

Education Children and Families Committee

10.00am, Tuesday, 22 May 2018

Additional Support for Learning and Special Schools - Inclusion and Engagement of Children, Young People and Families

Item number	7.7
Report number	
Executive/routine	
Wards	
Council Commitments	C34

Executive Summary

This report sets out progress in relation to development of an inclusive practice policy for City of Edinburgh schools; the recent contract award to a consortium providing additional support for learning services; plans for engaging children and young people in its implementation; and other steps in place to increase the participation and engagement of children, young people and families in the development of inclusive practice in Edinburgh.

Additional Support for Learning and Special Schools - Inclusion and Engagement of Children, Young People and Families

1. Recommendations

- 1.1 To note the contents of this report and the key areas of challenge for schools.
- 1.2 To welcome progress towards developing an inclusive practice policy for Edinburgh Schools.
- 1.3 To note the award by the Finance and Resources Committee on 27 March of a contract to the ASL Consortium to enhance support for children, young people and families and note the proposals for engaging children and young people as active partners in its implementation.
- 1.4 To welcome proposals to engage children and young people in targeted improvement activity addressing Council's priorities for Additional Support for Learning and Special Schools.
- 1.5 To commend the work of the CIRCLE Collaboration and congratulate all who have contributed to its success.
- 1.6 To welcome proposals for the dissemination of Edinburgh's CIRCLE inclusive practice framework to support professional learning throughout Scotland.
- 1.7 To note that a further update on progress will be provided in December 2018.

2. Background

- 2.1 This report follows the update report to Committee in December 2017, which set out an overview of trends in additional support, areas of progress and challenge and the Council's strategic priorities 2017-20.
- 2.2 This report also takes into consideration the recent Scottish Government consultation on the Presumption to Mainstream, which informs the wider CEC Inclusive Practice strategy.
- 2.3 Reference is made to three key reports presented to March 2018 Committee: Year of Young People 2018 and Child Friendly Edinburgh; Supporting Children & Young People's Mental Health & Wellbeing in School and Raising Attainment: Frameworks for Learning. Those reports address key considerations in our approach to continuing to improve the quality of experiences and outcomes for children through

removing barriers to learning and providing effective and enabling support for learners when they require additional support.

2.4 In addition, the report updates Committee on:

- The outcome of the Procurement process for ASL and Family Support
- A proposal from Education Scotland to use guidance on inclusion developed in Edinburgh: 'Inclusive Learning and Collaborative Working: Ideas in Practice' (the CIRCLE Resource) to support professional learning on inclusive practice throughout Scotland.

3. Main report

3.1 Data from Edinburgh schools indicates that one in every four learners has an additional support need (Appendix 1). An additional support need may arise from any factor which creates a barrier to learning This may include, for example:

- **The learning environment** where barriers may be created as the result of factors such as the ethos and relationships in the school, inflexible curricular arrangements and approaches to learning and teaching which are inappropriate because they fail to take account of additional support needs.
- **Family circumstances** may give rise to additional support needs; for example, where a child's or young person's home life is disrupted by poverty, homelessness, domestic abuse, parental alcohol or drug misuse or parental mental or physical health problems.
- **A disability or health need** where barriers might arise from factors such as a low birth weight, mental health and wellbeing issues, a learning disability or a sensory impairment
- **Social and emotional** needs; for example, a child being bullied or engaging in bullying behaviours may need additional support. A child who has had Adverse Childhood Experiences may also benefit from additional support to overcome barriers to their learning. A child with behavioural difficulties or at risk of exclusion from school may require additional support to develop positive relationships and behaviours to prevent further escalation of risk of exclusion and other associated risks, including offending behaviour.¹

3.2 A Curriculum for Excellence recognises that the best way to enable children and young people to become active citizens and effective contributors is through their

1 Supporting Children's Learning Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017

<http://www.gov.scot/Publications/2017/12/9598/3>

day-to-day experiences in school. Learners who feel included, engaged and involved at school are better able to look after themselves and look out for others.

- 3.3 Any child or young person may be identified as having an additional support need during their school career and Inclusion is central to priorities improvement in outcomes for all children and young people².
- 3.4 In view of the breadth of the factors that may give rise to an additional support need, it is important that additional support needs are seen 'in the round' at the level of both the individual and the school overall:
- It is critical that the individual feels that they are recognised first and foremost as a valued member of the school community and that they are approached as an individual with strengths, abilities, skills and potential and not defined solely by their needs.
 - For the school it is critical that barriers to learning are addressed through a whole school approach, set out in the Council's Frameworks for Learning: Equity for Learning in Edinburgh's Schools, approved by Committee in March 2018. This approach will ensure that schools anticipate, prevent and mitigate unavoidable barriers to learning and provide support in the most effective and inclusive way.³
- 3.5 Where a child or young person has an additional support need in school and/or in the community Edinburgh's integrated assessment framework enables a comprehensive and proportionate approach to planning and support. This places the wellbeing of a child or young person at the centre, through professionals working closely with families and targeting support in school and/or in the community as required.

Additional Support for Learning and Special Schools Trends and Priorities

- 3.6 The December 2017 update report provided projections of additional support needs up to 2022. These indicated continued growth in the anticipated number of learners requiring significant additional support and provided projections of the anticipated requirement for special school provision up to 2050.

² (Additional Support for Learning) Scotland Act 2004 (as amended)

³ Generally, it is preferable to ensure that support is provided as early as possible, in ways that are well integrated within everyday practice and do not single out the child requiring additional support. Generally, children and young people are keen to be seen as being no different to their peers. Throughout, the requirement should be to view children and young people as individuals and to tailor support, positively and sensitively, to their individual needs and circumstances, considering all aspects of wellbeing. Supporting Children's Learning 2017 para 25

<http://www.gov.scot/Publications/2017/12/9598/3>

- 3.7 Taking into account the growth in the school population, over the past five years there has been a year-on-year increase in the resources available for additional support needs in Edinburgh. The report highlighted the direct effects of the rising number of learners, the effects of rising school rolls on facilities and space in schools, the shortage of teachers, the impact of austerity on families in poverty and the impact of wider social trends and technology as factors impacting on schools, leading to increasing challenges.
- 3.8 The Council's financial planning for 2018/19 provides additional resources to reflect the increases in pupil numbers and the increased proportion of the school population with additional support needs (see section 4 Finance). However, it is increasingly challenging to operate within the resources available.
- 3.9 The data presented in December (Appendix 1) indicated that by far the biggest area of need arises from learners working with English as an Additional Language. However, consultations with Headteachers and feedback from key service teams and leaders indicate that currently the biggest areas of challenge for schools in relation to additional support needs are associated with much smaller groups of learners who require additional support associated with:
- Adverse Childhood Experiences
 - Emotional and Mental Wellbeing
 - Autism leading to high levels of stress
- 3.10 The priority areas identified are consistent with national data on attendance and exclusions which indicate that learners with social emotional and behavioural support needs are more likely to be excluded from school and have higher rates of unauthorised absence. To a less marked extent a similar pattern is also evident for learners with autism (Appendix 1).
- 3.11 Other key challenges are children whose needs arise from a Hearing Impairment and/or a Visual impairment or complex health care needs. These needs are less common, yet far reaching and require more specialist support and the number of learners requiring support is increasing.
- 3.12 To make best use of resources and to meet changing needs, we have adopted a twin-pronged strategy combining: 1. Re-aligning our special school capacity to changing needs; and 2. Improving quality and performance to ensure high quality inclusive schools and accessible support.
- 3.13 The Council's priorities for 2017-20 include:
- Re-aligning our special school capacity to changing needs***
- Informal consultations on the future provision of Language and Communication Classes, Secondary Resource Provision and Kaimies School.
 - Public consultation on the proposed new St Crispin's School.

Improving quality and performance to promote high quality inclusive schools and accessible support

- The development of a whole service inclusive practice strategy.
 - Strengthening networks of support and testing innovative practice with schools/groups of schools and partners.
 - Continuing improvement of the experiences, opportunities and support for children with autism, including further specialist training for additional support needs teams and special schools/classes and consultation with children, young people and parents to gather feedback on the autism plan.
 - Planning for accessible inclusive environments for additional support needs within the school estate, including rising rolls developments and proposed Wave 4 asset planning.
- 3.14 The strategy is addressing a range of key themes and work is progressing as summarised in a recent briefing for Headteachers (Appendix 2).
- 3.15 As part of the inclusive practice strategy a questionnaire was circulated to all Headteachers (Appendix 3) to assess support for the strategic priorities and priorities for development. Taking into account Headteachers' suggestions a draft policy has been produced and has been circulated to all Headteachers for comment (Appendix 4). Following this initial consultation there will be a wider consultation on the policy with children and young people, parents and partners with a view to presenting the policy for approval to Committee in October 2018. This consultation will take the form of Conversation Cafes for young people and parents to be run in partnership with schools, Young People's Centres and the ASL and Family Support Service, between May and August.
- 3.16 In addition, as part of the development of the strategy, a programme to support the development of innovative approaches to address the priority needs identified by schools will begin in the summer term. This will contribute to a wider process of developing a model of collaborative practice as part of the introduction of the newly procured ASL and Family Support service commencing on 1 May 2018.
- 3.17 Effective inclusive practice needs to be embedded in the overall work of schools and services and with this in mind the strategy will be developed with close links with the Raising Attainment strategy for Edinburgh, based on five interrelated Frameworks, approved by the Education Children and Families Committee in March 2018:
- Equity for Learning (Closing the Gap)
 - Improving Quality in Learning (Quality Improvement)
 - Health and Wellbeing for Learning
 - Excellence in Learning
 - Digital Learning
 - Pathways for Learning (Developing the Young Workforce)
 - Parental Involvement in Learning

Involving Children and Young People

- 3.18 The report on Year of Young People 2018 and Child Friendly Edinburgh included a recommendation that we ‘continue to develop engagement work with children, young people and their families to increase their participation in the life of the city and in guiding the implementation of the Children’s Services Plan 2017-20’.
- 3.19 Creating the circumstances where children become the city’s active citizens and effective contributors is a central aim of a Curriculum for Excellence. In all aspects of our work relating to the wellbeing of children and young people we are also required to seek and take into account their views. This is in recognition of the rights of children and young people and their very real contribution to getting it right and improving the way that our schools and services work. Equally we recognise the critical importance of partnership with parents in supporting learners and achieving positive outcomes for children and young people.
- 3.20 Consultation and co-production with learners, parents and carers, staff and partners is embedded within child planning, in day-to-day school life and as part of the cycle of self-evaluation embedded into school improvement planning. We are committed to continuing to strengthen this approach and with this in mind we are engaging in a variety of ways with children and young people, parents and carers in day-to-day practice and involving young people and families in informing priorities, planning and decision-making as part of our approach to service improvement.
- 3.21 Children and young people must be active contributors to their own support and to the development of supportive and inclusive communities and schools. Our approach supports children and young people with additional support needs to be active contributors:
- As participants, ensuring inclusive and supportive environments where they experience real opportunities to be actively involved in learning.
 - As individuals in identifying how best to support their own learning through child planning.
 - Within school communities and in whole-school self-evaluation processes.
 - In wider involvement in policy development and service improvement.
- 3.22 The responsibility of all staff to promote inclusive and supportive environments for learners is fundamental to the inclusive practice strategy and is reflected in the Inclusive Practice guide ‘Inclusive Learning and Collaborative Working: Ideas in Practice’ (the CIRCLE Resource) which provides practical approaches to improve the engagement and achievement of learners who have additional support needs.
- 3.23 The importance of the voice of the child or young person is a key part in child planning training for the role of the Named Person in schools. In addition, Educational Psychologists have a key role within the child planning process in

supporting Named Persons to provide children and young people with opportunities to inform the assessment of needs and to help shape their own support plans.

