

**Aberdeenshire Council  
Education and Recreation Service**

**Policy on School Discipline and the Use of Exclusion**

**1 PRINCIPLES**

- 1.1 Aberdeenshire Council's Education and Recreation Service is committed to an inclusive approach for school pupils which focuses on Achievement for All and promoting positive behaviour. A school environment where pupils and staff alike are valued and treated with respect, and where appropriate learning experiences related to individual needs are on offer, promotes positive behaviour. The Authority is committed to the principle that exclusion should only be used as a last resort.
- 1.2 While the Authority is committed to the principle that exclusion should be used only as a last resort, it is recognised that the use of exclusion can be appropriate not only as part of a strategy to secure an improvement in individual pupil behaviour but also to protect the educational well-being of other pupils and the safety and welfare of pupils and staff. It is also recognised that, occasionally, a single incident will occur which is of such a serious nature in terms of section 2.2 below that immediate exclusion is appropriate and necessary.
- 1.3 Pupils, parents and school staff have the right to expect that, wherever possible, education can be provided in an environment which is safe and which is free from disruptive and aggressive behaviour. It should be noted that the term "parent" used throughout this policy document also includes reference to guardians and carers.
- 1.4 It is clear that the relationship with parents is of crucial importance. Schools which are welcoming to parents, and encourage their involvement in the life of the school, find it easier to gain their support and develop a partnership which promotes effective learning and good discipline. School Boards and Parent Teacher Associations also have an important role to play as partners in this process.

Parents have an important role to play in fostering positive attitudes to school and a responsibility to ensure that their children comply with the school's expectations regarding behaviour and attitudes to learning.

- 1.5 It is recognised that under the Standards in Scotland's Schools Act 2000, children and young people also have legal rights within the education system. This includes a right to school education for every child of school age, and a duty on education authorities to have due regard to the views of the child or young person in all matters which significantly affect them.

It is clear therefore that pupils also have an important role to play in promoting positive cultures within schools. Schools which involve their pupils in the design and implementation of their policies and procedures will encourage a greater sense of ownership and partnership, which in turn will promote effective learning, good discipline and positive citizenship.

- 1.6 There must be a clear recognition within school behaviour policies of the responsibilities pupils and parents share in maintaining positive behaviour in schools.

A parent's duty to provide efficient education for their child suitable to his or her age, ability and aptitude continues where their child is excluded and therefore they should co-operate with the school and Authority in making any alternative provision necessary including any special arrangements. Parents are also expected to support the school in facilitating their child's compliance with any reasonable conditions of return.

Parents should ensure that their children attend school regularly, support the school in the implementation of the agreed school policies and encourage them to behave properly, supporting the school in its efforts to tackle indiscipline.

- 1.7 Parents should also accept responsibility for their own behaviour. All members of the school and the wider educational community have the right to be treated with respect, as do parents.
- 1.8 Pupils also have responsibilities. They are expected to attend school regularly, behave appropriately and respect the agreed school policies. They should be fully aware of the school rules and the school's responses to breaches of discipline.

Pupils should accept responsibility for their own behaviour. All members of the school and also the wider community have the right to be treated fairly and with respect for their safety and feelings.

## **2 LEGISLATIVE FRAMEWORK**

2.1 In the area of school discipline, as in all aspects of school life, schools must ensure that they comply with the requirements of the law and Council policy on preventing discrimination on the basis of sex or racial or cultural origin. They should also comply with the provisions of the UN Convention on the Rights of the Child. Therefore:-

- Schools must ensure that the disciplining of pupils does not discriminate directly or indirectly on grounds of gender or sexual orientation
- Schools must ensure that the disciplining of pupils does not discriminate directly or indirectly on grounds of race, colour, creed or ethnic origin
- Schools should, so far as reasonably practicable, have regard to the views of pupils in implementing their disciplinary policies
- In the area of school discipline schools should regard the welfare of all pupils as the paramount consideration.

2.2 The only circumstances in which the Authority or a school may exclude a pupil from school are where:

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; or 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.

