

**Shetland
Islands
Council**



**Children's
Services**

Preventing and Managing Exclusions in Shetland Schools

Policy

February 2024

Contents

1. Introduction	3
2. Scope.....	3
3. Legal Grounds for Exclusion and Children’s Rights.....	4
4. Policy Statement	5
5. The Potential Impact of Exclusions	6
6. Prevention, Early Intervention and Staged Intervention	6
7. De-Escalation and Physical Intervention.....	9
8. Formal Recording of all Exclusions.....	11
9. Removal from Register – Permanent Exclusion.....	12
10. Admission to a New School following Removal from the Register.....	12
11. Weapons/Knives and Exclusions	12
12. Individual Circumstances	13
13. Planning the return to school	15
14. Appeals Against an Exclusion.....	16
15. Roles and Responsibilities.....	17
16. Links to Other Policies	18
17. Training.....	19
18. Policy Review Date	19

1. Introduction

Preventing and Managing Exclusions in Shetland Schools Policy 2024 (the Policy) aims to support Shetland schools on the management of exclusion of children and young people from school, so that it is prevented wherever possible and is only considered as the last resort in all situations.

The Policy supports schools, communities and their partners to keep all children and young people **fully included, engaged and involved** in their education and is informed by *Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions* (Scottish Government, 2017), (IEI2).

It includes a refreshed focus on prevention, positive approaches at universal level, early intervention and response to individual need in line with the principles of Getting it Right For Every Child (GIRFEC) and United Nations Convention on the Rights of the Child (UNCRC) as now embedded in Scottish legislation through United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024.

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. This policy emphasises the importance of inclusion through effective learning and teaching, promotion of the Nurture principles, and preventative approaches which will reduce the need to consider exclusion.

Excluding a child or young person from school, whatever their individual circumstances, is an extremely significant decision and is likely to have a serious impact upon the child. It should be a planned and proportionate response only where all other alternatives have been considered and should be viewed as a short-term measure to enable reflection, planning and assessment.

On rare occasions, longer-term exclusions or removal from the school's register may be deemed necessary. These incidents will be referred to the Central Service within Children's Services for support and to ensure educational provision and any transition arrangements are in place timeously.

2. Scope

The Policy is accompanied by 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:

- Strengthen preventative and positive approaches at universal level;
- Support schools to 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, including;
 - Clear communication with parents/carers and pupils;

- Alternative education provision while excluded; and
- Return to school processes.

3. Legal Grounds for Exclusion and Children's Rights

Regulation 4 and 4A of the Schools General (Scotland) Regulations 1975 (the 1975 Regulations) 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.

All Head Teachers employed by Shetland Islands Council are responsible for implementing this policy within their schools and ensuring that all staff and parents/carers are aware of the Policy.

A pupil shall not be excluded from school unless the Head Teacher:

- 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 and/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, or to allow the pupil to comply, with the rules, regulations or disciplinary requirements of the school.

Any exclusion from school, that does not conform with the terms of the 1975 Regulations, has no statutory authority and may be open to legal challenge.

Shetland Islands Council is committed to promoting and securing the rights of children and young people. It is therefore important to consider the UNCRC in relation to actions taken when following this Policy, in particular (but not limited to) –

- Article 3 – the best interests of the child must be a top priority in all decisions and actions that affect children;
- Article 12 – every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously;
- Article 28 – every child has the right to an education. Discipline in schools must respect children's dignity and their rights;
- Article 37 – children must not suffer cruel or degrading treatment or punishment.

This Policy reflects the following national legislation, guidance and policy:

- Schools General (Scotland) Regulations 1975;
- Children & Young People (Scotland) Act 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;
- United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024;
- United Nations Convention on the Rights of the Child (UNCRC);
- Getting it Right for Every Child (GIRFEC);
- Curriculum for Excellence (CfE);
- National Improvement Framework;
- Developing the Young Workforce: Scotland's Youth Employment Strategy
- The Promise; and
- The Presumption of Mainstreaming Guidance (Scottish Government, 2019).

4. Policy Statement

This Policy adopts the national guidance principles set out in the Scottish Government's: *Included, Engaged and Involved Part 2* (IEI2). 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. The Potential Impact of Exclusions

As stated in *Included, Engaged and Involved Part 2 (IEI2)*, the cost of exclusion can be seen in terms of wellbeing, attainment and later offending behaviour, with recognition that the negative impact of exclusion is cumulative. Children and young people can often become involved in a negative cycle of exclusion and non-attendance which are very likely to reduce social capital and significantly impact on later life chances.