- 3.24 The views of the learner are also fundamental to enabling personalisation and choice and empowering children and young people through everyday classroom practice. Through learning conversations with their teachers children and young people have frequent opportunities to discuss their learning with a key adult who knows them well, encourages high aspirations and helps them plan appropriate next steps.⁴
- 3.25 Within school self-evaluation and policy developments the voices of the children and young influence the planning and evaluation of a range of service improvements. Alongside feedback from parents, Headteachers and partner services children and young people have helped to inform self-evaluation and service improvements at authority level, for example:
- Shaping the brief for the procurement of new ASL and family support services, which concluded in March 2018.
 - Informing the development of the support pathway for emotionally based school refusers, introduced in 2017.
 - Developing the brief for autism friendly schools, autism friendly child planning meetings and Professional Learning for Autism, which includes direct input from children and young people through powerful video content of child, young people and parents' views of what makes a school autism friendly, in 2016.
 - Evaluating the impact of a visual support strategy to create more inclusive and supportive environments for learners with a diverse range of needs, to be published in 2018.
 - Consultations with children, parents, school staff and specialists in English as an Additional Language were central to the development of an innovative inclusive approach to literacy teaching which has been developed with St David's Primary School. This resulted in improvements in Nursery – P1 transition, in ethos and community relations, behaviour and literacy outcomes.

⁴ 'Children and young people can develop their confidence through thinking about and reflecting on their own learning. They should have regular time to talk about their work and to identify and reflect on the evidence of their progress and their next steps, including through personal learning planning. Through frequent and regular conversations with informed adults, they are able to identify and understand the progress they are making across all aspects of their learning and achievements.' Curriculum for Excellence: Building the Curriculum 5: A Framework for Assessment. Principles of Assessment <http://www.gov.scot/Publications/2011/02/16145741/10>

This approach is now being progressively extended to other schools with a similar approach.

- TRUE (Tackling Racism, Uniting Everyone) Colours. Young people from an Edinburgh secondary school were supported by EAL and school staff to establish True Colours which has now become an independent peer-education project raising awareness of human rights, equality and diversity in schools and communities in Edinburgh.⁵

Involving Children and Young People Next Steps

- 3.26 As part of the Year of Young People the concept of Edinburgh as a Child Friendly city will be introduced and promoted. This will build upon the ongoing work of the Child Friendly Edinburgh Working Group, the Year of Young People Working Group, Edinburgh Youth Action and the Scottish Youth Parliament. It will present the concept of Edinburgh as a Child Friendly City to a wide audience in a campaign that is based on consultation and developed in co-production with young people in Edinburgh.
- 3.27 As indicated above a wide range of factors may give rise to an additional support need. The experience of requiring additional support for learning impacts on 25% of the school population directly and all children and young people indirectly. Considering the above, inclusion is a key theme which lies at the heart of a Child Friendly city, schools and services that we will explore with children and young people. Our engagement with children and young people will inform our policy, strategic priorities for inclusive practice and future planning for inclusive schools and services.
- 3.28 This will take the form of a series of conversations with groups of children, young people, parents/carers and school staff, including teaching and support staff, addressing what inclusion looks like within a Child Friendly Edinburgh. The planning for this is being taken forward with young people as approved by Committee in March 2018. Business updates will keep members informed of progress and opportunities for participation in these events as we move forward. In addition, we will engage children and young people and their families in:
- Informal consultation on Language Classes, Secondary Resource Provisions and Kaimes School, which will take the form of individual interviews, questionnaires and focus group discussions.
 - Involving children and young people on a continuing basis in the work of the ASL Consortium to ensure that they are involved in staff recruitment, contribute to identifying priorities, inform what support looks like and evaluate the effectiveness of support, and are active contributors to their own support and in peer support.

⁵ <http://www.elrec.org.uk/project/true-colours/>

- Assessing progress in the improvement of the opportunities, experiences and outcomes for children with autism, and in identifying next steps. This will be achieved as part of a wider consultation on the City of Edinburgh Autism Strategy as part of the informal consultation process outlined below.
- Consultation with children, young people and parents on inclusive school environments to inform estates and asset planning for learners with additional support needs.
- Support for children and young people with additional support needs to be involved in the implementation of *How good is our school? A resource to support learner participation in self-evaluation and school improvement*.

Elected members will be invited to participate in focus group discussions as part of the consultation process.

- 3.29 Further details of these consultative approaches are attached in Appendices 3, 4 and 5.

Other Updates

New ASL and Family Support Service

- 3.30 On 27 March as an outcome to the procurement process for ASL and Family Support services, the Finance and Resource Committee approved a recommendation to award a contract to the ASL Consortium. The consortium is made up by Barnardo's, Canongate Youth and Children First, three organisations with many years of experience in supporting children and families across the city. It will provide a range of supports to complement the work of schools and the Council's support services for children with additional support needs.
- 3.31 The specification for ASL and Family Support service was informed by the views of children and young people, partners, school staffs and partner services in the Council. The evaluation of the bid was undertaken by an expert team including Headteacher representatives.
- 3.32 As part of the initial phase of implementation the consortium will undertake further consultation with all stakeholders including children and young people and agree how they will be involved throughout the lifetime of its work, as referred to above and in Appendix 6.

CIRCLE Collaboration - New Developments

- 3.33 Two new developments are underway as part of the continuing development of the innovative collaborative work with Queen Margaret University ASL Services, Psychological Services, schools and the NHS.

As part of national developments to promote the mental and emotional wellbeing the CIRCLE Collaboration is being sponsored by Scottish Government to develop new objective measures of pupil participation. This will provide a valuable step forward to inform planning and evaluation of child's plans in relation to the quality of experience of learners with additional support needs.

- 3.34 Both local and national data highlight that children and young people with additional support needs are at increased risk of bullying. One of the aims of this work is that a measure of participation will contribute to steps to safeguard and promote the emotional wellbeing of children with Additional Support Needs. An expert member of the ASL Service staff is part of the team leading this work enabling the outcome to be fed directly into support in Edinburgh schools as the work progresses.
- 3.35 The pioneering work undertaken by the CIRCLE collaboration in Edinburgh and the Inclusive Classroom Resource developed to support staff and schools in Edinburgh is attracting enthusiastic interest within the Regional Improvement Collaborative and nationally.
- 3.36 Education Scotland have approached the Council to propose a joint initiative to enable the resource to be made available to all teachers in Scotland. This will enable the resource to be available to teachers via a 'free to use' Open University site and for teachers completing the programme to be accredited with recognition from the GTCS.

4. Measures of success

- 4.1 The success of this work is part of the wider commitment to delivering equity so that every child and young person should thrive and have the best opportunity to succeed regardless of their social circumstances or additional needs.
- 4.2 This will be measured in progress in improving: attainment, attendance, inclusion/exclusion, participation and engagement.

5. Financial impact

- 5.1 The Council has recognised the growing scale and complexity of needs and took this into account in the budget processes over the past five years, thereby enabling demography-based growth in funding to support measures to address the principal pressures and the benefits of early intervention.

Funding for Additional Support for Learning and Special Schools 2012-17

Annual Approved Budget	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
ASL*	£16.4m	£16.6m	£17.2m	£17.9m	£18.8	£19.5
Special Schools and classes	£16.6m	£16.7m	£17.6m	£18.5m	£18.2 **	£17.2***

Total	£33m	£33.3m	£34.8m	£36.4m	£37m	
<p>ASL* Includes: Additional Support Funding to Schools, ASL Service, Psychological Service and Speech and Language Therapy</p> <p>** Reductions as approved in 2016/17 budget</p> <p>*** Reductions as approved in the 2016/17 and 2017/18 budget relating to the closure of Panmure School and the review of non-teaching support staff.</p>						

- 5.2 The Council's budget for 2018/19 provides additional resources to acknowledge the increases in pupil numbers and the increased proportion of the school population with additional support needs.
- 5.5 All operational actions identified within this report will be provided within the approved budgets for Children's Services.

6. Risk, policy, compliance and governance impact

- 6.1 There are statutory duties to meet additional support needs and equalities requirements which are taken into account in this report and the associated budget processes.

7. Equalities impact

- 7.1 The findings and recommendations in this report are directed towards promoting equalities for children and young people for whom the City of Edinburgh Council is responsible.

8. Sustainability impact

- 8.1 There are no impacts on carbon, adaptation to climate change or sustainable development arising directly from this report

9. Consultation and engagement

- 9.1 Consultation and engagement has taken place throughout the process of gathering the data for this report. This has included feedback from lead officers in a range of services and schools from Communities and Families and Education Scotland.

10. Background reading/external references

10.1 N/A

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11. Appendices

Appendix 1 – Edinburgh Schools Additional Support Needs

Appendix 2 - ASL Inclusive Practice Strategy Update

Appendix 3 – ASL School Inclusion Audit

Appendix 4 – Procedure Improving outcomes

Appendix 5 – ASL Informal Consultation LC SRP Kaimes Info for schools

Appendix 6 - ASL Consultation on Inclusive Practice

Appendix 1

Learners with Additional Support Needs - Attendance and Exclusions

Primary

	Number of Learners	Attendance (%)	Unauthorised Absence (number of half days)	Number of exclusions	Exclusions (number of half days)
SEBN Learners	714 (2.34%)	92.27	6.13	0.09	0.46
ASD Learners	408 (1.34%)	93.05	4.66	0.02	0.07
EAL Learners	3476 (11.4%)	93.43	5.05	0.0006	0.003
All Primary	30488	94.84	3.7	0.004	0.02

Secondary

	Number of Learners	Attendance (%)	Unauthorised Absence (number of half days)	Number of exclusions	Exclusions (number of half days)
SEBN Learners	691 (3.78%)	86.51	15.62	0.16	1.01
ASD Learners	256 (1.40%)	91.43	5.04	0.07	0.39
EAL Learners	1810 (9.90%)	92.20	7.85	0.02	0.12
All Secondary	18274	92.14	6.85	0.02	0.16

Special

	Number of Learners	Attendance (%)	Unauthorised Absence (number of half days)	Number of exclusions	Exclusions (number of half days)
SEBN Learners	195 (30.47%)	87.93	14.48	0.29	1.95
ASD Learners	304 (47.50%)	91.70	6.79	0.07	0.31
EAL Learners	26 (4.06%)	92.12	4.08	0.27	2.19
All Special	640	90.45	7.54	0.12	0.73

Appendix 2

Inclusive Practice Strategy Update - 19 March 2018

Following discussion with the Headteacher Executive at the end of June 2017, a 0-18 Inclusive Practice Strategy Group was convened in November 2017.

The group includes representation from Headteachers and partners in Communities and Families.

The key areas of work include:

1. Developing a shared vision
2. A framework to support common key approaches in relation to the inclusive school including:
 - a. Relationships
 - b. Resilience
 - c. Restorative practice
 - d. Rights Respecting culture
3. Strengthening targeted approaches to meeting needs
4. Management information to enable tracking and evidencing impact (individual, establishment, citywide) including an information system to support this.
5. Updating procedures and pathways taking into account Scottish Government Guidance: Included, Engaged and Involved and Part 2.
6. Supporting new learning pathways linked to DYW, targeting learners on part-time timetables, learners with interrupted attendance and learning and learners at risk of exclusion.
7. Commissioning of ASL and family support services
8. Continuing development of cluster-based collaborative working
9. Continuing development of approaches to self-evaluation
10. Enabling effective use of resources.

Wider Consultation

Headteacher Questionnaire and Exceptional Case Audit

After discussion in the strategy group it was agreed to circulate a questionnaire to all Headteachers to test support for the key themes of the review. To date approximately 30 have been returned indicating high levels of support and suggestions for further consideration. So far the priority areas for improvement identified by Headteachers are: Corporate Parenting, Complex social and emotional support needs and best use of resources, especially at cluster and city-wide levels.

In addition, following concerns raised by Headteachers about immediate

challenges relating to a small number of especially demanding cases, a priority pupil audit was issued to gather further information about pupils with a high level of need. The audit has identified key themes:

- clarifying pathways for special school placements and interim steps pending any Pathway 4 placement
- improving communication and measures to support colleagues managing complex often stressful challenges including mental health issues,
- improving collaborative working to provide enhanced options with schools and clusters

Following further discussion with Headteachers highlighted other key areas including strengthening leadership and accountability.

