

EAST RENFREWSHIRE COUNCILEDUCATION COMMITTEE14 June 2018Report by Director of EducationREVISED STANDARD CIRCULAR 8: INCLUDED, ENGAGED AND INVOLVED**PURPOSE OF THE REPORT**

1. To seek elected member approval for the revised Standard Circular 8: Included, Engaged and Involved.

RECOMMENDATIONS

2. Elected members are asked to:
 - a) approve Standard Circular 8; and,
 - b) instruct the Director of Education to take appropriate steps to ensure its implementation in all schools and early learning and childcare settings.

BACKGROUND

3. The Scottish Government published new national guidance on managing school exclusions in June 2017. The overarching aim of *Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions* is to support schools, communities and their partners to keep all children and young people fully included, engaged and involved in their education; and, to improve outcomes for all Scotland's children and young people with a particular risk of exclusion.

REPORT

4. The attached standard circular (see Appendix 1) updates and refreshes the previous policy statement and includes a refreshed focus on prevention, early intervention and response to individual need in line with the principles of Getting it Right For Every Child (GIRFEC).
5. Our schools and early learning and childcare settings already 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.
6. This is reflected in our exclusion rates, which continue to remain low in both our primary and secondary schools and compare favorably with the national rate.
7. Exclusion is always used as a last resort. Where it is used it is used proportionately and is a short term measure with the aim of improving outcomes.

CONSULTATION

8. It is confirmed that the Council's Chief Solicitor has been consulted in relation to this revised policy statement.

FINANCIAL AND EFFICIENCY IMPLICATIONS

9. There are no financial implications for the Department or schools related to this paper.

RECOMMENDATIONS

10. Elected members are asked to:

- a) approve Standard Circular 8; and,
- b) instruct the Director of Education to take appropriate steps to ensure its implementation in all schools and early learning and childcare settings.

Mhairi Shaw
Director of Education
June 2018

Report Author
Janice Collins
Tel: 0141 577 3204
Janice.Collins@eastrenfrewshire.gov.uk

Convener Contact Details
Councillor P O'Kane, Convener for Education and Equalities

Tel: Mobile 07718 697115

Local Government Access to Information Act 1985

Background Papers

Included, Engaged and Involved Part 2: A Positive Guide to Managing School Exclusions, Scottish Government March 2011

Key Words

Managing school exclusions
Policy
Standard Circular 8

Revised Standard Circular 8
May 2018

EAST RENFREWSHIRE COUNCIL: EDUCATION DEPARTMENT

The Council Offices
211 Main Street
Barrhead
East Renfrewshire G78 1SY

TO: HEADS OF ALL EDUCATIONAL ESTABLISHMENTS

Dear Colleague

**REVISED STANDARD CIRCULAR No 8
INCLUDED, ENGAGED AND INVOLVED PART 2: A POSITIVE APPROACH TO
PREVENTING AND MANAGING SCHOOL EXCLUSIONS**

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1. RATIONALE

1.1 *"Included Engaged and Involved Part 2: a positive approach to preventing and managing school exclusions' has a fundamental role to play in helping us realise our vision for all children and young people. It will support the Scottish Government's focus on transforming the lives of our children and young people, closing the educational attainment gap and opening the doors of opportunity to all."*

John Swinney, Deputy First Minister and Cabinet Secretary for Education and Skills
Foreword to Included, Engaged and Involved Part 2: A Positive Approach to Managing School Exclusions 2017

2. INTRODUCTION

2.1 "Everyone attaining, everyone achieving through excellent experiences" is the vision of East Renfrewshire Council's Education Department and is at the heart of the work of all its schools and early learning and childcare settings. It underpins the attitudes and beliefs upon which education establishments base their approach to children, young people and their parents / carers. It is the underlying principle of this policy document.

2.2 This document sits alongside and complements Standard Circular 12: Inclusion, Standard Circular 8(a) Anti Bullying, Standard Circular 21 Promoting Positive Relationships and Behaviour and Standard Circular 8(b) Incidents of Anti-Social Behaviour and Violence to Staff.

2.3 The following procedures are legally binding on the Council and must be followed meticulously at all times. The procedures should be followed in conjunction with the Scottish Government guidance 'Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions 2017,' which sets out the appropriate terminology and guiding principles. This circular gives exemplification to these guidelines for schools.

2.4 Head teachers should only consider excluding a pupil from school when all other strategies have been exhausted or in cases of serious indiscipline. In short, exclusion should be seen as a last resort and head teachers should be aware that they may require justifying such action in a court of law. Head teachers may wish to refer to the list of questions included in Appendix 4 when considering exclusion.

2.5 If at any stage in the proceedings advice is required this should be sought, in the first instance, from the Head of Education Services (Equality and Equity) or if further clarification is required, from Legal Services on 0141 577 3801.

3. POLICY DEVELOPMENT

3.1 The Children and Young People (Scotland) Act (2014) sets out new statutory responsibilities for local authorities in relation to the wellbeing of children and young people deemed to be at risk of becoming looked after, as well as setting out the eight aspects of wellbeing which should be considered when assessing needs. It also sets out additional statutory responsibilities for Corporate Parents, as specified, in relation to those who are looked after.

3.2 Getting it Right for Every Child, the national approach to improving outcomes for children and young people, advocates preventative work and early intervention to support children, young people and their families through the provision of strong universal services, and partnership working with other services when needed. The approach supports children and young people's rights and involves children and

young people in any decisions that affect them in line with the core principles of the United Nations Convention on the Rights of the Child.

