland) Act (2014)**. The Act sets out new statutory responsibilities for local authorities in relation to the wellbeing of children and young people deemed to be at risk of becoming looked after, as well as setting out the eight aspects of wellbeing which should be considered when assessing needs. It also sets out additional statutory responsibilities for Corporate Parents, as specified, in relation to those who are looked after. All education authority guidance on the prevention and management of exclusions should take cognisance of this legislation, particularly with regard to promoting the rights and wellbeing of children and young people; and when using the new support structures, as outlined in the paragraph below, to help identify any problems at an early stage.

Since 2008, **Getting it Right for Every Child (GIRFEC)** has been the national approach to improving outcomes for children and young people. GIRFEC takes a holistic approach to the wellbeing of the child or young person. The eight wellbeing indicators are safe, healthy, achieving, nurtured, active, responsible, respected and included. GIRFEC advocates preventative work and early intervention to support children, young people and their families through the provision of strong universal services, and partnership working with other services when needed. The approach supports children and young people's rights and involves children and young people in any decisions that affect them in line with the core principles of UNCRC.

GIRFEC recognises that while children and young people will have different experiences in their lives, all of them have the right to expect appropriate support from adults to allow them to grow and develop and to reach their full potential. All parts of the Children and Young People (Scotland) Act 2014 are underpinned by the GIRFEC approach.

Some of the other key drivers upon which the current guidance is set are outlined below:

Learning in health and wellbeing as part of **Curriculum for Excellence (CfE)**, ensures that children and young people develop the knowledge and understanding, skills, capabilities and attributes which they need for mental, emotional, social and physical wellbeing now and in the future. **Responsibility of All** emphasises that some aspects of health and wellbeing are the responsibility of all adults in schools, working together to support the learning and development of children and young people.

'Building the Ambition', National Practice Guidance on Early Learning and Childcare provides detailed, practical guidance on the experiences and interactions necessary to deliver the learning journey of babies, toddlers and young children. The aims of this document should inform how early learning and childcare practitioners support wellbeing and positive relationships within early learning and childcare settings.

One of the most important aims of the **National Improvement Framework** for Scottish Education is to drive improvements in learning for individual children and to ensure that there is a purpose to assessment and information gathering. More robust and transparent assessment and information gathering should help schools and local authorities to support children and young people more appropriately. As well as a focus on literacy and numeracy, it will also bring greater focus to improvements in the health and wellbeing of children and young people.

There is a recognition of the need to raise the attainment of all children and young people to ensure every child has the same opportunity to succeed, with a specific focus on closing the poverty-related attainment

gap. The Scottish Government have set out their aims for this within the **Scottish Attainment Challenge**. This is set within the context of Curriculum for Excellence and targets improvement in the areas of literacy, numeracy and health and wellbeing. Addressing the barriers faced by children and young people in these circumstances should also impact on the gap in the exclusion figures for those groups most likely to be excluded.

Developing the Young Workforce: Scotland's Youth Employment Strategy aims to ensure that there is a work relevant education experience on offer for all our young people and that a rich blend of learning, including vocational education, is valued

Getting It Right For Looked After Children and Young People Strategy 2015-2020 sets out what the Scottish Government are doing and what is expected of other corporate parents. The strategy outlines the three priority areas of work to improve outcomes for looked after children and young people. These are early engagement, early permanence and improving the quality of care with the thread running through the strategy of the importance of relationships. Children who are looked after at home have been identified as a particular priority as they tend to have the worst outcomes of all looked after children and have a complex range of needs. Of particular relevance is that children who are looked after at home have, on average, the lowest school attendance (79%) compared with the average for all looked after children (89%), which in turn is lower than for all children (93%). They are also the most likely children who are supervised in a community setting to be excluded from school, and have the lowest average educational tariff figures. Only 10% of children who are looked after at home achieve qualifications at level 5, compared with 25% of all looked after children. Just under 60% of children who are looked after at home are in positive destinations 9 months after leaving school, almost 15% behind all looked after children and over 30% behind all school leavers.

