

Education, Children and Families Committee

10am, Tuesday, 15 December 2020

Edinburgh Learns for Life: Inclusion Annual Report

Executive/routine
Wards
Council Commitments

1. Recommendations

- 1.1 The Education, Children and Families Committee is asked to:
 - 1.1.1 Note the implementation of the Edinburgh Learns Inclusion Framework
 - 1.1.2 Note the work undertaken in Phase One secondary schools as part of three-year plan for all secondary schools to have enhanced provision to support inclusion
 - 1.1.3 Note the engagement work undertaken with schools regarding exclusions and flexible timetables
 - 1.1.4 Note the additional actions undertaken to support inclusion in response to the Covid-19 pandemic and national lockdown
 - 1.1.5 Note the planned City of Edinburgh Council Implementation Plan in response to the Scottish Government recommendations following the national ASL Review

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Chief Executive

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Edinburgh Learns for Life: Inclusion Annual Report

2. Executive Summary

- 2.1 This report summarises the work of the Edinburgh Learns for Life Inclusion board. The annual report draws on relevant data to report on our progress in ensuring an inclusive learning city for children and young people across Edinburgh.
- 2.2 The Edinburgh Learns for Life: Inclusion Board will meet three times annually. The board will use quantitative and qualitative data to identify key strategic tasks to support inclusion.

3. Background

- 3.1 The Edinburgh Learns Inclusion Framework (Appendix 1) was finalised in school session 2019-20. This framework is incorporated into the overarching Edinburgh Learns Framework to ensure that it sits within our wider planning for strategic school improvement.
- 3.2 Our approach to inclusion has developed in response to the Covid-19 pandemic, to ensure continued engagement in learning for our children and young people with additional support needs during and post-lockdown.

4. Main report

- 4.1 The Edinburgh Learns Inclusion Framework is now established and forms a key part of all schools' and Early Years settings' approach to inclusion. The framework is augmented by a range of documents which support Headteachers, Centre Managers and school staff to embed inclusive approaches.
- 4.2 We have invested resource into developing inclusive provisions so that young people can receive the support they require at their catchment mainstream school, as part of a three-year plan for all secondary schools to have fully inclusive provision. These inclusive provisions include social, emotional and nurture support available at Wellbeing Support Bases, currently operating in four schools, and language and communication support offered in Enhanced Support Bases currently in three schools. Planning is underway for Phase Two which will comprise five Wellbeing Hubs and two Enhanced Support Bases which we plan to introduce over the course of this school session. This work is to support our longer-term strategy of ensuring that every pupil is enabled to attend their catchment school in their local area.
- 4.3 We have continued to focus on reducing exclusion, with a specific focus on Looked After and care experienced learners and those with additional support needs. Our Procedure for improving outcomes for learners at risk of exclusion (Appendix 2) focuses on ensuring that schools have demonstrated that exclusion is the only proportionate means of achieving the legitimate aim of maintaining order and discipline in the school and ensuring the educational wellbeing of pupils. The procedure sets out our commitment to achieving zero exclusions for

Looked After and Care Experienced Children and Young People with the flowchart in Appendix 2 (page 14) emphasising that alternatives to exclusion for this cohort must be considered and put in place unless there is a serious risk to them or to others if they remain in schools.

- 4.4 In response to the publication of Included, Engaged and Involved Part 1 in June 2019, we undertook a review of Flexible and Alternative Timetables in November 2019. The recommendations of the review have informed the strategic plan for the Attendance workstream. Impact will be measured by the decrease in the percentage of pupils with low attendance¹ and an increase in the number of school leavers progressing into positive destinations².
- 4.5 In response to the Covid-19 pandemic a range of additional supports for vulnerable children and young people were delivered with the aim of supporting continued engagement in learning. These included the provision of digital devices for children and young people facing digital exclusion; direct support in Hub Schools for identified children; the continuation of the Forest Schools programme throughout lockdown; and partnership working with our third-sector partners to provide direct support to children most at risk. As we continue to develop our response the focus will be on Digital Learning and Closing the Gap, of which further information is available in the EL Digital and EL Equity Annual Reports.

5. Next Steps

- 5.1 Develop the City of Edinburgh Council ASL Review Implementation Plan, in response to the Scottish Government ASL Action Plan following the national ASL Review led by Angela Morgan.
- 5.2 Continue to develop enhanced inclusion provisions in mainstream secondary schools as part of the three-year phased plan.
- 5.3 Focus on our Strategic School Estates planning to deliver inclusive learning environments as part of the Edinburgh Learns for Life strategy.
- 5.4 Continue citywide tracking and monitoring of exclusion including a specific focus on reducing exclusion for Looked After and Care Experienced learners and learners with additional support needs.
- 5.5 Continue to draw on the views of children and young people through participation forums such as Youth Talk, My Kind of Edinburgh and themed topics such as Mental Health.
- 5.5 Continue capacity building in mainstream schools through evidence-based approaches and the delivery of appropriate staff training.
- 5.6 Continue to work with key partners and voluntary organisations to provide the right support at the right time for children and young people at risk of exclusion.
- 5.7 Continue to develop and evaluate approaches to increase attendance for vulnerable learners including the delivery of flexible curricular pathways.

6. Financial impact

6.1

7. Stakeholder/Community Impact

- 7.1 Improved attainment and achievement for learners with additional support needs.

¹ For session 2019-20 this was 8.0% for primary pupils and 15.2% for secondary pupils. It is important to note that this represents only the figures from August to February not a full school year's data

² In 2019-20 this was 95.1%

7.2 Improvement in sustained positive destinations for young people with additional support needs.

8. Background reading/external references

8.1 Additional Support for Learning Action Plan – Scottish Government
<https://www.gov.scot/publications/additional-support-learning-action-plan/>

9. Appendices

9.1 None.

EDINBURGH LEARNS

Inclusion



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Appendix 1: Inclusion within the Edinburgh Learns Frameworks

In Edinburgh every child or young person irrespective of identity, background or ability is part of a resilient and positive learning community where they feel;

We belong,

We contribute,

We learn,

We are supported and we help others.

Edinburgh Learns, the council strategy to Raise Attainment for All comprises key frameworks which are co-constructed between officers and Headteachers, informed by data and research, and which provide the strategies known to be successful to raise attainment.

