



SCOTTISH BORDERS COUNCIL'S

**SBC INCLUDES**

# MANAGING SCHOOL EXCLUSIONS POLICY





# CONTENTS

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|  |         |
|--|---------|
| 1. INTRODUCTION                              | 3       |
| 2. POLICY CONTEXT                            | 4       |
| 3. IMPACT OF EXCLUSIONS                      | 6       |
| 4. LEGISLATIVE CONTEXT                       | 8       |
| 5. PREVENTION AND EARLY INTERVENTION         | 9       |
| 6. POWER TO EXCLUDE                          | 10      |
| 7. GROUNDS FOR EXCLUSION                     | 11      |
| 8. SENDING HOME WITHOUT EXCLUSION            | 11      |
| 9. CONSIDERATION OF INDIVIDUAL CIRCUMSTANCES | 12      |
| 10. PROCEDURES FOR EXCLUSION                 | 15      |
| 11. PERMANENT EXCLUSION                      | 20      |
| 12. RIGHT OF APPEAL                          | 21      |
| 13. RECORDING AND DOCUMENTATION              | 21      |
| 14. MONITORING                               | 21      |
| APPENDICES                                   | 22 - 43 |

# 1. INTRODUCTION

Exclusion from school should only be a last resort, used proportionately and non-punitively when no other options exist. Scottish Borders Council's schools must ensure all children remain included, engaged, and involved in their education, focusing on improving outcomes, especially for those at risk of exclusion. This policy replaces the previous Exclusion Policy, Appendix 3 of the SBC Inclusion Framework.

In line with national guidance in 'Included, Engaged and Involved Part 2: a positive approach to preventing and managing school exclusions'<sup>1</sup>, Better Relationships, Better Learning, Better Behaviour<sup>2</sup>, and 'Improving Relationships and Behaviour in Schools'<sup>3</sup>, Scottish Borders Council has developed these guidelines on preventing and managing school exclusions.

These policy guidelines are based on the following key principles:

- Prevention and early intervention should be prioritised, supported by positive relationships and behaviour approaches.
- All behaviour is a form of communication and schools should seek to understand and address the needs being expressed.<sup>4</sup>
- The views and voices of children/young people must be heard and considered throughout any exclusion process.
- The rights and wellbeing needs of all children must be central to any decisions about exclusion.
- The time during and after any period of exclusion should be used constructively to plan support and improve outcomes.
- For care experienced children/young people, in line with The Promise, exclusion should be avoided as it can compound existing trauma and disadvantage<sup>5</sup>.

Research evidence demonstrates that exclusion can have significant negative impacts on children's educational outcomes, wellbeing, and life chances<sup>6</sup>. A preventative, nurturing approach focused on building positive relationships and understanding behaviour as communication is most effective in supporting children/young people to remain engaged in education<sup>7</sup>.



## 2. POLICY CONTEXT

This Policy has been developed in line with national legislation, guidance, and local policy to ensure a consistent, rights-based, and inclusive approach to managing school exclusions across Scottish Borders Council. It reflects the Council's duty to safeguard the rights, wellbeing and educational outcomes of all children and young people.

### 2.1 National Policy and Legislation

#### **Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions (2017)**

This is the national guidance on exclusions issued by the Scottish Government. It sets out the expectation that exclusion should only be used as a last resort, following appropriate interventions, and provides a framework for promoting positive relationships and preventing disengagement from learning.

#### **Better Relationships, Better Learning, Better Behaviour (2013)**

This policy framework emphasises the central role of positive relationships in creating the conditions for effective learning and teaching. It promotes a whole-school ethos where relationships, wellbeing and behaviour are seen as interconnected. BRBLBB highlights the importance of leadership, staff development and pupil voice in building respectful, nurturing school communities – forming a key foundation for prevention and early intervention in behaviour management.

#### **Education (Scotland) Act 1980**

This Act sets out the legal framework for school education in Scotland, including the power to exclude a child or young person from school and the duty on education authorities to provide suitable alternative education without undue delay. It establishes the right of appeal against exclusion decisions.

#### **Schools General (Scotland) Regulations 1975 (as amended)**

These regulations set out the specific legal conditions under which a child or young person may be excluded from school in Scotland. Regulation 4 outlines the two lawful grounds for exclusion and places duties on schools and education authorities to follow appropriate procedures, including written notification, record keeping, and providing alternative education.

#### **Improving Relationships and Behaviour in Schools: Joint Action Plan 2024–2027**

This plan sets out a national commitment to safe, inclusive and respectful learning environments, and emphasises the use of trauma-informed, relational and restorative approaches to behaviour and conflict.

#### **United Nations Convention on the Rights of the Child (UNCRC)**

The UNCRC (Incorporation) (Scotland) Act 2024 places a legal duty on public bodies, including education authorities, to act compatibly with children's rights. The policy reflects key UNCRC principles, including children's right to education (Article 28), their right to be heard (Article 12), and their right to protection from violence (Article 19).

#### **GIRFEC (Getting It Right for Every Child) Practice Model**

This national and local framework ensures that children and young people receive the right support at the right time. The Exclusions Policy is underpinned by the GIRFEC Wellbeing Indicators and the Child's Plan approach.



**The Promise (2020)**

The Promise outlines Scotland's commitment to care experienced children and young people. It calls for an end to formal and informal exclusions for care experienced learners, recognising the compounded trauma and disadvantage this can create.

**Education (Additional Support for Learning) (Scotland) Act 2004 (as amended)**

This Act places duties on local authorities to identify, assess and meet the additional support needs of children and young people. The policy ensures that no exclusion decisions are made without proper consideration of additional support needs and appropriate adjustments.

**Equality Act 2010**

This Act prohibits discrimination in education based on protected characteristics. The exclusions policy ensures that decisions are fair, evidence-based and non-discriminatory.

## 2.2 Local Policy and Guidance

**Scottish Borders Council Inclusion Policy and Framework (2019)**

This Policy and Framework outlines the Council's approach to inclusion across education services, emphasising nurturing approaches, equitable access, participation and outcomes for all learners. The Exclusions Policy supports this by prioritising early intervention and addressing barriers to learning.

**Scottish Borders Council Attendance Policy (2024)**

The Attendance Policy and Exclusions Policy work in tandem to ensure children and young people are included, engaged and present in school. Both policies align with GIRFEC principles and emphasise whole-school and multi-agency approaches.

**Child Protection Procedures and Corporate Parenting Strategy**

The Exclusions Policy reflects duties under SBC's child protection procedures and corporate parenting responsibilities. Exclusion decisions for care experienced learners or those on the Child Protection Register must be subject to multi-agency scrutiny.

**Respectful Relationships and Anti-Bullying Policy (2024)**

Based on Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People<sup>8</sup>, the policy provides a coherent and consistent approach for staff, parents/carers, and children and young people on the prevention, early intervention and management of bullying behaviour in Scottish Borders schools.



## 3. IMPACT OF EXCLUSIONS

### 3.1 Impact on the Child/Young Person

Exclusion significantly affects children and young people, especially those facing additional challenges. Research continues to demonstrate that exclusion can have serious short and long-term consequences for children/young people's outcomes<sup>9</sup>.

Recent studies show that children being excluded from school is associated with:

- Lower educational attainment and reduced engagement in learning<sup>10</sup>
- Increased mental health difficulties<sup>11</sup>
- Higher likelihood of becoming disengaged with education and employment<sup>12</sup>
- Increased risk of social isolation<sup>13</sup>
- Additional pressure on family relationships and circumstances<sup>14</sup>

Current evidence shows concerning patterns of disproportionality in exclusion rates. Specific groups of children/young people are significantly more likely to experience exclusion:

- Children with additional support needs are more than four times more likely to be excluded compared to their peers.<sup>15</sup>
- Care experienced children face higher rates of exclusion which can compound existing trauma.<sup>16</sup>
- Children living in areas of highest deprivation are six times more likely to be excluded than those from more advantaged areas.<sup>17</sup>
- Children with social, emotional, and mental health needs experience disproportionate rates of exclusion.<sup>18</sup>

Being in education has significant long-term benefits for children's life outcomes<sup>19</sup>, including:

- Better health outcomes and life expectancy
- Enhanced social and cognitive development
- Improved mental health and wellbeing
- Stronger relationships and social connections
- Better employment prospects

The negative impact of exclusion is cumulative. Children/young people can become involved in cycles of exclusion and non-attendance which significantly impact their life chances<sup>20</sup>. Exclusion can disrupt important relationships with peers and trusted adults that support wellbeing and learning<sup>21</sup>.

