

**Aberdeenshire Education, Learning & Leisure Service**  
**Guidelines for Parents/Guardians/Carers**  
**on Exclusion of Pupils from School**

Aberdeenshire Education and Recreation Service is committed to providing a high quality educational experience for all children and young people. A school where pupils and staff alike are valued and treated with respect, and where individual educational needs are met, is one where positive behaviour is more likely to occur.

Some pupils, for a variety of reasons, find it more difficult than others to cope with school life and this can result in behavioural problems.

Our Policy on School Discipline and the Use of Exclusion states that

“The Authority is committed to the principle that exclusion should only be used as a last resort.”

Schools must address the needs of pupils with behavioural problems through a variety of approaches involving their own staff and other appropriate outside agencies, before considering exclusion. There will also have been contact with parents/guardians/carers, regarding areas of concern and ways of improving behaviour. However, in certain circumstances, where a serious incident occurs and there has been no history of behavioural problems, this may not have occurred.

Before deciding to exclude a pupil, the head teacher will have taken account of previous behaviour patterns and recent incidents in which the pupil has been involved. The head teacher has to consider the effects the pupil’s behaviour is having on the education and welfare of other pupils in the school.

The advice in these guidelines is designed to make you aware of the different types of exclusion, to help you understand what will happen as a result and to explain your rights of appeal against the decision to exclude.

**WHAT TYPES OF EXCLUSION ARE THERE?**

- i) Temporary Exclusion (Short Term)**  
Exclusion for up to a maximum of seven (calendar) days, with automatic readmission.
- ii) Temporary Exclusion (Conditional)**  
Exclusion where readmission of the pupil is conditional on certain written undertakings being given as to satisfactory future behaviour.
- iii) Exclusion resulting in pupil being Removed from the Register**  
Exclusion which results in the pupil not being permitted to continue his/her education at the school from which he/she has been excluded.

## **WHO HAS THE AUTHORITY TO EXCLUDE?**

Head teachers, or in their absence, the depute head or assistant head, are able to exclude on a temporary basis.

Head teachers can request a pupil be Removed from the Register but the ultimate authority to exclude in this way rests with the area senior education and recreation officer.

## **HOW WILL I BE INFORMED ABOUT AN EXCLUSION?**

You will be contacted directly by the head teacher, who will also send you a letter which will tell you about:

- the type of exclusion;
- the date from which the period of exclusion begins;
- the incidents which have resulted in the decision to exclude;
- the date/time of a meeting at the school to which you will be invited;
- your right of appeal against the decision to exclude.

## **WHEN WILL THE MEETING AT SCHOOL TAKE PLACE?**

The meeting will take place within seven calendar days from the beginning of the period of exclusion, in all cases.

## **WHO WILL BE PRESENT AT THE MEETING?**

- i) In the case of a Temporary Exclusion (Short Term), the head teacher, and/or the depute head or assistant head, you and your child.

While it is not an absolute requirement that you attend the meeting for a Temporary Exclusion (Short Term), it is strongly recommended that you do. This will allow you to contribute to plans to work towards an improvement in your child's behaviour.

- ii) In the case of a Temporary Exclusion (Conditional), the head teacher, and/or the depute head or assistant head, you and your child.

- iii) When an Exclusion could result in a pupil being Removed from the Register, the head teacher, the area senior education and recreation officer, you and your child.

- iv) In the case of a Temporary Exclusion (Conditional) the reason(s) for the exclusion will be discussed with you and you will be asked for your views on what has occurred. The standard of behaviour expected will be made clear and joint ways agreed for ensuring that this is met.

You and your child will be expected to sign a document agreeing to certain condition(s) relating to satisfactory future behaviour, before your child will be readmitted to school.

- v) When an exclusion could result in a pupil being Removed from the Register the reason(s) for the exclusion will be discussed with you and you will be asked for your views on what has occurred. These will be carefully considered before a decision is made about whether or not your child should be Removed from the Register or whether the exclusion should be considered as Temporary.

The senior education and recreation officer will give his/her decision in writing and the letter should be received by you within seven calendar days from the date of the meeting.

## **WHAT IS MY RIGHT OF APPEAL?**

If you wish to challenge the decision to exclude your child, you have the right of appeal. You will be informed of this right of appeal in the exclusion letter from the school.

If you are considering whether to appeal against an exclusion you may wish to consider obtaining advice from a solicitor or a Citizen's Advice Bureau.