- 3.3 The Standards in Scotland's Schools etc. Act 2000, Section 15, outlines the presumption of mainstream schooling for all pupils. East Renfrewshire's approach remains true to this principle and in so doing promotes the value and benefit of children having a mainstream experience. However, being present in a mainstream school is not the primary indicator of successful inclusion. Schools should be mindful of their duties under the Equalities Act.
- 3.4 Schools should work with stakeholders including their educational psychologists to develop and review relational approaches to challenging behaviour. Based on the advice given in Standard Circulars 8, 8(a) **Anti Bullying**, Standard Circular 12: **Inclusion** and Standard Circular 21: **Promoting Positive Relationships and Behaviour** school policies should be positive, restorative, consistent, non-escalatory and solution focused, involving a whole school approach to nurture based on finding positive outcomes for all.
- 3.5 The guiding principles of Included, Engaged and Involved Part two: A Positive Approach to Preventing and Managing School Exclusions are set out below:
 - 3.5.1 The foundation for schools and learning establishments is a whole school ethos of prevention, early intervention and support against a background which promotes positive relationships, learning and behaviour;
 - 3.5.2 Everyone in a learning community should feel they are in a safe and nurturing environment;
 - 3.5.3 All children and young people have a right to education; and education authorities have a duty to provide this education;
 - 3.5.4 All children and young people need to be included, engaged and involved in their learning;
 - 3.5.5 All children and young people have the right to get the support they need to benefit fully from their education and fulfil their potential;
 - 3.5.6 Exclusion should be the last resort;
 - 3.5.7 Where exclusion is used, it should be as a proportionate response where there is no appropriate alternative and the wellbeing of the child or young person should be the key consideration; and
 - 3.5.8 Exclusion must be for as short a period as possible with the aim of improving outcomes for the child or young person. The time during and after the exclusion period should be used constructively to resolve the situation and ensure positive and appropriate support is in place for all.
- 3.6 In all circumstances where exclusions are considered to be necessary, they should be undertaken with due sensitivity for the wellbeing of the individual concerned and his/her peers. Before a pupil with a coordinated support plan or a pupil considered disabled in terms of the Disability Discrimination Act 1995 is excluded, permission and advice should be sought from the Head of Education Services (Equality and Equity). Similarly there should be additional sensitivity to children who are looked after by the authority, at home or away from home. Again, advice should be sought from the Head of Education Services (Equality and Equity).

- 3.7 East Renfrewshire Council is committed to a multi disciplinary approach and to effective inter-agency collaboration. Colleagues from the Social Work section of the HSCP will be involved through having a locus of Improving Outcomes for Children and Young People Planning (Child's Multi-agency Plan). The Reporter to the Children's Panel and Education Psychological Services may also be involved in individual cases. Joint Support Teams in schools have a key role to play in co-ordinating services around individuals to ensure their continued inclusion in school and their needs are met.
- 3.8 The power to exclude a pupil from school is delegated and lies with the head teacher who is also responsible for ensuring that the procedures in this Standard Circular are followed. Head teachers will also decide on the length of the exclusion. The power to exclude may also be delegated to depute head teachers. It is expected that if the head teacher is in school s/he will deal with all cases. However, on such occasions as when the head teacher is not in school, the power to exclude a pupil is delegated to the depute head teacher deputising for the head teacher on his / her absence.
- 3.9 The local authority has a duty to provide adequate and efficient school education for all pupils in its schools; a duty to ensure that a pupil is realising his or her potential and to ensure that alternative educational placements are available. Exclusion which results in a pupil being removed from the register will not be delegated to school level but retained by the Head of Education Services (Equality and Equity).

4. USING PERIODS OF EXCLUSION

Regulation 4 of the Schools General (Scotland) regulations provides that an education authority **shall not exclude** a pupil from school unless the authority:

1. is of the opinion that the parent of the pupil refuses or fails to comply, with the rules, regulations or disciplinary requirements of the school; or,
2. considers that in all the circumstances to allow the pupil to continue 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.

The two grounds are distinct from each other, one applying to the parents / carers and the other to the pupil. The regulations allow the authority and its schools to take a broad approach, consider all the circumstances and to take account of the educational wellbeing of other pupils. They also introduce the threshold that the pupil's behaviour must be 'seriously detrimental'.

- 4.1 Exclusion from school is rarely an acceptable sanction. It is therefore very important to identify what the purpose of the exclusion is and what positive outcomes can be achieved.
- 4.2 Exclusion can be used by head teachers to:

Emphasise the limits set and help the pupil (and parents / carers) to recognise the consequences of misbehaviour. This will illustrate the seriousness of the issue;

Give opportunity for the learner to be involved in or take responsibility for resolving the situation;

Maintain order / safety and prevent continued disruption to the learning of others. This will illustrate standards and acceptable behaviour to the rest of the school. It will ensure the rights of all pupils to learn and staff to work without fear or disruption;

Signal strong disapproval of unacceptable behaviour and to bring about a positive change in the learners' behaviour;

Engage and involve parents / carers with the school and help them recognise their responsibilities in maintaining positive behaviour in schools;

Provide a cooling off period, offer opportunity for reflection or to diffuse situations;

Support victims of anti-social or violent behaviour;

Carry out a risk assessment;

Instigate or review support plans.