For some children and young people exclusion may result in loss of connectedness, of belonging and the fracturing of relationships with peers and staff in the school and the community. It may bring back earlier trauma, or may result in the child or young person being at risk due to leaving them in a chaotic home environment rather than a stable school environment.

Some groups of children and young people are more likely to be excluded as can be seen from the [national statistics](#). Across Scotland in academic year 2022/23, the exclusion rate for children and young people with an additional support need (ASN) was 34.6 exclusions per 1000 pupils, approaching five times the rate of those without an ASN, 7.1 exclusions per 1000 pupils. Also the exclusion rate for those pupils living in a relatively more deprived area was 3.5 times higher than that of those living in a lesser deprived area. Finally, children and young people who are care experienced are also recognised as a cohort for whom exclusion is more prevalent.

Understanding the impact that exclusion can have will support informed decision making about the appropriateness of any potential exclusion and whether or not all other options have been exhausted first. Possible preventative approaches are explored in the next section.

6. Prevention, Early Intervention and Staged Intervention

The Scottish vision for inclusive education applies to all:

Inclusive education in Scotland starts from the belief that education is a human right and the foundation for a more just society. An inclusive approach which recognises diversity and holds the ambition that all children and young people are enabled to achieve to their fullest potential is the cornerstone to achieve equity and excellence in education for all of our children and young people.

(Presumption to Provide Education in a Mainstream Setting: Guidance,
Scottish Government ((2019))

In our schools, it is the responsibility of **all staff** working with children and young people to respond appropriately to their needs, to recognise early signs of difficulty and to adapt learning and teaching approaches accordingly. Effective assessment, planning, action and review, consistent with the values and principles of Curriculum for Excellence and the GIRFEC approach is core to the work of staff in schools.

The ethos, culture and values of our schools are key to promoting nurturing relationships and positive behaviour. An inclusive, nurturing ethos where everyone's contribution is valued and encouraged should be promoted. Schools with a positive

ethos nurture development, promote learner participation, encourage achievement, celebrate success and have high expectations of every child and young person. They also have lower exclusion rates and experience less disruptive behaviour.

General Teaching Council for Scotland (GTCS) Professional Standards for Teachers and for Head Teachers promote key values of social justice, integrity, trust and respect, and professional commitment. These are the foundations for all registered teachers and are borne out in relationships across schools and interactions undertaken.

Positive behaviour is promoted through engagement in meaningful, high quality learning experiences where all children and young people experience nurturing, supportive and inclusive learning environments. Through effective learning and teaching, appropriate support and challenge will be in place, which reflects high aspirations for all children and young people, detailed understanding of learners' progress and reduction of potential barriers to learning.

Children and young people will be supported by an appropriate curriculum which is coherent and flexible, that is of interest to them and adaptable and responsive to their diverse needs. The curriculum will support children and young people to develop by providing them with opportunities to build the full range of skills, attributes, and capacities to be resilient and to have the best opportunity to fulfil their potential.

To support Children's Services universal offer for all children and young people, regardless of support needs, all schools will consider implementation of the following supported and evidence-based interventions:

- **CIRCLE – Child Inclusion Research into Curriculum, Learning and Education.** CIRCLE aims to promote effective inclusive practice in classrooms and has been developed by a research team with teachers, for teachers. The resource begins from the viewpoint that teachers are the experts in teaching, and that what is required to support inclusion is a framework that allows this expertise to be applied in the most effective way, using a general set of principles. Within the context of this resource, additional support needs are considered to be any factor (physical, sensory, psychological, emotional, economic or cultural) that prevents the learner participating fully, being accepted and achieving in school.
- **NURTURE** - A nurturing approach recognises that positive relationships are central to both learning and wellbeing, and that all staff have a role to play in establishing these positive, consistent and predictable relationships that are required to promote healthy social and emotional development. A nurturing approach has a key focus on the school environment and emphasises the balance between care and challenge which incorporates attunement, warmth and connection alongside structure, high expectations and a focus on achievement and attainment. It is based on the understanding of six Nurturing Principles and helps to embed a **trauma-informed approach**.
- **RESTORATIVE APPROACHES** – Schools may use restorative approaches as part of a planned response to relationship and/or discipline difficulties

including dealing with bullying. This is a more effective response than traditional punitive approaches. Restorative approaches can change the emotional atmosphere in a school and lead to more positive relationships between pupils and between pupils and staff.