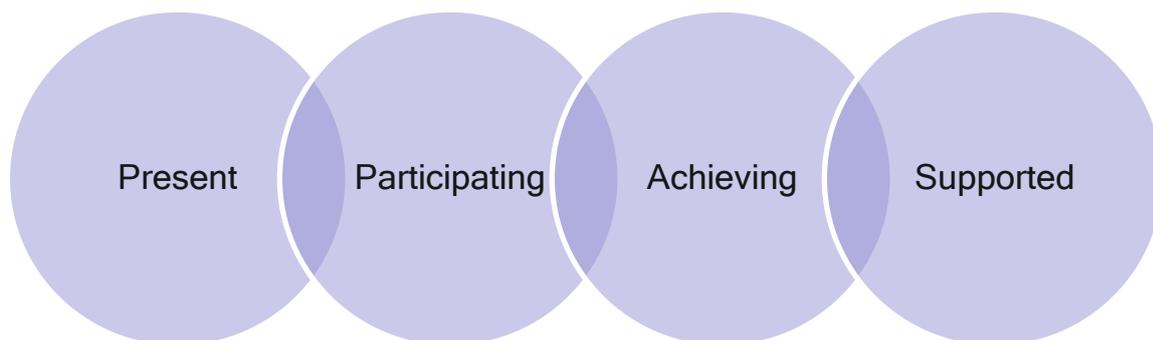
This framework details the actions required by all to ensure the ongoing development of inclusive learning communities¹ and positions the policy Included, Engaged, Involved in Edinburgh at the heart of all Inclusive Practice in the city. It provides the links to supporting procedures, legislation and guidance. It recognises that inclusive practice has implications for all aspects of learning communities and requires a strong collaborative approach from all services working with children and families. The strategic aims that form the basis of the framework are detailed in appendix 1. The Edinburgh Learns Inclusion board will maintain an oversight of tasks incorporated elsewhere and focus action on tasks specific to this framework.

¹ Learning community describes all schools and early years' establishments managed by City of Edinburgh Council, partner providers and school placements commissioned by the authority.

This framework outlines our local approach to key national priorities and guidance in relation to inclusion for all learners;

- [Included, Engaged, Involved 2 \(2017\)](#)
- [The Additional Support Needs Act](#)
- [Equality Act \(2010\)](#)
- [Developing a positive whole-school ethos and culture – relationships, learning and behaviour \(2018\)](#)
- [Health and Social Care Standards; My support my life \(2017\)](#)
- [Guidance on the Presumption to Provide Education in a Mainstream Setting \(2019\)](#)

Scottish Government policy and guidance promotes a presumption to provide education in a mainstream setting and the development of inclusive learning communities where every child is:



Present

The best Inclusive Practice can only happen when children attend school. This requires partnership working and the rigorous application of [policies and procedures](#) to maximise attendance.

Maximising time in school including [reducing exclusion](#) is a priority locally and nationally. Absence and exclusion prevents children from being; present, participating, achieving and supported. National statistics on exclusions from schools indicate that children and young people are more likely to be excluded where they:

- are assessed or declared as having a disability;
- are looked after;
- are from the most deprived areas;
- have an additional support need (ASN); and
- have an additional support need that has been identified as social, emotional and behavioural

Included, Engaged, Involved 2 (2017) emphasises;

'the need for learning establishments to place a greater importance on inclusion through effective learning and teaching; promoting positive relationships and behaviour; and employment of preventative approaches which reduce the need to consider exclusion.'

Participating

To ensure all learners are actively participating, an appropriate ethos must be in place. [The Behaviour in Scottish Schools Research \(2016\)](#) linked staff perception of positive school ethos directly to behaviour.

Climate and ethos are key determinants in developing inclusive learning communities. All learning communities should engage directly with families, learners and staff to foster a positive and inclusive environment based on positive relationships, partnership and the development of consistent messages and values. National and local best practice in relation to relationships, learning and behaviour and managing and reducing risk are outlined in our [local procedures](#). Education Scotland's National Improvement Hub provides guidance and resources on meaningful [pupil participation](#).

Achieving

All learners should have access to a varied curriculum tailored to meet their needs and which supports them to achieve their full potential. Learners should be supported to overcome barriers to learning (short or long term). For some this may include an individualised education programme, adjustments or adaptations and careful differentiation of their opportunities and experiences within the curriculum.

Supported

All learners should be given the right help, at the right time, from the right people, to support their wellbeing in the right place and allow them to reach their full potential. Assessing and meeting individual additional support needs is carried out through our local implementation of the national framework 'Getting it Right for Every Child'.

Edinburgh's Children's Partnership, [Children's services plan](#) describes a whole service approach to prioritising and supporting the delivery of integrated outcomes. Many of the priorities described relate directly to inclusion and the plan emphasises the partnership's commitment and shared responsibility to work collaboratively to achieve improved outcomes for all our children and families. Central to this there is a strong local approach to Getting it Right for Every Child which must continue to be implemented by all.

A significant number of our learners have additional support needs. These can either be short or long term. [The CIRCLE Inclusive Practice \(primary and secondary\) and Up, Up and Away \(early years\) resources](#) outline our local strategies to meet individual needs as well as key features of inclusive learning communities.

Our online '[Inclusion Hub](#)' is also a source of information and resources for all staff. Alongside this we have a clear staged approach to support and intervention, from adjustments to the classroom or early years environment to specialist provision. This is referred to as our pathways to support.

Journey to Inclusion

Collaborative self-evaluation has an enormous potential for fostering system-wide improvement, *'Put simply, the evidence is that by helping others you help yourself.'*ⁱ Networking and collaboration are identified as key strategies for strengthening the overall improvement capacity of the system. More specifically, frameworks and activities for moving knowledge around, sharing expertise and collectively developing effective practice.

Through this process, collecting evaluation data on the most vulnerable learners was found to lead to a re-focusing of attention around contextual factors acting as barriers to participation and learning. Locally our CIRCLE and Up, Up and Away resources support staff to proactively consider contextual factors that may be acting as barriers for learners.

Research projects highlighted the importance of the attitude of staff and learners in enabling everyone to experience a fair, welcoming and inclusive learning community.

Belonging and Positive Relationships

Research has shown that pupil identification with school predicts better academic, psychological and behavioural outcomes.^{ii iii}

Restorative practices is a culture and approach that encourages positive and supportive relationships. Research in Scottish schools has shown that restorative practices can have a positive impact on reducing exclusions and conflict. This research suggested that when restorative practices are part of whole school culture, rather than limited to intervention for conflict, the approach leads to long term gains for the whole school.^{iv}

Pupil Support Assistants (PSAs)

Research^v tells us that PSAs are at their most effective when they have had time to plan and prepare with teachers. This supports findings from local research in Edinburgh schools (2014). In circumstances where PSAs work well alongside teachers in providing excellent supplementary learning support, research has noted good emerging evidence that PSAs can provide noticeable improvements to pupil attainment.

Research by the Education Endowment Foundation led to the development of key [recommendations and resources](#) to support schools to make effective and best use of their PSAs. The English research suggested that it was the decisions made by school leaders about how to best use PSAs that best explained the impact of the support in the classroom on pupil progress.^{vi}

Vision and Values

A learning community where each child is valued as an individual and which supports their sense of belonging and efficacy is a central component of inclusion.

Learning communities should articulate what demonstrating inclusive values means within their individual context. It could be helpful to directly link this to Edinburgh's core practices, the 4 Rs. Finding the right language to make this meaningful to parents, learners and staff could form part of a process of community engagement and participation.

Supporting the whole learning community to understand and contribute to the vision and values for Inclusion is something that takes time and proactive engagement.

Core Principles for Practice

Edinburgh's core principles are summarised as the '4 Rs':

- Relationships
- Rights Respecting
- Resilience building
- Restorative

The 4 Rs reflect existing strengths we need to continue to build on to realise our vision for Edinburgh's children and is an integral part of our one service ethos and approach.