4.3 When a pupil's behavioural pattern has reached such a degree of seriousness that exclusion from school requires to be considered, the following procedures should be adhered to:

- a) Inform parent / carer orally of the decision to exclude and invite them to the school to escort their son / daughter home. If this is not possible pupils should not be sent home until his / her parents have been advised and a check made that they will be at home when he / she arrives. If parents / carers cannot confirm that they will be at home, schools should make arrangements for the pupil to remain in school, supervised outwith the classroom situation, until the end of the normal school day. When the decision to exclude has been taken because of violence towards members of staff, all reasonable steps should be taken to remove the pupil from the school situation.
- b) Intimation orally or in writing on the day of the exclusion should include information on why the decision to exclude was taken and a date, time and place where the Head teacher or his / her representatives will be available to discuss the decision to exclude.
- c) Confirm the exclusion in writing, including the reasons and the date, time and place where the head teacher and, as appropriate, the Head of Education Services (Equality and Equity) or his / her representatives, shall be available to meet to discuss the exclusion; this must be within 7 calendar days from the first day of the exclusion. If parents / carers have not been able to be contacted to be informed of the exclusion orally, the letter should be delivered to the parent / carer by the head teacher, other member of staff of the school, or official of the education authority.

Notification of the exclusion should include:

- The reason for exclusion;
- Any conditions which the parent / carer and / or the pupil must comply with or undertake to comply with before being readmitted;
- The right of appeal and how appeals can be initiated; and,

- Any other information which the head teacher/authority considers appropriate.

Pupils of 16 and over are hereinafter referred to as young persons.

A copy of the letter given in Appendix 1(a) or 1 (b) should be sent to the parents / carers / young person by recorded delivery within 8 days of the decision to exclude. The letter may also include what options were considered, what support could be offered and what alternative education will be provided during the exclusion period. For children who are Looked After by the local authority, Social Work should be informed who in turn should liaise with the pupil's parents / carers.

- d) The notice of exclusion should be made to the pupil, if over 12 years of age. Irrespective of the age, the pupil should attend the meeting with the parents / carers. If the young person is 16 years or over, intimation should be made directly to him / her. There is no requirement to involve parents / carers in such circumstances.
- 4.4 The Head teacher may exercise judgement in relation to the length of exclusion. He / she may impose single temporary exclusions of up to 7 school days at any time. The maximum length of any single exclusion may be increased following discussion with the Head of Education Services (Equality and Equity) or Director of Education.
- 4.5 The period of exclusion should reflect the breach of discipline which resulted in the exclusion and the pupil's past disciplinary record. It is recommended that first exclusion or exclusions for other than the most serious offences should not exceed two school days.
- 4.6 It is essential that a record of a single exclusion, an incident report, is completed and a copy retained in the pupil's file; all exclusions should be recorded electronically using Click and Go. **There should be no periods of informal exclusion or mechanisms of exclusion other than the properly recorded incident report pertaining to exclusion.**
- 4.7 Head teachers should note that the learner should be provided with the same classwork and homework for completion, marking and return which they could expect had they not been excluded. This should aid the re-admittance process.
- 4.8 Unless the exclusion is of only a few days duration, it will not be sufficient simply to provide excluded learners with homework or classwork if they do not also receive sufficient teaching to enable them to understand the material. Any arrangements may, therefore, involve contact with learners on a regular basis. The Head of Education Services (Equality and Equity) will advise on the need for any special arrangements giving consideration to the length of the exclusion.
- 4.9 There is a responsibility on learners and parents to make sure the provision arranged is carried out and used during a period of exclusion.
- 4.10 In taking the decision to exclude a pupil, the head teacher should take account of the learner's views where he / she wish to express a view. In practice, this might mean that someone not directly involved in the behaviour or incident leading to the exclusion could ask the learner for their views, and why they should not be excluded. This may also help to resolve the situation by ascertaining that the learner understands and accepts responsibility for harm caused and by allowing the learner to contribute to resolving the situation.

- 4.11 This applies to all learners including those with additional support needs, and communication needs to be adapted to the individual learner's abilities and understanding. The pupil's views should be recorded in the report on the exclusion.
- 4.12 Any single exclusion of between 4 and 7 school days should be reported to the Head of Education Services (Equality and Equity) for information. Action by the Head of Education Services (Equality and Equity) will be dependent on the seriousness of the issue and the degree of support required by the school. A full report including a copy of the incident report form must be submitted enclosing copies of all relevant correspondence.
- 4.13 Any exclusion, the cumulative total of which are in excess of 15 school days, in any school session, must be reported fully to the Head of Education Services (Equality and Equity) for action. A full report including a copy of the incident report must be submitted enclosing copies of all relevant correspondence.
- 4.14 While most exclusions will relate to serious incidents within school, there may be occasions where the issue of the exclusion of pupils for behaviour outwith school premises and outwith school hours is raised. The question of the exclusion of a pupil in such circumstances should be assessed by the head teacher in terms of whether or not the incident(s) is likely to have an adverse effect on the order and discipline of the school or on the well-being of the pupils. However, the act of exclusion should not prejudice subsequent legal considerations.

5 DE-ESCALATION AND PHYSICAL INTERVENTION

- 5.1 The rights of all children and young people must be a key consideration where physical intervention is being considered. This reflects the recognition and realisation of children and young people's rights across Scottish public policy, public services and society as a whole. It is important to consider the United Nations Convention on the Rights of the Child (UNCRC) in this context. Article 37 states that 'No one is allowed to punish children in a cruel or harmful way.' Article 3 states that 'the best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children'
- 5.2 All education authorities have a duty of care to all children and young people attending school in respect of the health, safety, wellbeing and welfare of the children and young people in their care.
- 5.3 There are times when children and young people will exhibit challenging and distressed behaviour. Staff's knowledge and detailed assessment of a child or young person should be used to predict and plan for the type of situation which may cause that child or young person severe stress or frustration that can lead to challenging and distressed behaviour. **Staff should recognise that all behaviour is communication and endeavour to identify, where possible, the triggers that may lead to a child or young person acting in a challenging and distressed way.**
- 5.4 This information should be included in a plan to support the individual child or young person. The plan should state how the child or young person should be supported and clearly outline agreed strategies that should be used by staff. Specific consideration should be given to a child or young person's additional support needs and the impact that these may have on their communication and behaviour. This should include consideration of complex additional support needs, such as language and communication needs and autism.