With the above consistently in place, a strong foundation to support all children and young people will be present. However, for some children and young people, there will be a need for further support and/or intervention to ensure they can successfully attend and succeed in school.

All staff have a duty of care to all children and young people attending school in respect of their health, wellbeing and welfare. Staff knowledge and assessment of a child or young person and any needs should be used to plan to prevent the type of situation which may cause the child or young person severe stress or frustration

There may be times when children and young people will exhibit distressed behaviours or behaviours that challenge and that could lead to exclusion. 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.

Staff will endeavour to identify, where possible, the triggers that may lead to a child or young person exhibiting distressed behaviours, bearing in mind that these triggers may be internal or may have happened a significant time prior to the behaviour being experienced.

Staff engagement as well as clear and appropriate sharing of information will assist in the assessment and planning when dealing with incidents of distressed behaviour or behaviours that challenge.

To support children and young people at risk of exclusion, in line with legislation, actions at school level will include:

- Exploring with the child or young person and their parents/carers the child or young person's strengths and what may help prevent similar incidents from reoccurring;
- Analysing data to look for patterns and potential triggers;
- Identifying and removing barriers to learning;
- Making further adjustments to supports in place;
- Identifying relevant supports and interventions through Stages of Intervention.

Staged intervention begins when a need or a concern is identified that requires assessment and intervention beyond what is usually implemented universally in the classroom setting. Prior to implementing the staged approach, found in **Shetland Islands Council's Stages of Intervention 2022**, it is expected that school staff will have utilised and exhausted class and school based approaches and strategies.

Staged intervention is used as a means of identification, assessment, planning, recording and review to meet those needs that require further intervention and support. It provides a solution-focused approach to addressing concerns and meeting needs at the earliest opportunity with the least intrusive level of intervention.

The process involves the child, parents/carers, school staff and, at some levels, other professionals working in partnership to get it right for every child.

If a child or young person is involved in an incident that places them at risk of exclusion from school but does not have a Child's Plan in place, the incident will also trigger consideration of an assessment of risk and need and, where required, a Child's Plan will be established as part of the staged intervention approach.

Education authorities have a duty of care to all children and young people. All children can experience challenging situations, and some will require additional support pertaining to their social, emotional and behavioural development. Staff knowledge and detailed assessment of a child or young person will be used to predict and plan for the type of situations which may cause distress or behaviours that challenge.

Some children may require Safety and Support Plans and/or individual Risk Assessments (Person Focused Risk Assessment) as discussed in section 7 below.

Emphasis should be upon **proactive, preventative** planning in order to promote and model positive behaviours, and *thereafter* upon effective de-escalation strategies.

7. De-Escalation and Physical Intervention

Children Services is committed to empowering staff by delivering high quality professional learning opportunities and supports the use of general and accredited behaviour de-escalation training as an approach to promoting positive behaviour.

Supporting children and young people to understand their own emotions and behaviours, and develop strategies to self-regulate are also key to preventing the need for exclusion. Training opportunities through I-learn on Self-regulation, Zones of Regulation and Mindfulness as well as Resilient Kids will continue to be available for staff to develop confidence of staff in effective de-escalation of situations, and children and young people in managing their own responses to challenges through early intervention.

Shetland Islands Council's policy on Physical Intervention asserts that positive relationships and behaviour are key to minimising distressed behaviour or behaviours that challenge, and sets out the procedures for schools focussed around the use of CPI Safety Intervention, formally known as MAPA (Management of Actual and Potential Aggression).

CPI Safety Intervention is a behaviour management system designed as a safe, non-harmful approach to assist staff in the management of a wide range of behaviours that challenge including high levels of physical aggression and self-injurious behaviour by:

- Managing predictable events through risk assessment;
- Managing unplanned interventions;
- Reviewing and evaluating strategies;
- Debriefing and supporting staff.

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.

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.

Any seclusion, which is a form of physical intervention, must 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.