Appeals should be addressed to:

The Clerk to the School Placings and Exclusions  
Appeals Committee  
Law and Administration  
Aberdeenshire Council  
Woodhill House  
Westburn Road  
Aberdeen  
AB16 5GB

The Clerk to the Appeal Committee can also be contacted for further information regarding the appeals procedure. Your appeal should be sent in writing to the Clerk to the Appeals Committee within 28 days of receiving the exclusion letter from the school.

Your appeal hearing will be heard within 28 days of the Clerk to the Appeals Committee receiving your letter of appeal.

## **WHO WILL BE AT THE APPEAL?**

The Appeals Committee is an independent body. It is made up of Aberdeenshire Councillors and lay people who have been appointed by the Council. There will normally be five members on the Committee, but never less than three. The Clerk to the Committee will also be present.

The Education Authority will be represented by a solicitor.

You may be accompanied by a legal representative, social worker, friend or relative.

### **WHAT WILL HAPPEN AT THE APPEAL?**

The Education Authority's solicitor will call witnesses in support of the decision to exclude. You will then have the opportunity to ask questions of the witnesses. The Committee may also ask questions by way of clarification.

You will then have the opportunity to make submissions or call witnesses. The Education Authority's solicitor may ask questions. The Committee may also ask questions by way of clarification.

Finally, the Education Authority solicitor and you have the opportunity to make closing submissions.

You will receive the written decision of the Committee and their reasons within 14 days of the hearing.

### **WHAT IF MY APPEAL IS UPHELD?**

In the case of a Temporary Exclusion (Short -Term) the exclusion will be removed from your child's progress record.

In the case of a Temporary Exclusion (Conditional) the exclusion will be removed from your child's progress record. Your child will also be re-admitted to school if this has not already happened.

In the case of an Exclusion resulting in Removal from the Register the exclusion will be removed from your child's progress record. Your child will also be re-admitted to school.

### **WHAT IF MY APPEAL IS NOT UPHELD?**

You have a further right of appeal by application to the Sheriff Court. Information about further rights of appeal will be given in the letter sent to you after the appeal hearing. The appeal needs to be lodged within 28 days of receiving the letter informing you of the decision of the Appeal Committee.

If you are considering an appeal to the Sheriff Court you should obtain advice from a solicitor.

**WHAT IF MY CHILD HAS BEEN EXCLUDED AND I WISH TO APPEAL. WILL HE/SHE REMAIN EXCLUDED PENDING THE OUTCOME OF THE APPEAL?**

- i) In the case of a Temporary Exclusion (Short Term) your child will have been automatically readmitted to school after the period of exclusion (up to seven calendar days) has finished.
- ii) In the case of a Temporary Exclusion (Conditional), irrespective of whether or not you are intending to appeal, your child will not be readmitted until a document has been signed agreeing to certain condition(s) relating to satisfactory future behaviour.

It is important to bear in mind that, by agreeing to the condition(s) for readmission, you are not prejudicing your right of appeal and that this will not be construed as a recognition on your part that the exclusion is justifiable. It is therefore competent for you to appeal against a decision to exclude and, at the same time, sign the document agreeing to the condition(s) for readmission. This will avoid your child remaining excluded from school pending the outcome of your appeal.

- iii) In the case of an Exclusion resulting in Removal from the Register, your child will remain excluded from his/her present school, irrespective of whether or not an appeal is being lodged. Alternative educational provision, either pending the outcome of the appeal or on a longer term basis will be offered by the Education Authority.

**WHAT IF MY CHILD HAS BEEN EXCLUDED RESULTING IN A REMOVAL FROM THE REGISTER. WHO WILL BE RESPONSIBLE FOR HER/HIS EDUCATION?**

You will remain responsible for ensuring that your child receives education. Aberdeenshire Council will continue to provide appropriate education for your child. The area senior education and recreation officer will put forward proposals to you regarding alternative educational provision, either in the letter giving his/her decision on the exclusion, or in a further letter to you.

## **WHAT FORM WILL ALTERNATIVE EDUCATIONAL PROVISION TAKE?**

In most cases a place at another school will be offered, with the Authority providing transport. In certain circumstances a “second start” at another school may be judged to be inappropriate and an alternative educational package will be offered.

## **DURING THE PERIOD OF EXCLUSION WHO CAN I CONTACT FOR ADVICE?**

The area senior education and recreation officer, or a member of her/his staff, at the area education office. The telephone number can be obtained from your local school. You may also wish to contact your local social work office.

Please note that an interpreter can be arranged to assist you with understanding this document and to support you at meetings at school or at appeal hearings.

Please contact your child’s school to request the services of an interpreter.