

Excluded Event – 9 Nov 2023 - Exclusion Panel – CCA Glasgow

SUMMARY KEYWORDS

people, exclusion, excluded, education, issue, children, schools, school, support, teachers, Scotland, rights, local authority, pupils, feel, poverty, work, terms, point, child

SPEAKERS

Zainab Adeleye, Audience member 4, Audience member, Amanda Corrigan, University of Strathclyde, Audience member 2, Laura Lundy, Audience member 1, Julie (Education Scotland), Kerry Watson (Keeping Families Together), Audience Member 5, Ian Nisbet, Audience member 3, Bruce Adamson, Beinn Grant, Sarah Wishart

Beinn Grant

Awesome. so, I guess we'll get started then. so, hi, everyone. I'm Beinn Grant. I'm the MSYP for Perthshire North, and I'm also the convener of the Education and Lifelong Learning Committee in the Scottish Youth Parliament. And obviously, as you can guess my remit is education. so, yeah.

Zainab Adeleye

Hi, everyone. My name is Zainab Adeleye. I am the MSYP for Glasgow Southside. And I'm the deputy convener for the Equalities and Human Rights Committee and equalities as well.

Bruce Adamson

Hi, everyone, I'm Bruce, I'm the Children and Young Peoples Commissioner, Scotland, I always describe it as the best job in the world because it's my job to promote and safeguard the rights of the over a million children and young people all across Scotland. When I first got the job, I travelled around the country and asked children what they wanted from me. And they told me all sorts of amazing things. But one of them, one of the things that I love is up in Shetland. They told me, they wanted me to be savage in holding those in power to account. I think it's the kind of Viking heritage up there. So, that's going to fit into my strategic planning and its jobs very much around accountability. And so, I think that the focus of this panel is really dear to my heart, in terms of looking at the purpose of education and the failures of government at all levels, to ensure that we're actually taking a rights-based approach. It's been evidenced so, well in this film, and this project and this discussion. So, looking forward to the discussion.

Laura Lundy

I'm Laura Lundy. Most of you know me, I'm a professor of children's rights at Queen's Belfast and in Cork. But I was just saying to Iain here is that what you probably don't know about me is that I qualified as a barrister. And I ran a law clinic, and I got into children's rights via education law. I wrote [muffled]

that I started... That was my route, was domestic education law. I wrote the first textbook in it in Northern Ireland. And it is Byzantine, it is so... Education is so, complex. And it's hard enough for lawyers, but it's impossible for parents and I think school exclusion, suspension, we call special educational needs, some of you call it additional needs. It is so, complex. It's great. We have people like...

Ian Nisbet

Hi, my name is Ian Nisbett, I am an educational solicitor. And I work mostly with families with children who have either disabilities or additional support leads. I also part of a national project called 'My Rights My Say, which provides direct support and representation to children with additional support needs aged 12 to 15 in terms of exercising and enforcing their rights under that legislation. And some of the time, more often than is healthy. I think that casework involves children who have been excluded from school either formally or informally.

Sarah Wishart

Fabulous, right? Well, Laura said to me that one of the things she really wanted out this afternoon is a bit more engagement from the floor. so, there's your challenge, if there are things that the panel are talking about, that you're really interested in, or that you've got really good examples, and I think what today has shown us is that there's a real power in those kind of like really practical examples, please put your hand up. I'll, I'll kind of like keep an eye more on this side of the room than this side of the room and like if you want if you want to talk just shout, okay, so, first question. Okay, so, children report being informally excluded or being taken off the school roll, there are no statistics for this in education, to what extent do you feel children are excluded using these methods, particularly those nearing 16 or over? And what impacts this this sort of inclusion have?

Ian Nisbet

Yeah, so, happens quite a lot, I think is my impression. And as you say, it's not then recorded in statistics. Sometimes the education authority at head office don't even know that this has happened. It's just sort of taking place at a school level. And so, the exclusive statistics that come out then are really, can be misleading I think under reporting, what the guidance says very clearly should be counted as exclusions. I think recently there, there was a report on the exclusion of statistics said only one child in the whole Scotland was permanently excluded from a school in the whole of that particular reporting year, which was just nonsense. And what education authorities have done is they've kind of taken a leaf from the Independent Schools playbook where they just sort of have a quiet word with people and expect them to leave with their own accord. And that's what you see. And you get all sorts of euphemisms that people use as dealing with a child, aged 15, in foster placement, and she was told to leave school and to not come back to her school. And we challenged that, and we said to the local authority, that that was an exclusion. And they disagreed even all the way up to the tribunal. And they were insisting that it wasn't an exclusion, even though very clearly, they were saying that she couldn't come back to school. And then if she tried to that they might call the police. And they described it as having relocated her educational opportunities off campus. Which is almost Orwellian, in its, you know, attempts there. And I think it's a really big problem. I think the point made in the question, as well, about those who are approaching the age of 16, can often be given a really big hint that their educational opportunities lie elsewhere. And often, young people, parents don't know that they can insist on staying

at school. And that's something that comes up May, June time every year, we'll get inquiries about that sort of thing. And I think a lot of head teachers genuinely believe that once you hit the age of 16, you can just be shown the door, which is not the case.

Laura Lundy

This is quite a quite a big issue in the research project I mentioned that we're dealing with in the foreign nations, and it's everywhere. And from a rights perspective, it really, you know, frustrates and angers me because once you once you do that the child's just given the impression, you've lost all access to legal entitlement unless, you know, you can get [to it], you know. If you're dismissed, there's an appeal process, there's accountability. If you're just told not to come back or given you, don't you lose all those rights that go with their formal process. But I've been kind of coming up with this term of like constructive exclusion, that a thing called constructive dismissal. And that's not when you're sacked. It's when situations so, bad you walk out, you know, and there's a constructive exclusion. I think quite often what's happening is school has made so, intolerable for some young people that they don't turn up, you know, not so, the school isn't even doing the off-rolling thing. It's just making it and then there's somebody didn't come back; we can't make them. And they don't care at this age, because of the attempt that education welfare service isn't going to push for attendance. so, there's kind of all sorts of practices that are really grey and deny young people their normal procedural rights to challenge.

Beinn Grant

Yeah, I think it's a really interesting issue, isn't it? Because it's like, how do you challenge something that technically, according to the government, isn't there? I suppose it comes back to what we were talking about earlier about accountability, how do we account for the fact that kids are affected for just going missing? You know, how do you challenge these behaviours? It becomes really difficult topic. I think, obviously, if you're excluding from someone from school, informally, or formally, you are taking them out of education. Where did they go after that? I mean, yes, you might argue some might go into apprenticeship. Some might go into, you know, other employment. But what happens to the large number of people who just completely drop off the radar and ends up with very little to nothing? And it's like, what do you do in that situation?

