Policy on Exclusions

Introduction

This policy update has been informed by the National Policy Guidance *Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions*, 2017.

As Jordanhill School is not a local authority, the legislation which governs exclusions for local authorities does not apply to Jordanhill School. However, the school does adopt best practice in managing exclusions and broadly works within the terms of the guidance and advice issued to local authorities by the Scottish Government suitably translated into our context.[1]

Although this policy applies to all of our school, in the context of exclusion, the school has additional professional responsibilities conferred by a child's status as being particularly vulnerable, care-experienced, has a disability, or if they have needs as defined by the Education (Additional Support for Learning) (Scotland) Act 2004.

1. Exclusion in Jordanhill School

1.7 The use of exclusion is regarded as a sanction of last resort.
It may, however, be appropriate to exclude a child in certain circumstances which include:

- A reasonable belief that the child/young person's continued presence in the school could be harmful to the safety or welfare of other members of the school community.
- Creating time to engage with the various statutory agencies who share a responsibility for supporting the child.
- The child/young person needs time to "cool off" and reflect on their own behaviour.
- To force engagement with the child/young person's parents or carers.

1.8 Before the decision to exclude is taken, viable alternatives to exclusion are always considered. These may include use of measures such as an in-school cooling off period, close supervision by a member of staff, restriction on movement at breaks, and restorative approaches. In reaching the decision there is a balance to be struck between balancing the needs of the excluded pupil with the welfare of any other children involved in the incident and the potential impact on the wider school community.

General Principles of listening, communication and recording

1.9 Exclusion is a distressing event for both young people and their parents/carers. The views of the young person as well as those of the parents or carers will be accurately represented, recorded and

[1] Under the terms of the Education (Scotland" Act 1980, it is the duty of a parent to secure the education of their child, if of school age, suited to their age ability and aptitude. Most parents fulfil that responsibility by causing their child to attend a school, such as a local authority school or Jordanhill School.

appropriately taken into account. A record of all conversations/meetings/telephone calls in relation to the incident/victims/excluded pupil and advice from lawyers/partner agencies will be made and retained. As the views of learners may diverge from their parents or carers, it is not sufficient to assume that the views of parents or carers automatically reflect the views of the learner.

1.10 Care is taken to ensure that a young person receives the same quality of information as does the parent and that all young people have copies of communications made available to them. This stipulation applies to any young person who has reached the age of legal capacity, which will generally be from 12 years upwards, unless there is evidence to the contrary.

1.11 If the reason for the exclusion involves an assault (physical, sexual or verbal) then consideration will be given to the information that is shared with the victims, taking account of third party confidentiality, and how they will be supported. For all exclusions, there will be consideration given to contacting the parents of any victims taking account of their views too. Thought should also be given to the needs of any victims at the time the excluded pupil is readmitted and how this is communicated to them.

Involvement of external agencies

1.14 It is normal practice for Jordanhill School to work with external agencies who have a duty to protect children and support families. This includes social services, Police Scotland, CAMHS, NHS colleagues, the Scottish Children's Reporter Administration (SCRA), and officers from the local authority where the child resides. In the case of care-experienced or otherwise vulnerable children, contact would be made with social services to discuss any incident concerning a pupil where an exclusion was being considered. Should social work not be available, a written record will be kept of attempts made to gain contact.

1.15 Where there is any question of criminality in the actions leading to exclusion being considered, then the advice of the Police would be sought. Before doing so the views of any alleged victims on Police involvement would be considered

Risk assessment

1.16 There will be occasions when the school feels that a risk assessment needs to be carried out to identify ways in which any current or future risk can be minimised that would allow the child to continue attendance at the school. The risk assessment should identify the priorities and needs of the child (including educational risk) balanced against the strategies required to ensure the safety of all children and staff. A risk assessment must also take account of the risks to the excluded pupil from being at home,

Formality

1.17 All exclusions are the subject of a formal decision making process under this policy. An "informal exclusion" does not exist in Scotland. All exclusions will be officially recorded, with appropriate entries made in the Pupil's Progress Record. Parents and young people have a right to appeal any exclusion.

2. Procedures

2.1 On the day the decision to exclude is taken the parent[2] will be informed orally. If the parent is not available, a phone message and/or email will be left for the parent. This will be followed by a written communication detailing the grounds for exclusion and a date, time and venue to meet with the appropriate member of staff to discuss the decision to exclude.

