

NEW GUIDANCE ON SCHOOL EXCLUSION

A REPORT ON A PUPIL INCLUSION NETWORK CONSULTATION

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CONTENTS

INTRODUCTION	1
PREVENTION, EARLY INTERVENTION AND STAGED INTERVENTION	2
CONSIDERATION OF INDIVIDUAL CIRCUMSTANCES	4
DECISION MAKING, MANAGING EXCLUSIONS AND RE-ENGAGEMENT FOLLOWING EXCLUSION	7
FIND OUT MORE ABOUT PINS AND GET INVOLVED	9

INTRODUCTION

Through 2010 The Scottish Government worked with partners to develop new guidance on school exclusions.

The thrust of the new guidance is on **inclusion** and working **positively and creatively** with children and young people for whom exclusions have been an experience in the past, or remain a concern.

A formal consultation process on the new draft guidance – called **Included, Engaged and Involved part 2** – closed late December 2010.

PINS facilitated a workshop for PINS members which focused on particular aspects of the new guidance. This report presents the key issues and questions raised during the session. Some of these points are directly relevant to redrafting of the guidance, but many are views and experiences which influence more fundamentally our approaches and our intent when we strive to support some of the most vulnerable and excluded children and young people in the Scottish education system. The workshop, and so this report, pays particular attention to:

- **Prevention, Early Intervention and Staged Intervention**
- **The consideration of Individual Circumstances**
- **Decision Making, Managing Exclusions and Re-engagement following exclusion**

The overarching view of participants in this PINS consultation process was that this new draft guidance on exclusions is a positive contribution to this area and we are in support of the thrust of what is described. Examples of practice which are provided are very valuable - indeed as our policy and practice in this area continues to improve and benefit the most vulnerable children and young people further examples, including from the practice of the voluntary sector and good partnership work, should be developed and shared.

PREVENTION, EARLY INTERVENTION AND STAGED INTERVENTION

Every learner has a basic entitlement to support. This is recognised in new draft exclusions guidance as follows:

“Every child is entitled to support... Support should be appropriate, proportionate and timely. Early and staged intervention provide a framework for additional support where behaviour, for whatever reason, becomes more challenging. Every local authority will have their own model of staged intervention from universal to the most targeted support”. (Paragraph 39)

PINS members discussed this entitlement and approaches which are described as Prevention, Early Intervention and Staged Intervention.

PINS RESPONSE:

We welcome the clear articulation of the **entitlement** all children have to support which is appropriate, proportionate and timely. **Prevention is the key** to delivery of this entitlement and is an area in which the voluntary sector seeks to work and have influence.

However, it is possible to identify schools where this commitment to (and emphasis on) prevention is not shared and where there is still **an over reliance on reacting** to the difficulties or challenges which are presented. Government and government agencies must address this.

We recognise the work of the **Positive Behaviour Team** amongst others who work to support schools and partner agencies to develop effective strategies which are both preventative and inclusive. There is a need to build on current commitments to training for teachers and allied professionals. All efforts should be made to move schools from a focus on incidents to preventative whole school and individual learner strategies.

We identify the following issues as **blocks to schools** buying into **Prevention, Early Intervention and Staged Intervention**:

- **We still see poor relationships between some teachers and learners. We see negative attitudes and poor skills.** Shouting at children (in anger or as a regular form of discipline or as a means of humiliating a child) is not acceptable. All individuals in a school need to buy into Prevention, Early Intervention and Staged Intervention to make it effective.
- **Too many teachers still view themselves as teachers of subjects rather than teachers of children.** It is hoped that the transformational change expected through Curriculum for Excellence will change this.

The current review of **initial teacher education** presents an opportunity to address these issues at this crucial stage.

The **Included, Engaged and Involved part 2** document might benefit from more explicit links to elements of Curriculum for Excellence, specifically experiences and outcomes which are articulated in Health and Wellbeing where a number of skills, attitudes and behaviours are well described.

Excellent **anti-bullying policies** will also help schools to develop effective models for Prevention, Early Intervention and Staged Intervention.

Exemplars which describe very clearly what Prevention, Early Intervention and Staged Intervention 'looks' like are essential.

Restorative approaches are well flagged up in the document. The problem is how these are used and understood consistently across schools. We should be seeking to make RP common practice – so that rather than being encouraged it becomes accepted as normal practice. It also needs to be recognised that labelling what is done as an RP approach might not necessarily make it so – in other words there may be issues of quality of practice in some places.

