

REPORT TO: EDUCATION COMMITTEE - 24 JANUARY 2011

REPORT ON: RESPONSE TO CONSULTATION ON REVISED NATIONAL GUIDANCE ON SCHOOL EXCLUSION

REPORT BY: DIRECTOR OF EDUCATION

REPORT NO: 24-2011

1.0 PURPOSE OF REPORT

- 1.1 To inform the Committee of the local response to the Scottish Government's consultation on the draft revised national guidance on exclusions entitled 'Included, Engaged and Involved Part 2: a positive approach to managing school exclusions'.
- 1.2 The draft response is shown complete on pages 3 to 13 below. Copies of the draft national guidance have been passed to Group Leaders, Lord Provost and Deputy Lord Provost.

2.0 RECOMMENDATIONS

- 2.1 That Committee notes the content of the draft response and instructs the Director of Education to submit it to the Scottish Government on behalf of the Council.

3.0 FINANCIAL IMPLICATIONS

- 3.1 None

4.0 MAIN TEXT

- 4.1 The draft revised guidance will replace the existing guidance on managing school exclusions known as 'Circular 8/03 Exclusion from School' when finalised.
- 4.2 The purpose of the guidance is to develop and clarify national policy on exclusion from schools in the context of national and local government responsibilities and aims for children and young people.
- 4.3 The overarching aim of national guidance and local policy on school exclusions is to support whole school communities, learning establishments and their partners to keep all children and young people as fully included, engaged and involved in their education as possible, wherever their education takes place.
- 4.4 The finalised national guidance will provide an opportunity to reassess our local policy and procedures in line with national policy and emerging best practice.
- 4.5 As can be seen from the consultation response, there is much that is happening in Dundee that reflects the draft revised guidance; for example, the Education Department has amended its procedures with a view to reducing the impact of exclusion on children and young people who are looked after and also on those who are on the child protection register.
- 4.6 The Education Department will conduct a review of its policy to ensure that safeguards are in place which will ensure the safety and continued, appropriate inclusion of vulnerable and at risk children and young people. This review will include close collaboration with key Social Work and Leisure and Communities representatives in order to revise and amend local policy and procedures on exclusions from school so that they are aligned to the finalised national guidance and local Corporate Parenting Strategy and the Integrated Children's Services Plan.

5.0 POLICY IMPLICATIONS

- 5.1 There are no major issues. It will be the responsibility of the Scottish Government to conduct an equality impact assessment of its final guidance.

6.0 CONSULTATIONS

- 6.1 The Chief Executive, Depute Chief Executive (Support Services), Director of Finance, primary and secondary Head Teachers, teacher and support staff trade unions, Educational Psychology Service, School Community Support Service, Voluntary Sector representatives, representatives of the Social Work Children's Services and the Leisure and Community Department were consulted in the preparation of the consultation response.

7.0 BACKGROUND PAPERS

- 7.1 None

JIM COLLINS
Director of Education

DATE: December 29 2010

Included, Engaged and Involved Part 2: a positive approach to managing school exclusions

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Dundee City Council

Title Mr ☒ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ *Please tick as appropriate*

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3. Permissions - I am responding as...

Individual

☐

Please tick as appropriate

Group/Organisation

☒

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate ☐ Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available ☐

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate ☒ Yes ☐ No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

☒ Yes

☐ No

CONSULTATION QUESTIONS

Question 1: Introduction. Do you have any comments on this section of the document?

In general terms, the introduction is clear and concise.

Para 1: We wish to endorse the wholly inclusive approach which is highlighted from the opening paragraph of this draft guidance. We think this provides a very strong line and embeds the place of *exclusion* firmly within an overall approach that sees the *inclusion* in full-time education of all children as the national and local goal for all services no matter what the child's background, current circumstances or presenting issues are.

Para 5: It is helpful that the guidance highlights again that the power to exclude, while normally devolved to Head Teachers, rests with the local authority. This allows local authorities to vary the devolved powers in relation to specific groups of children such as those referred to in some detail later in the document: namely, children and young people who are looked after, children on the child protection register, and children who are otherwise at risk or vulnerable.