'Preventing offending: Getting it Right for children and young people' The Youth Justice Strategy 2015-2020 places a particular focus on the quality of relationships that children and young people experience as a key factor in building on their strengths as well as helping to manage risks. School inclusion is a key strategic focus within the strategy as it is integral to improving life chances. It pledges to: work with school professionals to build capacity and awareness about working with young people involved or at risk of involvement in offending by the end of 2016; share good practice throughout Scotland in approaches to school inclusion with a focus on preventing offending by the end of 2016; and ensure that young people at risk of disengagement from education are identified early and supported.

Appendix Two: De-escalation Techniques

Physical

Think about your position in the room – make sure you are closest to the door. But do not stand across the doorway to block someone's exit.

Respect personal space by keeping your distance (up to 4x more than normal) and turn your body so that you are presenting at an angle to the other person.

Be aware of your body language – try to present with a relaxed and non threatening stance with your hands open and visible.

Stand on the same side as their dominant hand (reducing the likelihood that they will try to grab or hit out)

Make only intermittent eye contact – more than this is threatening

Adopt a 'slow motion' mode to offset the natural tendency to match the other person's behaviour – i.e. talk slowly, walk slowly, move your hands slowly.

Lower your voice and try to retain a warm and empathic tone

Make sure your facial expression is congruent with what you say

Remain calm

Where possible separate them from the others / or remove the audience

Get everyone to sit down – sitting helps you to calm down

Communication

Listen

Use the young person's name

Remember that all behaviour is communication

Ask 'What's happened

Give them a way out/offer 'time out' – "Would you like to take a break..?"

Respond empathically - recognise the emotions and feelings that the young person has by naming them.

Tell them that it's ok to have these feelings.

Separate the behaviour from the person

Tell them that you want to hear what they have to say – "Help me to understand what you're saying to me"

Reflect back to them – "Can I just check? I think what you're saying to me is that you are unhappy about....

Have I got that right?"

Encourage the child or young person to reflect on the situation when calm, consider the impact on others and how to resolve the situation

Use problem-solving skills with the young person – "What would help right now?" (This might only be possible once they have started to calm down)

Offer praise where you can – "Well done! You're doing really well to control yourself. Keep on taking deep breaths."

Soothing reassuring words can help the young person to feel calmer

Personal attributes that will help

Always show **warmth** and **positive regard** for children and young people

Try to be **consistent** and **predictable**

Be calm and reassuring, model respectful interactions

Know your limits - don't make promises you can't keep and get help if you need it.

Issues affecting the child / young person:

All behaviour is a form of communication. The young person has something to communicate to you. Let them know that you want to listen to what they have to say and value them as an individual and their viewpoint. Make it clear that it is the way that they are communicating that is problematic and not them as a person.

'Challenging behaviour' often meets a need for the young person. For them it is a solution – a means to an end - and not a problem.

Under stress, the young person's survival response may dominate their actions.

Issues affecting you:

In response to a potential threat your defence/survival system may also have been activated – your brain will be sending signals to you to fight, flight or freeze.

The use of de-escalation techniques is therefore counter-intuitive. It goes against our natural instinct in a threatening situation.

You must try to appear to be calm and in control of yourself and try to engage the ‘thinking’ part of your brain.

What is not helpful:

Avoid

Adopting a threatening stance or standing across the doorway to block someone’s exit

Invading the young person’s space (unless you have judged that you require to intervene to ensure safety)

Compromising your own safety

Communication

Avoid

Shouting, threatening, preaching, arguing etc.

Pointing or shaking your finger

Continuing to discuss the ‘issue’ or to ask ‘why did you do that?’

Trying to ‘win’ or have the last word

Interrupting e.g. “No, you listen to what I’m saying for a change...”

Saying anything that might connect the young person to strong feelings of guilt or shame. This is not the time.

Feelings

Avoid

Telling them you know how they feel

Dismissing their feelings

Taking it personally. Even when comments or insults are directed at you, they are not really about you. Try not to respond to them and concentrate on calming the situation down.