This evidence highlights the importance of prioritising prevention and early intervention to avoid exclusion where possible, and why decisions to exclude must consider both immediate and long-term impacts on the child or young person.

## 3.2 Wider Impact of Exclusion Incidents on the School Community

While the exclusion of a child or young person has serious consequences for their own learning, wellbeing and rights, it is important to acknowledge the wider impact exclusion incidents can have on the school community.

Incidents leading to exclusion—such as physical assault, verbal abuse, or damage to property—can be distressing and disruptive for others. These events may cause fear, anxiety or emotional harm to classmates or staff, and may affect the learning environment, relationships, and feelings of safety within the school.

Schools must consider the following when managing the aftermath of an exclusion:

- **The wellbeing and recovery of other pupils** who witnessed or were affected by the incident.
- **Support for staff members** involved, including opportunities for debriefing, reflection and access to appropriate wellbeing resources.
- **Restoration of a safe, respectful learning environment** for all, using relational and restorative approaches where appropriate.
- **Communication with parents and carers** of affected pupils to reassure them that appropriate steps are being taken.

This approach aligns with Section 6 of *Included, Engaged and Involved Part 2*, which stresses the importance of balancing the needs and rights of the individual with those of the wider community. Similarly, the *Improving Relationships and Behaviour in Schools* action plan (2024–27) highlights the need for schools to respond proportionately to incidents in ways that maintain a safe and inclusive environment for everyone.

In some cases, a period of exclusion may be a necessary response to protect others and maintain order, particularly where continued attendance would be seriously detrimental to the wellbeing or educational experience of others. In such instances, exclusion must be used lawfully, proportionately, and alongside a clear plan for support and next steps.



## 4. LEGISLATIVE CONTEXT

Children and young people have a fundamental and inalienable right to education, as enshrined in the United Nations Convention on the Rights of the Child (UNCRC)<sup>22</sup>. This right extends to all children, regardless of their needs or circumstances, and places specific duties on education authorities to ensure its fulfilment. It is the duty of Scottish Borders Council, all schools, learning establishments and every member of staff to create the relationships and environments within which every child/young person can realise this right.

The power to exclude rests with education authorities under regulation 4 of the Schools General (Scotland) Regulations 1975, as amended<sup>23</sup>. The Education (Scotland) Act 1980<sup>24</sup> places a duty on education authorities to make appropriate education provision when a child/young person is excluded. The power to exclude, and to make appropriate provision during exclusion, can be devolved by education authorities to senior management within a school. However, the education authority remains responsible for the education of all children and young people within their establishments.

In Scotland, children aged 12 years and over have legal capacity to instruct a solicitor in connection with any civil matter, according to the Age of Legal Capacity (Scotland) Act 1991<sup>25</sup>. Therefore, children with legal capacity have the same rights of appeal as a parent or a young person (a person over school age who has not attained the age of 18 years).

Legislation which places additional duties on local authorities includes:

- The UNCRC (Incorporation) (Scotland) Act 2024<sup>26</sup> requires public authorities to act compatibly with children's rights.
- The Children and Young People (Scotland) Act 2014<sup>27</sup> places duties on local authorities regarding wellbeing and corporate parenting.
- The Education (Additional Support for Learning) (Scotland) Act 2004 (as amended)<sup>28</sup> ensures children receive the support they need to learn.
- The Equality Act 2010<sup>29</sup> prohibits discrimination in education based on protected characteristics.

In any procedures involving exclusion, including appeals, the views of both the child (if over 12 years) and the parent/carer must be accurately represented and appropriately considered. As views may differ between child and parent/carer, it is not sufficient to assume that the views of the parent/carer automatically reflect those of the child.

A decision to exclude a child over the age of 12 years must be communicated directly to them as well as to their parent/carer. Both child and parent/carer must be included and involved in any subsequent discussions and decisions. Where the young person is aged 16 years or over, while there is no legal requirement to involve parents/carers, it is good practice to do so with the young person's agreement.



## 5. PREVENTION AND EARLY INTERVENTION

Prevention and early intervention are central to a rights-based, inclusive approach to managing behaviour and avoiding exclusion. In line with *Included, Engaged and Involved Part 2* (2017)<sup>30</sup> and the *Improving Relationships and Behaviour in Schools Action Plan* (2024–2027)<sup>31</sup>, Scottish Borders Council schools must work proactively to create safe, nurturing environments that keep children and young people included, engaged, and involved in their learning.

### 5.1 A Whole School Ethos of Prevention

Preventing exclusion begins with a whole-school ethos rooted in positive relationships, consistent expectations, and high-quality learning and teaching. Schools should actively develop cultures of high warmth and high standards — combining emotional support with clear boundaries and high expectations for socially responsible behaviour (*Improving Relationships and Behaviour in Schools*, 2024).

This includes:

- Promoting respectful, inclusive relationships across the school community
- Developing shared values through partnership with pupils, parents, carers, and staff
- Embedding restorative and solution-focused approaches to resolve conflict
- Using assessment data to identify early signs of disengagement or need

### 5.2 Staged Intervention and Support

The GIRFEC framework<sup>32</sup> and staged intervention model provide the structure through which schools can meet the needs of children and young people at risk of exclusion.

This means:

- Identifying wellbeing concerns at the earliest opportunity
- Using targeted support plans to address underlying needs
- Coordinating support through multi-agency working where appropriate

Early intervention should prioritise the child's strengths, promote emotional regulation, and ensure continuity of support — including during times of transition or crisis.

### 5.3 Staff Empowerment and Capacity

Preventative practice relies on staff being empowered, supported, and confident in their roles. Schools must ensure that:

- All staff have access to ongoing professional learning in nurturing, trauma-informed, and relational approaches.
- Leadership teams model and reinforce consistent practices.
- Time is protected for planning, reflection, and collaborative problem-solving.

The *Behaviour in Scottish Schools Research (2023)*<sup>33</sup> underscores the importance of supporting staff wellbeing and ensuring systems are in place for responding to challenging behaviour in a consistent, safe, and proportionate way.

## 5.4 Ensuring Appropriate Responses

While exclusion should remain a last resort, the decision to exclude must follow a structured process that considers:

- Whether every possible preventative step has been taken
- If support was in place, and to what extent it was effective
- The child's individual circumstances, including any additional support needs, trauma history, or protected characteristics.

Using the challenge questions in Appendix 1 and the staged intervention framework ensures that exclusion is only used where no other appropriate alternative exists.



## 6. POWER TO EXCLUDE

The power to exclude, and therefore legal responsibility for exclusion, rests with Scottish Borders Council. The procedures outlined in this Policy apply equally to all schools and learning establishments and must be complied with in full. **Any divergence from these procedures may render the authority open to legal challenge.**

Scottish Borders Council delegates the power to temporarily exclude children and young people to the Headteacher in primary schools and the Headteacher and Depute Headteacher(s) in secondary schools. Headteachers or Deputes conducting an exclusion must be aware that they may be required to justify their decision during an appeals process and potentially in a court of law or Additional Support Needs Tribunal. Therefore, accurate records of the circumstances and decision-making process must be maintained at all stages.

## 7. GROUNDS FOR EXCLUSION

Prior to considering exclusion, schools should demonstrate the support put in place to avoid exclusion and show clear evidence of monitoring and evaluation of this support over time. The grounds for exclusion and the procedures to be followed are contained in the Schools General (Scotland) Regulations 1975 (as amended 1982)<sup>34</sup>. Regulation 4 states that an education authority shall not exclude a child/young person from school unless the authority:

*"Are of the opinion that the parent/carer(s) of the child/young person refuses or fails to comply, or to allow the child/young person to comply, with the rules, regulations, or disciplinary requirements of the school" or*

*"Considers that in all the circumstances to allow the child/young person to continue attendance at the school would be likely to be seriously detrimental to order and discipline in the school or the educational well-being of the pupils there."*

Exclusion should only be used as a last resort. In most cases, the school should be able to demonstrate the support put in place to avoid exclusion: there should be clear evidence of the monitoring and evaluation of this support over time. It should be a proportionate response where there is no alternative. Prior to an exclusion, the views of the child/young person and parent/carers must be considered. The circumstances and motivations for exclusions are outlined in appendix 7(a) and 7(b)<sup>35</sup>.