Consideration should also be given to any additional support needs of the child or young person.

All incidents where physical intervention or seclusion have taken place should be recorded through the ASSURE health and safety system and actions identified to support prevention of this reoccurring.

This may be through development of a Safety and Support Plan in collaboration with the child or young person and their parents/carers and may also require the development of a Person Focused Risk Assessment (PFRA) to pre-empt any incident reoccurring as well as ensuring the correct and identified supports or adjustments are in place. All completed risk assessments and Safety and Support plans should be shared with the parents/carers, child or young person and all relevant staff and professionals who may need to take forward the actions. These plans will be reviewed regularly.

Consideration must also be given to the needs of those who have been affected by the incident or events that might lead to an exclusion, and appropriate levels of practical and emotional support provided. Restorative approaches are used to support areas of conflict and dysregulation and to ensure that we have sufficient strategies to encourage positive relationships and behaviour in conjunction with any individual planning in place.

8. Formal Recording of all Exclusions

Where exclusion is unavoidable, it is important to ensure best practice in planning, managing and resolving exclusions.

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;
- timeline for the return to learning for the child including any adjustments that will be required.

Children and young people must not be sent home to “cool off”. This is effectively an exclusion and thus **must** be dealt with through this process. Any situation whereby a child is not permitted to attend school by the Head Teacher or by the local authority should use the exclusion process as stated in this policy.

The Procedure for Exclusion

This procedure must only be invoked as a last resort and when all other available supports have been exhausted.

- 1. Pupil Under Statutory School Leaving Age** - once a decision has been made to exclude a pupil, the Head Teacher must advise the pupil's parents/carers either verbally or in writing of the decision taken and ensure that the pupil can be safely sent home.
- 2. Pupil Over Statutory School Leaving Age** - once a decision has been made to exclude a pupil, the Head Teacher must advise the pupil either verbally or in writing of the decision taken and seek consent to inform and involve the pupil's parents/carers. Where the pupil lacks capacity to understand the implications of the exclusion, the parents/carers should be contacted in the first instance and advice sought where necessary from the Quality Improvement Officer (QIO) allocated to the school.
- 3.** A day, time and place must be specified when and where an appropriate person is available to discuss the decision to exclude the pupil. That date must be within 7 days immediately following the date of the decision.
- 4.** Where the above information is given verbally, it should be followed up in writing.
- 5.** Within 8 days immediately following the date of the decision, the following information must be provided in writing:-
 - the reasons for the decision to exclude;
 - the conditions, if any, with which the pupil and his parent/carer, or either of them, are required to comply, or to undertake to comply, before the pupil will be readmitted to the school;
 - the right to refer the decision to exclude to an appeal committee;

- the address to which a reference to the appeal committee should be made;
- any other appropriate information.

Further guidance is available in Preventing and Managing Exclusions in Shetland Schools Procedures and Guidance

9. Removal from Register – Permanent Exclusion

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.

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.

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.

Education provision must be provided during the period of exclusion.

10. Admission to a New School following Removal from the Register

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.

The transfer will be managed to ensure all records, plans and assessments are shared timeously in support of an effective transition into a new school.

11. Weapons/Knives and Exclusions

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.

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.

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.

All instances of violence and aggression involving a weapon will be managed, reported and recorded by schools.

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.

12. Individual Circumstances

The circumstances under which a child or young person can be excluded from school are the same regardless of additional support needs, protected characteristics or if the pupil is care experienced. 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.

The Equality Act 2010 defines discrimination when a person with a protected characteristic, such as having a disability, is treated less favourably than others are or would be treated.

In situations where exclusion is being considered for a child or young person with a protected characteristic, consideration should be given to whether the decision to exclude could be discriminatory. The Equality Act 2010 does not prohibit schools from excluding children or young people with protected characteristics, however it does state that it is unlawful to exclude a pupil **because of** a protected characteristic.

If consideration is being given to excluding a child or young person with a protected characteristic, the Head Teacher must be satisfied that all reasonable adjustments are in place and fully implemented. The Head Teacher must contact the Quality Improvement Officer for the school to discuss their exclusion rationale and plan **prior** to excluding the child or young person.

If the child has a multi-agency Child's Plan, the allocated Social Worker should be consulted regarding any potential exclusion **prior** to any decision being made. Should the allocated Social Worker not be available, a call should be made to Duty Social Work again **prior** to any decision being made.