Appendix Three: Use of Part Time Timetables

Pupils have a right to be provided with a school education and this right is enshrined in the Standards in Scotland's Schools Act, 2000. It should also be recognised that pupils are to be educated in accordance with the wishes of their parents, (Education (Scotland) Act 1980). Therefore no part-time arrangement can be considered if it is against the wishes of the pupil's parents or carers. Schools cannot insist part-time arrangements on pupils without parental agreement. When considering a part-time timetable, it must be made clear to parents/carers that they have the right to refuse a part-time timetable. Additionally there is an obligation to consider and take account of the views of the child or young person.

Scottish Government guidance (Included, Engaged and Involved Part 2, 2017) states that, "In order to support the child or young person appropriately and enhance the transition back to school, it may be necessary in exceptional circumstances to implement a package of support that could be achieved using a flexible or part-time timetable with an agreed timescales as to when this will end. Any such arrangements should be for a short, agreed period with the aims and conditions around this recorded in any support plan."

Schools have a duty of care for all pupils who are on their roll. They must ensure that when pupils are not expected to attend the school full-time there is a clear agreement with parents/carers about who is carrying out that duty of safeguarding the pupil at each session.

The Scottish Government guidance states that such arrangements should also be recorded in SEEMIS with a new code which has now been created for children and young people who are returning to school on a part time basis following an exclusion. This has been agreed as:

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

Part time timetables should be recorded within the context of an Individual Educational Programme (IEP) for the pupil. This should state the intended purpose of the part-time arrangement, the expected time span of the part-time arrangement, and the steps which will be taken to bring about full-time attendance. Details of the arrangements for the education of the pupil beyond school provision should be agreed and documented in the context of the Child's Planning procedure. Schools should use the Child's Planning Meeting procedures to document the support needs of the pupil and the measures taken by the school to meet these support needs.

All pupils who are on part-time timetables should be known to and monitored by the Senior Manager Team within the school. Part time timetables should focus on what is best for the young person, not on what the school believes it can accommodate. It must be clear that part-time school attendance is better for the pupil than full-time attendance. In line with Scottish Government guidance, Education Services recognise that in certain circumstances it may be in the best interests of the young person for them to attend school on a part-time basis. This may be in order to help the young person gradually integrate back into the school setting. However the aim should be to achieve a return to full-time education as soon as possible, and normally within 3 weeks of the start of any part-time arrangement. It is not considered appropriate for pupils to be denied their entitlement to education by placing them on a part-time timetable for an extended period of time. Should it be considered necessary to continue a pupil on a part time timetable for longer than the 3 week period then advice should be sought from the Inclusion & Wellbeing Manager.

Pupils should not be expected to 'earn the right' to increase their time in school e.g. unless a pupil shows an improvement in behaviour, their time in school will not be increased. This approach makes conditional what is a statutory entitlement to education.

It is recognised that in the latter stages of secondary schooling a variety of options exist that can take place outwith the school campus, such as College courses, work experiences, Duke of Edinburgh, and/or alternative provisions. Any part-time arrangement at secondary school should seek to ensure that all these alternative options are fully explored so that the young person has a positive alternative to mainstream

schooling to ensure no reduction in their educational entitlement.

In line with the principles of GIRFEC, advice from other agencies should be sought so that a holistic view of the pupil's situation is obtained. Support for the pupil and their family from other agencies may be required to ensure a successful return to school.

Schools should record information on the attendance of pupils on part-time timetables through SEEMIS under the appropriate code. This will differentiate pupils on part-time timetables from pupils who have unauthorised absences.

OPERATIONAL MANAGEMENT PROCEDURES OF EXCLUSION

Contents

1. Procedures to Follow When Excluding a Child or Young Person
2. Length of Exclusion
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5. Parent/Carers Responsibilities
6. Exclusion and Referral to the Reporter
7. Resolution and Ways Forward Following Exclusion
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1. Procedures to Follow When Excluding a Child or Young Person

Once a decision to exclude has been made, the school should ensure that the child or young person does not leave school until their safety, health and wellbeing are assured and appropriate arrangements are in place. Refer to Checklist 2 below.

The school requires to, when deciding whether exclusion is necessary, consider the particular facts and circumstances surrounding individual incident(s) and the child or young person. These are outlined clearly in Section 6.2 of the policy document above.