**Consideration must be given to the facts and circumstances surrounding any incident(s) leading to exclusion, with reference to the nurturing principle that *all behaviour is communication*<sup>36</sup>.** Schools should provide the right support to address the needs communicated through a child's behaviour, rather than judging it at face value. Any decision to exclude must be justified as a necessary and proportionate action to achieve a clear aim, such as ensuring the safety of students and staff. When deciding on exclusion, headteachers must consider the specific facts and circumstances of each situation<sup>37</sup>.

## 8. SENDING HOME WITHOUT EXCLUSION

Exclusion from school of a child/young person other than in conformity with the terms of the 1975 Regulations<sup>38</sup> is unlawful. Failure to comply with regulations in such circumstances may render the authority open to legal challenge by the parent/carer or the child/young person. In all situations where a child/young person is sent home for any period to 'cool off' or for assessments and planning, **they must be formally excluded and recorded appropriately on SEEMiS as an exclusion.**

**Children and young people must not be sent home from school or asked not to attend for reasons relating to behaviour without this being recorded as an exclusion. Any such informal exclusions are unlawful regardless of whether they occur with the agreement of parents or carers.**

## 9. CONSIDERATION OF INDIVIDUAL CIRCUMSTANCES

Individual circumstances must be considered when excluding a child/young person from school, particularly regarding children/young people who have additional support needs or a disability. Extreme care needs to be taken in decision making where children or young people are care experienced or there are child protection concerns. Communication with multi agency partners is essential (see Section 7.3 and 7.4).

In addition, staff need to consider the nurturing principle that all behaviour is communication. It is important for staff to investigate exceptional circumstances for individuals, such as bereavement or experience of abuse. In these cases, exclusion may exacerbate a child/young person's already difficult circumstances and should be avoided. While individual circumstances must be considered, the grounds for exclusion are the same for all children/young people.

**Appendix 1** outlines a set of key considerations and challenge questions that may be helpful when taking individual circumstances into account.

### 9.1 Additional Support Needs

The Education (Additional Support for Learning) (Scotland) Act 2004 (as amended 2009)<sup>40</sup> places specific duties on education authorities to provide adequate and efficient support to ensure that all child/young person's benefit from school education. Where a child/young person with additional support needs (ASN) is at risk of exclusion, school staff must take all reasonable steps to ensure their rights are protected and that appropriate provision is made to meet their needs. This should include professional discussions with relevant agencies and parents/carers at the earliest opportunity.

Prior to any consideration of exclusion:

- A full assessment of the child/young person's needs must be undertaken.
- Professional discussions with relevant agencies and parents should take place at the earliest opportunity.
- The impact of exclusion on the child/young person's learning, wellbeing and access to support services must be carefully considered.

During any period of exclusion, children and young people must continue to receive the support they need to realise their right to education. This means:

- Any therapeutic interventions, such as speech and language therapy, occupational therapy etc., must continue to be provided<sup>41</sup>.
- The local authority must not discontinue these services during an exclusion.
- Additional support and resources should be put in place to ensure continuity of learning.
- Regular review of support arrangements should take place to ensure they remain appropriate and effective.



Schools should work collaboratively with the child/young person, their family, and partner agencies to explore all possible alternatives to exclusion and to ensure that additional support needs are not a factor in any decision to exclude.

Any decision to exclude must be clearly proportionate and show clear evidence that all other options have been fully explored and exhausted. The rights, wellbeing and dignity of the child or young person must remain central to all decision-making processes.

## 9.2 Protected Characteristics

The Equality Act 2010<sup>42</sup> prohibits discrimination against people with protected characteristics (disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). Schools and education authorities must ensure they comply with the provisions of the Act in relation to discriminatory behaviour in the context of exclusion from school.

## 9.3 Care Experienced Children and Young People

**The Promise<sup>43</sup> is clear that formal and informal exclusions must end for all care experienced children and young people. Scottish Borders Council fully aligns with this aspiration. Exclusion should be avoided for care experienced children/young people as it compounds existing trauma.**

The Children and Young People (Scotland) Act 2014<sup>44</sup> places corporate parenting duties on certain public bodies, including local authorities. Understanding the specific needs of care experienced children/young people is crucial to ensure that their rights and needs are met.

Where a school deems the potential exclusion of a care experienced child/young person unavoidable, they must discuss this with the Education Duty Manager or Virtual School Headteacher and lead professional (likely to be allocated Social Worker) prior to the exclusion taking place.

If a decision to exclude is made, this should be clearly documented with appropriate communication to those who hold parental responsibilities, the child/young person's carers, and the young person themselves. Supports must be put in place to minimise further disadvantage.

During any period of exclusion, schools must ensure:

- Alternative education provision is put in place immediately to maintain educational continuity.
- The designated manager for care experienced children (usually the Headteacher or Depute Headteacher) or pastoral teacher in secondary schools, coordinates support and maintains communication with carers and professionals.
- The child's lead professional is actively involved in planning support for returning to school.
- Any existing involvement in non-school based learning (e.g. college placements, therapeutic support, mentoring) continues<sup>45</sup>.

Where a care experienced child/young person is at risk of exclusion, schools should collaborate with the team around the child and the Virtual School Headteacher to explore alternatives and additional supports that could prevent exclusion .

## 9.4 Child Protection Register/Child Protection Concerns

When considering excluding a child/young person who is on the Child Protection Register or for whom there are current or previous child protection concerns:

- The designated member of staff for child protection must be informed immediately.
- Social work services must be contacted before any decision to exclude is made.
- A risk assessment must be completed to ensure exclusion will not place the child/young person at further risk.
- Social work services should be engaged throughout any period of exclusion.
- Support plans must be reviewed and updated.

## 9.5 Children and Young People Affected by Poverty

Schools should consider the additional impact that exclusion may have on children/young people affected by poverty, including:

- Missing free school meals
- Additional costs to families (e.g. transport, childcare)
- Disruption to family work patterns and income
- Reduced access to school-based supports and resources<sup>47</sup>

Schools should collaborate with partners to ensure appropriate supports are in place to mitigate these impacts during any period of exclusion.



# 10. PROCEDURES FOR EXCLUSION

Excluding children and young people from school must comply with the relevant legislation. Accountability for all exclusions should be guided by this policy and the procedures must be followed. Procedures for excluding children/young people should be available to parents/carers on the council's website and within individual schools' handbooks and websites.

The law does not differentiate between temporary and permanent exclusion. In either case there must be sufficient grounds that comply with the requirements of legislation, however the following distinction between Temporary and Permanent exclusion can be made:

**Temporary Exclusion:** a time-limited exclusion imposed by the Headteacher at the conclusion of which the child/young person returns to their current school.

**Permanent Exclusion:** a decision taken by the Chief Education Officer to remove a child/young person from the register of their current school. In such circumstances, the Local Authority is required to identify an equivalent school in which the child/young person can continue their education immediately without undue delay.

All exclusions must be properly recorded following Scottish Borders Council procedures.

