

**Shetland
Islands
Council**



**Children's
Services**

Managing Exclusions in Shetland Schools

Policy

June 2018

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1. Introduction

- 1.1. A whole school approach which places the values of respect and inclusion at the heart of its ethos will create an environment which fosters positive relationships, better behaviour and high expectations for all children and young people and reduce the need for exclusion.
- 1.2. Excluding a child or young person from school, whatever their individual circumstances, is an extremely significant decision. It is likely to have a serious impact upon the child.
- 1.3. Exclusion should only be considered as the last resort and be a planned and proportionate response where all other alternatives have been considered.
- 1.4. Exclusions should be viewed as a short-term measure to enable reflection, planning and assessment.
- 1.5. The purpose and potential impact of any exclusion must be thoroughly considered and recorded.
- 1.6. In all circumstances it is necessary to ensure the exclusion will lead to improved outcomes for the child or young person.

2. Scope

- 2.1. Managing Exclusions in School deals with the policy, procedures and guidance related to preventing and managing exclusions in Shetland schools. This includes managing incidents involving weapons/knives, where exclusion is an option. The overarching aim of this policy is to:
 - Support schools keep all children and young people at risk of exclusion, included in their education
 - Provide the framework for managing an exclusion where this is deemed necessary
- 2.2. All relevant school staff should be aware of the Managing Exclusions in Shetland Schools Policy and should view exclusions as a positive, supported intervention which protects the health, safety and wellbeing of the pupil, school staff and the wider learning community.

3. Legal Grounds for Exclusion and Children's Rights

- 3.1. Regulation 4 and 4A of the Schools General (Scotland) Regulations (1975) state that the power to exclude a child or young person rests with the local authority. Shetland Islands Council has delegated this authority to the Director of Children's Services, who in turn has delegated the day to day responsibility to Head Teachers.
- 3.2. A pupil shall not be excluded from school unless the head teacher:
 - Consider 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
 - Is of the opinion that the parent of the pupil refuses or fails to comply, allows the pupil to comply, with the rules, regulations of disciplinary requirement of the school
- 3.3. Any exclusion from school, that does not conform with the terms of the 1975 Regulations has no statutory authority and will render the authority open to legal challenge.
- 3.4. Shetland Islands Council is committed to promoting and securing the rights of children under the United Nations Convention on the Rights of the Child (UNCRC). Namely that decisions taken by adults regarding exclusions should be in the best interests of the child and that exclusions must not punish children in a cruel or harmful way.
- 3.5. This policy reflects the relevant legislation:
 - Children & Young People (Scotland) 2014
 - Equality Act 2010
 - Education (Additional Support for Learning) (Scotland) Act 2004
 - Standards in Scotland's Schools etc. Act 2000
 - Age of Legal Capacity (Scotland) Act 1991
 - Education (Scotland) Act 1980
- 3.6. This policy reflects recent and relevant national policy.

4. Policy Statement

4.1. This policy adopts the national guidance principles set out in Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions. These are:

- The foundation for schools, learning establishments and education authorities is a whole school ethos of prevention, early intervention and support against a background which promotes positive relationships, learning and behaviour
- Everyone in a learning community should feel they are in a safe and nurturing environment
- All children and young people have a right to education; and education authorities have a duty to provide this education
- All children and young people need to be included, engaged and involved in their learning
- All children and young people have the right to get the support they need to benefit fully from their education and fulfil their potential
- Exclusion should be the last resort
- 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
- 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

5. De-Escalation and Physical Intervention

5.1. Children's Services has a duty of care to all children and young people attending school in respect of their health, wellbeing and welfare.

5.2. Children and young people, from time to time, will present schools with challenging and difficult behaviour and staff should understand that all behaviour is communication and be ready and open to considering the underlying triggers and reasons for this type of communication.

- 5.3. Staff engagement as well as clear and appropriate sharing of information will assist in the assessment and planning when dealing with incidents of challenging and distressed behaviour.
- 5.4. Shetland Islands Council's policy on Physical Intervention asserts that positive relationships and behaviour are key to minimising challenging behaviour and sets out the procedures for schools focussed around the use of Management of Perceived and Actual Aggression (MAPA) principles to deal with:
- Managing predictable events through risk assessment
 - Managing unplanned interventions
 - Reviewing and evaluating strategies
 - Debriefing and supporting staff
- 5.5. A school will employ a range of strategies to deal with disruptive behaviour and this may include instructing a pupil to temporarily leave the classroom. This separation is a short term measure for dealing with the immediate effects of disruptive behaviour.
- 5.6. For persistent disruptive behaviour, or where it is deemed that the safety of the child or young person and/or others is at risk, it may be appropriate to seclude a child or young person to a safe space for a longer period of time beyond the immediate incident.
- 5.7. Any seclusion, which is a form of physical intervention, should be planned, adequately supervised, time limited and take place in a safe place which does not cause any additional distress for the child or young person or risk for staff.
- 5.8. Consideration should also be given to any additional support needs of the child or young person.

6. Formal Recording of all Exclusions

- 6.1 All exclusions will be recorded accurately and promptly. This will consist of full details of the:
- circumstances giving rise to consideration to exclude
 - alternatives to exclusion that have been considered
 - potential impact on the child as a result of exclusion
 - a timeline for the return to learning for the child including any adjustments that will be required
- 6.2 Children and young people must not be sent home to "cool off".

7 Removal from Register – Permanent Exclusion

- 7.1 It is extremely rare that a child's behaviour is such that they are deemed to require removal from the register of the school. In such situations Head Teachers must refer the matter to the Director of Children's Services.
- 7.2 Only the Director of Children's Services, or a designated nominee in the absence of the Director, has the authority to remove a pupil from the register.
- 7.3 Should a permanent exclusion be made, the school and Children's Services will work co-operatively and expediently to minimise gaps in educational provision and aid a positive transition.
- 7.4 Education provision must be provided during the period of exclusion.