Next Steps:

1. A group comprising Primary Headteachers and key partners is now planning a programme to test improvements in collaborative practice in a number of clusters. Further updates will be provided in the course of the summer term.
2. Any final returns of the priority pupil audit and Headteacher Questionnaires would be welcome by the end of term to inform next steps.

Policy Consultation Included, Engaged and Involved Part 2 in Edinburgh

Following discussions in the strategy group a draft policy has been issued to Headteacher Executives for consultation. There will be a wider consultation involving children and young people, parents and partners from May to June. The aim is to present the policy for approval by the Education Children and Families Committee in August 2018.

The policy underpins the other aspects of the strategy such as the leadership and governance structure policy and procedures, self-evaluation and collaborative practice. These will be cross referenced with the key quality improvement frameworks for Equity and Health and Wellbeing as part of an inclusive approach.

Procurement of Support Services

Over recent months we have undertaken an evaluation of the support services commissioned from a number of services (Barnardo's, Children First, Canongate Youth and Kindred).

Feedback gathered from children and young people, parents and Named Persons was used to inform the specification of a new service. Instead of a number of overlapping services for different age groups and functions, a consortium will provide a single Managed Service for Family and Community Support.

The new service will work alongside schools and will be closely aligned with the Council's own service and the NHS. The service will operate at Pathways 3 and 4 to complement work already led by schools focusing on learners at

risk of exclusion. It will:

- Provide support to children and families 0-18
- Support the engagement of learners and families with schools and services and encourage co-production of solutions with families with particular emphasis on highest risk children and families
- Support preventative intervention in the early years targeting children at greatest risk
- Contribute to collaboration at cluster and locality levels
- Support personalised programmes for learners at risk of exclusion
- Contribute to supported self-evaluation and whole school improvement programmes

The Procurement of the Managed Services for Family and Community Support has been subject to a structured process of evaluation addressing both the quality of service and financial and organisational resilience. The evaluation was greatly assisted by input from Headteacher representatives.

Next Steps

A recommendation to agree the commissioning of services from a consortium (Barnardo's, Children First and Canongate Youth) is being presented to the Finance and Resources Committee on 27th March. The intention is that the new service will come into operation from May 2018. The transition phase will include consultations with schools, learners, parents and partners to agree priorities and the most effective service delivery. It is anticipated that this will contribute to the continuing development of cluster and locality based approaches. If the commissioning of this consortium is agreed at the Finance and Resources Committee on 27th March, the new service will be known as the ASL Consortium. More information will follow in the summer term.

Cluster Working and Localities

The school cluster is identified as the key context for collaborative working to support learners with additional support needs and continuing quality improvement. In tandem with the procurement process, planning is underway to prepare for the next phase in developing dynamic support based around school clusters.

In most circumstances support will be delivered through a school and the cluster. Where appropriate we will also enable a wider infrastructure through localities and city-wide basis.

Next Steps

1. A structure to strengthen leadership and accountability at cluster, locality and city-wide levels will be introduced by August 2018.
2. Locality planning groups will take place on 12 June including Headteacher representatives from all sectors.
3. Clusters will be asked if they would like to pilot school cluster Hubs, with clear stretch aims, to support step change for the highest need learners in their cluster. More information will follow.

Supported Self Evaluation

The recommendations at the heart of our Inclusive Practice Strategy were identified through a process of Supported Self Evaluation with five volunteer secondary schools. This session so far two additional secondary schools have undertaken inclusive practice reviews. This approach allows schools to determine the timing of reviews and to target professional dialogue to the needs of the school community.

There will be further consideration about how best to progress this within the frameworks for quality improvement in relation to the NIF priorities and improvement frameworks.

Effective Use of Resources

Improving outcomes for all learners through the best use of resources lies at the heart of the inclusive practice review. This includes consideration of the physical, social, pedagogical, organisational and financial factors that enable effective provision for all learners.

Next Steps

1. By September 2018 we will undertake an informal consultation on the provision for Language and Communication Classes in Primary, Secondary Resource Provision and Kaimes Special School.
2. By August 2018 we will introduce improvements in the Case Management Review Group process to support effective practice in schools clusters and localities.
3. By May 2018 we will introduce a sustainable process for the allocation of funding for additional support needs (the Integrated Support Audit audit) taking into account feedback from Headteachers.
4. At the beginning of term we will provide details of the proposed framework for the future planning and deployment of the inclusion monies to support looked after children and others at greatest risk of exclusion.

If you would like further information or to make any suggestions or comments please contact us.

Appendix 3

Inclusive Practice Strategy Group School Audit

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City Wide Approach to Inclusion

The Inclusive Practice Strategy Group has now had its' first meeting and set out the initial priorities for work programme (see attached for membership). The work programme reflects the recommendations of the working group and these have been endorsed by the Education Children and Families Committee.

As one of the key aims is to strengthen a whole service approach it is important that we have confidence in the priorities, areas of concern and we can take account of any further suggestions from Headteachers and our key partners. To assist with this we are inviting you to indicate whether you agree or disagree with each of the recommendations and to offer any further suggestions below.

We want to be assets based and value what is already happening. This valuable feedback will inform our focus as we continue to build on the many examples of good practice we see across our school establishments. Many of these recommendations are happening across the city already, by agreeing you are indicating your support to continuing to invest in these areas of practice.

Emerging Local Authority Recommendations – Looking Forwards	Agree / Disagree
<ul style="list-style-type: none">• There should be a succinct citywide vision – there should be a citywide vision for all schools and services that includes a focus on inclusion.	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>
<ul style="list-style-type: none">• The vision needs to be known by all –at all levels the vision should be known and inform behaviour and professional dialogue.	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>
<ul style="list-style-type: none">• Consistency – there needs to be greater consistency in approaches across settings and professions. There needs to be a stronger 'team Edinburgh' collaborative approach.	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>
<ul style="list-style-type: none">• High quality career long professional learning revisited over time – core training for all council staff needs to be identified and implemented.	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>
<ul style="list-style-type: none">• Whole school and community approaches - the local authority should identify one or more core approaches we are committed to developing.	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>
<ul style="list-style-type: none">• Matching supports to needs – 'doing with not to' when we are struggling to support individual needs there has to be greater flexibility in the strategies and supports available.	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>

<ul style="list-style-type: none"> • Demonstrating and developing best practice – we need to continue to develop local evidence based practice. 	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>
<ul style="list-style-type: none"> • Valuing non-teaching staff –. PSA's are often members of the school support team that can provide key protective supports allowing pupils to sustain and progress in mainstream school. 	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>
<ul style="list-style-type: none"> • Tracking authority data – authority data should be collated and tracked to support local authority self-evaluation, 	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>
<ul style="list-style-type: none"> • Hostings, conditional placements, exclusions and part time timetables – there needs to be a review of related policies (<i>Informed by Included, Involved, Engaged 2</i>). 	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>
<ul style="list-style-type: none"> • Accessing Timely Support and Advice – There needs to be a greater sense of collaboration across schools, partners and the CMRG. There needs to be increased advisory capacity and streamlined processes in relation to pupils in crisis providing timely proportionate responses and access to resources. 	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>

Child Friendly Schools - Inclusive Practice School Recommendations – Looking Forwards	
<ul style="list-style-type: none"> • Leadership – school leadership teams should have a strong commitment to including and meeting the needs of all learners within their school and community. This should include a commitment to improve attendance, attainment and positive outcomes and seek alternatives to exclusions. 	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>
<ul style="list-style-type: none"> • Training and development– the leadership and wider school staff should demonstrate a long-term commitment to training over time with a focus on strengthening individual understanding of inclusion and developing a high level of staff skill in implementing classroom based inclusive practice. 	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>
<ul style="list-style-type: none"> • Whole school approaches - the school should have clear whole school approaches that are understood and implemented consistently by all. 	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>
<ul style="list-style-type: none"> • School vision and values – the shared vision and values of the school should be evidenced through the experience of pupils, carers, staff and school partners. The vision should be evidenced by and linked to outcomes for pupils. 	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>
<ul style="list-style-type: none"> • Communication – there need to be strong communication systems across the school. This must involve all staff and equip them to meet learners' needs . 	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>
<ul style="list-style-type: none"> • Tracking and monitoring - schools need to have effective tracking and monitoring systems in place that allow them to track individuals and school trends. 	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>
<ul style="list-style-type: none"> • Curriculum – schools need to continue to develop flexible curricula based on effective learning pathways to positive and sustained post school destinations for all their learners. 	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>

Particular consideration needs to be given to how pathways for vulnerable learners are coherent and meaningful over time.	
<ul style="list-style-type: none"> • Key Adults – all staff need to understand that they have a role in supporting all pupils. There should be a commitment to developing resilience building relationships at all levels. 	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>
<ul style="list-style-type: none"> • Links with Feeder Primary Schools –. Schools should further develop a sense of cluster identity to improve continuity across ages and stages throughout a child's educational experience. 	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>
<ul style="list-style-type: none"> • Pupil and Parent Voice –Pupils and parents should feel and see evidence that they belong and are active participants in the school community and their learning. 	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>
<ul style="list-style-type: none"> • Models of self-evaluation and HGIOS 4 – The schools involved in this process endorsed the model implemented as a strong process of collaborative school self-evaluation on the theme of inclusion. 	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>

Comments: [Click or tap here to enter text.](#)

Meeting Additional Support Needs

1) How confident are you (1 not at all, 10 extremely) in your school based approaches and supports to meet the needs of;

a) Pupils with social communication difficulties (including Autism)

1 2 3 4 5 6 7 8 9 10

b) Pupils who are experiencing emotional difficulties (including mental ill health)

1 2 3 4 5 6 7 8 9 10

c) Pupils who are experiencing social difficulties (isolation or poor peer choices)

1 2 3 4 5 6 7 8 9 10

d) Pupils who have English as an additional language

1 2 3 4 5 6 7 8 9 10

e) High frequency but low risk behavioural issues (abusive language, non-compliance)

1 2 3 4 5 6 7 8 9 10

f) Low frequency but high risk behaviour (weapon in school, physical assault)

1 2 3 4 5 6 7 8 9 10

g) Pupils who have experienced or continue to experience adverse life experiences (e.g. parental MH or drug use, LAC)

1 2 3 4 5 6 7 8 9 10

h) Pupils experiencing loss and change (bereavement, family separation, care changes, relocation)

1 2 3 4 5 6 7 8 9 10

i) Pupils needing significant levels of curricular differentiation (learning disability, severe dyslexia)

1 2 3 4 5 6 7 8 9 10

j) Pupils with a physical disability or serious health concerns

1 2 3 4 5 6 7 8 9 10

Comments: [Click or tap here to enter text.](#)

Whole School Ethos

1. How strongly embedded is your whole school ethos, values and vision in relation to Inclusion (participation and positive relationships)?

Not strong 1 2 3 4 5 6 7 8 9 10 Very strongly demonstrated in practice

2. What three things have been most effective in progressing your whole school approach to inclusion?

a) [Click or tap here to enter text.](#)

b) [Click or tap here to enter text.](#)

c) [Click or tap here to enter text.](#)

3. What three things would be most effective in progressing your next steps to whole school approach to inclusion?

a) [Click or tap here to enter text.](#)

b) [Click or tap here to enter text.](#)

c) [Click or tap here to enter text.](#)

4. What three things would be most effective in strengthening partnership and collaboration to improve outcomes for children, young people and families?

a) [Click or tap here to enter text.](#)

b) [Click or tap here to enter text.](#)

c) Click or tap here to enter text.

Comments: Click or tap here to enter text.