**Documentation relating to the exclusion must be submitted electronically in word-processed form to the Education Duty Manager within one working day.** The Education Duty Manager will:

- Quality assure the exclusion process and documentation
- Provide support and challenge to headteachers
- Monitor patterns and trends in exclusions
- Ensure appropriate educational provision is in place
- Support planning for successful return to school if required

In exceptional circumstances the Headteacher may review the grounds leading to a decision to exclude. If this review results in a decision to expunge the exclusion from the child/young person's record, the Headteacher must:

- Write formally to the parent/carer and young person informing them of this decision
- Inform the Chief Education Officer of this occurrence
- Ensure all relevant documentation is updated accordingly

## 10.1 Management of Exclusion – Step by Step Process

Prior to exclusion consider all options as outlined in the challenge questions in **Appendix 1**. See **Appendix 2** where necessary for individual circumstances. Once a decision has been taken that there is no option other than to exclude, the school must ensure that:

1. Parents/carers are contacted immediately to inform them their child has been excluded. For care experienced children/young people, communication must be made with all relevant carers and any person who has parental rights and responsibilities. The child/young person is informed that they are to be excluded in the presence of their parent/carer.
2. For care experienced children/young people or those on the Child Protection Register/with child protection concerns, the decision must be communicated to the lead professional, social worker, key worker, and other relevant professionals.
3. Arrangements are made for the child/young person to be sent or taken home. The child/young person must not leave school until their safety, health and wellbeing are assured and appropriate arrangements are in place.
4. If parents/carers cannot be contacted, the child/young person must be supervised at school until suitable arrangements can be made.
5. Where verbal contact is made, written confirmation of the exclusion must be sent on the same day (**Appendix 3a**).
6. If the young person has legal capacity (aged 12 or over), they must be informed in writing of the exclusion and their right of appeal. (**Appendix 3b/c**)
7. A record of the exclusion must be completed including a typed incident report form.
8. The exclusion must be accurately recorded in the SEEMiS system.
9. All documentation relating to the exclusion must be submitted to the Education Duty Manager in electronic format within one working day.
10. Appropriate educational provision must be arranged and monitored, including:
  - o Course work
  - o Access to learning resources
  - o Online learning opportunities
  - o Continuation of existing supports
11. A contact person should be allocated for the parent/carer/young person to liaise with regarding educational provision.
12. Parents/carers should be:
  - o Informed of their responsibility to ensure their child engages with provided education during exclusion
  - o Provided with information about available support and advocacy services
  - o Made aware of their right of appeal



## 10.2 Length of Exclusion

Legislation allows local authorities to determine exclusion length. Scottish Borders Council establishments must **conclude exclusions as quickly as possible**. Where possible **an exclusion should end the following day or day after**. Scottish Borders Council sets **a maximum period of 6 school openings** (equivalent to 3 school days) for each exclusion. **Where an exclusion needs to extend beyond 3 days, approval must be sought immediately from the Education Duty Manager.**

All exclusions should be concluded within the same academic year. A single exclusion should not span more than one academic year even if there are only a few days of the summer term remaining. The Chief Education Officer must be informed where this is unavoidable.

A parent/carers or young person's decision to appeal does not affect the length of exclusion. Children/young people should return to school promptly regardless of any ongoing appeal process.

## 10.3 Education Provision During Exclusion Period

Scottish Borders Council have a legal duty provide education for excluded children/young people without 'undue delay'. Schools must:

- Make appropriate learning materials available immediately
- Ensure regular teacher contact to support learning (online/phone/email)
- Continue any therapeutic interventions or specialist support, ensuring any support usually accessed in school is still available
- Maintain existing non-school based learning where possible (e.g. college placements)
- Make alternative arrangements for national exams/assessments if needed

**The responsibility for the provision of education for all children/young people during a period of exclusion rests with the Headteacher and they must ensure appropriate arrangements for learning are made immediately.**

Providing learning tasks without adequate teaching input to help the child or young person understand the materials may be considered insufficient support and unlawful. It is essential that all arrangements should involve teacher contact with the child/young person on a regular basis. It may be appropriate for this contact to be made available using telephone, email, or online learning. Steps must be taken to ensure appropriate teaching is provided and any queries over the education materials provided are addressed.

If a child/young person attends more than one school as part of their education e.g. to access subjects not available in one school or a shared placement, the Headteacher of the other school must be informed of any decision to exclude. An exclusion is only applicable to the school which issued it, therefore arrangements regarding attendance at the other school should remain in place unless there is a serious reason for not attending e.g. health and safety concerns for other children/young persons.

All existing involvement in non-school based learning should continue. This may include college placements, therapeutic support, or mentoring programmes (e.g. Stable Life). If the activity takes place in the school, it may be necessary to arrange an alternative venue during a period of exclusion.

Children/young people who attend enhanced additional support provisions or have ASN must have their educational needs met during a period of exclusion. This may involve the use of specialist services as well as support from other agencies.

In circumstances where an exclusion may affect attendance at an exam or assessment staff should make all reasonable attempts to ensure that the child/young person is not disadvantaged. Staff should contact the qualifications body for advice and to progress any arrangements should this be required.

There is no legislative timescale defining 'undue delay' as the purpose is to continue Scottish Borders Council's duty to provide education for all their children/young people.

## 10.4 Intimation of Decision to Exclude

The Headteacher must contact the child/young person's parents/carers prior to them being required to leave the premises during school time to ensure the safety and wellbeing of the child/young person.

The Headteacher or their delegated representative must, on the day a decision to exclude is taken, intimate orally to the child/young person and their parent/carer the decision to exclude. **On the day of the decision to exclude, the school must notify parent/carer and child/young person (if over the age of 12) by letter (appendix 3a).** This is important as verbal information may be difficult to understand immediately or remembered fully, especially if the situation is emotionally difficult for parents.

The letter must outline:

- The decision to exclude and the date.
- The reason for the exclusion.
- The time and place for a meeting to conclude the exclusion, where the Headteacher, Depute Headteacher will meet with the parent/carer and child/young person. This must take place within 7 calendar days following the decision to exclude.
- Information on the right of a parent/carer to refer the decision to exclude the child/young person to an appeal committee under section 28H of the 1980 Act and the right to appeal the committee's decision to the sheriff and how appeals can be initiated.
- Any other information, which the education authority considers appropriate - such as a contact person to discuss any schoolwork provided during the period of exclusion.

It is essential that letters are clear, accessible, and personalised. The following template letters are available for use:

- The parent/carer – **Appendix 3a**
- The child, where the child is over 12 and has capacity - **Appendix 3b**
- The young person only where the young person is over 16 – **Appendix 3c**

To make sure there is sufficient review, assessment, and preparation for return to school, and introduction of new or additional support it may be necessary to meet sooner. The formal exclusion letter should be sent to parent/carer and the young person over 12 years old and include:

- The reason the child/young person was excluded
- The right of appeal and how appeals can be made, and
- Any other relevant information considered appropriate.

## 10.5 Return to School Meeting

While not legally required, it is good practice to hold a return to school meeting before the child/young person returns to school. These meetings ensure everyone involved—including the school, family, and child/young person—understands the situation and agrees on next steps. It is important to note that **signed targets, conditions, or agreements for returning to school are not compatible with national guidance**<sup>51</sup>

This meeting should focus on:

- Explaining the reasons behind the exclusion and the behaviour that led to it.
- Discussing the child/young person's perspective and referencing any relevant forms, such as Appendix 3b.
- Strengthening collaboration between the school and family to support the child/young person.
- Agreeing on specific strategies and support to help the child/young person return successfully.

The discussion should be solution-focused, aiming for positive outcomes and practical steps to address challenges. Rather than listing rules, the meeting should be constructive and emphasise proactive solutions to support the child/young person's successful reintegration into school.

It is good practice for the child/young person to attend this meeting, have a clear understanding of the reasons for the meeting and have the opportunity for their views to be heard and most importantly, understand strategies and supports suggested and agreed.

To ensure clarity and understanding of all parties, the parent/carer and young person (over 12 years) can sign the Return to School Agreement; **Appendix 5a** for all young persons over 12 yrs of age or **Appendix 5b** for all parent/carers of child/young persons under 16. The child/young person should return to school and signed copies should be provided to all parties.

The original copies should be retained by the school in the Pupil Progress Record and electronically on the SEEMiS Wellbeing Application. These should be emailed to the Education Duty Manager within 1 day of the meeting.

Schools may need to conduct a risk assessment to manage current or potential risks. This allows the child/young person to continue attending school with the right support. The assessment should identify the needs and priorities of the child/young person, balanced against strategies to ensure everyone's safety. It should be part of the return-to-school plan and signed by all relevant parties.

Where a parent/carer and/or a child/young person declines or is unable to attend a return to school meeting, the school may still conclude the exclusion outlining the date of return, supports to be put in place and expectations. These details should be outlined in a letter (**Appendix 6**).

The parent/carer may not enrol a child/young person in another school until the exclusion process has been concluded.