2.2 On the day of the exclusion, if the parent is not available, **the pupil will be kept in school, and supervised, until the end of the normal school day**. If the pupil is 16 years or over they can be sent home immediately.

2.3 The written confirmation of exclusion will include:

- the reasons for the decision to exclude
- any conditions associated with return to school
- the appeal procedure
- any other information that the school considers appropriate

Taking the decision on the length of exclusion

2.4 Any decision on the period of exclusion, will reflect:

- the level of offence – taking into account the context of the incident and the intent of the pupil.
- the current attitude of the pupil and whether they are remorseful or penitent, or defiant
- whether the pupil has an additional support need, is on the child protection register, has a disability, and/or is looked after.
- any other relevant factors such as recent behavioural history or mitigating factors which may apply.
- the home circumstances of the child including any recent events likely to have increased stress.

2.5 All exclusions will be as brief as possible and generally, all periods of exclusion will be of no more than 10 school days.

2.6 The decision on the type and duration of any exclusion is one for the delegated staff as identified in Table 1, who will consult colleagues as appropriate. While others directly or indirectly involved in an excludable incident, such as the parents of another child who has been assaulted, may express a view on the desired level of sanction, it is the responsibility of the delegated member of staff to make a decision in the round and taking account of the full set of circumstances, including Scottish Government guidance and best practice. The decision on the length of the exclusion requires to be consistent with the seniority of the member of staff taking the decision to exclude, according to the levels of delegation set out in table 1 below.

[2] **Pupils age 16 and over**
If the pupil is age 16 years or over, then all correspondence will be directed to him/her personally and discussion about the exclusion held with them. Copies of the correspondence will be copied to parents with the agreement of the young person or where this is deemed to be appropriate.

Table 1: Delegated Levels of Authority for Exclusion

Individual exclusion duration	Cumulative Duration in academic year	Decision taken by	Exclusion administered by
3 days or less	3 days or less	Depute headteacher	Depute headteacher
4-10 days	4 days – 10 days	Depute rector/head of primary	Depute headteacher
10+ days	10+ days	Rector	Depute rector
Any period following failure to sign the readmission documentation		Rector	Rector
Permanent exclusion	-	Rector	Rector

2.7 Given that a permanent exclusion is a rare event in Scotland, the presumption is that the exclusion will be temporary. However, there may be occasions when a permanent exclusion is justifiable in terms of the severity, or scale, of the incident; the impact on the school community; the disciplinary history of the young person concerned; or, the context in which the excludable incident occurred. In reaching such a decision the absolute criterion that will be applied is that

the continued presence of the young person in the school has become unsustainable either in terms of the needs of the school community as a whole or the needs of the young person themselves.

2.8 If the decision is to permanently exclude, Jordanhill School will work with the local authority within which the young person resides to inform them of the permanent exclusion and take part in appropriate support meetings/share information, to help the pupil transition to their new school.

Supporting the pupil

2.9 Support will be offered to temporarily excluded pupils on the following basis

- a point of contact available for discussion throughout the period of exclusion (usually the year head, head of house or Primary headteacher).
- home learning resources (via O365)
- at least 2 live tutorials offered for exclusions greater than 5 days

2.10 As part of an initial support package on return to school it may be appropriate, particularly where a crisis has developed, for a learner to return to school on a part-time basis. Such arrangements should be short term and kept to an absolute minimum. They should also be planned, transparent and mutually agreed between the school, parents and the young person. Records will be kept, including records of attendance which accurately reflect the times that learners spend at home with parental or carer permission.

2.11 Should an Incident take place at a time when a child or young person is expected to sit Scottish Qualification Authority or other examinations the school will make arrangements to allow the young person the opportunity to sit those exams.

3. Returning to school after an exclusion

Assurance of Co-operation

3.1 A post exclusion interview should, in normal circumstances, take place before the child/young person is readmitted. If the parent(s)/carer(s), (or in the case of a young person of 16 and over, the young person) agree to meet the nominated senior member of staff and also agree to sign the standard written assurance, the young person should be re-admitted to school and the matter recorded.

3.2 The standard written assurance should be signed by the parent/carer or young person if 16 or over and by the school representative. It is vital, at this stage, to underline the importance of the partnership and co-operation being undertaken by the home or the child or young person and the school to lay the foundations for the young person's improved behaviour.