We welcome the development of whole **Learning Community inspections**. However, there are concerns for some voluntary sector agencies that in some instances they are brought in and profiled as partners in such contexts, but effective partnerships do not necessarily exist day to day. The new HMIE/LTS agency might present an opportunity to improve links between inspection, CPD and support for change in terms of strategies to support the vulnerable/excluded learner.

Central to the interests of the voluntary sector and to the interests of all learners is the interest and capacity in each and every school to **understand what external agencies can provide** to support Prevention, Early Intervention and Staged Intervention. Government and Government agencies can encourage Local Authorities and individual schools to seek out this knowledge and **improve collaboration**. Policy in this area could make a stronger statement by recognising: *improving outcomes for children requires working collaboratively*.

CONSIDERATION OF INDIVIDUAL CIRCUMSTANCES

The new draft exclusions guidance states that policy and practice on exclusions should include consideration of Looked After children and young people, those on child protection register or for whom there are previous or current concern and those with additional support needs.

PINS members discussed this key area.

PINS RESPONSE:

PINS members recognise that both Curriculum for Excellence and GIRFEC require **transformational change**. This must include change in **the culture and practices of Scotland's schools**.

Voluntary sector agencies often work with some of the most vulnerable children and young people. To do so means having a policy of not excluding the learner; in some circumstances voluntary sector provision is the end of the line raising the question ***if we exclude what's next for the child?***

The nature of the work voluntary sector agencies undertake with learners could usefully be **better understood and replicated** by mainstream provision. Our work:

- Is based on creating and building positive relationships between adult and child.
- Expecting that these relationships are mutually respectful.
- Recognising and understanding where the child is starting from.
- Using knowledge and responding quickly.
- Developing interventions which are both structured and flexible.

Whilst seeking to build **collaborative partnerships with schools** we have concerns when a school seeks to 'export' the problem by referring a child to an external provision (whether provided by the school or another provider).

We recognise that some children present behaviours which are difficult to manage in mainstream settings and within resources available. But we question whether this draft guidance **demand enough of schools**; in the phrasing of guidance on exclusions we suggest **more of the "should..." or "could" become "ought to..."**

- **For example:** paragraph 102 of the document states that: *“Assessment and planning for all Looked After children and young people could include an assessment of risk of behaviour likely to lead to a possible exclusion; support and provision to prevent this arising; and plans who to contact in the event of this situation arising”*. **If we know that LAAC learners are disproportionately excluded why is good practice described as “could”?**

We recognise the challenges which will be faced by Local Authorities as **corporate parents**. We understand this is to be covered in initial teacher training and this is welcome.

In order to give proper consideration to individual circumstances the vulnerable child needs:

- Culture change in schools – every child needs to be known and seen and understood.
- Better inter-agency collaboration (recognised in the document).
- That we consider what the impact of our responses are: our duty should be that our response does not make things worse for the child (which automatic exclusion can do for a vulnerable child).
- Everyone to understand that for many vulnerable children school is the most consistent, safe place they have (whatever challenges they might present).

The draft guidance recognises that **90% of exclusions are for less than 3 days**. In such circumstances it is hardly possible to consider the individual circumstances of the child and make proper alternative arrangements for their learning. If we see short term exclusions as individual responses this does not allow to see patterns or make proper arrangements. The question needs to be made explicit: **why are we excluding the same children for short periods and not planning alternative strategies which are about prevention and based on individual circumstances?** Further, **if children are experiencing repeat exclusion from Primary School why are these schools failing to address need and adapt practices?**

The draft guidance recognises the need to address the **‘revolving door’ of exclusion** which some children experience. It also recognises the role which a number of individual teachers might play in regular/repeat exclusions. We conclude that guidance on exclusions could place **greater emphasis on the need for increased support and training of teaching staff** who find that exclusion has become a common strategy.

Regarding the vulnerabilities of learners at **point of transition**, guidance on exclusions should do more to describe good practice for example around supporting children moving from primary to secondary school.

When it comes to the individual circumstances of young people nearing the end of school we have concerns about **the use of exclusion when the focus should be on retaining children in education, training or seeking employment**. We have concerns for practice in some Local Authorities where decisions which are made on support for young people at age 16/on leaving school are overly **influenced by financial considerations** and not enough to do with educational needs and entitlements.

All educational establishments, including schools, residential schools, colleges and nurseries, should appoint a **designated senior manager** with specific responsibility for Looked After children and young people. Recent guidance '**Core tasks for Designated Managers in Educational and Residential Establishments in Scotland**' provides detailed advice on the role of designated senior managers. (Paragraph 100-101 of the draft guidance) Our view is that **this is not yet being managed and delivered well enough** and needs clarified for some schools. Across Local Authorities and in schools within the same Authority action can be different; differences which result in a failure to deliver are not acceptable.