## 10.6 Build Up Timetables and Flexible Learning Packages

As part of an initial support package on return to school it may be appropriate, particularly where a crisis has developed, for a child/young person to return to school on a part-time basis, or with a flexible learning package in place. Such an arrangement must be planned, transparent and agreed between the school, the parent/carer, and the child/young person.

The Child's/Pupil Support Plan must accurately reflect the agreed flexible or part time arrangements. This arrangement should be used for a short and agreed period with the aims around this recorded in the Child's Plan. This should be discussed and agreed with the Education Duty Manager.

Records must be kept, including records of attendance which accurately reflect the times that the child/young person spends at home with parent/carer permission.

In all circumstances other SBC Education policies must be followed, including the Attendance, Home Education, and wider Inclusion policies.

# 11. PERMANENT EXCLUSION

The power to exclude on a permanent basis lies with the Director of Education and Children's Services.

The Headteacher should notify the Chief Education Officer in writing that they are requesting a permanent exclusion; that is the permanent removal of a child/young person from that school's roll.

The Headteacher should inform the parent that a request to permanently exclude their child/young person has been made to the Chief Education Officer as soon as this request has been made (**Appendix 8**).

The Headteacher should prepare all appropriate and relevant information for discussion with the Chief Education Officer and Director of Education to allow a decision to be reached as soon as possible.

A permanent exclusion relates only to the Scottish Borders school from which the child/young person has been permanently excluded.

If the decision or preference is for the child/young person to remain at a school within the Local Authority, the Chief Education Officer (or their delegate) will decide which school will be the receiving school; the parent/carer and child/young person should be notified of this decision as soon as possible.

Scottish Borders Council have a statutory obligation to provide education during any period where the child/young person cannot attend school. This temporary alternative educational provision should be in place without undue delay.

The parent/carer should not submit a placing request to another school until the exclusion procedures have been completed. This also applies in the case of Temporary Exclusion.

A Child's Planning meeting should be held within 5 days of the confirmation of permanent exclusion. The meeting should be held in the receiving school and be chaired and recorded by the receiving school. Relevant staff from the excluding school must attend along with parent/carer, child/young person, and relevant professionals from the 'team around the child' in order that a full and reviewed Child's Plan can be developed. It is advised that in all cases a risk assessment is completed.

Any alternative education arrangements should remain in place until enrolment takes place with the new school.



## 12. RIGHT OF APPEAL

The right of appeal against the decision to exclude is outlined in the Education (Scotland) Act 1980 and extended to children/young people with legal capacity in the Age of Legal Capacity Act (2000). The Local Authority has a statutory duty to appoint an education appeal committee, that it is not a committee of the Authority, but is an independent body which operates under the supervision of the Scottish Committee of the Council on Tribunals under the Tribunals and Inquiries Act 1992.

The right of appeal and how to do this will be outlined in the formal exclusion letter sent following the decision to exclude. **Appendix 9** provides an information sheet for parent/carer regarding the appeal process, and this **should be sent with the formal exclusion letter**.

## 13. RECORDING AND DOCUMENTATION

The decision to exclude a child/young person must be recorded:

- In the child/young person's pupil progress record (PPR)
- In SEEMiS Click and Go attendance
- Noted in Latest Pastoral Notes/Wellbeing Application with details of any investigation carried in out relation to the exclusion (this may form part of a chronology if required).

Where the decision of an education appeal committee or sheriff court has been to annul an exclusion, this information should be:

- Deleted from the child/young person's PPR, their attendance in SEEMiS
- 'Retired' from latest Pastoral Notes/Wellbeing Application
- Should not be disclosed as part of a child/young person's history.

A written record or Chronology must be kept of all information leading to the exclusion on the child/young person's educational record. This should include the reasons why the Headteacher or the Depute Headteacher decided on exclusion as a course of action. Comments should be specific and explicit including the names of teachers, dates, times, and any other information that may be deemed to be relevant. This information may, in certain circumstances, be required to substantiate the authority's case in a court of law or an Additional Support Needs Tribunal for Scotland.

## 14. MONITORING

Reducing exclusions is a target for both National and Local Government and, as such, exclusion figures for each school are monitored closely. Headteachers should review and monitor exclusions at an individual and school level to inform planning and interventions. Within the Education Service, officers meet regularly to review exclusion data and information to identify emerging issues and provide early and preventative support.

# Appendix 1

## Challenge Questions: Key considerations prior to deciding on exclusion

### Alternatives and Prevention:

- What additional support/interventions are in place?
- Have curriculum alternatives been considered?
- Could temporary hosting at another school/virtual learning help?
- How can staged intervention prevent exclusion?

### Previous Exclusions and Assessment:

- Has the child been excluded before? What was the impact?
- Has there been clear assessment of needs?
- Does recent presentation constitute a wellbeing concern?
- Is there a risk assessment if needed?

### Incident Review:

- Has incident been fully reviewed with all staff present?
- Is restorative conversation needed?
- Has another professional provided perspective?
- What is behaviour communicating about needs?

### Support and Consultation:

- Has Pupil Support/Guidance/Key worker been consulted?
- Are partner agencies involved appropriately?
- Has lead professional been updated?
- What additional support could help?

### Impact and Outcomes:

- What are hoped-for outcomes?
- Are there alternatives to achieve these?
- Is length proportionate and in best interests?
- What might wider impacts be?

### Legal Requirements:

- Does exclusion comply with Regulation 4 of the Schools General (Scotland) Regulations 1975 (as amended)? This regulation specifies the only legal grounds for exclusion:
  - Parent/carer refuses to comply with school rules/discipline
  - Continued attendance would be seriously detrimental to order/discipline or educational wellbeing of pupils
- Is all required documentation complete and ready for Education Duty Manager within 1 working day?
- Are support plans updated?
- Has appropriate educational provision been arranged according to Education (Scotland) Act 1980?
- Have parents/carers and child (if 12+) been properly notified of exclusion and appeal rights?

# Appendix 2

## Challenge Questions: Key considerations for Individual Circumstances

### Rights-Based Considerations:

- How are the child/young person's UNCRC rights being protected?
- Has the child/young person been meaningfully involved in decisions?
- Are their views clearly recorded and acted upon?
- Have they had advocacy support if needed?
- Is exclusion proportionate and in their best interests?

### Care Experience:

- Has Virtual School Headteacher/lead professional been consulted?
- How will exclusion affect stability of home life?
- Have appropriate arrangements been made regarding support/care/ wellbeing at home?
- What trauma-informed alternatives exist?
- How can we maintain relationships and belonging?

### Wellbeing Considerations:

- What is the behaviour communicating about needs?
- How will exclusion impact their wellbeing indicators (Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included)?
- What protective factors are in place?
- What additional supports could prevent exclusion?

### Additional Support Needs:

- Are needs being fully met through support plans or does this need reviewed?
- Has the exclusion been assessed to ensure it is not related to the child's disability, additional support need, or protected characteristic?
- Will exclusion disrupt essential therapies/interventions?
- Has account been taken of impact of exclusion on child/young person's learning and support provision?
- What reasonable adjustments could help?
- Have other professionals involved been consulted on continuation of any additional input for child?

### Child Protection/Vulnerable Circumstances:

- Is there a current risk assessment?
- How will exclusion affect child/young person's safety?
- Have social work and school child protection officer been consulted?
- Have appropriate arrangements been made for support/care at home?
- What safeguards are needed?

### Poverty/Equity Impact:

- Will exclusion affect access to Free School Meals/Educational Maintenance Allowance or basic needs?
- What practical supports can reduce impact on family?
- How can we maintain learning continuity?
- Are there financial barriers to engagement?

# Appendix 3a

## Letter to parent/carers of learner under 16

[Date]

Dear [Parent/Carer's Name]

### **[Child's Name] – TEMPORARY EXCLUSION FROM SCHOOL**

Following our discussion today, I am writing to confirm [Child's Name] has been excluded from school to ensure we can put the right support in place for their return.

The circumstances leading to this decision are:

*[enter reason for exclusion according to code in Appendix 7 and describe incident(s) factually]*

To plan your child's successful return to school, please attend a return to school meeting on [date/time]. At this meeting we will:

- Discuss how best to support your child
- Plan positive next steps together
- Consider any additional help needed
- Agree strategies for moving forward

I have included some questions to help [Child's Name] prepare their thoughts for the meeting. Their views are important to us.

