



East Lothian
Council

**MINUTES OF THE MEETING OF THE
EDUCATION COMMITTEE**

**TUESDAY 13 MARCH 2018
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

1

Committee Members Present:

Councillor S Akhtar (Convener)
Councillor F Dugdale
Councillor J Findlay
Councillor A Forrest
Councillor N Gilbert
Councillor J Goodfellow (Items 3 – 7)
Councillor S Kempson
Councillor K Mackie
Councillor B Small
Councillor J Williamson
Ms G Gillan
Ms E Malcolm

Council Officials Present:

Mr A McCrorie, Depute Chief Executive (Resources and People Services)
Ms F Robertson, Head of Education
Mr D Scott, Quality Improvement Officer
Mrs F Brown, Principal Officer (Business Unit)
Mr F Parkinson, Principal Inclusion and Equality Officer
Dr L Binne, Principal Educational Psychologist
Ms A Hood, Team Leader (Employability)
Mr N Craik-Collins, Lead Officer – Curriculum and Estate Development
Ms C Booth, Communications Officer

Visitors Present:

Ms R Marr, Audit Scotland

Clerk:

Ms F Currie, Committees Officer

Apologies:

Councillor W Innes
Councillor P McLennan
Mr S Bunyan

Declarations of Interest:

None

The Convener wished to formally express her thanks, and those of the Committee, to members of staff for their hard work and determination during the recent period of adverse weather and for ensuring that the Council's schools were able to re-open as early as possible.

1. MINUTES OF THE MEETINGS OF THE EDUCATION COMMITTEE ON 21 NOVEMBER 2017 AND 6 FEBRUARY 2018 FOR APPROVAL

The minutes of the Education Committee meetings on 21 November 2017 and 6 February 2018 were approved.

2. ROLL CAPPING IN EAST LOTHIAN SECONDARY SCHOOLS – SESSION 2018/19

A report was submitted by the Depute Chief Executive (Resources and People Services) to ask the Committee to approve the S1-S4 intake levels for East Lothian secondary schools for session 2018/19.

Fiona Brown, Principal Officer (Business Unit), presented the report outlining the background and issues for consideration when reviewing and capping school rolls. She referred Members to the detail of the proposals set out in the report and at the briefing session prior to the meeting.

Councillor Small commented on the dynamic nature of ongoing housing development within the county and its potential for impact on school rolls. He noted that some schools were already close to capacity and that the situation would require careful monitoring.

Decision

The Committee agreed to maximum intake levels in S1-S4 for session 2018/19, as outlined in the report.

3. RESERVING PLACES IN SCHOOLS FOR CATCHMENT PUPILS WHO MOVE INTO THE CATCHMENT AREA DURING THE ACADEMIC YEAR 2018/19

A report was submitted by the Depute Chief Executive (Resources and People Services) to obtain the Committee's approval for reserving places for incoming catchment pupils at the schools detailed in the report for session 2018/19.

Mrs Brown presented the report outlining the background to the factors taken in account when assessing the demand for reserved places throughout the school estate. She also reminded Members that the recommendations included delegating responsibility for any changes to the number of places held in reserve to the Head of Education.

In response to questions from Members, Mrs Brown provided information relating to capacity at Loretto RC, Longniddry and Gullane primary schools.

Addressing the issue of feedback on the proposed Local Development Plan (LDP), Fiona Robertson, Head of Education, advised that the Reporter was content with the submission from the Education Service and no further information had been requested.

Councillor Forrest commended the report and the work of officers in assessing all of the factors relating to potential school roll increases. He said that in his experience officers had provided consistently accurate predictions in relation to the requirement for reserved places.

The Convener welcomed the positive feedback from the Reporter in relation to the LDP.

Decision

The Committee agreed to hold in reserve places for incoming catchment pupils for session 2018/19 for primary and secondary schools, as outlined in the report.

4. INCLUDED ENGAGED AND INVOLVED: A POSITIVE APPROACH TO PREVENTING AND MANAGING SCHOOL EXCLUSIONS

A report was submitted by the Depute Chief Executive (Resources and People Services) to ask the Committee to consider the draft policy *'Included Engaged and Involved: A Positive Approach to Managing School Exclusions'* to enable further consultation to take place.

The report also made the Committee aware of the updated East Lothian Council policy for the prevention and management of exclusion from school in line with the Scottish Government guidance and the legislative framework.

Lynne Binnie, Principal Educational Psychologist, presented the report highlighting some of the key areas covered by the policy, prepared in line with national guidance. She advised Members that following the consultation a further report would be brought to the Committee at its June meeting.

A lengthy debate followed during which Dr Binne and Mr Fraser Parkinson, Principal Inclusion and Equality Officer, responded to questions from Members regarding the level of exclusions and the variance between schools, rights of appeal and issues of confidentiality.

Dr Binne and Mr Parkinson also outlined the main reasons for exclusions and expanded on the approaches contained within the policy around positive engagement with pupils and families and early intervention.

Ms Gillan supported the strategy and welcomed the intention to do the best for children in these circumstances. However, she said that the Council must ensure that the necessary tools and strategies were in place for staff to feel empowered to use the policy.

Councillor Small noted that the Council would be able to measure the performance and effectiveness of the policy and hopefully see a reduction in exclusion rates within the county's schools.

Councillor Dugdale welcomed the report and the proposals for further consultation. She added that she was particularly pleased to hear the examples of positive engagement with pupils who had previously been excluded.

The Convener said it was important to have a high level of engagement with staff and young people and she looked forward to the follow up report in June.

Decision

The Committee agreed to:

- (i) Consider the draft policy *'Included Engaged and Involved: A Positive Approach to Managing School Exclusions'* and allow for further consultation to take place and feedback to the Education Committee on 19 June 2018.
- (ii) Note specifically the guiding principles, legislative context, exclusion procedures, procedures prior to exclusion and procedures for appeals against an exclusion.

5. RELIGIOUS OBSERVANCE POLICY

A report was submitted by the Depute Chief Executive (Resources and People Services) to inform the Committee of an updated policy on Religious Observance in Schools.

David Scott, Quality Improvement Officer, presented the report outlining the legislative background to the policy and advising Members that all schools would be expected to develop and publish their own statements of practice on religious observance based on the policy.

Councillor Dugdale asked if children had the right to withdraw from acts of religious observance within schools and what would be the process for this. Mr Scott explained that teachers would consider pupils' wishes in relation to religious observance and why a child did not want to participate.

Ms Robertson advised that there was a statutory provision to allow parents to withdraw their child from religious observance. While there was no similar power for children, she indicated that in certain circumstances, for example children with particular learning needs where it is difficult for the child to participate, alternative arrangements could be made.

Decision

The Committee approved the updated Religious Observance Policy.

6. CURRICULUM FOR EXCELLENCE – RELIGIOUS AND MORAL EDUCATION IN NON-DENOMINATIONAL SCHOOLS AND RELIGIOUS EDUCATION IN ROMAN CATHOLIC SCHOOLS

A report was submitted by the Depute Chief Executive (Resources and People Services) to inform the Committee of an updated policy regarding the provision of religious and moral education in non-denominational schools and religious education in Roman Catholic schools.

Mr Scott presented the report referring to the legislative background and advising Members that the policy also took account of recent national and local guidance on curriculum delivery.

Councillor Goodfellow asked about the teaching of other Faiths. Mr Scott advised that 'This is our Faith', based on the Curriculum for Excellence, informed the teaching of RE in all Roman Catholic schools in East Lothian and the revised policy provides guidance on enabling children to learn about the beliefs, values and practices of other faiths .

Decision

The Committee approved the policy Curriculum for Excellence – Religious and Moral Education in Non-denominational Schools and Religious Education in Roman Catholic Schools.

7. SOUTH EAST IMPROVEMENT COLLABORATIVE

A report was submitted by the Depute Chief Executive (Resources and People Services) to provide the Committee with an update on progress with the South East Improvement Collaborative (SEIC), to ask the Committee to approve the draft SEIC Plan and to note that the SEIC Plan had been submitted to the Chief Inspector, Education Scotland for comment and approval.

Ms Robertson presented the report outlining the background to the setting up of the SEIC and the progress made to date in preparing the draft SEIC Plan. She also summarised the feedback provided by the Chief Inspector (CI) regarding further data analysis, development of a workforce plan, the inclusion of early learning and childcare in the Plan and the challenges faced by the regional lead in managing the expectations of different local authorities.

Ms Robertson also referred to the CI's comments on the need for clarity around governance and decision-making processes in order not to impede progress and action in the development of the next steps of the Plan. She advised Members that this feedback had not been included in the report as it had only been received the previous week.

The Convener added that at the last SEIC meeting she had emphasised the need to bring back proposals for consideration by Members to ensure that the Council understood what it was signing up to. She said that while this approach may have been viewed as 'challenging', it was essential to ensure that local checks and balances were in place to maintain local governance of the Plan.

Councillor Gilbert asked about the interface between different Council IT systems and Ms Robertson advised that there had been no problems to date.

In response to questions from Councillor Mackie, Ms Robertson stated that one of the key challenges was representing the voice of staff in all schools and shaping the SEIC Plan to add value to local improvement plans. She said that there had been difficulties in arranging workstream group meeting dates at which all 5 local authorities could be present. She advised that the RICs would only take effect if the proposals for the Bill become law and should that occur, she would be keen to enhance support for East Lothian's schools and ensure that the necessary funding was available to access that support.

Councillor Small raised the question of the impact of the amount of staff time being spent on SEIC work and the decision-making arrangements within the group. Ms Robertson stated that staff were recording their hours and additional expenses to monitor the impact on the service. The Quality Improvement Manager's time supporting schools had been reduced by her involvement in the SEIC. Regarding priorities and direction of travel she said it was too early to assess the impact. She explained that she had requested a quorum be set for meetings and that she had taken the decision to withdraw her staff's involvement in any workstream that did not fit with East Lothian's priorities.

In reply to a question from Councillor Forrest, Ms Robertson said that as yet there had been no formal meetings with the Trade Unions on the workforce plan. She added that staff did not feel that they had been consulted on their membership of the SEIC. However, they were content for now to participate on the basis that it would add value but not incur any additional workload.

Councillor Dugdale asked about the impact on staff resources, especially if East Lothian is seen as having expertise in a particular area. Ms Robertson outlined some of the current costs in relation to staff time and indicated that these would likely increase. She added that although East Lothian was a small local authority it did not mean that it was not effective and would not be willing to share and build on the expertise it had created in specific areas.

In response to a question from Councillor Goodfellow, Ms Robertson advised that there was previous agreement between the Council and the Scottish Government to commit to the RIC. She did not see the Council withdrawing from the RIC but rather trying to influence the way forward to ensure that, as far as possible, it reflects East Lothian's own vision.

Replying to Councillor Williamson, Ms Robertson advised that the Council had created its own survey for staff as it didn't consider the version provided to be of a high enough quality.

Councillor Findlay was concerned that the Council may have policies foisted on it that did not reflect its own priorities for education. He asked, if the RICS were to become law, could the Council refuse to implement it. Ms Robertson advised that at present it was not clear what statutory duties may be placed on local authorities should the RICs become law. She added that this was why it was so important to maintain a robust approach and try to shape the SEIC Plan so that it supported and reflected East Lothian's priorities as far as possible.

Councillor Mackie referred to the concerns previously expressed by Conservative Members regarding the SEIC. However, she said that all Members should take comfort from the robust approach being taken by Ms Robertson and her staff to ensure that East Lothian's priorities were reflected in the decisions taken by the RIC and she encouraged the continuation of that approach.

Councillor Goodfellow declared the Council's support for officers in their robust approach to the SEIC.

The Convener concluded that the SEIC had to add value to the Council's own local improvement plan and to enhance proposals for support to schools. She referred to previous concerns expressed by teachers, parents and others and to meetings she

had arranged with other political parties. She reaffirmed the Committee's support for Ms Robertson to continue her robust approach.

Decision

The Committee agreed to:

- (i) Note the ongoing commitment to and progress with enhancing support for our schools through the South East Improvement Collaborative (SEIC);
- (ii) Approve the draft South East Improvement Collaborative plan on the premise that the SEIC added value to the East Lothian Education Service Local Improvement Plan and enhances the support to schools through engagement and collaboration;
- (iii) Note that following feedback from the Chief Inspector from Education Scotland the Plan will be brought back to the Education Committee.

Sederunt: Elizabeth Malcolm left the meeting.

8. HEAD TEACHER APPOINTMENTS

A report was submitted by the Depute Chief Executive (Resources and People Services) to inform the Committee of the Head Teacher appointments made by the Appointments Sub-Committee.

The Convener invited Members to note the recent appointments.

Decision

The Committee agreed to note the Head Teacher appointments.

Sederunt: Councillor Dugdale and Councillor Goodfellow left the meeting.

9. DEVELOPING THE YOUTH WORKFORCE

A report was submitted by the Depute Chief Executive (Resources and People Services) to update the Committee on a range of recent developments and activities associated with Developing the Youth Workforce (DYW).

Neil Craik-Collins, Lead Officer – Curriculum and Estate Development, presented the report summarising the key themes of the Youth Employment Strategy and local implementation plan. He outlined a number of activities which were underway across the county and the range of organisations working in partnership with the Council to create opportunities for young people. Mr Craik-Collins also referred Members to the results of a recent assessment of partnership progress which was attached to the report.

Responding to questions from Members, Mr Craik-Collins provided further details of how the programme was creating pathways for all abilities, work to encourage young people to start businesses and the delivery of Gaelic education. He also outlined how events were publicised and information was disseminated to pupils and parents, and the feedback received from pupils involved in courses run via partners and in-house.

Alison Hood, Team Leader (Employability), advised Members that they were currently at a record high for positive destinations and that part of this was due to the good work undertaken with partner organisations.

Councillor Small commended the report and the enthusiasm shown by Mr Craik-Collins and Ms Hood. He observed that while the results would not happen overnight it was important that the Council continued to provide as much support as possible for this work.

Councillor Findlay agreed with his colleague and added that he was very encouraged by the development of business start-up opportunities for young people which would not only benefit those involved but also the wider economy of East Lothian.

The Convener added her thanks to Mr Craik-Collins and Ms Hood.

Decision

The Committee agreed to:

- (i) Note the range of developments and activities associated with Developing the Youth Workforce as outlined in the report.
- (ii) Note that work will remain ongoing with regular updates to our developing the Youth Workforce plans, engaging all partners in the planning process and to jointly celebrate and report more of our successes.

Signed

.....
Councillor Shamin Akhtar
Convener of the Education Committee

REPORT TO: Education Committee

MEETING DATE: 19 June 2018

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Achievement of Curriculum for Excellence (CfE) Levels in Literacy and in Numeracy 2016/17

2

1 PURPOSE

1.1 To inform the Committee of achievement in the Broad General Education (BGE) in schools across East Lothian through Curriculum for Excellence (CfE) levels in literacy and in numeracy in 2016/17.

2 RECOMMENDATIONS

2.1 The Committee is asked to consider and note the contents of the report and to endorse the next steps.

3 BACKGROUND

3.1 Progress through the BGE is measured in levels in the CfE responsibility of all areas of literacy and numeracy. The BGE has five CfE levels of learning (Early, First, Second, Third and Fourth) that most children and young people will be working within from early learning & childcare (at age 3) to the end of S3 (third year of secondary school). **Table 1** below sets out the national expectations of when most children and young people may achieve each level:

Table1

CfE Level	Stage
Early	The final two years of early learning & childcare before a child goes to school and P1, or later for some

First	To the end of P4, but earlier or later for some
Second	To the end of P7, but earlier or later for some
Third and Fourth	S1 to S3, but earlier or later for some. The fourth level broadly equates to Scottish Credit and Qualifications Framework (SCQF) Level 4. The Fourth Level experiences and outcomes are intended to provide possibilities for choice and young people's programmes will not include all of the Fourth Level outcomes.

- 3.2 From August 2016, as part of the National Improvement Framework, the Scottish Government will collect on an annual basis, teacher professional judgement on CfE achievement of a level in literacy and in numeracy at Primary 1 (P1), Primary 4 (P4), Primary 7 (P7) and Secondary 3 (S3) as a measure of pupil progress. Achievement in literacy data will be provided for reading, writing, listening and talking.
- 3.3 The annual Achievement of Curriculum for Excellence (CfE) Levels Return includes data on all P1, P4, P7 and S3 pupils in publicly funded mainstream schools, and all pupils based in publicly funded special schools/units. This is the second year this collection has taken place.
- 3.4 The data for 2016/17 was based on teacher professional judgements as at June 2017 and was published by the Scottish Government at national, local authority and individual school level on 12th December 2017: <http://www.gov.scot/Topics/Statistics/Browse/School-Education/ACEL>
- 3.5 The published data reports on the percentage of pupils who have achieved the expected CfE level attending mainstream schools, based on teacher professional judgements, relevant to their stage.
- 3.6 The P1, P4, P7 and S3 roll data which the percentage achieving at each Level are calculated on includes children and young people with additional support needs who are making progress towards individual learning targets and recorded as 'child following individual milestones'. Individual milestones are used for pupils with significant and complex needs that mean it is unlikely they will progress through the CfE levels and therefore for which judgement against CfE Levels is not appropriate. Pupils for whom a teacher has not been able to make a professional judgement are recorded as 'not assessed' and not included in the roll calculations; for example if a pupil has recently moved to the school and the teacher feels there has been insufficient time to form a professional judgement of their performance.
- 3.7 The Achievement of CfE Level statistics continue to be classified as 'Experimental Statistics - Data under development' in recognition of the evolving approach to assessment across the Broad General Education. Therefore, this data cannot be used for benchmarking performance or as a baseline to track improvements in performance over time. As a result,

the 2016/17 statistics are not directly comparable to Achievement of CfE Levels in 2015/16 and this report focuses on the 2016/17 results for East Lothian Council only. The data for 2016/17 was based on teacher professional judgements as at June 2017.

Summary of Results for East Lothian 2016/17

- 3.8 Table 2 that follows sets out the experimental statistical data for East Lothian Council 2016/17. Tables published by the Scottish Government showing the percentage of P1, P4, P7 & S3 pupils achieving levels by SIMD are included in Appendix 1.

Table 2: East Lothian, Achievement of CfE Levels, 2016/17

CfE level & stage	Reading	Writing	Listening and talking	Numeracy
Early level by the end of Primary 1	81% Most	77% Most	89% Most	81% Most
First level by the end of Primary 4	76% Most	70% Majority	85% Most	71% Majority
Second level by the end of Primary 7	75% Majority	65% Majority	83% Most	69% Majority
Third level or above by the end of S3	90% Almost all	87% Most	91% Almost all	84% Most

Key

Majority = 50% > % ≤ 75%

Most = 75% > % ≤ 89%

Almost all = 90% ≥ % < 100%

- 3.9 The main findings for East Lothian are:
- The percentage of pupils achieving the CfE level relevant for their stage was highest for Listening & Talking at all stages and lowest for writing across the primary stages and lowest for Numeracy at S3. This is also reflected nationally across Scotland.
 - The percentage of pupils achieving the expected CfE level for their stage for each of the curriculum components drops throughout the primary stages. This is also reflected nationally across Scotland.
 - For each curriculum component, a greater proportion of pupils living in the least deprived areas achieve the expected CfE level for their stage compared to pupils from the most deprived areas. This is also reflected nationally across Scotland.

- In East Lothian the gap between pupils living in the most and least deprived areas typically reduces throughout the primary stages for each of the curriculum components. Across Scotland the gap widens through the primary stages.
- Within East Lothian primary schools the largest gap was at P4 in Reading (34.4 percentage points) and the smallest gap at P7 in listening and talking (10 percentage points).
- At S3, the largest gap was in numeracy at 43 percentage points and the smallest was in Reading (12 percentage points).

Next Steps

- 3.10 As set out in the Education Service Local Improvement Plan 2017/18, progression through the BGE, improving educational attainment and achievement in both literacy and numeracy, and reducing the attainment gap between the most and least disadvantaged children and young people in East Lothian remains a key focus. Quality Assurance and Moderation Support Officers (QAMSOs) are working closely with staff to provide support and advice to improve teachers' confidence in their judgment of achievement of a level. New English and literacy and Mathematics and numeracy curriculum frameworks implemented academic session 2017/18 will support and improve consistency in planning teaching, learning and assessment in these areas.
- 3.11 Schools will use the Achievement of CfE Level data alongside other assessment evidence to inform next steps in individual children and young people's progress and identify where improvement is needed. This CfE Level data will also be used to inform each school's and the local authority annual Standards and Quality Report which is published each session.
- 3.12 During 2017/18, within East Lothian, we have developed a local 'CfE Data Analysis Tool' to aid the 'Know Your Gap, Know Your Impact' agenda and to be used for internal self-evaluation and reflection purposes only. The tool has been set up to help senior management teams within each school to analyse their Achievement of CfE Level data using a range of pupil characteristics: Gender, SIMD, Free School Meals, Additional Support Needs status, Looked After, Ethnicity, English as an Additional Language and also by % attendance rate bandings. Data from the tool was used alongside other school performance data to inform discussions during the Primary Attainment Review meetings held in March 2018.
- 3.13 The SEIC Mathematics and Numeracy workstream is developing a range of intervention strategies to raise attainment and to close the poverty related attainment. A pilot study to evaluate the impact of these interventions will be carried out with Dunbar Primary School as a test case.

4 POLICY IMPLICATIONS

4.1 There are no direct policy implications associated with this report.

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

6.1 Financial - none

6.2 Personnel - none

6.3 Other - none

7 BACKGROUND PAPERS

7.1 None.

Appendix 1 – East Lothian CfE Levels by SIMD, 2016/17

AUTHOR'S NAME	Pauline Smith
DESIGNATION	Principal Officer (Information & Research)
CONTACT INFO	Telephone Number – 01620 827957 Email: psmith@eastlothian.gov.uk
DATE	18 May 2018

Percentage of P1, P4, P7 & S3 pupils achieving levels by SIMD in East Lothian, 2016/17

Data Source: Scottish Government, ACEL 2016/17 - Supplementary Tables
<http://www.gov.scot/Topics/Statistics/Browse/School-Education/ACEL/ACEL201617SuppTables>

Table 10.1: Percentage of P1 pupils achieving Early Level by SIMD¹, 2016/17
East Lothian

SIMD	Reading	Writing	Listening & Talking	Numeracy
SIMD Quintile 1 - Most Deprived	56	*	68	59
SIMD Quintile 2	75	72	88	74
SIMD Quintile 3	85	*	91	84
SIMD Quintile 4	84	78	90	83
SIMD Quintile 5 - Least Deprived	90	86	94	90
Total	81	77	89	81

Table 10.2: Percentage of P4 pupils achieving First Level by SIMD¹, 2016/17
East Lothian

SIMD	Reading	Writing	Listening & Talking	Numeracy
SIMD Quintile 1 - Most Deprived	49	*	67	*
SIMD Quintile 2	66	61	80	61
SIMD Quintile 3	76	*	84	*
SIMD Quintile 4	83	76	88	77
SIMD Quintile 5 - Least Deprived	83	78	90	80
Total	76	70	85	71

Table 10.3: Percentage of P7 pupils achieving Second Level by SIMD¹, 2016/17
East Lothian

SIMD	Reading	Writing	Listening & Talking	Numeracy
SIMD Quintile 1 - Most Deprived	58	44	79	50
SIMD Quintile 2	70	59	78	64
SIMD Quintile 3	70	60	79	66
SIMD Quintile 4	78	70	86	70
SIMD Quintile 5 - Least Deprived	82	73	89	79
Total	75	65	83	69

Table 10.4: Percentage of S3 pupils achieving Third Level or better by SIMD¹, 2016/17
East Lothian

SIMD	Reading	Writing	Listening & Talking	Numeracy
SIMD Quintile 1 - Most Deprived	83	67	79	44
SIMD Quintile 2	82	81	84	76
SIMD Quintile 3	92	90	92	88
SIMD Quintile 4	92	90	94	94
SIMD Quintile 5 - Least Deprived	94	92	97	87
Total	90	87	91	84

Table 10.5: Percentage of S3 pupils achieving Fourth Level by SIMD¹, 2016/17
East Lothian

SIMD	Reading	Writing	Listening & Talking	Numeracy
SIMD Quintile 1 - Most Deprived	25	23	27	15
SIMD Quintile 2	27	22	27	33
SIMD Quintile 3	56	51	57	59
SIMD Quintile 4	58	56	59	71
SIMD Quintile 5 - Least Deprived	57	53	58	65
Total	48	44	49	55

1. Scottish Index of Multiple Deprivation 2016

* value suppressed, due to small numbers

REPORT TO: Education Committee

MEETING DATE: 19 June 2018

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Insight National Benchmarking Measures to 2017

3

1 PURPOSE

- 1.1 To inform the Committee of trends in attainment and achievement of school leavers in East Lothian using the “National Benchmarking Measures” from Insight.

2 RECOMMENDATIONS

- 2.1 The Committee is asked to consider and note the contents of the report and to endorse the next steps.

3 BACKGROUND

- 3.1 Each year young people in secondary schools in East Lothian achieve a range of awards and qualifications available on the Scottish Credit and Qualifications Framework (SCQF) at different stages throughout the senior phase (S4 to S6).
- 3.2 The Scottish Government developed a statistical benchmarking tool ‘Insight’ to assist schools and local authorities in the analysis of attainment of young people in the senior phase through nationally agreed benchmarking measures and course breadth and depth data. General information on the “Insight” tool is available online at: <http://www.gov.scot/Topics/Education/Schools/curriculum/seniorphasebenchmarking>

- 3.3 As well as providing the national average, Insight also uses a Virtual Comparator for each school and Education Authority and is considered to be the key benchmark for helping schools and authorities understand their strengths and areas for improvement. The Virtual Comparator takes the characteristics of each pupil in East Lothian and matches them to 10 similar pupils from schools in other local authorities across Scotland.
- 3.4 This report will explore how the Education Authority has performed over the five-year period since 2013 to 2017 in relation to the national average and its Virtual Comparator focusing on three nationally agreed “National Benchmarking Measures” from Insight:
- **Improving attainment in literacy and numeracy** (shown as the percentage of School Leavers attaining Literacy and Numeracy)
 - **Improving attainment for all** (shown as the Average Total Tariff Score of School Leavers)
 - **Tackling disadvantage** by improving the attainment of lower attainers relative to higher attainers (shown as the Average Total Tariff Score versus Deprivation)
- 3.5 These three national measures focus on the total cumulative achievements recorded at the point at which the young person leaves school. The leavers' cohort is the most important since it is the most consistent point of comparison given the various routes and pathways available to schools for using with their young people as they progress through the senior phase. Course breadth and depth data for school leavers is also provided in the Appendix to this report.
- 3.6 Comparison of measures over time in Insight should be treated with caution as earlier years' figures relate to different qualifications, assessment arrangements and progression pathways, including where early S3 presentations took place in East Lothian. The dual presentation of old and new qualifications across the SCQF Levels in previous academic sessions and different approaches to presentation and delivery makes direct comparisons of attainment between 2017 and previous years extremely complex both nationally and locally. Breadth and depth measures are heavily influenced by a school's curricular model therefore the 2014 to 2017 results may not be fully comparable with previous years.
- 3.7 The data in this report is taken from the February 2018 release of Insight and reflects the most up to date position on school leaver's attainment.
- 3.8 The reports in Insight are based on SQA attainment and include the results of completed National Courses and Skills for Work and Personal

Development courses that are sent to SEEMiS from the SQA. College presentations are also included as are D awards or other achievements from ungraded National Certificates and National Progression Awards.

- 3.9 The main highlights for East Lothian are provided in paragraphs 3.10 to 3.15. A detailed breakdown of East Lothian's performance in each of the National Benchmarking Measures is provided in **Appendix 1**

East Lothian Performance to 2017

- 3.10 Overall, the three National Benchmarking Measures reported by the Scottish Government Insight tool in the February 2018 update indicate that attainment in East Lothian has improved overall over the five-year period to 2016/17 but that further improvements could still be made, particularly in Literacy & Numeracy at SCQF Levels 5 and 6 and in relation to closing the attainment gap. The key points from each benchmarking measure are:

- 3.11 **Improving Attainment for All** (*see Appendix 1, section 2*) – In 2016/17 the average total tariff score across the three attainment groups in East Lothian are all roughly in line with the Virtual Comparator. The 2017 performance of the Middle 60% (884) and Lowest 20% (154) groups is in line with the previous year and the Highest 20% group's average score (1882) shows a slight drop.