Responsibility of All

1. Do all staff (1 a few staff, 10 all staff);

a) show strong inclusive classroom practice 1 2 3 4 5 6 7 8 9 10

b) show strong positive behaviour management 1 2 3 4 5 6 7 8 9 10

c) understand responsibility as corporate parent 1 2 3 4 5 6 7 8 9 10

d) engage in nurturing and supportive conversations with pupils

1 2 3 4 5 6 7 8 9 10

d) demonstrate an understanding if the impact of Adverse Childhood Experiences in their practice

1 2 3 4 5 6 7 8 9 10

Comments: Click or tap here to enter text.

Resources

How effectively do we collectively use our resources to meet the learning needs of all and ensure equity (1 not effective, 10 very effectively);

a) at school level? 1 2 3 4 5 6 7 8 9 10

b) with partners? 1 2 3 4 5 6 7 8 9 10

c) citywide? 1 2 3 4 5 6 7 8 9 10

If you have rated any of the areas above as a 5 or less please comment on how it could be improved: Click or tap here to enter text.

Risk Prevention and Risk Management

How effective are our approaches for preventing risk and risk management, so they are proportionate and enabling?

Not effective 1 2 3 4 5 6 7 8 9 10 Very effective

How could we best strengthen are our approaches for preventing risk and risk management, so they are proportionate and enabling?

Click or tap here to enter text.

Please describe any additional suggestions regarding how our Strategy could support improvements in inclusive practice and outcomes:

Click or tap here to enter text.

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Management Information	
Lead Officer	Name:
	Designation: Senior Education Manager: Inclusion, Pupil & Parent Support
	Tel: 0131 469
Lead Service Area	Communities and Families
Date Agreed	
Last Review Date	
Next Review Date	
Agreed by	
Has Screening for Equality Impact been undertaken for this procedure?	
Has Implementation and Monitoring been considered for this procedure?	
If appropriate, has Health and Safety section had oversight of this procedure? Name of Health and Safety contact	

Definition: Procedure – An agreed method or approach to comply with Policy, Legislation and Departmental Decisions.

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1. PURPOSE

This procedure promotes participation, learning and a positive ethos of inclusion. It provides key information and guidance on a wider approach to ensure continuity of learning in line with Curriculum for Excellence so that our most vulnerable pupils remain included, engaged and involved in their learning environment. It also aims to deliver a clear procedure for all staff on the prevention of exclusion, early intervention and responding to individual need.

It recognises:

- The value of maintaining our pupils within mainstream education settings and preventing exclusion from all establishments
- The preventative and protective role school plays in the lives of all pupils
- National statistics indicating pupils who have a disability, have an additional support need or are from the most deprived areas are more likely to be excluded
- Looked After Children are significantly more likely to be excluded than their peers.
- That partnership working underpins the provision of the best opportunities for all of our pupils.
- The requirement of schools to balance the provision of effective education for all pupils and the needs of individual pupils
- The national and local focus on reducing exclusion to ensure all pupils are: present, participating, achieving and supported

2. SCOPE

This procedure applies to all Communities and Families staff and partner agencies.

3. DEFINITIONS

- Staff describes all staff working directly with pupils.
- Parent describes any person/s who have parental responsibilities and any person who has custody of a child, including foster carers and a parent who shares custody of a child.
- Corporate parents describes the role of all City of Edinburgh Council staff with regard to the provision of care and support for all Looked After Pupils.

4. ACTIONS

Alternatives to Exclusion

School attendance enables the fulfilment of a fundamental right of every child and is a protective factor related to positive future outcomes. Academic success, social links, key adults and community participation are all opportunities provided by schools that promote resilience and wellbeing.

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Exclusion reduces these opportunities and undermines the pupil's opportunities to be: present, participating, achieving and supported. As such exclusion from schools must be a last resort. All schools should look to develop alternatives to exclusion specific to their individual context. When considering exclusion the school must ask;

- What will be the effect upon the wellbeing of the pupil?
- Will the exclusion lead to improved outcomes for the pupil?
- Is the exclusion a proportionate means of achieving the legitimate aim of maintaining order and discipline in the school and ensuring the educational wellbeing of pupils?
- Have reasonable adjustments been made to support Additional Support Needs?
(Appendices 1 and 3)

4.2 Individual Circumstances

Excluding any pupil from school is an extremely serious step and can impact significantly upon their learning and mental health and wellbeing. Communities and Families is committed to the principle that exclusion should never be used as a punishment and only be used as a last resort.

When considering the possible exclusion of any pupil, staff must ensure that appropriate arrangements are in place to ensure the care and wellbeing of the pupil before they are excluded. If appropriate arrangements are not in place, the pupil should remain in school until such time as arrangements are in place. It is vital to take account of personal circumstances and this is particularly important for our looked after pupils.

If a child is known to social work or a commissioned service offering family support, wherever possible there should be discussion with the child's / family's worker prior to a possible exclusion. Additionally, if at any stage advice is required this should be sought in the first instance from the school educational psychologist. Following this further advice regarding any concerns can be sought from the Inclusion Co-ordinator.

Appendix 1 provides a flow chart with a summary of essential questions and considerations. Appendix 2 (1a and 1b) provides more detailed questions to support the full consideration of, and appropriate liaison in relation to, individual circumstances.

4.3 Looked After and Adopted Children

Achieving a zero exclusion rate from school for Looked After Children is a Council priority. National statistics indicate Looked After Children have lower attendance and are at higher risk of exclusion.

In addition, special consideration should also be given to pupils who have previously been Looked After or have been adopted. In many cases these pupils may have had similar early adverse life experiences to a pupil who is currently Looked After.

All staff have an important role in relation to the Council's duty as a corporate parent. If a looked after pupil is at risk of exclusion the school should work closely with Social Work colleagues and other key partners to put in place preventative supports and plans for alternatives to exclusion. Following this further advice regarding any concern or supports can be sought from the Inclusion Co-ordinator.

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4.4 Pupils on the Child Protection Register or at Risk

For pupils at risk it is particularly important that alternatives to exclusion which support the wellbeing and safety of the pupil should be explored and exhausted, with exclusion from school being a last resort.

Prior to reaching a decision to exclude a pupil staff must establish whether they are on the child protection register or known by social work to be at risk. If a pupil is on the child protection register or known by social work to be at risk, **the school must consult the social worker and undertake a risk assessment prior to reaching a decision.** This should ensure the pupil is not put at increased risk through exclusion.

If it is impossible to implement an alternative to exclusion the school must work with social work to;

- Check that there are appropriate arrangements for the care of the pupil before they are sent from the school premises.
- Consider whether there are family or other circumstances that mean support is required if a pupil is excluded.

It is essential that effective communication is given to key staff regarding the particular vulnerability around a pupil on the Child Protection Register or assessed to be at risk.

4.5 Significant risk

The protection and wellbeing of the pupil must remain at the heart of all planning and decision – making. Where there are concerns that a pupil poses a significant risk to themselves or others the school should refer to and follow the procedure for risk management – planning and assessment.

4.6 Additional Support Needs

The provision of the Additional Support for Learning legislation includes pupils who have social, emotional and behavioural needs. In considering the exclusion of these children, schools and authorities must take account of the on-going support which learners are receiving and ensure continuity of provision throughout any exclusion to support their additional support needs.

In considering the exclusion of a pupil who receives additional support, account should be taken of the potential impact of the loss of both their learning and support provision. School staff should be aware of the arrangements in place with other agencies such as Social Work and Health services. In making provision, account should be taken of any disruption to the provision and implication to the learner and to the services themselves. Steps should be taken to ensure that wherever possible, support provided by other services and agencies can continue throughout a period of exclusion.

In considering the exclusion of a pupil with a disability, as defined by the Equality Act 2010, Headteachers should ensure that all reasonable adjustments have been put in place before excluding any child whose behaviour arises from a disability.

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The duty to make reasonable adjustments taking into account the pupil's disability applies to the circumstances leading up to a possible exclusion, the behaviours giving rise to risk of exclusion and the procedures for exclusion and re-admission.

Please see appendix 3 for an explanation of reasonable adjustments and case examples. Failure to make reasonable adjustments exposes Children's Services to the possibility of the exclusion being overturned by appeal and / or to the exclusion being found to have amounted to disability discrimination. A finding of disability discrimination is likely to do great reputational damage to Children's Services and be contrary to General Teaching Council for Scotland (GTCS) Standards for Leadership and Management. Parents and pupils will have the opportunity to appeal any decision or action which could be discriminatory before the Additional Support Needs Tribunal.

4.9 Multiple Exclusions

A number of excluded pupils receive multiple exclusions. Schools should consider carefully the impact this has. Multiple exclusions suggest continued difficulties despite the implementation of strategies and supports. Therefore a review of the pathways to support, assessment of need and child's plan should be considered. Schools and partners should work collaboratively to ensure appropriate support for the pupil with the aim of improving behaviour and maintaining school provision through alternatives to exclusion.

4.10 Managing Exclusions

Regulations state that an education authority **shall not exclude** a pupil from school unless they are of the opinion that

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

or

"the parent of the pupil refuses or fails to comply, or refuses or fails to allow the pupil to comply, with the rules, regulations, or disciplinary requirements of the school;"

Wherever possible the views of the team around the pupil should be taken into consideration prior to the decision to exclude. This should include discussions with the pupil (once calm) and their parent, so that their views can be taken into account in reaching a decision. This may not be possible in all cases, for example if the pupil's behaviour is an immediate and serious threat to the safety of other pupils or staff. However, in all cases the person taking a decision to exclude must have taken reasonable steps to investigate the circumstances. If the exclusion arises from a particular alleged incident, the investigation should establish that the incident took place on a balance of probability. The final decision is the responsibility of the Head Teacher or a member of the senior management team to whom the Head Teacher has delegated responsibility temporarily.

An exclusion should be for as short a period as possible and all reasonable efforts must be made to try to resolve the situation and plan for appropriate support or provision and a

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successful return, in partnership with pupils and their parent. All appropriate staff must be informed of the decision to exclude the pupil. All reasonable efforts should be made to avoid the exclusion lasting more than 3 calendar days and particularly to avoid an exclusion extending over the period of a school holiday.

Advice on decision making from the Inclusion Co-ordinator must be sought where exclusion longer than 7 calendar days occurs. If the exclusion continues for a further 7 days, the Head Teacher must seek further advice from the Inclusion Co-ordinator.

Exclusions for the following reasons must be discussed after the exclusion and within 7 calendar days with the Inclusion Co-ordinator:

- Violence towards staff or pupils
- Providing or taking illegal substances
- Serious bullying or intimidation

If an exclusion is triggered by a reaction to an act of discrimination against another pupil (whether racist, homophobic, sectarian, disablist or sexualised behaviour) then the act of discrimination must also be taken seriously and in line with the school's anti-bullying and equalities policy and Child Protection procedures.

4.11 Seeking the views of the pupil

In taking the decision to exclude a pupil and as part of the decision-making process, school staff must take account of the pupil's views of the event facilitated by a trusted adult.

The trusted adult could be a member of school staff, key partner or member of the family but their availability should not unnecessarily delay planning and support. This may help to resolve the situation by establishing the pupil's understanding of the harm caused and by allowing the pupil to contribute to resolving the situation and identifying solutions. The pupil's views of the event must be sought and recorded in the child's plan. The pupil's views should always be sought when they are calm and in a space that allows some privacy.

4.12 Communication with Parents and Pupils

On the day of the decision to exclude, the parent must be informed of that decision and the arrangements for a meeting to discuss the exclusion. The meeting has to be offered to be held within 7 calendar days following the day of the decision to exclude but the holding of a meeting is not a precondition for re-admission. On the day of the exclusion the parent can be informed orally or in writing.

A letter must be sent to the parent within 7 days informing them of:

- The reasons the learner was excluded.
- The right of appeal.

Schools should use the relevant pro forma letters provided on SEEMIS. This letter must be sent to arrive before the meeting to discuss the exclusion but it does not need to be sent on the day of the decision to exclude.

In the case of a pupil aged 16 years or over, the letter along with information on the right to appeal must be sent to the young person as well as to the parent.