Para 11: The cited study indicates that the experience of exclusion from school may contribute to later social exclusion and involvement in criminal behaviours leading to the establishment of a criminal record. We agree that this potential for lifelong adverse impact should be considered when the decision to exclude or not to exclude a child or young person is being taken.

Question 2: Purpose and guidance of structure. Do you have any comments on this section of the document?

Para 18: We welcome the inclusion of Scotland's colleges in this guidance as they are an increasingly important, positive resource in supporting young people otherwise at risk of exclusion from learning and from mainstream society.

Question 3: Policy Context. Do you have any comments on this section of the document?

Para 26: We welcome the statement that exclusion can be interpreted as an indicator of need or risk with potential adverse impact on a child's health, well-being. We would also wish to see a statement to the effect that exclusion may be at odds with a child or young person's need for and right to educational and social inclusion and belonging.

para 28 'parents, carers and families are by far the most important influences on children's lives' This conclusion is questionable. the community in which they live, the relationships they have outside the home, including school staff, their peers and group identity have as much, if not more, of an influence on outcomes for young people (see Judith Rich Harris, 'The Nurture Assumption'). We agree that partnership with parents (and the wider community in which the school sits) is central in supporting learning and teaching in school. This relates to parents as a body (representing the community) as well as individual parents of individual pupils. It is about creating a school where parents and all the community feel welcome, and view it as 'theirs'. This section does go on to make this point, but the opening statement omits the community element.

We feel that the guidance could say more about the shift within the ASL Act in broadening out the definition of additional support needs to include those caused by barriers to learning associated with family circumstances and the interaction between the learner and the learning environment amongst others. A significant, if temporary, barrier to learning is created when a pupil is not permitted to attend school.

Para 29: The informal personal and formal professional role-modelling by all members of staff in schools and in support services is of key importance. This is particularly the case in the lives of children and young people who may have few positive role models in their lives beyond the school day.

Para 32: We endorse the view that effective implementation of Curriculum for Excellence empowers all schools and support services to be more individually responsive to the needs of the children and young people with whom they work. Successful implementation of the CfE should, in our view, lead to a reduction in the numbers of children and young people being excluded. It is our expectation that there will be commensurately fewer young people being educated away from their mainstream schools and in residential schools.

Para 35: It is right that this document emphasises the importance of the role of the corporate family in supporting children and young people who, most often due to circumstances outwith their control, find themselves being formally looked after.

'Corporate parenting provides both an opportunity and a statutory duty on all parts of a local authority to co-operate in promoting the care and welfare of children and young people who are looked after by them. The extended corporate family provides support to Looked After children and young people through health, police, housing, community planning partnerships, further and higher education, independent agencies and the voluntary sector.' We should also have a consistent system of treating children and young people who are looked after like the 'family firm' when it comes to providing opportunities for work experience for these young people. Authorities should not only offer support, we should offer opportunity.

In general terms, this section is clear and comprehensive. The extent to which the role of parents and carers and their relationship with the school are crucial cannot be overstated.

Question 4: Key Principles. Do you have any comments on this section of the document?

Prevention of the need for exclusion is paramount and needs to be seen in the context of what schools and their partners are doing to support children to behave positively towards staff and their peers. Poor behaviour can originate from the lack of positive role-modelling previously cited. Schools contribute to effecting appropriate changes in challenging and oppositional behaviour by offering positive and respectful adult and peer role models. Exclusion from school removes access to and support from those positive role models, albeit normally for a very short period of time.

It is interesting to note that, in the second bullet point, there is comment on the crucial role of self-confidence of staff in maintaining a safe and secure learning environment. Dundee City Council Education Department undertook a survey of teaching and support staff in May 2010 to which some 650 members of school-based staff responded. 92% of staff who responded agreed or strongly agreed that they have confidence in their ability to deal with negative behaviour. 95% of staff agree or strongly agree that they are confident in their ability to promote positive behaviour. 81% agreed or strongly agreed they are well supported by the senior management.

Although it is our experience that Head Teachers do so, we are pleased to see, as a key principle, that consideration of additional risk factors should be undertaken prior to a decision to exclude or not being taken.

The penultimate key principle echoes our own guidance. However, we perhaps do not state strongly enough that the start of an exclusion must signal the immediate start of a re-integrative planning process that should involve the child or young person, his or her parents, and any relevant agency or other partner in order that return from exclusion is as successful as it can be.