In order to improve the wellbeing of all children the 4 Rs must inform and be visible in all our practice. They should also be reflected throughout policy, planning, procedure and professional development at all levels and across all staff and partners.

Training and Development

The Health and Wellbeing framework of Edinburgh Learns identifies key training and resources that support the development of inclusive learning communities. These support the development of individual practitioner skills and whole school approaches to Inclusion.

Sharing and Developing Effective Practice

There are examples of effective inclusive practice in all of our schools. Although we recognise that one size does not fit all we know that we can learn from each other. Sharing effective practice within and between schools will help us to develop and build on our strengths and gain a better understanding of what works locally.



To support inclusion, the Chief Education Officer²:

- Provides an annual statement of Inclusion in Learning to the Children and Families Committee as part of the Communities and Families Standards and Quality Report.
- Provides clear local authority stretch aims for education linked to the Children's Partnership Plan, to work towards inclusion for all children (being present, participating, achieving and supported).
- Provides support and challenge to senior leaders to retain the focus on inclusion.
- Maintains oversight of resourcing direct to schools and through partner supports in relation to maximising and making best use of resources for inclusion.

To support inclusion, school leaders

- Develop an ethos of inclusion, a culture of mutual respect and shared values. Firmly embed policies, procedures and practice that ensure these principles are upheld.
- Demonstrate commitment to developing the 4 Rs in their learning community through on-going professional learning and development, and appropriate levels of support and challenge.
- Provide relevant support and training for staff, particularly in relation to procedures to address factors that can undermine positive relationships.
- Ensure policies and procedures are developed and implemented in keeping with the ethos, values and principles as outlined in the Included, Engaged and Involved in Edinburgh policy and accompanying key procedures.
- Plan and manage resources proactively and efficiently to support effective inclusive practice.
- Seek out and contribute positively to partnerships which will lead to better outcomes for children and young people and in particular for those at greatest risk due to social circumstances or additional needs.
- Ensure whole establishment/service approaches to self-evaluation and a commitment to continuous improvement over time.

To support inclusion, all communities' and families' staff

- Demonstrate a commitment to the four key features of inclusion ensuring all children are: present, participating, achieving and supported.
- Act as role models for positive behaviour, respectful relationships, restorative approaches and positive communication.
- Demonstrate a commitment to developing core practice in relation to the 4 Rs.

² Chief Education Officer also refers to officers of Communities and Families Education Service

- Model sensitivity, self-awareness and emotional regulation in their interactions with children and their families (and in situations where this has been challenging to seek peer support and the opportunity to debrief and reflect).
- Act in the belief we can be a positive adult influence that a child needs in their life.
- Contribute to a culture, ethos and values that are fundamental to promoting positive relationships and behaviour within their setting and particular role.
- Promote and contribute to a collegiate climate of high support and high challenge. Good working relationships within and across services are built on respect and strong communication.
- Demonstrate professional values and personal commitment to social justice, integrity, trust and respect and professional commitment as incorporated in professional standards.
- Have high expectations and commitment to Getting it Right for Every Child with all staff contributing to ensuring pupil wellbeing.
- Act in the role of corporate parents in 'looking out for and standing by' looked after children in relation to their rights and the support they need.
- Actively seek the views of the children, to listen to them with care, to encourage and value the views of the children and families they work with.
- Recognise behaviour as communication. When pupils struggle with aspects of their behaviour, staff working collaboratively with families to develop alternatives to meeting the underlying needs such as the strategies outlined in the Inclusive Learning and Collaborative Working (CIRCLE) resource.
- Implement approaches to positive relationships and inclusion as outlined in Edinburgh's Inclusive Learning and Collaborative Working (CIRCLE) resource, Pupil Support Guides and establishment policies and procedures.

Quality Assurance and Governance

To check that systems and processes deliver the necessary improvements, the following arrangements will be incorporated into the work of the Communities and Families Service:

- The Edinburgh Learns Inclusion board meets each quarter to monitor progress, make recommendations for future actions, and report to the Chief Education Officer
- This group, chaired by a Depute Principal Psychologist, comprises:
 - Headteacher / DHT from each sector (Early Years, Primary, Secondary, Special)
 - Quality Improvement Officer
 - DHT Additional Support for Learning Service
 - Community Learning and Development Manager
 - Service Manager: social work
 - Senior Manager: NHS
 - Edinburgh Together / Voluntary Sector
- The Inclusion board will also share information with the Edinburgh Children's Partnership Group and Education, Children and Families' Committee as appropriate.

School Self-Evaluation for Inclusion

To effectively ensure the development of an inclusive ethos and learning environment, Headteachers can incorporate the following key features into Standards and Quality and Improvement Planning:

- **Present (We belong):** tracking, monitoring and review of attendance and exclusion
- **Participating (We contribute):** tracking, monitoring and review of flexible / alternative timetables and positive destinations, views of children and families with a focus on belonging and participation in the wider life of the school
- **Achieving (We learn):** tracking, monitoring and review of attainment (including wider achievement) and progress in Individual Education Programmes, evaluation of targeted interventions including deployment and focus of PSAs
- **Supported (We are supported and we help others):** views of children and families evaluation of Child Plans, including evaluation of deployment and focus of PSAs

Collaboration: self-evaluation through: Inclusive Practice Reviews, Team Around the School, Supported Self Evaluations. Review of service level agreements with key partners.

It is important that this includes a focus on tracking and planning for target groups who are recognised as being more vulnerable to marginalisation (eg. LAC, 1st quintile, Additional Support Needs) as part of attainment report and SQIP. The Edinburgh Learns Equity strand outlines further specific guidance for equity profiling.

Appendices

Appendix 1: Inclusion within the Edinburgh Learns Frameworks

(adapted from Inclusive Practice reviews Edinburgh 2016-17)

Child Friendly City – supporting inclusion for all	Edinburgh Learns and Strategic Frameworks
Succinct citywide vision – Included, Engaged, Involved policy and Edinburgh Learns Inclusion strand	Inclusion Framework
Vision known by all –at all levels the vision for inclusion informs behaviour and professional dialogue.	Inclusion Framework
Consistency – consistency in approaches across settings and professions. A strong 'team Edinburgh' collaborative approach centred on the Included, Engaged, Involved policy.	Inclusion Framework
High quality career long professional learning revisited over time – core training is available for all council staff.	Health and Wellbeing and Equity Framework
Whole school and community approaches - the local authority 4Rs and GIRFEC informs and shapes all Edinburgh practice	Inclusion and Health and Wellbeing Framework
Matching supports to needs – 'doing with not to' there is flexibility in the strategies and supports available. Services listen and meet individual needs.	Inclusion Framework and Social Work SDS
Demonstrating and developing effective practice – we share strong local evidence based practice.	All Edinburgh Learns Frameworks
Valuing all 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.	Wellbeing Academy

Tracking authority data – authority data is collated and tracked to support local authority self-evaluation,	All Edinburgh Learns Frameworks, School Improvement Planning
Key policies and procedures are reviewed and kept up to date with respect to Inclusion (<i>Informed by Included, Engaged, Involved 2</i>).	Inclusion Framework
Accessing Timely Support and Advice – There is a sense of collaboration across schools, partners and forums such as CMRG. This allows timely proportionate responses and access to resources.	Inclusion Framework