You have the right to appeal against the decision to exclude and under the terms of Section 28H of the Education (Scotland) Act 1980. Such an appeal should be sent to:

Chief Education Officer, Education and Children's Services, Scottish Borders Council Headquarters,  
Newtown St. Boswells, TD6 0SA

Until then, [Child's Name] must not attend school, be within the school or school grounds, or take part in any school activities, until the exclusion has been concluded. We will provide educational materials and support during this time.

If you cannot attend the meeting, please contact me to arrange an alternative.

Yours sincerely,

[Name]

Headteacher



# Appendix 3b

## Letter to child/young person over 12 years

[Date]

Dear [Name]

### TEMPORARY EXCLUSION FROM SCHOOL

Following today's incident(s), I need to let you know you have been excluded from school for these reasons:

*[enter reason for exclusion according to code in Appendix 7 and describe incident(s) factually]*

We will have a meeting to plan your return to school and discuss:

- What support you feel would help
- Your views on what happened
- How we can work together going forward
- Any concerns you want to raise

The meeting will be on [date/time] with your parent/carer.

Your views matter. I have included some questions to help you think about what you want to say. You can get help completing these from someone you trust.

You have the right to appeal this decision. A letter of your temporary exclusion has been given to your parent/carer which includes the details of how to appeal the decision.

During this time, you should not be within the school or school grounds or take part in any school activities. We will make sure you have work to do and support if needed.

Yours sincerely,

[Name]

Headteacher

# Appendix 3c

## Letter to learner over 16 years

[Date]

Dear [Name]

### TEMPORARY EXCLUSION FROM SCHOOL

Following today's incident(s), I am writing to confirm your exclusion from school for these reasons:

*[enter reason for exclusion according to code in Appendix 7 and describe incident(s) factually]*

To plan your return, we need to meet on [date/time]. This meeting will:

- Consider your perspective
- Discuss support options
- Agree ways forward
- Address any concerns

You can bring a parent/carer or supporter to this meeting.

Your views matter. I have included some questions to help you think about what you want to say. You can get help completing these from someone you trust.

You have the right to appeal against the decision to exclude and under the terms of Section 28H of the Education (Scotland) Act 1980. This should be sent to:

Chief Education Officer, Education and Children's Services, Scottish Borders Council Headquarters,  
Newtown St. Boswells, TD6 0SA

Until then, you must not attend school, be within the school or school grounds, or take part in any school activities. Educational support will be provided.

If you cannot make this time, please contact me to rearrange.

Yours sincerely,

[Name]

Headteacher

# Appendix 3a/3b/3c (Continued)

## i. Exclusion Support Questions: Young Person

We want to support you to avoid being excluded again. These are some helpful questions to answer before your return to school meeting. Talk to your parent/carer about them and bring this completed form with you to the meeting to help with the discussion.

### 1. Thinking About What Happened

Can you describe what happened in your own words?

How were you feeling at the time?

What do you think started the situation?

### 2. Thinking About How It Affected Others

Who do you think has been affected by your actions, and how?

How do you think your classmates, teachers, or family felt?

How do you feel about it now?

### 3. How Can We Help?

What could have helped you make a different choice?

Is there anything that's been bothering you that we can help with?

What do you need to feel better supported at school? Who can help?

What is going well for you at school?

### 4. Making a Plan

What can you do differently if this happens again?

How can we work together to help you do your best?

What do you need to do to fix any problems caused?

# Appendix 3a/3b/3c (Continued)

## ii. Exclusion Support Questions: Parent/Carer

We want to support you to avoid your child being excluded again. These are some helpful questions to consider before the return to school meeting. If you find it helpful, you can bring this completed form to the meeting to help with the discussion.

### 1. Understanding What Happened

What have you heard about what happened?

How do you feel about it?

Why do you think your child acted this way?

### 2. Thinking About the Impact

How has this affected your child at home and school?

Has this affected your family in any way?

### 3. How Can We Support You?

What do you think your child needs to feel better and do better?

How can we work together to help your child?

Are there things outside of school that might be making it harder for your child?

### 4. Making a Plan

What can we do to help rebuild trust and make sure your child feels included?

What can we do together to help your child improve?

Have there been things that worked well before that we can try again?

# Appendix 4

## Checklist for Key Considerations After a Decision to Exclude and Incident Report Form

This checklist provides a framework for ensuring that all necessary steps are followed once a decision to exclude a child/young person. **Sections 1-6 and the incident report must be completed and sent to Education Duty when informing of an exclusion.**

| Checklist Item   | Completed |
|--|-----------|
| <b>1. Decision-Making and Initial Actions</b>  |           |
| Confirm the decision to exclude aligns with the Scottish Borders Council's exclusion policy and legislative requirements.  |           |
| Ensure the exclusion is a proportionate response, is not punitive, and that all alternative strategies have been considered and documented. <b>(Appendix 1)</b>  |           |
| Notify the child/young person and their parent/carer immediately of the decision to exclude, providing clear reasons and next steps.   |           |
| Appropriate communication and checks to take place with relevant professionals, Education Duty Manager, partners, and staff, especially for children/young people who have care experience, additional support needs or where there is child protection concerns or vulnerabilities. <b>(Appendix 2)</b> |           |
| <b>Notes/further information:</b>  |           |
| <b>2. Recording and Reporting</b>  |           |
| Record the exclusion in the SEEMiS system promptly and accurately, ensuring compliance with regulations.   |           |
| Complete all exclusion documentation, including incident reports and any related correspondence. If appropriate, ensure the LEXI risk management system is completed accurately with details of pre and post incident.   |           |
| Submit the completed exclusion paperwork to the Education Duty Manager within one working day of the decision.   |           |
| <b>Notes/further information:</b>  |           |
| <b>3. Communication with the Child/young person</b>  |           |
| Clearly explain the reasons for the exclusion to the child/young person in age-appropriate language, allowing them to ask questions.   |           |
| Provide the child/young person with an opportunity to share their perspective on the incident. If child or young person is of legal capacity (over 12 years of age) inform them in writing of exclusion and right of appeal.   |           |
| Discuss immediate support available during the exclusion period, including learning and emotional support plans.   |           |
| <b>Notes/further information:</b>  |           |



|  |   |                        |
|--|---|------------------------|
| <b>4. Communication with Parents/Carers</b>  |   |                        |
| Follow up initial verbal communication (detailed above) with a formal exclusion letter (appendix 3a)   |   |                        |
| Plan for child to be collected or young person to be sent or taken home. Child/ young person not to leave school until safety, health and wellbeing assured and appropriate arrangements are in place.<br><i>If parents/carers cannot be contacted child or young person must be supervised at school until suitable arrangements can be made.</i> |   |                        |
| Confirm arrangement for return to school meeting to discuss the exclusion, provide clarification, and plan next steps.   |   |                        |
| <b>Notes/further information:</b>  |   |                        |
| <b>5. Educational Provision During Exclusion</b>   |   |                        |
| Ensure appropriate learning materials are provided to the child/young person immediately.  |   |                        |
| Confirm arrangements for regular teacher contact to support the child/young person's learning and engagement.  |   |                        |
| Coordinate with relevant professionals to maintain therapeutic or additional support services.   |   |                        |
| <b>Notes/further information:</b>  |   |                        |
| <b>6. Planning for Return to School</b>  |   |                        |
| Develop a plan to support the return to school with input from the child/young person, their parents/carers, and staff.  |   |                        |
| Schedule a return to school meeting before the child/young person's return to school.  |   |                        |
| Identify and provide additional supports to ensure the child/young person's successful re-engagement.  |   |                        |
| <b>Notes/further information:</b>  |   |                        |
| <b>7. Monitoring and Review</b>  |   |                        |
| Document all actions, communications, and follow-ups related to the exclusion.   |   |                        |
| Evaluate the impact of the exclusion on the child/young person's wellbeing, learning, and behaviour.   |   |                        |
| Review the incident to identify preventative strategies and inform future practice.  |   |                        |
| <b>Exclusion Incident Report</b>   |   |                        |
| <b>Pupil Name:</b>   | <b>Date:</b>  | <b>Stage:</b>          |
| <b>School:</b>   | <b>Pupil Needs:</b> (ASN, CP, Care Experience, FSM etc) |                        |
| <b>Main Exclusion Circumstance (appendix 7a):</b>  |   | <b>Total openings:</b> |
| Give brief and succinct details of the incident. You can provide a clear screenshot of the exclusion entry on SEEMiS:  |   |                        |

# Appendix 5a

## Return to School Agreement Letter (child/young person Over 12 Years)

[School Letterhead]

[Date]

Dear [Child's Name],

[Child/Young Person's Name/Date of Birth/Class]

### Supports and Next Steps Agreed for Return to School

We are looking forward to welcoming you back after your recent exclusion from school. We understand this has been a challenging time, and we want to help you feel supported as you return to school.