The process of preparing and planning the return to school ought not to commence at a 'resolution meeting'. [Please refer also to our response to Q8.]

Question 5: Prevention, Early Intervention and Staged Intervention. Do you have any comments on this section of the document?

Para 38: We feel that the final sentence jars and is unnecessary.

Para 42: Identifying and assessing need can be supported by using the My World Triangle AND ALSO the resilience matrix.

Para 43: Good plans also include Additional Support Plans (ASPs), the My World Triangle, the Resilience Matrix or the Framework of Assessment and Intervention for Resilience (FAIR). Under CfE, school plans should make sure they include routinely information about the child outside school. Each of the above methods allow that to happen in a positive way.

Para 43: 3rd bullet point, second last line: replace 'or' with 'and'

Para 44: We endorse the view that exclusion must be viewed in the context of a planned approach to supporting an individual child or young person.

Para 45: We endorse the approach of universal support, followed by targeted support and, finally, when all else has been tried and there is robust evidence shows that previous approaches have not been successful and clarifies what the reasons for failure are, a final move into specialist support. At each stage, the plan must be to drive the need for support down to the level below.

This section (paras 45 - 46) seems to read like a summary of the research from the *Behaviour in Scottish Schools Research 2009*. The purpose of the document as a whole is to present the recommended model of best practice, not to report common practice, although they may often coincide. We think that this section needs re-wording in the style of a guidance document rather than a research summary. For example, in para 49, we feel it is unnecessary to state that 'All primary and secondary headteachers ... indicated that they promoted positive behaviour through whole school ethos and values'. Guidance does, however, need to be clear whether that is what should be done and, if so, explain why by providing or pointing to the evidence of effectiveness. Guidance should then describe how it may be achieved.

Para 50: Undoubtedly, the quality of relationships is what makes or breaks a school. Good, positive, respectful relationships built on a fair and inclusive approach to learning are most likely to be present when teaching and support staff are confident in their ability and that self-confidence is observed and respected by the children and young people with whom they work. Our 2010 behaviour survey showed that the more confident the member of staff is, the more positive is the behaviour they reported.

Para 51: We recommend revision to read '*restorative, solution focused, nurturing AND motivated schools*' (rather than 'or'). These are not mutually exclusive approaches.

Para 52: We support the focus on a team approach and emphasis on classroom management. The use of partner agencies to help provide an alternative curriculum to engage some young people is a positive one. Again, however, we must be mindful of equality of access and opportunity. These approaches would be enjoyed by, and be of benefit to, pupils whose behaviour does not present a problem to the school. They should be open to all.

Para 53: We are pleased to see the statement that '[the] identification of learning needs and planning to meet those needs rests with the class teacher' and the clarification that this includes additional support needs about which the teacher, while they may seek recommendations on how best to respond from others, '*will be responsible for the implementation of [those] recommendations*'. This is in line with our locally developing **Addressing Barriers to Learning (ABLE)** approach to identifying and addressing individual support needs in the classroom.

Para 54: We suggest that the following highlighted phrase is inserted within the opening sentence: '*Staged interventions sit within wider whole-school and multi-partnership approaches...*'

Para 59: In Dundee, we have ceased using the term *Individualised Educational Programme* in favour of the wider concept of an *Additional Support Plan* in order to make partner

agencies not directly involved in the delivery of education more comfortable with the role and contribution they may have in addressing and individual child or young person's needs.

In the description of Stage 1, we support the flexibility and adaptability of the approaches being recommended.

Para 68: However, we would caution against stating that having confident staff is the key means by which we can achieve full inclusion. In the afore-mentioned authority-wide survey of teaching and support staff views on pupil behaviour of over 650 respondents, 95% agreed or strongly agreed that they are confident in their own ability to promote positive behaviour and 92% agreed or strongly agreed that they were confident in their ability to deal with negative behaviour. Yet, even if reducing year-on-year, exclusion figures for the city remain comparatively high.

Para 70: We welcome and support the use of school clusters as a flexible response to additional support needs including those which may be leading towards exclusion or repeated exclusion of an individual child or young person.