- 2.3 Pupils should not be excluded from school as a result of poor attendance. There are alternative measures which are available to schools and the Authority to address attendance problems; a flow chart of procedure is attached as appendix 1 to this document.
- 2.4 Schools should never send pupils home for a “cooling-off” period or informally exclude pupils, whether or not the parents agree. Failure to comply with the Schools General (Scotland) Regulations in such circumstances may render the Authority open to legal challenge by the parents or to action by the Secretary of State under section 70 of the Education (Scotland) Act 1980.
- 2.5 In relation to a pupil with a Record of Needs the circumstances under which a pupil may be excluded are the same as they are for a pupil without a Record. However, children with special educational needs, both recorded and non-recorded, and Looked After Children require particular care and attention and the Authority will continue to address their needs and take account of the possible requirements for additional resources, including staff training and development, to support their social, emotional and educational development.

In accordance with SEED Circular 8/03, where a pupil with a Record of Needs is at risk of exclusion, there will be a need to balance the case for exclusion with the need to take all reasonable steps to ensure that appropriate provision is made for the pupil's special educational needs.

Further information on procedures to be followed when excluding a “Looked After Child” is given in sections 4.7 and 4.8.

### **3 GOOD PRACTICE IN PREVENTING THE NEED FOR EXCLUSION**

- 3.1 It is important that the support needs of pupils with social, emotional or behavioural difficulties or other additional needs are identified and planned for in advance of the key transition stages, such as attending a school or other educational establishment for the first time, including the transition from nursery (or other pre-school setting) to primary school, or from primary to secondary school.
- 3.2 Schools should ensure that appropriate teachers, and in some cases support staff, should have access to relevant information about pupils which may assist with learning and teaching and behaviour management. Within the framework of relevant legislation, school policies should make provision for classroom teachers, as trusted professionals, to have access to appropriate information on the personal circumstances of a pupil where this is likely to have an impact on the pupil's personal and social development, and hence on their learning. Disclosure to teachers should be in accordance with agreed procedures and teachers so informed must then have due respect to the confidential nature of the information.
- 3.3 Prior to a school considering the exclusion of a pupil, all relevant internal preventative and support procedures should have been exhausted and maximum appropriate use must have been made of external agencies; learning difficulties, medical factors, poor attainment, excessive demands, family circumstances, bullying, racial and cultural harassment, and like matters should have been considered and the required action taken. It is also vital that parents have been fully involved from an early stage in discussions regarding areas of concern and

strategies for effecting improvement. The school's behavioural expectations of pupils should have been made clear to the pupil and parents throughout the period of the pupil's behavioural problems. Schools should bear in mind that, unless a Court has ruled otherwise, parents continue to have legal responsibilities and rights in relation to their children irrespective of the child's living arrangements.

It is recognised that, occasionally, a single incident will occur which is of such a serious nature in terms of 2.2 above that immediate exclusion, without the prior steps outlined above, will be appropriate and necessary.

- 3.4 All schools should adopt an early intervention and multi-disciplinary approach, in addressing the needs of pupils with social, emotional or behavioural difficulties. Extended guidance teams should be in place in all secondary schools. Locally based Joint Assessment Teams (JATs) have been set up in a number of Community School Networks. There are Area multi-disciplinary assessment teams of varying kinds in place across Aberdeenshire, to which particularly challenging cases can be referred.
- 3.5 Where Community School staff such as pupil support and family support workers are in place, they have a key role to play in supporting pupils with social, emotional or behavioural difficulties and in helping the re-integration of pupils who have been excluded.
- 3.6 Every school in Aberdeenshire should have a behaviour/discipline policy in place. Parents, (through the School Board or by other means), staff and pupils should all be consulted when drawing up or reviewing this policy. The policy should articulate with other school policies e.g. learning and teaching, pastoral care/support for learners, equal opportunities. The policy should also refer to the consultative role of the School Board (where there is one) and the parent body in working with school management in preventing and solving disciplinary problems at a whole school level.

It is important that each school's behaviour/discipline policy should be taken forward through the development planning process to ensure that adequate time, resources and in-service training are provided in a coherent way.

- 3.7 The policy document should outline the school's behavioural expectations of pupils and the positive steps which are being taken to promote good discipline, including the provision for all pupils of an appropriate curriculum, the promotion of positive behaviour and the inclusive approach under which all pupils are treated equally and valued as individuals. The document should also make clear the responsibility of particular members of staff in the different stages of the disciplinary process including exclusion, the different sanctions which are available, the importance of a multi-disciplinary approach and inter-agency cooperation, the steps which will be taken to involve parents at an early stage and take account of their own and pupils' views, and the support for pupils which is available. Also included should be a statement indicating that exclusion will be used only as a last resort and information regarding the circumstances which will result in exclusion and the types of exclusion which are available to the school and to the Authority.