- 5.5 Risk and health and safety assessments should also be carried out to determine any potential concerns arising from the child or young person's behaviour, and should identify any steps deemed necessary to support the child or young person in preventing harm to themselves or others. The risk and health and safety assessments should be informed by the information gathered using the National Practice Model and should be shared with the child or young person, their parents, and all staff who are involved with the child or young person.
- 5.6 An important aspect of these assessments is the understanding that risk must always be an important consideration and should inform a school's decision whether or not to exclude a child or young person. Risk and health and safety assessment processes should also be applied to situations where unpredictable, challenging and distressed behaviour can arise.
- 5.7 East Renfrewshire Council promotes the Behavioral Support Strategies approach (BSS) in schools, providing training for staff in the use of physical interventions and proactive approaches to challenging behaviour and de-escalation. BSS is regulated by the British Institute for Learning Disability (BILD) and all use of physical interventions within BSS complies with the **BILD Code of Practice for the use and reduction of restrictive physical interventions, third edition (2010)**. BSS documentation is supplied to all practitioners on completion of their training. All incidents involving the use of BSS interventions must be recorded using the appropriate BSS documentation.
- 5.8 It is only acceptable to physically intervene and use BSS where the member of staff reasonably believes that if they do not physically intervene, the child or young person's actions are likely to cause physical damage or harm to that pupil or to another person.
- 5.9 A key aspect of a school approach to intervening early and reducing the need for exclusion is staff having an understanding and awareness of de-escalation techniques. All relevant staff should be offered professional learning opportunities to learn about de-escalation techniques and to understand the different types of challenging behaviour.
- 5.10 Staff should also be provided with opportunities to reflect on the potential emotional impact on children, young people and staff during any incidents of challenging and distressed behaviour and engage in discussions about how this can be supported in a school context.
- 5.11 BSS is set within the wider pupil wellbeing framework which promotes the direct involvement of children and their parents and carers in planning and reviewing the use of such techniques. Opportunities for post incident discussion with children and with parents and carers should be arranged at the earliest appropriate time.
- 5.12 Where staff who are not trained in BSS, use physical restraint within their "Duty of Care" to ensure the safety or wellbeing of others they should record all such incidents.

6 SECLUSION

- 6.1 Seclusion of a child or young person within a separate space is also a form of physical intervention and should also only be used to ensure the safety of a child or young person, or others.
- 6.2 Any separation of a child or young person must be in a place that is safe and that does not cause any additional distress to the child or young person.

- 6.3 The use of this form of physical intervention should be included in an agreed plan for the individual. Where seclusion is used:
- it must be in a place that is safe and has been risk assessed for this purpose.
 - it should be managed under supervision;
 - it should take into account the additional support needs of the child or young person; and,
 - it should be time limited.
- 6.4 Schools should ensure that appropriate support and training is provided for staff and this should include guidance on support following an incident for all those involved.
- 6.5 Any incident where a decision is made to seclude must be recorded and monitored in line with the education department's guidance on de-escalation, physical intervention. The recording and monitoring of such incidents will help schools and the education authority to monitor the effectiveness of its policies and practices. It will ensure transparency, enable all to review and improve policies and help identify professional learning needs and further supports where appropriate.

7 SERIOUS MISBEHAVIOUR AND VIOLENCE

- 7.1 It must always be open to the head teacher, if faced with flagrant or aggressive misbehaviour or that which could be seriously detrimental to order and discipline in the school and whether or not the pupil has misbehaved previously, to exclude that pupil from school. In such circumstances the procedures outlined above should again be followed.

Serious breaches of school discipline include:

- violence towards staff or pupils;
 - serious bullying or intimidation; and,
 - providing or taking illegal substances.
- 7.2 A serious breach of school discipline may well, in the head teacher's professional judgement, merit a temporary exclusion in excess of 7 school days. Advice and permission should be sought from the Head of Education Services (Equality and Equity). Where appropriate the head teacher may wish to consider the need to carry out a risk assessment to support a pupil's return to school following a period of exclusion. The school can seek support for such from Psychological Services and the departmental Health and Safety Adviser.
- 7.3 Serious breaches of school discipline as defined above must be reported to the Head of Education Services (Equality and Equity).

8 MANAGING INCIDENTS INVOLVING WEAPONS

- 8.1 Where school staff suspect that a child or young person is in possession of a weapon, such as a knife in school, this should, where possible, be referred immediately to the head teacher, or in their absence, the member of staff deputising. Staff should not directly challenge the child or young person.

- 8.2 Schools should ensure that training and support on de-escalation is provided for **all** school staff. This should include how to respond to situations where a child or young person may be suspected of having a weapon. When considering the most appropriate way to deal with a situation where school staff suspect a child or young persons is in possession of a weapon, consideration must be given to the safety of the child or young person and all others within the school. It may be evident from the circumstances that there is a need to call the Police to attend. Prior training in risk assessment for such situations should be undertaken within all schools.
- 8.3 A member of school staff, in the presence of another member of senior staff, where possible, may - if they believe it is safe to do so - ask the child or young person to disclose and display the contents of pockets or bags, to ascertain if there is a weapon. If the child or young person will not co-operate by displaying their belongings, then the child or young person should be asked to remain where they are and the Police should be called immediately.
- 8.4 Any incident where a decision is made to undertake a search of a child or young person and / or where a weapon is suspected or found must be recorded within pupil files and formally notified to the Head of Service (Equality and Equity). Where a wellbeing plan is already in place this should be reviewed or if not in place, wellbeing planning should be considered. Entries to AIRS should be made as appropriate.
- 8.5 Schools should consider, as part of their health and wellbeing curriculum, how children and young people can be supported to develop safe and responsible attitudes; including understanding the risks and dangers that can arise from carrying a weapon and by being encouraged to speak with an adult if they suspect that someone has a weapon.
- 8.6 ERC Anti-Weapon / Knife Crime guidance is attached as Appendix 5 of this document. Schools should ensure that members of staff are regularly made aware of this guidance and of the procedures to follow if they suspect that a young person is in possession of a weapon.