Inclusion in Practice	Edinburgh Learns and Strategic Frameworks
Leadership – school leadership teams have a strong commitment to including and meeting the needs of all learners within their school and community.	Leadership Framework
Training and development –with a focus on strengthening individual understanding of inclusion and developing a high level of staff skill in implementing classroom based inclusive practice.	Health and Wellbeing Framework Learning and Teaching Framework
Whole school approaches - schools have clear whole school approaches to promote inclusion that are understood and implemented consistently by all.	Inclusion Framework Health and Wellbeing Framework
School vision and values – the shared vision and values of the school is evidenced through the experience of pupils, carers, staff and school partners. The vision is evidenced by and linked to positive outcomes for pupils.	Inclusion Framework and Parental Engagement Framework
Communication – there are strong communication systems across schools. These involve all staff and equip them to meet learners’ needs.	Equity Framework

<p>Tracking and monitoring - schools have effective tracking and monitoring systems in place that allow them to track and examine individuals and school trends.</p>	<p>Equity Framework</p>
<p>Curriculum – schools continue to develop flexible curricula based on effective learning pathways to positive and sustained post school destinations for all their learners. Particular consideration is given to how pathways for vulnerable learners are coherent and meaningful over time.</p>	<p>PathwaysFramework Learning and Teaching Framework</p>
<p>Key Adults – all staff understand that they have a role in supporting all pupils. There should be a commitment to developing resilience building relationships at all levels.</p>	<p>Inclusion Framework Health and Wellbeing Framework Equity Framework</p>
<p>Links with Feeder Primary Schools (cluster Working?) –. Schools work to develop a sense of cluster identity to improve continuity across ages and stages throughout a child's educational experience.</p>	<p>Inclusion Framework</p>
<p>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.</p>	<p>Inclusion Framework Parental Engagement Framework</p>
<p>Models of self-evaluation and HGIOS 4 – schools supported by key partners actively engage in self-evaluation on the theme of inclusion. This includes a commitment to improve attendance, attainment and positive outcomes and seek alternatives to exclusions.</p>	<p>Quality Improvement Framework ? Equity Framwork Inclusion Framework</p>

References

ⁱ Ainscow, M., Dyson, A., Goldrick, S. and West, M. (2012) Making schools effective for all: rethinking the task, *School Leadership and Management*, 1-17

ⁱⁱ Miller, K., Wakefield, J. and Sani, F. (2018) Identification with the school predicts better mental health amongst high school students over time, *Educational and Child Psychology*, Special Issue September 2018, P21-29

ⁱⁱⁱ Gaete, J., Rojas-Barahona, C.A., Olivares, E. and Araya, R. (2016), Brief report: Association between psychological sense of school membership and mental health among early adolescents, *Journal of Adolescence* 50, 1-5

^{iv} McCluskey., G. (2010) *The International Journal on School Dissatisfaction*, P19-25,

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https://educationendowmentfoundation.org.uk/public/files/Publications/Campaigns/TA_Guidance_Report_MakingBestUseOfTeachingAssisstants.pdf

vi

https://educationendowmentfoundation.org.uk/public/files/Publications/Campaigns/TA_Guidance_Report_MakingBestUseOfTeachingAssisstants.pdf

Procedure Title - Improving Outcomes for Learners at Risk of Exclusion

Management Information	
Lead Officer	Name: Maria Plant
	Designation: Senior Education Manager: Inclusion, Pupil & Parent Support
	Tel: 0131 469 6107
Lead Service Area	Communities and Families
Date Agreed	
Last Review Date	1 December 2018
Next Review Date	1 December 2021
Agreed by	Senior Management Team
Has Screening for Equality Impact been undertaken for this procedure?	Integrated Impact Assessment agreed not required April 2019
Has Implementation and Monitoring been considered for this procedure?	Yes
If appropriate, has Health and Safety section had oversight of this procedure?	N/A
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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Appendix 3 Understanding Reasonable Adjustments

Appendix 4 Record of the Exclusion Process

Appendix 5 Frequently asked Questions

Appendix 6 Removal from the Roll Report

Appendix 7 Letter to Head Teacher confirming agreement to remove from the roll

Appendix 8 Appeals Process

Appendix 9 Sample Appeal Report

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Authorised by: []

Original Issue: []

Lead Officer: []

Current Version: []

Review Date: []

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 their educational settings and preventing exclusion from all establishments
- The preventative and protective role families, schools and other educational settings play in the lives of all pupils
- The importance of positively and meaningfully engaging families and pupils in planning, building on strengths and finding solutions to challenges
- 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 sits underneath the overarching Communities and Families policy Included, Engaged, Involved in Edinburgh. All staff should familiarise themselves with this policy.

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

3. DEFINITIONS

Additional Support Need: Defined by the Education (Additional Support for Learning Act) 2009; considers factors which may prevent a pupil from benefitting from learning and can apply to any pupil throughout their learning career. The barriers to learning are not defined as being within the child. The barriers arise from such factors as the learning environment, health and disability, social and emotional factors and family circumstance.

Child /Children: Describes any person under the age of 18

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Procedure Title - Improving Outcomes for Learners at Risk of Exclusion

Corporate parent: Describes the role of all City of Edinburgh Council staff with regard to the provision of care and support for all looked after pupils.

Family: Describes those considered to be related to the child by birth, affinity, choice or close personal ties and who can be contributors to the wider care and wellbeing of the child.

Looked After Child / Pupil (LAC): Describes all children and young people who are looked after either at home (i.e. subject to a supervision requirement with no condition of residence through the Children's Hearing system) or where they are looked after away from home (i.e. subject to a supervision requirement with a condition of residence through the Children's Hearing system, or are provided with accommodation under section 25 (voluntary agreement) or is subject of a Parental Responsibility Order (section 86).

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.

Pupil/s: Describes all children and young people who are enrolled or seeking to enroll in City of Edinburgh Council schools

Schools: All local authority schools, mainstream and special schools, and all settings providing early learning and child care on behalf of City of Edinburgh Council

Staff: Describes all staff working directly with pupils.

4. ACTIONS

4.1 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.

Exclusion reduces these opportunities and for the pupil 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 the impact of exclusion on an individual pupil 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.

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Authorised by: []

Original Issue: []

Lead Officer: []

Current Version: []

Review Date: []

Procedure Title - Improving Outcomes for Learners at Risk of Exclusion

When considering the possible exclusion of any pupil, staff must ensure that reasonable arrangements are in place for the care and wellbeing of the pupil before they are excluded. If these 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 pupil 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 for any pupil this should be sought in the first instance from the school educational psychologist. If the school are unable to make contact with either they should follow the Pathways to Support Inclusion flowchart.

Appendix 1 provides a flowchart 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 if further advice regarding any concern or supports is required schools should follow the Pathways to Support Inclusion flowchart..

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 (or if unavailable their team leader) and undertake a consideration of risk 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 and clearly document a full consideration of risk in SEEMiS pastoral notes.