The policy document should also indicate the information which schools will record on a decision to exclude in the pupil's progress record, and provision for removal of such information if a successful appeal against exclusion has been made. It is

important that all staff, parents and pupils are made aware of the contents of the school's behaviour/discipline policy and are clear regarding their role and the expectations of them within the policy.

Schools should also take account of the need for a good information flow in the area of pupil discipline with senior management providing appropriate feedback to teachers who have made referrals of pupils with behavioural problems.

- 3.8 The school policy document should also recognise the need for supporting staff and pupils who have been witnesses to, or victims of, breaches of discipline, and the parents of such pupils, as described more fully in section 7.2 below.

## **4 EXCLUSION PROCEDURES**

- 4.1 The types of exclusion which can be implemented in Aberdeenshire schools are noted below.

(i) **Exclusion (Short Term)**

Exclusion for up to a maximum of seven (calendar) days with automatic readmission. For this type of exclusion there is a requirement that parents and the pupil are invited to a meeting at the school. It should be noted that their attendance is not a pre-requisite for readmission.

(ii) **Exclusion (Conditional)**

Exclusion where return of pupil to school is conditional on certain written undertakings being given by pupil and parents as to satisfactory future behaviour.

For this type of exclusion, there is a requirement for a meeting with the parents and the pupil, to agree the condition(s) for readmission, to take place within seven (calendar) days. Readmission will only occur after the meeting, and having secured the written undertaking referred to above.

(iii) **Exclusion (Removal from the Register)**

Exclusion which results in the pupil not being permitted to continue his/her education at the school from which he/she has been excluded.

The ability to exclude on a on a short term or conditional basis is devolved to Head Teachers, or, in their absence, a designated member of the senior management team. The ability to exclude resulting in a pupil being removed from the register is not devolved to Head Teachers, but is vested in the Director of Education and Recreation normally through an Education Network Manager.

- 4.2 In the case of an Exclusion (Conditional), and to avoid difficulties where parents (and/or the pupil if appropriate) are considering appealing against the decision to exclude and not therefore wishing to agree to the conditions set for return to school, Head Teachers should make it clear in letters to parents (and/or the pupil if appropriate) that agreeing to these conditions does not prejudice their right of appeal and that this would not be construed as a recognition on their part that the exclusion was justifiable. This should avoid the situation where the lodging of an appeal has the effect of lengthening the term of exclusion. In this connection, advice to Head Teachers regarding appropriate conditions to be set for readmission is incorporated into the Authority's Guide to Exclusions for Schools.

- 4.3 Prior to an exclusion taking place it is a requirement that schools will have fully involved the pupil and parents both through informal discussion and meetings arranged at the school. The latter should also have been informed of any serious breaches of discipline in writing. In addition, they should have been given a clear written warning that exclusion was a possibility in future and have been made aware of what that entails. The Authority's Exclusion Guidelines for Parents and Pupils should have been issued to parents, and the pupil if having legal capacity.

It is recognised however that, occasionally, a single and unexpected incident will occur which is of such a serious nature in terms of section 2.2 above that prior discussion and meetings with the pupil and parents will not have taken place.

- 4.4 A pupil under 16 has legal capacity if he or she would understand what it means to sue or defend in legal proceedings and instruct a solicitor in connection with such proceedings. Furthermore, there is a legal presumption that a pupil aged 12 or over does have such capacity. In practice, it will be for the Head Teacher, perhaps in consultation with the pupil's class teacher(s), to decide whether a pupil has legal capacity, bearing in mind the presumption in relation to pupils aged 12 or over.
- 4.5 It is recognised that, in cases where a serious incident occurs and there has been no history of indiscipline, it may not be possible for schools to have fully engaged in discussion with the parents as outlined above.

In addition to parents, pupils should have their views taken into account, when schools or the Authority make decisions about exclusion, with due weight given to their views in accordance with age and maturity. In any relevant procedures, including formal appeals, the views of the pupil as well as those of the parents should be accurately represented and appropriately taken into account.