Para 71: This mirrors the intention of the targeted, partnership-based Flexible Learning Packages (FLP) which have been introduced in Dundee. Each FLP is designed to address identified needs and requires four-weekly formal reviews using a solution-focussed approach to identifying and measuring areas of progress towards full re-integration into school.

Para 74: We note, in particular the content of this paragraph and fully endorse this view.

The benefits of a cluster, community or collegiate approach include the sharing of school resources and decision making, with wider responsibility for and support from other schools.

This mirrors the content of a recently published Department discussion paper on cluster-based approaches to enhance support for learners in the city's schools and appears to this Council to be an appropriate means of ensuring that decisions about deployment of support and teaching staff are taken as near to the child or young person as possible.

Para 75: 'Managed moves' have very rarely been used in Dundee. Traditionally, very few pupils move out of a school to another unless at the request of a parent or carer even when the pupil in question has been the subject of multiple or lengthy exclusions. We concede readily that this is something worth considering in future. We do employ what we term 'shared placements' between a home school and an intensive behavioural support group in the primary sector. This is a similar approach to that described in para 80 as a planned part time or split placement package.

Para 76: There are special instructions to all Head Teachers not to exclude a child or young person who is looked after without first seeking the agreement of the relevant Head of Service. This is a deliberate strategy to drive down the significant differential between exclusion rates between the non-looked-after population and the looked-after population.

Para 81: The partnership approaches taken by Dundee City Council and Dundee College have been proven to have had a positive effect in reducing exclusion and raising attainment amongst an otherwise vulnerable group of youngsters at risk of educational, social, vocational and financial exclusion.

Para 84: We take issue with the second part of the following sentence expressing the view that *'[t]he principle of what is in the best interests of the child or young person remains and the school will retain responsibility and continue personal support'* and would recommend that the words 'the school' are deleted and replaced with 'the local authority' and that the sentence is revised as follows *'[...] will retain responsibility and ensure that personal support is continued'*.

Question 6: Consideration of Individual Circumstances. Do you have any comments on this section of the document, including Looked After children and young people, those on the child protection register or for whom there are previous or current concern and those with additional support needs?

General:

In general, we agree that it should be made procedurally more difficult to exclude young people in the categories below given the disproportionate risk or disadvantage to them of exclusion, especially, when it is demonstrated that it is not effective in improving their behaviour. We must be mindful that exclusion does risk damaging their sense of belonging and connectedness to the school.

We agree that schools must consider the impact of exclusion on the behaviour of the young person facing multiple exclusions. If exclusion, as a tactic to improve the young person's behaviour, is failing to achieve positive and enduring change in the behaviour leading to exclusion, it is manifestly failing to achieve its purpose unless that purpose has been to remove a source of disorder from the school community rather than to address the individual's learning and social needs. In such circumstances, alternative approaches must be considered or re-considered.

In approaching a decision on whether or not to exclude, Head Teachers do need to balance the circumstances and needs of the individual pupil with the safety and security of the offending pupil's peers and of the school staff.

Looked After Children:

We strongly recommend that the guidance should not refer to *'looked after children and young people'* but to *'children and young people who are looked after'*. This proposed change of language considers the child or young person first rather than the label which defines them by the conferred legal status of being looked after.

There is an issue of right of appeal in cases where children and young people who are looked after by the local authority are excluded by local authority employees from local authority provision. These children and young people must have the same rights as children and young people who are not looked after and those rights must be promoted and protected.

Great emphasis has been placed in Dundee on addressing the particular and highly individual needs of children and young people who are looked after. Dundee City Social Work Department in partnership with numerous statutory and voluntary agencies, including education, have taken, in our view, a national lead on supporting and promoting the cause of children and young people who are looked after.

Para 103: Social work colleagues agree that these are important considerations. Often, when a placement is at its most fragile and a child most unsettled, it can seem like adding insult to injury that the child is excluded from school, which adds to the build up of pressure and further endangers the continuation of the care placement. Our task is to ensure all relevant agencies and individuals work together better to avoid this. The prompt sharing of information will assist agencies to best support children sustain placements that would otherwise be at risk of failing (e.g. these are important factors for this child right now; this can help everyone understand their behaviour).