Children and Young People with a Disability or Additional Support Needs

In reaching a decision to exclude, education authorities have to consider whether they comply with section 4 of the Education (Additional Support for Learning) (Scotland) Act 2004 which requires that every education authority must make adequate and efficient provision for additional support needs, keeping this under review.

Should there be further supports that can be put in place, this should be completed rather than exclusion. If all supports and reasonable adjustments have been exhausted then exclusion may be considered as a last resort and for the minimal time possible.

School staff should be aware of the arrangements in place with any other agencies such as Social Work services and Health professionals. The child or young person should continue to access any therapeutic support such as physiotherapy, speech and language therapy or occupational therapy as ongoing and necessary support and intervention whilst excluded from school.

Care Experienced Children and Young People.

The Children and Young People (Scotland) Act 2014 defines corporate parenting as "the formal and local partnerships between all services responsible for working together to meet the needs of looked after children, young people and care leavers". This includes **all staff** working in schools.

Shetland Islands Council is the Corporate Parent for all Care Experienced Children and Young People in Shetland. Good corporate parents will want the same outcomes for their care experienced children and young people as any good parent would want for their own children. A good corporate parent will want the best outcomes for their care experienced children and young people, accept responsibility for them, and make their needs a priority.

The Independent Care Review highlighted the concerns for children and young people who are care experienced: *"The formal and informal exclusion of care-experienced children from school must end. Schools and Local Authorities must do everything required to support children to build positive relationships at school and maintain attendance, engagement and learning in a meaningful and supportive way. Schools in Scotland must also not exacerbate the trauma of children by imposing consequences for challenging behaviour that are restrictive, humiliating and stigmatising."*

The Education (Additional Support for Learning Act) (Scotland) Act 2004, as amended 2009, states that all looked after children will be deemed to have additional support needs unless assessed otherwise and appropriate consideration should be given to this, including the development of a Child's Plan.

School life can be a protective factor in the lives of care experienced children and young people and all alternatives should be exhausted before exclusion is considered.

Children and Young People who are living in areas of Socioeconomic Deprivation

National statistics highlight that children and young people living in socioeconomic deprivation are still over represented in the numbers of children and young people who are excluded from school. Children and young people who are living in deprivation are more likely to have experienced a wide range of adverse living circumstances which impact on their wellbeing.

Schools need to take account of how this may be impacting on children and young people's behaviour and be aware that exclusion can be an additional stress factor. Schools need to consider that an exclusion may also have an immediate detrimental impact on the wellbeing of children and young people. This may include their missing out on free school meals and being prevented from accessing the security and consistency of the school environment.

Children and Young People on the Child Protection Register

If the decision to exclude a child or young person on the child protection register is being considered, the Head Teacher must contact Social Work prior to any decision being made. Social Work services must be involved in any decision to exclude and will be engaged in supporting the child or young person throughout the period of exclusion. In all cases where a decision to exclude a child or young person on the child protection register is being taken, the school should be prepared to undertake a risk assessment to ensure the child or young person will not be placed at further risk whilst excluded from school.

Children and Young People who are Excluded on Multiple Occasions

Where multiple exclusions of a child or young person have taken place, it should highlight to the school that the support provision needs to be reviewed. In these instances, schools should seek additional support in line with staged intervention guidance.

13. Planning the Return to School

Prior to a child or young person returning to school, an assessment of their wellbeing (e.g. a simple check-in, review of wellbeing indicators) is advised, and planning should take place to ensure the right support is provided. It is good practice to meet with the child or young person and their parents/carers to discuss the return to school and to agree the most appropriate supports moving forward. It is not, however, a legal requirement to have a pre-return meeting, seek guarantees or contracts of behaviour with parents/carers and children or young people before a return to school.

Proportionate, nurturing approaches and strategies should be developed to prepare the child or young person, parents/carers, staff and peers to support a positive return to school. A review of their Child's Plan is advisable at this time to ensure all partners to the plan are fully aware and involved in changes required to prevent any further exclusion being warranted.

In order to support the child or young person appropriately and enhance the transition back to school, ongoing supports should be provided by appropriate staff and/or partners.