- 4.6 Written communication with parents and pupils when exclusion occurs should follow the style and wording in the Authority's Guide to Exclusions for Schools. The Guide also gives advice on a variety of issues related to exclusion and the appeal process. Where a pupil is 12 years of age or over, except where she/he is under 16 years of age and judged not to have legal capacity, separate exclusion letters and related correspondence should also be sent to her/him, in addition to their parents. A child over 12 but under 16 could be judged not to have legal capacity due to severe learning difficulties. It would be for the Head Teacher, in consultation with appropriate professionals, to make such a judgement.

Pupils between the ages of 12 and 16 if they have legal capacity, and all pupils over the age of 16, are entitled to appeal against an exclusion. Where a pupil under the age of 16 is treated as having the appropriate legal capacity, correspondence with him or her will be additional to (and not instead of) correspondence with the parents. Where a pupil is over 16 years of age, they are described as a young person and as such are entitled to be dealt with instead of their parents. Any duty to notify parents should be read as a duty to inform the young person. It is this Authority's policy also to deal with parents in such circumstances. However, if a pupil who is a young person specifically requests that their parents are not informed of the exclusion, then their confidentiality should be respected and no action taken to inform parents. Every effort should be made, however, to encourage the pupil to allow the parents to be informed given the desirability of parental involvement.

In the case of a young person (i.e. over 16 years of age) who is judged not to have a legal capacity due to learning difficulties, a responsible adult should be appointed to represent them. In some instances it may be that the Authority will be legally responsible for the young person and inquiries should be made to ensure clarity of the situation.

- 4.7 Where a pupil is at risk of being, or has been, excluded, he/she and their parents should be informed of how they might gain the support of another adult, professional or organisation, which might assist them or advocate on their behalf, to ensure that the pupil receives the support he/she needs when required. Such support could come from a social worker, Citizens Advice Bureau, Advocacy North East, or a solicitor.

It is recognised that Children's Rights Officers also have an important role to play in supporting pupils who are being Looked After by the authority. Whenever a pupil who is a Looked After Child is at risk of being, or has been excluded, the appropriate Children's Right Officer or Who Cares Scotland Young Persons Worker should be informed.

Information on how they might seek the support of an adult, professional or organisation to assist them to advocate on their own behalf should be made available to all pupils who have legal capacity where they have been excluded.

- 4.8 Looked After Children include those who are looked after by a local authority in a residential establishment, a foster home or under a supervision requirement in their own home. A full description is given in appendix 2 attached to this document.

Social Work services should always be informed whenever a pupil is at risk of being, or has been excluded, where the school is aware that the pupil is on the Child Protection Register, or is a Looked After Child, or is receiving Social Work support. As far as possible, provision should be put in place to ensure the ongoing monitoring of the welfare of the child, as well as provision for their educational needs as described in the child's Care Plan. For Looked After Children, the Children's Rights Officer should also be informed.

In the case of Looked After Children, the parent(s) should be advised by the most appropriate agency about the decision to exclude the child whenever possible, except where a child is over 16 and does not wish parents to be informed.

- 4.9 Schools should contact parents prior to an excluded pupil being required to leave school premises. Schools should also check that appropriate arrangements for the care of the pupil have been made before they are sent from school premises.

- 4.10 In certain circumstances, a decision to exclude could result in an immediate risk of serious harm. Where this possibility exists, Social Work must be contacted without delay. Additionally, a period of time excluded from school may bring about a significant increase in the extent to which a pupil is vulnerable and so 'at risk' in the community or at home. In these circumstances joint discussion between the school/Education Network Manager and social work services should take place regarding the pupil's needs and behaviour and an agreed assessment reached of the risks to the pupil of continued exclusion. In assessing risks, the importance of working closely with the pupil's parents and the pupil is recognised. The assessment should identify and address any difficulties relating to home circumstances which would be likely to arise from exclusion. Where necessary,

locally agreed child protection procedures involving all the relevant agencies may come into play.

- 4.11 In the case of Exclusion (Short Term) and (Conditional), parents and pupil must be invited to a meeting prior to the return of the pupil to school. They must be offered a meeting within seven (calendar) days from the commencement date of the exclusion. At these meetings the reason for the exclusion and the event(s) leading up to it should be fully discussed with the parents and the pupil, and their views sought. The future behavioural expectations of the school should be made clear and joint strategies agreed for ensuring that these are met.