This should include;

- That there are appropriate arrangements for the care of the pupil before they are sent from the school premises
- Pupil vulnerability as a result of being at home or in the community
- Likely risk to care placement

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- Consideration of whether there are family or other circumstances that mean increased support is required if a pupil is excluded
- Parent / carer capacity to support and maintain education at home
- Exclusion is for as short a period a period as possible

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 pupils 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 Preventing and Managing Risk.

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 pupils with additional support needs, schools and authorities must take account of the on-going support which learners are receiving and where possible maintain continuity of support throughout any exclusion in relation to 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.

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 has a negative impact on the progress and wellbeing of the pupil and also 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 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 Health and Education Chamber Tribunal.

4.7 Multiple Exclusions

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Multiple exclusions suggest continued difficulties despite the implementation of strategies and supports. A number of excluded pupils receive multiple exclusions. Schools and partners should consider carefully the impact this has and 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.

The school and partners should consider:

- Reviewing assessments of need to look at any gaps in support or changing needs
- Identifying a key adult to listen to and consider the views of the child
- Alternative strategies and supports to avoid exclusion
- Reviewing the Child's Plan at a Child Planning Meeting
- Whether a risk management plan is required

4.8 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;”

The Headteacher should wherever possible take into consideration the views of the team around the pupil regarding individual circumstances prior to their decision to exclude. This should include discussions with the pupil (once calm) and their parent, so that their views can be taken into account. 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 is possible but sufficient to allow all reasonable efforts to be made to try to resolve the situation and plan for appropriate support or provision and a 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 school days and particularly to avoid an exclusion extending over the period of a school holiday.

Advice on decision must be sought from the team around the child where exclusion longer than 5 school days occurs. If the exclusion continues for a further 5 school days, the Head Teacher must seek further advice from the team around the child and if appropriate follow the Pathways to Support Inclusion flowchart to seek advice from more senior managers.

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Exclusions for the following reasons schools must refer to the risk management and reduction procedure:

- 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 (because of actual or perceived disability, race, religion, sexual orientation or gender identity) 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.

4.9 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. To enable the pupil to share their views in a meaningful way adults may need to make adjustments or implement identified strategies as outlined in the Child's Plan.

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 an environment that they feel comfortable in and ideally allows some privacy.

4.10 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 pupil as well as to the parent.

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.

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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.

4.11 Sending home without excluding

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

“All exclusions from school must be formally recorded. Children and young people must not be sent home on an ‘informal exclusion’ or sent home to ‘cool-off’” (Included, Engaged, Involved 2, Scottish Government 2017)

As a strategy to avoid an exclusion the school may identify a safe space for the child to calm down and take time out. Ordinarily this is a planned strategy that is outlined in the Child’s Plan. Any separation of a child must be in a place that is safe and that does not cause any additional distress to the child.

In exceptional circumstance the Child’s Plan might implement a short term flexible timetable to avoid exclusions. This might involve planned time out of school as a strategy to reduce likely triggers and sources of distress. This should be purposeful and with the agreement of the parents and partners in the plan. The aim should always be to work towards the child’s full educational entitlement. When implementing a flexible timetable schools should refer to the Flexible and Alternative timetable procedure.

If you have concerns about the pupil’s safety and wellbeing or a pattern of repeated exclusion please discuss this with the school Educational Psychologist or Additional Support for Learning Service leader, schools should also follow their procedures for child protection and wellbeing concerns.

4.12 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 checklists to support best practice in relation to considerations and actions as referenced throughout this procedure.

4.13 Alternative educational provision during exclusion and timescales

It will not be sufficient to simply provide excluded pupils with homework / classwork if they do not also receive sufficient guidance to enable them to understand the material. Whilst excluded, staff should aim to provide pupils with relevant classwork with clear guidance for completion, marking and return. This should closely relate to the work they will miss in their class and aid the re-admittance process.

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If an exclusion extends beyond 3 school days the pupil should also 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. For exclusions extending beyond 3 days the school and partners should look to implement a more comprehensive package of support.

The aim of this is to support both the pupil's progression in learning and their on-going relationships with adults in the school.

4.14 Re-engagement

As part of the return to school, it is highly desirable to have a solution focused child's planning meeting including the parent, pupil and school in order to look at strengths to build on, areas of concern and review assessments of need and input necessary to help the pupil remain in school. A key element of this planning 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 along with the family and school 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 to participate, 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 and careful consideration should be given to how they are supported through the process and how information should subsequently be shared with parents.

Although it is not a legal pre-requisite to a return to school a collaborative meeting with both the parent and pupil is best practice and likely to support improved outcomes. It provides an opportunity for everyone to reflect and work together to discuss concerns with a focus on the review of supports so that the risk of future exclusion can be minimised. However, difficulties arranging a meeting should not become a barrier to agreeing a plan for a return to school. It is acknowledged that if the reason for the exclusion has been directly related to the parent's unwillingness to work in partnership with the school then the lack of a collaborative planning meeting could cause particular difficulties in the schools ability to re-admit.

Appendix 2 (checklist 3) details actions to consider when planning a return to school following exclusion.

4.15 Phased return

In some cases it may be appropriate for the pupil to have a flexible 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 flexible timetable related to an exclusion should be recorded on SEEMIS (Code PTX, Short Code Y).

Where a pupil is following a flexible 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

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The school must ensure the start and end date for all flexible timetables are appropriately recorded on SEEMIS. Please consult the Flexible Time Table procedure for further advice.

4.16 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;

- There is clear evidence of a Child Planning process evidencing that reasonable adjustments have been made over time to support the child in their current school setting
- Despite this 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 City of Edinburgh council provision
- The family are not willing to work with the local authority to consider identified alternatives and are not successfully supporting the process of risk management therefore causing unreasonable risk to the wider school community

In these situations the school should discuss the Risk Management Plan and the current Child's Plan with the team around the child. Removal from the school roll is a very serious and exceptional decision that is made by the Director of Communities and Families on the basis of this evidence (Appendix 7). In the first instance this should be discussed with the inclusion lead officer as detailed in the Pathways to Support Inclusion flowchart.

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).

4.17 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. An example template for recording this information can be found in appendix 4.

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 self-evaluation, planning and development of best practice. It should also be discussed with key partners such as Educational Psychology, Additional Support for Learning Service and Quality Improvement Service in the consideration of appropriate supports and resources.

The Edinburgh Learns Inclusion board will monitor and review the effectiveness of implementation of this guidance through the collection of summary information on the number of exclusions, number of learners affected by exclusion 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

Psychological Services has responsibility for the maintenance of this procedure.