9 LIAISON WITH PARENTS AND CARERS

- 9.1 When a decision to exclude a pupil has been reached a copy of the attached standard letter Appendix 1 (a) or 1 (b) should be completed and sent to the parents / carers by recorded delivery within 8 days from when the decision to exclude is taken. Appropriate staff should be informed of the decision to exclude the pupil. The parents / carers must be contacted by the school on the day of the decision to exclude. When exclusions are lasting 1 - 3 days parents should be informed immediately.
- 9.2 In the case of pupils of 16 and over a letter should be completed and issued directly to them by recorded delivery letter within 8 days from when the decision to exclude is taken. If the exclusion relates to a young person the correspondence should be handed to them.
- 9.3 If the parent(s), (or in the case of a pupil of 16 and over, the pupil) agree to meet the head teacher, or a senior member of staff, and also agree to sign the attached standard written assurance (Appendix 2(a) or 2(b)) the pupil should be re-admitted to school at the end of the period of exclusion and the matter recorded. The standard written assurance should be signed by the parent/carer or, if over 16 the young person and by the head teacher or his/her representative. At this stage, it is vital to take a solution focused approach throughout the re-admittance meeting and to underline the importance of the partnership and co-operation being undertaken by the home and the school to lay the foundations for the pupil's improved behaviour. One copy of the assurance should be entered in the pupil's file and one copy should be

given to the parent / carer. Under these circumstances there is no need for the matter to be reported to the Head of Education Services (Equality and Equity) providing the exclusion has not lead to a cumulative total in excess of 15 days.

- 9.4 Some parents / carers refuse to meet the Head teacher. Others may find their circumstances prevent it and the school should be sensitive to home conditions which may prohibit meeting the Head teacher.

If parents / carers fail to agree to meet the head teacher or a senior member of staff;

OR

If the parents / carers (or in the case of a pupil of 16 or over, the pupil) refuse to sign the attached written assurance (Appendix 2(a) or 2(b)) then the matter should be reported to the Head of Education Services (Equality and Equity) and the pupil should remain excluded from school and marked excluded on the register.

- 9.5 The Head of Education Services (Equality and Equity) or his / her nominated professional representative will then request that the parents / carers sign the attached standard written assurance (Appendix 2a). The standard written assurance should be signed by the parents / carers and by the head teacher or his / her representative. One copy of the assurance should be entered in the pupil's file and one copy given to the parents / carers. If this assurance is signed the pupil will return to school at a time mutually agreed by the head teacher and parents/carers.
- 9.6 If the parents / carers / pupil fail to sign this written assurance the exclusion will be continued, the matter referred to the Director of Education who may decide to refer the matter to the Reporter to the Children's Panel for non-attendance and the parents / carers informed accordingly. A pupil who has had a temporary exclusion may not be re-admitted to school without his / her parents / carers first signing the standard written assurance. This is regarded as evidence of the parents / carers commitment to working in partnership with the school to ensure good behaviour of the pupil.
- 9.7 When a decision to exclude a pupil has been reached the parents / carers and pupil should be informed of the right of appeal and the mechanism for doing so. Parents / carers should receive a copy of Appendix 3. The parents / carers and pupil may not both appeal. If one party disagrees with the exclusion but the other doesn't then the appeal should go ahead. If an appeal is lodged with the authority, parents / carers and pupil will be informed of the procedures involved, the type of evidence admissible and the support which they can bring with them. Schools will be able to provide a parental pamphlet with this information.

10 REFERRAL TO THE HEAD OF EDUCATION SERVICES

- 10.1 In respect of the foregoing procedures head teachers should be clear about which exclusions should be referred to the Head of Education Services (Equality and Equity).
- 10.2 It is considered that when a single exclusion exceeds 4 days and the case is sufficiently serious it must be reported fully to the Head of Education Services (Equality and Equity).
- 10.3 It is considered that when the total of exclusions is more than 15 days in any school session, the case is sufficiently serious that it must be reported fully to the Head of Education Services (Equality and Equity). The Head of Education Services, or his / her professional representative, will then arrange to meet the pupil, his / her parents / carers, the head teacher or the appropriate member of the senior management team

and the relevant support agencies as soon as possible thereafter but, in any event, within 7 school days of the decision to make an exclusion. A full report including a chronology of incidences and action taken by the school to affect a change in behaviour, should be completed by the school and sent to the Head of Education Services (Equality and Equity). Where there is involvement with a partner agency, such as Social Work or Educational Psychological Services, the school should liaise with case workers and consider completing an integrated framework assessment.