In the case of Exclusion (Short Term), verbal commitment should be obtained from the parents and the pupil as to future satisfactory behaviour. After the meeting a letter should be sent to the parents (and/or the pupil if appropriate) confirming what had been discussed and agreed. In the case of Exclusion (Conditional), parents and the pupil should sign a document agreeing to certain conditions relating to satisfactory future behaviour, prior to the pupil's return to school.

- 4.12 In the case of an Exclusion (Short Term), where parents and the pupil do not attend the meeting, the pupil should be readmitted but Head Teachers should write to the parents and the pupil if over 12 years of age and judged to have legal capacity, or if over 16 years of age, outlining the future behavioural expectations of the school.

In the case of an Exclusion (Conditional), where parents and the pupil do not attend the meeting, Head Teachers should write offering an alternative date for a meeting. If there is still no response, Head Teachers should contact their Education Network Manager will write to the parents and the pupil (if over 12 years of age and judged to have legal capacity, or if over 16 years of age), regarding the importance of contacting the school to arrange a meeting and the possible consequences if this does not occur. In the absence of parental or pupil's cooperation, the Education Network Manager would have to consider a range of options including referral to the Reporter or the Area Attendance and Truancy Sub-Committee or other outside agencies.

- 4.13 In the case of pupils who are under 16 years of age and are not judged to have legal capacity, the invitation to attend the meeting should be sent to the parents only.

- 4.14 In the case of Exclusion which may result in Removal from the Register, Head Teachers should discuss their wish for such an exclusion with their Education Network Manager, wherever possible, prior to sending out the initial exclusion letter, Parents and the pupil will be invited to meet with the Education Network Manager at the school within seven (calendar) days prior to a decision being taken as to whether or not to confirm the Head Teacher's request to Exclude and Remove from the Register; the parents will be informed of the decision and, if appropriate, the alternative educational provision on offer, in writing, by the Education Network Manager within a further seven (calendar) days.

Further information regarding alternative educational provision, additional support available, review and assessment procedures, and timescales is contained in the Authority's Guide to Exclusion for Schools and the Exclusion Guidelines for Parents and Pupils.

- 4.15 Where a period of exclusion includes prelim or certificate examinations special



arrangements will be made to allow the excluded pupil to sit these in his/her, or an alternative, school.

- 4.16 Aberdeenshire Council has a local appeals procedure for parents, and pupils where appropriate, wishing to challenge the decision to exclude. All letters from schools and the Authority relating to decisions to exclude should indicate clearly the right of appeal and the address to which appeals should be forwarded. The appeals sub-committee is comprised of Elected Members and other people nominated by the political groupings within the Council. Applicants have the right to be represented by a solicitor, friend, relation or a person of their choice. There is a further right of appeal to the Sheriff. A flow chart showing the different stages in the appeals procedure is attached as an appendix to this document.

Social Work services will assist Looked After Children to access support if they choose to exercise their right of appeal against decisions to exclude. Anyone who has care of the child may appeal on behalf of the Looked After Child.

- 4.17 The Authority has a separate policy/guidelines on the Management of Incidents of Drug Misuse which has been issued to schools. This policy document should be referred to by Head Teachers whenever they are dealing with a drugs related incident.
- 4.18 In appropriate circumstances schools should also refer pupils to the Reporter to the Children's Panel. Further guidance on this, including the grounds of referral to the Reporter, is included in the Authority's Guide to Exclusions for Schools.

## **5. ALTERNATIVE EDUCATIONAL PROVISION**

- 5.1 In most cases of an Exclusion (Removal from the Register), a "second start" at another school will be organised with transport paid for by the Authority with the aim of having appropriate arrangements in place within 21 calendar days of the exclusion. Where appropriate, additional support will be considered to assist the "second start" school. Irrespective of whether or not this is provided there should be a formal review meeting to consider the case within one term. Appendix 3 attached to this document, "Pupils who are removed from the register or who are returning from out of Authority placements : an induction procedure for second starts" describes the process of planning and review for "second starts".
- 5.2 Where a "second start" is not appropriate the Authority will make special arrangements which seek to provide, as far as possible, the quality, quantity and range of education which was previously available to the excluded pupil in school, prior to exclusion. For some pupils a package of educational provision to meet their needs will be put together. For secondary school pupils such packages may include education in groups or individually based, attendance at a College of Further Education, or individual tuition at a location outwith the school formerly attended, appropriate social skills training, a course including work experience, sport and other appropriate activities, as part of an educational package which could include support through community learning. Every effort should be made to maintain SQA examinations presentation.