Bruce Adamson

It's been, it's been really well covered, we're supposed to be doing a bit of audience participation. so, I'm going to jump in with some of that in so, ask you all in the audience. so, the methodology we'll use is for those of you that are able to stand if you can stand up. And the question is, how big an issue do you think this is in your local authority area, and if you think it's a huge, huge issue, put your hand up, like stretch up as tall as you can get. And if you think it's not really an issue, right down to the floor, so, everyone stand up in so, far as you're able to. And then given as Ian said, the national statistics say this isn't a problem, because we don't have statistics, but in your local authority area, how big an issue do you think that it is? so, we're getting lots of hands up to the sky? Is anyone a bit lower? so, yep, so, there's okay, we're up there. so, go. Okay, you can pick either or both. So, so, one of them's amazing one of them's awful. Yeah,

Audience Member 5

I live in East Renfrewshire, and I don't think there's a big off-rolling problem. I believe it happens, but not massively. I think in Glasgow I formerly worked in youth justice. And I actually had a wee bit of a question for Laura. But I don't want to derail this, if you want to come back afterwards,

Bruce Adamson

We'll come back to [your] question. And so, there's some big hands reaching to the sky up here. so, which we're Where are you from? If you're happy saying that?

Audience member 1

Falkirk. And so, basically, in my community that I work in, there's a population of about 800 people, and we already have identified six individuals that are not in education.

Bruce Adamson

Yeah, so, that huge percentage wise isn't it. Anyone else who was really high or really low that wants to? Yep, sorry, I've taken over the chairing.

Audience member 2

So, I work in Edinburgh, and we have, we work on projects with young people who are not attending school, we run a project for the Gypsy Traveller community where they're not formally excluded, but school becomes impossible for them, they leave at 12/13. And there's very little provision, very little help for them, there's very little literacy support for them. so, there's nothing for them to do really.

Bruce Adamson

Brilliant. Thanks, everyone. Okay, you can sit down, I'm gonna make you do that again. so, just to just that you're aware, and we get some exercise. Just in terms of my reflections on it. I think that the point on the data's really important, the point that he had made earlier, we need to make sure that this is properly recorded in order to ensure we know what's happened. And we don't at the moment, that's actually a recommendation we've put forward to the UN Committee on the Rights of the Child as part of the review of Scotland in the UK, to make sure there's a really clear recommendation that we've got clear data. But the second part of the question I think's really interesting in terms of what's the impact of, of being excluded, either on a temporary basis and, and from, from a rights perspective that this is really important, because not only is there a right to education, but the Convention on the Rights of the Child sits out the purpose of education. And it's this holistic idea of developing children to their fullest potential. It's not just about passing exams, but it's about developing all of all of you. so, that you can, you can be fully engaging in your community, understanding who you are, and understanding the natural environment. so, much of education isn't just about passing exams, it's about developing you to your fullest potential. And so, when you're excluded from the state obligation to do that, that's really problematic. And actually, and again, as Ian mentioned, we've got a domestic legal framework that says you're entitled to this, and a right to it. And again, even post 16, there's really clear commitment to ensure that you show what the kind of educational pathway is, for those that aren't in the formal schooling system. And so, that state failure, going back to the discussion that we had in the previous panel, it's really important that we see this as a rights issue and a failure of the states to deliver on that promise that children and young people have having that that right to education, and being able to fulfil that in the way that best suits the child's needs, and the involvement of that child and helping to design

that absolutely essential. And the impact of that failure of the state flows really strongly through into physical and mental health, into the way in which you engage with society kind of socialisation Association, all of those other things. Right to recreation, rest, and play is all LinkedIn if you're excluded from the formal systems, and there's not other systems put in place to support you, that has a catastrophic effect on children, young people at the time, but also can be lifelong. And so, I think I think that second part of it is really important in terms of the impact is absolutely profound. And we need to see this as a failure of the state to deliver on a really clear obligation in Rights terms and within domestic law as well.

Zainab Adeleye

In regards to the first part of the question, and you know, how often it happens, I think it happens a lot of times, especially in regards to things like league tables, how many A's does our school get, you know, so, it's gotten to the point where schools don't care about the pills anymore to just care about, you know, getting that high rating. so, it happens a lot. so, it gets to the point where you're like 16 and then you're already starting to be told, like, oh, I don't think you will do hires leave you become a hairdresser. Or go into apprenticeships, you know, etc. And how this affects you know, us is you start to feel like burdens you. I mean, it's like, I feel like they don't realise he has like this domino effect. If, for example, my friend was told, I feel like you're okay, okay. I think you're really dumb. I think you should become a hairdresser, I will start to get rather apathetic, because my friend has been told this, he gave me my attitude to change. so, she's left school now, because of what the school has told her, I start to change. And then I'm told to leave school, and then my other friends start to change, and they're told to leave school. Now, this school doesn't exist anymore. All we care about is the league tables, all we care about is our a's and everything. And aside from the technicality, it's like, where's the humanity, it's like, the schools need to be reformed like entirety, you need training all over again. Because if we as young people are putting your care, you are my teacher, you're my head teacher, I'm putting your care because they believe you're responsible enough to be socially aware about the things you say about what how you behave towards me, if you lucked out, you should be removed, you need training all over again. so, they need to realise the domino effect. They need to realise that humanity plays a very, very important aspect in this. And that's it.

Beinn Grant

Yeah, I totally agree Zainab I mean, something I've just been thinking about there. It's like, what kind of a tone does this set, it's like, if you're being kicked out of school, it's like, usually the people [who are in from] school or people who aren't, you know, doing very well academically there have, you know, whatever issues in their own lives that are, you know, they're struggling to resolve and ideally do some support with is people that the school is basically saying, we don't want to deal with you. It's your issue now, off you go. so, again, why, why are we accepting this culture as it is, it's completely toxic. And Zainab says its a bit of league tables to say, and this whole thing is driven about your school's reputation, and league tables and performance. And it's like, we're all hooked on his idea of Successful Learners and the Curriculum for Excellence and getting your highers and advanced highers and so, on. But what about social skills and the method skills? What about the things, you know, for example, I do some part time work with children who have additional support needs autism, and so, on. And for some of them, being able to maintain eye contact is a massive, massive achievement. They might never get an advanced higher in physics or modern studies or whatever. But for them, that is a huge

achievement. And by kicking people who may be struggling in a mainstream education system out school, you're effectively saying you're not good enough. We don't want you in this society. Off you go, it's your problem. And I find that just totally disgusting. And I'm sure most of you here, if not all you here will agree with that. so, yeah, I mean, it's totally wrong. And obviously, we're talking about informal exclusions and being excluded from the actual building and education. But I think it's also important to acknowledge the situation within schools, people who are still in school being told, Oh, no, you can't do that higher, because you've not met certain, you know, grades, or, you know, you can't do this, and you can do that higher, and it's like, Who are you to see that I can't achieve this out of the next thing. And it's like, you know, just because you didn't do Nat Five doesn't mean you can't do higher, you know, there might have been some situation in your home life or another, you know, parts of your own existence that have impacted your ability to perform. And Nat Five level I mean, this, again, goes to testify as to why our own exam system doesn't work, if nothing else, but it's like, you know, just because you've not got a certain grade, it doesn't mean you can go on to be really successful. so, it's time we stop judging people based on academic grades, and school performance, but rather on their, you know, ability to function in society and their ability to empathise with others ability to communicate. I mean, these are such important skills that I feel that we just totally neglect in mainstream education at the moment. so, yeah.