3.3 It is good practice to ensure that the child or young person (under 16) also agrees to abide by any assurance given. If in the course of the exclusion interview there is mutual agreement to modify the conditions specified in the initial exclusion letter, amendments should be noted on the Assurance of Co-operation Form. Where no amendments are made the Assurance of Co-operation Form should still be signed by both parties.

3.4 One copy of the assurance should be entered in the child's or young person's file and one copy should be given to the parent or carer and young person.

Failure to complete the Assurance of Co-operation

3.5 If the parent(s)/carer(s) or young person fail to agree to meet the lead officer or the appropriate senior member of staff,
or
If the parent(s)/carer(s) (or in the case of a young person of 16 and over, the young person themselves) refuse to sign the written assurance then the matter should be reported to the Rector (or their delegate).

3.6 The Rector (or their delegate) will then request that the parent(s) or carer(s), or young person (16 years of age or over) sign the standard written assurance. The standard written assurance should be signed by the parent(s) or carer(s), or young person and by the school's representative. One copy of the assurance should be entered in the child's or young person's file and one copy should be given to the parent(s) or carer(s) and to the young person. If this assurance is signed the child or young person will return to school immediately thereafter.

3.7 On no account should a child or young person who is excluded from school be re-admitted without his/her parent(s) or carer(s) or in the case of a young person of 16 and over first signing the standard written assurance. This will be regarded by the school as evidence of the parent(s) or carer(s) commitment to working in partnership with the school and to help ensure the child's or young person's own commitment.

3.8 If the parent(s) or carer(s), or young person (16 years of age or over) fail to sign this written assurance, it is likely that the school may take further steps to address areas of concern. This may

involve seeking a multi-agency meeting to consider an appropriate response, and/or referral to the appropriate agency (Social Services, the Police, the Scottish Children's Reporter Administration (SCRA) and other agencies). In extremis, the school may administer a new exclusion for failure to comply with school rules.

3.9 A request can also be submitted to the Rector to consider meeting all relevant parties should an assurance of cooperation not be signed.

3.10 An appeal against exclusion does not constitute grounds for refusing to sign an Assurance of Cooperation Form. In the event that an appeal is successful, the form will be withdrawn from the pupil's record or amended as appropriate.

3.11 All signed assurances must be retained in the child's or young person's file. The school will, however, consider any additional support needs that the child or young person has that may impact on the capacity of the child or young person to sign the written assurance.

3.12 Until an exclusion has been concluded in terms of the above procedures, the child or young person should not enter school premises or playground areas. It is within the school's discretion to contact Police Scotland if the child or young person will not leave voluntarily when asked to do so.

3.13 If appropriate, the school will open or review a Wellbeing Assessment and Plan to reflect any change in circumstances and ensure that the support measures put in place are appropriately reviewed and monitored. A risk assessment will be carried out if appropriate.

4. Risk Assessment

4.1 The Health and Safety Executive provides a general definition of what a risk assessment is:

> *"A risk assessment is simply a careful examination of what, in your work, could cause harm to people, so that you can weigh up whether you have taken enough precautions or should do more to prevent harm."*

4.2 Risk assessment can be applied to individual learners or adults and is a complex process. Some children and young people may be considered to present a risk as a result of the violent behaviours they may demonstrate. In all such circumstances a formal risk assessment should be undertaken. In other circumstances Pupil Plans should reflect actions and strategies to be undertaken.

4.3 A risk assessment identifies the hazards, e.g. features of a child's or young person's violent or aggressive behaviour such as kicking or biting, the people who might be harmed, and sets out actions to be taken to prevent such harm. It is important that such risks are contextualised within pupil planning and are properly assessed.

It is not always appropriate to exclude a child or young person for violent or abusive behaviour therefore it is essential that a proportionate response of the extent of the risk is properly assessed and appropriate measures, precautions, procedures and strategies are identified and recorded.

4.4 **Risk assessment in an educational context**

The risk assessment will identify

1. behaviours of concern
2. who might be at risk and how
3. conditions that increase the probability of the behaviour occurring
4. general preventative strategies to prevent an outburst occurring (e.g. changing the learning environment)
5. early behavioural indicators that the pupil may be losing self-control
6. specific preventative strategies. This involves identifying initial signs of agitation and ways of defusing them
7. procedures to be followed during an incident
8. procedures to be followed after an incident
9. how any risk assessments are to be incorporated into Pupil Plans (PRF) and reviewed
10. who has agreed with the plan
11. a specific review date.