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In the case of a pupil aged between 12 and 16 years, the pupil is presumed to have capacity to exercise a right of appeal so the letter must be sent to the pupil as well as to the parent unless the school considers that the pupil does not have "capacity". Capacity relates to maturity and understanding. There is very little case law as to what capacity means in practice. Schools should assume such pupils have capacity unless the school considers that sending the letter to the pupil would be likely to cause the pupil distress and / or confusion.

Where it is known or suspected that the parent or pupil with capacity may have difficulty in accessing written communication, additional alternative means of communication must be considered, for example phone calls, using bilingual support assistants with the Additional Support for Learning Services, Interpreting and Translation Service, Community Learning and Development.

4.13 Sending home without excluding

"Learners **must not be** sent home from school for reasons relating to behaviour without being excluded." (The Scottish Government: 2011)

If you have concerns about the pupil's safety and wellbeing please discuss this with the school Educational Psychologist or ASL link, if unavailable seek advice from the Inclusion Co-ordinator.

4.14 Procedures to be followed when a decision is taken to exclude a pupil

The power to exclude a pupil from school is delegated to the Head Teacher who is responsible for ensuring that procedures are followed. On such occasions when the Head Teacher is not in school the power to exclude a pupil is delegated to a member of the senior management team.

Appendix 1 provides a flowchart summarising the essential questions covered in this procedure. Appendix 2 provides detailed checklists to support best practice in relation to considerations and actions as referenced throughout this procedure.

4.15 Alternative educational provision during exclusion and timescales

Staff should aim to provide pupil's with the same classwork and homework for completion, marking and return which they could expect had they not been excluded. This should aid the re-admittance process.

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. If exclusion extends beyond 3 days the pupil should have regular direct, phone or e-mail contact with a key adult in school with support from the ASL Service or other key partners as appropriate. The aim of this is to support both the pupil's progression in learning and their on-going relationships with adults in the school.

4.16 Re-engagement

As part of the return to school, it is highly desirable to hold a solution focused child's planning meeting in order to look at strengths to build on, areas of concern and review the assessment of need and input necessary to help the pupil remain in school. A key element of this planning

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should be identifying and nurturing key relationships in school. This meeting will usually be the meeting within 7 calendar days of the day of the decision to exclude.

Ordinarily all involved professionals attend a child planning meeting however due to the timescale this may not be possible and a smaller meeting may need to take place with a date set for a subsequent review meeting involving the wider group. If the parent of pupils aged 12 or over, are unable or unwilling to engage fully with the school, then a meeting with the pupil present is acceptable, as long as there is an agreed judgement as to the capacity of that pupil. The pupil should be asked if they would like to identify a trusted adult to support them.

Although a meeting is, in most circumstances, best practice as it provides an opportunity to discuss concerns and supports it is not an essential pre-requisite to a return to school. A meeting should not become a barrier to a return to school. Appendix 2 (checklist 3) details actions to consider when planning a return to school following exclusion.

4.17 Phased return

In some cases it may be appropriate for the pupil to have a time limited phased return as an interim step of a support package. To ensure a prompt return to full-time education this arrangement should have a clear timescale recorded in the child's plan and be kept to an absolute minimum. A part-time timetable related to an exclusion should be recorded on SEEMIS (Code PTX, Short Code Y).

Where a pupil is following a part-time timetable as part of a phased return this should be discussed with school partners as part of the child planning process. Key principles include;

- ensuring there is a process of review and extension overtime
- a target of fulltime provision within 6 weeks.

Please consult the Flexible Time Table procedure for further advice. The school should alert the Inclusion Co-ordinator of all part-time timetables.

4.18 Removal from the school roll

In exceptional circumstances the school in discussion with senior managers may agree that a pupil should be removed from the school roll. This would be the result of a combination of factors;

- A risk management plan completed with school partners has indicated that the level of risk is unmanageable due to the specific constraints of the current school environment
- There is a shared view that these risks could be better mitigated within another local authority provision
- The family are not willing to work with the local authority to consider these alternatives and are not co-operating with the process of risk management

In these situations the school should discuss the Risk Management Plan and the current Child's Plan with the Inclusion Co-ordinator. Removal from the school roll is a decision that is made by the Director of Children's Services on the basis of this evidence (Appendix 7).

The school is expected to support education provision and child planning until such time as the pupil is successfully enrolled in another school (appendix 8).

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4.19 Monitoring, Evaluation and Reporting

A written record must be kept of all procedures, including the reason why a Head Teacher decided on a particular course of action. Comments should be specific including the names of teachers, dates, times and any other information that may be deemed to be relevant. This information may, in certain circumstances, be required to substantiate the authority's case in a court of law.

Schools should regularly review their school exclusion practice and provide information in school handbooks / websites on their school policy. School monitoring of exclusion data should be used to inform the planning and development of alternatives to exclusion specific to the school context.

The Senior Education Manager: Inclusion, Pupil and Parent Support will monitor and review the effectiveness of implementation of this guidance through the collection of summary information on the circumstances and length of exclusions. Each year a self-evaluation report on citywide exclusions will be circulated to all schools, ASL services, Psychological Services and Senior Education Managers.

5. Responsibilities

The Senior Education Manager Inclusion, Pupil and Parent Support has responsibility for the maintenance of this procedure.

School senior management teams are responsible for the implementation of this procedure within their school.

6. Policy Base

This procedure has been developed to promote inclusive and fair practice, which will minimise the use of exclusion across the authority

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Appendix 2 Included, Involved, Engaged checklists

Appendix 3 Understanding Reasonable Adjustments

Appendix 5 Frequently asked Questions

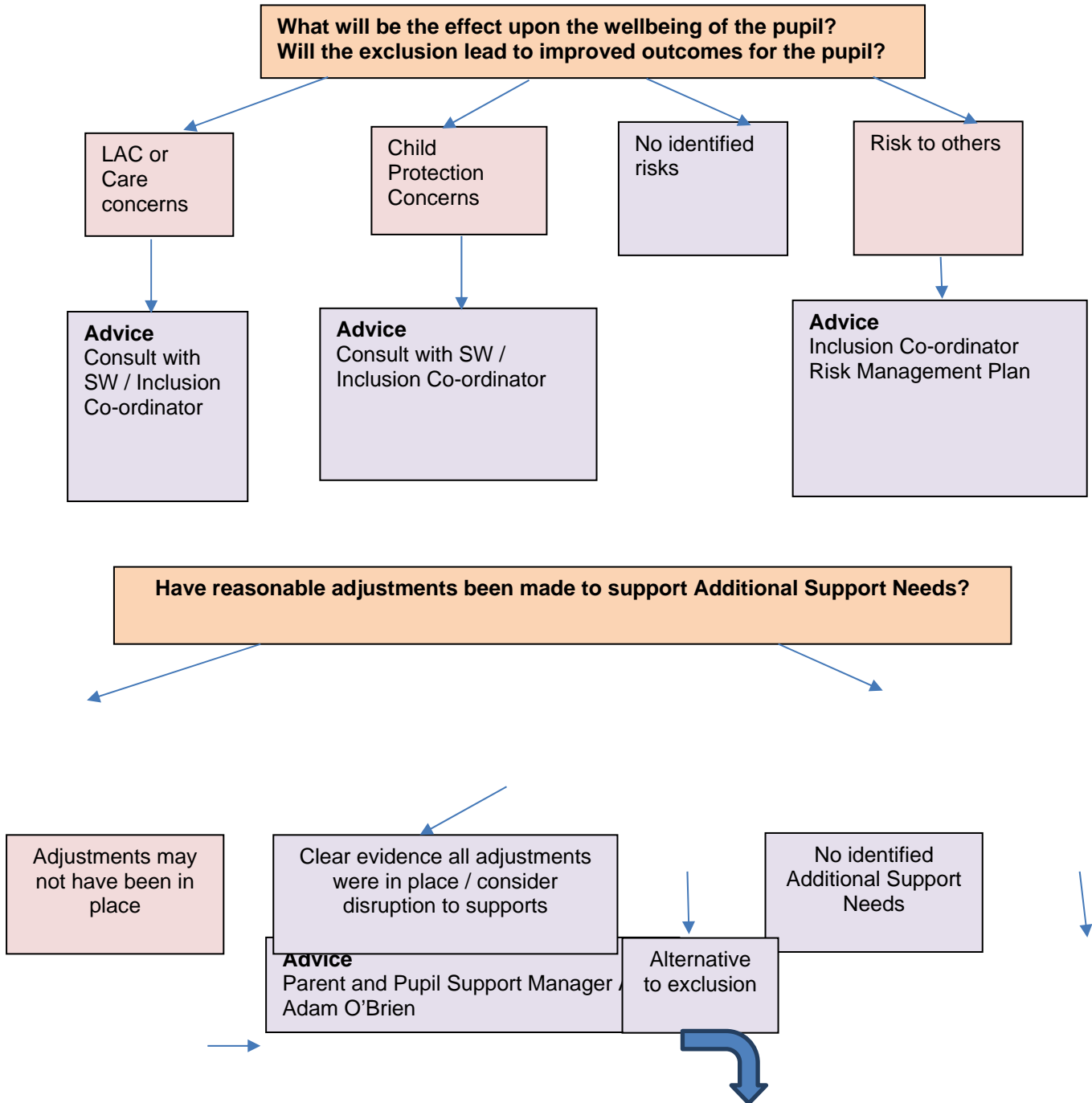
Appendix 7 Failure to Readmit Report

Appendix 8 Letter to Head Teacher confirming agreement to a failure to readmit

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Appendix 1 - Exclusion Flowchart



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Is the exclusion a proportionate means of achieving the legitimate aim of maintaining order and discipline in the school and ensuring the educational wellbeing of pupils?

Exclusion is unlikely to progress the situation – Alternatives sought

Exclusion agreed as an appropriate intervention: Review guidelines section 4.9, 4.10, 4.11, 4.12

Appendix 2 - Checklists of Key considerations to be made prior to, during and after exclusion (Included, Involved, Engaged 2017)

The following checklists are intended as a useful tool to support schools and local authorities prior to, during,

First Exclusion Consider Assessment of Need

Multiple exclusions - Review assessment of need and child's plan

and after exclusion and should be adapted to fit local context. These checklists should be used together in order to ensure support is provided at the appropriate time to meet the wellbeing needs of children and young people.

Checklist 1a (this should be used alongside checklist 1b where appropriate) - Prior to an exclusion

Key consideration questions	Consideration given	Comment
Has the child or young person been excluded before? What was impact of this?		
Have the following been engaged to help prevent exclusion? Child or young person; Parents/carers; Key education staff; and Other professionals (e.g. Social work, Educational Psychologist).		
Has there been clear assessment of the child or young person and their needs?		
Have additional support/interventions been		

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provided for the child or young person?		
Have alternative arrangements been made for the child or young person prior to the exclusion? e.g. curriculum alternatives, temporary placement in base, use of virtual learning		
How can the support pathways and school partnerships be utilised to further support this child or young person?		
Has the incident that precipitated the consideration of exclusion been reviewed with all staff who were present to explore fully what happened?		
Has another professional from within the school or a school partner who is not directly involved, been consulted on the situation in order to provide a different perspective?		
Has the child or young person been consulted on their views of the situation?		
Has Pupil Support/Class Teacher/Key worker, or if available, has the lead professional been consulted on how to move forward?		
Has the possible impact of exclusion on the child or young person been considered in light of individual circumstances?		
Does the child or young person's recent presentation constitute a wellbeing concern?		
What might the impact of an exclusion be on a child or young person's wider circumstances?		
What impact might an exclusion have on the planning processes?		
Has a risk assessment been completed for the child or young person where appropriate? (in relation to managing risk in school)		

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Has a risk assessment been completed in relation to Child Protection or potential risk posed to child through exclusion?		
What are the hoped for outcomes of an exclusion? Are there other alternatives that might achieve this?		
Has there been consideration given to length of exclusion to ensure it is proportionate and in best interests of child/young person?		
Does the exclusion comply with the regulation 4 of the 1975 regulations as amended?		
Have the rights of the child or young person been considered, with regard to articles of UNCRC?		
Have all other options been considered before deciding on exclusion as a necessary step?		