Bruce Adamson

I think I think this is a sorry, we're diverting a wee bit from the questions. But I think this is this is a really important point into coming back to the purpose of education. And I think it's interesting when you talk to kind of business and community in terms of what they want in terms of being able to be really productive in in terms of building society, it's about problem solving. It's about team working, it's about all of the soft skills that we don't measure very well, within the education system. We don't we don't value who are the children in our school communities, who are the kind of peacemakers and problem solvers and who are the who are the ones that are really caring, because those are actually the skills we really need in society. And the purpose of education set out in Article 29 actually speaks to that. It's about developing the skills to allow you to work in a society. And I think that the education system doesn't actually focus on value on those things. And in Scotland, at the moment, we've got a review of education. And I think again, without diverting us too much I don't think that would be an interesting point to discuss because I know that the pair of you've got a lot to say on this but, we've got an opportunity at the moment where the purpose of education is being instructors of education is being reviewed. But I'm not really sure how many young people and particularly those who aren't having positive experiences with education are involved in that. so, without deviating too much from the questions, I'd love to hear a bit more about that.

Zainab Adeleye

Well, I just wanted to say it was regarding examples, right. You know, Ben was talking about, like, what makes you think you can tell me I can't do this, I currently study law in the University of Dundee, and I met this guy. And I was like, going back to Glasgow because I live in Glasgow. And I was like, oh, you live in Glasgow as well. And I'm like, and he's like, Yeah, his school was literally like, five minutes away from my house. I'm like, Wow, what a small world, small world. And he was like, yeah, do you know how he got excluded from school? I'm like, you're here studying law. And he was like, Yeah, because I went home, studied on my own, went into the exams, and aced it. And he was like, I intentionally went

back to my school told my teacher, yeah, I'm going to Dundee now to do law, and they were all irritated, and we're all angry. And I was like, if he can do it on his own, the education system has failed. If he can just say, You guys are telling me I can't do this, I can't do that. And I can go on my own and do this and get into law. education system has failed. And I was like, I'm really proud of you for not letting them you know, drown your, you know, your ambition. In those. I was just like, no one's dumb. No one's dumb. Anyone can become anything they want to become. And he is a solid example.

Beinn Grant

Yeah, okay. I've known people similar to that Zainab you know, I think we've all got examples of that in our own lives. And obviously, Bruce, you're asking there about the national discussion. And you know, how young people get involved and reform in general. I think the government is trying to involve young people. I mean, certainly Zainab and I, obviously independent government this but we're on the exam reform with Louise Hayward's, and obviously, myself and Sophie, we go to the Scottish education council meetings. And so, we are moving in the right direction. I think, you know, things are progressing. But in terms of our wider participation of young people within reform within politics within our society, I think we're still really lacking in that area. And there's a lot more we could be doing to include young people, not just MSYPs. But you know, those seldom heard voices, people who are marginalised people who are told you can't do this. And yeah, I think, obviously, there's no one size fits all, we can't just put a survey analysis, everybody, we can't just do focus groups and that's it everybody, I think we need to try and use every medium possible to try and get across how important this actually is. And we really want to try and bring in all these views from every diverse group. And, you know, setting in our society is some monumental task, I have to admit, but it's a task worthwhile. And I was like, I see. And actually, as I mentioned to you earlier, I think we're at such an important juncture in Scottish education, whereby COVID has exacerbated so, many issues that already existed in our education system. And so, many more people have become aware of these issues. And I think now that we have this opportunity, where people are they have their eyes open, I think we know is the time to get this right. And really drive forward, that change really push out the fact that you know, we're having this national discussion, we're doing this exam reform, what do you think and really try and get the country involved, which I don't feel like we're quite getting at the moment. And obviously, there's fatigue, I think at the moment, people really think that if we don't fix this now, if we don't get these reforms through now, we will get the voices heard. And now, I think we're going to be really struggle in the future. To continue this work. It is a bit of a once in a lifetime opportunity here, people are getting fed up of reforms that actually are just a rebranding of the same old, same old. And what we really need to do is make sure via whatever means necessary that we are bringing these voices into the fold. And we are making reforms that are needed, whether people like it or not, you know, we have to be blunt about it, we have to be say, this is not good enough, this needs to change. And the status quo just isn't good enough.

Laura Lundy

Just want to say I mean, the reason we're all here today is this film excluded, you know, and it does it really powerfully, you know, it captures the young people who don't get heard, shows their experience shows high, they ended up excluded, what they were feeling, what they were experiencing, and you can't watch it, if you haven't already seen it you're going to be blown away by it, you know, and it's really, it's there are ways of doing this. And this is brilliant. This is a brilliant example of that kind of

slightly different theme, because I think it is, I think you're absolutely right about value and you know, which skills do we value? But one of the things that I've been working on lately and I'm really curious in the room, is whether this happens in Scotland, from a rights perspective is this idea about you know, when children are disruptive, and they get pulled out from mild disruption, you know, whatever, behavioural issues over time And they're put out in different ways, maybe the frozen like thing. And it's this the rights of the other 29 issue, you know, and it's such a false. And it's in a really false version of Human Rights law that this child is interfering with the rights of the other 29 to get an effective education. And I've written about this, and I feel really passionate about it. so, just remember, I want to have got an audience to say something, it's wrong. Because often what is happening is they say, it's the right of this child versus the right of the other 29, the right of this child of education, to the right of the other 29. But actually, what's happening with this individual child is disruptive, probably is a breach of their rights, something has gone wrong, when they're not been delivered the conditions where they can have a meaningful, usually inclusive, because usually there's additional support needs involved, that are that are not met, that are creating these conditions. so, I could talk all that I'm not going to, but you work on these issues. What was the question? The question is like, do you find that schools are telling them that they're too disruptive? You're ruining that you're ruining the education of

Ian Nisbet

the others? Yeah. so, I mean, that is that is occasionally an issue. And obviously, the ground for exclusion, is phrased in those terms. so, it's, you know, the continued attempts of the child would be seriously disruptive to order and discipline, or the educational well-being of the other pupils. so, the way the law is set up is specifically couched in those terms. And so, I guess that encourages that kind of thinking, that the most recent example of that in terms of a case and an authority formally pleading that was actually in terms of a restraint case, and they were saying, Well, you know, the rights of the other children class compelled us to assault this pupil, for one of a better phrase, and, and that that was seen as much sort of justification as was needed, rather than, as you say, looking, looking back to what how did we get to that situation, where the safeguards that are in place where the support mechanisms and so, on, it's a bigger, a bigger conversation?

Sarah Wishart

We've got a got somebody here who's gonna say something, unless Bruce wants to leap in, or

Bruce Adamson

I was gonna come on and restraint and exclusion. But if you've got a point on the same point,

Julie (Education Scotland)

It's kind of on the same point. Yeah. Hi, I'm Julie and my colleague Janine down here, we both work for Education, Scotland, and part of our role is around children's rights and delivering professional learning to teachers and educators and practitioners in different settings around articles and going to have to embed them. And quite often, I'd say, I have questions come in from teachers about putting children outside of the classroom. And it's that exact thing that you're seeing the teachers that are saying, but we have these other kids. And if I had a pound every time, I'd be really rich. And I just think this is my opportunity to ask the real experts. I know how I kind of described my reply in the training sessions, but this is my opportunity to ask you how, how to frame that kind of answer. Because we know it's not right.

But we still get the questions rarely, very often. And I just think that it's really powerful for me to be able to kind of give you a response back when those questions do inevitably come up.