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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 and the implementation of Scottish Government

Guidance:-

- Included, Engaged, Involved 2 (2017) <https://www.gov.scot/publications/included-engaged-involved-part-2-positive-approach-preventing-managing-school/>
- Included, Engaged, Involved in Edinburgh Policy 2018 <https://cityofedinburgheducation.sharepoint.com/sites/365CentralResources/inclusionhub/inclusionpolicy/Shared%20Documents/Final%20Included,%20Engaged,%20Involved%20Policy%2027%20Oct%2018.pdf>
- Guidance on the Presumption to Provide Education in a Mainstream Setting (2019) <https://www.gov.scot/publications/guidance-presumption-provide-education-mainstream-setting/>

7. ASSOCIATED DOCUMENTS

Appendix 1 Flowchart on exclusion process

Appendix 2 Included, Engaged, Involved checklists (preventing and managing exclusion)

Appendix 3 Understanding Reasonable Adjustments

Appendix 4 Record of the Exclusion Process

Appendix 5 Frequently asked Questions

Appendix 6 Removal from the Roll Report

Appendix 7 Letter to Head Teacher confirming agreement to remove from the roll

Appendix 8 Appeals Process

Appendix 9 Sample Appeal Report

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8. RECORD KEEPING

When a procedure has been followed there are often outputs such as decisions made or events occurred that need to be recorded. These outputs are considered Council records. Please list all Records, including completed forms, generated by this procedure. For each record, list its title, location, responsible officer and minimum retention period.

Record Title	Location	Responsible Officer	Minimum Retention Period

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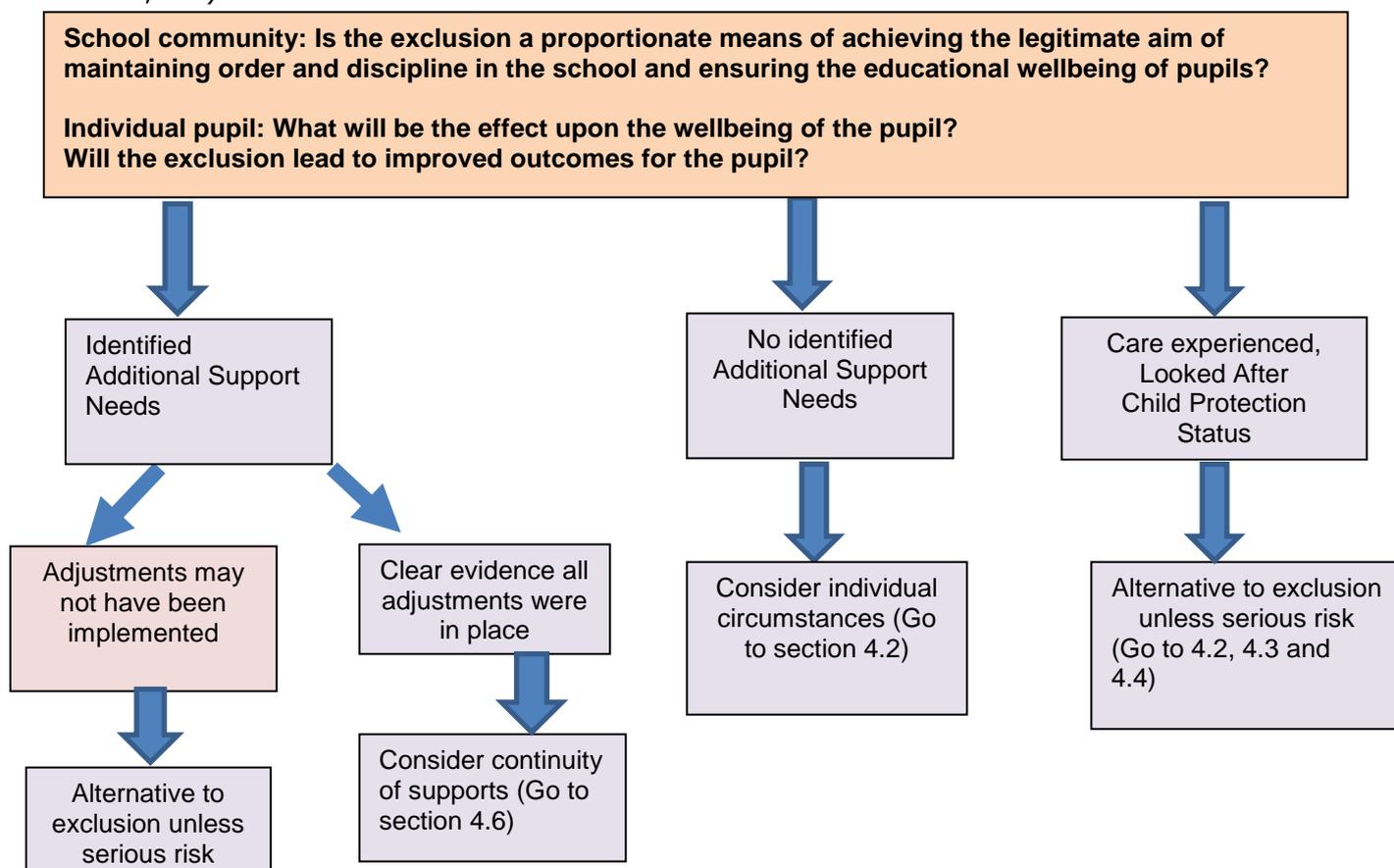
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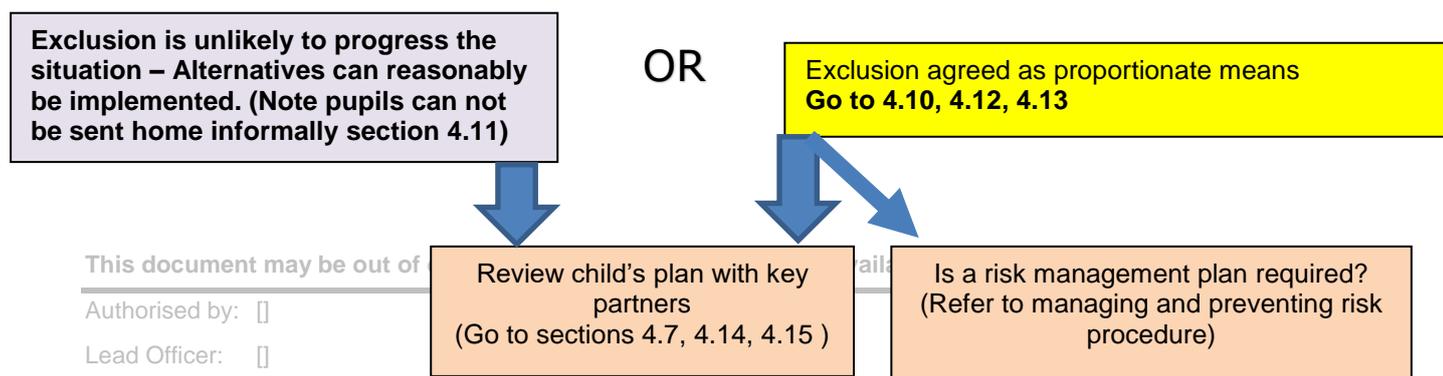
Appendix 1 – Decision Making Regarding Exclusion

This summary guide on consideration of exclusion is based on the premise that there has been appropriate Child Planning involving the parent and pupil and the school has put in place any reasonable adjustments. (Section 4.6 and appendix 3).

It is important that before making the decision re: exclusion the views of all those involved in the incident, including the child themselves, are considered. You should be confident that you have sufficient information to make an informed decision. (Sections 4.8, 4.9)



Decision Based on Considerations Above



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Appendix 2 - Checklists of Key considerations to be made prior to, during and after exclusion

(Adapted from Included, Involved, Engaged 2 2017)

The following checklists are intended as a useful tool to support planning prior to, during, and after exclusion. These checklists can be used as a prompt to ensure support is provided at the appropriate time to meet the wellbeing needs of pupils and ensure that every effort is made to avoid exclusion and to use it only as a last resort.