- 10.3.1. The Head of Education Services (Equality and Equity) or his / her professional representative will decide on the future educational placement of the pupil but this will, in all but the most exceptional circumstances, be to return the pupil to his / her base school.
- 10.4 In such exceptional circumstances the Head of Education Services (Equality and Equity) may decide, where appropriate in partnership with partner agencies, to arrange alternative educational provision which may include transfer to another school. In such cases the full case record will be made available to the head teacher of the receiving school or to the Head of Service in another authority. However, any such return will only be considered after the parents / carers have signed the attached standard written assurance.
- 10.5 Notwithstanding the above, head teachers may refer particular cases to the Head of Education Services (Equality and Equity) which have not reached the 15 day limit where they have significant concerns or when they would wish to bring particular cases to the attention of the authority.
- 10.6 The Head of Education Services (Equality and Equity) will decide on removal from the register of a particular school.
- 10.7 The Head of Education Services (Equality and Equity) will arrange to make special arrangements for the education of a pupil excluded for more than 10 days; this will most likely involve support from Outreach Services. This will be in exceptional cases for a single exclusion and be an interim measure prior to the pupil receiving full time education in a school setting.
- 10.8 In liaison with Educational Psychological Services and in discussion with the young person and his / her parent / carer, the Head of Education Services (Equality and Equity) will arrange any off site provision within the authority. Consideration of the most appropriate placement will be undertaken in the context of the current contract framework.
- 10.9 The Head of Education Services (Equality and Equity) will take into consideration attendance at forthcoming examinations; the special educational needs of the pupil; whether the pupil is looked after by the authority; and different approaches to curriculum and alternative methodologies. The Head of Education Services (Equality and Equity) will also work with the school on the type of educational contact and support possible and desirable while the pupil is excluded. This may include engagement with Outreach Service and / or Psychological Services to support the learner in preparation for re-admittance to school.
- 10.10 The Head of Education Services (Equality and Equity) will inform the Service Manager from the Social Work Department of decisions to exclude Looked After Children. No child on the Child Protection register should be excluded without consultation with the Social Work department as to the manner in which the pupil's educational and social welfare can best be protected.

11 REFERRAL TO THE REPORTER TO THE CHILDREN'S PANEL

- 11.1 As stated in paragraph 9.3 above, if the parents / carers (or in the case of a pupil of 16 or over, the pupil) refuse to sign the written assurance (Appendix 2(a) or 2(b)) then the matter should be reported to the Head of Education Services (Equality and Equity) and the pupil should remain excluded from school and marked excluded on the register.
- 11.2 Where this continues to be the case following intervention by the Head of Education Services (Equality and Equity) the matter will be referred to the Director of Education who has delegated power to prosecute parents and impose attendance orders on behalf of the Council. The Director may decide to refer the matter to the Reporter to the Children's Panel for non-attendance and the parents / carers informed accordingly.
- 11.3 Any referral to the Reporter would suggest the need to intervene on a compulsory basis because the learner is deemed "at risk" and his / her behaviour is giving serious cause for concern.
- 11.4 Head teachers may also consider a referral to the Reporter to the Children's Panel which would normally be considered after the school's formal processes have been followed and there has been multi-agency involvement through the school's Joint Support Team. In some cases it may be appropriate to refer earlier. Such referrals would require to be made within as short a timescale as possible for this action to be effective.
- 11.5 Where a decision has been made by the head teacher to refer a case of exclusion to the Reporter, it should be reported to the Head of Education Services (Equality and Equity).

12 APPEALS

- 12.1 The 1980 Act provides parents and young persons with rights of appeal against a *decision* to exclude. In the case of Looked After Children, the child's carers (for example kinship or foster carers) may wish to appeal against the decision. Where the excluded learner is a young person, the right of appeal lies solely with them and not with their parent. The Standards in Scotland's Schools etc Act 2000 confers these same rights on learners with legal capacity to instruct a solicitor (broadly those over 12 with sufficient maturity and understanding of what it means to do so, although those under the age of 12 may also have that understanding and therefore also the capacity to instruct a solicitor). Even where a learner does have legal capacity to instruct a solicitor, his or her parent may appeal on their behalf.
- 12.2 Appeals against exclusion or the recording of exclusion will be made to the Director of Education who will request a report on the incident or incidents which led to exclusion. The Director of Education may support or overturn the school's decision or the decision of the Head of Education Services (Equality and Equity) and inform the school of the reasons for the decision.
- 12.3 Head teachers will be informed if parents/carers make an appeal against the decision to exclude a pupil. The head teacher or the appropriate member of senior management will require to be the principal witness for the Authority at the subsequent appeal hearing and, if necessary, in the Sheriff Court. The head teacher

will receive all necessary support from the Authority to allow all necessary evidence to be provided. The head teacher may, if he / she so wish be represented by their professional association.

13 PARTICULAR POINTS OF NOTE FOR HEAD TEACHERS

- 13.1 A written record must be kept of all procedures mentioned above and all information, including the reason why a head teacher decided on a particular course of action, should be filed in the incident report. Comments should be specific and explicit 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.
- 13.2 During interviews with parents / carers by a head teacher or other senior member of staff, another member of staff must accompany him / her as a witness and this should be recorded. It is also acceptable for parents / carers to be accompanied by one other person. This person would only be present to provide moral support, or in some instances to provide translations, for the parents / carers and could be asked to leave, if the circumstances dictate, at any time. If parents / carers are accompanied by a solicitor, the head teacher should conduct the interview but if any matter of concern should arise head teachers should terminate the interview and seek advice, by telephone on 041 577 3801, from Legal Services.
- 13.3 The views of the pupil in relation to the exclusion should be recorded.
- 13.4 Where a single exclusion in excess of 4 days has to be reported to the Head of Education Services (Equality and Equity) the information must include copies of correspondence with parents / carers, a description of the incident actually provoking the exclusion, an accurate summary of the pupil's pattern of behaviour and the actions taken by the Head teacher, pupil support and other staff, the home address, date of birth of the pupil and the full name of parents/carers.
- Where there are cumulative exclusions numbering in excess of 15 days in the same session the same information should be supplied.
- 13.5 Documentation on a pupil's exclusions should remain on file. If a full session has elapsed without further exclusions the documentation should be edited from the file with the exception in cases of violence or other serious breaches of discipline. Enough information including incident report forms should be retained to give an account of temporary exclusions in previous sessions.
- 13.6 Where a pupil has had cumulative exclusions in excess of 15 days in the previous school session, the number of days to be recorded in a pupil's file will be negotiated with the Head of Education Services (Equality and Equity) from the start of the next session. There will not be a fresh start in the number of days on the pupil's record. If there are no further exclusions this figure will be withdrawn after a term has elapsed.
- 13.7 It is vital that, where a pupil commits a serious offence (paragraph 7.1 provides a guide for head teachers) this must be reported to the Police. Even where grounds exist for bringing a pupil before a children's hearing the grounds may be denied by the pupil or by his / her parents / carers. In such cases the hearing is powerless to act until proof has been obtained from the Sheriff Court. Such offences would include, for example, some instances of theft, assault, vandalism and incidents of a sexual nature. Further clarification can be sought from the Head of Education Services (Equality and Equity) or from Legal Services. Teachers should be kept informed of correspondence or comment relating to police enquiries especially about any disciplinary procedure. Every effort should be made to assist the Police in their