Regulation 4A of the 1975 Regulations as amended makes provision for the following procedures to be followed in exclusion:

1.1 On the day upon which a decision to exclude a child or young person is taken, intimate in writing or orally (where intimations are oral they must be confirmed in writing) to the child's parent or if the learner is a young person, the young person (defined in section 135(1) of the Education (Scotland) Act 1980 ("the 1980 Act") as "a person over school age who has not attained the age of 18 years"):

the decision to exclude; and

the date, time and place where the head teacher, other teacher at the school or officer of the Education Services, shall be available to discuss the decision to exclude. This meeting must be within seven calendar days following the day of the decision to exclude.

1.2 The school must, notify the parent/carer or young person in writing (by post or handed to the parent or young person directly):

(a) the reason(s) the pupil was excluded

(b) the conditions, if any, with which the parent and/or pupil must comply, or undertake to comply before the pupil may be re-admitted;

(c) the right to refer the decision to exclude the pupil to an appeal committee under section 28H of the 1980 Act and the right to appeal this committee's decision to the sheriff and how appeals can be initiated; and

(d) any other information which the education authority considers appropriate.

Template letter 1 should be used for this purpose.

A child or young person should be actively involved and participate in all stages of the process. A core principle of the UNCRC is a commitment to ensuring that children and young people have the opportunity to participate in the decisions that affect them. The UNCRC defines participation as “ongoing processes, which include information-sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes”. The Children and Young People’s Commissioner Scotland has developed a resource called “the 7 Golden Rules of Participation” which provides advice on how best to plan and deliver participation with children and young people. ‘7 Golden Rules for Participation Symbols Resource’ is also available to help deliver participation rights for younger children and children and young people with additional support needs.

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 pupil with “legal capacity” within the meaning of section 2(4A) and (4B) of the Age of Legal Capacity (Scotland) Act 1991. Therefore, the school should send the intimation regarding the right to make a reference to the appeal committee to a pupil with legal capacity, as well as the parent, so that they are aware they also have the right of appeal, as well as a right to express a view.

It is good practice to agree a plan to support the child or young person on their return to school. This should not take the form of a ‘good behaviour contract’. It is not a legal requirement that pre-return conditions are set. Full guidance on returning to school following a period of exclusion can be found under ‘Resolution and ways forward’ in section 7 below.

2. Length of Exclusion

The length of an exclusion is not defined in the legislation and accordingly is a matter for the discretion of West Lothian Council to determine local guidance. The following guidance should be adhered to by all schools and implemented in a proportionate manner, taking into account individual circumstances (see Section 6.2 in the policy document above). The school remains responsible for the provision of education for the child or young person during the period of exclusion.

The guiding principle is that the exclusion should be as short as possible and should be used to constructively resolve the situation with all those affected; plan for any new support or provision; and safeguard a successful return, in partnership with learners and their parent(s) or carer(s). This will be in relation to individual circumstances and include time to successfully resolve and arrange reintegration.

In response to very serious incidents such as serious physical assault, use of weapon or dealing in illegal substances, there may need to be additional interventions such as contact with police, referrals to the Children’s Reporter. A risk assessment requires to be undertaken in line with council policy.

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

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

In the circumstances where the exclusion meeting has resulted in an agreed resolution between the pupil, their parents and the school, a return to school prior to the end of the exclusion period may be appropriate. This decision should be taken by the headteacher.

To promote consistency across West Lothian schools, Headteachers are offered the following guidelines. Any sanction should be proportionate to the breach of indiscipline. Therefore the length of the exclusion should reflect the seriousness of: the breach of discipline which resulted in the exclusion; the pupil's past disciplinary record; and any other relevant circumstances surrounding the pupil and/or the incident(s) on which the decision to exclude is based. This includes consideration of the effect on the wider school community that would be caused by the pupil's continued attendance in school. Consideration of the effect on the school should be closely related to a consideration to take forward, as an alternative to exclusion, a flexible package of support. It is important, however, that the facts and circumstances of each case are carefully looked at. Schools may not set tariffs or implement automatic exclusions for particular offences.