Checklist 1a - Preventing exclusion - children with emerging or identified additional support needs

Key consideration questions	Consideration given	Comment
Is there a clear and up to date assessment of needs?		
Is there a clear and up to date Child's Plan?		
Have all appropriate partners including the pupil and parents been involved in Child Planning?		
Are appropriate supports, interventions and reasonable adjustments in place?		
Have wider family supports been explored?		
Have any adjustments been considered unreasonable? Where are the reasons for this recorded?		
Can the support pathways and school partnerships be utilised to further support?		
Where appropriate, has a risk management plan been completed?		
Has there been any changes in the pupil's presentation? If so how has this been followed up?		
Is there a need to review any documentation? (Wellbeing concerns, Risk Management, Child's Plan)		
Are there concerns that should be raised with Social Care Direct?		

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Checklist 1b (to be used alongside checklist 1c) – Considerations prior to exclusion for all pupils

Key consideration questions	Consideration given	Comment
Has the incident been reviewed sufficiently to explore fully what happened?		
Have the views of all involved been recorded and fully considered? (including the pupil)		
As far as is possible have key staff / partners been consulted?		
Has the impact of exclusion on the pupil been considered in light of individual circumstances? (checklist 1c)		
Does the exclusion comply with the regulation 4 of the 1975 regulations as amended? (section 4.8 CEC procedure)		
What are the expected outcomes of an exclusion? Is there an alternative?		
Has the pupil been excluded before? What was impact of this?		
Has the person making the decision discussed the process with a critical friend?		
Has there been consideration given to length of exclusion to ensure it is proportionate?		

Checklist 1c (to be used alongside checklist 1b) - Individual circumstances

Individual circumstance	Additional consideration	Consideration given	Comments
Looked After Child (LAC)	Social worker consulted to assess risk prior to decision		
	Appropriate arrangements made with regard to support/care and wellbeing at home		
	Decision made as to whether exclusion to go ahead based on		

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	full exploration of alternatives		
	Social Worker and Educational Psychologist consulted on plan		
Child Protection Register/ previous child protection concerns	Child Protection Designated Officer and Social Worker consulted		
	SEEMiS checked for child protection message		
	Communities and Families senior managers consulted about appropriate provision		
	Collaborative decision made as to whether exclusion to go ahead following full exploration of alternatives		
Child with additional support needs	Partners involved with pupil consulted on continuation of any additional input		
	Reasonable adjustments clearly evidenced		
	Are protected characteristics a factor?		
	Impact of exclusion on pupil's learning and support provision		
	Transition planning is taken into account to support positive return to school		
Children from an area of socioeconomic deprivation	Extra consideration should be given to the impact on pupil; <ul style="list-style-type: none"> • wellbeing • free school meals • attainment 		

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

Action to be taken	Action taken	Comment
Pupil is informed they are to be excluded		
Immediately inform parents/carers verbally		
Communication with all those with parental rights and responsibilities, including the reason exclusion was necessary (eg. foster carers, kinship carer, Social Worker)		
LAC or Child Protection Register/child protection concerns - decision communicated to all partners (Checklist 1c)		
Pupil not to leave school until appropriate arrangements are in place		
If parent cannot be contacted pupil must be supervised at school until suitable arrangements can be made		
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 available to meet to discuss the exclusion and supports (within 7 days of exclusion)		
For pupil of legal capacity inform them in writing of exclusion and right of appeal		
Record of exclusion completed		
Ensure exclusion is recorded accurately on SEEMiS		
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		

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Arrangements for the pupil to access any existing support (outwith school if necessary)		
A contact person should be allocated for family to liaise with		
Parent should be informed of their responsibility to support 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 their child		
If exclusion extends beyond 5 days or is multiple review child's plan with partners.		
If family exercise their right of appeal, meet with parent and pupil and/or an advocate for the pupil to discuss		
Referral to Scottish Children's Reporter if appropriate		

Checklist 3 - Return to school after exclusion

Action to be taken	Action taken	Comment
Solution focussed meeting with parent and pupil (Best practice not pre-requisite, CEC procedure 4.14)		
Plan in place to ensure appropriate ongoing support		
Collaboration with key partners eg. EP, ASL, SW		
Risk management plan is completed and implemented (where appropriate)		
Needs of staff and other pupils taken into account e.g. restorative meetings held / safety plans as appropriate		
Supports implemented to promote successful return to school		
If implemented, time limited phased return recorded on SEEMiS as flexible timetable.		
Child planning processes adapted, reviewed and monitored in light of exclusion		

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Appendix 3 - Understanding Reasonable Adjustments

Reasonable Adjustments Key Principles

The planning and making of reasonable adjustments for disabled pupils should be part of everyday good practice in schools. It should be an integral part of early intervention within Getting it Right. Getting the right supports in place for pupils is a key factor in avoiding exclusion.

The duty is 'to take such steps as it is reasonable to have to take to avoid the substantial disadvantage' to a disabled person caused by a provision, criterion or practice applied by or on behalf of a school, or by the absence of an auxiliary aid or service.

Reasonable adjustments applies, in effect, to all aspects of school life including extra curricular activities. It does not apply to physical features, however schools have a duty to plan to improve access for disabled pupils generally, including in relation to the physical environment of the school.

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.

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

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 the Education Authority and from business partners and from charities and 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

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

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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 the Education Authority must be mindful of the risk of “indirect” discrimination.

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 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 older pupils with the capacity to do so, have a right to appeal to the Additional Support Needs Tribunal if they believe that they have been discriminated against.

Case Examples of Reasonable Adjustments

Based on examples contained in guidance from the Equality and Human Rights Commission.
<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-schools-scotland>

Case 1

A pupil with autism spectrum disorder is excluded for flapping his arms at a supply teacher. The supply teacher was alarmed by what she perceived as threatening behaviour. The pupil always sat in the same seat in the classroom and this was recognised as a reasonable adjustment for his autism by his class teacher.

Since the pupil’s reaction of flapping his arms was connected to his disability, the exclusion would be discrimination arising from disability. Because the school had not advised the supply teacher of the reasonable adjustment, the school would be unlikely to be able to justify the discrimination and therefore it would be unlawful.

Case 2

A pupil with learning difficulties is repeatedly getting up from his seat during lessons and disrupting other pupils. It is the school’s policy that repeated disruptive behaviour is punished by exclusion. The school is under a duty to make reasonable adjustments to its policy, which might mean disregarding some of the disruptive behaviour and working with the pupil to find a way in which to help him remain in his seat during lessons

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Appendix 4 – Example template

Record of Events Leading to Potential Pupil Exclusion

Date of incident:

School:

Individuals directly involved in incident (include staff and pupils): Click or tap here to enter text.

Account of Incident (please expand the table as necessary and record each individual's account of the event and any factors that they feel were significant and should be taken into consideration)

Name and role of individual	Account of Incident

Please record any accounts of the incident observed by others

Click or tap here to enter text.