4.5 In such instances a standard Risk Assessment template will be completed by a member of the school management team and fully discussed with relevant staff. The Risk Assessment will be regularly reviewed and "closed" when no longer appropriate.

4.6 Good practice/Risk Assessment is an integral part of planning to meet learners' needs and will consider the learner's educational history and the strategies that have worked (or not) to reduce risky behaviour.

5. Role of the Rector

5.1 The rector must be informed of all decisions to exclude.

5.2 Only the rector can impose a decision to permanently exclude.

5.3 As in all professional issues, the promoted staff taking the decision to exclude may consult the rector to seek advice and guidance. However, the eventual decision on whether to exclude, or not, will remain with the member of staff having the delegated level of authority outlined in Table 1.

5.4 Thereafter, the decision to exclude having been taken and applied by the member of staff concerned, the rector will have no further involvement in the exclusion or its administration. However, the rector will be available to explain to parents should they choose to contact him/her, any procedural issues, including the consequences of a failure to sign the readmission documentation. Such explanation will clarify that any remaining dissatisfaction with the way this policy has been applied may only be resolved through the appeals procedure.

6. Appeals

6.1 Procedures to appeal against a decision to exclude can be made to the Appeals Committee of the Board of Managers. Guidance notes are available on request from the school bursar to help parents prepare for an appeal should they wish assistance.

6.2 The Appeals Committee will normally consist of one parent member of the Board of Managers in the chair, one independent (co-opted) member of the Board and/or professional advisor, an external person, and a note-taker. Where no suitable external person can be found within a reasonable timescale, then a second parent member of the Board will substitute.

6.3 Any person involved in the original discussions about the exclusion may not be a member of the Appeals Committee. E.g. teachers, young people, parents of any pupil connected to the incident.

6.4 All appeals can be heard by the Appeals Committee. However, in certain circumstances (for example, if the alleged ground of exclusion is disability discrimination under the Equality Act 2010) a parent may choose to appeal against the exclusion of a child or young person who has additional support needs/a disability by appealing to the Additional Support Needs Tribunal for Scotland. If the parent decides to proceed with an appeal to the ASNTS, the Appeals Committee would not hear the appeal. The ASNTS website provides contact details and information on the rules and procedures relating to the hearings undertaken by that organisation – see www.asntscotland.gov.uk.

6.5 Parents/guardians of pupils under the age of 16 years have the right to appeal against a temporary or permanent exclusion. This right rests with the young person if he/she is age 16 or over. A parent and pupil may not both appeal.

6.6 In the case of an appeal by a young person the relevant legislation in effect treats the young person as if he/she was an appealing parent or carer. This stipulation now applies to any young person who has reached the age of legal capacity, which will generally be from 12 years upwards, unless there is evidence to the contrary. Care should be taken to ensure that a young person appealing receives the same quality of information, as if they were a parent.

6.7 An appeal must be submitted in writing within **7 school days** of

- The pupil being readmitted to School following a temporary exclusion
- A decision to permanently exclude being confirmed by the Rector

The appeal should be submitted to (via letter or email to the school)
Convener of the Board of Managers
c/o The Bursar
Jordanhill School
45 Chamberlain Road
Glasgow
G13 1SP

6.8 The letter should state the name of the pupil and should specify the grounds for appeal.

Categories for appeal could include, although not limited to, that:

- The School has failed in some significant way to follow its stated policy in relation to exclusions

- The evidence upon which a decision to exclude was taken was materially incorrect in some significant way
- The decision to exclude or the length of the period of exclusion was disproportionate to the actions of the pupil.

The letter of appeal will be acknowledged within **5 school days** of receipt.

Receipt of written notification of an intention to appeal will be treated as an appeal.

Exceptionally and at the discretion of the chair of the Board of Managers in consultation with the Rector (Principal and Chief Executive) late appeals will be considered provided these are submitted in writing within 14 days of the date of the letter notifying parents of the exclusion. In considering a late appeal, it is for the parent/carer to justify the reasons why a late appeal should be considered. Intimation to appeal beyond this period will not be considered and the exclusion will stand.

6.9 Prior to the Appeal Hearing formal evidence will be assembled. Copies of this formal evidence must be with the Appeals Committee at least 10 days before the date of the Appeal Hearing.