In exceptional circumstances, it may be necessary to implement a flexible or part-time timetable with an agreed timescale as to when this will end as a phased return into school should a fulltime and immediate return be deemed by the team around the child or the child or young person themselves as too overwhelming. Any such arrangements should be for a short, agreed period with the aims and conditions around this recorded in any support plan and reviewed regularly.

14. Appeals Against an Exclusion

Appeals against decisions to exclude can be referred to an Education Appeal Committee. The Council is obliged to set up and maintain such a committee. It consists of two councillors and one layperson. The appeals committee will hold a hearing within 28 days of receipt of written confirmation of the wish to appeal an exclusion. Detailed explanation of the procedure to be followed at the hearing will be provided by the Council at that time, but anyone appealing an exclusion is advised to seek their own independent legal advice. If the parent/carer or pupil appeals against the exclusion, details of the outcome must be entered in the Pupil's Progress Record File. If the parent's/carer's or pupil's appeal against exclusion is upheld either by the Appeals Committee or the Sheriff, any reference to the exclusion in the Pupil's Progress Record File **must be deleted.**

Clerk to the Education Appeal Committee
Governance and Law
Corporate Services
8 North Ness
Lerwick
ZE1 0LZ

The Equality Act 2010 provides the right for parents/carers or the young person or child (where they have capacity) to make a claim to the ASN Tribunal in respect of disability discrimination regarding the provision of educational support under the Education (Additional Support for Learning) (Scotland) Act 2004. Information regarding this can be found [here](#).

If the parent/carer or pupil decides to appeal against a temporary exclusion this should not affect the pupil's re-admission.

Information about the right to appeal must be included in the written information provided to the pupil and/or their parents/carers.

15. Roles and Responsibilities

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 to 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/carers and child or young person to assistance that can be given to parents/carers in terms of representation and advocacy, particularly for supporting children who are looked after by the local authority.

Head Teachers will:

- Ensure their school or establishment adhere to this policy and associated procedures and guidance that reflect *Included, Engaged and Involved Part 2* (IEI2);
- Ensure that staff, pupils and parents/carers are familiar with the relevant contents of this policy;
- Ensure staff put policies into practice universally and consistently;
- Ensure exclusion incidents are recorded accurately and ASSURE forms are completed where appropriate;
- Work to engage staff, pupils and parents/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;
- Ensure all staff, including those from services outwith schools, attend a rolling programme of training to embed this policy and its principles.

All School staff will:

- Promote and safeguard the health, safety and welfare of pupils;
- Implement preventive strategies, including fostering positive relationships with children and young people;
- Undertake relevant training and professional learning;
- Work in partnership with parents/carers, other school staff and professionals from other services 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;
- Know who to contact if this policy is not being adhered to, i.e. their Head Teacher or the Quality Improvement Link Officer for the school;
- Attend appropriate level of training in the rolling programme of training developed to embed this policy and its principles.

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 child or 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 weapon/knife.

Children and Young People will have responsibilities that are developed in their own schools and classrooms in consultation with their Head Teacher that help to set expectations in their own school and support the individual context and ethos of their school.

16. Links to Other Policies

This policy is one of a suite of interconnected policies that work towards ensuring that our children and young people in educational settings have a safe and supportive experience and that our educational workforce have tools available to them to ensure their safety and that of the children and young people they support.

These policies include:

- Policy on Restraint Reduction (2024) formerly Policy on Physical Intervention;
- Management of Occupational Violence and Aggression;
- Attendance in School Policy and Guidance;
- Positive Relationships and Behaviour Guidance (due 2024) with most schools having Positive Behaviour Management policies in place already
- Anti-Bullying Policy.

17. Training

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

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.

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 universal interventions such as CIRCLE, NURTURE, Restorative Approaches and Trauma Informed Practice as well as self-regulation and de-escalation techniques, and all relevant staff should be offered professional learning opportunities in de-escalation and to understand behaviour as communication.

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 distressed behaviour or behaviours that challenge.

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

- GIRFEC;
- De-escalation and Physical Intervention (Safety Intervention);
- Risk Assessment including situations involving weapons;
- PREVENT;
- CIRCLE;
- Nurture;
- Self-regulation, Zones of Regulation;
- Trauma Informed Approaches;
- Restorative Approaches;
- SEEMiS.

18. Policy Review Date

This policy should be reviewed during academic year 2026/27 for publication in June 2027.

End