Bruce Adamson

I think that that's a that's a really important point in terms of those that are working with and for children, young people in education settings. The blame shouldn't sit with them, I suppose it's we need to we need to avoid getting in the situation where saying the fault has to do with teachers, rather than saying there's a systemic failure here. If you don't have the resources and support and guidance, in order to ensure that all children's rights are fulfilled, then that's a problem. That's up the chain. And I'm we've always been really clear in the work that we've done, that this isn't about blaming kind of individual teachers or, or teaching assistants or others. This is about saying, there's been a problem here in terms of resourcing support and guidance. And so, my office, the first legal investigation we did was into restraints and seclusion to pick up on exactly this point where children are communicating their distress, and the teachers and support staff around them don't have the resources, skills and training to properly address that. And so, they take an action, which breaches children's rights by restraining or secluding them and which in many cases is a criminal matter in terms of assault, but also, it's a denial of their rights, in terms of education in terms of socialisation and also the personal autonomy and so, there's huge problems here, but the response to it is to focus on the state obligation. In this case, the Scottish Government or obligation to set in place really clear guidelines to make sure that there's proper training and support in place. And put that on a statutory basis and for local authorities to make sure that there's this proper support in place. And so, I suppose the question that I would put back to those teachers are saying, well, why did you feel that that was the last resort, so, you should only be doing that on a proportionate basis. so, you're denying a child the right to education. And again, without moving into restraint or seclusion, but you're denying a child a right to education, you could only do that, if it's the last resort, you've tried everything else. And it should be for the minimum time possible, and it's proportionate. And so, what stopped you doing all of the other things that you want to do, no one wants to put a child outside that child, that child's communicating their distress, no child wants to be excluded either. so, there's a lot going on there. What's stopping you from taking a more rights-based approach to be able to support that child to communicate with them to understand what's going on. And if the problem is resourcing that you're one teacher, and you've got 30 Kids, 30 Kids plus, and there's a lot of distress being communicated across your class, a rights based approach is going to go back and say, right, there's a resourcing issue here, we need more supports in place, so, that we've got the time to build those trusted relationships with children to understand what's going on. And I think that the incorporation of the Convention on the Rights of the Child, which is coming very soon in Scotland gonna be really key to that, because actually, a lot of the time this is about budget, it's about making sure that there's finance in place to ensure that staffing levels are high enough that training and support are there, because no teacher or teaching assistant wants to be in a situation where you've got a child who's incredibly distressed, and your only option is, or the only option, as you see it is to is to exclude them. so, we need to really rethink that. And human rights. And the incorporation of the CRC is a really useful tool to talk about kind of the use of available resources and, and human rights-based budgeting to make sure that we've got resources into schools and education settings to make sure that supports there. so, I suppose Sorry, that was really long winded. But I suppose it would be going back to ask that questions like how did we end up in a situation where we thought that the only available recourse was

to exclude a child. And so, the problem started a long way before that the problem started in terms of the failure to properly support that child to engage with education. Sorry, that was.

Beinn Grant

Thank you for that. Obviously, again, we've all got our experiences from school, I think you rightly say it's a resourcing issue. There are, you know, schools are horrifically underfunded. And funding varies between local authorities and school districts and so, on. And I was one of those disruptive, disruptive kids, I was excluded from school. And, you know, I'm not being funny, the problem typically starts when the school fails to recognise there's an issue. And it's not necessarily an academic issue or a sport for learning issue. Sometimes it's a social issue, or there's something going on in your own life that you know, a whole plethora of different potential problems that could arise. But the problems start is when the school doesn't recognise it as an issue. And it festers, and it goes on and on, and on and on. And you're continually shut down and told, behave, shut up, be quiet, do your work. And it's again, and again, you're not addressing the actual issue. And then sometimes, these flare ups in class where kids get disruptive, they can be stopped before they even happen. And all it would take is a five-minute sit down with the kid, what's going on? How's your day going? You know, how can we help. And then sometimes you might get scenario where they start bawling their eyes out crying, and the whole story comes to light, and the school can deal with it. And it doesn't have to be a massive issue. But when schools don't recognise as a problem, and then fail to acknowledge the problem, when it does arise, and those things like internal exclusions, and final exclusions, detentions and so, on, they're just repressing the kids. And in an ideal world, there would be the funding, there would be the resources to reduce class sizes to see you know, 15 per teacher at most, where, you know, students could have a better relationship with their teachers, more one on one. And it's, it's a bit of a difficult situation we're in. And obviously, you mentioned teacher training as well. Teachers get a lot of training as it is. But is it the right training? And is it getting across properly? Because you can see, yeah, we need to give teachers more training on digital sport needs. We need to give them more training on socio economic issues that arise in the local community, and so, on so, forth. But are we really getting the message across because you can send someone to a one-hour seminar, but it's anything going in? I don't know. Maybe. So, you know, I think we have to look long and hard and not only the way we're treating kids who are disruptive, but the way the schools are handling situations before their eyes after their eyes because you don't need resources as such to recognise an issue. You don't need resources to have a five-minute chat with a kid to say, are you okay? You know, that's just intuition and a bit of experience and a bit of skill. And, you know, we are to have a long, long, hard look at how schools are dealing with situations, and how we're actually training teachers in the first place. I think that's probably a good place to leave.

Laura Lundy

I'm not gonna It's been a long answer. There's so, many questions, but I, what I've written with a Jenica Swan, who's an academic in Australia and a teacher, a framework for working your way through the rights, and I'm not going to do the lecture, I can share it with you. And it is a bit of what you've been talking about. It's working through what are the actual right at stake. And but the bit I want to mention is our second element is compromise. You know, because it's the flexibility to compromise and not mix you know, that you know, the child's sit or go through it. Definitely listening. I really, totally agree with you Ben. That's the first thing. But after that, what can you actually do to manage, and I've seen this

incredible system examined a PhD, a women's actually just taken over a school for children with additional needs in London, and in Dublin, I noticed on social media, and she'll be amazing. And she devised a system in a school for children who just were not, you know, a really get demonstrating disruptive behaviour. And it was almost a bit like, Who Wants to Be a Millionaire, kinda like phone a friend, get it, you could use these passes, to just let the steam off, it wasn't going and putting them in an exclusion room and sitting in between when was and getting more bored. It was just ways devised with young people where they could leave, they could leave and do something else, and come back, you know, and schools aren't really set up for that. But they should be. And you can set those systems up with young people, if you choose to. This woman, [Paula Flynn] devised that and it was a really excellent system.

Sarah Wishart

This is what happens when you say that you want more engagement, you start getting lots of people leaping in. That's hard to see with. Oh, I see you've got. so, we've got two people here.