Suggested Exclusion Duration Examples of Seriousness of Incident

½ a school day up to 2 school days

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

3 school days up to 5 school days

The exclusion may be in response to continuous or repeated serious and unacceptable behaviour or a very serious but isolated offence.

6 school days up to 10 school days

The exclusion may be in response to persistent, serious breaches of school discipline despite appropriate interventions by school support mechanisms. The exclusion may be in response to an isolated incident or short series of incidents involving serious acts of violence or the threat of serious acts of violence where the exclusion results from a continued pattern of unacceptable behaviour.

NB: for the purpose of this policy Friday is counted as a day.

Where the Headteacher considers that the seriousness of the incident requires an exclusion of more than 10 school days then the Headteacher should contact the Education Officer for the school to discuss alternatives to exclusion including hosting.

Hosting arrangements are the responsibility of the Headteacher (refer to Section 6 below). Should there be disagreement about the appropriateness of the action then the matter will be referred to Head of Service for consideration. The placement of the pupil in another school by the Depute Chief Executive or his/her nominee is not negotiable but will be monitored to ensure that all schools are treated fairly.

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

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

3. Recording an Exclusion

All exclusions should be recorded on SEEMIS including clear notes of any investigation and in the pupil's PPR. Recording and monitoring of exclusions are essential for a number of reasons:

ensuring that appropriate interventions and supports are in place at the whole school level; identifying if there is an unmet wellbeing need for an individual child or young person; and providing data about patterns of exclusion to inform future practice.

Where a pupil's progress record contains information relating to a decision to exclude, certain other information is also to be recorded. This other information includes any decision of an appeal committee, and if the appeal committee is appealed, any decision of a sheriff. Regulation 10(1A) also requires the parent/carer or young person to be informed of the terms of the entry in the record, as soon as practicable after the entry is made.

4. Education Provision During the period of Exclusion

Schools require to make education provision for excluded learners **without undue delay**. There is no legislative definition of 'undue delay'. However, the objective is to ensure the child or young person **continues to receive an education while excluded**. It is reasonable to expect alternative education provision to be in place after 3 days.

Schools should seek to provide the quality, quantity and range of education which adheres, as far as is practicable, to that which was available to the child or young person before they were excluded. It will not be sufficient to simply provide excluded children and young people with homework/classwork if they do not also receive sufficient teaching to enable them to understand the material. Any arrangements, therefore, should involve contact with the child or young person on a regular basis. This could be provided in the form of an e-mail address/telephone number of a school contact who can address any concerns relating to the course work.

There is also a responsibility on the child or young person and their parent(s) to make sure the provision arranged is carried out and used during any period of exclusion.

Any existing involvement in non-school based learning should continue. These include college placements, therapeutic support, or mentoring. It may be necessary to provide any such support in an environment outwith the school building during the period of exclusion.

Where a child or young person is to be placed at another school either as part of an exclusion or following removal from the register, Headteachers, in liaison with the Inclusion & Wellbeing Manager should not only arrange, but also co-ordinate, all aspects of this onward placement in the best interests of the child or young person. Parents and the child or young person should be included in any decisions regarding placement at another school.

5. Parent/Carers Responsibilities

A parent of a child or young person of school age has a duty under section 30 of the Education (Scotland) Act 1980 to provide efficient education for their child suitable to his or her age, ability and aptitude by causing their child to attend a public school (local authority) regularly, or by other means. Parent(s) continue to be subject to this duty even if their child has been excluded from school. **All parent(s) are encouraged to co-operate with their local authority to support any necessary provisions or special arrangements for their child or young person's education, if required to do so.**

Parent(s) should work with their child's school to develop and implement an agreed course of action. Parent(s) should also support and encourage their child to attend school regularly.

It is vital that the views of the child or young person are heard throughout the process. A parent can play an important advocacy role and ensure that their child's views are taken into consideration. This is particularly crucial where a child or young person is at risk of being, or has been, excluded from school. It is good practice to inform parents of how they might gain the support and advice of a practitioner, another adult or a relevant organisation which might assist them, advocate on their behalf or represent the views of the child or young person. It is also important for the child or young person to receive relevant support where necessary.