If known please record the views of parents or carers of children directly involved

Click or tap here to enter text.

Please expand the table below to include any details of any other key staff or partners consulted with;

Name and role of individual	Summary of consultation

School lead's view of the situation and recommended action of the school (please review exclusion flow chart and consider key questions prior to final decision).

Click or tap here to enter text.

School Lead:

Date of completion:

This incident record should be kept in the Pupil Progress Records of the pupils directly involved.
In the event of a subject access request any details relating to other pupils must be redacted.

Appendix 5



Exclusion: Frequently Asked Questions

Why has my child been excluded?

Pupils are excluded when their behaviour makes it necessary to remove them from school for a period of time. When pupils are struggling with their behaviour it can have a negative impact on them and others:

- it can become very difficult for us to teach them in a class with other pupils.
- it can become difficult for other pupils in the class to learn and work.
- behaviours can begin to cause risk to themselves, other pupils or members of staff.

When pupils are struggling with their behaviour it suggests something isn't going as well as it could and we need to plan together to put the right supports in place.

In very exceptional cases schools can exclude a pupil because their parent/s have not been willing to plan solutions with the school, however we will always aim to communicate with you and involve you in planning early on so that we can work positively together.

What does exclusion mean?

Exclusion means that your child is not allowed to attend school for a set period of time. We only exclude pupils when the case is very serious. Exclusion is used to give us some time to plan together to put in place the right supports for your child and find solutions to difficulties.

Who decides to exclude a pupil?

The Head Teacher or his or her representative can exclude a pupil, after consulting with key professionals involved. For example they might speak to your child's teacher or pupil support leader or other people who are supporting like a social worker or educational psychologist.

How long will my child be excluded?

Your child should be excluded for as short a period as possible but sufficient to allow planning to take place with you to support a positive return to school. During this time a meeting will be arranged to discuss this decision with you. During their 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?

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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

- why your child has been excluded
- how long they are being excluded for
- the date of the meeting to discuss the exclusion and plan ahead

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 meeting about your child going back to school.

What is the meeting for?

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 meeting. We want to work together with you and your child to agree the best way forward and make sure we put in place the right supports. 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 and support needs 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 their representative will co-ordinate the meeting. They might invite school staff or other professionals involved with your child, for example, a social worker, educational psychologist or educational welfare worker to attend. This is because they might be able to support the plan to make sure there is a successful return to school.

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As it is very important to get your child back to school as soon as possible, we will go ahead with the meeting even if everyone cannot come to the meeting. This might mean there is another meeting which more people can attend once your child is back in school. This is called a Child Planning Meeting. The aim of Child Planning Meetings are to make sure that pupils have the right supports in place.

What will happen at the meeting?

We will explain to you why we excluded your child. This will cover the particular incident that led us to take this action and any patterns we are seeing in their day-to-day school life that indicate they need support.

We would like to hear your views and those of your child. We hope you can tell us any concerns you have and offer suggestions about the support they need.

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 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 meeting?

If you don't attend the meeting and as a result the school doesn't feel confident your child can return to school safely then they may not be allowed to return to school. This could unnecessarily prolong their exclusion. Please let us know if you can't attend the meeting or need support to attend.

What contact will my child have with the school while they are excluded?

The school will provide work for them 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. It is very important you do your best to support your child with their school work whilst they are excluded.

We will also take steps to ensure that wherever possible, support provided by other services and agencies can continue throughout a period of exclusion.

How will the school help my child once they go back to school?

Following your child's return to school the plan of support agreed with you at the meeting will be reviewed to make sure it is meeting your child's needs.

How can I help?

Your support of the school is vital. We welcome your help to plan support together, ensure good attendance, and to support your child's participation in all aspects of school. 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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Appendix 6 - Removal From Roll Report



Referral to the Director of Children and Families

Please include:

SEEMIS letter 4a/b	
SEEMIS letter 4m/n	
Appendix 7	
Assessment of Needs and 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 of parents and partners]:

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

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

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Appendix 7 - Letter to Head Teacher agreeing removal from the roll



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 Needs and 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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Appendix 8 - The Appeals Process

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 Senior Education Officer for their sector. If the Head Teacher would like advice on the completion of the report they should seek advice from the Senior Education Officer for their sector.
- 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

Attendees

- The Head Teacher who represents the Director at the Appeal may be accompanied by a member of the school staff
- 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

- 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

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- 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 and the Head Teacher 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 appellant 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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Appendix 9 - Fictional Sample Appeal Report (appendices not included)



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 25.05.06] has attended Anytown High School since August 2017. He had a history of exclusions in primary school.

2.2 Jason's punctuality, attitude and attendance have consistently raised wellbeing concerns since his transition in S1.

2.3 The situation deteriorated over the last 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 continued to cause concern. Regular contact has been made with Jason's mother as his sole carer regarding Jason's behaviour and wellbeing throughout his time at Anytown High School by letter, telephone and through Child Planning Meetings. (*Appendix 2*)

2.4 The normal support strategies of the school were applied to prevent exclusion but despite being placed on monitoring diaries, working in the support base,

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in-class support and 1:1 support from his 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 since starting in S1 (*Appendix 4*) and has been referred to the Children's Hearing for non-attendance at school. (*Appendix 5*)

- 2.5 A copy of the Relationships, Learning and Behaviour policy at Anytown High is attached as *Appendix 6*.

3. Main Report

Events Leading to Formal Exclusions

- 3.1 On 14 September 2019 Jason was participating in a drama lesson in the school hall. For no reason that was apparent to staff, 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 calmed or reasoned with. Investigation by the Headteacher could not establish any trigger for the assault that should be taken into consideration (*Appendix 7*).
- 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. Jason became upset and left the meeting and Mrs Smith followed. Since the meeting Jason and Mrs Smith have refused any further discussion with the school but have agreed to a referral being made to request alternative school provision. 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 13*)

4. Developments since exclusion

- 4.1 Outreach teaching was applied for, approved and contact was made with school by the Additional Support for Learning teacher on 8 October 2019. Teaching sessions commenced and are ongoing. School staff have provided work and guidance for Jason and a named person in school is monitoring this work.

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- 4.2 A referral was made to Greenshoots and Jason was given a place on the November course. Edinburgh Together have also been supporting the family.
- 4.3 Additional Support for Learning Service support continues to be provided.
- 4.4 A referral has been made to Case Management and Review Group.

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 was 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 - Child Planning Meeting Minutes
	Appendix 3 - Behaviour Diaries
	Appendix 4 - Exclusion Record & Letters
	Appendix 5 - Hearings
	Appendix 6 - Relationships, Learning and Behaviour Policy
	Appendix 7 - Headteachers record of events leading to exclusion
	Appendix 8 - PSG minute
	Appendix 9 - Assessment of Need
	Appendix 10 - Child Planning Meeting Minutes
	Appendix 11 - Psychological Services report for CMRG
	Appendix 12 - Letter detailing supports

The writer of the report should proof read all associated documents and ensure any information on other children or families is anonymised. The submission for the tribunal will be shared with parents so it is also important that the appeal report uses factual and restorative language.

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