All three attainment groups in East Lothian show an overall improved trend over the last five years. The East Lothian performance during this period has typically been slightly higher than the National average and Virtual Comparator for the Highest 20% attaining group and in line with for the Lowest 20% group. The Middle 60% group has typically had slightly lower scores than the Virtual Comparator and higher scores than the national average. Insight testing has found that East Lothian's performance in the Middle 60% group was statistically lower than its Virtual Comparator in 2013 and 2015 but found no other significant comparisons in recent years as improvements have been made or for the other attaining groups.

- 3.12 **Improving Attainment in Literacy & Numeracy** (*see Appendix 1, section 3*) – In 2016/17, 96.2% of East Lothian school leavers attained literacy at SCQF level 3 or above with 95.4% attaining the same level in Numeracy. At SCQF Levels 4, 5 and 6 or better, a higher proportion of leavers attained literacy than numeracy, consistent with previous years and the national trend.

The percentage of East Lothian school leavers attaining both Literacy & Numeracy in 2016/17 at SCQF Level 4 or better (87.5%) shows a slight drop of 0.6% on the previous year but an overall improving trend, increasing by 8.5 percentage points since 2013. East Lothian's

performance at SCQF Level 4 has typically been in line with both the national average and the Virtual Comparator over the five-year period.

The percentage attaining both Literacy & Numeracy at SCQF Level 5 in 2016/17 (63.2%) increased by 2.3% on the previous year to its highest performance to date. East Lothian's performance at SCQF Level 5 shows an overall improved trend since 2013 increasing by 10.3 percentage points.

Further improvements still need to be made at SCQF Level 5 to bring young people's performance in line with those with similar characteristics and backgrounds. East Lothian's performance at SCQF Level 5 has fluctuated year on year with Insight testing finding East Lothian's performance in 2016 and 2017 lower than the Virtual Comparator and much lower in 2014 and 2015 as statistically significant.

3.13 Attainment versus Deprivation (see Appendix 1, section 4) – East Lothian's average total tariff scores across the SIMD deciles over the five-year period are roughly in line with the Virtual Comparator with the exception of school leavers living in SIMD decile 9 in 2013 and 2016 where Insight found these to be lower than the Virtual Comparator. As with the national average and the Virtual Comparator, school leavers living in the most deprived areas typically have a lower total tariff score on average than those living in the least deprived areas.

3.14 Breadth and Depth data (see Appendix 1, section 5) – In 2016/17, 84.7% of East Lothian school leavers left with one or more passes at SCQF Level 5 or better, East Lothian's second highest performance over the five year period. While at SCQF Level 6 or better, 63.7% left with one or more passes, East Lothian's highest performance to date. East Lothian's performance in 2017 across the reported breadth and depth measures shows a slight drop on the previous year with the exception of '5 or more awards at Level 5' and '1 or more awards at Level 6' which increased by 1.4% and 2.2% respectively. The authority also maintained its level of performance for a second year in 2017 for the '1 or more awards at Level 7' measure.

East Lothian's performance across the reported SCQF Level 5 to 7 measures show an improved trend over the five-year period. The most significant increases have been in the percentage attaining '1 or more awards at Level 6' and '3 or more awards at Level 6' which increased by 5 and 7 percentage points respectively. Further improvements could still be made particularly in the '3 or more' and '5 or more' awards at Level 6 measures to bring them more in line with the Virtual Comparator.

3.15 **Closing the Attainment Gap** – As with the national average, East Lothian school leavers living in the 30% most deprived areas typically have lower attainment compared to those living in the least deprived areas. The attainment gap between school leavers living in the 30% most deprived areas and those in the 30% least deprived areas is wider at higher levels of qualifications, increasing from 2 percentage points on average at SCQF Level 3 to 41 percentage points on average at SCQF Level 6. Overall the gap shows a slight decrease over the last five years across all of the four reported SCQF Levels with the largest gap decrease in the % attaining 1 or more at SCQF Level 6.

Next Steps for Improvement

3.16 The key areas of focus for raising attainment in the senior phase are:

- Continue to improve the attainment of the lowest 20% and middle 60% attaining groups to raise their performance above the virtual comparator.
- Focus on pace and challenge in order to continue to improve attainment of pupils living in the top deciles or the Highest attaining 20% cohort and maintain performance above the virtual comparator.
- Continue to improve the attainment of Literacy & Numeracy at SCQF Levels 5 and 6 to bring the performance in line with the Virtual Comparator.

3.17 Raising educational attainment and achievement for all remains a key priority for the Education Service. The Education Service Local Improvement Plan 2017/18 sets out the increased focus on improving the attainment of particular groups of learners, particularly for those who experience disadvantage in their lives and do not achieve their educational potential. The Education Service will continue to work with key stakeholders to improve the quality and design of the curriculum, the analysis and use of data and planning learning, teaching and assessment to ensure that all children and young people attain and achieve as well as they can.

4 POLICY IMPLICATIONS

4.1 There are no direct policy implications associated with this report.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - none
6.2 Personnel - none
6.3 Other – none

7 BACKGROUND PAPERS

- 7.1 None

Appendix 1 – East Lothian National Benchmarking Measures to 2017

AUTHOR'S NAME	Pauline Smith
DESIGNATION	Principal Officer (Information & Research)
CONTACT INFO	Tel Number: 01620 827957 Email: psmith@eastlothian.gov.uk
DATE	21 May 2018

East Lothian Council - Education Service

East Lothian National Benchmarking Measures 2013 to 2017

1. Background Notes

This report compares the performance of East Lothian school leavers against the Insight National Benchmarking Measures since 2012/13.

- The National Benchmarking Measures provide data on the total pupils' achievements during the senior phase (S4 to S6) recorded at the point at which the young person leaves school. The leavers' cohort will include a mixture of pupils from S4, S5 and S6.
- The attainment figures are taken from the February 2018 release of Insight, based on the 'Latest and Best' achievement of young people in the Senior Phase, and do not include attainment gained prior to S4. The figures only include attainment in SCQF credit-rated qualifications that have been matched to an individual pupil via their Scottish Candidate Number (SCN).
- In East Lothian we operate inclusive schools and there are some pupils who pass examinations at SCQF levels 1 and 2. These levels, however, are not included in the Insight analysis as key benchmark measures.
- Figures 1 to 4, Tables 1 to 6 and commentary in sections 2 to 4, detail the progress made by East Lothian pupils against the Virtual Comparator and the National Establishment (i.e. national average) over the last 5 years for each National Benchmarking Measure. Tables 7 to 9 and commentary in section 5, detail the progress in relation to Breadth and Depth data while Figures 5 to 13 show East Lothian's progress in relation to closing the attainment gap. Figures are provided in most cases for both the National Establishment and the Virtual Comparator, however, the Virtual Comparator is seen as the key benchmark for helping schools and Education Authorities understand their strengths and areas for improvement.
- The Virtual Comparator takes the characteristics of each pupil in East Lothian and matches them to 10 pupils with similar characteristics from schools in other local authorities across Scotland, offering a fairer comparison.
- When the cohort being compared relates to a small number of pupils (less than 20 pupils as a rule of thumb provided by the Scottish Government), the trends are more likely to fluctuate over time and, therefore, are less likely to be significant. Data is suppressed where it relates to a cohort, or part of a cohort, of fewer than five pupils to prevent the identification of individuals.
- Where Insight testing has found that comparisons between the East Lothian performance and its Virtual Comparator is statistically significant and large enough to be considered of important educational value, this information has been included in the commentary in sections 2 to 4 of this document. The following graded shading is also used in tables to visualise where Insight testing has found the comparisons to be significant:

Colour Shading	East Lothian's performance relative to Virtual Comparator (VC)
	much greater than VC
	greater than VC
	lower than VC
	much lower than VC

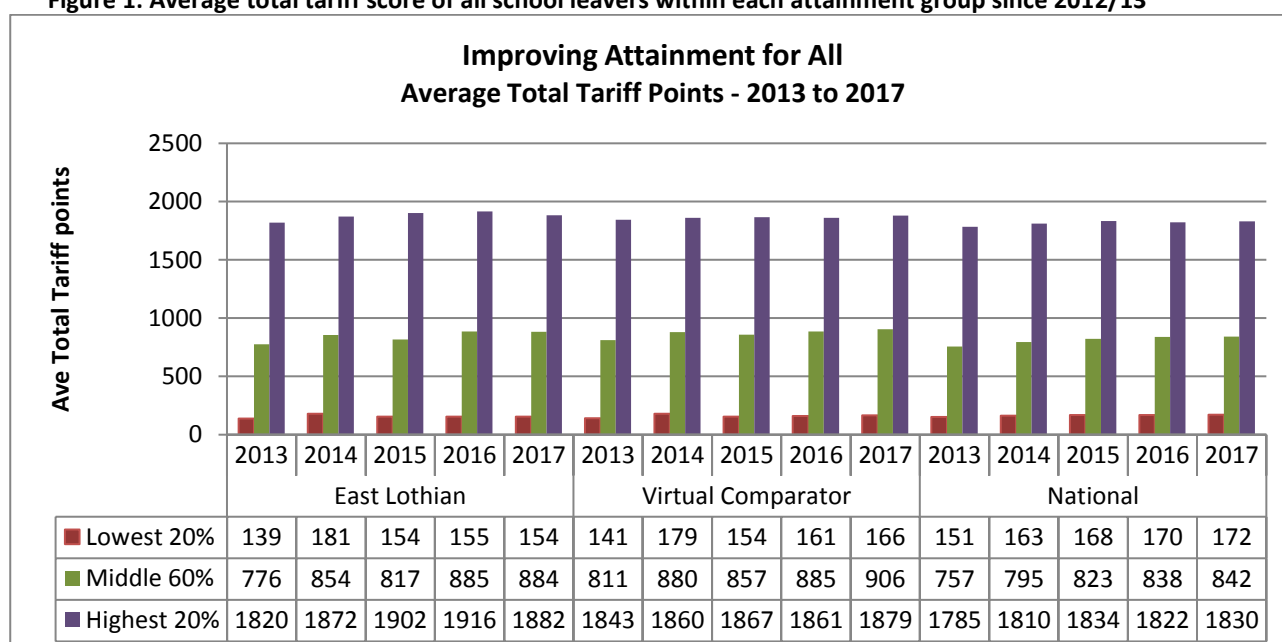
- The significance of comparisons is not currently tested in Insight for attainment by pupil characteristic, e.g. looked after (LAC), additional support needs (ASN) or for SIMD (Scottish Index of Multiple Deprivation).
- Comparison of measures over time in Insight should be treated with caution as earlier years' figures relate to different qualifications, assessment arrangements and progression pathways, including where early S3 presentations took place.
- In most tables, three-year averages, a five year net score or percentage point change and five year 'Trend' are presented with the annual performance. This provides an indication of an overall declining or improving trend by East Lothian schools in relation to the Virtual Comparator. The net change is the sum of the score or percentage point difference from one year to the next over the five-year period. The 'Trend' is the average annual percentage or score point change over the number of years given. A positive value (coloured green) indicates an improving trend on average over the period and a negative value (coloured red) indicates a declining trend.

2. **National Benchmarking Measure: Improving Attainment for All**

This measure groups school leavers according to their whole-school attainment as measured by their total tariff points into three attainment groups. The three groups are: the lowest-scoring 20 per cent of pupils, the highest-scoring 20 per cent and the middle 60 per cent. For each pupil the tariff score is the total of the tariff points associated with each of the eligible 'latest and best' awards they have achieved at the point of leaving school. Awards that have been superseded by the pupil progressing to a higher-level award in the same subject are excluded, as are awards achieved when the pupil was in S1–S3. For example, if a pupil has National 5 English and Higher English then only the points for the Higher are included. These tariff scores are then averaged over all the pupils in the particular attainment group.

The 'Improving Attainment for All' measure features as one of the strategic long-term outcome indicators in Outcome 4 of East Lothian's Single Outcome Agreement, with a focus on all school leavers. *Figure 1* below shows the average total tariff score of all school leavers across East Lothian.

Figure 1: Average total tariff score of all school leavers within each attainment group since 2012/13



Comments on Figure 1:

- In 2016/17 the average total tariff score across the three attainment groups in East Lothian are all roughly in line with the Virtual Comparator. The 2017 performance of the Middle 60% (884) and Lowest 20% (154) groups are in line with the previous year and the Highest 20% group’s average score (1882) shows a slight drop.
- All three attainment groups in East Lothian show an overall improved trend over the last five years. The East Lothian performance during this period has typically been slightly higher than the National average and Virtual Comparator for the Highest 20% attaining group and in line with for the Lowest 20% group. The Middle 60% group has typically had slightly lower scores than the Virtual Comparator and higher scores than the national average.
- Insight testing has found that East Lothian’s performance in the Middle 60% group was statistically lower than its Virtual Comparator in 2013 and 2015, but found no other significant comparisons in recent years as improvements have been made or for the other attaining groups.

Table 1 below further presents the average point difference between the East Lothian and the Virtual Comparator average total tariff scores within each attainment group over the five-year period. The ‘Trend’ indicator is also provided for each of the attainment groups to show the increase or decrease of the East Lothian average total tariff score over time as well as the East Lothian 3 Year and 5 Year average.

Table 1: Average Point Difference between the average total tariff score for East Lothian and the Virtual Comparator within each attainment group since 2012/13

East Lothian Leaver Attainment Group	Average Point Difference between ELC & VC scores					ELC Ave Total Tariff Score			Insight testing found that the following comparisons were significant:
	2013	2014	2015	2016	2017	ELC 3 Yr Ave	ELC 5 Yr Trend	ELC 5 Yr Net (+/-) change	
Lowest Attaining 20%	-2	2	0	-6	-12	154	3.75	15	
Middle Attaining 60%	-35	-26	-40	0	-22	862	27.00	108	ELC Performance is lower than its Virtual Comparator in 2013 & 2015
Highest Attaining 20%	-23	12	35	55	3	1900	15.50	62	

3. National Benchmarking Measure: Literacy and Numeracy

Figures 2 & 3 and Tables 2 & 3 that follow, detail the percentage of school leavers that achieved literacy and/or numeracy from 2013 to 2017 to at least SCQF Levels 3 to 6.

Table 4 further breaks this information down separately for literacy & numeracy.

To achieve the given level of literacy a pupil needs to achieve the literacy unit at that level, or English or Gaidhlig course at that level. For numeracy the pupil needs to achieve the numeracy unit at that level or a Mathematics or Lifeskills Maths at that level or qualification identified by SQA as having sufficient content to include within the measure.

Figure 2.../

Figure 2: Literacy and Numeracy achievement at SCQF Levels 3 & 4 for all school leavers in each year since 2012/13

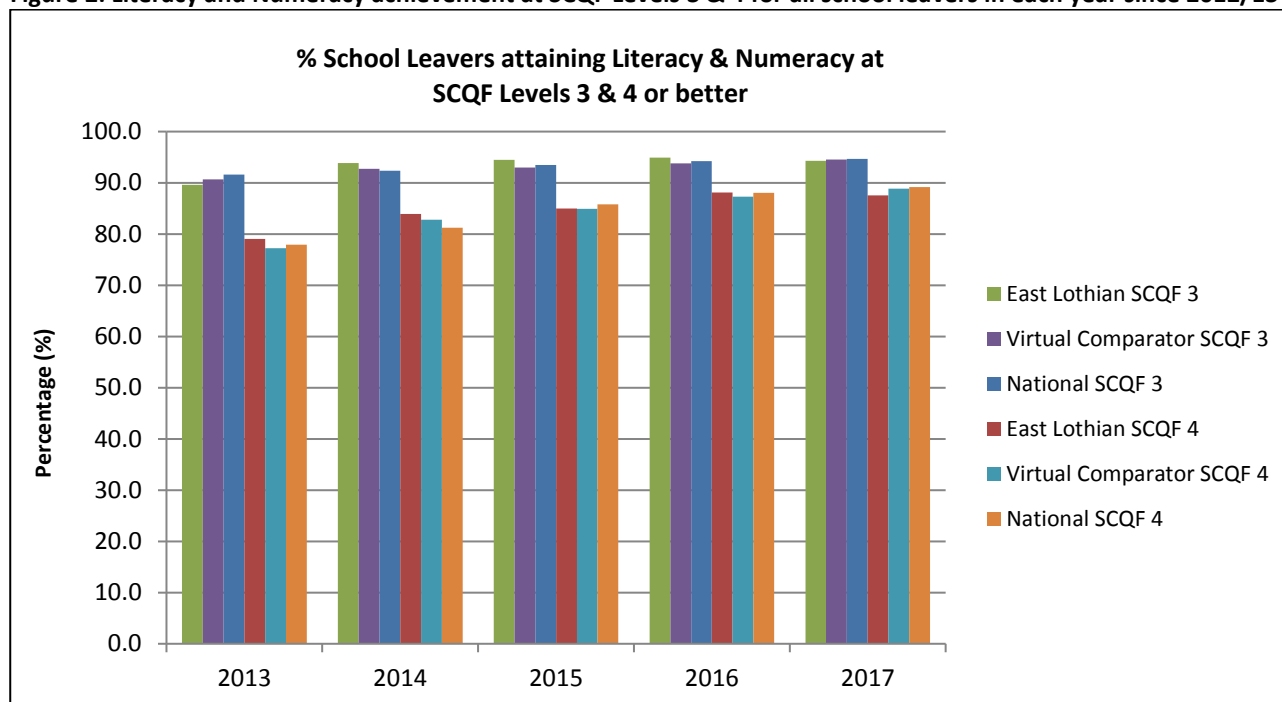


Table 2 - % school leavers attaining both Literacy & Numeracy at SCQF Levels 3 & 4 or better since 2012/13

All School Leavers	2013	2014	2015	2016	2017	3 Year Ave	2017 % point change (+/-) on 2016	5 Year Trend	5 Yr % Point Net Change (+/-)
East Lothian SCQF 3	89.6	93.9	94.5	94.9	94.3	94.6	-0.6	1.18	4.72
Virtual Comparator SCQF 3	90.7	92.7	93.0	93.8	94.5	93.8	0.7	0.96	3.85
National SCQF 3	91.6	92.4	93.5	94.2	94.6	94.1	0.4	0.75	3.02
East Lothian SCQF 4	79.1	83.9	85.0	88.1	87.5	86.9	-0.6	2.12	8.47
Virtual Comparator SCQF 4	77.2	82.8	84.9	87.3	88.9	87.0	1.6	2.90	11.61
National SCQF 4	77.9	81.2	85.8	88.1	89.2	87.7	1.1	2.81	11.23

Comments on Figure 2 and Table 2:

- East Lothian’s performance at SCQF Levels 3 and 4 in both Literacy & Numeracy in 2016/17 shows a slight drop of 0.6% on the previous year but an overall improved trend since 2012/13. East Lothian’s performance at SCQF Level 3 or better has increased by 4.7 percentage points since 2013 while at SCQF Level 4 the percentage performance has increased by 8.5 percentage points.
- East Lothian’s percentage at SCQF Level 3 and 4 has been typically in line with both the national average and the Virtual Comparator.
- Where the percentage has been above or below the Virtual Comparator, Insight Testing found that there were no significant comparisons for these measures.

Figure 3.../

Figure 3: Literacy and Numeracy achievement at SCQF Levels 5 & 6 for all school leavers in each year since 2012/13

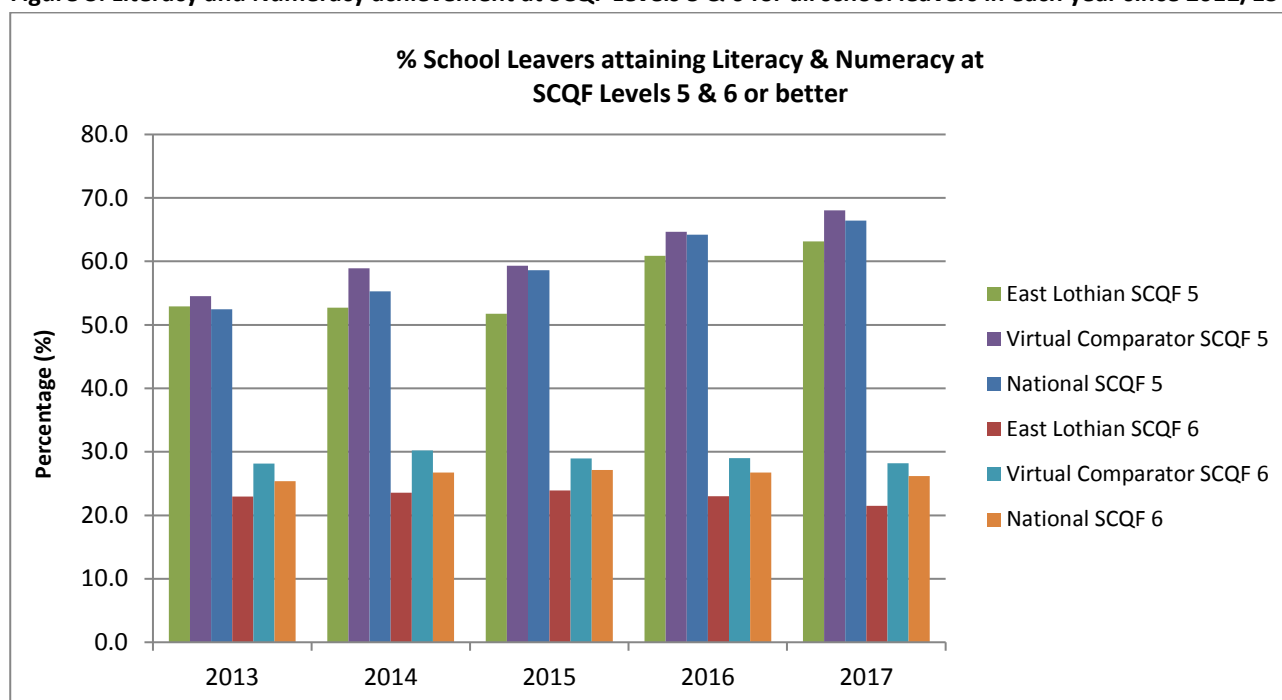


Table 3 - % school leavers attaining Literacy & Numeracy at SCQF Levels 5 & 6 or better since 2012/13

All School Leavers	2013	2014	2015	2016	2017	3 Year Ave	2017 % point change (+/-) on 2016	5 Year Trend	5 Yr % Point Net Change (+/-)
East Lothian SCQF 5	52.9	52.7	51.7	60.9	63.2	58.6	2.3	2.57	10.26
Virtual Comparator SCQF 5	54.5	58.9	59.3	64.6	68.0	64.0	3.4	3.38	13.51
National SCQF 5	52.5	55.3	58.6	64.2	66.5	63.1	2.2	3.50	13.98
East Lothian SCQF 6	23.0	23.5	23.9	23.0	21.5	22.8	-1.5	-0.36	-1.46
Virtual Comparator SCQF 6	28.2	30.2	29.0	29.0	28.2	28.7	-0.8	0.01	0.05
National SCQF 6	25.4	26.7	27.1	26.8	26.2	26.7	-0.6	0.20	0.80

Comments on Figure 3 and Table 3:

- East Lothian’s performance at SCQF Level 5 or better in both Literacy & Numeracy in 2016/17 increased by 2.3% on the previous year to its highest performance to date. At SCQF Level 6 or better, the percentage in 2016/17 dropped 1.5% on the previous year.
- East Lothian’s performance at SCQF Level 5 or better shows a fluctuating but overall improved trend over the five-year period with the performance at SCQF Level 6 or better showing a relatively static trend at SCQF Level 6.
- East Lothian’s percentage performance at both SCQF Level 5 and 6 is typically lower than the Virtual Comparator and national average. Insight Testing found that the following comparisons were significant for this measure:
 - East Lothian’s Performance at SCQF Level 5 is lower than the Virtual Comparator in 2016 and 2017 and much lower in 2014 and 2015; and

- East Lothian’s Performance is much lower than the Virtual Comparator at SCQF Level 6 across years 2014, 2016 and 2017 and lower in 2013 and 2015.

Table 4: Literacy and Numeracy achievement for all school leavers in each year from 2012/13 to 2016/17

Year	Literacy				Numeracy			
	3+	4+	5+	6+	3+	4+	5+	6+
East Lothian 2013	93.2	90.9	68.2	44.7	93.9	81.4	55.0	26.9
2014	96.6	94.1	70.9	45.0	94.7	85.0	56.0	29.9
2015	96.6	93.9	69.9	48.4	96.0	86.3	55.7	27.3
2016	97.2	94.5	76.9	54.8	96.2	89.8	62.4	26.3
2017	96.2	93.2	80.1	53.4	95.4	89.3	64.4	25.9
+/- on 2016	-1.0	-1.3	3.1	-1.4	-0.8	-0.5	2.1	-0.4
3yr ave	96.7	93.9	75.6	52.2	95.8	88.5	60.8	26.5
5yr % net change (+/-)	3.0	2.3	11.9	8.8	1.5	7.9	9.4	-1.0
5yr trend ¹	0.75	0.57	2.98	2.19	0.36	1.98	2.36	-0.25
Virtual Comparator 2013	94.2	90.6	67.3	47.1	92.7	78.7	58.1	33.0
2014	95.8	93.2	73.6	51.1	94.3	84.1	62.2	35.4
2015	95.7	92.9	74.0	50.1	94.5	86.7	62.6	33.8
2016	95.9	93.4	78.7	57.2	95.3	88.9	67.1	31.6
2017	96.3	94.1	80.8	58.6	95.9	90.4	70.2	30.7
+/- on 2016	0.4	0.7	2.1	1.4	0.6	1.5	3.1	-0.9
3yr ave	96.0	93.4	77.9	55.3	95.2	88.7	66.6	32.0
5yr % net change (+/-)	2.1	3.5	13.5	11.5	3.2	11.7	12.1	-2.3
5yr trend ¹	0.53	0.86	3.39	2.87	0.80	2.91	3.02	-0.57
National 2013	95.0	91.7	66.9	44.3	93.8	79.4	56.1	30.0
2014	95.5	92.3	70.1	46.5	94.1	82.8	59.1	31.7
2015	96.0	93.5	74.6	49.1	95.0	87.5	62.5	31.7
2016	96.4	94.1	79.0	54.6	95.6	89.6	66.8	29.5
2017	96.5	94.4	80.9	55.9	96.1	90.7	68.8	28.6
+/- on 2016	0.1	0.4	1.8	1.3	0.5	1.1	2.0	-0.9
3yr ave	96.3	94.0	78.2	53.2	95.6	89.2	66.0	29.9
5yr % net change (+/-)	1.6	2.7	14.0	11.6	2.3	11.3	12.7	-1.4
5yr trend ¹	0.39	0.68	3.49	2.90	0.58	2.82	3.17	-0.35

Comments on Table 4:

- Literacy Achievement** - East Lothian’s performance across SCQF Levels 3 to 6 for Literacy shows a fluctuating but overall improved trend over the five-year period. The 2017 performance shows a slight drop on the previous year across the SCQF Levels, with the exception of SCQF Level 5 which increased by 3.1% to its highest performance to date.
- East Lothian’s percentage performance at SCQF level 3 and 4 has typically been in line with its Virtual Comparator and the national average. Where the percentage is above or below for East Lothian, Insight found no significant comparisons with the exception of SCQF Level 3 in 2016 where East Lothian’s performance is considered greater than the Virtual Comparator.
- At SCQF Levels 5 and 6, East Lothian’s percentage performance has typically been below the Virtual Comparator with Insight testing finding the following comparisons significant:

- East Lothian’s Literacy performance at SCQF Level 5 is lower than the Virtual Comparator in 2014 and 2015.
- East Lothian’s Literacy performance at SCQF Level 6 is lower than the Virtual Comparator in 2013, 2014 and 2017.
- **Numeracy Achievement** - East Lothian’s performance across SCQF Levels 3 to 5 for Numeracy shows an improved trend over the five-year period. The 2017 performance shows further improvement on the previous year at SCQF Level 5 (+2%), its highest performance to date, and a slight drop across the other levels.
- East Lothian’s percentage performance at SCQF Levels 3 and 4 have typically been in line with its Virtual Comparator and in line with or above the national average with Insight testing finding the following comparisons significant:
 - East Lothian’s Numeracy performance at SCQF Level 3 is greater than the Virtual Comparator in 2015.
- East Lothian’s Numeracy performance at SCQF Levels 5 & 6 has typically been lower than the Virtual Comparator across the five-year period. Insight testing has found that the following comparisons were significant:
 - East Lothian’s Numeracy performance at SCQF Level 5 across the five years is lower than the Virtual Comparator, with the performance considered to be much lower in 2014 and 2015; and
 - East Lothian’s performance at SCQF Level 6 across the five years is lower with the performance in 2015 and 2017 considered to be much lower.