Para 104: Experience would suggest that discussion with the relevant social work colleague does not routinely take place prior to the exclusion of a child or young person who is looked after. However, such discussion would have benefits for all concerned. This could be incorporated in the care plan for the young person.

Staff in our schools are now very familiar with the concept of corporate parenting and the important roles and responsibilities they have as members of the corporate family.

Head Teachers contacting senior officers in the Education Department all know that they will be asked a series of questions similar to those presented in para 106 and that, therefore, those questions must have been considered prior to requesting approval to exclude a child or young person who is looked after. If this list remains as is in the published national guidance, we will adopt these as the questions to which we will seek answers prior to approving or declining such a request. We similarly support the list of checks in para 109 to be made prior to possible exclusion of a child about whom there are

or have been child protection concerns.

This could be introduced in Dundee through the child's care plan if there is no other plan *in situ*? It could also be addressed through the local Joint Action Team when devising the best way forward for a child.

This authority remains concerned about the larger number of children and young people who, because of a range of circumstances, do not become formally looked after and whose needs may not be met despite of the involvement of the agencies. The statistics comparing the outcomes for children who are looked after are, indeed, poor but that is in comparison with *all* other children. If we were able to compare them with the group of children in similar circumstances but who do not become looked after, then the comparison may be less stark.

Children on the CP Register or about whom there are current or previous child protection concerns:

We note and commend the inclusion of children and young people who are on or have been on the child protection register also receiving special mention within this section of the guidance. We endorse the view that the appropriate contact in **social work must be informed** prior to such an exclusion taking place.

Furthermore, prior to an exclusion, good practice would see the involvement of the school child protection co-ordinators in the process of deciding to exclude exclusion when a child is named on the Child protection Register. They should routinely involve the case-responsible social worker and could advise on assessing the level of risk to which the excluded child or young person may be exposed to if excluded. Head Teachers and others would have to consider what action to take if the risk assessment concludes, for example, that, if this young person is excluded, they are extremely likely to go missing. We contend that such a level of risk should mean that a decision be taken not to proceed with exclusion.

Children and young people with a disability:

We welcome the inclusion of this section and commend the clear example given as a case study. We acknowledge, however, there will be many pupils, parents, teachers and Head Teachers who will be unable to accept that any child can remain in school if he or she has assaulted a member of staff in a public place. There is a genuine fear that such apparent 'inaction' will be seen to undermine authority, discipline and good order in the school.

Children with additional support needs

Para 116: It is almost axiomatic that '**Young people who have social, emotional and behavioural needs have by far the highest rates of exclusion.**' As we are often these young people's corporate parents, we should, however, be looking to address this as a problem and take this into account when exclusion is being considered. Where it is possible to delay the decision to exclude, this could be discussed at a multi-agency level prior to an exclusion decision being reached.

Para 117: The guidance should be clear about how the following can be achieved when the pupil is not at school. '*In considering the exclusion of children and young people with social, emotional and behavioural needs, schools and authorities should take account of the ongoing support which learners are receiving to support their additional needs and to ensure continuity of provision throughout any exclusion to support their learning needs*'

Question 7: Paragraph 88 indicates an increase in the number of exclusions of learners within special schools. Should there be more specific guidance on exclusion from special schools?

'Special schools' should be made aware that they fall under the same guidelines as mainstream schools, and the guidance should be applied consistently in both sectors.

Therefore, we do not feel that more specific guidance in respect of exclusion in special schools is necessary. The special mention made of children and young people who are on the child protection register, who are looked after or who have a disability deals with many of the children and young people who find themselves in special schools and, providing that guidance is adhered to, there should be not further need for additional guidance for that sector. Good practice will dictate that exclusion of a child in a special school will only occur after long, careful consideration of all pertinent issues and would normally include consultation with appropriate partners working together to care for and educate the child.

A number of 'special schools' may, indeed, see a significant number of exclusions and our own 'offsite learning centres' might be considered as a case in point. The number of exclusions experienced by a child or young person referred to our offsite education service is vastly fewer than was the case prior to transfer to such a centre. So, although, superficially, it may appear that 'special school' exclusions are high, they are very often and, certainly, in this city's experience, *always* less than the number of exclusions the cohort had been experiencing collectively while attending their mainstream settings and far fewer than they would have experienced had they not transferred into the centres.