Here are the key points we discussed to help you settle back in:

#### 1. What Happened:

- o [Briefly state what happened, clearly and respectfully.]

#### 2. What We Agreed:

- o [Add one or two specific actions, like regular check-ins or small changes to your routine.]

#### 3. How We Will Support You:

- o [Mention any support, such as meeting with a teacher, using a quiet space, or having extra help available.]

We believe you have great potential, and we are here to help you succeed. Let's work together to make this a fresh start for you at school. Remember, all children/young people are asked to follow the school's positive behaviour code.

Please sign below to show that you understand and agree to the plan. If you have any questions or need anything, you can speak to [Contact Person/Role].

#### Child/Young Person Agreement:

I understand and agree to the plan. I will do my best to follow it and make positive choices.

Child/young person signature: \_\_\_\_\_

Parent/carer signature: \_\_\_\_\_

Headteacher/Depute Headteacher signature: \_\_\_\_\_

Date: \_\_\_\_\_

# Appendix 5b

## Return to School Agreement Letter (Parent/carers of all children/young people under 16 years)

[School Letterhead]

[Date]

Dear [Parent/Carer's Name],

[Child/Young Person's Name/Date of Birth/Class]

### Supports and Next Steps Agreed for Return to School

We are writing to confirm your child's return to school following the recent period of exclusion. We confirm that the reasons for this as described in the original letter of exclusion have been discussed. Our aim is to ensure your child feels supported and ready to engage positively with school life.

As part of their return, we discussed and agreed to the following key points::

#### 1. What Was Agreed:

- o [Add one or two specific actions, such as regular check-ins or adjustments to their routine]

#### 2. Support Available:

- o [Mention any specific supports, like access to a mentor, identified support people/ times, referrals to partner agencies or other

We are committed to working together to ensure your child feels included and supported. Please sign below to confirm your understanding of, and agreement to this plan. If you have any concerns or questions, please contact [Contact Person/Role].

#### Parent/Carer Agreement:

I understand and agree to the plan outlined above. I will work with the school to support my child in making positive choices and engaging with their education.

Parent/carers signature: \_\_\_\_\_

Headteacher Agreement:

I am satisfied with the arrangements made for your child's return to school.

Headteacher/Depute Headteacher Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# Appendix 6a

## Non-attendance at Return to School Meeting Letter (Parent/carer of child/young person under 16 years)

[School Letterhead]

[Date]

Dear [Parent/Carer's Name],

[Child/Young Person's Name/Date of Birth/Class]

### Supports and Next Steps Agreed for Return to School

We are writing regarding your child's planned return to school following their recent exclusion. We had hoped to agree on a plan that sets out clear actions and support for your child's return. However, as we have not been able to meet, we have prepared the following arrangements to ensure a smooth return.

#### 1. Planned Date of Return:

- o [Specify the agreed or proposed return date.]

#### 2. Support Measures in Place:

- o [Briefly outline the key support measures the school will provide, e.g., check-ins, mentoring, or access to specific resources.]

#### 3. Expectations:

- o [Summarise key expectations for behaviour during and after return to school.]

We remain committed to working in partnership with you and it is important that your child returns to school, receives the education, and support they need. If you have any further concerns or questions or wish to meet, please do not hesitate to contact me.

We will continue to monitor your child's progress and provide updates as needed. Thank you for your understanding and cooperation.

Yours sincerely,

[Headteacher's Name]

[School Name]

# Appendix 6b

## Non-attendance at Return to School Meeting Letter (young person over 12 years)

[School Letterhead]

[Date]

Dear [young person's name],

We are writing regarding your planned return to school following your recent exclusion. We had hoped to agree on a plan that sets out clear actions and support for your return. However, as we have not been able to meet, we have prepared the following arrangements to ensure a smooth return:

**1. Planned Date of Return:**

- o [Specify the agreed or proposed return date.]

**2. Support Measures in Place:**

- o [Briefly outline the key support measures the school will provide, e.g., check-ins, mentoring, or access to specific resources.]

**3. Expectations:**

- o [Summarise key expectations for behaviour during and after return to school.]

We remain committed to working with you and it is important that you return to school and receive the education and support you need. If you have any further concerns or questions or wish to meet, please do not hesitate to contact me. We will continue to monitor your progress.

Yours sincerely,

[Headteacher's Name]

[School Name]



# Appendix 7a

## Exclusion Circumstances

Fighting  
Verbal abuse of pupil  
Verbal abuse of staff  
General or persistent disobedience  
Insolent or offensive behaviour  
Refusal to attend class  
Fire raising  
Parental non-cooperation  
Substance misuse – not alcohol  
Substance misuse – alcohol  
Spitting  
Damage to school property  
Threat to school property  
Indecent exposure  
Sustained peer exclusion for the purpose of causing significant distress  
Physical assault with no weapon against pupil  
Physical assault with no weapon against staff  
Physical assault using weapon against pupil (Please identify weapon. e.g. knife, knuckleduster)  
Physical assault using weapon against staff (Please identify weapon. e.g. knife, knuckleduster)  
Physical assault using improvised weapon against pupil  
Physical assault using improvised weapon against staff  
Damage to personal property of pupil  
Damage to personal property of staff  
Theft from pupil  
Theft from staff  
Threat of sexual violence against pupil  
Threat of sexual violence against staff  
Threat of physical violence, no weapon, against pupil  
Threat of physical violence, no weapon, against staff  
Threat of physical violence using weapon or improvised weapon, against pupil  
Threat of physical violence using weapon or improvised weapon, against staff  
Threat to personal property against pupil  
Threat to personal property against staff  
Malicious communications against pupil  
Malicious communications against staff  
Slander and libel (incl. website) against pupil  
Slander and libel (incl. website) against staff  
Stalking of pupil  
Stalking of staff  
Extortion from pupil  
Extortion from staff  
Other



# Appendix 7b

## Exclusion Motivation

Racial  
Gender  
Homophobia/Sexual orientation  
Disability of victim  
Religion  
Sectarian  
Substance misuse - alcohol  
Substance misuse - not alcohol  
Territorial/gang related  
Assailant medical condition/disability  
Other known factor  
Not known

# Appendix 8

## Parent/carer of pupil under 16 years: Letter informing of request to seek permanent exclusion

Dear [Parent/Carer(s) Name]

### Permanent Exclusion from School

I am writing to inform you that I believe it would be seriously detrimental to order and discipline or the educational wellbeing of the pupil for [Child/Young Person's Name] to continue attendance at this school.

Despite all our efforts to put support in place, we have been unable to prevent situations arising which have led us to this serious action.

I am therefore informing you that I have written to the Director of Education and Children's Services requesting that your child is permanently excluded from attending [name of school].

While we await the response from the Director, we will continue to provide educational work for you, but as your child is excluded, they are not permitted to enter the school grounds, without prior agreement with the school. Steps will be taken to arrange the best way to get this work to you.

If the Director of Education and Children's Services approves the permanent exclusion from this school the options for your child's education are;

1. Your child attends another school identified by Scottish Borders Council.
2. Your child is educated at home, providing the Authority agrees your teaching and learning programme, according to the Home Education policy.
3. Your child attends a private school without financial assistance from the Authority.

You can appeal against the decision to exclude your child from school, by writing a letter to;

Director of Education and Children's Services  
Scottish Borders Council HQ  
Newtown St. Boswells, TD6 0SA.