4. National Benchmarking Measure: Attainment Versus Deprivation

This measure considers attainment of candidates at each stage broken down into ten deciles according to the Scottish Index of Multiple Deprivation (SIMD). Decile 1 refers to the attainment of pupils whose postcodes are in the 10% most deprived datazones in Scotland, while decile 10 refers to pupils with postcodes in the top 10% of the least deprived (most affluent) datazones according to SIMD.

The ‘Attainment versus Deprivation’ measure features as an indicator in Contributory Outcome 4.1 of our Single Outcome Agreement with a focus on all school leavers.

Figure 4 overleaf shows the average total tariff scores within each SIMD decile band of all East Lothian school leavers in 2017 compared with the Virtual Comparator. The grey circles in *Figure 4* represent the Virtual Comparator and the blue circles represent East Lothian. The circles change in size and broadly represent the proportion of young people from the total cohort appearing in each of the circles. The blue vertical lines represent the range of scores (maximum and minimum) of the leavers within each decile.

The full breakdown of East Lothian’s school leavers’ cohort living within each ten SIMD deciles over the last five years can be viewed in *Table 5* below.

Table 5../

Table 5: Percentage of East Lothian school leavers within each SIMD Decile Band since 2012/13

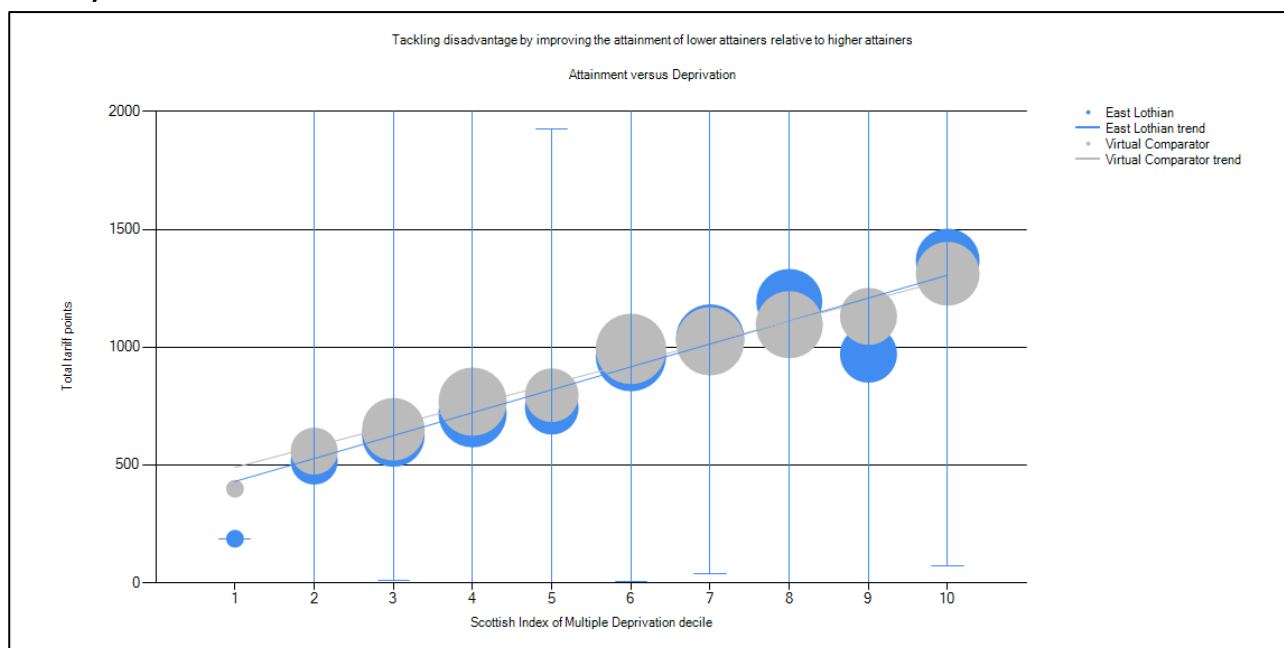
Establishment	Year of leaving	% of Total Cohort within each SIMD Decile Band									
		Most Deprived 1	2	3	4	5	6	7	8	9	Least Deprived 10
East Lothian	2012/13	*	5%	11%	10%	11%	8%	28%	9%	7%	12%
	2013/14		5%	11%	7%	11%	8%	27%	10%	7%	14%
	2014/15		5%	11%	9%	10%	8%	28%	12%	6%	12%
	2015/16		6%	10%	8%	11%	8%	28%	10%	6%	12%
	2016/17	*	5%	11%	14%	8%	15%	14%	13%	9%	12%
	3 Yr Ave		5%	11%	10%	10%	10%	24%	12%	7%	12%
	5 Yr Ave		5%	11%	10%	10%	9%	25%	11%	7%	12%

Note: Where the % is based on a pupil cohort of less than 5 but greater than 0, the '% of Total Cohort' has been suppressed with an asterisk (*) to avoid identification of individual pupils.

Comments on Table 5:

- On average 16% of the East Lothian’s school leaver cohort lies within deciles 1-3 (30% most deprived areas in Scotland according to SIMD), 30% within deciles 8-10 (30% least deprived areas in Scotland) and 54% within deciles 4-7 (the remaining middle 40% of SIMD areas).

Figure 4: Average total tariff scores of all school leavers in 2016/17 compared with the Virtual Comparator, broken down by SIMD band of residence



Comments on Figure 4:

- The position of East Lothian’s circles in Figure 4 above compared to the Virtual Comparator circles along the trend line, would suggest that East Lothian’s performance in 2017 is roughly in line with its Virtual Comparator across the ten SIMD deciles.
- It is important to be aware of the numbers of young people appearing in each of these deciles. For example, the circle in decile 2 is relatively small, reflecting the fact that it represents only 5% of the leavers’ cohort in East Lothian in 2016/17.

Table 6 below shows the average total tariff scores within each SIMD decile band for all school leavers in East Lothian since 2012/13 compared with its Virtual Comparator and the national average.

Table 6: Average total tariff scores of the full S4 year group by the end of S6 since 2012/13, broken down by SIMD band of residence

Establishment	Year of leaving	SIMD Decile Band									
		Most Deprived 1	2	3	4	5	6	7	8	9	Least Deprived 10
East Lothian	2012/13	414	476	573	557	759	736	894	1147	1032	1283
	2013/14		514	724	681	837	803	924	1094	1057	1295
	2014/15		413	585	698	762	906	878	1208	1185	1258
	2015/16		608	643	672	858	941	963	1135	1076	1367
	2016/17	187	517	625	720	743	962	1037	1192	971	1368
	+/- on 2016		-91	-18	48	-115	21	74	57	-105	1
	3 Yr Ave		513	618	697	788	936	959	1178	1077	1331
	5yr net change (+/-)		41	52	163	-16	226	143	45	-61	85
	5 Yr Trend ¹		10	13	41	-4	57	36	11	-15	55
Virtual Comparator	2012/13	739	496	584	577	787	797	931	1056	1147	1301
	2013/14		562	670	686	856	863	953	1043	1082	1328
	2014/15	215	453	608	758	776	861	944	1087	1125	1324
	2015/16		632	616	692	843	913	949	1074	1186	1337
	2016/17	399	559	652	769	796	993	1025	1096	1131	1312
	+/- on 2016		-73	36	77	-47	80	76	22	-55	-25
	3 Yr Ave		548	625	740	805	922	973	1086	1147	1324
	5yr net change (+/-)		63	68	192	9	196	94	40	-16	11
	5 Yr Trend ¹		16	17	48	2	49	24	10	-4	3
National	2012/13	515	588	636	730	790	873	942	1006	1107	1239
	2013/14		559	622	695	769	825	885	961	1028	1126
	2014/15		577	650	698	792	849	922	982	1053	1159
	2015/16		590	661	720	796	854	935	986	1062	1147
	2016/17		612	657	736	796	881	936	988	1086	1163
	+/- on 2016		22	-4	16	0	27	1	2	24	16
	3 Yr Ave		593	656	718	795	861	931	985	1067	1156
	5yr net change (+/-)		97	69	100	66	91	63	46	80	56
	5 Yr Trend ¹		24	17	25	17	23	16	12	20	14

Comments on Table 6:

- East Lothian’s performance across the SIMD deciles over the five-year period is roughly in line with its Virtual Comparator. Where there are larger variances, Insight testing has found the following to be statistically significant:
 - East Lothian’s SIMD decile 9 performance in 2013 and 2016 is lower than the Virtual Comparator.
- As with the national average and the Virtual Comparator, school leavers living in the most deprived areas typically have a lower total tariff score on average than those pupils living in the least deprived areas.

5. Course Measures: Leavers Breadth and Depth Trends 2013 to 2017

This section reviews the performance of attainment in SQA graded courses across SCQF Levels 3 to 7 using breadth and depth measures for school leavers across East Lothian since 2012/13.

APPENDIX 1

The breadth and depth measures are heavily influenced by a school's curricular model. In particular, differences between the assessment arrangements for the new National Qualifications at SCQFs Level 3 to 5, compared with the previous Standard Grade qualification, means the 2014 to 2017 and earlier years' data is not directly comparable. Similarly, the mix of existing and new Higher qualifications in 2015 and the variety of progression pathways that candidates would have undertaken for the Higher qualifications means the 2015 to 2017 Higher results may also not be fully comparable with previous years.

The percentages are based on cumulative awards and reflect the number of school leavers achieving at least the given number of SQA national courses at at least the given SCQF level since 2012/13. The percentages are calculated as a proportion of the relevant leaver cohort.

Tables 7 and 8 that follow show the latest and best attainment at the point of leaving school in East Lothian and for the Virtual Comparator for the following breadth and depth measures:

- 1 or more awards at SCQF Levels 3 and SCQF Levels 4 or better;
- 1 or more, 3 or more, and 5 or more awards at SCQF Level 5 (National 5) or better;
- 1 or more, 3 or more, and 5 or more awards at SCQF Level 6 (Higher) or better; and
- 1 or more awards at SCQF Level 7 (Advanced Higher) or better

Table 7 - East Lothian Breadth and Depth Data 2013 to 2017

% School Leavers Attaining	2013	2014	2015	2016	2017	2017 % point change (+/-) on 2016	3 Yr Ave (%)	5 Year Trend	5 Yr % Point Net Change (+/-)
1 or more awards at Level 3	98.3%	98.0%	98.0%	98.2%	97.8%	-0.4%	98.0%	-0.1%	-0.4%
1 or more awards at Level 4	96.4%	96.9%	95.9%	97.4%	95.5%	-1.9%	96.2%	-0.2%	-1.0%
1 or more awards at Level 5	81.0%	83.8%	83.8%	85.0%	84.7%	-0.3%	84.5%	0.9%	3.7%
3 or more awards at Level 5	66.8%	70.1%	67.2%	71.7%	71.1%	-0.6%	70.0%	1.1%	4.3%
5 or more awards at Level 5	54.9%	56.9%	51.7%	56.7%	58.1%	1.4%	55.5%	0.8%	3.1%
1 or more awards at Level 6	56.5%	59.7%	59.8%	61.5%	63.7%	2.2%	61.7%	1.8%	7.2%
3 or more awards at Level 6	40.4%	42.6%	41.3%	47.3%	45.6%	-1.7%	44.7%	1.3%	5.2%
5 or more awards at Level 6	28.6%	29.1%	26.6%	31.6%	30.7%	-1.0%	29.6%	0.5%	2.1%
1 or more awards at Level 7	18.7%	21.5%	19.6%	21.8%	21.8%	0.0%	21.1%	0.8%	3.1%

Table 8 – Virtual Comparator Breadth and Depth Data 2013 to 2017

% School Leavers Attaining	2013	2014	2015	2016	2017	2017 % point change (+/-) on 2016	3 Yr Ave (%)	5 Year Trend	5 Yr % Point Net Change (+/-)
1 or more awards at Level 3	97.7%	98.2%	97.6%	97.7%	97.8%	0.1%	97.7%	0.0%	0.2%
1 or more awards at Level 4	95.4%	96.5%	96.0%	95.9%	96.2%	0.3%	96.0%	0.2%	0.8%
1 or more awards at Level 5	81.7%	86.2%	83.8%	85.5%	85.6%	0.1%	85.0%	1.0%	4.0%
3 or more awards at Level 5	68.0%	73.3%	70.0%	71.8%	73.3%	1.5%	71.7%	1.3%	5.3%
5 or more awards at Level 5	56.2%	60.6%	57.4%	57.8%	59.9%	2.1%	58.4%	0.9%	3.7%
1 or more awards at Level 6	58.2%	62.6%	60.9%	63.6%	63.9%	0.3%	62.8%	1.4%	5.7%
3 or more awards at Level 6	42.7%	46.8%	45.1%	47.4%	48.2%	0.7%	46.9%	1.4%	5.5%
5 or more awards at Level 6	29.1%	32.3%	31.4%	33.0%	33.1%	0.1%	32.5%	1.0%	4.1%
1 or more awards at Level 7	20.5%	21.1%	20.8%	21.3%	21.6%	0.3%	21.2%	0.3%	1.1%

Table 9 below further details the percentage point difference between the East Lothian performance and the Virtual Comparator.

Table 9 – ELC % Performance (+/-) Compared to Virtual Comparator

% School Leavers Attaining	2013	2014	2015	2016	2017
1 or more awards at Level 3	0.6%	-0.2%	0.5%	0.5%	0.0%
1 or more awards at Level 4	1.0%	0.5%	-0.1%	1.5%	-0.7%
1 or more awards at Level 5	-0.7%	-2.3%	0.0%	-0.5%	-0.9%
3 or more awards at Level 5	-1.2%	-3.2%	-2.8%	-0.1%	-2.1%
5 or more awards at Level 5	-1.3%	-3.7%	-5.7%	-1.1%	-1.8%
1 or more awards at Level 6	-1.7%	-2.9%	-1.0%	-2.1%	-0.3%
3 or more awards at Level 6	-2.3%	-4.2%	-3.9%	-0.2%	-2.6%
5 or more awards at Level 6	-0.5%	-3.2%	-4.9%	-1.4%	-2.5%
1 or more awards at Level 7	-1.7%	0.4%	-1.3%	0.6%	0.2%

Comments on Tables 7 to 9:

- East Lothian's performance in 2017 across the reported breadth and depth measures shows a slight drop on the previous year with the exception of '5 or more awards at Level 5' and '1 or more awards at Level 6' which increased by 1.4% and 2.2% respectively. This brings the authority performance to its highest to date. The authority also maintained its level of performance for a second year in 2017 for the '1 or more awards at Level 7' measure.
- East Lothian's performance across the reported SCQF Level 5 to 7 measures show an improved trend over the five-year period. The most significant increases have been in the percentage attaining '1 or more awards at Level 6' and '3 or more awards at Level 6' which increased by 5 and 7 percentage points respectively.

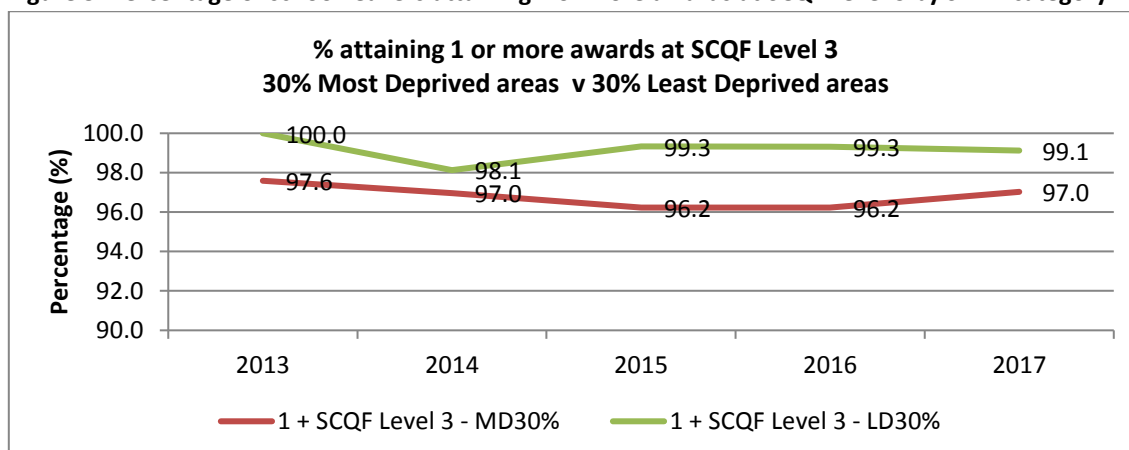
Senior Phase Qualifications: Closing the Gap

Deprivation (SIMD)

School leavers living in the 30% most deprived areas typically have lower attainment compared to those living in the least deprived areas. The attainment gap between school leavers living in the 30% most deprived areas and those in the 30% least deprived areas is wider at higher levels of qualifications. The attainment gap increases from 2 percentage points on average at SCQF Level 3 to 41 percentage points on average at SCQF Level 6.

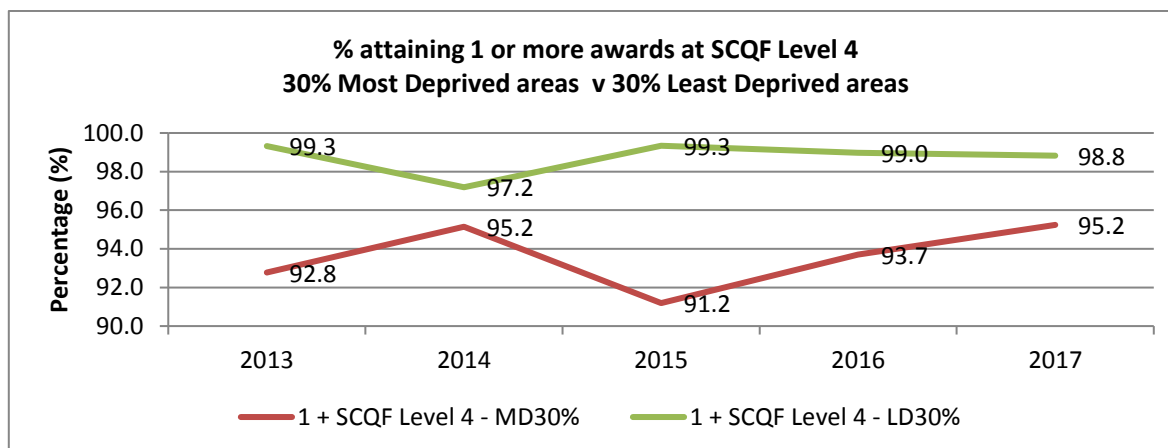
Figures 5 to 8 that follow detail the gap in attainment at SCQF Levels 3 to 6 for school leavers in East Lothian by SIMD category since 2012/13.

Figure 5: Percentage of school leavers attaining 1 or more awards at SCQF Level 3 by SIMD category



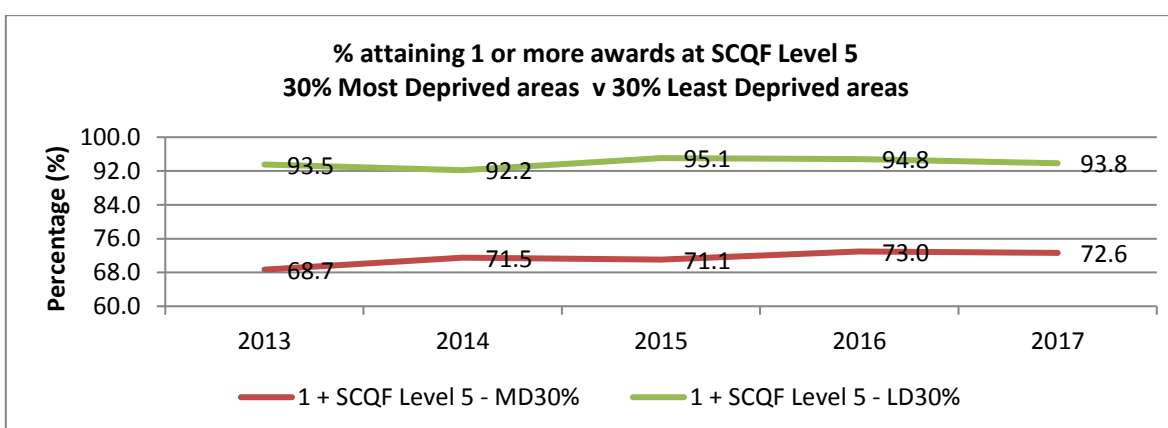
- 97% of school leavers from the 30% most deprived areas gained 1 or more qualifications at SCQF Level 3 in 2016/17, a 0.8% increase on the previous year. The gap between East Lothian leavers from the 30% most and the 30% least deprived areas in 2017 reduced by one percentage point on the previous year and shows a slight overall reduction over the last five years, with the gap decreasing from 2.4 points in 2013 to 2.1 points in 2017.

Figure 6: Percentage of school leavers attaining 1 or more awards at SCQF Level 4 by SIMD category



- 95.2% of school leavers from the 30% most deprived areas gained 1 or more qualifications at SCQF Level 4 in 2016/17, an increase of 1.5% on the previous year and an increase of 2.5 percentage points since 2013. The gap between East Lothian leavers from the 30% most and the 30% least deprived areas in 2017 decreased by 1.7 percentage points on the previous year. Overall, the trend has fluctuated with the gap showing an overall decrease over the five-year period from 6.6 percentage points in 2013 to 3.6 points in 2017.

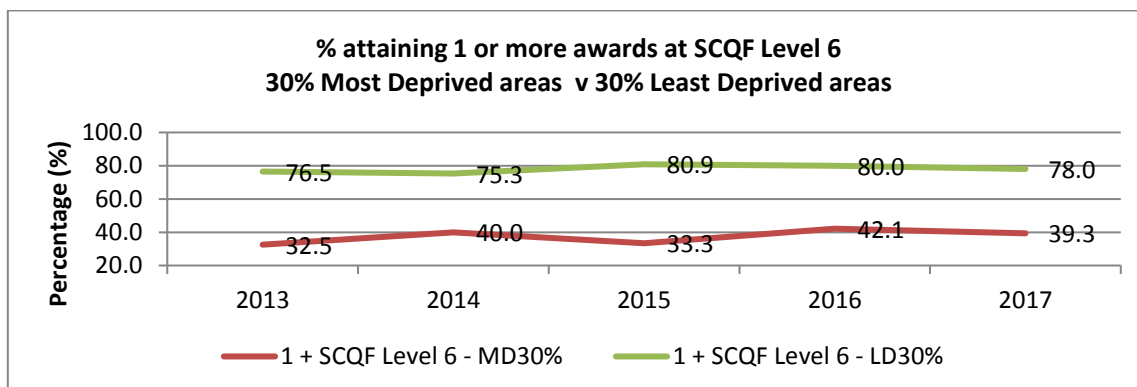
Figure 7: Percentage of school leavers attaining 1 or more awards at SCQF Level 5 by SIMD category



- 72.6% of school leavers from the 30% most deprived areas gained 1 or more qualifications at SCQF Level 5 in 2016/17, in line with the previous year's performance and an increase of 4.0 percentage points since 2013. The gap between East Lothian leavers from the 30% most and the 30% least deprived areas in 2017 decreased by 0.7 percentage points on the previous year. Overall, the gap shows a fluctuating but overall improved trend over the five-year period decreasing from 24.9 percentage points in 2013 to 21.2 points in 2017.

Figure 8.../

Figure 8: Percentage of school leavers attaining 1 or more awards at SCQF Level 6 by SIMD category



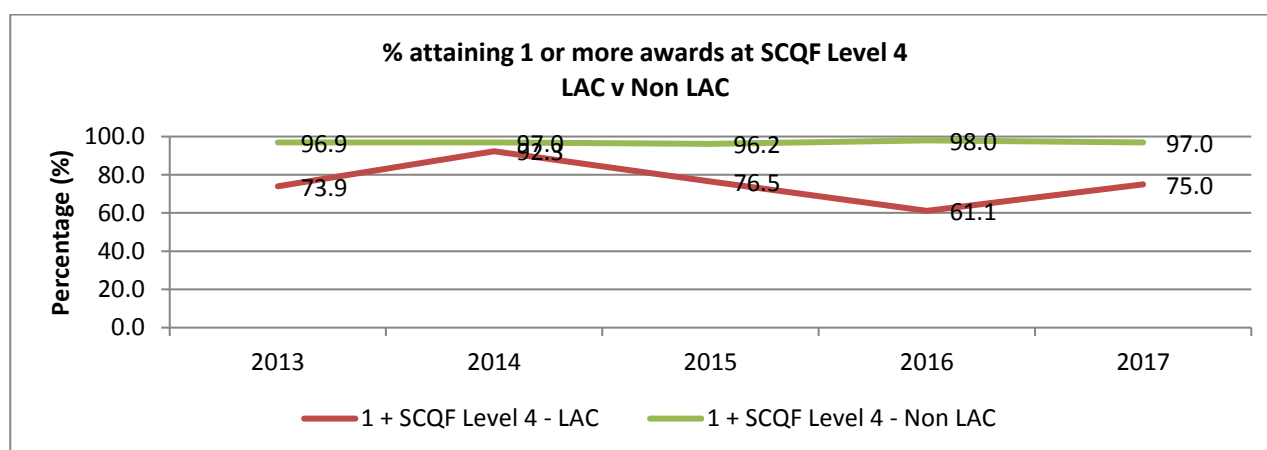
- 39.3% of school leavers from the 30% most deprived areas gained 1 or more qualifications at SCQF Level 6 in 2016/17, a drop of 2.9% on the previous year and an increase of 6.8 percentage points since 2013. The gap between East Lothian leavers from the 30% most and the 30% least deprived areas in 2017 increased slightly by 0.9 percentage points on the previous year. Overall, the gap shows a fluctuating but improved trend over the five-year period decreasing from 43.9 percentage points in 2013 to 38.7 points in 2017.

Looked After status

Figures 9 to 10 below detail the gap in attainment at SCQF Levels 4 to 5 for school leavers in East Lothian by Looked After (LAC) status.

School leavers who are looked after typically have lower attainment compared to those who are not looked after. Similar to the SIMD trends, the attainment gap between school leavers who are looked after and those that are not looked after is wider at higher levels of qualifications. The attainment gap increases from 21 percentage points on average at SCQF Level 4 to 52 percentage points on average at SCQF Level 5.

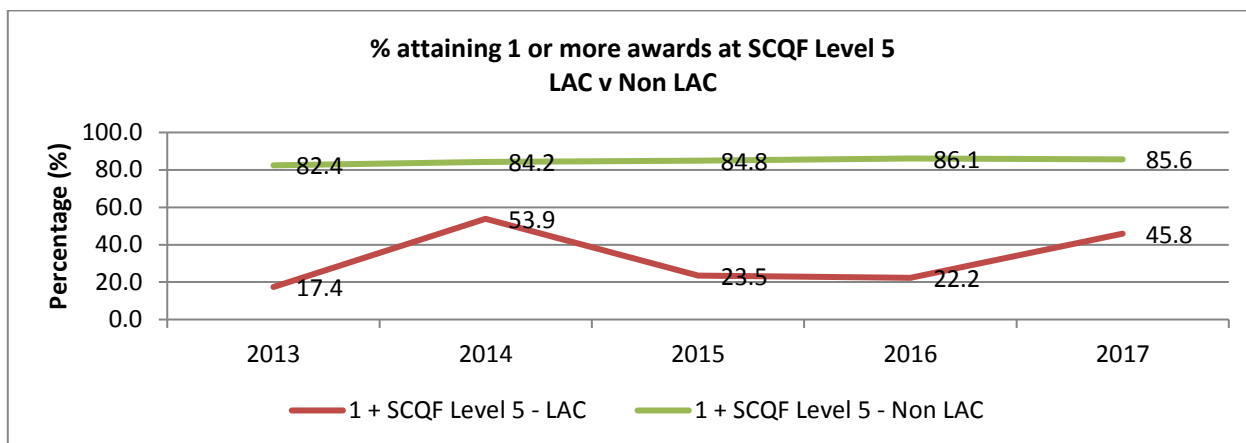
Figure 9: Percentage of school leavers attaining 1 or more awards at SCQF Level 4 by LAC status



- 75% of looked after school leavers gained 1 or more qualifications at SCQF Level 4 in 2016/17, an increase of 13.9% on the previous year. The gap between leavers who are looked after and those who are not decreased by 14.9 percentage points on the previous year to 22 points in 2017. Overall, the trend has fluctuated widely due to the small numbers in the looked after cohort.