For primary school pupils an educational package could include individual tuition, involvement of specialist outreach staff and social skills training.

Packages should be planned, reviewed and co-ordinated by the local Joint Assessment Team. Interim educational arrangements may be put in place pending the JAT meeting under the direction of the Education Network Manager. Where there is no JAT in place, packages will be planned, reviewed and co-ordinated under the direction of the Education Network Manager.

- 5.3 Where an educational package includes individual tuition, this will be provided in a Council establishment, not necessarily educational, rather than at home.
- 5.4 Where an educational package is in place there will be a regular review of individual cases within agreed timescales to review the effectiveness of educational provision and to consider the appropriateness of early re-integration into school education if appropriate.

Where an educational package breaks down it will be necessary to reconvene a planning meeting/case conference/JAT to identify appropriate alternative ways of providing for the child or young person's educational needs.

## **6. MONITORING AND EVALUATING THE USE OF EXCLUSION**

- 6.1 All schools should maintain accurate records regarding pupil exclusion, as advised by the Authority. The maintenance of such records will allow for the monitoring and analysis of the use of exclusion both at school and Authority level. The audit and evaluation of this information should form part of ongoing whole school review to be included on the agenda of the Authority's quality assurance programme of school visits by officers, and should allow for the drawing up of a school action plan, where appropriate, to be taken forward through the development planning process.

In line with advice given in SEED Circular 8/03, schools should collect and analyse data on the pattern of disciplinary referrals within the school, not only to identify patterns in respect of individual pupils, but also to identify patterns which indicate the need for targeted support or review of practice in the case of particular departments within the school or particular members of staff, or in relation to aspects of the school's organisation and management.

## **7. SUPPORT FOR STAFF, PUPILS AND PARENTS**

- 7.1 The Authority recognises the need to provide support to school staff in dealing with matters of indiscipline. This support includes a commitment to providing a range of staff training and development opportunities to address identified needs and effective action to deal with incidents of violent behaviour towards school staff.
- 7.2 School behaviour/discipline policy documents should recognise the need for supporting staff and pupils who have been witnesses to, or victims of, breaches of discipline, and the parents of such pupils. It should describe the measures which will be put in place, and the rationale for these measures following a breach in discipline or when planning for an excluded pupil's reintegration into the school.

Pupils who have been witnesses to, or the victim of, breaches of discipline must be supported by schools to maintain their confidence in the school and school staff, and to feel that their on-going safety and well-being is paramount. Appropriate pastoral support from a named member of staff may be required.