Children's Rights Officers and advocacy services have an important role to play in supporting children or young people who are being looked after by the local authority. Although a child with legal capacity, or a young person has the right to appeal, the role of the parent in supporting their child and ensuring their views are represented should be recognised and encouraged throughout the process.

The Scottish Ministers will consider complaints brought by parent(s) or other interested parties, who think the local authority has failed to fulfil its legal duty under any enactment relating to education, under section 70 of the Education (Scotland) Act 1980. If the Scottish Ministers are satisfied that an authority has failed to fulfil one of its legal duties, they may make an order requiring the authority to carry out that duty.

6. Exclusion and Referral to the Reporter

When considering whether a child or young person should be excluded because of serious disruptive behaviour, for example, physical assault on a pupil or member of staff; or, deliberate damage to buildings or equipment, consideration of referral to the Scottish Children's Reporter may be appropriate. The referral of a child or young person to the Reporter would be appropriate where there may be a need to intervene on a compulsory basis because the child or young person is deemed 'at risk' and his/her behaviour is giving serious cause for concern and should be addressed.

Referral to the Reporter would normally be considered once the school's formal processes have been followed, although in some cases it may be appropriate to refer at an earlier stage. Decisions to refer to the Reporter should be based on an assessment of wellbeing, involving the appropriate agencies and the pupil and their parent(s), to identify the interventions which may be required to meet the pupil's needs. Where police have been involved, they will automatically refer the child or young person to the Children's Reporter.

Children and young people who display particularly challenging behaviour may be the victims of neglect or abuse and/or be the witnesses of domestic abuse. All children's behaviour is a form of communication and schools have a responsibility to alert other services if they have child protection concerns. The individual circumstances of the learner, using a multi-agency approach, and the national practice model, should be considered as part of the decision on whether to make a referral to the Children's Reporter in line with local authority procedures.

The grounds for referral are set out in section 67(2) of the Children’s Hearings (Scotland) Act 2011. Schools, in consultation with the child, family and other relevant professionals, should be able to determine the appropriate course of action in such circumstances.

On referral, the Reporter will investigate the case and determine whether the evidence provided forms the basis for an assessment of whether compulsory measures of intervention may be required. If there is sufficient evidence of a potential need for compulsory measures, a Children’s Hearing will be held. More information is available from the Scottish Children’s Reporter Administration (SCRA) and Children’s Hearings Scotland.

7. Resolution and Ways Forward Following Exclusion

Prior to a child or young person returning to school, an update to the wellbeing assessment and planning should take place to ensure the right support is provided. Appropriate approaches and strategies should be developed to prepare the child or young person, parent(s), staff and peers to enable them to return to school in a positive way.

It is good practice to meet with the child or young person and their parent(s) to discuss their return to school and to agree the most appropriate supports moving forward. Return to school planning with the child or young person and their parent(s) may include arrangements for further planning including some discussion about the roles and expectations for all those involved, including the child or young person. This planning can take place through a formal meeting or as part of on-going discussions with all those involved. Identified supports leading on from a risk assessment, should also be discussed and put into place, where appropriate. **It is not, however, a legal requirement to have a pre-return meeting, seek guarantees or contracts of behaviour with parents or young people before a 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 their need for follow-up support. It is good practice to hold a restorative or solution oriented meeting(s) with staff and the children and young people involved to help repair and restore relationships and trust as part of the return to school. On-going support and monitoring should be provided by appropriate staff, to ensure that the child or young person’s wellbeing needs are being met.

In order to support the child or young person appropriately and enhance the transition back to school, it may be necessary in exceptional circumstances to implement a package of support that could be achieved using a flexible or part time timetable with an agreed timescale as to when this will end. Any such arrangements should be for a short, agreed period with the aims and conditions around this recorded in any support plan. This should also be recorded in SEEMiS with a new code which has now been created for children and young people who are returning to school on a part time basis following a period of exclusion.

The new code introduced is:

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

When using this code, the time outwith school will be classed as ‘**authorised absence**’.

All partners including parents and the child or young person should be involved in the development of this temporary, short-term arrangement. The child’s plan should reflect the steps taken by the school to provide the child or young person with their statutory entitlement of hours, ensuring that their learning needs are met.