Kerry Watson (Keeping Families Together)

My name is Kerry Watson. And I'm the manager of a project called Keeping Families Together, which works with young people in secure care across Scotland. so, we work across the whole, five secure care centres. And I would say that the impact relating back to the question is that young people start to come in contact with the justice system, if they're not in school. If things like neurodiversity is not picked up at that early age, we exclude children. And so, when you talk about disruptive, I would say distressed, not disruptive, and it's about people recognising the difference between a distressed child and a disruptive. And the impact is terrible. Because then it goes back to what Betty was talking about, and the trajectory that we're on is they're going through being excluded to the prison. And that's real, it's here, and it's now. Anytime in Scotland, we've got 84 children, and secure care. Now they've all been excluded for education and going to another system education that their educational background doesn't follow them and it's secure, so, we've got a problem there. And then they come back to community with the proper care plans. And if you had a proper care plan, we would know that this child is displaying issues that we would think are probably neurodiverse. so, therefore, mainstream education is not going to do them. And we send them back in, and again, they become disruptive, or they recognise their behaviour as disruptive as distressed. so, I think if we could recognise that at very early age, then we could stop these young people going and into secure kid on the very first place. And hopefully, they could reach brilliant potential, because having a neuro diverse condition doesn't mean you can't live large. Lewis Capaldi is a perfect example of that. so, I think we just should recognise that as distressed behaviour. You want to?

Beinn Grant

Yeah, those are some fantastic points you've raised. And you know, you're totally right. And again, it comes back to you know, Betty and the work you've been doing around, you know, the exclusion to prison pipeline. And it totally is that. I think the interesting thing, I was just thinking there, I remember having a conversation a few months ago, and it was about the socialisation effects on young people from being excluded. And it's a by being shut down sent out of classes, shouted out by teachers, ignored, what you're actually doing is you're not dealing with that situation. You're actually socialising them to think that their behaviour and their feelings aren't valid. And that in itself is even more

damaging, and potentially even exclusion itself, because that mentality stays with them forever. You know, the primary and secondary socialisations you receive from your parents, your early years nursery, primary, secondary, that is the biggest impact ever on a person's life, you know, and to get that wrong as horrifically bad, you know, is that if you if you mess that up then, you may as well sign off the prison papers already because, you know, it's like you're condemning them to a life, where they don't feel valued and they don't feel represented. They don't feel understood, and they spend their life feeling frustrated and angry and upset at system and a situation that could have been completely avoided in the first place, if the resources and the system was built to recognise these issues and deal with them in the first place. Yeah, so, it was another question.

Amanda Corrigan, University of Strathclyde

It was just a point really, it was really for education, Scotland, Amanda Corrigan, and I'm from the University of Strathclyde, where we have lots of people who come to learn to be teachers or teachers who come back for more education. And I'm actually working with teachers tomorrow to talk about exclusion. so, let me just stand in the gap for the teachers and see it from their perspective, when they see I have been hit, I have been spat on, I have been punched, somebody threw a chair, we've got seven] bells in the school that rings so, we all stay in the classroom with the door locked, because as a child they're in the corridor and we can't let other children out there, and I think perspectives education, Scotland is the thing that I would say, that's what I'm doing with the teachers tomorrow. Getting them to think about situations from the perspective of the child, from their own perspective and their own perspective being valid. That it's alright to say sometimes I'm scared to these children, I don't want to be bit at my work, I don't want somebody to throw a chair at me when I'm at my work. And all of that being valid. But also, for everyone to understand that there's one pie, the school gets one pie. And if we take the five minutes off to have a chat with that child, then it's five minutes that we've lost from something else, or we take a classroom assistant, we put them in that place, then that classroom assistant, we've used the money on a classroom assistant that we don't have for something else. so, what we all know in the room is the resourcing isn't there. And we can talk about different people's perspectives, and complain from the perspective, that doesn't move anybody on, we all have conversations complaining from the perspective of the person who's most upset about the thing. How can we start to move people on? How can we start to think about things that we could do or change our mindset? One of the things I do with teachers is explain some of the things that you're talking about today, let me tell you what can happen when a child is excluded from school, and lots of teachers will see, I didn't really realise that I knew that they were out of the class and now I can teach [and peace.] But I didn't realise that once you were in that pupil referral unit or the extended outreach, whatever it's called, that they would never get back into mainstream. so, trying to get them to understand because one final thing for everybody here teachers are often the person that gets to open the can of Coca Cola. so, the can of Coca Cola is a child, and the child goes home and there's no dinner. so, the can of Coca Cola gets shaken. And then there's fighting in the house at night and the child gets hit and mom and dad are fighting cans getting shaken cans getting shaken. They're late getting up in the morning because they haven't been able to sleep because there's so, much chaos in the house and they can get shaken. Nobody [at first] going to school in a bad mood, and the teacher says come on now and you come into the class, we need to get started. And you open the can and the can, it goes all over the place. None of that was a teacher's doing, but the teachers to fix the issue. And we need to have people in these national discussions, we need people in these resource meetings, talking about that

can opening, and the layer upon layer upon layer upon layer that led to the can being too fizzy to be able to cope. Because we're all in here with the best of intentions. But the problem is resourcing, and eyes not been in the right place, your point of all of the ease and everybody [be avoiding the need] everybody getting into university, very good. Where is the money in education going, it's going into the [next] it's going into high up organisation, it's not grassroots that would do all the things that you want. so, now I'm coming down off my soapbox, and I'm happy to have wee chat with you at the end. But here's to the teachers that we need to be able to fix this who need to be on your side with that, and we need to understand that because I don't want a bitten when I go to my work either or spat on or whatever. so, thank you very much.

Beinn Grant

No, that was a wonderful example. Thank you for that. Would any of us like to

Sarah Wishart

Get on to question two. All right, okay. There's a lot of sneaky multiple layer questions in this school exclusion one. so, people are getting like three questions in at once. so, don't feel like you've got to answer all of it. Maybe pick the bit that you're interested in. Research shows that children in deprived areas are more likely to be excluded, have limited subject choice are less likely to stay on at school post 16. With many reporting, they're actively discouraged from staying on. What do you think we can do about this? How do we increase support and advocacy? And how do we understand the extent of the problem?

Beinn Grant

Does anyone would like to start us off?

Bruce Adamson

Do we want to ask the audience in terms of what they think?

Sarah Wishart

Yeah, if anyone from the floor wants to answer anyway. Oh, there we go.

Bruce Adamson

There's only about getting people to stand up again and think yeah, how big a problem is this in your in your local authority, do you think? So? I suppose if we're talking about so, the big question the link between poverty and

Sarah Wishart

sorry, Bruce, can you use the microphone?

Bruce Adamson

So, we were looking at the link between poverty and exclusion, I think around this, but so, again, if everyone could stand up and how big. so, do you think in your local authority, that this is a kind of huge issue? Or actually, it's not so, much of an issue or? so, lots of high, who's got the lowest hand in the

room? Who's got the lowest hand in the room? Anyone, anyone want to kind of? so, nobody's doing this well? I think I think we all acknowledge that.

Beinn Grant

Okay, well, the reason I'm middling is because Perthshire is typically quite an affluent area and a lot of respects. so, I think when it comes to the deprive, so, I'll sit down again, when it comes to the deprived areas and subjects choice, I think that a lot of people in Perthshire are really quite lucky in some regards, because, you know, parents, and certainly in my own school, because it is such an affluent area, get tutors and things like that. so, I mean, a lot of these issues somehow get avoided. And obviously, this speaks to the issue of the poverty related attainment gap and other issues around inequality. But I think from my own area, it's not as big of an issue as it could be. But where I, where I grew up, so, I'm not originally from Perthshire I'm actually from Fife. And so, where I'm originally from, I think it's a much bigger issue, because there's a lot more poverty, there's a lot, there's a greater proportion of socio-economic issues within the community. And there's a lot greater emphasis on doing things like English and maths, as opposed to getting to do more things like drama, and so, on. And it's, it's, I think it's, yeah, obviously, like I say, Perthshire is just a bit lucky in that regard. But it's definitely an issue in Scotland, I'll give it that.