Figure 10.../

Figure 10: Percentage of school leavers attaining 1 or more awards at SCQF Level 4 by LAC status



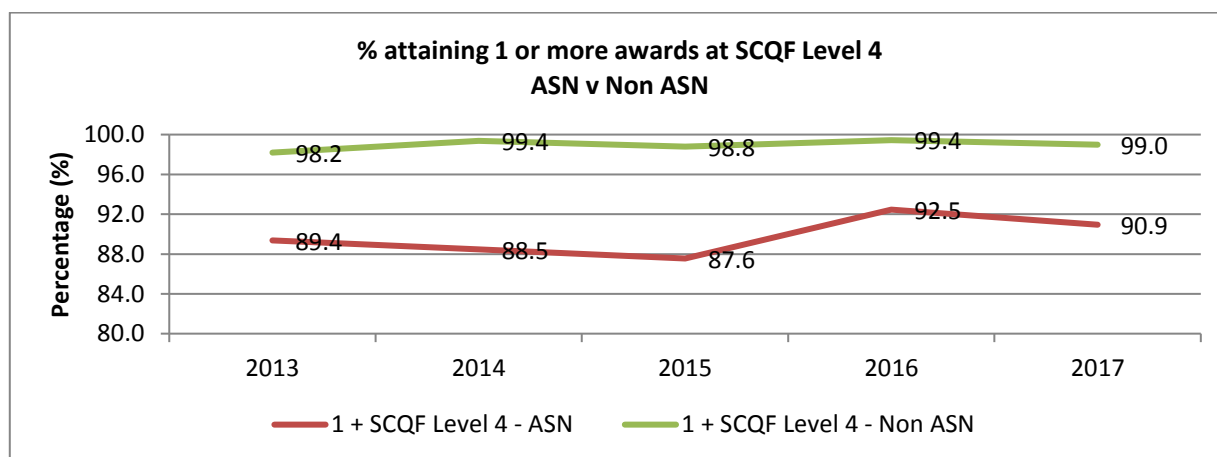
- 45.8% of looked after school leavers gained 1 or more qualifications at SCQF Level 5 in 2016/17, an increase of 23.6% on the previous year. The gap between leavers who are looked after and those who are not decreased by 24.1 percentage points on the previous year to 39.8 points in 2017. Overall, the trend has fluctuated widely due to the small numbers in the looked after cohort.

Additional Support Needs status

Figures 11 to 13 below detail the gap in attainment at SCQF Levels 4 to 6 for school leavers in East Lothian by Additional Support Needs (ASN) status.

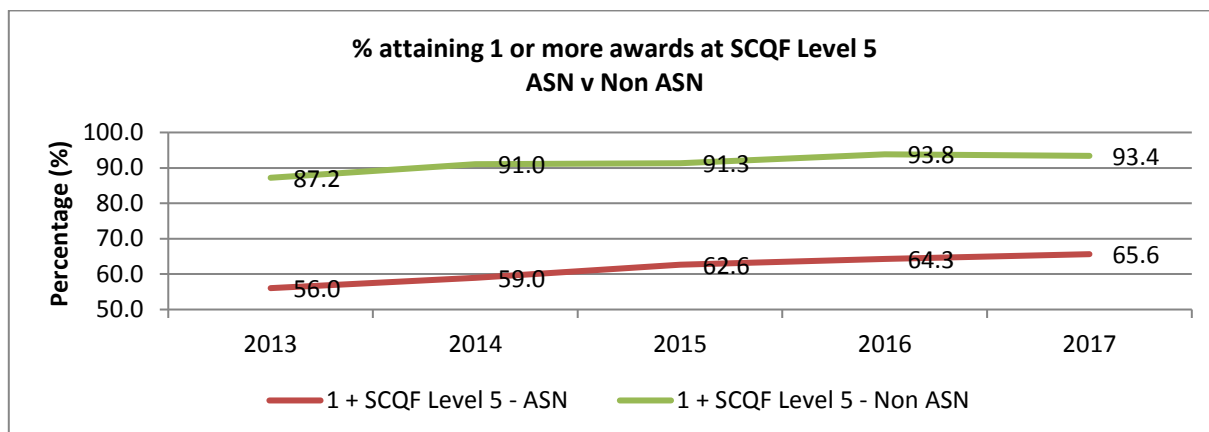
School leavers with additional support needs typically have lower attainment compared to school leavers with no additional support needs. Again, similar to the SIMD trends, the attainment gap between school leavers with ASN and those without ASN is wider at higher levels of qualifications. The attainment gap increases from 9 percentage points on average at SCQF Level 4 to 30 percentage points on average at SCQF Level 5 and 41 percentage points at SCQF Level 6.

Figure 11: Percentage of school leavers attaining 1 or more awards at SCQF Level 4 by ASN status



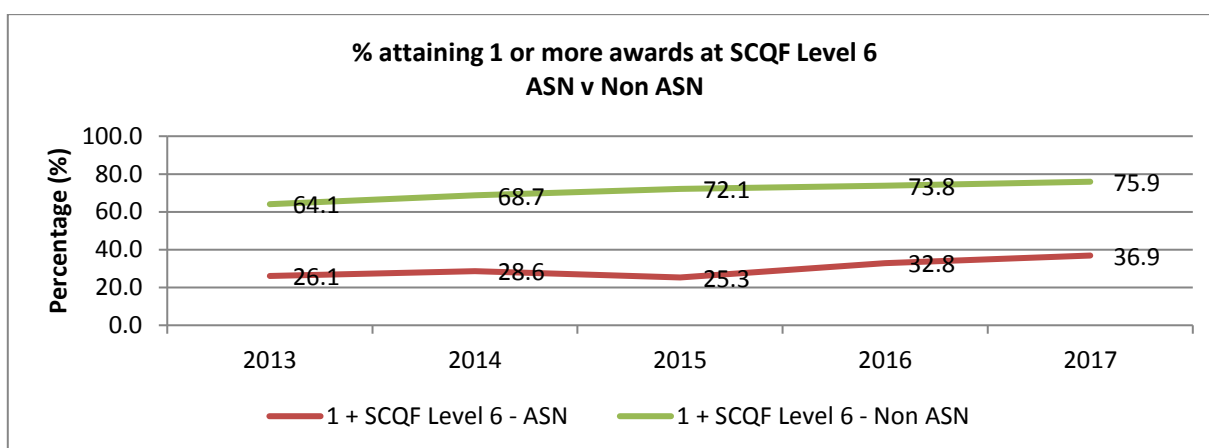
- 90.9% of school leavers with an additional support need gained 1 or more qualifications at SCQF Level 4 in 2016/17, a decrease of 1.5% on the previous year and an increase of 1.6 percentage points since 2013. The gap between East Lothian leavers with an additional support need and those without in 2017 increased by 1.1 percentage points on the previous year. Overall, the gap shows a slight decrease over the five-year period from 8.8 percentage points in 2013 to 8.1 points in 2017.

Figure 12: Percentage of school leavers attaining 1 or more awards at SCQF Level 5 by ASN status



- 65.6% of school leavers with an additional support need gained 1 or more qualifications at SCQF Level 5 in 2016/17, an increase of 1.4% on the previous year and an increase of 1.6 percentage points since 2013. The gap between East Lothian leavers with an additional support need and those without in 2017 decreased by 1.8 percentage points on the previous year. Overall, the gap shows a decrease over the five-year period from 31.2 percentage points in 2013 to 27.8 points in 2017.

Figure 13: Percentage of school leavers attaining 1 or more awards at SCQF Level 6 by ASN status



- 36.9% of school leavers with an additional support need gained 1 or more qualifications at SCQF Level 6 in 2016/17, an increase of 4.1% on the previous year and an increase of 10.8 percentage points since 2013. The gap between East Lothian leavers with an additional support need and those without in 2017 decreased by 1.9 percentage points on the previous year. Overall, the gap shows a slight increase over the five-year period from 38.0 percentage points in 2013 to 39.1 points in 2017.

REPORT TO: Education Committee

MEETING DATE: 19 June 2018

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Positive School Leaver Destinations 2016/17

4

1 PURPOSE

- 1.1 To inform the Committee of trends in the initial destinations of pupils who left East Lothian schools using the 'Increasing post-school participation' measure from Insight.

2 RECOMMENDATIONS

- 2.1 The Committee is asked to consider and note the contents of the report and to endorse the steps being taken to improve further school leavers' positive destinations.

3 BACKGROUND

- 3.1 Improvement in employability skills and sustained, positive school leaver destinations for all young people is one of the key priorities in the National Improvement Framework for Scottish Education.
- 3.2 The initial destination of school leavers' data is used by schools and Education Authorities across Scotland to monitor progress in improving the proportion of school leavers in positive and sustained destinations.
- 3.3 Information on the initial destinations of school leavers is provided from the 'Opportunities for All' shared dataset managed by Skills Development Scotland (SDS). The data on initial post school destinations in this report is taken from the February 2018 release of the senior phase benchmarking tool, 'Insight' and forms one of the four National Benchmarking measures. The data provides information on the outcomes for young people as

recorded in October 2017, approximately three months after leaving school.

- 3.4 The data on initial post-school destinations for 2016/17 was reported on nationally and published by the Scottish Government on 27 February 2018: <http://www.gov.scot/Topics/Statistics/Browse/School-Education/SeniorLeavers>
- 3.5 This report compares East Lothian initial school leaver destinations with the Virtual Comparator and the National Establishment (i.e. national average). Figures are provided in most cases for both the national average and the Virtual Comparator, however, the Virtual Comparator is seen as the key benchmark for helping schools and authorities understand their strengths and areas for improvement. The Virtual Comparator takes the characteristics of each pupil in East Lothian and matches them to 10 pupils with similar characteristics and backgrounds from schools in other local authorities across Scotland.
- 3.6 This report will explore how the Education Authority has performed over the five-year period since 2012/13 to 2016/17 in relation to the national average and it's Virtual Comparator. The main highlights for East Lothian in 2016/17 are provided in paragraph 3.7. A detailed breakdown of East Lothian's performance from 2012/13 to 2016/17 is provided in Appendix 1.

Summary of Results for East Lothian 2016/17

- 3.7 The main findings for East Lothian are:
- 94% of 2016/17 school leavers were in a positive destination approximately three months after leaving school compared to 93.5 per cent in 2015/16.
 - The percentage of leavers in positive initial destinations has increased 4 percentage points over the five year period from 2012/13 when 90% of pupils were in a positive destination.
 - 63.6% of school leavers continued their education within Higher or Further Education establishments in 2016/17 compared to 61.2% in 2015/16.
 - The percentage of leavers entering employment decreased from 28.3% in 2015/16 to 25.7% in 2016/17. The percentage of leavers in training has decreased very slightly by 0.2 percentage points (2.3% in 2016/17 compared to 2.5% in 2015/16). The increase in continuing education within HE or FE is reducing the numbers entering employment or training.
 - In 2016/17 the percentage of East Lothian looked after young people moving into positive destinations is higher than the national average.

- In 2016/17 the percentage of East Lothian school leavers with additional support needs moving into positive destinations is higher than the national average.
- The percentage of East Lothian school leavers living in the most deprived 30% areas in a positive initial destination decreased slightly by 0.6 percentage points (89.3% in 2015/16 to 88.7% per cent in 2016/17) just below the national average (90.3%) and Virtual Comparator (90.2%).
- The percentage point gap in positive initial destinations (the difference between the most and least deprived areas) remained relatively static at 8.4 percentage points in 2016/17.

Next Steps

- 3.8 Overall, there have been improvements in the trends of young people going on to a positive school leaver destination with almost all young people (94%) in a positive destination in 2016/17. This represents a 4% increase over the last 5 years. There has also been an increase in the number of young people continuing their education within Higher or Further education establishments, from 61.2% in 2015/16 to 63.6% in 2016/17. Whilst these results are very positive, the Education Service is not complacent. The Education Service Improvement Plan sets out a key target within our overarching theme of supporting improvement in employability skills and sustained, positive school leaver destinations for all young people. We will continue to focus on improving the numbers of school leavers who live in the most deprived areas to move on to a positive and sustained school leaver destination. The Lead Officer School Estate and Curriculum is working closely with East Lothian Works and external partners to improve the range of pathways post-school.
- 3.9 The initial school leaver destinations data will be used to inform each school's and the local authority annual Standards and Quality Report which is published each session.

4 POLICY IMPLICATIONS

- 4.1 There are no direct policy implications associated with this report.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - none
- 6.2 Personnel - none
- 6.3 Other - none

7 BACKGROUND PAPERS

- 7.1 None

Appendix 1 – East Lothian Initial School Leaver Destinations to 2012/13 to 2016/17

AUTHOR'S NAME	Pauline Smith
DESIGNATION	Principal Officer (Information & Research)
CONTACT INFO	Ext: 7957 email: psmith@eastlothian.gov.uk
DATE	21 May 2018

East Lothian Council - Education Service

East Lothian Initial School Leaver Destinations 2012/13 to 2016/17

1. Background Notes

This report compares the performance of East Lothian school leavers against the Insight Leavers Initial Destinations 'Increasing Post-school Participation' National Benchmarking Measure since 2012/13.

- The figures are taken from the February 2018 release of Insight. The leavers' cohort will include a mixture of pupils from S4, S5 and S6.
- Figures 1 to 8 and Tables 1 to 4 and commentary in section 2, detail the progress made by East Lothian pupils against the Virtual Comparator and the National Establishment (i.e. national average) over the last 5 years. Figures are provided in most cases for both the National Establishment and the Virtual Comparator, however, the Virtual Comparator is seen as the key benchmark for helping schools and Education Authorities understand their strengths and areas for improvement.
- The Virtual Comparator takes the characteristics of each pupil in East Lothian and matches them to 10 pupils with similar characteristics from schools in other local authorities across Scotland, offering a fairer comparison.
- When the cohort being compared relates to a small number of pupils (less than 20 pupils as a rule of thumb provided by the Scottish Government), the trends are more likely to fluctuate over time and, therefore, are less likely to be significant. Data is suppressed where it relates to a cohort, or part of a cohort, of fewer than five pupils to prevent the identification of individuals.
- Where Insight testing has found that comparisons between the East Lothian performance and its Virtual Comparator is statistically significant and large enough to be considered of important educational value, this information has been included in the commentary in section 2 of this document. The following graded shading is also used in tables to visualise where Insight testing has found the comparisons to be significant:

Colour Shading	East Lothian's performance relative to Virtual Comparator (VC)
	much greater than VC
	greater than VC
	lower than VC
	much lower than VC

- In most tables, three-year averages, a five year net score or percentage point change and five year 'Trend' are presented with the annual performance. This provides an indication of an overall declining or improving trend by East Lothian schools in relation to the Virtual Comparator. The net change is the sum of the score or percentage point difference from one year to the next over the five-year period. The 'Trend' is the average annual percentage or score point change over the number of years given. A positive value (coloured green) indicates an improving trend on average over the period and a negative value (coloured red) indicates a declining trend.

2. **National Benchmarking Measure: Increasing Post-School Participation (Initial Destinations)**

The ‘Increasing Post-School Participation’ measure features as one of the strategic long-term outcome indicators in Outcome 4 of East Lothian’s Single Outcome Agreement, with a focus on all school leavers and looked after (LAC) school leavers. It also features as an indicator in Contributory Outcome 4.1 with a focus on school leavers with an additional support need (ASN).

Figure 1 and Table 1 below detail the progress made by East Lothian against its Virtual Comparator and the National Establishment in relation to the percentage of all school leavers in an initial positive destination (i.e. approximately three months after leaving school).

Figure 1: Percentage of all school leavers in a positive destination (initial destinations) since 2012/13

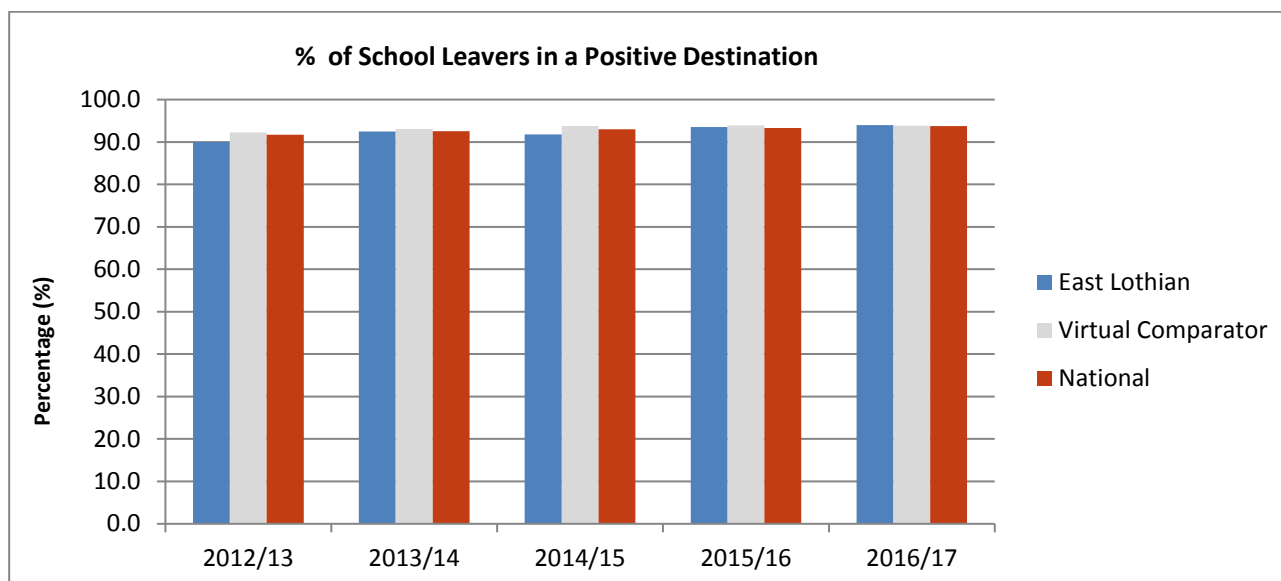


Table 1: Percentage of all school leavers in a positive destination (initial destinations) since 2012/13

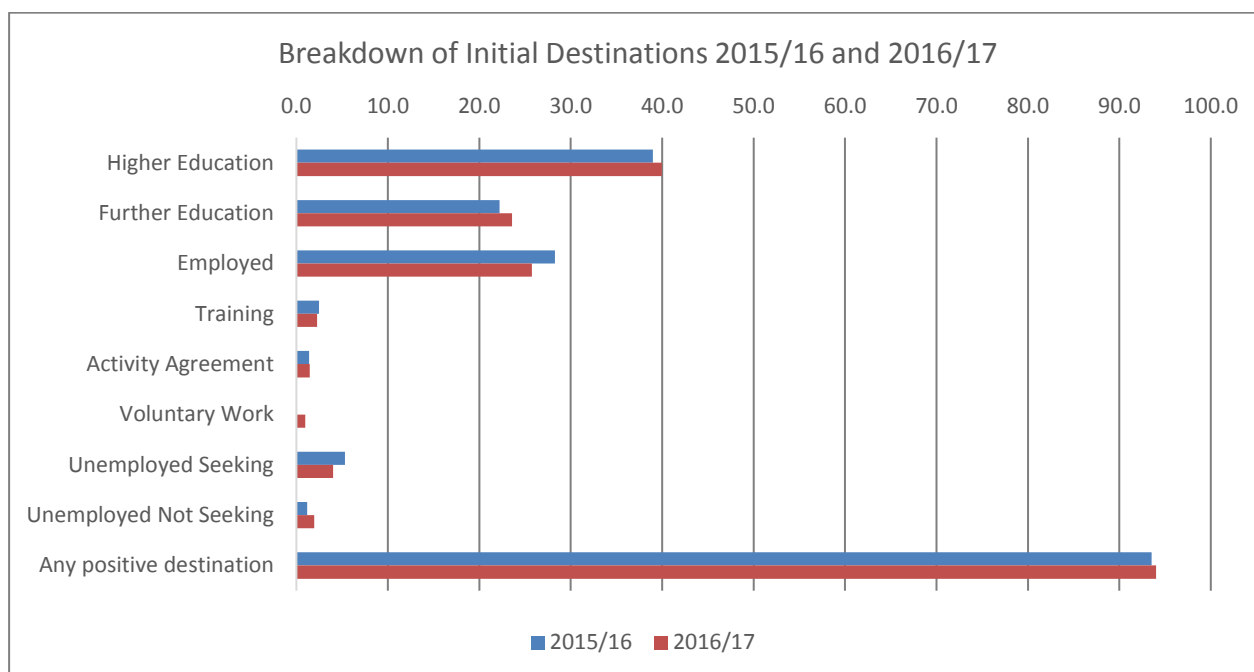
All School Leavers	2012/13	2013/14	2014/15	2015/16	2016/17	3 Year Ave	2017 % point change (+/-) on 2016	5 Year Trend	5 Yr % Point Net Change (+/-)
East Lothian	90.0	92.4	91.8	93.5	94.0	93.1	0.5	1.01	4.05
Virtual Comparator	92.3	93.1	93.7	93.9	93.9	93.8	-0.1	0.40	1.58
National	91.7	92.5	93.0	93.3	93.7	93.4	0.4	0.50	2.01

Comments on Table 1:

- 94.0% of all school leavers in East Lothian went into a positive destination in 2016/17, an increase of 0.5% on the previous year, slightly above the national average (93.7%) and the Virtual Comparator (93.9%). The percentage of school leavers in East Lothian entering an initial positive destination shows an improved trend over the five years, increasing by 4 percentage points overall since 2012/13.
- Since 2012/13 the percentage gap between East Lothian and the Virtual Comparator has reduced by more than 2 percentage points. While East Lothian’s performance is considered lower than the Virtual Comparator in 2012/13 and 2014/15, Insight testing did not find any significant comparisons between East Lothian’s performance and the Virtual Comparator over the last 2 years.

‘Positive Destinations’ include higher education, further education, voluntary work, employment and activity agreements. *Figure 2* below shows the percentage of East Lothian school leavers from 2016/17 compared with 2015/16 in positive destinations as well as the percentage of leavers who were unemployed. *Table 2* further details the breakdown of ‘positive destinations’ since 2012/13.

Figure 2: Percentage of East Lothian school leavers in positive destinations by initial destination type in 2015/16 and 2016/17



- Most young people in East Lothian continue into further or higher education on leaving school. 63.6% of school leavers continued their education within Higher or Further Education establishments in 2016/17 compared to 61.2% in 2015/16. There has been a one percentage point increase in leavers continuing to higher education (40% in 2016/17 compared to 39% in 2015/16) and a 1.4 percentage point increase in leavers continuing on to further education (23.6% in 2016/17 compared to 22.2% in 2015/16).
- The percentage of leavers entering employment decreased from 28.3% in 2015/16 to 25.7% in 2016/17.
- The percentage of leavers in training has decreased very slightly by 0.2 percentage points (2.3% in 2016/17 compared to 2.5% in 2015/16).

Table 2 that follows further details the breakdown of ‘positive destinations’ by destination type since 2012/13.

Table 2.../

Table 2: Percentage of East Lothian school leavers in positive destinations since 2012/13 by initial destination type

Establishment	Year of Leaving	HE	FE	Training	Employment	Voluntary	Activity Agreement
East Lothian	2012/13	35.0	24.9	4.3	23.2	0.9	1.6
	2013/14	38.9	19.7	4.8	27.2	0.8	1.2
	2014/15	35.5	23.4	3.7	28.7	*	*
	2015/16	39.0	22.2	2.5	28.3	*	1.4
	2016/17	40.0	23.6	2.3	25.7	1.0	1.5
	(+/-) change on 2016	1.0	1.4	-0.2	-2.6	*	0.1
	3yr ave	38.2	23.1	2.8	27.6	*	*
	5 Yr % Point net change (+/-)	4.94	-1.32	-2.08	2.57	*	*
	5yr trend	1.24	-0.33	-0.52	0.64	*	*
Virtual Comparator	2012/13	40.0	26.0	4.1	20.2	0.6	1.3
	2013/14	42.7	24.5	3.1	21.4	0.5	0.9
	2014/15	41.2	27.0	3.0	21.1	0.5	1.0
	2015/16	42.4	25.9	2.1	21.7	0.7	1.2
	2016/17	44.7	24.6	2.1	20.7	0.5	1.3
	(+/-) change on 2016	2.3	-1.3	0.0	-1.0	-0.2	0.1
	3yr ave	42.8	25.8	2.4	21.2	0.6	1.1
	5 Yr % Point net change (+/-)	4.74	-1.40	-2.03	0.54	-0.18	-0.07
	5yr trend	1.19	-0.35	-0.51	0.14	-0.05	0.29
National	2012/13	37.1	27.7	4.8	20.4	0.5	1.3
	2013/14	39.1	26.3	4.0	21.7	0.4	1.0
	2014/15	38.8	27.6	3.8	21.4	0.4	0.9
	2015/16	40.3	26.6	2.6	22.3	0.5	1.0
	2016/17	40.7	26.8	2.4	22.0	0.6	1.2
	(+/-) change on 2016	0.4	0.2	-0.2	-0.3	0.0	0.2
	3yr ave	40.0	27.0	2.9	21.9	0.5	1.1
	5 Yr % Point net change (+/-)	3.57	-0.82	-2.35	1.60	0.04	-0.04
	5yr trend	0.89	-0.21	-0.59	0.40	0.01	-0.01

Comments on Table 2:

- Over the last five years there has been a 5 percentage point increase in the percentage of school leavers continuing their education beyond school in higher education (35% in 2012/13 compared to 40% in 2016/17). The percentage difference has fluctuated between three and six percentage points lower than the Virtual Comparator across the same period but has been broadly in line with the national average.
- Over the same period the percentage of school leavers continuing their education in further education has remained broadly constant at 23% on average. The percentage difference is typically between one and five percentage points lower than the Virtual Comparator and between three and percentage points lower than the national average.
- The percentage of school leavers entering employment in East Lothian has fluctuated over the five-year period, having been typically between three and eight percentage points higher than the Virtual Comparator and national average across the years.

- As with the national trend, the percentage of school leavers in training has decreased over the last five years from 2012/13 when 4.3% of pupils entered training to 2.3% in 2016/17.
- The percentage of school leavers in activity agreements or undertaking voluntary work has remained low over the last five years (1.5% and 1% respectively in 2016/17).

Table 3 below details the progress made by East Lothian against its Virtual Comparator and the National Establishment in relation to the percentage of all looked after school leavers, who left East Lothian Schools and went into a positive destination.