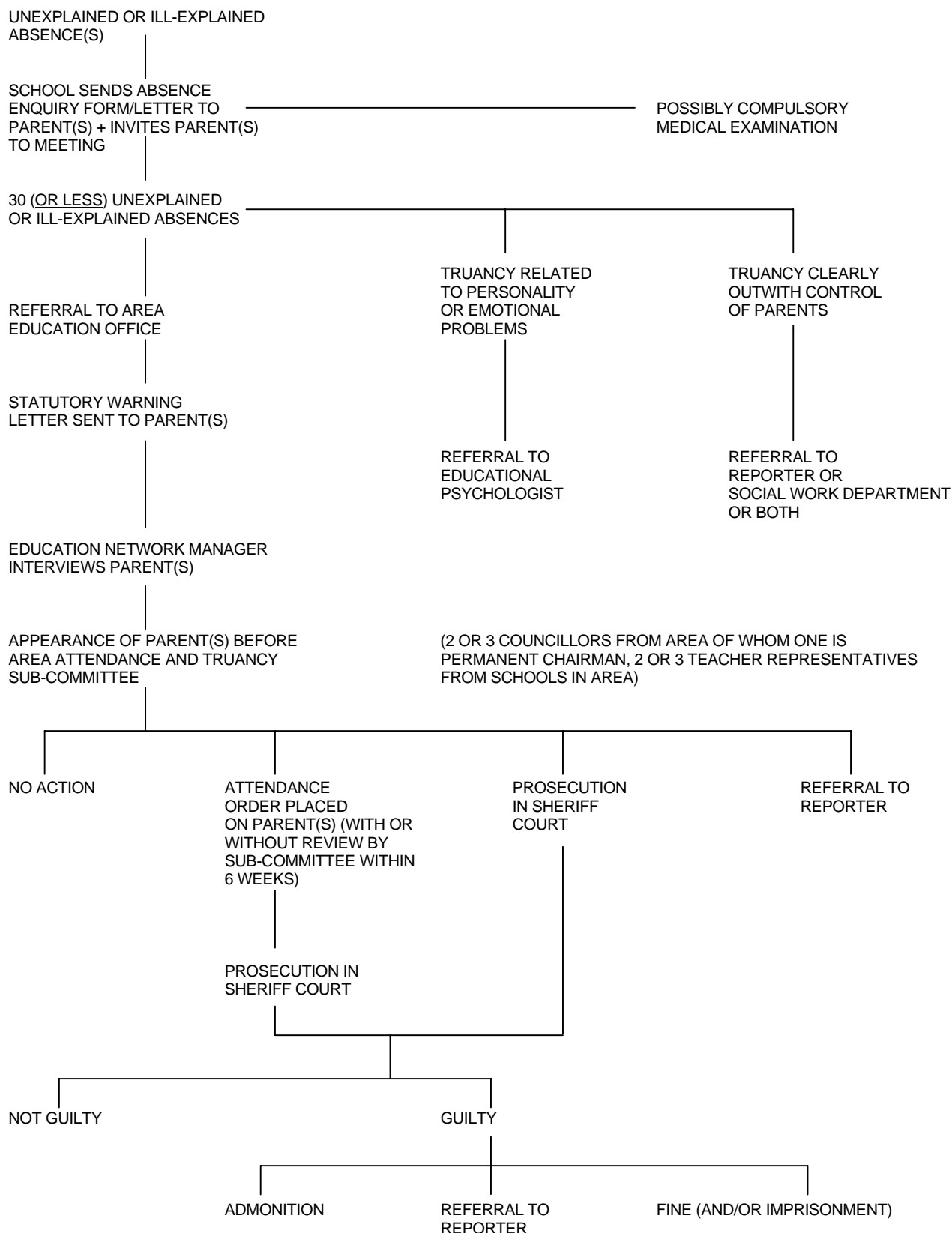
Parents of pupils who have been witnesses to, or victims of, breaches of discipline and who may require support should be involved by schools in discussing how best to provide that support for their child.

Staff who have been witnesses to, or victims of, breaches of discipline should receive appropriate support from the school and the authority. Staff should be made aware of the professional counselling service available free to all Council employees.

The feelings of teachers and staff who have witnessed, or been the victims of breaches of discipline should be considered when planning the reintegration of an excluded pupil, where this is the expected conclusion following the period of exclusion. Approaches should be developed to prepare pupils, their parents and staff, and the excluded pupil for reintegration into school in a way that encourages a positive school atmosphere.

ABERDEENSHIRE COUNCIL – EDUCATION AND RECREATION

SCHOOL ATTENDANCE PROCEDURE



NB Flow chart shows procedure if there is no improvement in attendance after each stage. Procedure is designed to avoid prosecution, if at all possible.

## **LOOKED AFTER CHILDREN**

The Children (Scotland) Act 1995 introduced the concept of being “looked after”. This replaced the term “in care” but it is much wider. A child is “looked after” where:

- accommodation is being provided under Section 25 (The Duty to Provide Accommodation for Children)
- the child is under a supervision requirement (away from or at home)
- the child is under a Child Protection Order (emergency order which replaces the “Place of Safety Order”)
- the child is under a Place of Safety Warrant issued by the Children’s Panel
- the child is under a Child Assessment Order
- there is in force an Exclusion Order excluding a person from the child’s family home
- the child is the subject of a Parental Responsibilities Order
- the child is living in Scotland but subject to the Children (Reciprocal Enforcement of Prescribed Orders, etc., (England, Wales and Northern Ireland (Scotland) Regulations 1996).

PUPILS WHO ARE REMOVED FROM THE REGISTER OR WHO ARE RETURNING FROM OUT OF AUTHORITY PLACEMENTS:

**AN INDUCTION PROCEDURE FOR SECOND STARTS**

The following policy ensures a systematic procedure for managing “second starts”. Through good forward planning, the likelihood of successful placements will be increased.