Bruce Adamson

When I, when I started this job five and a half years ago, and travelled around the country and asked children, young people what their biggest issues were, poverty came through as the number one issue. And that was pre COVID, pre the current escalation in the cost of cost of living. so, poverty has always been a significant human rights issue in Scotland. And we know that, that poverty directly impacts children's experience of their rights, and every aspect in terms of education and socialisation, the ability to be involved in community mental and physical health, the links to the criminal justice system, as well, it was actually the topic of the National Youth Work conference yesterday that I was at you here in Glasgow, and this really strong focus about the role of youth work alongside the education system. And I think that we need to see poverty as a human rights issue. And we need to take a human rights-based response to that in terms of the resourcing discussions that we're having around addressing the huge impact that poverty has, and really addressing the root causes of poverty, and recognising the obligation on the government to address that. And, again, it's been said many times that, that that allowing poverty to continue as a political failure, it's a political choice. And we really need to reframe the discussion around poverty is something that can be addressed by government, and then linking that to, to exclusion. But it also links very closely to poor mental health links very, very closely to engagement in the criminal justice system, as well. And so, I think that addressing poverty is a human rights issue is absolutely essential. And that connection to education is really strong.

Ian Nisbet

So, I mean, we all know the statistics on this. so, Scottish Government guidance outlines very clearly the catastrophic, detrimental effects that exclusion has on pupils. We know from our own exclusion statistics, that exclusion is disproportionately targeted at pupils from the lower SMD percentiles looked after children, children with additional support needs and disabilities, male pupils over female pupils. And we know from the research including Professor Gillian McCluskey from University of Edinburgh, that exclusion doesn't work. It doesn't do any of the things that we hope it might do. It doesn't improve

behaviour. It doesn't really help relations with the school. And in many cases, it actually exacerbates those problems. so, why are we still doing it? Is the question there? And I think if we think back to some of the, I think somebody said already, all behaviour is communication. We think actually, we can see this as a kind of communication, and that schools who are struggling with pupils almost becomes a kind of coded form of communication with head office. And so, rather than having a sensible conversation about resourcing and mainstreaming and appropriate placements and appropriate supports, this is what we do instead, because it's the thing that is available. And it's what we do when there's a serious incident, rather than there being any beneficial use to it. so, I think, I think actually, if we can get beyond that into having the kind of conversations that we want to have, which is how can we how can we get this child into a place where this behaviour is not happening, and they're being appropriately supported and so, on, that actually the need for exclusion then would, would diminish?

Zainab Adeleye

In regards to the first question, what do you think can be done about? Well, I was gonna say, was that going to different schools. so, if we could put like a scheme, for example, in place where schools collaborate, I think it kind of exists, but it's not official. so, if it becomes more official, where if the school has no resource to offer, so, and so, hires, then we could go to Sorrento school. And then again, it could be in a small area where there are not many schools, it could be just that one school. so, that's where I don't know if people have heard of this egg, egg soil. Yeah, it's a school basically. And it was created for the students in the Highlands and Islands, who couldn't like come to like, you know, because of the travel and everything. so, if that could be kind of extended to the schools that, you know, can offer the, the highers and whatever, then I feel like that would be like a really great solution to that. And then how do we increase support advocacy? I feel like, we just need people in the higher places to see, you know, what's going on. Because I feel like when we have a lot of consultations and things, I feel like to just go to schools that they can't see. But what about the unseen people? so, if they go to the unseen people, they go to the less listen to, then I feel like it would increase support and advocacy. And lastly, I honestly don't understand excellent the problem, because I will say I'm privileged enough to have done, I think I did five hires, and when that one's higher, there were like, a lot of subjects on it. I read, I told you, if I did higher social G advanced higher psychology, everyone's like, Oh, my God, your school does that. And I was like, yeah, so, I was really privileged enough to do those, you know, subjects have that theory. And so, I don't really know the extent, but I know it's like a problem, where I can't if, for example, I want to do like I can't, I don't have access to the subjects I want to do, I realise how much of an impact they'll have on me. So

Beinn Grant

I was actually just thinking, this is a perfect example of myself thinking as I'm speaking, I'm actually gonna change my position on how big of an issue I have the extended issue, I think, is because I was just thinking, you know, because Perthshire, and stuff, typically is a bit more affluent, a lot of the issues around poverty sometimes go actually under the radar. And they're not thought about. And I was also thinking about, you know, some of the five schools and all the rest of it. And as you're seeing is going up, you know, people are shocked at your school, the psychology, if a school is struggling in terms of attainment and league tables, all the rest of it, and there's, you know, a greater proportion of social issues within the school and within the community than other areas. Teachers don't go to that school. so, the goes to the better school, the better school, with the kids who are, you know, typically more

affluent and typically get on a much better, there's not as many, you know, problems with kids who are in distress and so, on. And so, what I think happens is kind of, again, comes back to resourcing schools with greater socio-economic difficulties within their communities. Don't get the teachers that do psychology that do sociology, and it's again exacerbates this income disparity, and the grades and sorry, what's the word again? Income, which related to payment, that's one possibility, the payment gap. Thank you. I think that exacerbates the issue. And it says kind of poverty going underneath the radar in my area, and teachers and people picking schools based on league tables. And then that, again, it's creating this negative feedback loop whereby, you know, teachers leave the school because they're not doing as well as entertainment. And then you know, it just gets worse and worse and worse and worse. And then we actually need to try and break these cycles, which is just again, my thinking as I as I go along. And nobody else likes it. Any more from the audience? Yeah.

Audience member 3

Okay. Just to say that I think a big part of the discussion that we always leave it is how schools are part of structural inequality, and schools reinforced structural inequalities. And so, I'm a bit concerned sometimes that that, that then sometimes even the word poverty, the word poverty sought a gets away from the discussion about class. The discussion of racism, gender fluidity, you know, stereotypes agenda, also how the curriculum reinforces inequality, both by content, as well as pedagogy, how, how, you know, classes are taught in schools. And so, then, I think personally, I think that some of the students know this, when they're in school, they know what's happening. And then, you know, that could be interpreted as anger, that could be interpreted as there's no any, any space for that voice, or for the unreality, what they see the world and the opportunities that could be created for them to analyse that. And to have an advocacy Academy in schools. That's what should be happening. And so, another discussion about dysfunctional families. I mean, there's real challenges for families, for kids, in schools that need to be part of the curriculum. These are opportunities for the new seen the new problems. so, I think we're missing a bit. And then also the piece of statistics and data, the data show that exclusions are a bigger issue, and lower income communities and within communities in those communities. so, that's what we should be looking at. Why is this happening? That not just the symptoms, but why. And then until we look at why we're not really going to get the solution, whether it be in policy, whether it be in resources, whether it be in teacher training, whether it be in the school administration, whether it be in government, who's in government and the decisions that they're making, and why resources, why working-class kids are getting working class jobs. m and n are the subject areas that the choices are you've talked about, we know these things, but what we didn't do, so, I'll leave it there