6.10 The proceedings of the Appeals Committee will be in private.

6.11 The appellant has a right to be present at the hearing and to be represented by a lawyer or anyone else whom they choose.

6.12 Anyone wishing to bring legal representation to an appeal must give the School at least 5 days notice of their intent. The scheduled appeal will proceed only if the School's legal representatives are also able to attend. Otherwise a new date will be set for the appeal.

The appellant may decide not to attend and simply submit a letter of appeal and any other written evidence. This will be considered by the Appeals Committee.

6.13 The appellant can be accompanied by supporters including their representative.

6.14 The Rector (or their delegate) may take legal advice and direction from the school's solicitor.

6.15 The appellant can present a written statement to the hearing and present any further information they may wish. Either party, including representatives and supporters, can present oral evidence at the hearing. Any written statement must be received at least 3 school days prior to the hearing.

The views of the child or young person should be sought in all practicable cases, even when it is the parent or carer who is taking forward the appeal[3].

6.16 The school will be represented and will bring such witnesses as it wishes. The school will be required to justify to the Appeals Committee the action taken in respect of excluding the child.

6.17 The appellant has the right to request information that is available to the appeals committee. This information may be redacted or anonymised to protect the identity of individuals.

[3] Article 12 of the United Nations Convention on the Rights of the Child and the Children (Scotland) Act 1995 stress that the child's point of view should be represented and taken into account in decisions which directly affect them.

6.18 At the conclusion of the appeal, the Appeals Committee will ask all parties to withdraw to allow the committee to deliberate and formulate their decision. This decision will then be issued to both parties verbally, as soon as possible, with written confirmation in 14 days.

6.19 If the Appeals Committee annuls the school's decision, then that decision is over-ruled and the exclusion nullified. The school has no right of appeal against this decision.

6.20 Where an appeal against a permanent exclusion is successful, the child or young person must be re-admitted to the school. Where the decision to exclude has been annulled on appeal, whether or not the exclusion period has been completed, any reference in the child's or young person's progress record will be removed.

6.21 If the Appeals Committee confirms the school's decision then the parent has no further right of appeal.

6.22 If there is no hearing within two months of the appeal or if the Appeals Committee do not fix a date for the hearing to continue within 14 days of an adjournment or if the Appeals Committee do not give a decision within 14 days after the end of the hearing it is deemed that the appeal has been upheld.

6.23 Exclusion or removal from the register are not subject to the school's complaints procedures. The process for appealing an exclusion is outlined above.

6.24 In terms of the Equality Act 2010 if a child or young person is excluded from school for behaviour connected to his or her disability this could be alleged to be unlawful discrimination arising from the disability unless the school can justify the exclusion as being a proportionate means of achieving a legitimate aim. A legitimate aim may be to ensure the health and safety of children and young people and staff within the school. However, the school has a duty to make reasonable adjustments for the child or young person.

Where the grounds for appeal relate to the treatment of the young person under the Equalities Act, then the school (or Appeals Committee) may decide to refer the matter to the Additional Support Needs Tribunal for Scotland. If disability discrimination is alleged, the parent/child has the right to go to the Sheriff's court.

6.25 If a decision to exclude a child or young person is based on a disability or the needs arising out of a disability an appeal could be made to the Additional Support Needs Tribunal for Scotland and not the Education Appeal Committee. The claim can be made up to six months after the decision to exclude the child or young person. Both the parent or carer and the child or young person have an independent right to make a claim. A child of 12 or over is presumed to have capacity to make their own claim unless there is evidence to the contrary.

7. Monitoring

7.1 It is the responsibility of the member of staff who is administering the exclusion (Table 1) to, as necessary, maintain contact with the excluded family and any victims involved in the incident leading to the exclusion.

7.2 The learning from each excludable incident, including those where exclusion was considered but discarded as a sanction will be discussed at appropriate pupil support meetings and meetings of senior managers.

7.3 The number of exclusions, their duration and the reasons this cause of the exclusion will be collated annually for consideration by senior managers. These statistics, presented in a format to protect the anonymity of the young people concerned will be included in the performance information presented to the Board of Managers.

7.4 This policy will be reviewed routinely every three years, or if there is a significant change in circumstances such as revised guidance from the Scottish Government, or major new learning has emerged from an excludable incident. Any revised policy will be submitted to the Board of Managers for approval.