

New Struan School

Exclusion Policy

Director Responsible	Director of Autism Services
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DOCUMENT HISTORY

Date	Author/Editor	Summary of Changes	Version No.
Jun 2007	NSMT		1
Sep 2009	NSMT	Reviewed	2
Sep 2011	NSMT	Updated & reviewed	3
Dec 2012	NSMT	Updated & reviewed	4
Mar 2016	SLT	Updated & reviewed	5
Nov 2019	Lucy Chetty	Updated & reviewed	6

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CONSULTATION AND RATIFICATION SCHEDULE

Name of Consultative Body	Date of Approval
Board	N/A
Senior Leadership Team	14 th February 2020
Policy Group	20 th December 2019
New Struan Leadership Team	November 2019

CROSS REFERENCE TO OTHER POLICIES / STRATEGIES

This policy should be read in conjunction with:	Detail
The New Struan Way: Learning Provision	This document captures the learning provision and educational approach adopted by New Struan School.
The New Struan Values Charter and Scottish Autism Ethical Framework	This document captures the values charter created by pupils at New Struan School and connects to our Scottish Autism ethical framework and wider Scottish Autism values
Education (Scotland) Act(s) (1980 and 2016)	National legislation guidance
Standards in Scotland's Schools Act (2000)	National legislation guidance
Additional Support for Learning Acts (2004 as amended)	National legislation guidance
Getting it Right for Every Child	National policy guidance
Equality Act (2010)	National legislation guidance
Children and Young People (Scotland) Act (2014)	National legislation guidance
Minimising the Use of Restrictive Practice Policy (2018)	Scottish Autism policy which incorporates a model of wellbeing into practice approach
Child Protection Policy (2019)	Scottish Autism policy to protect children from

	harm.
Included, Engaged and Involved (2017)	National policy guidance on inclusion
Wellbeing Policy (2019)	Details Scottish Autism's model of service provision

EQUALITY & PRIVACY IMPACT ASSESSMENTS

Log Number: 2019/34	Date completed: 20 th November 2019
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KEYWORDS

Exclusion, New Struan School

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1 BACKGROUND

This policy governs the Exclusion/Removal from the School Register of Children and Young People from School'. This reflects the response to the national guidance on the prevention and management of exclusion, 'Included, Engaged and Involved – Part 2'. It includes a renewed focus on prevention, early intervention and response to individual need in line with the principles of Getting it Right for Every Child as set out in the Children and Young People (Scotland) Act 2014. It emphasises the need for learning establishments to place great emphasis on inclusion through effective learning and teaching; promoting positive relationships and employment of preventative approaches which reduce the need to consider exclusion.

As provided by the United Nations Convention on the Rights of the Child, all children and young people have the right to:

- Protection from discrimination (Article 2)
- Be supported by adults who do what is best for them (Article 3)
- An opinion, and for it to be listened to and taken seriously (Article 12)
- Be protected from being hurt or badly treated (Article 19)
- Special care and education if they have additional support needs (Article 23)
- An education which develops their personality, their ability to respect others, their ability to respect the environment (Article 29)
- Know and learn about their rights (Article 42).

2 STEPS FORWARD

When staff have concerns about a pupil beyond day to day planning and support, the following processes will apply:

- Teacher will meet with staff team to review young person's 'Traffic Light' and their Support Plan to discuss further planning in line with our wellbeing model.
- The teacher may then call a meeting around the child which will include a member of the school leadership team, therapists, social work and education psychologist. At this stage all processes, as outlined in the Well Being policy should be carried through and evidence submitted for consideration. Concerning behaviours should be defined and quantified. Risk assessments should be reviewed and updated.
- The partners in care and education around the child alongside the New Struan School leadership team will decide on the regularity of Risk Management meetings to ensure the supports in place for the child are reviewed with the frequency required.

3 PROCEDURES FOR EXCLUSION

With specific reference to making the decision to exclude a child or young person from New Struan School, the following principles must be upheld:

- A consistent and well-maintained commitment to a whole-school ethos of prevention, early intervention and support as the context for the promotion of positive relationships, learning and behaviour;
- Everyone in the learning community should feel they are in a safe and nurturing environment
- 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, it should be for as short a time as possible; always have a positive and purposeful intervention for the learning or wellbeing of the child or young person and not be viewed as punitive

Regulation 4 and 4A of the Schools General (Scotland) Regulations 1975 (as amended) provides that an education authority, in this case, independent school, shall not exclude a child of young person unless:

‘...it is the opinion that the parent/carer 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

‘...considers that in all the circumstances to allow the pupil to continue his attendance at the school would likely to be seriously detrimental to order and discipline of the school or the educational well-being of the pupils there.’

Excluding a child or young person for any other reason/purpose has no legal basis.

The law does not differentiate between temporary and permanent exclusion. However, in practice, the following distinction will assist:

- a) Temporary Exclusion: a time limited exclusion imposed by the Head teacher, or delegate, at the conclusion of which the child or young person returns to New Struan School
- b) Permanent Exclusion: a decision taken by the Head Teacher and Director of Autism Services to end the education placement at New Struan School permanently. Such action necessitates the placing authority to identify an equivalent school in which the child or young person can continue their education.

3.1 Decision to Exclude

The Head Teacher will identify the exact criteria for exclusion for an identified pupil taking into consideration all of the procedures detailed within this policy. Criteria will come under the following headings:

- Impact on the individual
 - Can staff guarantee his/her safety?
 - What level of risk?
 - Is there a need for a cooling off period?
 - Do significant changes need to be made to his/her programme, environment, and staff group?

- Impact on Other Pupils
 - Is their education being compromised/put at risk? (This would need to be quantified and measured)
 - Are they at physical risk?

- Environment
 - Can the environment (room, grounds etc) sustain the young person?
 - Is the everyday business of the school/residence having a negative impact?

- Staffing
 - Are staff at risk? (Risk Assessments/measurements)

All of the above should be recorded, linked with the child's plan and wellbeing report formats. All information needs to be presented in clear, concise language that is objective and non-judgemental. Final decisions must be authorised by the Director of Autism Services.

3.2 Timescales

Any periods of exclusion should be for as short a time as possible, normally one day.

The maximum length of a single temporary exclusion must not exceed five days.

A single exclusion should not, barring very exceptional circumstances, carry over from one academic year to the next, even when the exclusion takes place towards the end of the summer term.

4 COMMUNICATIONS

When a decision to exclude is made for an individual by the Head Teacher, this will be carried out in full consultation with the placing authority.

In line with regulation 4A of the 1975 Regulations, the following procedures should be adhered to following an exclusion. On the day of the exclusion, New Struan School must intimate to the Child's parent/carer and placing authority either orally or in writing:

- a) The decision to exclude
- b) The date, time and place where the Head Teacher shall be available to discuss the decision to exclude. This discussion must take place within seven days of the exclusion.

A written record must be kept of all procedures mentioned in this document and all information, including the reasons why a Head Teacher, or delegate, decided on a particular course of action, should be filed in the child's or young person's educational record. Comments should be specific and relevant including the names of teachers, dates and times and any other information that may be deemed relevant.

5 POLICY REVIEW STATEMENT

This policy will be reviewed every three years or earlier should legislative change or other event require it.