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

8. Flexible packages to improve outcomes

As a result of an appropriate assessment, schools may consider the use of individualised, planned packages of support that may include time in onsite school support and offsite support 'centres' in order to prevent exclusion. Partners from within and outwith the education authority should, where possible, support schools in providing packages of support to engage children and young people across all sectors. In such cases, the assessment and planning team may consider the use of college and vocational placements; community learning and development programmes; social work and third sector interventions. However, schools should seek to ensure that children and young people attend school or another learning environment for the recommended 25 hours in primary schools and 27.5 hours for secondary schools. Whilst establishments in partnership with education authorities may agree that the needs of a child or young person are best met through a reduction in the number of hours spent at school for a limited period, this should be carefully negotiated, recorded and monitored. This arrangement can now be recorded as a separate code through the SEEMiS system as outlined in Section 7 above.

HOSTINGS

1 RATIONALE

When a pupil is finding it difficult to maintain a placement in their particular mainstream school, one strategy that can be used is a “hosting” arrangement between two educational establishments. It is likely that the pupil will be at Stage 3, at least, of the Continuum of Support.

The objectives of “hosting” are:

- To sustain children in mainstream education and reduce any loss of time to a minimum
- To provide a “fresh start” for a pupil and, therefore, enhance the likelihood of success in the new school.

2 PROCEDURES

If a hosting arrangement is considered in the best interests of the child/young person, the Headteacher should begin to consider alternatives and discuss these with the parents / carers and other appropriate professionals.

Head Teachers of the base and host schools or their representatives, will meet to discuss arrangements and to put a clear timescale for action in place. Parents / carers should be fully consulted at all stages.

The Headteacher should inform the Inclusion & Wellbeing Manager of the hosting arrangement giving the following details:

- pupil's name and date of birth
- base school
- host school
- date on which the pupil stopped attending base school
- date on which pupil began placement in host school
- outcome of the hosting situation including the date on which full enrolment has taken place in the host school if appropriate

NB: It is essential that decisions on possible hostings take account of the overall situation in the receiving school, including:

- if the roll is close to capacity / capped
- if classes are full at a particular stage
- the support needs of existing pupils
- any other particular circumstances

The outcome of a hosting arrangement may be full enrolment in the new school. Therefore it is crucial that the opportunity for this is kept open ie if the place the hostee is taking up is the last available within a class / year group, then no other children should be enrolled if this is likely to have implications for core staffing resources.

The following should be clarified during the initial meeting to determine required action:

- key contact at base / host school
- the pupil's attainment / achievement / additional support needs
- programme for the hosting arrangements including timescales / review procedures

- success criteria ie what would constitute a successful hosting
- coursing arrangements (secondary)
- attendance procedures
- school dress code
- support strategies including additional resources and services to transfer with pupil or to be made available

If the move to a host school involves the pupil in travel arrangements the following procedures should be followed:

- ascertain that the parent/carer has the capacity (including financial capacity) to ensure that their child gets to the host school safely and on time
- for the period of the hosting, transport may be funded centrally via Operational Services.
- if after the end of the hosting the pupil is enrolled at the host school then this shall be treated as a parental placing request.

3. SUCCESS CRITERIA

Clear success criteria will be established and agreed between the base school and the host school in consultation with the pupil and parent/carer.

Examples of success criteria are:

- consistent attendance of pupil
- pupil progress in attainment and achievement
- pupil is responding to positive relationships management / ethos within the host school
- positive and effective home / school partnership with parents / carers taking responsibility as appropriate

4. REVIEW PROCEDURES

Arrangements should be reviewed regularly in the form of a Child's Planning Meeting with the first review after four weeks.

5. EXCEPTIONAL CIRCUMSTANCES

The Depute Chief Executive has the right to place a child in any one of the authority's schools. This may be necessary following a significant incident and could occur without the pupil going through the defined stages of support. In such cases it will be the role of the Inclusion & Wellbeing Manager to take a lead role in taking this forward liaising as appropriate with respective Headteachers. The same procedures and timescales will apply. In these instances and where there are travel implications for the pupil, consideration will be given to appropriate methods of funding transport.