Question 8: Decision Making, Managing Exclusions and Re-engagement. Do you have any comments on this section of the document?

Decision-making:

Para 126: We have already referred to our core set of questions that are asked of Head Teachers by senior officers of the authority when discussing potential exclusion of children and young people who are looked after or who are on the child protection register. It is appropriate to revisit these with a view to revising them and applying them to all potential exclusions.

We suggest it may be appropriate for the guidance to stipulate that authorities *must* ensure that responses to the question with supporting documentary evidence are formally recorded. This would mean that a clear audit trail giving full background details of the reasons for exclusion is readily available should a parent, carer, or young person appeal the exclusion.

Para 129: We endorse the implicit view in this paragraph that a key element leading to successfully resolving an exclusion and eliminating the behaviours that have led to the exclusion is the quality of mutually respectful and collaborative partnership between school and the parents or carers.

Para 130: It has been suggested by social work colleagues that, when a young person is subject to a co-ordinated support plan, the decision whether to exclude could be made by all the professionals who are involved with the plan. The feeling is that it would then be a more multi-agency decision which may be positive for the child as it would look at how the exclusion would affect the child outwith school as well.

Para 131: This reflects current legislation on the provision of additional support. It is clear from the ASL Act 2004 as amended that the views of any child or young person for whom a review of existing support provision is being considered should have their views recorded and taken account of in any such decision. Fundamentally, removal from the school for a temporary period is the most radical change in support provision that can be made for any child or young person. We support the view that the child or young person's views be sought and taken into account prior to arriving at a decision to exclude or not to exclude. We also wish to see included in the guidance a statement to the effect that those views must be formally recorded and the extent to which they influenced the decision to exclude or not clearly shown. Again, we feel this would serve to support the formal appeal process as well as support the process of subsequent re-integration. Furthermore, we feel such guidance would be in accordance with the UN Convention on The Rights of the Child.

Para 133: This is a paragraph which must be carefully noted by all persons to whom responsibility for exclusion has been delegated by the local authority. However, if properly

and universally appropriately recorded by every Local Authority, there may be an immediate rise in formally recorded exclusions. Nevertheless, the guidance is clear and unambiguous.

Para 134: The importance of acting within the legal framework of equalities cannot be overstated. School managers must be aware of the potential pitfalls of not giving due regard to a child or young person's disability, gender, race, religion, or sexual orientation in arriving at a decision to exclude or not.

Managing exclusions:

Para 142: This is key legal advice, adherence to which will prevent subsequent legal action against a local authority.

Para 144: The views of the child or young person should always be sought, recorded and taken into account when deciding whether to exclude or not.

Para 147: We agree that, in a case where a Head Teacher is considering the exclusion of a child or young person, the Head Teacher and the relevant colleague in the Social Work Department should consider the broader welfare and care issues of the child for whom the Council has corporate parenting responsibilities before arriving at a decision.

We consider that the establishment's senior manager with delegated responsibilities for children and young people who are looked after should, in each case, also be brought into the discussion to act as an advocate for the child or young person.

We agree that a child or young person facing exclusion who is looked after or who is on the child protection register or about whom there are current or recent child protection concerns should not be allowed to leave school until appropriate care arrangements are in place.

Re-engagement:

Para 177: There are times when failure to sign 'contracts of behaviour' following a period of exclusion can lead to immediate breakdown of the re-admission meeting. This paragraph clarifies for all concerned that it is not necessary to have such 'binding' agreements signed and sealed prior to re-admission. There is a typo in line four of this paragraph.

The guidance should be clear that a resolution meeting should focus on the future and on solutions rather than on the behaviour that led to the exclusion or on seeking an admission of guilt and an expression of contrition by the excluded young person. That is akin to conducting the trial after the prisoner has served his or her time. In our experience, incident-focussed meetings may lead to continuation of the exclusion and the entrenchment of positions.

Para 178: We endorse the significance given in the guidance to the view that restorative approaches will support positive re-admission and re-integration processes. Some may view such approaches as staff-intensive and, therefore, expensive of staff time. However, if they result in reduced numbers of exclusions and a reduction in incidents, that releases staff time to engage more positively with disaffected or disengaging children and young people. Furthermore, if restorative practices can improve a young person's chances of remaining in school and being fully included in a productive and positive manner, it is staff time that will have been well spent.