Table 3: Percentage of all looked after school leavers in a positive destination (initial destinations) since 2012/13

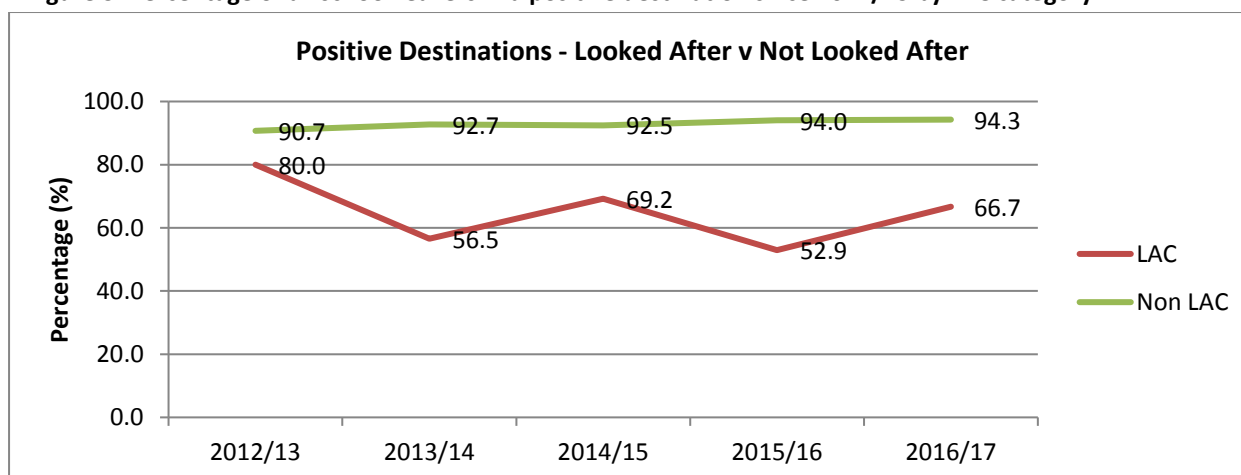
Looked After School Leavers	2012/13	2013/14	2014/15	2015/16	2016/17	3 Year Ave	2017 % point change (+/-) on 2016	5 Year Trend	5 Yr % Point Net Change (+/-)
East Lothian	56.5	69.2	52.9	66.7	83.3	67.6	16.7	6.70	26.81
Virtual Comparator	88.3	86.2	82.9	86.1	86.3	85.1	0.1	-0.50	-2.01
National	70.2	73.3	74.6	73.6	76.4	74.9	2.7	1.54	6.14

Comments on Table 3:

- In 2016/17, 83.3% of all East Lothian looked after school leavers went into a positive destination, a 16.7% increase on the previous year and a net increase of 26.8 percentage points overall since 2012/13. The East Lothian percentage has been typically lower than both the Virtual Comparator and national average over the last four years, having fluctuated widely from year to year due to the small numbers within the looked after cohort. In 2016/17 the percentage of East Lothian looked after young people moving into positive destinations is higher than the national average.
- The data relating to looked after school leavers in East Lothian is based on small cohorts of between 9 and 20 pupils (approx. 1.9% of the leavers’ cohort on average). Trends are more likely to fluctuate over time and, therefore, are less likely to be significant. Care must be taken when drawing any conclusions about performance over time in relation to looked after pupils.

Figure 3 shows the gap in positive destinations for school leavers in East Lothian by looked after category since 2012/13.

Figure 3: Percentage of all school leavers in a positive destination since 2012/13 by LAC category



- The gap in positive destinations between East Lothian LAC and non LAC leavers in 2016/17 decreased on the previous year from 41 to 28 percentage points. The gap has fluctuated widely over the last five years as a result of the small cohort with the percentage of looked after leavers in positive destinations typically between 10 and 41 percentage points lower than those not looked after.

Due to the small number of pupils involved in the calculations it is not appropriate to publish a breakdown of the initial destinations for leavers who are looked after.

Table 4 below details the progress made by East Lothian against its Virtual Comparator and the National Establishment in relation to the percentage of school leavers with an additional support need (ASN) who left East Lothian Schools and went into a positive destination.

Table 4: Percentage of school leavers with additional support needs in a positive destination (initial destinations) since 2012/13

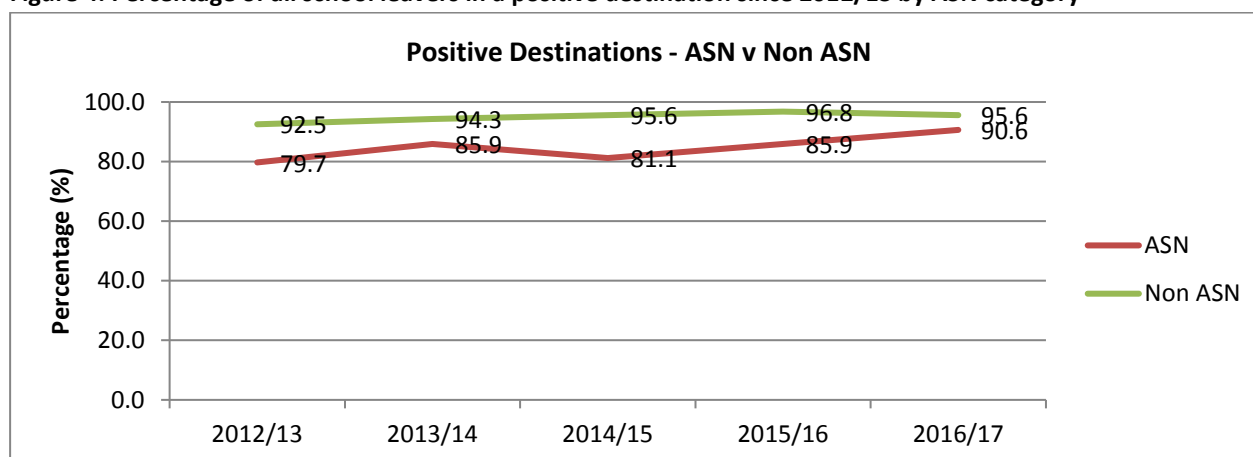
School Leavers with ASN	2012/13	2013/14	2014/15	2015/16	2016/17	3 Year Ave	2017 % point change (+/-) on 2016	5 Year Trend	5 Yr % Point Net Change (+/-)
East Lothian	79.7	85.9	81.1	85.9	90.6	85.9	4.7	2.73	10.92
Virtual Comparator	88.5	87.8	89.7	88.8	89.3	89.3	0.5	0.20	0.78
National	87.2	87.4	88.2	88.6	89.4	88.7	0.8	0.55	2.20

Comments on Table 4:

- In 2016/17 90.6% of East Lothian school leavers with ASN went into a positive destination, a 4.7% increase on the previous year and a net increase of 10.9 percentage points since 2012/13. The East Lothian percentage has been typically lower than both the Virtual Comparator and national average over the last five years and shows a fluctuating but overall improved trend. School leavers with an additional support need made up 31.4% school leavers cohort in East Lothian in 2016/17.

Figure 4 below shows the gap in positive destinations for school leavers in East Lothian by looked after category since 2012/13.

Figure 4: Percentage of all school leavers in a positive destination since 2012/13 by ASN category

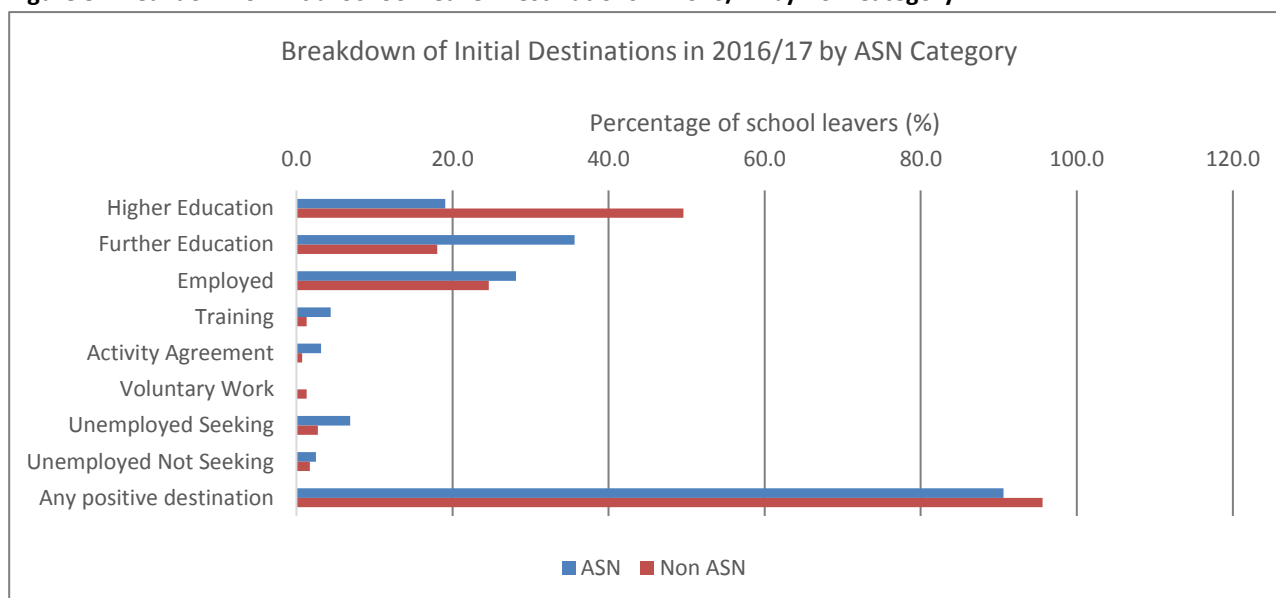


- The gap in positive destinations between East Lothian leavers with ASN and without ASN in 2016/17 decreased on the previous year from 11 to 5 percentage points. The gap has

fluctuated over the last five years with the percentage of ASN leavers in positive destinations between 8 and 15 percentage points lower than those without ASN. Overall, the gap has decreased over the five-year period from 12.8% in 2012/13 to 4.9% in 2016/17.

Figure 5 below details the breakdown of initial destinations of East Lothian school leavers who had an additional support need compared to leavers who did not.

Figure 5: Breakdown of Initial School Leaver Destinations in 2016/17 by ASN Category

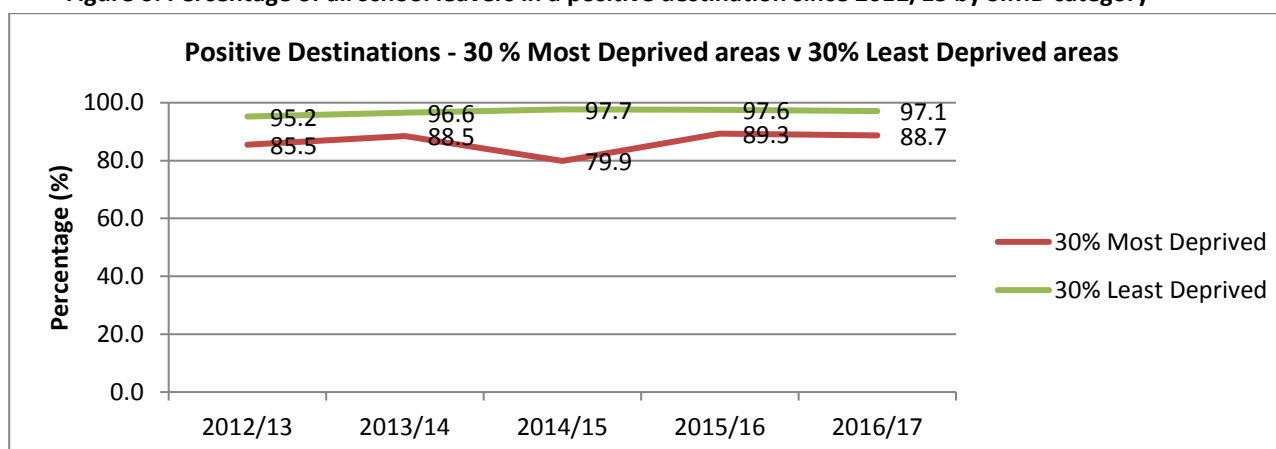


- Of the various types of positive destinations, the most notable difference is the proportion entering further education where 36% of leavers with additional support needs entered compared to 18.1% of leavers who did not have an additional support need.

Initial Leaver Destinations: Closing the Gap (SIMD)

Figures 6 to 7 below show the gap in positive destinations for school leavers in East Lothian by SIMD category since 2012/13.

Figure 6: Percentage of all school leavers in a positive destination since 2012/13 by SIMD category

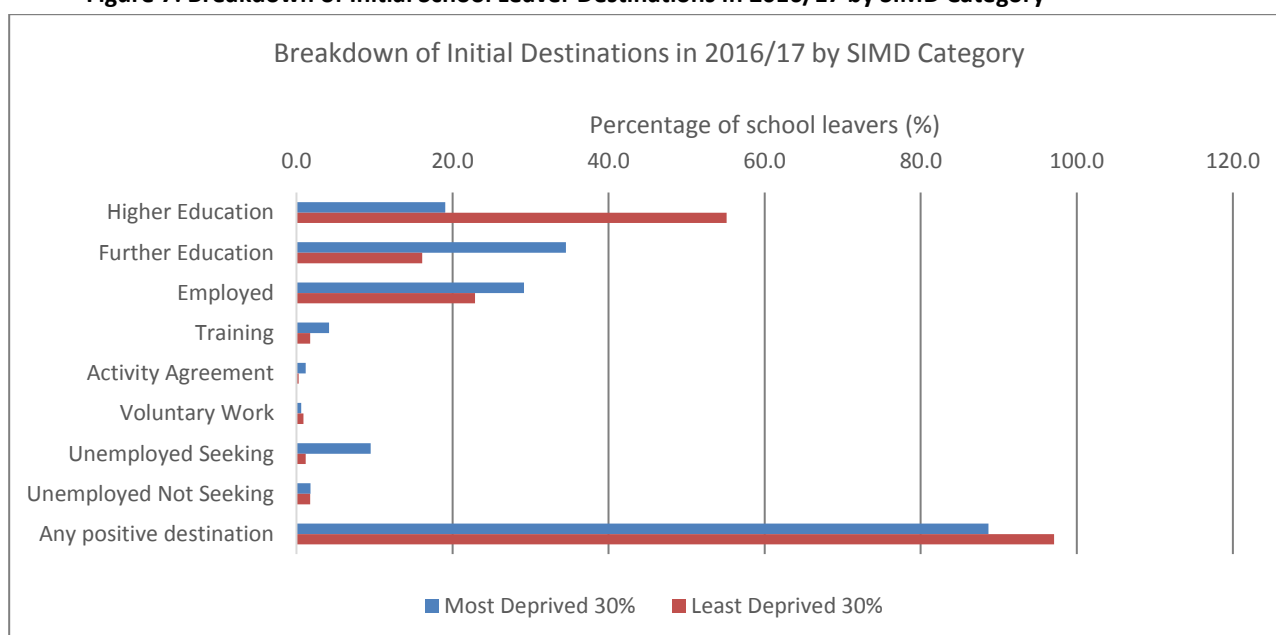


- 88.7% of school leavers living in the 30% most deprived areas went into a positive destination in 2016/17, a decrease of 0.6 percentage points on the previous year. The gap in positive destinations between East Lothian leavers from the 30% most deprived areas and the 30% least

deprived areas has fluctuated in East Lothian over the last five years with the percentage of leavers in positive destinations from the 30% most deprived areas between 8% and 18% lower than those from the 30% least deprived areas. Overall, the gap has decreased slightly over the five-year period from 9.7% in 2012/13 to 8.4% in 2016/7. School leavers living in the 30% most deprived areas in 2016/17 made up 16.5% of the school leavers cohort in East Lothian. Those living in the least 30% deprived areas made up 33.5% of the school leavers' cohort in 2016/17.

Figure 7 below details the breakdown of initial destinations of East Lothian school leavers in 2016/17 from the most deprived 30% areas compared to leavers from the least deprived 30% areas.

Figure 7: Breakdown of Initial School Leaver Destinations in 2016/17 by SIMD Category



- Of the various types of positive destinations, the most notable difference is the proportion entering further or higher education. 54% of leavers from the 30% most deprived areas entered further or higher education compared to 71.3% of leavers from the 30% least deprived areas.

REPORT TO: Education Committee

MEETING DATE: 19 June 2018

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: 'Included Engaged and Involved: A Positive Approach to Preventing and Managing School Exclusions'

5

1 PURPOSE

- 1.1 To ask the Committee to consider the draft 'Included Engaged and Involved: A Positive Approach to Preventing and Managing School Exclusions (Appendix 1) following further consultation.
- 1.2 To make the Committee aware of the updated East Lothian Council Policy for the prevention and management of exclusion from school in line with Scottish Government guidance and the legislative framework.

2 RECOMMENDATIONS

- 2.1 The Committee is asked to:-
 - i. Approve the draft Policy 'Included Engaged and Involved: A Positive Approach to Preventing and Managing School Exclusions' (Appendix 1).
 - ii. Note specifically the guiding principles, legislative context, exclusion procedures, procedures prior to exclusion and procedures for appeals against an exclusion.

3 BACKGROUND

- 3.1 At the 13 March 2018 Education Committee it was agreed further consultation would take place with stakeholders on the draft policy "Included Engaged and Involved: A positive Approach to Preventing and Managing School Exclusions".
- 3.2 The feedback from the further consultation was largely positive regarding the Policy. Consultation took place with young people. They asked for a number of areas to be strengthened which included the number of

professionals at the re-admission meeting being kept to a minimum and the Policy has been updated to take account of this.

- 3.3 East Lothian is committed to providing the best education service in Scotland through a relentless focus on Inclusion, Ambition and Progress for All. We are committed to creating and sustaining a safe, positive and inclusive environment where respect is shown to and is given by all of its children, young people staff, and parents/carers.
- 3.4 It is recognised by Education Scotland and Scotland's Commissioner for Children and Young People that a school's culture, ethos and values are fundamental to promoting positive relationships and behaviour. Schools with a positive ethos promote pupil and staff participation, encourage achievement, celebrate success and have high expectations of every learner. These schools are shown to have lower exclusion rates and experience less disruptive behaviour.
- 3.5 Since 2011 there has been an overall drop in exclusion rates in Scottish schools. The overall rate in East Lothian has reduced however rates have shown fluctuations year on year and have not been consistent.
- 3.6 East Lothian temporary exclusion rates are above that of the national rates. In session 2016 / 2017 there were 34.2 pupils per 1,000 pupils excluded from East Lothian schools compared to 26.8 pupils per 1,000 pupils excluded as a national average. In sessions 2010/11, 2012/13, 2014/15 the temporary exclusion rate per 1,000 pupils in East Lothian have been greater than the national average temporary exclusion rate.

Cases of exclusion and rate per 1,000 pupils by type of exclusion

East Lothian Rates	2010/11	2012/13	2014/15	2016/17
Exclusions in total	642	478	492	482
Of which:				
Temporary exclusions	642	478	492	482
Removed from register	0	0	0	0
Exclusion rate per 1,000 pupils				
Of which				
Temporary exclusion rate	48.4	35	35.9	34.2
Removed from register rate	0.0	0.0	0.0	0.0
National Rates	2010/11	2012/13	2014/15	2016/17
Exclusions in total	26,844	21,955	18,430	18,377
Of which:				
Temporary exclusions	26,784	21,934	18,425	18,376
Removed from register	60	21	5	1
Exclusion rate per 1,000 pupils	40.0	32.8	27.2	26.8
Of which				
Temporary exclusion rate	39.9	32.7	27.2	26.8
Removed from register rate	0.1	0.0	0.0	0.0

- 3.7 The overall drop in temporary exclusion rates reflects the focus that staff and schools have placed on promoting inclusion and positive behaviour.
- 3.8 National statistics on exclusions from schools indicate that learners are more likely to be excluded where they:
- Are assessed or declared as having a disability;
 - Are looked after;
 - Are from the most deprived areas;
 - Have an Additional Support Need;
 - Have an Additional Support Need that has been identified as social and emotional and behavioural

Exclusions from schools in East Lothian mirror this national trend.

- 3.9 This Policy supports our school communities to keep learners included, engaged and involved in their education and to improve outcomes for all East Lothian children and young people. This forms part of East Lothian's stronger focus on approaches that can be used to prevent the need for exclusion through positive relationships in East Lothian Schools.
- 3.10 Staff training on Attachment, Restorative Approaches and Nurturing Approaches has been established throughout East Lothian schools led by the Educational Psychological Service.

THE POLICY

- 3.11 This Policy is designed to ensure a consistent approach across East Lothian which is in line with the Scottish Government's guidance *'Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions (2017)'*.
- 3.12 The Policy sets out an emphasis on prevention, early intervention and response to individual need in line with the principles of Getting it Right For Every Child (GIRFEC).
- 3.13 The Policy states that exclusion from school should only be used as a last resort and must be a proportionate response where there is no alternative. All facts and circumstances should always be considered. Exclusion should not be used as a punitive measure.
- 3.14 It is vital that the purpose of an exclusion and the impact on the learner should be taken into consideration, including the long term impact on life chances.
- 3.15 The wellbeing and safety of the whole school community should be taken into account when an exclusion is being considered.

- 3.16 The Policy will be introduced within all East Lothian Education Settings. All partner agencies and colleagues will be informed of the Policy.
- 3.17 A process of consultation on this draft policy was undertaken involving all Head Teachers, Deputy Head Teachers in secondary schools, Quality Improvement Team, Principal Educational Psychologist and Educational Psychologist Team, Children's Wellbeing Management Team, Champion's Board and Parent Council Chairs.

MONITORING AND REVIEW

- 3.18 East Lothian Council's Head of Education and Education Officers will monitor and review the development of positive approaches in schools.
- 3.19 The Education Management Information System (SEEMIS) will provide valuable data which will allow outcomes to be measured through review process.
- 3.20 A report will be made annually by the Head of Education on exclusions in East Lothian. This information will be collated from Education Management Information System (SEEMIS) and included within the Council's performance report.
- 3.21 A Monitoring and Review Group will meet throughout the year to discuss data and the impact of Positive Approaches in reducing exclusion.

4 POLICY IMPLICATIONS

- 4.1 The implementation of this Policy will ensure the local authority complies with legislation and Scottish Government's 'National Approach'.
- 4.2 East Lothian Council will continue to develop policies that promote integrated approaches with other services which will support pupils to maintain their school placements.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified. The policy will have a positive impact on equalities for all.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none
- 6.2 Personnel – none

- 6.3 Other - A programme of training will be provided to ensure a realignment of current practices and embedding of positive approaches to preventing exclusions. This will be provided through existing budgets.

7 BACKGROUND PAPERS

- 7.1 Children and Young People (Scotland) Act 2014
United Nations Convention on the Rights of the Child (UNCRC)
Scottish Government: Included, Engaged and Involved Part 2
- 7.2 Included Engaged and Involved: A Positive Approach to Preventing and Managing School Exclusion (Appendix 1)

AUTHOR'S NAME	Fraser Parkinson
DESIGNATION	Principal Officer Inclusion and Equality
CONTACT INFO	Tel Number – 01620827961 E-mail – fparkinson@eastlothian.gov.uk
DATE	21 May 2018



Included Engaged and Involved: A Positive Approach to Preventing and Managing School Exclusions

May 2018

**getting
it right**
for every child

Contents

1	Introduction	4
1.1	Key Principles	6
1.2	School Culture, Ethos and Values	7
2	Strategic Approaches for Developing Positive Relationships and Behaviour	9
2.1	Recognising and Realising Children’s Rights	9
2.2	Seven Golden Rules for Participation.....	10
2.3	Nurturing Schools.....	10
2.4	Restorative Approaches	12
2.5	Solution Oriented Approaches.....	13
3	Impact of Exclusion from School	15
4	Legislative Context.....	15
4.1	Human Rights Principle.....	15
4.2	Legal Capacity	16
4.3	Power to Exclude	16
4.4	Grounds for Exclusion	17
4.5	Sending Home without Exclusion	18
5	Consideration of Individual Circumstances.....	18
5.1	Additional Support Needs.....	19
5.2	The Equality Act 2010	20
5.3	Looked After Children	20
5.4	Young Carers.....	21
5.5	Child Protection Register.....	22
5.6	Socioeconomic Deprivation.....	22
6	Procedures for Exclusion from Schools.....	22
6.1	Definition of Temporary & Permanent Exclusion	23
6.2	Length of Exclusion.....	23
6.3	Provision of Education during Exclusion Period	24
6.4	Intimation of Decision to Exclude	25
6.5	Support & Next Steps Re-admission Meeting.....	26
6.6	Failure to Reach Agreement on Re-admission	27
6.7	Permanent Exclusion	28
6.8	Part-time timetables and Flexible Learning Packages	29
6.9	Right of Appeal	29
7	Recording and Documentation.....	29
8	Monitoring	30

Appendix 1 (a): Letter of Exclusion to parent/carer of learner under 16-years.	31
Appendix 1 (b): Letter of Exclusion to a child/young person under 16 years.	32
8.3 Appendix 1 (c): Letter of Exclusion to a learner over 16 years	34
8.4 Appendix 2 (a): Agreement for all learners following a ‘Support and Next Steps Meeting’	36
8.5 Appendix 2 (b): Agreement for parent /carer following ‘Support and Next Steps Meeting’	37
8.6 Appendix 2 (c): Parent/carer of learners under 16 years: No agreement following the Support and Next Steps Meeting	38
8.7 Appendix 2 (d): Learner under 16: No agreement following the Support and Next Steps Meeting.....	39
8.8 Appendix 3 (a): Headteacher’s Record where there is no agreement for return to school for learner. Parent/Carer/Pupil Statement	40
8.9 Appendix 3 (b): Parent/Carer of learner under 16: Failure to keep appointment for a Support and Next Steps Meeting.	41
8.10 Appendix 3 (c): Learner over 16 years: Failure to keep appointment for a Support and Next Steps Meeting.	42
8.11 Appendix 3 (d): Parent/carer of learner under 16: Failure to keep appointment. Headteacher agrees return to school.....	43
8.12 Appendix 4 (a): Parent/carer of pupil under 16 years: Letter informing parent/carer of Headteacher’s request to Head of Education seeking a permanent exclusion.	44
8.13 Appendix 5 (a): Memo from the Headteacher informing ASN Link Education Support Officer that a period of exclusion will exceed the maximum 5 day period (10 openings)	45
8.14 Appendix 7 (a): Parent/carer of pupil under 16 years: Letter informing parents of a request to the Head of Education seeking a permanent exclusion from school.....	46
8.15 Appendix 8 (a): Exclusion Circumstances	47
8.16 Appendix 8 (b): Exclusion Motivation	48
8.17 Appendix 9: Process maps for Exclusion	49
9	49
9.1 Appendix 10: Challenge Questions: Key considerations prior to deciding on exclusion.....	50
9.2 Appendix 11: Challenge Questions: Key considerations when considering Individual Circumstances	51
9.3 Appendix 12: Checklist: Key consideration once the decision to exclude has been made	52
9.4 Appendix 13: Checklist: Key considerations of return to school following exclusion	54
9.5 Appendix 14: Guidance for Headteachers and Parents: Appeals against Exclusion from School.....	55

9.6	Appendix 15: Exclusion - Guidance for Parents/Carers	59
9.7	Appendix 16: Exclusion - Guidance for Children and Young People	63

1 Introduction

East Lothian Council is committed to providing the best education service in Scotland through a relentless focus on Inclusion, Achievement, Ambition and Progress for All. We strive for all learners to be included, engaged and involved in their education in order for them to achieve the best possible outcomes and reach their full potential. We are committed to a vision of inclusive schools where effective positive relationships are embedded.

East Lothian Council is determined to create a safe, positive and inclusive environment where respect is shown to and is given by all its children, young people, staff and parents/carers. This is based on a shared approach of agencies working together and responding to the needs of learners early and effectively, in line with the principles of 'Getting it Right for Every Child'.

This policy will support our establishments to achieve these aims by:

- Promoting positive relationships and behaviour across all schools and supporting the implementation of evidence based approaches;
- Promoting inclusive practice through effective learning and teaching and a positive learning environment for all children and young people;
- Ensuring that the wellbeing of all our children and young people is integral to everything that we do;
- Embedding the rights and voices of children and young people;
- Ensuring that exclusion from school is used as a last resort and providing guidance on how to ensure continuity of learning and re-engagement of the learner;
- Ensuring compliance with legislation regarding school exclusions.

The legislative and policy landscape includes, but is not limited to, the following:

- The *Standards in Scotland's Schools etc. (Scotland) Act 2000* requires Education Authorities to provide education for all learners in mainstream schools, except under certain circumstances. In addition, it places a new duty: to secure that the education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential and to involve them in decisions, which will affect them significantly.
- The *Education (Disability Strategies and Pupil Records) (Scotland) Act 2002* Schools must make reasonable adjustments for the needs of disabled children and schools must not discriminate against disabled children. The Education Authority must prepare and implement an accessibility strategy to increase the access of its disabled

pupils to the curriculum, extra-curricular activities, to school buildings and to information.