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

Individual circumstance	Additional consideration	Consideration given	Comments
Looked After child	Social worker consulted prior to decision		
	Social Worker and Educational Psychologist consulted on plan regarding particular issues		
	Appropriate arrangements made with regard to support/care and wellbeing at home		
	Decision made as to whether exclusion to go ahead		
Child on Child Protection Register/child protection concerns previously raised	Child Protection Designated Officer and Social Worker consulted		
	SEEMiS checked for child protection		

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	message		
	Communities and Families senior managers consulted about appropriate provision		
	Appropriate arrangements for return into school considered		
Child with additional support needs	Partners involved with child consulted on continuation of any additional input		
	Confirmation that child or young person is not being excluded for reasons associated with disability including reasonable adjustments		
	Ensure that child or young person is not being excluded for reasons associated with a protected characteristic		
	Account is taken of impact of exclusion on child or young person's learning and support provision		
	Consideration is given to review of any Child's plan or Coordinated Support Plan		
	Transition planning is taken into account with regard to return to school		
Children from an area of socioeconomic deprivation	Consideration should be given to the impact on child's wellbeing, e.g. free school meals		

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

Action to be taken	Action taken	Comment
Child or young person is informed he/she is to be excluded		

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Immediately inform parents/carers verbally		
Looked after children and children or young people on Child Protection Register/child protection concerns - communication with all potential carers as well as any person who may have parental rights and responsibilities		
Looked after children and children or young people on Child Protection Register/child protection concerns - decision discussed with lead professional, Social Worker, Key Worker, Foster Carer, Educational Psychologists and senior manager		
Make arrangements for child or young person to be sent or taken home. Child or young person not to leave school until safety, health and wellbeing assured and appropriate arrangements are in place		
If parents/carers cannot be contacted child or young person must be supervised at school until suitable arrangements can be made		
If verbal contact made, follow up by written confirmation of exclusion within 7 days and prior to meeting. Include reason for exclusion and information on Right of Appeal (SEEMIS template letters)		
Inform of date, time and place where Head Teacher or official of authority is available to discuss the exclusion (within 7 days of exclusion)		
If child or young person is of legal capacity inform them in writing of exclusion and right of appeal		
Record of exclusion filled out - incident report form		
Ensure exclusion is recorded accurately on SEEMIS		

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All documents relating to exclusion to be retained in Pupil's Progress Record		
Appropriate educational provision to be provided and monitored, e.g. course work, access to library, online learning		
Arrangements for the child or young person to access any existing support made (outwith school if necessary)		
A contact person should be allocated for parent / young person to liaise with re. educational provision		
Parent should be informed of their responsibility to support child or young person's provision of appropriate education throughout the period of exclusion		
Parent should be provided with information on support to assist them or advocate on behalf of child or young person		
If exclusion extends beyond 7 days or is multiple, refer to procedure for support in decision making		
If parent and/or child or young person exercise their right of appeal, meet with parent and child or/young person and/or an advocate for the child to discuss		
Referral to Scottish Children's Reporter if appropriate		

Checklist 3 - Return to school after exclusion

Action to be taken	Action taken	Comment
School meet or discuss with parent and child or young person however re-admission to school not dependant on this taking place		
Appropriate planning takes place to ensure appropriate ongoing support is provided		
Risk assessment is completed where appropriate		
Needs of staff and other children and/or young people taken into account -		

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restorative meeting held if appropriate		
Flexible package of support agreed and implemented where appropriate		
Any changes to timetable for limited period recorded on SEEMiS		
Child planning processes continued and adapted in light of exclusion		
Consultation sought with key partners if appropriate eg. Educational Psychologist, CAMHS		
Pupil Support /Key worker or lead professional (where one exists) updated		
Monitoring and review arrangement put in place to ensure continued support		

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Appendix 3 - Understanding Reasonable Adjustments

Key Principles

Reasonable Adjustments

The starting point for the objective of trying to avoid any need for exclusion should be reasonable adjustments. The planning and making of reasonable adjustments for disabled pupils should be part of the everyday good practice of schools. It should be an integral part of early intervention within Getting it Right. Most particularly, if a pupil is exhibiting challenging behaviour, the school should undertake a risk assessment and this risk assessment should be reviewed regularly. See Appendix __ regarding risk assessments.

Reasonable adjustments applies, in effect, to all aspects of school life including extra curricular activities – except that it does not apply to “physical features.”

The definition of physical features is not clear – not least because there is very little case law. So it is best to interpret physical features cautiously - to refer to substantial and fixed parts of the school building and playground such as supporting walls.

Disability and Discrimination

- Schools have a legal duty to make reasonable adjustments for disabled pupils.
- A disability is a physical or mental impairment that has a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities.
- Substantial means anything more than minor or trivial.
- Long-term means likely to last for at least 12 months.
- Failure to make a reasonable adjustment for the disability of a pupil amounts to discrimination against that pupil on the grounds of their disability.
- The law explicitly refers to exclusion from school as one of the areas of school life covered by these legal duties.
- So a failure to make reasonable adjustments may lead to exclusion in which case the exclusion would amount to disability discrimination.
- Exclusion is not discrimination if it is a proportionate means of achieving a legitimate aim. If the school makes proportionate efforts to make reasonable adjustments but the pupil's behaviour is still a serious threat to discipline and order then excluding the child is a proportionate means of achieving the legitimate aim of maintaining order and discipline.

Appeals - Parents and some older pupils have a right to appeal to the Additional Support Needs Tribunal if they believe the pupil has been discriminated against.

Factors to be taken into account when deciding whether or not something is a reasonable adjustment :

Definition: Procedure – An agreed method or approach to comply with Policy, Legislation and Departmental Decisions.

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1. The effect on the disabled pupil – would not making the adjustment cause the pupil substantial disadvantage; substantial meaning more than minor or trivial.
2. The effect on other pupils - would making the adjustment cause other pupils substantial disadvantage; substantial meaning more than minor or trivial.
3. The cost of the adjustment – in assessing costs, schools should consider the possibility of obtaining non-devolved funding including from Education Authority HQ and from business partners and from charities and from parent councils.
4. Maintaining standards of achievement. A disabled pupil may wish to represent the school in an inter-school football competition but has not reached the necessary standard to be selected for the team - that is not disability discrimination. However, schools may take positive action to help disabled pupils – this is sometimes referred to as positive discrimination – a school may decide to provide an extra-curricular activity targeted at pupils with behavioural problems.

Schools must also make reasonable adjustments for:

1. Race.
2. Religion and belief.
3. Sex.
4. Sexual orientation.

It is anticipated that a school would never knowingly and directly exclude a child for any of these factors and therefore this guidance has focused on the area of disability. However, schools and Education Authority HQ must be mindful of the risk of “indirect” discrimination – Education Authority HQ will monitor exclusion statistics and take any necessary action to seek to ensure that no pupil is at greater risk of exclusion because of their race, religion and belief, sex or sexual orientation.

Case Examples of Reasonable Adjustments

Case 1 - based on an example contained in guidance from the Equality and Human Rights Commission.

A pupil with autism spectrum disorder lashes out at a supply teacher. The reason for this is that the supply teacher told the pupil they could not sit in their normal seat because it wasn't appropriate for the activity they were doing and then told the pupil off when they refused to move.

The child always sat in the same seat because their autism spectrum disorder meant that they found change difficult to cope with – and their autism spectrum disorder made them highly distressed by being told off.

The school had not advised the supply teacher that the pupil should be allowed to remain in their seat and therefore the school had failed to apply a reasonable adjustment. In a situation like this, exclusion would be likely to be unlawful disability discrimination.

Case 2 - based on an example contained in guidance from the Equality and Human Rights Commission.

A pupil with additional support needs is repeatedly getting up from his seat during lessons and disrupting other pupils. It is the school's policy that repeated disruptive behaviour requires exclusion. However, the duty to make reasonable adjustments may require exploring this behaviour further to put in place supports and strategies e.g. movement breaks or a strategy to allow the pupil to leave the classroom and go to a designated cooling-off space with less sensory stimulus.

Case 4 - based on a real case in another local education authority that was decided upon by the Additional Support Needs Tribunal.

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A pupil with autism spectrum disorder, dyslexia and working memory difficulties attended a mainstream high school. The school employed an additional support for learning teacher and provided a “sanctuary” room for the pupil to calm down in.

The pupil’s behaviour was very challenging. This behaviour included ignoring instructions, swearing at peers and staff, engaging in behaviour that was a physical danger to himself and physically intimidating staff. This behaviour was very disruptive to other pupils. After many incidents of such behaviour over several months, the pupil was excluded.

A meeting to discuss readmission took place but the school and the parents could not agree conditions for readmission. The parents refused to attend further meetings.

The parents appealed to the Additional Support Needs Tribunal. The Tribunal refused the appeal because:

- The behaviour that led to exclusion arose from the pupil's disability. There was no merit in seeking to establish if there was some part of the behaviour which did not arise from the disability.
- However, the school and education authority had made “exceptional allowances and used every practical means” to support the child.
- Excluding the child was a proportionate means of achieving the legitimate aim of maintaining order and discipline and health and safety.
- The parents had not met their obligations to seek to work in partnership with school and their unjustified negative attitude to school had adversely affected the behaviour of the pupil.

Case 5 - *based on a real case in another local education authority that was decided upon by the Additional Support Needs Tribunal.*

A pupil with very strong features of Asperger’s Syndrome attended a mainstream secondary school. The pupil was awaiting formal, medical assessment but the parent and school agreed the pupil should be treated as if she had a medical diagnosis of Asperger’s Syndrome. The pupil had strongly ritualised behaviour and particularly relied upon an i-Pod device which acted for her as a way of telling the time, as a source of noise to tune out other disturbing noises and as a tactile comforter.

The school and parent agreed a ‘behaviour protocol’ to give all staff strategies for supporting the pupil. These strategies included planned ignoring of behaviour which was not likely to lead to serious disruption. During a subject class, the class teacher repeatedly requested the pupil to put away her i-Pod device because the class teacher was of the view that it was distracting other pupils. The pupil did not put away the i-Pod device. The situation escalated resulting in the pupil being excluded.

After the exclusion, the pupil’s attendance seriously declined and she did receive a medical diagnosis of Asperger’s Syndrome. The parent stated that the exclusion had caused the pupil to become depressed. The parents appealed to the Additional Support Needs Tribunal.

The Tribunal granted the appeal because :

- Causing the pupil to cease using the i-Pod device caused the pupil substantial disadvantage.
- The school had failed to prove that the use of the i-Pod device had caused substantial disruption to other pupils.

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- The reasonable adjustment would have been to ignore the pupil's use of the i-Pod device. It was the failure to apply this reasonable adjustment that caused substantial disruption to other pupils because it caused the pupil to become highly agitated.
- The 'behaviour protocol' was inadequate in its reference to the i-Pod device and this was the fault of the school. The importance to the pupil of the i-Pod device was not properly recognised by the school staff that dealt with the pupil in connection with the incident that led to the exclusion.
- The finding by the Tribunal that there was a failure to make a reasonable adjustment means that it automatically follows that there is a finding by the Tribunal that the exclusion was not a proportionate means of achieving a legitimate aim.

The Tribunal overturned the exclusion and instructed the education authority to consider mandatory training for all of the school staff on supporting children with Asperger's Syndrome.

Case 6 - based on a real case in another local education authority that was decided upon by the Additional Support Needs Tribunal.

A child with Asperger's Syndrome attended a mainstream secondary school. He was excluded on three occasions. During this period of exclusions, there was a period when he was required to attend a support base within the school and he was not permitted to attend mainstream classes.