8 Admission to a New School following Removal from the Register

- 8.1 The transfer of the child or young person to a new establishment will be handled in a way to promote a positive transfer with minimal impact on educational provision and support.
- 8.2 The transfer will be managed to ensure all records, plans and assessments are shared timeously in support of an effective transition in to a new school.

9 Weapons/Knives and Exclusions

- 9.1 The safety and wellbeing of pupils, staff and the general public is paramount and everyone in a learning community should feel they are in a safe and secure environment to be educated, to work, or to visit.
- 9.2 There can be instances where a young person's behaviour can place themselves and others at risk of harm. Incidents of distressed behaviour can be made significantly more dangerous where there is a weapon involved.
- 9.3 School Managers and other relevant staff must understand the action required to de-escalate situations and, where a weapon is suspected or known to be involved, lead and/or participate in the successful management of the incident.
- 9.4 All instances of violence and aggression involving a weapon will be managed, reported and recorded by schools.

- 9.5 Weapons/knife incidents will be assessed on their individual circumstances and consider the nature of the incident, the risk posed, the level of criminal intent and any child protection issues.

10 Individual Circumstances

- 10.1 Exclusion is more prevalent amongst children with an assessed or declared disability; looked after children and young people; children and young people from the most deprived areas; children and young people who have been excluded on multiple occasions and those with social, emotional and behavioural additional support needs.
- 10.2 The circumstances under which a child or young person can be excluded from school are the same regardless of additional support need, protected characteristic or if the pupil is looked after. However, it is important that these individual circumstances be considered and adjustments made prior to exclusion, when a decision is taken to exclude and before return to school.

11 Appeals Against an Exclusion

- 11.1 Appeals against decisions to exclude can be referred to an Education Appeal Committee who will hold a hearing within 28 days of receipt of written confirmation of the wish to appeal an exclusion.
- 11.2 If the parent/carer or pupil decides to appeal against a temporary exclusion this should not affect the pupil's re-admission.

12 Roles and Responsibilities

- 12.1 Children's Services will:
- Provide up to date policies, procedures and guidance to school and other educational establishments on the prevention and management of exclusions and effective response to incidents
 - Gather, report and publish Shetland-wide data on exclusion
 - Gather, report and publish Shetland wide data on weapons/knife incidents
 - Support Head Teachers do everything possible to ensure good behaviour and effective attendance at school
 - Co-ordinate appropriate training and other professional development opportunities and resources for staff working in schools

- Promote the concept of learning communities where partnerships within schools and beyond the school gates can make a positive contribution to the health and wellbeing of all our young people
- Direct parents and child or young person to assistance that can be given to parents in terms of representation and advocacy such as Children's Rights Officers, particularly for supporting children who are looked after by the local authority

12.2 Head Teachers will:

- Ensure their school or establishment adhere to this policy and associated procedures and guidance that reflect Included, Engaged and Involved 2: A guide to preventing and managing exclusions
- Ensure that staff, pupils and parents and carers are familiar with the relevant contents of this policy
- Ensure staff put policies into practice universally and consistently
- Ensure exclusions incidents are recorded accurately and PIN forms are completed where appropriate
- Work to engage staff, pupils and parents and carers as active partners in preventing exclusions
- Provide a curriculum where children and young people can develop safe and responsible attitudes, including understanding the risks and dangers that can arise from carrying a weapon/knife
- Lead on the management of incidents involving weapons/knives
- Ensure relevant staff have regular and up-to-date training and professional development about exclusions
- Fulfil Named Person role under Shetland's GIRFEC policy
- Ensure the continuity of education provision during exclusion

12.3 Teachers will:

- Promote and safeguard the health, safety and welfare of pupils;
- Implement preventive strategies, including fostering positive relationships with young people
- Undertake relevant training and professional learning;
- Work in partnership with parents, support staff and other professionals to prevent exclusion
- Contribute towards good order and the wider needs of the school
- Adhere to Shetland Islands Council procedures on recording and responding to incidents

- Participate in the management of incidents involving weapons/knives

12.4 Parents will be encouraged to:

- Co-operate with the school, local authority and partners following an agreed course of action and encourage regular school attendance
- Ensure the voice of the young person is heard
- Educate their children about the dangers of weapons/knives
- Disclose, and encourage their children to disclose, information about someone they know to be carrying a knife

13 Links to Other Policies

- Policy on Physical Intervention
- Management of Occupational Violence and Aggression
- Attendance in School Policy

14 Training

14.1 Fundamental to the success of early intervention and reduction for exclusion is the knowledge and understanding of school staff and the wider learning community.

14.2 Children's Services will work with partner agencies and unions to offer professional learning opportunities to develop understanding of assessment, planning and review processes in GIRFEC and the relevance of this training in preventing and reducing exclusions.

14.3 A key aspect of a whole school approach to early intervention and reducing the need for exclusion is developing a better understanding and awareness of de-escalation techniques and all relevant staff should be offered professional learning opportunities in de-escalation and to understand the different types of challenging behaviour.

14.4 Staff should also be provided with opportunities to review incidents and consider the emotional impact on children, young people and staff during any incidents of challenging and distressed behaviour.

14.5 Children's Services will ensure that appropriate training and support is made available to relevant staff which will include:

- De-escalation and Physical Intervention (MAPA)
- Risk Assessment including situations involving weapons

- Restorative Approaches
- SEEMiS

15 Policy Review Date

15.1 This policy should be reviewed during academic year 2021/22 for publication in June 2022