- The *Education (Additional Support for Learning) (Scotland) Act 2004* (and subsequent amendments in 2009 and 2018) outlines the concept of Additional Support Needs and the functions and duties that are placed on education authorities to identify and support those needs (The duties of the Authority under the ASL Act).
- *Supporting Children's Learning: Code of Practice (third edition) 2017* which explains the duties on Education Authorities and other agencies to support children and young people's learning. It provides guidance on the ASL Act's provisions as well as on the supporting framework of secondary legislation.
- The *Equality Act (2010)* simplified and strengthened previous protections for children and young people with 'protected characteristics' (e.g. age, race, disability and sexual orientation) from discrimination. This strengthened inclusion in education, including school trips and activities, for all children and young people regardless of their additional support needs or disability.
- The *Curriculum for Excellence* aims to provide a coherent, more flexible curriculum for all children and young people aged 3-18 years. The curriculum comprises the totality of experiences which are planned for children and young people wherever they are being educated. Entitlement includes: a coherent curriculum from 3-18 years; a broad general education until S3; a senior phase after S3 and personal support to enable them to gain as much as possible from the curriculum and support in moving into a positive and sustained destination beyond school.
- The *Children and Young People Act (2014)* has wide reaching powers to promote the Scottish Government's aims to encourage effective and targeted services for children and families as well as the promotion of children's rights. Through the Getting It Right For Every Child National Practice Model, the Act promotes cross-boundary models of service delivery to make best use of expertise and resources in an integrated way with the wellbeing of children and young people being paramount. The wellbeing indicators (safe, healthy, achieving, nurtured, active, respected, responsible and included) ensures that a holistic approach is taken to ensure the wellbeing of all children and young people. The Act also introduced increased provision of early learning and childcare and a range of corporate parenting responsibilities to promote the wellbeing of children and young people in care.
- The National Improvement Framework for Scottish Education sets out the Scottish Government's vision and priorities for our children's progress in learning. The Framework, part of *the Education (Scotland) Act 2016*, is key in driving work to continually improve Scottish education and close the attainment gap, delivering both excellence and equity.
- *Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions (2017)* provides guidance on approaches that can be used to prevent the need for exclusion, ensuring all children and young people are

Included, Engaged and Involved in their education and summaries the legislative duties placed on Local Authorities regarding exclusion from school. Taken together these frameworks require Education Authorities to consider a wide range of issues facing children and young people and put in place processes and support to:

- Identify and provide support to allow children and young people to overcome any barriers to learning and reach their full potential;
- Prevent discrimination of pupils with disabilities/ protected characteristics and provide reasonable adjustments to ensue equality of opportunity in learning;
- Plan for accessibility of the curriculum, school information and physical access;
- Consider the wellbeing of children and young people.

1.1 Key Principles

In response to the policy context and the priorities of National and Local Government, this policy is based on the following key principles:

- All children and young people have a right to education; and East Lothian Council has a duty to provide this education;
- A consistent and well maintained commitment to a whole school ethos of prevention, early intervention and support as the context for the promotion of positive relationships, learning and behaviour;
- All children and young people need to be included, engaged and involved in their learning;
- Everyone in a school or learning establishment should feel they are in a safe and nurturing environment;
- All children and young people have the right to get the support they need to benefit fully from their education and fulfil their potential;
- Exclusion should be the last resort; it should be for as short a time as possible, and always have a positive, purposeful intention for the learning and wellbeing of the child or young person;
- Exclusion should not be viewed as punitive;
- Where exclusion is used, it should be as a proportionate response where there is no appropriate alternative and the wellbeing of the children and young people should be a key consideration;

- The time during and after the exclusion period should be used constructively to resolve the situation and ensure positive and appropriate support is in place – restorative practice is to be encouraged;
- At all times a commitment to the United Nations Convention on the Rights of the Child should be demonstrated and developed.

1.2 School Culture, Ethos and Values

The promotion of positive relationships through whole school culture, ethos and values, is fundamental to raising attainment and improving behaviour.

Behaviour in Scottish Schools Research 2016, commissioned by the Scottish Government, reports that overall behaviour in Scottish schools is positive:

‘Overall, the majority of staff report that they encounter positive behaviour from pupils all or most of the time.’

‘As in previous waves of the survey, the results from Headteachers tend to be more positive than the results from teachers (e.g. Headteachers report they experience more good behaviour and less low-level disruptive behaviour), and the results from teachers are more positive than the results from support staff.’

‘The biggest change relates to low-level disruptive behaviour in the primary classroom (e.g. hindering other pupils, work avoidance and making unnecessary noise.) Reports of this have increased between 2012 and 2016.’

Behaviour in Scottish Schools Research 2016, Scottish Government

The majority of pupils who are excluded from East Lothian schools are excluded for reasons relating to relationship breakdown such as:

- Verbal Abuse of Staff
- General or persistent disobedience
- Insolent or offensive behaviour
- Verbal abuse of pupil

Schools that promote positive relationships across the classroom, playground and wider school community have an ethos and culture that is essential for creating the right environment for effective learning, health and wellbeing thereby reducing the need for school exclusion. Children and young people are more likely to develop self-confidence, resilience and positive views about themselves where open and respectful relationships exist between adults and other children and young people.

'Relationships are at the heart of every story of success. In every school that succeeds, you find great teachers able to reach out and influence the lives of the children and young people in their classrooms.'
John Swinney, 2017

The starting point for promoting positive relationships and behaviour is the provision of a coherent and inclusive curriculum, effective learning and teaching and a whole school ethos based on positive relationships and a whole school commitment to inclusion. This should be central to the vision and values in all schools and be demonstrated through planning and school improvement over time. It is the responsibility of all staff to contribute to this within their setting and role.

The correlation between wellbeing and attainment indicates the following factors:

1. Learners with better health and wellbeing are likely to achieve better academically.
2. Effective social and emotional competencies are associated with greater health and wellbeing, and better achievement.
3. The culture, ethos and environment of a school influences the health and wellbeing of learners and their readiness to learn.

The Children and Young People Act (2014) places the wellbeing of children and young people at the heart of the work of the school and ensures that support, when required is appropriate, proportionate and timely. East Lothian Child's Planning Framework is the way in which agencies and establishments should take this approach forward. It provides a fundamental way of working through assessment, planning, intervention and evaluation to achieve the best possible outcomes for our children and young people.

East Lothian's ambition for an inclusive ethos and practice across all its learning establishments is firmly rooted in everyone's contribution being valued and everyone's voice being heard. Our drive to develop schools with a positive ethos is aligned with our drive to raise attainment. The two are inextricably linked. In building a more positive school ethos we will expect East Lothian schools to have higher expectations of themselves and their learners; build on current success in attainment and; enable greater levels of achievement. As a result, our schools will see higher levels of engagement, and lower levels of exclusion and disruptive behaviour.

2 Strategic Approaches for Developing Positive Relationships and Behaviour

The Scottish Government have invested significantly in a wide range of evidence based approaches that focus on improving positive relationships and behaviour. These include the development of whole school solution oriented approaches, restorative approaches and nurture approaches; and programmes aimed to develop social, emotional and behavioural skills.

In addition to these approaches and programmes, under Curriculum for Excellence, all learners are entitled to experience a broad general education where the development of Health and Wellbeing is the responsibility of all staff. Learning through the Health and Wellbeing curriculum ensures that pupils develop the knowledge and understanding, skills, capabilities and attributes they need for mental, emotional, social and physical wellbeing now and in the future.

It is expected that all schools in East Lothian will, through their improvement planning and work with partners, recognise these approaches and ensure that all learners experience an ethos and curriculum which meets their needs to allow them to achieve the best possible outcomes and fulfil their potential.

2.1 Recognising and Realising Children's Rights

The United Nations Convention on the Rights of the Child (UNCRC) is a comprehensive and internationally binding agreement on the rights of children. It is based on equality, dignity, respect, non-discrimination and participation. <https://beta.gov.scot/publications/un-convention-rights-child-guide-children-young-people/>

A rights respecting school is an environment where children's rights are taught, observed, respected, protected and promoted. Our ambition is to ensure that every child and young person in our learning communities experiences this.

All of East Lothian's schools are being encouraged to register with of UNICEF's Rights Respecting School Award (RRSA) programme. <https://www.unicef.org.uk/rights-respecting-schools/>. The benefits of this programme should go beyond the school and into the community as a whole:

- All children and adults learn about the UNCRC and the overarching set of values which should bring change to the whole school character and atmosphere improving the climate for learning;
- Positive relationships between learners and staff reducing the hierarchical divide due to the rights respecting language;
- Learners' self-esteem and feelings of being valued improve;

- Increased levels of respect for each other with a better understanding of religions, cultures and abilities which are different to their own;
- Improved attainment, attendance and a reduction on exclusions;
- The school develops a rights respecting ethos and children are empowered to become active citizens and learners;
- It strengthens a consultative approach and a platform for better parental engagement and discussion as well as collaborative working;
- A feeling of empowerment for both adults and learners.

2.2 Seven Golden Rules for Participation

To ensure that we actively involve children and young people in the exclusion process, we should refer to the 7 Golden Rules for Participation which is a resource developed by The Children and Young People’s Commissioner Scotland. They provide advice on how best to plan and deliver participation rights for children and young people. A core principle of the United Nations Convention on the Rights of Children is the ongoing information sharing and dialogue between children and young people built on mutual respect where their views are taken into account and help shape processes.

Each East Lothian school has a set of 7 Golden Rules for Participation and they are encouraged to use them to facilitate engagement and discussion with learners. They are accessible at <https://www.cypcs.org.uk/ufiles/Golden-Rules-young-people.pdf>

2.3 Nurturing Schools

*At the heart of nurture is a focus on wellbeing and relationships and a drive to support the growth and development of children and young people.
(Education Scotland, 2017)*

Nurturing approaches are underpinned by an understanding of attachment theory, which recognises the importance of early experiences in shaping children’s social, emotional and cognitive development (Golding et al, 2016). When children and young people experience consistent safety, security and comfort from key adults, they develop the skills and desire to explore their environment and engage in learning opportunities.

Children develop cognitive models of how relationships work (called internal working models) based on their earliest attachment experiences. Internal working models guide behaviour and development in all future relationships. They help children to evaluate, predict and choose (what they think are) appropriate behaviours based on their previous expectations. These models are not consciously available to the child – the child may not know that this is how they feel about themselves the world and others – but they demonstrate their experience through behaviours.

‘The basic premise is that behaviour has meaning – whether it is provocative or reactive, or withdrawn and silent. Understanding the communication implicit in behaviour can protect the teacher from being adversely affected by pupil’s feelings and defensive patterns, and can thus enhance practice and pupil achievement.’

Geddes, 2006

Nurture is a broad approach that can be embedded throughout schools to support any child who may be facing a barrier to learning. A child or young person may experience an additional support need at any point, which may arise from a range of factors (disability or health, learning environment, family circumstances or social and emotional factors) and may be temporary or long-lasting. Nurturing schools create positive environments, where the ethos is focused on warmth, empathy and attuned interactions between all staff and pupils. They provide structure alongside consistently high expectations of all learners, recognising that all children can reach their full potential when given the right balance between care and challenge.

Nurture has a strong evidence base for supporting outcomes for children and young people, including:

- Improved skills for learning (Gerrard, 2005)
- Improved language and literacy skills (Hosie, 2013)
- Improved behaviour and social skills (Cooper & Tiknaz, 2005; Cooper & Whitebread, 2007)
- Positive changes in social and emotional functioning at home (Binnie & Allen, 2008)

In terms of nurture, early intervention is best for significant gains in social functioning and academic performance (Scott & Lee, 2009), which are maintained over time (O’Connor & Colwell, 2002).

Whole school nurturing approaches are becoming increasingly embedded in schools and early learning establishments across Scotland, and are supported by key policy and legislation, including:

- Getting it Right for Every Child
- Included, Engaged and Involved: Part 2
- Better Relationships, Better Learning, Better Behaviour

Education Scotland's [Applying Nurture as a Whole School Approach](#) provides a key framework to support schools to embed whole school nurture. Through a set of quality indicators and challenge questions, this framework supports schools to self-evaluate all areas of practice (e.g. leadership, learning and teaching, partnership working etc.) using the six nurture principles:



Embedding a nurturing approach can help support children and young people's attendance and prevent school exclusions. It is fundamental to inclusive practice. It is expected that all schools in East Lothian will move towards becoming Nurturing Schools and can be supported by the Educational Psychology Service to do so.

2.4 Restorative Approaches

'Restorative Approaches have come to be used in education to mean restoring good relationships where there has been conflict or harm; and developing school ethos, policies and procedures that reduce the possibilities of such conflict and harm occurring.'
(McCluskey et al, 2011)

Restorative approaches are *values* led and *needs* based. They can be seen as part of a broader ethos or culture that identifies strong, respectful relationships and a cohesive community as the foundation on which good learning and teaching can take place. In such a community the rights of children and young people are paramount, and they are given responsibility for decision-making in issues that affect their lives, their learning and their experience of school.

Restorative Approaches can be viewed as a whole school ethos and culture underpinned by the following principles and values:

- Strong, mutually respectful relationships and a cohesive community provide the foundations for good learning and teaching
- Children and young people's rights are paramount, and they should be involved in making decisions
- Children and young people change – and their behaviour can change
- The way adults work with and relate to children and young people can influence their thoughts, feelings, and actions
- Mistakes are an important learning tool
- All pupils should be viewed with positive regard – it's the person that counts, not the behaviour.

When pupils are excluded, isolated or 'punished' in some other way, there is often the expectation that the pupil will take responsibility for his/her actions and regulate their behaviour in future. However, studies have shown that exclusion is ineffective in changing students' behaviour (McCluskey, 2008). A study by Barnardo's found that 39% of pupils who are temporarily excluded are repeatedly excluded to the detriment of their education and social development (Evans, 2010).

Restorative Approaches are considered a pedagogical tool, where children and young people are actively supported to develop skills in resilience and relationship building. They support learners to reflect, take responsibility for their actions and show empathy for others, which is at the heart of all positive relationships (Kane et al, 2007). In this way, Restorative Approaches link directly with:

- Curriculum for Excellence – Health and Wellbeing Experiences and Outcomes
- HGIOS 4 – 3.1 Ensuring wellbeing, equality and inclusion
- Getting It Right For Every Child – taking into account risk and protective factors and the wellbeing indicators

This is inherent in high quality learning and teaching where differentiation and support is provided to learners to meet their needs where they are at, not where they are expected to be. This also links with the nurture principles above that 'learning is understood developmentally' and 'all behaviour is communication'.

2.5 Solution Oriented Approaches

If communities are genuinely involved in shaping solutions to their own problems, those solutions will be enduring and effective.
(Sir Harry Burns)

Solution oriented approaches provide staff with opportunities to explore aspects of their working environment and relationships within it, by visualising the desired outcome rather than focusing on the problem. When difficulties arise, solution oriented approaches enable

an individual or group of people to identify the skills, strengths and resources that they already have which can help them to reach a solution.

The approach helps individuals/groups identify what is working well, and how positive experiences can be built upon in the future. At the same time, by visualising in great detail what the desired outcome is, individuals/groups are more able to identify the next small steps needed in order to make progress. As progress is the key factor, sometimes the steps are very small. Those setting goals are encouraged to think about how others will know they are making progress: in this way, it facilitates reflective thinking and the capacity to see situations from different perspectives. Moreover, the persistent evaluation of goals, often on a 0 – 10 scale, encourages the same evidence based approach to monitoring progress that schools are asked to implement in an academic context. Initially, an individual or group is supported to use a solution oriented approach, but they then internalise the way of thinking which in turn supports the development of resilience.

Solution oriented approaches can be used in a variety of situations, including mental health difficulties and developing emotional self-regulation. In a review of outcome literature, Kim and Franklin (2009) found that solution oriented methods: *“did show promise as a useful approach in working with at-risk students in a school setting, specifically helping students reduce the intensity of their negative feelings, manage their conduct problems, and externalizing behavioural problems.”*

Key principles include:

- If it's not broken, don't fix it
- If it works, do more of it
- If it's not working, do something different
- Small steps can lead to big changes
- The solution is not necessarily directly related to the problem
- The language for solution development is different from that needed to describe a problem
- No problems happen all the time, there are always exceptions that can be utilised
- The future is both created and negotiable

There is an underlying belief that people have the necessary resources to make changes; everyone has their own ways of solving problems; collaboration enhances change; and people need to be engaged in the process of change to want it to happen. It is the role and responsibility of the adult/facilitator to find a way to engage the young person.

The solution oriented approach can often be seen in other methodology widely used in schools, such as visual planning. It can be used as a framework for meetings including multi-agency meetings, pre-and post-exclusion meetings and professional development reviews. Some schools use this approach for the setting of all behavioural targets, describing the behaviour they would like to see (the outcome), rather than the unwanted behaviour (the problem). This has found to be a more facilitative and encouraging way to support successful change. It is also more in keeping with the maintenance of positive relationships between

staff and learners. In East Lothian's Children's Services, the Signs of Safety framework to assess safeguarding and child protection issues is based on a solution oriented approach.

Solution oriented approaches have been used in schools for a number of years with regard to supporting day-to-day practice and can also be used to support whole school strategic change. More recently, solution oriented practice has also been used effectively to actively support positive relationships and culture at the classroom level with a growing evidence base for its use at this level.

3 Impact of Exclusion from School

Understanding the impact that school exclusions can have on children and young people, is an important aspect of informed decision making.

Exclusions are particularly prevalent among children and young people who are:

- Looked After Children
- From areas of deprivation
- Registered as having a disability
- Recognised as having an Additional Support Need (particularly social, emotional and/or behavioural)

In Scotland, it is estimated that that the exclusion rate is more than 4 times higher for children and young people who have Additional Support Needs. Exclusion rates are more than 6 times greater among those living in the 20% most deprived areas.

Being in education has long term benefits on outcomes for children and young people including life-expectancy, social and cognitive skills and a better sense of wellbeing and happiness (McVie, 2014).

Findings from the Edinburgh Youth Crime Study showed that around 65% of children and young people who were excluded in S1, were early school leavers compared to only 20% of their peers who were not excluded (McVie, 2014). Furthermore, children who were excluded from school by age 15 are 4 times as likely to be in the criminal justice system by the age of 24. A review of children and adolescent mental health carried out between 2004 and 2007, found that children who struggled with school or have poorer mental health are more likely to be excluded from school (Ford, Parker, Salim & Goodman, 2017).

4 Legislative Context

4.1 Human Rights Principle

Children and young people have a universal and inalienable right to an education. It is the duty of East Lothian Council, all schools, learning establishments and every member of staff

to create the relationships and environments within which every child and young person can realise this right.

4.2 Legal Capacity

In Scotland, there is a presumption that a child age 12 years and over has a legal capacity to instruct a solicitor in connection with any civil matter. Children with legal capacity have the same rights of appeal as a parent or a learner who is a young person (a person over school age who has not attained the age of 18 years).

In any relevant procedures, including appeals, the views of the child over 12 years as well as those of the parent/carer should be accurately represented and appropriately taken into account. As the views of the child or young person may diverge from their parent/carer, it is clearly not sufficient to assume that the views of the parent/carer automatically reflect those of the learner.

A decision to exclude a child over the age of 12 years must be communicated directly to them and their parent/carer and they must be included and involved in any subsequent discussions and decisions.

Where the learner is a young person, over the age of 16 years, there is no legal grounds to involve parents/carers but it is good practice to do so.

4.3 Power to Exclude

The power to exclude a child/young person from a school and the circumstances under which they may be excluded are set out in Regulations 4 and 4A of the Schools General (Scotland) Regulations 1975 ("the 1975 Regulations"), as amended [S.I. 1975/1135: the relevant amending Regulations are the Schools General (Scotland) (Amendment) Regulations 1982 (S.I. 1982/56) and the Schools General (Scotland) Amendment (No. 2) Regulations 1982 (S.I. 1982/1735)].

The power to exclude, and therefore legal responsibility for exclusion, rests with the Local Authority. The procedures outlined in this Policy apply equally to all schools and learning establishments and must be complied with in full. Any divergence from the procedures may result in the exclusion being defined as incompetent, resulting in the child or young person being reinstated without delay in the school and the exclusion being expunged from their school record.

Exclusion from school requires to be seen in the wider legislative context of East Lothian's duties to:

- “....secure that there is made for their area adequate and efficient provision of school education....” *Section 1 of the Education (Scotland) Act 1980*
- “....secure that the education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential.” *Section 2(1) of the Standards in Scotland’s Schools etc. Act 2000*
- “....have due regard, so far as is reasonably practicable, to the views (if there is a wish to express them) of the child or young person in decisions that significantly affect that child or young person, taking account of the child or young person’s age and maturity.” *Section 2(2) of the 2000 Act in regard of section2(1)*
- “....have regard to the general principle that, so far as is compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents.” *Section 28 of the Education (Scotland) Act 1980*

East Lothian Council delegate the power to temporarily exclude children and young people from school to the Headteacher in primary schools and the Headteacher and Depute Headteacher(s) in secondary schools.

The Headteacher (or their Depute) carrying out an exclusion should be aware that he/she may be required to justify the decision as part of the appeal’s procedure and potentially in a court of law should the case go to the Sheriff Court or an Additional Support Needs Tribunal for Scotland. In all circumstances it is vital that accurate records of the circumstances and the decision making process are recorded.

In exceptional circumstances the Headteacher may review the grounds leading to the decision to exclude. If this is followed by a decision to expunge the exclusion from the learner’s record then the Headteacher should write formally to the parent and the young person informing them of this decision. The Headteacher should also inform the Head of Education of this occurrence.

4.4 Grounds for Exclusion

The grounds for exclusion and the procedures to be followed are contained in the Schools General (Scotland) Regulations 1975 (as amended 1982).

Regulation 4 states that an Education Authority **shall not exclude** a child or 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 ever 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 or young person and parent/carers must be taken into account.

Careful consideration must be given to the facts and circumstances surrounding any incident(s) leading to exclusion, with particular reference to the nurture principle that all behaviour is communication. Schools are expected to put in appropriate support for what the child or young person is communicating, and not take behaviour at face value.

Headteachers or their delegated member of staff must be able and prepared to justify that any exclusion is a proportionate means of achieving a legitimate aim – a legitimate aim may be to ensure the health and safety of children and young people and staff within a school.

Headteachers, when deciding whether exclusion is necessary, must have regard to the particular facts and individual circumstances surrounding incidents and/or learners (see Section 5).

4.5 Sending Home without Exclusion

Exclusion from school of a learner other than in conformity with the terms of the 1975 Regulations is illegal. Failure to comply with regulations in such circumstances may render the authority open to legal challenge by the parent/carer or the learner. In all situations where learners are sent home for periods of time to 'cool off' or for longer term assessments and planning, they must be formally excluded.

Children and young people must not be sent home from school for reasons relating to behaviour or an incident without being excluded.

5 Consideration of Individual Circumstances

Individual circumstances must be taken into account when excluding a child or young person from school, particularly with regard to those children and young people who have additional support needs, a disability, are looked after or where there are child protection concerns.

In addition, bearing in mind 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 or young person's distress and be an inappropriate action; instead support should be identified.

While individual circumstances must be taken into account, the grounds for exclusion are the same for all children and young people.

Appendix 11 outlines a set of challenge questions that may be helpful when considering individual circumstances.

5.1 Additional Support Needs

The Education (Additional Support for Learning Act) (Scotland) Act (2004, 2009) places specific duties on Education Authorities to provide adequate and efficient support to ensure that all learners benefit from school education.

In considering the exclusion of a learner with Additional Support Needs (ASN), school staff should take into account the potential impact of the loss of both their learning and provision of support. The named person or lead professional should be aware of the arrangements in place with other agencies, such as Speech and Language Therapy Service in making provision and take into account the impact of any disruption to the provision of these services to the learner and to the services themselves.

Learners should be allowed to continue to access any therapeutic support such as physiotherapy, speech and language therapy as ongoing and necessary support and intervention. The exclusion does not affect the Local Authorities duty to provide these services therefore, such provision should continue notwithstanding the exclusion. Consultation with any other Service providers, in order to maintain provision to an excluded learner, should take place prior to the exclusion and plans put into place to ensure limited disruption to provision.

Staff should be aware that a period of exclusion from school creates a transition point for children and young people with ASN which can be particularly challenging for some learners. In considering an exclusion from school, transition planning should be factored into the plans for return to school.

Where a learner with ASN is at risk of exclusion school staff should balance the case for exclusion with the needs to take all reasonable steps to secure that appropriate provision is in place to meet their needs. However, this additional consideration would not prevent exclusion where this is deemed absolutely necessary.

5.2 The Equality Act 2010

In considering the exclusion of a learner with a disability as defined by the Equality Act 2010 staff should ensure that they comply with provisions of the Act in relation to discriminatory behaviour in the context of exclusion from school.

The Equality Act 2010 does not prohibit schools from excluding children or young people with particular protected characteristics, but it does prohibit schools under section 85(2)(e) from excluding children or young people on the specific grounds of behaviour resulting from their protected characteristic. In addition, it prohibits schools from discriminating against these children during the exclusion process. It is likely to be difficult to show that exclusion was an appropriate and proportionate response in these situations without such evidence.

5.3 Looked After Children

The Additional Support for Learning Act 2004 (as amended 2009) states that it is assumed that Looked After Children have additional needs unless otherwise stated. All Looked After Children should be considered in this context as requiring support. Understanding the specific needs and individual circumstances of the child or young person is essential. Exclusion can mean that their already potentially challenging circumstances will be exacerbated and an additional loss of learning will take place alongside a harmful impact on their wellbeing.

Looked After Children can be vulnerable to experiences of rejection, which then decrease their resilience and ability to trust adults. Exclusion feeds into this process, creating more barriers for the child in question to be able to develop a sense of belonging in a school. Ironically, this is more likely to lead to further behaviour communicating the distress they feel.

Corporate Parenting provides an opportunity and a statutory duty on all parts of East Lothian Council to support the care and welfare of learners who are Looked After by them. Staff should consider very carefully the decision to exclude a Looked After Child or Young Person in their care and if at all possible should avoid taking the decision to exclude them.

Staff must discuss any potential decision to exclude a Looked After Child or Young Person with the designated Social Worker and lead professional (if different) prior to the exclusion taking place in order to allow for a full consideration of individual circumstances to take place.

There are particular responsibilities and considerations for the corporate parent regarding the exclusion of a Looked After Child including the implications for the placement, the emotional impact on a child or young person who may already have attachment issues and may have experienced considerable lack of stability. Staff should be able to answer the question “is this good enough for my child?” to ensure that the welfare of the child or young person is paramount in making decisions.

If a decision is made to exclude, this should be clearly documented with appropriate communication with those who hold parental responsibility and the child or young person’s

carers. Meetings to discuss support strategies and next steps for return to school should be arranged in writing. Copies of all communication should be sent to the child or young person (if age appropriate) plus a trusted adult should be explaining to the child or young person of the current situation and plans. The child or young person should be attending planned meetings and have an opportunity to have their views presented either by themselves or by their trusted adult.

5.4 Young Carers

The Carers (Scotland) Act 2016 was launched in April 2018. This legislation supports carers of all ages. A number of aspects in this Bill covers children and young people who carry out a caring role for a parent or sibling. Local authorities have a statutory duty to offer to prepare a Young Carer Statement for young carers if requested. This includes a full assessment of their needs and the caring role they carry out.

A young carer is someone who is under 18 years of age or who has reached 18 and still a pupil at school and provides or intends to provide care for another individual. A number of young carers do not always identify themselves or wish to be identified but the estimate for East Lothian is that one in ten young people are carers.

Understanding the specific needs and individual circumstances of a young carer is essential if considering an exclusion from school. For a young carer, an exclusion from school can exacerbate an already challenging situation at home and presents an additional loss of learning.

The individual nature of each young carer's role and responsibilities may manifest itself in many ways:

- Late or missing days or weeks
- Leaving school early
- Being isolated
- Having difficulty in making/maintaining friends
- Being bullied
- Tired, anxious or withdrawn due to home circumstances
- Defensive or secretive about home
- Homework or coursework not completed
- Little or no involvement in after school activities or social events.