Para 189: Information on exclusion policy should be communicated not just to staff, but to pupils and parents as well.

Para 191: Monitoring levels and frequency of exclusion to promote joint planning and support from a number of agencies involved with the child or young person and his or her family would be beneficial, especially, for a Looked After child. GIRFEC states that everybody has a responsibility to support a child and, potentially, any professional with a current or potential role in supporting that child could be involved in the joint planning. It

would benefit the child, carers, school and partner agencies if all parties were involved to ensure that each of the young person's identified needs are met.

Question 9: Paragraphs 137-141: should we provide more guidance or exemplification around written notification to parents/carers?

Para 137: While we think the guidance given is adequate, it may be considered that a national template document ensuring a consistent approach to documentation across the country would be of benefit to young people and parents.

Para 138: We would contend that verbal notification of intention to exclude must always be followed up immediately in written or agreed, permanent, alternative format.

It would be useful if guidance included a child-friendly sample letter for communicating with learners.

Question 10: Paragraphs 149-152: should we provide more guidance or exemplification on timescales to provide written confirmation of reason for exclusion and right to appeal within or after 8 days?

Para 149: We suggest that it be made clear that, if the details requested are made in an alternative format, the alternative format cannot simply be a verbal report but must be in some or other permanent form. Letters or their alternatives must be clearly expressed so that they can be understood by the broad spectrum of potential recipients.

Question 11: Paragraph 166-174: should we provide more guidance or exemplification on timescales and types of provision of alternative education provision while excluded?

Para 169: We agree that, where conditions exist which will permit the education of the excluded child or young person to continue at home during the exclusion period, this should be done with immediate effect. Where home conditions do not permit such easy transfer of information and learning materials or where such would not be well supported in the home, it may take longer to put new, temporary learning arrangements into effect. The phrase used in para 170 stating that arrangements to ensure education of an appropriate quality are in place 'as soon as is practicable' is suitably flexible and, for that reason, is welcome. Each child or young person's circumstances will have to be considered individually before arrangements are put in place that are meaningful and are likely to be successful.

Para 173: In some cases, increasingly complex care arrangements and family relationships can leave some children and young people without a firm social care element within which they can be supported to continue to benefit from learning opportunities outwith school. Head Teachers who have the delegated authority to exclude will consider very carefully if it would be possible to implement an alternative learning package by the fourth day of exclusion. This will impact on the length of exclusion which they determine is appropriate given the reasons behind the decision to exclude.

It would be helpful if more examples of existing, good practice in local authorities were provided.

Question 12: Annex B – Legislative position on exclusion. Do you have any comments on this section of the document?

This is a helpful summary of the legislative background to exclusions from school.

Please note the typo in the last line of para 32.

Para 41: '*The [education] authority and social work services should collaborate to ensure that reference to the child's care plan is made.*' This is crucial in the planning for a child or

young person as they may already be in a crisis situation and further upheaval or difficulties could result in a care placement being lost giving further short, medium and long-term difficulties for the child or young person.

Question 13: Annex D – Approaches to improving relationships and promoting positive behaviour. Do you have any comments on this section of the document?

This section is comprehensive and helpful. It provides a valuable compendium of approaches currently being used to sustain challenging and challenged children and young people in school and reduce the use of exclusion.

Case studies and exemplification. Do you have any comments on the case studies and exemplification in the document and do you have any suggestions for additional good practice examples?

Case studies are useful, particularly, the kind of case study shown on pages 66 and 67 giving a practical example of an approach that was found to be successful in managing a process of inclusive re-integration.

Document overall: Do you have any general comments about the document as a whole?

It is clear that, under this revised guidance, there will be no significant change to existing regulations. We endorse the proposed changes that the revision does introduce which, we recognise, are based on a model of support and prevention. National consultation events will provide an additional opportunity for officers of this authority to consider this further with representatives of other authorities and organisations.

Having said that and while being broadly in support of much of the content, this document at 110 pages or so is too long. A summary of recommendations would be helpful which the key principles section does in part. This could be more explicitly defined as 'key recommendations'.