Audience member 4

I had a thought of what I was gonna say. And I include them colleague next to me whispered to me exactly what I was gonna say. so, it's obviously something that we've noticed that there's exclusion, but there's also a different kind of exclusion that manifests as truancy, where young people will exclude themselves, because school is not working for them. For a brief period of time, including worked with, I think it's pupil equity fund money from schools, and we were able to go into schools get a list of names of people that weren't attending or was struggling. And we pick out of the house, and I want to use this one example of a boy with a really quick intervention. All I knew about him was he had bright red hair, and he wasn't coming to school. so, when he was a dress, the letterbox was taped up. so, I sat outside

his house. A bit of time each day, till eventually I saw a woman with bright red hair with a baby with bright red hair. I thought, right. That's the mom. so, when grabbed her, found out that the door was taped up, so, they weren't getting any bills because they couldn't afford anything. She didn't know her son wasn't going to school, because he blocked the school's number, which I think is really clever. But he talking to him that family was in poverty. He wasn't going to school because the school uniform didn't fit, and he had holes in his shoes. so, once that was sorted, he was back at school. Fine, no problem. That was it on most social work intervention, nothing really quick, really easy solution. so, the extent of the problem is huge. so, I've worked across Fife, Sterling, Glasgow, West, Western poverty is huge. In and out of people's houses, you get referrals for all sorts of different emotional distress. It's all linked to poverty. And not just poverty, money, wise poverty, of opportunity, poverty, of community poverty. And in terms of what can be done about it, it's resourcing again, you know, give me enough to pay my bills and food and I'll go and do it. I'll chase people. You know, there are people that will go and do it. There are organisations that will go and do it. There just needs to be the resources and the motivation to do it because the teachers can't go out of school and chase people up, you know, they don't often have the information about what's going on at home. They just see the code can opening up. so, that, you know, needs to be addressed at home, at night, in the mornings before and after school, all those times when things are going wrong when people are feeling the effects of poverty.

Ian Nisbet

Yeah, it's really, really nice example of sometimes it's a really specific thing that's that just it can be fixed actually quite easily, and the sort of blockage is there. I think, you know, night ends at school, and exclusions from school is a problem, because by and large schools are really beneficial places for kids to be. And there's a lot of unsung work, I don't think there's much evidence of teachers choosing schools based on attainment, I know that a lot of parents do that. I think there's a lot of exceptional teachers that, that seek out these jobs and challenging areas and, and do a lot of kind of unsung work in terms of cost-of-living costs, the school day, that happens at schools in in these kinds of areas. And we need to recognise that that's, that's a really important support service for kids. And it's why one of the reasons why exclusion can be so, damaging because actually, you're not just out of education, but you might be out of your free school meals for that period of time, you might be out of the only adult who takes an interest in, you know, how your day is going and how you're feeling that there's a lot of things that are sort of peripheral to education that go on in schools that are really important for kids, and that when they're not attending, whether through choice, in that sense, or through exclusion, those things come away and the whole thing starts to crumble.

Laura Lundy

Yeah, I just done the on that. And we did a massive project on COVID and children and COVID. And one of the globally and one of the questions we asked them was, what was the best thing during COVID and Coronavirus. And so, many of the responses were from young people who were glad to be out of school. And I want you to pick up on why they were glad to be out of school. And a lot of it was about bullying over there or trans maybe there was something else going on. Maybe they were neurodiverse. And it was the breather of not having to do it. And I find I haven't really done the data properly. But it was one of the most interesting parts of the data for me, because all that data was a failure of education. These young people were better off in spite of all the things that you said that are

absolutely true for most young people. For these young people, it was better not to be in school. And we're not really addressing that, I think either.

Beinn Grant

Quickly, the statistic that always comes to my mind is the fact you know, we've been doing higher since 1888. It's a very long time, and they've changed very little since. And I know, crazy. And I think that when it comes to my head is that I remember who said it to me, but it was roughly, you know, the school system only caters to roughly about 10% of students who fit this specific mould. And a lot of time schools trying to fit, you know, push square blocks into circle holes, you know, it was nice again, that's the analogy, I always remember, schools trying to force people into this mould doesn't work. And then for some students, you know, school and saving grace works well for them. For others, it's the worst place on earth. And again, this goes back to resourcing and how do we cater for different people's needs? And how do we recognise different people's needs. And just again, some of my thoughts, you know,

Bruce Adamson

Just picking up on that point, and again, within Scotland, we did an independent children's rights impact assessment, in relation to the effects of the pandemic. And we've been doing a lot of work since. And the point that Laura was just making, I think is really important, is that for some children, the educational experience during COVID was actually really positive, the flexibility they had, and I think, again, particularly for some neurodivergent children, actually, the educational experience was really positive. so, how do we learn from that and ensure that that flexibility is maintained? That they are given kind of all of that support? Because one of the things that happened is that suddenly we transition straight back into education as it was, and we lost all of that good learning for us for those young people that were really thriving, and really loving that kind of flexibility. Also, conversations particularly with older children that I heard was saying, actually love the idea I can sleep in for a wee bit and kind of I actually like doing my schoolwork late at night because that's when I'm that's when I'm kind of engaging and actually the school doesn't work very well for me. And I don't think we've taken enough learning from that. And so, some of the some of the children who exclude themselves or are excluded from children, the flexibility that we had during COVID actually really worked for them. so, how can we how can we learn from that? And then coming back, I think to the point about how to ensure that families are supported and linking back to poverty, again, seeing this as a rights issue that that that children have the rights to an adequate standard of living, they have the right to support for their families and to Social Security. so, what have we got a backing soundtrack now? It's good. I was gonna have to get on guns I'm gonna monologue or something. But the right to Social Security, the right to sport for parents parental mental health, so, he Huge, huge, big thing. And I've spoken to a lot of your teachers all around the country, particularly, I've got to say, in rural and island communities, where they were using pupil equity funds for exactly that purpose. And it was providing an absolute lifeline. Because effectively it was going in supporting families to make sure that they had the support that they needed, that they were entitled to, that other parts of the system were failing on, to just be able to kind of get up in the morning and make sure that you're clean and that the clothes were washed, and that children could go to schools and engage with the positives of schooling, which may include Breakfast Club and dinner clubs. And, but also, but not having that clean uniform, not being able to get to school, because you've because your parents haven't woken up in the morning, and you're a young carer, if

your care experienced, again, through the care of you all of that stuff going on. We know that children who are most likely to have their rights at risk and are engaging. And we know actually what really works is that kind of trusted adult kind of support getting in and around the family. And delivering that through schools or wherever, doesn't really matter. But it needs to be someone that is kind of independent enough from statutory services, but funded by the state to ensure that the family is getting that support, so, that the school can become that amazing kind of safe, supportive place where you're accessing those universal services without stigma. But there's a real gap because of failures in Social Security and the kind of social work support and care provision mental health services for parents, which are meaning that that children are then missing out from school, which actually for many of them would be a really safe space. And I'm worried that the strong evidence that schools were using that peer funding that pupil equity funding, which was short term funding, and now doesn't exist in many places to fill a gap that should be seen as a basic right that your family should be supported and your parents' mental health should be supported. You've got social security in place so, that you're able to, to access school in a fair way. And I think there's that real gap. I think particularly post COVID That I'm, I'm hugely concerned about because it was fantastic work. And the example you gave was amazing. I've heard that across the country, but as often unsustainably funded, and kind of done based on the goodwill of individual amazing practitioners, but it wasn't built in as a kind of core service. And that that's a huge problem.