- Step 1**                    The Education Network Manager (ENM) on approving a pupil’s removal from the register of a school and planning a “second start” contacts the relevant Depute Principal Educational Psychologist to find out if there is additional information on the pupil. The ENM then contacts the Head Teacher of the school being asked to admit the pupil.
- Step 2**                    The receiving Head Teacher or delegated member of staff convenes a planning meeting within seven days of being contacted by the ENM. Invited to the meeting, in the case of secondary schools, would be: Principal Teacher of Guidance; Principal Teacher of Support for Learning if appropriate; Social Work if appropriate; the school’s Educational Psychologist and any other professional whom it is felt should attend. In the case of primary schools it would be appropriate to invite the Class Teacher, the school’s Educational Psychologist and any other professionals involved with or required by the pupil. Where appropriate, liaison will take place between the senior management of the “sending” and receiving schools. The planning meeting is not to decide whether the second start should proceed but to determine the steps required to expedite the placement and to maximise its chances of success. This will include the provision and support required and risk assessment where appropriate.

**Step 3**

The Head Teacher or representative meets with parent and pupil within seven days of the planning meeting to discuss the admission conditions and, if relevant, the provision and support to be offered. A written agreement as to future satisfactory behaviour should be signed by the parent and pupil. Further issues for discussion might include:

- Home/school communication expectations
- Monitoring systems e.g. daily reports
- Nature and frequency of contact with PT Guidance/Class Teacher and Support Staff
- Timetable and curriculum
- Start date
- Transport Arrangements

**Step 4**

A review date to take place within three months or one term of admission should be agreed and communicated to all relevant parties. Reviews are organised by the school.

Steps 2-4 should also be used following the recommendation that a pupil attending an out-of-authority placement returns to Aberdeenshire provision. Step 1 would be the Depute Principal Psychologist bringing the case to the attention of the relevant ENM who would then contact the Head Teacher of the school where the second start is to occur.

**ABERDEENSHIRE EDUCATION AND RECREATION SERVICE**

Flow Chart of Exclusion Appeals Process

**“PARENTS” INCLUDE  
GUARDIANS AND CARERS**

Parents receive letters of  
exclusion.



If parents wish to appeal against  
decision to exclude they should  
do so within 28 days of receipt of  
letter, by writing to Clerk to the  
School Placings and Exclusions  
Appeals Committee.



**PARENTS (AND CHILD) CAN  
BE ACCOMPANIED BY  
FRIEND, RELATIVE, SOCIAL  
WORKER, ETC AND/OR  
SOLICITOR. HEAD TEACHER,  
AND EDUCATION NETWORK  
MANAGER (WHERE  
EXCLUSION INVOLVES  
REMOVAL FROM THE  
REGISTER), WILL BE CALLED  
TO APPEAR. COUNCIL  
SOLICITOR WILL PRESENT  
CASE ON BEHALF OF THE  
AUTHORITY. IN CERTAIN  
CASES, OTHER MEMBER(S)  
OF STAFF MAY BE CALLED  
TO APPEAR.**

Within 28 days of receipt of letter  
of appeal, local appeal hearing is  
held.



Within 14 days of appeal hearing,  
parents receive decision of  
Appeals Committee, with reasons,  
from Clerk to the Appeal  
Committee.



If parents wish to appeal against  
decision not to uphold initial  
appeal they should do so within  
28 days of receipt of letter, by  
application to the Sheriff Court.



**APPEALS COMMITTEE  
NORMALLY CONSISTS OF 5  
MEMBERS (ABERDEENSHIRE  
COUNCILLORS AND LAY  
APPOINTEES), BUT NEVER  
LESS THAN 3.**



NORMAL RULES OF COURT APPLY. PARENTS WILL NORMALLY BE REPRESENTED BY THEIR SOLICITOR. HEAD TEACHER/EDUCATION NETWORK MANAGER WILL BE REPRESENTED BY COUNCIL SOLICITOR. IN CERTAIN CASES OTHER MEMBER(S) OF TEACHING STAFF MAY BE CALLED TO APPEAR.

Case is heard in Sheriff Court (there is no timescale within which this is required to take place).



Sheriff delivers judgement (there is no timescale within which this is required to take place).

SHERIFF ALONE HEARS CASE (I.E. WITHOUT A JURY)

THERE IS NO FURTHER RIGHT OF APPEAL, ALTHOUGH PARENTS CAN REQUEST A JUDICIAL REVIEW.