Yours sincerely,

[Headteacher's name]

Headteacher

# Appendix 9

## Guidance on Appeals Against Exclusion from School (to be sent outwith exclusion letter)

### What is an Education Appeal Committee?

The Education (Scotland) Act 1980 provided the foundation for the establishment of the education appeal committee system in Scotland. Education Authorities have a statutory duty to appoint an education appeal committee, but it is important to establish right at the outset that it is not a committee of the Authority but should be an independent body which operates under the supervision of the Scottish Committee of the Council on Tribunals under the Tribunals and Inquiries Act 1992.

Under Section 28c of the Education (Scotland) Act 1981, provision is made to provide all parents with the right of appeal against decisions of the Education Authority as to the schools, excluding nursery schools or classes, their children should attend. These are known as Placing Appeals. Section 28h of the Act provides parents with the right of appeal against decisions of the Education Authority to exclude a pupil from school. These are known as Exclusion Appeals. Each Education Authority must establish Appeal Committees to consider Placing Appeals and Exclusion appeals.

The Education (Appeal Committee Procedures) (Scotland) Regulations 1982 set out in detail the procedures that these committees must operate under.

### Constitution and Membership of an Education Appeal Committee

An Education Appeal Committee is required to be made up of three, five or seven members who are to be nominated by the Authority. The membership must comprise members of the Authority (elected councillors) or of the Authority's Education Committee (which could include Teachers or religious representatives and co-opted members), and other people who are either: (a) parents of children of school age; (b) persons who, in the opinion of the Authority, have experience in education; or (c) persons who in the opinion of the Authority, are acquainted with the educational conditions in the locality, e.g., retired Headteachers. Individuals who are employed in the Education Department of the Authority cannot be members.

The regulations stipulate that the members of an Education Appeal Committee, who are members of the Authority or of the Education Committee of the Authority, will not outnumber the other members of the Appeal Committee by more than one. A person who is a member of the Education Committee of the Authority may not act as chairman of an Education Appeal Committee, nor may any person who had a part in, or was even present at, discussions about the subject matter of an appeal be a member of an education appeal committee. The procedural rules stipulate that Teachers, pupils, parents of pupils or school board members of a "relevant school" may not be members of the Education Appeal Committee. A "relevant school" means, in relation to a reference to the Appeal Committee:

- the school which the child to whom the placing request relates attends,
- the specified school,
- the school which the Education Authority proposes that the child to whom the placing request relates should attend,
- a school from which pupils are normally transferred to the specified school, and
- the school from which the pupil has been excluded

This is the structured framework under which the Appeals Committees should operate.

### **Notice of Appeal**

Any appeal must be lodged with the Education Appeal Committee within twenty-eight days of the receipt by the parent of the decision of the Authority. Under certain circumstances the Appeal Committee can seek to extend this period.

### **Hearings**

The Regulations state that the Education Appeal Committee must afford the appellant an opportunity of appearing and making oral representations and in all cases a time and place of hearing must be appointed. The notification which is given to an appellant must include a statement as to his or her rights:

- to appear or to be represented at the hearing
- to be accompanied at the hearing by up to three friends including (if any) representing the appellant
- to lodge written representations; and
- to allow the presentation of the case to rest on written representation, if any were lodged on the appellant's behalf

### **Procedures**

The Regulations stipulate that the Education Authority must, in accordance with a pre-determined procedure, appoint a panel of persons from whom Appeal Committees can be constituted. The procedure for the selection of members and appointment of a chairperson from the panel must be pre-determined. Additionally, the procedure for appointing a chairperson must have regard to the desirability of capitalising on previous experience in the conduct of hearings. At the commencement of a hearing the chairperson of the Appeal Committee shall state the procedure which the Appeal Committee will adopt and unless the Appeal Committee decides otherwise the proceedings will be conducted in the following order:

- presentation of case for the Education Authority;
- questioning by the appellant;
- presentation of case for the appellant;
- questioning by the Education Authority;
- summing up by the Authority; and
- summing up by the appellant

The appellant or any one person who is representing the appellant and the Education Authority represented by any one person duly authorised for the purpose will be entitled to call evidence, to question any person giving evidence including the appellant and any officer of the Education Authority and to address the Committee with the details of their case. The chairperson has certain discretionary powers to disallow questioning that is elaborative or repetitive.



## Decisions of the Appeal Committee

The chairperson of the Appeal Committee should inform the appellant and the Authority whether the Committee proposes to notify its decision, with the reasons for it, in writing at the conclusion of the hearing after the Appeal Committee deliberates the evidence or at some later date. If the appellant is not present or represented at the hearing, then immediate written notification of a proposal to defer the decision must be given to the appellant. It is important that the decision fully and clearly expressed and capable of being understood by a lay person.

If the Appeal Committee is not able to announce its decision at the end of the hearing, a written decision with full reasons for that decision must be sent within fourteen days from the date of the hearing. Where it is appropriate, the letter must inform the appellant of any right of appeal to the sheriff and the time limits that will be applicable.

To reach its decision, each member of the Appeal Committee will, for the purpose of the Committee reaching a decision, be obliged to cast a vote either in favour of or against refusing to confirm the decision of the Education Authority to which the appeal relates.

Each Appeal Committee should have the services of a clerk whose role should be fully explained to the appellants. The clerk should normally be an appropriate officer of the Local Authority and will be responsible for arranging the hearings and ordering the business at the hearing. The clerk should be an employee who, in the course of his/her employment by the Authority, does not deal regularly with the admission of children to school, the exclusion of children, or children with special educational needs. There should be no conflict of interest. The clerk will be expected to take notes and record decisions, the reasons for the decision, and ensure the smooth running of the hearing on the day.

It will be one of the clerk's duties to remain with the Committee during the deliberative stage and, when necessary, offer advice on procedures.

The clerk should keep brief notes of the proceedings – who was in attendance, the voting process and record the decisions – in such a form previously agreed by the Authority

# Appendix 11

## Glossry of Terms

| Term                           | Explanation  |
|--------------------------------|--|
| ASN (Additional Support Needs) | A legal term in Scottish education for children who need extra help to benefit from education.   |
| Care Experienced               | A child or young person who is or has been in care, such as foster, residential or kinship care.   |
| Child Protection               | Actions and policies designed to safeguard children from abuse or neglect.   |
| Corporate Parent               | A public body with legal duties to support the wellbeing of children in care.  |
| Education Duty Manager         | A local authority single point of contact, managed by senior education officers in SBC responsible for overseeing exclusions and ensuring procedures are followed. |
| Exclusion                      | The formal removal of a pupil from school for a period due to serious behavioural concerns.  |
| GIRFEC                         | <i>Getting it Right for Every Child</i> – Scotland's national approach to improving outcomes through early intervention and wellbeing support.                     |
| Informal Exclusion             | When a pupil is sent home without formal exclusion procedures – this is unlawful under Scottish education law.   |
| Legal Capacity                 | In Scotland, children aged 12 and over may have the legal right to make decisions and instruct representation.   |
| Multi-agency Working           | Collaboration between education, social work, health and others to support children and families.  |
| Pastoral Support               | Emotional and wellbeing support provided in schools, often by guidance or pastoral staff.  |
| Restorative Approaches         | Methods of resolving conflict that focus on repairing relationships and understanding harm caused.   |
| Return to School Meeting       | A replacement for "Readmission Meetings," focused on planning appropriate supports after an exclusion.   |
| Risk Assessment                | A process used to evaluate any potential harm a child may face and determine the necessary supports.   |
| SEBN                           | <i>Social, Emotional and Behavioural Needs</i> – a category of additional support needs.   |
| SEEMiS                         | A national school management information system used by Scottish schools to record data, including exclusions.   |
| Staged Intervention            | A framework used in schools to assess, plan and review support based on individual need.   |
| Trauma-Informed Practice       | Approaches that recognise the impact of trauma and avoid re-traumatisation, often used with vulnerable learners.   |
| UNCRC                          | <i>United Nations Convention on the Rights of the Child</i> – a set of international rights that must be upheld for every child.                                   |
| Virtual School Headteacher     | A senior education leader responsible for overseeing and improving outcomes for care experienced learners.   |

# Appendix 12

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