enquiries although it is preferable for interviews involving Police Officers and pupils to take place in the pupil's home rather than in the school. This is particularly important in the case of primary pupils. It should be noted, however, that if the Police insist on interviewing a pupil in school, the pupil's parents/carers should be contacted immediately to give them the opportunity to be present and the interview should be witnessed by a senior promoted member of staff. The role of the senior member of staff is to witness on behalf of the authority and on behalf of parents/carers.

- 13.8 Where the pupil involved is a young person over school leaving age but under 18 years of age, the attached standard letter in the appendices should be suitably amended to be addressed to the young person and discussions about the exclusion should be carried out with the young person and not with the parents/carers. Again, it is extremely important not to deviate from the terms and wording of the attached standard letters.
- 13.9 Head teachers should note that, in normal circumstances, young persons aged 16 years or over cannot be brought before a children's hearing.

14 MONITORING, EVALUATION AND REPORTING

- 14.1 Schools should use the summary information to review regularly their own school policy and exclusion practices. 'Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions' gives information of the requirements of a school policy in this area and gives information on the schools' roles and responsibilities. Schools should provide information in school handbooks / websites on their school policy and should report on the success of the implementation of their policy through their annual standards and quality report, including summary information of the level and rates of exclusion from their school in the previous school session.
- 14.2 The Education Department directorate will monitor and review the effectiveness of implementation of this circular through self-evaluation activities which will include the collection, on a termly basis, of summary information on the circumstances and length of exclusions. The department will take annual reports to the Education Committee.
- 14.3 The Quality Improvement Team will gather evidence about the implementation of this policy through reviews of school practice and specifically through Effective Transition Reviews of clusters and Support and Protection Reviews of schools.
- 14.4 Analysis of the evidence and views gathered will inform the need for improvement targets and objectives which may be included in the department's Outcome Delivery and Local Improvement plans.
- 14.5 A formal review of this policy will take place 3 years after its introduction in school session 2018-19, and the success of its implementation will be reported on annually in the department's Standards and Quality Report.

15 PROTOCOL

Any departure from the above procedures must only be made in the most exceptional circumstances and then only at the discretion of the Head of Education Services (Equality and Equity).

East Renfrewshire Council Anti-Weapon/Knife Crime Guidance

CONTENTS

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1. BACKGROUND TO GUIDANCE

The Scottish Government published its refreshed guidance Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions in June 2017. This included a section on managing incidents with weapons in schools.

The refreshed guidance states that education authorities, in consultation with key partners including staff and unions should develop their own policy on weapons within the wider context of positive relationships and behaviour approaches. Any incident where a decision is made to undertake a search of a child or young person and/or where a weapon is suspected or found must be recorded.

It also states that education authorities and schools should develop their own recording and monitoring processes for weapons within their existing systems to ensure that they have accurate evidence, which is monitored and reviewed to help identify emerging issues and support early action.

The anti-weapon/knife crime policy was created to give direction to schools and their communities in order to meet these recommendations.

2. LEGISLATION AND CHILDREN'S RIGHTS

Criminal Law (Consolidation) (Scotland) Act 1995.

Any person who without lawful authority, or reasonable excuse, has with him/her in a public place, any offensive weapon commits an offence.

Children’s Rights

Our responsibilities are set out in the United Nations Convention on the Rights of the Child.

“Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.” (Article 19)

3. OBJECTIVES

- To inform schools of expectations with regard to anti–weapon/knife crime.
- To provide procedural and operational guidance to all East Renfrewshire Council schools and communities with regard to weapon/knife crime.
- To provide guidance on procedures with regard to the searching of pupils’ personal belongings.
- To outline links to relevant East Renfrewshire Council Policy

4. CONSIDERATIONS FOR SCHOOLS

Curriculum Input

East Renfrewshire Council has provided Primary and Secondary Schools with an anti-weapon school pack containing educational resources and promotional materials. These materials have been developed by Aberdeen City Council and we are grateful to them for their use.

Schools may wish to consider the following based on these resources:

SCHOOLS
<ul style="list-style-type: none"> • Share the age appropriate learning resources and lessons provided. Schools can deliver these resources where and when appropriate to their individual curricular structures and design.
<ul style="list-style-type: none"> • Work in partnership with Police Scotland to deliver the anti-weapon/knife crime presentations and assemblies to all Secondary 1 and Secondary 5 pupils.
<ul style="list-style-type: none"> • Encourage pupil councils and forums to have regular discussions of agenda items linked to the broader area of carrying weapons within schools. This will allow pupils to share their knowledge and to use the pupil voice to further develop safe practices.
<ul style="list-style-type: none"> • Provide the opportunity for pupil groups to forward feedback which will help to improve future educational resource.