Our views on the guidance are positive but we seek clarification on the extent to which final guidance will be **communicated effectively to every Headteacher and teacher**. We recognise the challenge will be in how at a Local Authority level this document is 'translated' into something which will work as local practice/policy. **We recognise this is an opportunity for local voluntary sector agencies but also know that for us to be 'included, engaged and involved' demands a lot from our resources.**

DECISION MAKING, MANAGING EXCLUSIONS AND RE-ENGAGEMENT

The guidance document talks about exclusion as a 'process' rather than an inevitable end point.

PINS members discussed this key area.

PINS RESPONSE:

The draft guidance suggests exclusion should only be considered if it is necessary, clear and purposeful. However, this could be more explicit, as should the requirement of schools to have a range of alternatives available so that continued attendance is facilitated.

The guidance (Paragraphs 124 and 125) recognises the difficulty of making a decision to exclude. Legislation on the use of exclusion is also re-iterated (and again in annex B). We would identify a problem with interpretation in that **it is not unknown for a child to be excluded primarily because the school wishes to be seen to be doing something by staff or other pupils.** This is not in the best interest of the excluded pupil.

The guidance describes the option of **exclusion where a parent fails to comply** with what is required (Paragraph 124 second bullet point). While this is in the legislation it is worrying that a child might experience exclusion on such terms. Our experience would be that this is not common but none the less unacceptable. Questions are also raised for us about **what happens when the parent is the corporate parent/Local Authority?** Is there a conflict of interest or action that needs further explored or do we always assume that the corporate parent will always "comply with the rules, regulations or disciplinary requirements of the school"? **What about being an advocate for the child?**

The guidance (Paragraph 125) also makes mention of "**what positive outcomes can be achieved by an exclusion**". If there are positive outcomes this needs to be further explained/described. (This may be what is described later in paragraph 129 for example but should be made explicit earlier).

When it comes to guidance or exemplification on **written notification for parents** (Paragraphs 137 – 141 of the draft guidance) our experience tells us that communication with parents and learners needs to be **individual and personalised**. Written information needs to be clear and about the child/incident and not general. There should be explicit recognition of the fact that parents/carers may **have literacy problems**.

Where contact is necessary it should not wait for letters by post; schools have mobile numbers and emails; guidance on exclusions needs to address how use of **new forms of communication will help avoid exclusion** (as an end point) and bring about resolution. Every effort possible should be made on the day of an exclusion to communicate with parents. Guidance can and should describe **best practice which goes beyond what is required by legislation** which we should recognise was written some years ago.

With regard to **guidance or exemplification on timescales to provide written confirmation of reason for exclusion and right to appeal** (Paragraphs 149 – 152 of the draft guidance) our view is that in most cases **where exclusion is used it is immediate and appeals are rare**. Many vulnerable children do not have parents who will feel confident or skilled enough to advocate on their child's behalf and appeal. **Parent and pupil information on rights and procedures would be helpful – both for them but also for voluntary sector agencies who can support appeal processes.**

When it comes to **guidance or exemplification on timescales and types of provision of alternative education provision while excluded** (Paragraphs 166 – 174 of the draft guidance) with **the majority of exclusions (90%) lasting 3 days or less** it might be hard to consider alternative provision; *however if those excluded are excluded regularly there is no such reason for a failure to adequate provision*. While repeat short term exclusion might indicate a failure to utilise Prevention, Early Intervention and Staged Intervention there should be a **clearer description of what schools must do regarding, in particular, short term exclusions.**

FIND OUT MORE ABOUT PINS AND GET INVOLVED

The voluntary sector is a diverse alliance of agencies that impact on all aspects of Scottish life. The sector has a particular interest in improving outcomes for some of the most vulnerable and disadvantaged children, young people and families in Scotland.

When it comes to education too many children and young people are left behind as others achieve. In the context of a commitment to making all children and young people successful learners, confident individuals, responsible citizens and effective contributors strong partnerships are needed between formal and informal sectors to address vulnerability and exclusion.

The **Pupil Inclusion Network Scotland** brings together voluntary sector agencies and statutory sector colleagues who share a commitment to improving educational outcomes for all children. Over the past five years the Network has grown and through the PINS on-line resource and a series of seminars and workshops a body of knowledge has been built which captures what we need to do, in partnership, to make a difference.

PINS has a website at www.pinscotland.org Membership of the Network is free and registration is via the PINS homepage.

PINS is supported by the Scottish Government and managed jointly by the Scottish Government (Learning Directorate) and voluntary sector agencies. On a day to day basis the Network is facilitated by the TASC Agency.

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