The first exclusion was for verbal aggression towards a teacher. The second exclusion was for physical aggression towards a pupil. The third exclusion was for the pupil and parent refusing to take up alternative education in a college for a temporary period due to building work in the school.

The parent appealed to the Additional Support Needs Tribunal. The Tribunal granted the appeal because:

- There were a great many procedural errors made by the school and the education authority which demonstrated, in terms of this guidance, the great importance of clearly documenting strategies which are equivalent to reasonable adjustments for supporting disabled children.
- Regarding the first and second exclusion, the school had not given proper regard to advice from the education authority's educational psychologist.
- Regarding the second exclusion, there was a delay of 8 days between the incident and the decision to exclude during which the pupil had returned to school. At the time of the decision to exclude, the pupil was no longer in the state of agitation related to their Asperger's Syndrome which had caused them to be physically aggressive to the other pupil. Therefore the decision to exclude was punitive and therefore it was not in pursuit of a legitimate aim.
- Regarding the third exclusion, the proposal that the pupil move to the college was not a reasonable adjustment.
- Regarding the support base issue, the decision of the school was rushed and was taken without advice from the education authority's educational psychologist. Therefore the decision was not a reasonable adjustment.

The Tribunal overturned the exclusions and required the education authority to write the parent and pupil a letter of apology. The Tribunal expressed concerns about the level of training of school staff to support children with autistic spectrum disorder and recommended the education authority consider requiring all of the school staff to undertake training.

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Appendix 4



CHILDREN AND FAMILIES

Exclusion: Frequently Asked Questions

What does exclusion mean?

Exclusion means that your child is not allowed to attend school for a set period of time. We only exclude children when the case is very serious.

Why has my child been excluded?

Children are excluded when their day-to-day behaviour makes it necessary to remove them from school for a period of time. This could be because:

- your child's behaviour makes it impossible for us to teach him/her in a class with other pupils.
- your child's behaviour makes it very difficult for other pupils in the class to learn and work.
- your child's behaviour is dangerous to other pupils or members of staff.
- you, as parent/carer, have been unwilling to co-operate with the school.

Who decides to exclude a child?

The Head Teacher or his or her representative can exclude a child, after consulting with all professionals involved.

How long will my child be excluded?

Your child can be excluded for up to seven calendar days. During this time a 're-admission meeting' will be arranged to discuss this decision with you. For the duration of his/her exclusion, your child must not come into school, or be in the school grounds at any time, unless for the purposes of an agreed meeting or by agreement with the Head Teacher.

How do schools let parents or carers know that their child has been excluded?

We will contact you **on the day** of the decision to exclude. This will then be followed up in a letter posted, by recorded delivery, to your home, explaining

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- why your child has been excluded.
- how long she / he is being excluded.
- the date of the re-admission meeting'.

What happens if I don't agree with my child's exclusion?

If you disagree with the decision to exclude your child, whether you are a parent or a carer, you can appeal and should write to:

Head of Legal, Risk Compliance,
Committee Services,
Corporate Governance Directorate,
City of Edinburgh,
Waverley Court,
Business Centre 2.1,
East Market Street,
Edinburgh EH8 8BG

If you are uncertain what action to take you may consult a solicitor. You may also obtain advice from a Citizens Advice Bureau or other advice agency.

Are details of my child's exclusion kept on record?

Yes. Details are recorded on the school registration system and copies of the following letters will be kept in your child's record file:

- the exclusion letter
- the letter outlining the agreements you made at the re-admission meeting about your child going back to school.

Copies of these letters are also sent to the Inclusion Coordinator Children and Families.

What is a re-admission meeting?

At the meeting, we discuss why your child was excluded and how we can work together to ensure that your child has a successful return to school. Parents/carers **and** the child should attend the re-admission meeting. The meeting is usually held at your child's school.

Can I bring someone else with me to the meeting?

You can bring a friend to support you, or someone who will help you discuss your child's welfare with us. Please let the school know before the meeting who you would like to bring along.

Who else will be at the meeting?

The Head Teacher or his/her representative, school staff and other professionals involved with your child, for example, a social worker, educational psychologist or educational welfare worker. Because it is very important to get your child back to

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school as soon as possible, we will go ahead with the meeting even if everyone cannot come to the meeting.

What will happen at the meeting?

We will explain to you why we excluded your child. This will cover the particular incident that have led us to take this action and his / her day-to-day behaviour. We would like to hear your views and those of your child. We will discuss ways in which we can work together to support your child's development, learning and care needs. We will agree targets with you to help plan your child's successful return to school.

What if I can't attend the re-admission meeting?

If you can't come to the meeting, please phone the school as soon as you can so that we can arrange another time with you.

What if a parent/carer doesn't attend the re-admission meeting?

If a parent/carer doesn't attend the meeting, then the child may not be allowed to return to school. We will write to you with a date and time for another meeting.

What contact will my child have with the school while she / he is excluded?

The school will provide work for your child to do at home as soon as is practicable. Arrangements will also be made with you about when and where the work is to be collected and returned for marking.

How will the school help my child once she / he goes back to school?

Following your child's return to school after an exclusion support provision and planning put in place at the re-admission meeting will be reviewed.

How can I help?

Your support of the school is vital. We will always welcome your help to ensure good attendance and to support your child's re-engagement. Keeping in touch regularly with the school is essential to being involved in your child's learning and the ongoing work of the school.

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Removal From Roll Report

Appendix 7



CHILDREN AND FAMILIES

Referral to the Director of Children and Families

Please include:

SEEMIS letter 4a/b	
SEEMIS letter 4m/n	
Appendix 7	
Assessment of Need	
Child's Plan	
Risk Management Plan	
Other partner reports	

Brief details of previous strategies employed in school to cope with the pupil's difficulties [include involvement parents]:

Details of current arrangements in place to ensure the child's continuing education:

Recommendation of the child planning meeting regarding the pupil's continued education:

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Appendix 8

Letter to Head Teacher giving agreement to a Failure to Readmit



CHILDREN AND FAMILIES

To:

Date:

Our ref:

Dear

I have received the following paperwork in respect of *[pupil name]*

SEEMIS letter 4a/b	
SEEMIS letter 4m/n	
Appendix 7	
Assessment of Need	
Child's Plan	
Risk Management Plan	
Other partner reports	

I note that there was no agreement of conditions for re-admission to school.

Please ensure arrangements are in place to

- Continue *[pupil's name]* education with all professionals involved
- Provide regular class work for completion at home
- Have regular contact with the parents / carers
- Record the exclusion appropriately on Seemis

Please keep me up to date with the alternative arrangements for *[pupil's name]* on going education.

Yours Sincerely

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The Appeals Process

Appendix 9

The Appeals process gives the parent the right of appeal to an independent body.

1. The Appeal Panel

The Appeal panel consists of 3 members

- A parent of a school age child who is independent of the school which has made the exclusion and whose child does not attend the same school as the excluded pupil.
- A Councillor
- A representative with knowledge of education [The Chair]

2. Documentation

- The Head Teacher must complete a report [Appendix 9] and submit to the appeal panel via the inclusion Coordinator
- The parent may also submit a written report to the panel

3. Timescale

Appeals should normally be lodged within 28 days of the decision to exclude but appeals beyond this timescale can be considered.

4. The Hearing

People

- The Head Teacher who represents the Director at the Appeal may be accompanied by a member of the school staff [Any person other than the Head Teacher may be asked to leave if the parent objects]
- The Inclusion Coordinator
- The parent may be accompanied by up to three friends
- The pupil may be present if 12 or over
- If the parent is represented by a solicitor the authority will also have a solicitor present
- The Clerk to the Appeal Committee will also be present. The Clerk is responsible for arranging the hearing. The Clerk takes notes and records decisions and ensures the smooth running of the hearing on the day. The Clerk remains with the Committee during the deliberative stage.

Procedure

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- The Chairperson will outline the procedure for the hearing
- The order is usually as follows
 - presentation of the case by the Head Teacher
 - questioning by the person making the appeal
 - presentation of the case by the person making the appeal
 - questioning by the Head Teacher
 - the panel will also ask questions during the hearing
 - summing up by the Head Teacher
 - summing up by the person making the appeal

If the parent chooses not to attend the hearing it will still proceed in their absence and the decision will be notified to them.

Decision

- The Appeal Committee will notify the parent, Head Teacher and the Exclusion Manager of the decision reached.
- If the Appeal Committee is unable to make a decision at the end of the hearing, they have a maximum of fourteen days to notify the appellants of their decision and the reasons for it.
- The letter informs the person making the appeal of any right of appeal to the Sheriff and the time limits that will be applicable

The Powers of the Appeal Committee

- Annul the decision to exclude
- Confirm the decision to exclude
- Confirm the decision, but modify the conditions for readmission[Section 28H[2], Education[Scotland] Act]1980

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Sample Appeal Report



Appeal against the Decision to Exclude a Pupil from Anytown High School

PLACING IN SCHOOLS APPEALS COMMITTEE

Date:

1 Purpose of report

Mrs. Smith, 3 James Terrace, Edinburgh, EH22 6PQ, has appealed against the decision of the Council as Education Authority, to exclude her son Jason Smith from Anytown High School, Edinburgh. This report sets out background information, the events leading to the exclusion and the developments in the case thereafter.

2 Summary

- 2.1 Jason Smith [DOB 25.05.94] has attended Anytown High School since August 2006. He had a history of exclusions in primary school.
- 2.2 Jason's punctuality, attitude and attendance gave cause for concern as did his regularly arriving at school not always equipped for lessons.
- 2.3 This situation continued throughout the following 12 months with reports being made of aggressive and disruptive behaviour and lack of co-operation. (*Appendix 1*). Jason's poor attendance and truanting also caused concern. Regular contact has been made with Jason's mother as his sole carer regarding Jason's behaviour throughout his time at Anytown High School by letter, telephone and meetings. (*Appendix 2*)
- 2.4 The normal disciplinary and support strategies of the school were applied in Jason's case but despite being placed on behaviour diaries, detentions, working in the pupil support base, in-class support and 1:1 support from his

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guidance teacher, and 1:1 from a school-based youth worker Jason's behaviour has still not improved. (*Appendix 3*) Jason has been excluded on 4 previous occasions (*Appendix 4*) and has been referred to the Children's Hearing for non-attendance at school. (*Appendix 5*)

2.5 A copy of the pupil support policy at Anytown High is attached as *Appendix 6*.

3. Main Report

Events Leading to Formal Exclusions

3.1 On 14 September Jason was participating in a drama lesson in the school hall. For no apparent reason, Jason assaulted another pupil. When spoken to by his teacher Jason became verbally abusive and aggressive. On his way out of the room he broke a double window [estimated cost of damage £500]. The duty head was called but Jason could not be reasoned with.

3.2 In the light of this incident and because of Jason's record of disruptive behaviour, aggression towards other pupils, verbal abuse of staff and pupils, and persistent uncooperative behaviour the decision was taken to exclude Jason. In accordance with procedures a letter was sent to Mrs. Smith requesting her to attend a meeting on 21 September at 9.45.a.m. At this meeting conditions for readmission could not be agreed with Jason and Mrs. Smith. A letter confirming this was sent to Mrs. Smith and to Jason confirming this and detailing supports which would be put in place for Jason. (*See Appendix 12*)

4. Developments since exclusion

4.1 Outreach teaching was applied for, approved and contact was made with school by the HOTS teacher on 8 October 2007. Teaching sessions commenced and are ongoing. School staff have provided work for Jason and a named person in school is monitoring this work.

4.2 A referral was made to Fairbridge for the Active Steps Course and Jason was given a place on the November course.

4.3 Early Intervention support continues to be provided.

4.4 A referral has been made to SEBD PAG.

5. Conclusion

- 5.1 For these reasons, it is the view of the Authority that it was appropriate to exclude Jason from Anytown High School on the grounds that to allow Jason to continue his attendance at the school would be likely to be seriously detrimental to the order and discipline in the school or to the educational well being of the pupils and staff there.