When a decision to exclude a young carer is being considered it is vital to refer to the young carer's holistic wellbeing assessment of need. Where a child or young person has agreed to have this assessment undertaken it will provide essential information on his/her individual circumstances regarding:

- The extent and nature of the caring role (including who is being cared for)
- The ability and willingness of the young carer to provide this role/support
- The impact of the caring role on the child or young person

A young carer's assessment and statement will have been carried out by a 'trusted adult' identified by the young carer. This may be a head teacher, deputy head, guidance teacher, class teacher or social worker. It may be helpful to liaise with this trusted adult when considering exclusion of a child or young person who is a young carer.

A pupil may choose that their named person is not informed that they are a young carer.

5.5 Child Protection Register

In considering the need to exclude a learner who may be on the child protection register or for whom there are current or previous child protection concerns, the designated member of staff for child protection within the school should be informed and involved in the decision-making.

Staff must discuss any potential decision to exclude a learner on the child protection register or for whom they are current or previous child protection concerns with Children's Wellbeing. It is essential that this is done prior to the child or young person being sent home in order to ensure their health and wellbeing immediately, and throughout the period of exclusion from school.

In all cases where a decision to exclude has been taken, staff should in collaboration with Children's Wellbeing Services prepare a risk assessment to ensure the child or young person will not be placed at further risk while excluded.

5.6 Socioeconomic Deprivation

Staff must also take into account that exclusion may have an immediate impact on the wellbeing of children and young people living in areas of socioeconomic deprivation. This might include children and young people entitled to free school meals and being prevented from accessing the security and continuity of school environment.

It is the responsibility of the school to ensure arrangements are in place for the provision of free school meals for excluded children and young people during a period of exclusion.

Staff must consider the impact that exclusion may have on a learner in receipt of Educational Maintenance Allowance.

6 Procedures for Exclusion from Schools

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 at all times. Procedures for excluding learners should be available to parents/carers

on the council's website and within individual schools' handbooks and websites. Appendix 10 provides a range of challenge questions for school staff to assist with the decision meeting

6.1 Definition of Temporary & Permanent Exclusion

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 or young person returns to their current school.

Permanent Exclusion: a decision taken by the Head of Education to remove a child or 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 or young person can continue their education immediately without undue delay. For further details see Section 6.7.

6.2 Length of Exclusion

Legislation devolves the length of exclusion to the Local Authority to determine. East Lothian Council Headteachers must resolve exclusions as quickly as possible. Where possible an exclusion should be resolved the following day or day after. However, this may be dependent on the availability of parent/carer, or in some cases other professionals, working with the learner or family.

East Lothian Council have set the maximum period of 10 openings for each exclusion; this is the equivalent of 5 school days as the maximum period of exclusion in any case. Where an exclusion extends or is predicted to extend over the 5 day maximum period a memo should be submitted to the school's link Education Support officer. See Appendix 5 (a)

All exclusions should be resolved 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 Head of Education should be informed where this is unavoidable.

A learner or parent's decision to appeal against an exclusion should have itself no effect on the length of exclusion. Learners should return to school promptly regardless of the appeal process and timing.

Every effort must be made by parents, carers and all professionals to attend the Support and Next Steps Meeting. The date of the Support and Next Steps Meeting will be included in the letter of exclusion. In exceptional circumstances it may be necessary to hold other meetings such as Risk Assessment Meetings prior to the Support and Next Steps.

Where the length of exclusion is longer than one or two days it is recommended that a member of the 'team around the child' meets with the child / young person to discuss the child / young person's feelings and views regarding the exclusion. This can assist to a positive outcome at the Support and Next Steps Meeting.

6.3 Provision of Education during Exclusion Period

East Lothian Council have a legal duty to make available education provision for all excluded learners without 'undue delay'. In accordance, appropriate learning materials should be made available to all excluded learners immediately and ideally prior to them leaving the establishment. It is essential that access to education or educational progress is not stalled or hampered as a result of the decision to exclude.

It is important to note that providing learning tasks without the necessary teaching input to enable the pupil to understand the materials would legally be considered insufficient support. It is therefore essential that all arrangements should involve teacher contact with the child or 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 learner attends more than one school as part of their education e.g. to access subjects not available in one school, 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 very serious reason for not attending e.g. health and safety concerns for other learners.

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

Children and 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 (see section 5.1).

In circumstances where an exclusion may affect attendance at an exam or assessment staff should make all reasonable attempts to ensure that the learner is not disadvantaged. Staff should contact the Scottish Qualifications Authority for advice and to progress any arrangements should this be required.

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

There is no legislative timescale defining 'undue delay'. The purpose is to continue East Lothian Council's duty to provide education for all their children and young people.

6.4 Intimation of Decision to Exclude

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

The Headteacher or their delegated representative, must on the day a decision to exclude is taken, intimate orally to the learner and their parent/carer the decision to exclude. On the day of the decision to exclude, the school must notify parent/carer/child/young person by letter. 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 the Support and Next Steps Meeting to resolve the exclusion, where the Headteacher, Depute Headteacher will meet with the parent/carer and pupil. 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 pupil 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 school work 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 1 (a).
- The child, where the child is over 12 and has capacity - Appendix 1 (b).
- The young person only where the young person is over 12 – Appendix 1(c).

In order to make sure there is sufficient review, assessment and preparation for return to school, successful reintegration 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 learner over 12 years old and include:

- The reason the learner was excluded;
- The right of appeal and how appeals can be made and;
- Any other relevant information considered appropriate.

For children or young people who are Looked After by the Local Authority, staff should provide notice to carer's and adults with parental responsibility (see Section 5.3).

6.5 Support & Next Steps Re-admission Meeting

A Support and Next Steps Meeting should be held before the child or young person returns to school.

This meeting should focus on:

- The reasons for the exclusion and what the child or young person was communicating through their behaviour which led to the exclusion.
- The essential partnership between home and the school and how both parties can work together to support the child/young person.
- Strategies and supports that will be implemented to support the child or young person on their return should also be discussed and agreed.

The East Lothian Child's Planning Framework can be used to encapsulate and record all of this information.

The meeting should be solution oriented and focusing on the best interventions and outcomes for the learner. While it may be important for the school to set out some helpful expectations it is important that the Support and Next Steps Meeting is not purely a list of 'do's and don'ts' but is seen as positive and proactive discussion of strategies and interventions to support the young person's return to school.

The child or young person should be in attendance at this meeting, have a clear understanding of the reasons for the meeting and be given the opportunity to have their views heard and most importantly, understand strategies and supports suggested and agreed. If a meeting was held between the child / young person to gain their feelings and views about the exclusions prior to the Support and next Steps Meeting then these should be presented. It is recommended that the numbers of professionals are limited – in most cases there should be no more than two school staff in attendance although it may be necessary to include more where staff are directly involved in delivering support following return to school.

Staff from other agencies and services supporting the child / young person may also be invited to the Support and Next Steps meeting, such as the Lead Professional. It must be born mind that a large meeting can be intimidating for a child/ young person and this may inhibit the positive outcome sought.

If a satisfactory agreement is reached, the parent/carers and learner (over 12 years) should sign the Support and Next Steps Meeting Agreement, Appendix 2 (a) and 2 (b) as appropriate then the child/young person should be re-admitted and the outcome recorded.

Copies of the signed Support and Next Steps Meeting Agreement should be given to the parent/carer and learner if over 12 years. The original should be retained in the learner's Pupil Progress Record and electronically if using such storage system.

There may be occasions when the school feel that they require to undertake a risk assessment to minimise current or future risks and therefore allow the learner to continue to attend school supported through this risk assessment. The risk assessment should identify the priorities and needs of the pupil balanced against the strategies required to ensure the safety of all children and staff.

6.6 Failure to Reach Agreement on Re-admission

If the parent/carer or learner fails to come to an agreement on re-admission to school, or are unable to meet the Headteacher, Depute Headteacher or East Lothian Council officer, or they, refuse to agree to the conditions, then the matter should be reported to the Head of Education.

In this instance re-admission to the school can still take place, with the matter discussed in a consultation meeting with the Head of Education or delegate. The refusal should be noted on the appropriate documentation, and a solution oriented or restorative re-admission meeting attempted if possible.

When agreement has been reached the standard form - Appendix 3 (b) or 3(c) and 3(d) or 3(e) should be completed with one copy being placed in the child or young person's educational record and one copy given to the parent/carer with a further copy being given to the young person.

Until an exclusion has been concluded in terms of the above procedure, the child or young person will be deemed to be trespassing should they enter school premises or playground areas. It is within the Headteacher's discretion to contact Police Scotland if the child or young person will not leave voluntarily. However, it is important to bear in mind the impact on the child of such a decision, especially if they are a child with protected characteristics (especially those on the autistic spectrum). It is the view of East Lothian Council that all other avenues should be tried first. **It is therefore essential for the school to clearly set out alternative arrangements on the day of the exclusion for the provision of free school meals or therapeutic sessions**

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

6.7 Permanent Exclusion

The power to exclude on a permanent basis lies with the Head of Education or in the absence of the Head of Education, the Depute Chief Executive.

The Headteacher should notify the Head of Education in writing that they are requesting a permanent exclusion; that is the permanent removal of a child or young person from that school's register.

The Headteacher should inform the parent that a request to permanently exclude their child or young person has been made to the Head of Education as soon as this request has been made - see appendix 4 (a).

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

A permanent exclusion relates only to the East Lothian school from which the child or young person has been permanently excluded.

If the decision or preference is for the child or young person to continue to be placed in a Local Authority School in East Lothian, the Head of Education (or their delegate) will decide which school will be the receiving school; the parent/carer and child or young person should be notified of this decision as soon as possible.

East Lothian Council have a statutory obligation to provide education during any period of time where the child or 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, learner 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.

6.8 Part-time timetables and Flexible Learning Packages

As part of an initial support package on return to school it may be appropriate, in particularly circumstances, for a learner 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 or young person.

The Child's 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 ASN Education Officer for the school.

Records must be kept, including records of attendance which accurately reflect the times that the child or young person spends at home with parent/carer permission. The SEEMiS code (Y-PTX) should be used for any children and young people who are returning to school on a part time basis following a period of exclusion.

6.9 Right of Appeal

The right of appeal against the decision to exclude is outlined in the Education (Scotland) Act 1980 and extended to learners with legal capacity in the Age of Legal Capacity Act (2000). 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 14 provides an information sheet for parent/carer regarding the appeal process and this should be sent with the formal exclusion letter.

7 Recording and Documentation

The decision to exclude a learner must be recorded:

- In the child/young person's pupil progress record (PPR);
- Recorded in SEEMiS Click and Go attendance and;
- Noted in latest Pastoral Notes 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 learner's PPR, their attendance in SEEMiS;

- 'Retired' from latest Pastoral Notes;
- Should not be disclosed as part of a learner's history.

A written record must be kept of all information leading to the exclusion on the pupil'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.

Given the legal duty that a child or young person's views are recorded when a significant decision is taken regarding them, they must be given the opportunity, where possible, to have their views documented at the point of exclusion. The views of the learner and the parent/carer should be accurately represented and appropriately taken into account at the Support and Next Steps Meeting.

8 Monitoring

Reducing exclusions is a target for both National and Local Government and, as such, exclusion figures for each school are monitored closely.

It is expected that Headteachers will review and monitor exclusions at an individual and school level to inform planning and interventions.

Within the Education Service officers meet on a monthly basis to review exclusion data and information to identify emerging issues and provide early and preventative support.

This policy will be reviewed annually to reflect any changes to National and Local practice.

9 Appendices

Appendix 1 (a): Letter of Exclusion to parent/carer of learner under 16-years.

Must be sent on day of exclusion. Parent/carer to be verbally informed

Dear Parent/Carer's Name

Child/Young Person's Name – TEMPORARY EXCLUSION FROM SCHOOL

I regret to advise you that *Child/Young Person's Name* has been excluded from attendance at school today. *Child/Young Person's name* has been involved in *enter reason for exclusion as per code in Appendix 8*. It is my view that to allow *Child/Young Person's name* to continue attendance at the school would be likely to be seriously detrimental to school discipline or the wellbeing of the other learners.

Alternatively where parental non-cooperation is a factor:

Child/Young Person's name has been involved in *enter reason for exclusion as per code in Appendix 8*. This means that you, as *Child/Young Person's name* parent/carer have allowed *him/her* to refuse or fail to comply with the positive behaviour code of the school.

It is essential that we meet soon to discuss the exclusion and agree supports and next steps for *Child/Young Person's name* return to school. *I or name of other staff member if appropriate* will meet with you at *time on date* in *room* at the school. If you are unable to attend this appointment, please contact me as soon as possible in order that we can make suitable arrangements.

Your right of appeal under Section 28H of the Education (Scotland) Act 1980 will be explained to you when we meet. *Child/Young Person's name must accompany you to this meeting.*

In the meantime, *Child/Young Person'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 resolved.

Please insert arrangements for the provision of Free School Meals or therapeutic sessions etc.

Yours sincerely
Headteacher

Appendix 1 (b): Letter of Exclusion to a child/young person under 16 years.

Must be sent on day of exclusion.

Dear *Child/Young Person's name*

TEMPORARY EXCLUSION FROM SCHOOL

I regret to advise you that you have been excluded from attendance at school today. The reason for this decision is: *enter reason for exclusion as per code in Appendix 8.*

It is my view that to allow you to continue your attendance at the school would be likely to be seriously detrimental to order and discipline, or the wellbeing of the other children and young people, in the school.

I will be organising a meeting with your parent/carer where we can discuss your return to school and any help and support we can provide. You will also attend this meeting.

We will explain to you at this meeting about your right of appeal under Section 28H of the Education (Scotland) Act 1980. Please note that a letter of your temporary exclusion has been given to your *Parent/Carer(s) Name*.

Until we meet you must not attend school, be within the school or school grounds, or take part in any school activities, until the exclusion has been resolved.

It would be very helpful if you could have a look at the questions on the back of this letter before you come to the meeting. You may find it helpful to go over these questions with your parent /carer or someone that you know well.

Please insert arrangements for the provision of Free School Meals or therapeutic sessions etc.

Yours sincerely
Headteacher

Helpful questions for you before the Support and Next Steps Meeting to discuss your return to school meeting.

Why were you excluded from school?	
What is going well for you at school?	
What is not going well?	
What can you do to make sure you are not excluded again?	
What can the school do to make sure you are not excluded again?	
Is there anything your parent/ carer do to help?	
Is there anyone else you would like to help you?	
Is there anyone else you would like to help you?	

Appendix 1 (c): Letter of Exclusion to a learner over 16 years

Dear *Young Person's name*

TEMPORARY EXCLUSION FROM SCHOOL

I write to confirm that you that you have today been excluded from attendance at school. You have been involved in *enter reason for exclusion as per code in Appendix 8* and, as such, to allow you to continue your attendance at the school would be likely to be seriously detrimental to order and discipline, or the wellbeing of the other children and young people, in the school.

It is essential that we meet soon to discuss the exclusion and to consider the supports and next steps, for your return to school. I *or name of other staff member if appropriate* will meet with you at *time* on *date* in *room* at the school. If you are unable to attend this appointment, please contact me as soon as possible in order that other arrangements can be made

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

You will be advised at the meeting of your right of appeal under Section 28H of the Education (Scotland) Act 1980.

In the meantime, you must not attend school, be within the school or school grounds, or take part in any school activities, until the exclusion has been resolved.

It would be very helpful if you could have a look at the questions on the back of this letter before you come to the meeting. You may find it helpful to go over these questions with your parent /carer.

Please insert arrangements for the provision of Free School Meals or therapeutic sessions etc.

Yours sincerely

Headteacher

Helpful questions before the Support and Next Steps meeting.

Why were you excluded from school?	
What is going well for you at school?	
What is not going well?	
What can you do to make sure you are not excluded again?	
What can the school do to make sure you are not excluded again?	
Is there anything your parent/ carer do to help?	
Is there anyone else you would like to help you?	
Is there anyone else you would like to help you?	

Appendix 2 (a): Agreement for all learners following a ‘Support and Next Steps Meeting’

Dear *Child/young person’s name*

Supports and Next Steps Agreed For Return to School

Today we (*you, your parent/carer/school staff*) discussed your exclusion from your school and agreed how we can support you upon your return to school.

At the meeting we have discussed:

- What is going well for you in school?
- What is not going well?
- What can you do to make sure you are not excluded again?
- What can the school do to make sure you are not excluded again?
- What can your parent/carer do to make sure you are not excluded again?
- Is there anyone else you would like to help you?

This is what we agreed:

-
-
-
-
-
- We also ask all learners to try to follow the school’s positive behaviour code.

This information will form your Plan so that you, your parent/carer and the Headteacher can clearly see how we agree to work together to support you.

If you understand and agree with all the above, please sign here:

Signature of learner -----

Signature of parent/carer -----

Signature of Headteacher/Depute Headteacher -----

Date

Appendix 2 (b): Agreement for parent /carer following ‘Support and Next Steps Meeting’

Dear

Following the exclusion of *Child/Young Person’s name* from school, we confirm that the reasons for this as described in the original letter of exclusion have been discussed and we have focused on how we can make *Child/Young Person’s name’s* return to school a positive experience. We also explained your right of appeal.

At the meeting, you, *child/Young Person’s name* and the school agreed the following:

This is what we agreed:

-
-
-
-
-

I, as Headteacher of the school, am satisfied with the arrangements made for *Child/Young Person’s name* return to school.

Signature of Headteacher/Depute Headteacher

I as the parent/carers for *child/Young Person’s name* agree with the arrangements set out above and will work with the school and others to support *child/Young Person’s name*.

Signature of Parent/Carer

Date

Appendix 2 (c): Parent/carer of learners under 16 years: No agreement following the Support and Next Steps Meeting

Dear *Parent/Carer(s) Name*

Child/Young Person's Name, Date of Birth, Class

I refer to my letter of *date* and to our subsequent meeting on *date* to discuss the exclusion of *Child/Young Person's Name* from school.

Regrettably, despite discussing support and next steps our meeting did not lead to an agreement on *Child/Young Person's Name's* return to school. Accordingly, *Child/Young Person's Name* remains excluded. I am, therefore advising you that you have the right of appeal against the decision to exclude and / or the conditions of readmission under the terms of Section 28H of the Education (Scotland) Act 1980.

Such an appeal should be sent to:

Head of Council Resources
John Muir House
East Lothian Council
John Muir House
Haddington
EH41 3HA

If you wish to reconsider any part of our discussion at our meeting I will be pleased to meet with you again in the hope of reaching agreement regarding *Child/Young Person's Name's* return to school. In the meantime I am required to advise the East Lothian Council Link Education Officer of our present unresolved situation.

Yours sincerely

Headteacher

Reasons for decision to exclude: Enter reason for exclusion as per code in Appendix 8 (a)

Motivation for action: Enter motivation as per code Appendix 8 (b)

Appendix 2 (d): Learner under 16: No agreement following the Support and Next Steps Meeting

Dear Child/*Young Person's name*

I refer to my letter of *date* and to our subsequent meeting on *date* to discuss your exclusion from school.

Regrettably, our meeting did not lead to an agreement on your return to school. Accordingly, you remain excluded. I am, therefore advising you that you have the right of appeal against the decision to exclude and / or the conditions of readmission under the terms of Section 28H of the Education (Scotland) Act 1980.

Such an appeal should be sent to:

Head of Council Resources
John Muir House
East Lothian Council
John Muir House
Haddington
EH41 3HA

If you wish to reconsider any part of our discussion at our meeting I will be please to meet with you again in the hope of reaching agreement regarding your return to school. In the meantime I am required to advise the Additional Support Needs Link Education Support Officer of our present unresolved situation.

Yours sincerely

Headteacher

Appendix 3 (a): Headteacher's Record where there is no agreement for return to school for learner. Parent/Carer/Pupil Statement

Written record of Support & Next Steps Meeting for the parent/carer(s) of a child/young person under school leaving age

To be completed by the Headteacher in the event of the child or young person/parents decision not to agree with supports and strategies at the Support and Next Steps Meeting.

Child/Young Person's Name

Child/Young Person's and/or Parent/Carer's Verbal Statement

Signature of Child/Young Person and/or Parent/Carer(s)

Signature of Headteacher/Depute Headteacher

Date

Appendix 3 (b): Parent/Carer of learner under 16: Failure to keep appointment for a Support and Next Steps Meeting.

Dear *Parent/Carer(s) Name*

Exclusion from School

I refer to my letter of *date* and to my invitation to meet me on *date* to discuss *Child/Young Person's Name's* exclusion from school.

Unfortunately you did not keep the appointment and so *Child/Young Person's Name* remains excluded. Our proposed supports and conditions, which will support his/her readmission, are given below. I must advise you that you have the right to appeal against the decision to exclude and/ or the conditions of readmission under the terms of Section 28H of the Education (Scotland) Act 1980.

Such an appeal should be sent to:

Head of Council Resources
John Muir House
East Lothian Council
John Muir House
Haddington
EH41 3HA

I will be pleased to meet with you in the hope of reaching agreement regarding *Child/Young Person's Name* return to school. In the meantime I am required to advise the Additional Support Needs Link Education Support Officer of our present unresolved situation.

Yours sincerely

Headteacher

Reasons for decision to exclude: Enter reason for exclusion as per code in Appendix 8 (a)

Motivation for action: Enter motivation as per code Appendix 8 (b)

Appendix 3 (c): Learner over 16 years: Failure to keep appointment for a Support and Next Steps Meeting.

Dear *Young Person's name*

Exclusion from School

I refer to my letter of *date* and to my invitation to meet me on *date* to discuss *your* exclusion from school.

Unfortunately you did not keep the appointment and so you remain excluded. It is important that we have the opportunity to discuss supports and next steps for your return to school. I must advise you that you have the right to appeal against the decision to exclude and/ or the conditions of readmission under the terms of Section 28H of the Education (Scotland) Act 1980.

Such an appeal should be sent to:

Head of Council Resources
John Muir House
East Lothian Council
John Muir House
Haddington
EH41 3HA

I will be pleased to meet with you in the hope of reaching agreement regarding your return to school. In the meantime I am required to advise the Additional Support Needs Link Education Support Officer of our present unresolved situation.

Yours sincerely

Headteacher

Reasons for decision to exclude: Enter reason for exclusion as per code in Appendix 8 (a)

Motivation for action: Enter motivation as per code Appendix 8 (b)

Appendix 3 (d): Parent/carer of learner under 16: Failure to keep appointment.
Headteacher agrees return to school.

Dear *Parent/Carer(s) Name*

Exclusion from School

I regret that you were unable to attend the meeting on *date*. I have decided that *Child/Young Person's Name* may return to school with effect from *date* on the understanding that the following supports and next steps are agreeable to both of us.

The first next step applies to everyone. They are required to follow the positive behaviour code of the school.

This is what I propose:

-
-
-
-
-
-

With your agreement to the above supports and next steps I, as Headteacher of the school, I am satisfied with the arrangements made for *Child/Young Person's name* return to school.

Please let me know if you are in disagreement with any aspect of our discussion or with the entry as noted above

Reasons for decision to exclude: Enter reason for exclusion as per code in Appendix 8 (a)

Motivation for action: Enter motivation as per code Appendix 8 (b)

.

Yours sincerely

Headteacher

Appendix 4 (a): Parent/carer of pupil under 16 years: Letter informing parent/carer of Headteacher's request to Head of Education seeking a permanent exclusion.

Dear *Parent/Carer(s) Name*

Permanent Exclusion from School

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

I am therefore informing you that I have written to the Head of Education requesting that *Child/Young Person's Name* is permanently excluded from attending *name of school*.

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

While we await the response from the Head of Education we will continue to provide work for you, but as *Child/Young Person's Name* is excluded, *he/she* 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 Head of Education approves the permanent exclusion from this school the options for your child's education are;

- *Child/Young Person's Name* attends another school identified by East Lothian Council.
- *Child/Young Person's Name* educated at home, providing the Authority agrees your teaching and learning programme.
- *Child/Young Person's Name* attends a private school without financial assistance from the Authority.

You can appeal against the decision to exclude *Child/Young Person's Name* from school, by writing a letter to Democratic Services, East Lothian Council, John Muir House, Haddington, EH41 3HA.

Yours sincerely

Headteacher

Appendix 5 (a): Memo from the Headteacher informing ASN Link Education Support Officer that a period of exclusion will exceed the maximum 5 day period (10 openings)

Memo informing the ASN Link Education Officer that a period of exclusion is exceeding the maximum 5 days period (10 openings).

From: Headteacher / School

To: Additional Support Needs Link Education Support Officer

Date

Child/Young Person's name

Child/Young Person's address

Dear ASN Link Education Support Officer's name

Exclusion exceeding maximum period

I am writing to advise you that the period of exclusion for *Child/Young Person's name/stage* will exceed the maximum period of 5 days (10 openings). The exclusion will total *please enter the number of days (openings)*.

The reason for this is: *please enter the reason*

Yours sincerely

Headteacher

Appendix 6 (a): Parent/carer of pupil under 16 years: Letter informing parents of a request to the Head of Education seeking a permanent exclusion from school

Dear *Parent/Carer(s) Name*

Permanent Exclusion from School

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

I am therefore informing you that I have written to the Head of Education requesting that *Child/Young Person's Name* is permanently excluded from attending *name of school*.

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

While we await the response from the Head of Education we will continue to provide work for you, but as *Child/Young Person's Name* is excluded, *he/she* 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.

You now have to choose how best to continue *Child/Young Person's Name* education. The choices are:

- *Child/Young Person's Name* educated at home, providing the Authority agrees your teaching and learning programme.
- *Child/Young Person's Name* attends a private school without financial assistance from the Authority.
- *Child/Young Person's Name* attends another school identified by east Lothian Council.

You can appeal against the decision to exclude *Child/Young Person's Name* from school, by writing a letter to Democratic Services, East Lothian Council, John Muir House, Haddington, EH41 3HA.