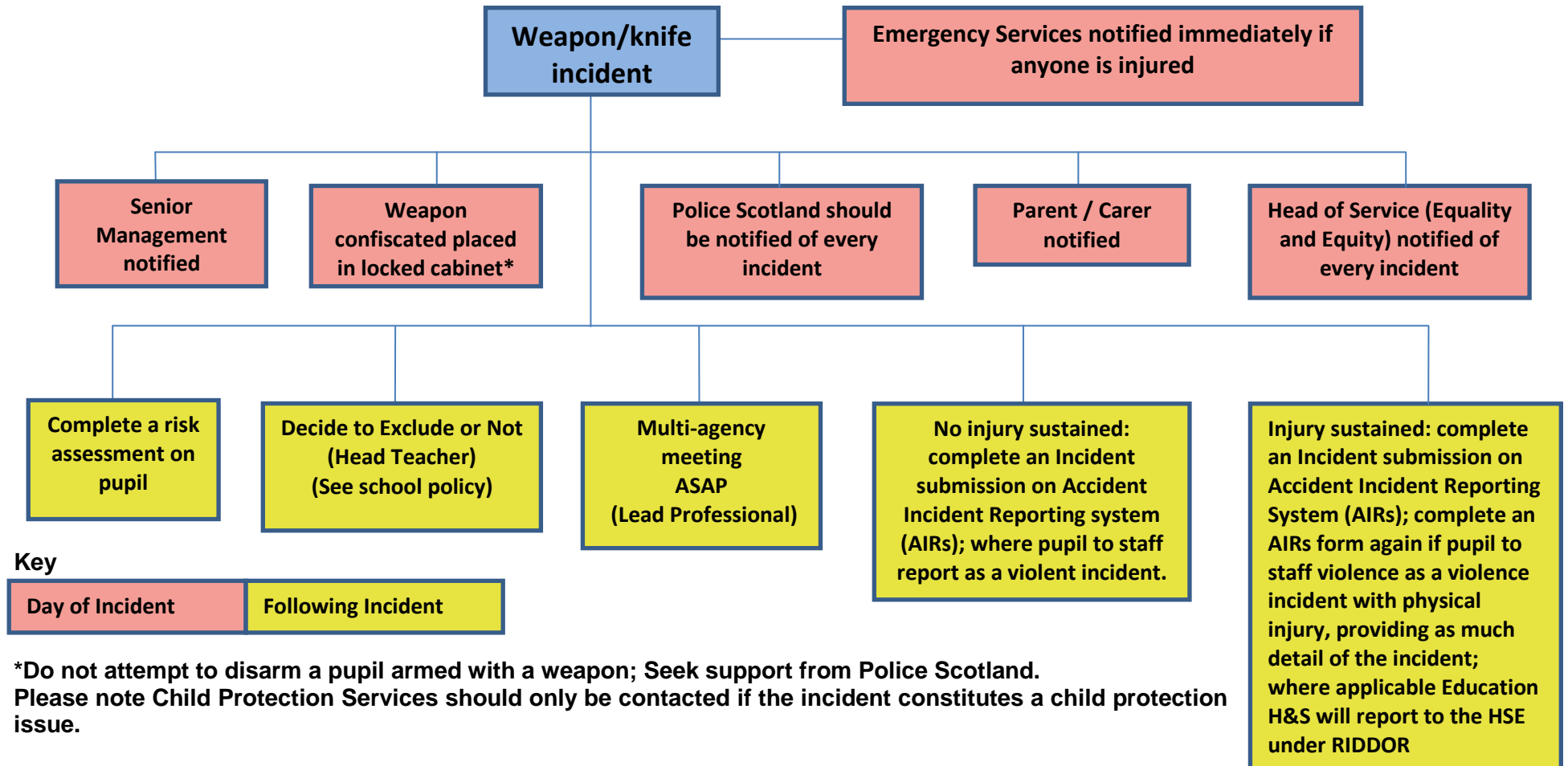
Non-Curricular materials

Within the anti-weapon school pack there are promotional materials to assist schools in highlighting the main messages of anti-weapon/knife crime. Schools may wish to consider the following:

SCHOOLS
<ul style="list-style-type: none"> • Ensure the contents of the pack are displayed and distributed appropriately throughout their establishment and to the wider school community thus promoting a zero tolerance approach to the possession of weapons/knives.

- Discuss the anti-weapon/knife crime guidance with all staff to ensure they are aware of policy procedures and adhere to them.

5. PROCEDURAL GUIDANCE FOR INCIDENT NOTIFICATION AND REPORTING



6. PUPIL SEARCHES

If there is reason to believe that a pupil is carrying a knife or other offensive weapon the following steps should be followed –

Do not attempt to disarm a pupil armed with a weapon seek support from Police Scotland.

In accordance with the law of Scotland searches must be made with the pupil's consent.

Physical searching of a pupil can only be carried out by Police Scotland.

Where consent is given the Head Teacher or nominee can undertake searches of the pupil's belongings.

Where no consent is forthcoming schools will contact Police Scotland.

Parents will be informed of any searches.

Any weapon/knife found in a pupil's possession will be confiscated.

Any weapon/knife found will be stored in a locked cabinet awaiting action by Police Scotland.

7. LINK TO RELEVANT EAST RENFREWSHIRE COUNCIL POLICY

Schools should be familiar with the contents of Standard Circular 8 Included Engaged and Involved part 2, 8a Anti Bullying and 21 Inclusion.

8. USEFUL CONTACTS

Police Scotland 101
 Crimestoppers 0800 555 111
 Parentline 08000 28 22 23
 Childline 0800 1111
www.benkinsella.org.uk
www.respectme.org.uk

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

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