6. Recommendations

The Committee is asked to consider the Appeal.

Appendices	Appendix 1 -	Background Information
	Appendix 2 -	Contact with Home and Meetings
	Appendix 3 -	Behaviour Diaries
	Appendix 4 -	Exclusion Record & Letters
	Appendix 5 -	Hearings
	Appendix 6 -	Pupil Management Policy
	Appendix 7 -	PSG
	Appendix 8 -	Integrated Support Team Referral
	Appendix 9 -	Multi-Agency Meeting Minutes
	Appendix 10 -	Referral to Psychological Services
	Appendix 11 -	Profile of Individual Need
	Appendix 12 -	Support Record

Procedure Title - Improving outcomes for learners at risk of exclusion

Procedure Number -

Sample Background Information

Year 1: 16 Aug 06 – 29 June 07

- 1.1 On 23 September Jason was discussed at a sub PSG meeting due to concerns about poor attendance and attitude. *(See Appendix 7a) and a plan of action agreed.*
- 1.2 Jason was subsequently excluded from school on 5 October for punching a pupil resulting in injury to that pupil who required medical attention. He was readmitted to school on 12 October.
- 1.3 On 3 November Jason behaved in a disruptive manner in the maths class.
- 1.4 A referral to the PSG was made on 5 November with a proposal for 1:1 support. Jason's disruptive behaviour continued and he was removed from his science class.
- 1.5 At the PSG meeting on 5 November concerns about Jason's peer relationships, truancy, attendance, and anti-social behaviour in the community were all discussed. *(See Appendix 7b)*
- 1.6 Over the following three weeks his behaviour continued to deteriorate, resulting in Jason being removed from his English class on 1 December and referred to SMT on 2 December by his maths teacher for disruptive behaviour in class and making offensive gestures towards his teacher. He seemed to be unwilling to consider the consequences of his actions.
- 1.7 On 3 December, Jason was placed on a diary to monitor his behaviour in school. On the same day, he was referred to the Support Base by his science teacher because of his disruptive, aggressive and disrespectful behaviour in class. *(See Appendix 8)* The decision made was to remove Jason from science to work in the support base until the end of that term. He was also placed on detention for disrupting his English class on 5 December.
- 1.8 The following day Jason was again disruptive in his English class and was referred to SMT for failing to attend detention. Jason's mother agreed to the detention by phone. Jason was also being reported to have been involved in vandalism in the community. A multi agency meeting took place on 10 December to discuss Jason's progress and concerns. *(See Appendix 9)*
- 1.9 On 14 December Jason again arrived late to school and was placed on detention. Later the same day he was removed from his P.E. class and refused to attend detention after school. He walked out of school at the end of the day without permission.

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1.10 From 15 December until the end of term Jason was absent from school without reason.

Term 2

1.11 On 9 January 2007 an absence enquiry letter was sent home.

1.12 Another multi-agency meeting took place on 14 January attended by Jason and his mother.

1.13 Jason's disruptive and aggressive behaviour continued on 16 January when in class he threatened to hit another pupil with a piece of metal and pretended to do this. He was then removed from the geography class, was rude and disruptive in science and was sent to the support base as an emergency admission. Whilst there, his behaviour was poor and he became rude and insolent when spoken to about this and his use of abusive language. He worked out of classes next day because of his behaviour.

1.14 As Jason was not in school next day (18 January) a phone call to his mother was made. She was unable to say why Jason was not attending school.

1.15 On 19 January Jason was again absent and mother was phoned again. She was unaware of Jason's whereabouts but thought he may have stayed at his grandparents' house. The guidance teacher phoned social work to report this.

1.16 Jason attended school on 22 January but his attitude and behaviour were poor. Jason used abusive language, refused to co-operate with staff, ignored staff requests to leave the room, and scribbled on his book instead of working. He appeared to be pushing boundaries in the hope of being excluded. His mother was phoned to inform her of Jason's conduct and she spoke to Jason, giving school her full support. However, the phone call to mother brought about no improvement in Jason's attitude or behaviour. He continued to argue with staff, answer back, interrupt and walked off without permission saying he was going to the toilet. He was referred to the Head Teacher.

1.17 Next day Jason walked out of classes after being warned about his poor behaviour.

1.18 On 24 January Jason was discussed at the sub PSG.

1.19 Jason was absent on 24 January and another call to the mother was made to inform her. She stated that Jason had left for school in the morning.

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- 1.20 Jason returned to school next day but was unsettled in his German class. He was verbally abusive to his teacher, argued and swore at him. Jason was excluded from school for repeated failure to follow the school code of conduct and abuse to a member of staff.
- 1.21 The readmission meeting took place on 29 January. However Jason's attitude was unacceptable and the decision to readmit was postponed. Jason showed no respect to his mother or staff. A part-time timetable was discussed and Jason was in favour of this, seeming to view it as positive.
- 1.22 On 31 January, our Youth Worker was again able to offer Jason 1:1
- 1.23 Jason was readmitted on 2 February to work only in the support base.
- 1.24 On 6 February, due to ongoing concerns about attendance, Jason's mother was called to inform her that Jason was absent again.
- 1.25 Jason was discussed at a sub PSG on 7 February.
- 1.26 Another call was made to Jason's mother on 19 February to inform her of Jason's absence. She was unaware of Jason's whereabouts.
- 1.27 Another multi-agency meeting took place on 23 February but the Mrs. Smith did not attend.
- 1.28 On 28 February another call was made to Mrs. Smith as Jason was again absent and to invite her to the forthcoming PSG meeting.
- 1.29 On 1 March a report was sent to the Reporter to the Children's Panel. The grounds for referral were non-attendance at school and concerns over an alleged lack of parental care. (See Appendix 5)
- 1.30 The PSG meeting took place on 6 March (see Appendix 7c) where concerns about attendance and behaviour were discussed. Following this meeting a referral was made.

Term 3

- 1.31 Jason's lack of attendance and poor behaviour continued to cause concern and another multi-agency meeting was held on 18 April. The family did not attend. At the sub PSG ongoing concerns regarding attendance, behaviour and lack of progress were discussed.
- 1.32 On 24 April Jason's lack of co-operation continued when he was in the support base. He would not settle to work, stood on a chair, refused to follow instructions. He was rude to his guidance teacher, answering back and refused to follow any instructions.

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- 1.33 Next day Jason was rude and offensive to teaching and support staff in English. He refused to give his behaviour diary to his teacher and walked away from him when he was trying to speak to him.
- 1.34 On 26 April, Jason was excluded from school for persistent uncooperative behaviour, rudeness to staff and use of inappropriate language.
- 1.35 The readmission meeting was arranged for 30 April but the family failed to attend. A readmission meeting eventually took place on 8 May. Jason's attitude and behaviour were discussed with Jason and his mother. It was made clear to Jason that it is unacceptable to be so judgemental of others. Mrs. Smith was unable to account for Jason's unexplained absences. Jason was readmitted to school on 9 May on a part-time timetable, working mainly in the support base.
- 1.36 Unfortunately Jason's patterns of poor attendance and behaviour continued for the remainder of this term. His guidance teacher kept in touch with the family, always contacting them by phone when he was absent.
- 1.37 Jason would not engage with any workers. This situation was discussed with the reporter on 16 May. On 19 May Jason was removed from his P.E class due to his disruptive and uncooperative behaviour.
- 1.38 On 24 May Jason was again rude and argumentative with staff in his French class. Concerns were discussed at sub PSG where the Educational Psychologist reported she had met with the family.
- 1.39 Another multi-agency meeting took place on 25 May but the family did not attend.
- 1.40 Jason was excluded from school on 19 June for extreme abuse to a member of staff.

Year 2: 15 Aug 07 – to date

- 1.41 On 15 August Jason was readmitted to school, mornings only, until 25 August when full-time would be considered if his behaviour was reasonable within that time. In the meantime Jason remained on his behaviour diary.
- 1.42 Jason was discussed at a full PSG meeting on 22 August. Concerns about his lack of educational and social progress in S1 were discussed. (See *Appendix 7d*)
- 1.43 Concerns about Jason's poor attendance and truanting continued with regular contact continuing with his family about these concerns.

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- 1.44 On 14 September Jason was excluded for verbal abuse of staff, assault of a pupil and damage to school property. *(See Appendix 4)*
- 1.45 An Incident Record was completed and submitted on 14 September. *(See Appendix 11)*
- 1.46 On 16 September work was requested for Jason from staff and Jason was discussed at the full PSG meeting on 25 September. *(See Appendix 7e)*

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Appendix 5

Informal Consultation on Language Classes, Inclusion Resources and Kaimes

Projections of additional support needs up to 2022 indicate continued growth in the anticipated number of learners requiring significant additional support. Alongside this progress in inclusive practice and monitoring of specialist placements indicates a changing profile towards more complex need amongst learners requiring specialist provision.

In light of these trends we are taking a closer look at aspects of special school capacity. An informal consultation on the future provision of Language and Communication Classes, Secondary Resource Provisions and Kaimes School is an important element of this process.

The timetable below indicates the scope and timeline of the plan for informal consultation. There will be a clear focus on consulting widely with all stakeholders, to ensure that future planning incorporates the views of all involved in delivering the best possible outcomes for learners.

Informal Consultation on Language Classes, Inclusion Resources and Kaimes		
Action	By whom	By when
Environmental Reviews of LCC and SRPs	Kirsty Spence Julie Wood/ SRP staff and AHP/PS staff Murdo McLeod/FM Staff	June 2018
Pupil consultation: LC, SRP, Kaimes, selected pupils with ASD attending	Psychological Services staff	June 2018

mainstream schools		
Parent consultation: LC, SRP, Kaimes, parents of selected pupils with ASD attending mainstream schools	Psychological Services staff	June 2018
Staff consultation: LC, SRP, Kaimes	Kirsty Mackay Hatty Chick	June 2018
Partner consultation: LC, SRP, Kaimes	Kirsty Mackay Hatty Chick	August 2018
Attainment Review – LC, SRP, Kaimes pupils, to include 2016-17 BGE and NQ data	Louise Stevenson	May 2018
Literature review to identify best practice in provision for pupils with an ASD	Lorna Johnston Marion Rutherford Hatty Chick Jilly Catlow	June 2018

Appendix 6

Consultation on Inclusive Practice

The report on Year of Young People 2018 and Child Friendly Edinburgh included a recommendation that we ‘continue to develop engagement work with children, young people and their families to increase their participation in the life of the city and in guiding the implementation of the Children’s Services Plan 2017-20’. Creating the circumstances where children become the city’s active citizens and effective contributors is a central aim of a Curriculum for Excellence. In all aspects of our work relating to the wellbeing and inclusion of children and young people we will seek to engage directly with children, young people and their families as well as with the school staff and partners, to ensure that we achieve our aim of Improving quality and performance to promote high quality inclusive schools and accessible support

Stakeholder Consultation on Inclusive Practice		
Action	By whom	By when
Pupil consultation, to include: <ul style="list-style-type: none"> Youth 180 Groups – Emotionally-Based School Refusers (EBSR) Children and young people who experience barriers to learning as a result of Adverse Childhood Experiences, including care experienced children and young 	ASLS staff ASL and Family Support Service Schools and Lifelong Learning staff – ‘Discover’ holiday programme Residential Care staff ASL and Family Support Service Schools and Lifelong Learning staff – ‘Discover’ holiday programme	September 2018 September 2018

<p>people</p> <ul style="list-style-type: none"> • Children and young people with a disability 	<p>Carol Chalmers/Kerry Millar</p>	<p>May 2018</p>
<p>Parent/carer consultation – parents/carers of children with additional support needs, including EBSR, ACE, specific learning difficulties and disability</p>	<p>ASLS staff ASL and Family Support Service Schools and Lifelong Learning staff</p>	<p>September 2018</p>
<p>Staff consultation – to include teaching and support staff in mainstream schools</p>	<p>Anna Gray, school SfL Leaders/teachers</p>	<p>June 2018</p>