Your sincerely

Headteacher

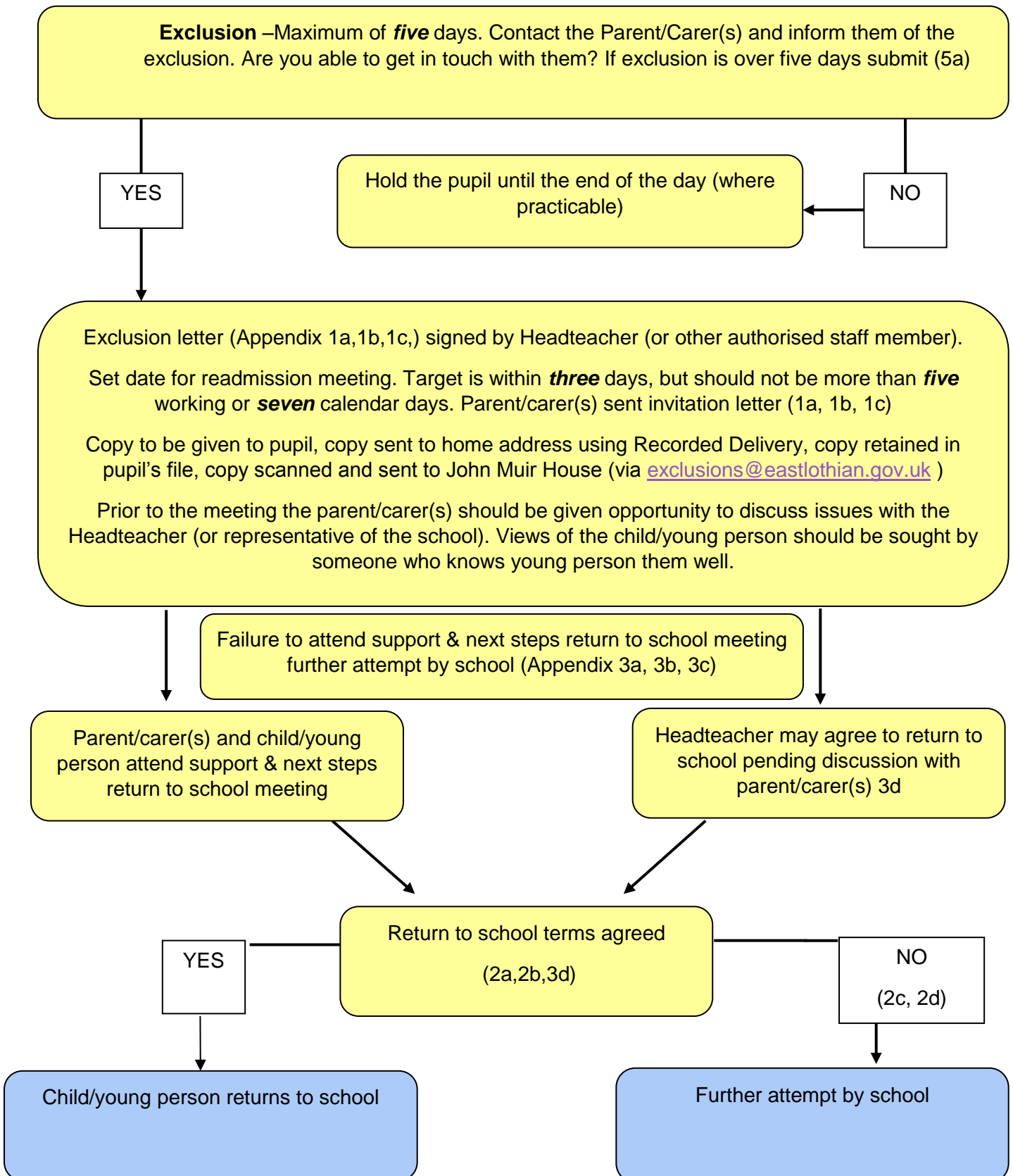
Appendix 7 (a): Exclusion Circumstances

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 7 (b): 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: Process Map for Exclusion



Appendix 9: Challenge Questions: Key considerations prior to deciding on exclusion

Challenge Questions
Has the child or young person been excluded before? What was impact of this?
Has there been clear assessment of the child or young person and their needs?
Have additional support / interventions been provided for the child or young person?
Have alternative arrangements been made for the child or young person prior to the exclusion? e.g. curriculum alternatives, temporary placement in base, use of virtual learning
How can the child's planning framework be utilised to support this child or young person?
Has the incident that precipitated the consideration of exclusion been reviewed with all staff who were present to explore fully what happened?
Has another professional from within the school who is not directly involved, been consulted on the situation in order to provide a different perspective?
Has the child or young person been consulted on their view of the situation?
Has Pupil Support/Guidance/Key worker, or if available, lead professional been consulted?
Has the possible impact of exclusion on the child or young person been considered in light of individual circumstances?
Does the child or young person's recent presentation constitute a wellbeing concern?
What might the impact of an exclusion be on a child or young person's wider circumstances?
Has a risk assessment been completed for the child or young person if appropriate?
What are the hoped for outcomes of an exclusion? Are there other alternatives that might achieve this?
Has there been consideration given to length of exclusion to ensure it is proportionate and in best interests of child/young person?
Does the exclusion comply with the regulation 4 of the 1975 regulations as amended?
Have the rights of the child or young person been considered, with regard to articles of UNCRC?

Appendix 10: Challenge Questions: Key considerations when considering Individual Circumstances

Challenge Questions
Looked After Child
Has the Lead Professional social worker consulted prior to decision?
Have appropriate arrangements been made with regard to support/care and wellbeing at home?
Child on Child Protection Register/CP concerns previously raised
Has school CP Officer and Social Worker been consulted?
Have appropriate arrangements been made with regard to support/care and wellbeing at home?
Child with ASN
Have other professionals involved been consulted on continuation of any additional input for child?
Has significant consideration been given that child or young person is not being excluded for reasons associated with disability?
Has significant consideration been given to ensure that child or young person is not being excluded for reasons associated with a protected characteristic?
Has account been taken of impact of exclusion on child or young person's learning and support provision?
Has consideration been given to review of any Child's plan or Coordinated Support Plan?
Children from an area of Socioeconomic deprivation
Has consideration been given to the impact on child's wellbeing, e.g. free school meals or Maintenance Allowance? Can arrangements be put into place to ensure entitlements?

Appendix 12: Checklist: Key consideration once the decision to exclude has been made

Checklist: Key considerations once the decision to exclude has been made	Completed
Child / Young Person to be informed he/she will be excluded	
Parents/Carers to be informed verbally immediately of exclusion	
Communication to take place with parents/carers and those with parental rights for Looked After Children, children on CP register / children with CP concerns	
Lead professional, social worker, key worker, foster carer, educational psychologist to be informed as soon as possible for Looked After Children, children on CP register / children with CP concerns	
Make arrangements for child to be collected or young person to be sent or taken home. Child or young person not to leave school until safety, health and wellbeing assured and appropriate arrangements are in place	
If parents/carers cannot be contacted child or young person must be supervised at school until suitable arrangements can be made	
If verbal contact made, follow up by written confirmation of exclusion on same day exclusion takes place. Include reason for exclusion and information on Right of Appeal	
Inform of date, time and place where Headteacher or official of authority is available to discuss the exclusion	
If child or young person is of legal capacity inform them in writing of exclusion and right of appeal	
Record of exclusion filled out – incident report form	
Ensure exclusion is recorded accurately on SEEMiS	
If appropriate Ensure RIVO is completed accurately with details of pre and post incident	
All documents relating to exclusion to be retained in Pupil's Progress Record	
Appropriate educational provision to be provided and monitored, e.g. course work, access to library, online learning	
Arrangements for the child or young person to access any existing support made (out with school if necessary)	
Arrangements for the child or young person to receive their school meal where this is provided freely.	

A contact person should be allocated for parent/carer/young person to liaise for educational provision	
Parent/carer should be informed of their responsibility to ensure child or young person is provided with appropriate education throughout the period of exclusion	
Parent/carer should be provided with information on support to assist them or advocate on behalf of child or young person	
Notify local authority If exclusion is lengthy or multiple, refer to local authority for support in decision making	

Appendix 13: Checklist: Key considerations of return to school following exclusion

Checklist: Key considerations of return to school following exclusion	Completed
School meet or discuss with parent/carer and child or young person – re-admission to school not dependant on this taking place	
Appropriate planning takes place to ensure support is provided	
Risk assessment is completed where appropriate	
Needs of staff and other children and/or young people taken into account – solution oriented/ restorative meeting held if appropriate	
Flexible package of support agreed and implemented where appropriate	
Any changes to timetable for limited period recorded on SEEMiS	
Staged intervention processes continued and adapted in light of exclusion	
Consideration given to discussion at multi-agency forum	
Pupil Support/Guidance/Key worker or lead professional (where one exists) updated Monitoring and review arrangement put in place to ensure continued support	

Appendix 14: Guidance for Headteachers and Parents: Appeals against Exclusion from School

In the event of an exclusion, the following information should be made available to parents and carers

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. Every education Authority has 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 also 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 also 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 of time.

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 also 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 in a position 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.

In order 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. Basically, there should be no conflict of interest. The clerk will be expected to take notes and record decisions, the reasons for the decision, and generally ensure the smooth running of the hearing on the day.

It will also 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 15: Exclusion - Guidance for Parents/Carers

In the event of an exclusion, the following information should be made available to parents and carers

What does exclusion mean?

Exclusion means that your child is not allowed to attend school for a set period of time. Exclusion from school is used as a last resort. We only exclude children when the case is very serious.

Why has my child been excluded?

Children are excluded when their behaviour makes it necessary to remove them from school for a period of time. This could be because:

- your child's behaviour makes it impossible for us to teach him/her in a class with other pupils.
- your child's behaviour makes it very difficult for other pupils in the class to learn and work.
- your child's behaviour is dangerous to other pupils or members of staff.
- you, as parent/carer, have been unwilling to co-operate with the school.

Who decides to exclude a child?

The Headteacher decides whether to exclude a child, after consulting with the child's Teacher(s). In a secondary school the Headteacher would consult with Pupil Support Teachers and/or the Head of House.

How long will my child be excluded?

Your child can be excluded for up to five days before we arrange a 'Support and Next Steps Meeting' with both you and your child. For the duration of their exclusion, your child must not come into school, or be in the school grounds at any time, unless for the purposes of an agreed meeting.

How do schools let parents or carers know that their child has been excluded?

If your child is being excluded during the school day we will phone you. If we cannot get in touch with you, at home or at work, or your emergency contact, we will send a letter home with your child at the end of the school day, explaining:

- why your child has been excluded.
- how long they are being excluded.
- the date of the 'Support and Next Steps Meeting'.

This letter will be followed up with another letter posted, by recorded delivery, to your home.

What happens if I don't agree with my child's exclusion?

If you disagree with the decision to exclude your child please write to:

Head of Education
Resources and Services for People
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA

What is a Support and Next Steps Meeting?

We arrange a Support and Next Steps Meeting within five days of your child's exclusion. At the meeting, we talk to you about why your child was excluded and how we can work together to ensure that your child has a successful return to school. You **and** your child should attend the Support and Next Steps Meeting. The meeting is usually held at your child's school.

Can I bring someone else with me to the meeting?

You can bring a friend to support you, or someone who will help you discuss your child's welfare with us. This could be someone from an advocacy group, an interpreter or signer. Please let us know before the meeting who you would like to bring along.

Who else will be at the meeting?

The Head of House, Depute Headteacher or Headteacher chairs the meeting. In secondary schools, your child's Guidance or Class Teacher will normally attend the meeting. There may be occasions when a social worker also attends this meeting. The priority is to get your child back to school as soon as possible.

What will happen at the meeting?

We will tell you why we excluded your child. This will cover your child's day-to-day behaviour and particular incidents that have led us to take this action. We would like to hear your views and those of your child. We will discuss ways in which your child can change their behaviour. We will agree targets with you to help your child return to school successfully. We will ask you and your child to sign an agreement. The agreement will set out how your child must behave when they return to school.

Are details of my child's exclusion kept on record?

Yes. Copies of the following letters will be kept in your child's file:

- the exclusion letter
- the letter outlining the agreements you made at the Support and Next Steps Meeting about your child going back to school.

Copies of these letters are also sent to the Education Department in Haddington.

What if I can't attend the Support and Next Steps Meeting?

It is essential that everyone can attend the meeting. If you can't come to the meeting, please phone the school as soon as you can, so that we can arrange another time with you.

What if I don't attend the Support and Next Steps Meeting?

If you don't attend the meeting, then your child may not be allowed to return to school. We will write to you with a date and time for another meeting. We will keep copies of this letter in your child's file and at the Education Department in Haddington.

What contact will my child have with the school while they are excluded?

Your child must not come into school or onto the school grounds during the exclusion. The school will provide work for your child to do at home. Arrangements will be made with you about when and where the work is to be collected.

Where possible, your child's Guidance Teacher or Lead professional, or another person who knows your child well (for example, a social worker), will try to get the views of your child before the Support and Next Steps Meeting. Your child will be able to talk about the incident that led to their exclusion, and discuss how they could change their behaviour. Your child can talk about this at the Support and Next Steps Meeting.

How will the school help my child once they return to school?

When your child comes back to school, various measures will be put in place to help both you and your child meet the targets agreed at the Support and Next Steps Meeting. This could include some time in a support base outside the classroom setting or support in class. As part of this support, your child may carry a 'monitoring sheet' or 'support sheet'. This allows Teachers to note how your child is getting on and identify areas still causing concern. The sheets are then brought home each evening for you to see.

How can I help?

Your support for the school is vital and we will always welcome your help. While your child is excluded, you can discuss with the school what led up to your child's exclusion, and how you can encourage your child to change their behaviour. Please phone the school to talk or arrange a meeting. In a secondary school this would be with your child's key worker or Head of House.

We need your continuing support, so once your child is back at school, we would be happy to discuss how your child is getting on. The school might give your child a monitoring sheet and expect you to sign it nightly. This lets the school see that you have read the sheet and encouraged your child to keep the conditions of readmission.

What happens if my child is excluded more than once?

If your child is excluded three or more times, we will arrange a Child's Planning Meeting. We will invite various people involved with your child's welfare to this meeting, including:

- You and your child.

- A senior member of staff from your child's school.
- (In secondary schools) your child's Guidance Teacher or Lead Professional.
- Your child's Support for Learning Teacher (if they have one).
- Your child's Social Worker (if they have one).
- Your child's Educational Psychologist (if they have one).

What happens if my child keeps on being excluded from school?

This doesn't happen very often. The school, working in partnership with you, will have done everything possible to help your child improve their behaviour. If we feel that this approach is not working, then we might decide that your child needs to be educated in another local school. The Head of Education would be involved in this decision and both you and your child would be involved in all discussions.

Can I appeal against my child's exclusion?

Yes. Should you wish to appeal, you must do so, in writing, within twenty-eight days of receipt of the exclusion letter, to:

Head of Council Resources
 John Muir House
 East Lothian Council
 John Muir House
 Haddington
 EH41 3HA

Where can I get independent advice and support?

- Your local Citizens Advice Bureau Website: www.cas.org.uk
- Scottish Parent Teacher Council (Tel: 0131 474 6199, Website: www.sptc.info)
- Enquire 03451232303 <http://enquire.org.uk/parents/exclusions/>

Appendix 16: Exclusion - Guidance for Children and Young People

In the event of an exclusion, the following information should be made available to the pupil who has been excluded.

What does exclusion mean?

Pupils are excluded when their behaviour tells school staff that they are not able to cope with school for a time. This will be because of harmful behaviour which affects other people, their learning or puts them or others in danger. Exclusion means that the pupil is not allowed to attend school or be on school grounds for a set period of time.

Who decides to exclude a pupil?

Exclusions are only used as a last resort. The Headteacher will decide whether exclusion is the only option after speaking to the pupil's teachers and those affected by the pupil's behaviour. This includes school staff and other pupils. If the pupil is at secondary school, the Headteacher will also talk to their Guidance Teacher and/or the Head of House.

For how long are pupils excluded?

A pupil can be excluded for up to five school days. The pupil's Headteacher will let the pupil know how long the exclusion will be on the day of the exclusion.

Will the pupil's parent or carer know that they have been excluded?

Yes, school staff will phone their parent or carer. If they cannot get in touch with them, the pupil will be given a letter to give to them. This will explain:

- Why the pupil has been excluded
- How long the exclusion is for
- The date of the 'Support and Next Steps Meeting'.

Another letter will be sent to the pupil's home (by recorded delivery) in case they don't get this first one. Until the pupil's parent or carer is able to collect them, the pupil will stay in a safe space in the school.

What happens if the pupil or their parent/carer disagree with the reason for the exclusion?

Pupils over the age of 12 can make an appeal against the reason for the exclusion. Usually this would be done with their parent or carer. They would then contact the Head of Education giving the reasons why they disagree with being excluded.

Head of Education
Resources and Services for People
East Lothian Council
John Muir House
Haddington

What is a 'Support and Next Steps' meeting?

A 'Support and Next Steps' meeting will be arranged for the pupil **and** their parent or carer to attend before the pupil comes back to school. This will be an opportunity to talk to school staff about why they were excluded and what needs to happen to help them back into school. Support and Next Steps meetings usually take place in the pupil's school. Although the pupil is not allowed in school or on school grounds while they are excluded, it is ok for them to be in school for this meeting. There may be other reasons why a pupil may be allowed in to school (e.g. appointment with a counsellor, access to school meals) but the Headteacher will decide if an excluded pupil is allowed into the school.

Who else will be at the meeting?

The pupil's Depute Headteacher or Headteacher leads the meeting. If the pupil is at secondary school, their Guidance Teacher, Head of House or one of their Class Teachers will usually also attend the meeting.

What will happen at the meeting?

School staff will talk about why the pupil was excluded. This means talking about how the pupil was managing in school before they were excluded and what happened in particular to show staff they were not able to cope with school for a time. Usually the pupil will have the opportunity to share their views with someone in school who knows them well. It's important that the pupil gets to share their views in this meeting – but they don't have to if they don't want to. Sometimes young people find it easier to share their views with someone beforehand, and this person can talk on their behalf. Everyone will talk about more positive ways the pupil can let school staff know if they are not managing the demands of school, and set targets to help them to do so. The pupil and their parent or carer will then sign a document agreeing to these targets.

Are details of the pupil's exclusion kept on record?

Yes. Copies of the following will be kept in the pupil's file:

- The exclusion letter
- The document outlining the agreements they made at the Support and Next Steps meeting about going back to school.

Copies of these are also sent to the Education Department in Haddington.

What if the pupil's parent/carers does not attend the Support and Next Steps meeting?

It is very important that everyone attends the Support and Next Steps Meeting. If parents or carers do not attend the meeting, then the young person may not be able to return to school. The Headteacher will write to them with another date and time for a meeting when the parent/carers is available. Copies of this letter will be kept in the pupil's file and at the Education Department in Haddington.

What contact will the pupil have with the school while they are excluded?

The pupil must not come into school or onto school grounds if they are excluded unless special agreement has been made with the Headteacher so that they can attend an organised appointment in the school. It is important that the pupil still has the opportunity to learn and so their teacher(s) will send work home for them to do. Someone who knows the pupil well (for example, their Class Teacher, Guidance Teacher, Social Worker) might also be in touch to get the pupil's views before the Support and Next Steps meeting. This can help the pupil to think before the meeting, about more positive behaviours they can use when things at school are tricky.

How will the school help the pupil once they return to school?

When the pupil comes back to school, steps will be put in place to help them achieve the targets they agreed at their Support and Next Steps meeting. This might mean spending some time in a support base outside the classroom setting or additional support in class. This might also mean keeping a record of how things have gone in each period and getting this signed by the teacher. These sheets help Teachers to note how the pupil is getting on and identify areas where they need more support. The pupil will take these home for their parent or carer to see.

How can the pupil's parent or carer help?

It is really important that everyone works together to make sure that pupils get the most out of their education. The school welcomes any ideas or suggestions from the pupil's parent or carer on what works well to support them. Their parent or carer can contact the school at any time, even while the pupil is excluded, to discuss how to support them or for ideas on what else the school can do.

What happens if the pupil is excluded more than once?

If the pupil is excluded three or more times, the school will arrange a Child's Planning Meeting. Various people involved in looking after the pupil will be invited, including:

- Their parent or carer
- Their Headteacher, Depute Headteacher or a Principal Teacher
- Their Guidance Teacher or Lead Professional (if the pupil is at secondary school)
- Their Support for Learning Teacher (if they have one)
- Their Educational Psychologist (if they have one)
- Their Social Worker (if they have one)

REPORT TO: Education Committee
MEETING DATE: 19 June 2018
BY: Depute Chief Executive (Resources and People Services)
SUBJECT: School Session Dates (2019/2020)

6

1 PURPOSE

- 1.1 The purpose of this report is to obtain the Committee's approval for School Session dates for 2019/2020.

2 RECOMMENDATIONS

- 2.1 The Committee is asked to:
- (i) Approve the school session dates for 2019/2020 as outlined in Appendix 1.
 - (ii) Authorise the Head of Education to notify Head Teachers, Teachers' Associations, Heads of Establishments and Parent Councils.
 - (iii) Authorise the Head of Education to notify the Scottish Government.

3 BACKGROUND

- 3.1 This year, following early discussion with neighbouring Authorities (Midlothian Council and City of Edinburgh Council), East Lothian has prepared school session dates for only one academic year, 2019/20. This is primarily due to City of Edinburgh Council indicating that they were considering undertaking a consultation on the re-configuration of the academic session from 2019/2020 onwards and would therefore be setting dates for one year only. Midlothian Council also indicated that, at that point, they too were only setting dates for school session 2019/2020. Further engagement with neighbouring Authorities, which included Scottish Borders and Fife Councils proved difficult and by the time subsequent discussions took place, City of Edinburgh Council had already decided to set dates for the next three academic sessions; had not proceeded with any consultation on a reconfiguration of the academic session and had undertaken their consultation exercise on the proposed three year session

dates. Scottish Borders had already set dates for the three years to 2019/20 and Fife Council had set theirs for the three years to 2021/22. It was therefore decided that East Lothian would attempt to align our dates more with Midlothian Council who were only setting dates for 2019/20.

- 3.2 The dilemma we found ourselves in is historically the vast majority of respondents to our consultation favour an alignment with City of Edinburgh dates over Midlothian. A decision was taken to produce a proposal that incorporates both Midlothian and the City of Edinburgh dates but also considers the needs and preferences of our own schools, particularly around In-service dates. The draft dates produced for East Lothian align with both Midlothian Council and City of Edinburgh Council.
- 3.3 In preparing the draft school session dates for 2019/2020 the following points were taken into consideration:-
- 190 pupil and 195 staff days which is in accordance with the Schools General (Scotland) Regulations 1975 (as amended);
 - A fixed one week break in the third week of October;
 - The school session ending before the first full week of July
 - 5 fixed in-service days; and
 - Flexibility with the Easter break to allow for a natural end to Term 2.
- 3.4 In preparing the draft school session dates for 2019/2020 the five points in 3.2 were taken into account as outlined in the attached draft proposed dates (Appendix 1). Cognisance of the City of Edinburgh Council's and Midlothian Council's session dates were taken into account in an attempt to align the dates, as far as possible, across the three Local Authority areas. This has been achieved in relation to the main holiday periods.
- 3.5 The Education Service consultation on the proposed East Lothian session dates for 2019/2020 took place with Head Teachers, Teachers' Professional Associations, UNISON, Educational Establishments, Parent Councils and the wider community through the Council's Consultation Hub. The period of the consultation ran from 27 March 2018 until 4 May 2018.
- 3.6 The Education Service consultation asked for comments only in relation to the proposed East Lothian dates. A total of 79 responses to the consultation were received, 77 of which were from individuals. Of the 79 responses received 24 commented they were supportive of the proposed dates; 18 related to requesting that the dates be aligned to neighbouring Authorities; 17 related to the timing and duration of the February break; Other comments related to the timing and duration of the Easter break; the early return in August viewed both positively and negatively; the timing and duration of the October break and the timing of In-Service days and Public Holidays. Overall from the responses received there was a majority who were supportive of the proposed dates and with them aligning with neighbouring Authorities.

- 3.7 The City of Edinburgh Council has decided to set their school session dates for the next 3 years (2019/2020, 2020/2021 and 2021/2022) and Midlothian Council have decided to set their school session dates for only 2019/2020 at this present time. Discussion will take place with Midlothian Council and Scottish Borders Council when we look at the session dates for 2020/2021 and beyond. Cognisance will be taken of the dates already set by City of Edinburgh Council and Fife Council for these two school sessions.

4 POLICY IMPLICATIONS

- 4.1 None.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - None
 6.2 Personnel - None
 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 None.

Appendix 1 - draft school session dates 2019/2020 (Table and Calendar formats)

AUTHOR'S NAME	Richard Parker
DESIGNATION	Education Service Manager
CONTACT INFO	Tel:- 01620 827494 Email:- rparker@eastlothian.gov.uk
DATE	14 May 2018

**EAST LoTHIAN COUNCIL
RESOURCES AND PEOPLE SERVICES
SCHOOL SESSION DATES 2019/20- DRAFT**

TERM 1	Staff In-service Day 1	Monday	12	August	2019
	Staff In-service Day 2	Tuesday	13	August	2019
	Pupils Resume	Wednesday	14	August	2019
	Autumn Holiday (schools closed)	Friday	13	September	2019
	Autumn Holiday (schools closed)	Monday	16	September	2019
	All Return	Tuesday	17	September	2019
	All Break	Friday	11	October	2019
	Staff In-service Day 3	Monday	21	October	2019
	Pupils Resume	Tuesday	22	October	2019
	Term Ends	Friday	20	December	2019
	<i>Term 1 = 85 pupil days Term 1 = 88 staff days</i>				
TERM 2	All Resume	Tuesday	7	January	2020
	All Break	Friday	7	February	2020
	Staff In-service Day 4	Monday	17	February	2020
	Pupils Resume	Tuesday	18	February	2020
	All Break	Friday	3	April	2020
	Good Friday – 10 April 2020 Easter Monday – 13 April 2020 <i>Term 2 = 58 pupil days Term 2 = 59 staff days</i>				
TERM 3	All Resume (Staff and Pupils)	Tuesday	21	April	2020
	May Day (Schools closed)	Monday	4	May	2020
	All Resume	Tuesday	5	May	2020
	Staff In-service Day 5 (pupils off)	Monday	18	May	2020
	Pupils Resume	Tuesday	19	May	2020
	Term Ends <i>Terms 3 = 47 pupil days Terms 3 = 48 staff days</i>	Friday	26	June	2020

Draft School Session Dates 2019/2020

Teaching Day	Green
In Service Day	Yellow
School Holiday	Red

As at 21 March 2018

Appendix 1

August 2019						
Su	M	T	W	T	F	Sa
					1	2
3						
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September 2019						
Su	M	T	W	T	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October 2019						
Su	M	T	W	T	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21*	22	23	24	25	26
27	28	29	30	31		

*holiday for pupils

November 2019						
Su	M	T	W	T	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December 2019						
Su	M	T	W	T	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

January 2020						
Su	M	T	W	T	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February 2020						
Su	M	T	W	T	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

March 2020						
Su	M	T	W	T	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April 2020						
Su	M	T	W	T	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

10th Good Friday/13th Easter Monday

May 2020						
Su	M	T	W	T	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18*	19	20	21	22	23
24	25	26	27	28	29	30
31						

*holiday for pupils

June 2020						
Su	M	T	W	T	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July/August 2020						
Su	M	T	W	T	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15

REPORT TO: Education Committee

MEETING DATE: 19 June 2018

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Roll Capping Increase – Secondary 1 (S1) at North Berwick High School

7

1 PURPOSE

- 1.1 The purpose of this report is to ask the Committee to approve an increase in the S1 capping level at North Berwick High School for school session 2018/19.

2 RECOMMENDATIONS

- 2.1 The Committee is asked to approve an increase in the S1 capping level at North Berwick High School for session 2017/18 from 160 to 180 pupils. And to continue to hold 12 places in reserve for incoming catchment pupils.

3 BACKGROUND

- 3.1 On 13 March 2018, the Education Committee agreed to a maximum intake level in S1 at North Berwick High School of 160 pupils.
- 3.2 Since Committee met, the house build has accelerated and the number of expected catchment S1 pupils has increased to 158 for the start of the school session in 2018/19. This leaves very limited availability of places for pupils moving into catchment throughout the 2018/19 school session. In addition to the ongoing new house build this increase takes into account the inward migration of pupils into the existing housing stock.
- 3.3 The school is able to revise its timetable to accommodate 180 S1 pupils for session 2018/19.

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6. RESOURCE IMPLICATIONS

- 6.1 Financial – Increase in revenue costs associated with additional recruitment of teaching staff.
- 6.2 Personnel – Additional teaching staff will be required to deliver the timetable.
- 6.3 Other - None

7. BACKGROUND PAPERS

- 7.1 None

AUTHOR'S NAME	Fiona Brown
DESIGNATION	Principal Officer
CONTACT INFO	Tel:- 01620 827415 E-mail:- fbrown@eastlothian.gov.uk
DATE	18 May 2018

REPORT TO: Education Committee

MEETING DATE: 19 June 2018

8

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Head Teacher Appointments

1 PURPOSE

- 1.1 To inform the Committee of the Head Teacher appointments made by the Appointments Sub-Committee.

2 RECOMMENDATIONS

- 2.1 The Committee is asked to note the undernoted Head Teacher appointments.

3 BACKGROUND

- 3.1 The following Head Teacher appointments are intimated: -

School	Appointee	Commencement Date	Previous Post and School
Yester Primary School	Heather Williams	August 2018	Head Teacher Elphinstone Primary School
Knox Academy	Susan Cook	August 2018	Acting Head Teacher Trinity Academy Edinburgh
Dunbar Grammar School	Claire Slowther	August 2018	Depute Head Teacher Dunbar Grammar School

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6. RESOURCE IMPLICATIONS

- 6.1 Financial – None
6.2 Personnel – None
6.3 Other - None

7. BACKGROUND PAPERS

- 7.1 None

AUTHOR'S NAME	Val McIntyre
DESIGNATION	Principal Officer
CONTACT INFO	Tel:- 01620 827228 Email:- vmcintyre@eastlothian.gov.uk
DATE	18 May 2018