Sarah Wishart

So, I'm just going to interrupt before I, like, get to you. Is that it's now quarter to six, I know that Laura has to leave, kind of like, quite shortly. And so, I'm going to suggest that we maybe listen to your point. And then we might, kind of like, I don't know, we could try and have a look at the next question and see whether we could kind of get through one more? But yeah, I'm just conscious, Laura's got to leave to catch a flight. so, yeah, this has been wonderful. So, but let me pass the mic over to you.

Audience member

Thank you, I'd just like to echo what you're saying, Bruce. The thing is whole family support really does make a difference. And certainly, with the projects that I manage, they all offer whole family support, mediation, and conflict resolution skills. But there's a lot of organisations, many of which will be here today that already operate in that, in the third sector, as you call it. And these are really high-quality interventions that really work that could demonstrate that actually having that support attached to schools would like de-distress the teachers, because they would know that they could go to their local communities as community-based support, it's gone back to old fashion, looking after your community and things like that. so, I suppose when people, young people, and the parliamentary positions, and they think about funding opportunities that come forward for charities, because we all rely on these funds, is that whole family support makes an absolute difference. And people seeing families as being problematic and more getting up for our kids and things like that. There's clearly something wrong. Again, that's distress and it's poverty. And we can address things as a [combined in a lot of ways, effort?]. I think we should have more than that. Proving our partnerships, saying that we do work in partnership with schools and social work. And so, not looking at it as blame culture. Then blame one social worker, one teacher, one this. It's a systematic failure.

Sarah Wishart

So, what I'm going to suggest is that we carry on and we can switch Laura out, and Meg is going to help you get a taxi. So, yeah. No, you can. It's up to you. So, how you feel? Do you want me to give you a kind of like nod when it's like in 10 minutes? Okay, so, can the panel speak to the situation in Scotland, for minority ethnic groups and other protected characteristics? Are we seeing the same patterns as an England with disproportional exclusion rates?

Laura Lundy

I could say something about the data. In the Excluded Lives project, we have the... We have been watching all of the four different jurisdictions. And at one point, I kind of lost my head and screamed at the English people, this is an English problem. Because England is horrendous. You know, Scotland, you know, clearly, it's not good. But England is horrendous. And I think, you know, the level of actual exclusion recorded as well as [unexplained?], and there's something going on in there. They're trying to learn from Scotland, Scotland's looked at as the best place to be, and in many ways, it's clear there are major problems here, you know, clear, this conversation, but you're doing better than most other places, even though it's still not good enough. That's all I want to say.

Ian Nisbet

So, the Scottish government collects statistics every other year on exclusions, and there's not, to my knowledge, any particular... It obviously is recorded, by way of a minority ethnic group, through [SEMA's?]. But that's not something that's ever been sort of raised as a particular issue, in terms of protected characteristics it's disability, and its sex. so, boys are excluded much more than girls. And everybody kind of just says, "Oh, of course." But I, you know, I think there's a question as to why that might be. I don't know what the answer to that question is. But I, you know, so, those are the two protected characteristics that are particularly highlighted year on year.

Laura Lundy

It's black boys, as you can imagine, in England. Yeah.

Bruce Adamson

Yeah. And on the on the on the disabled children point, I think that that's really clear. And again, Iain with know the statistics, but I think it's four times, or five times more likely. And again, particularly when we when we think about neurodivergent children as well and interpreting their communication in a way that's not appropriate. And one of the things that I'm really concerned about is that we've actually got some legal structures in place, like coordinated support plans, that many of these children particularly care experienced children, are entitled to, which would give legal protection in terms of the kind of education plan that you could then take to the additional support needs tribunal, again Ian's the expert on this, but there's actually kind of a domestic legal framework that would, that should, be providing protection for many of these children, and it's not being used. And I think there's a very strong concern that we've got that it's intentionally not being used because it's got accountability. And I think the big message for me is there's a real lack of accountability. We've all recognised what the problems are. And we see that every day in the children, young people we speak to, but there's a real lack of mechanisms for access to justice, and accountability on this.

Ian Nisbet

So, sorry to hog this, but this is kind of my thing. So, one of the interesting conversations we've been having recently is that, in terms of the law, when a child is excluded from school, local authority has to tell them about their right of appeal. so, the school say "You've been excluded from school for three days. You've got a right of appeal; you can go to the Education Appeal Committee." And that's fine. But there's no duty to tell the child, or their parents, about the rights that they have in terms of bringing a case to the tribunal, where the exclusion is related to the child's disability. And so, that is a conversation that we've been having recently with the tribunal, and actually with some of the local authorities around that. so, there's at least one local authority who are going back and looking at their standard letters on that. And actually, the tribunal, if you go and look at the cases, there's a really good legal framework in which to look at these things, because you can look at the individual case, and about whether there was discrimination there, but also, particularly for local authority schools, about this idea of indirect discrimination. So, some of the questions that were asking there as well, let's look at the rates of exclusion within this local authority for pupils who are not disabled, compared with pupils who are disabled, pupils who have specifically ADHD, if that's the issue, or specifically on the autistic spectrum, where that's the issue. And where's your justification for that? so, it really puts the ball back in the authorities court, in terms of saying, you know, "Why is that the case? Is that something that you can justify?" And when that's not the case, the tribunal's remedies are much broader. You go to an appeal at the Education Appeal Committee, you win your appeal, the exclusion comes off your record, that's it, it's an individual effect. You go to the tribunal, the tribunal has got much broader powers and can say to the local authority, you need to change your policy on this, you need to consult meaningfully with young people who have been excluded in doing so. You need to put in place targets for reducing that exclusion gap between disabled pupils and non-disabled pupils. so, it's a really beneficial, I think, favourable legal framework in which to ask those questions and to have them answered.

Beinn Grant

That's actually really interesting. Sorry, Zainab, are you wanting to...? I was going to say, would you think there's a reluctance to provide these sorts of legally binding care plans? Obviously, you mentioned about tribunals and stuff. But would you say, local authorities and schools are reluctant to actually provide these sort of care plans in the first place? I don't know, that's kind of my first immediate thought.

Ian Nisbet

I mean, there definitely is. I don't think that's too much of an issue when it comes to exclusions, you know. I think that's a broader issue about the coordinated support plan. And what we've seen in recent years is there's been a big increase in the number of pupils recorded as having additional support needs, and a corresponding decrease in number of pupils with coordinated support plans. so, something isn't adding up there. And I think it would be fair to describe that as a reluctance to open those plans. Yeah, that's part of it, at least.

Sarah Wishart

Just want to say thank you to Laura, as she leaves.

Zainab Adeleye

What I was gonna say regards to the question is, I don't think it's as bad as England. However, in regards to the exclusion rates, most of them are informal, like, most of them, don't go through the books. And when I think about exclusion, I don't, I'm not really just thinking about the ones where it's just like you're excluded, don't come to school ever again, I'm thinking about the ones where they're like, "We don't want you in the school premises right now, leave. We don't want to see you for two days and then you can come back." You see, those two days you've missed. And you keep missing those days. It's not like you're not coming back to school again, but it keeps taking you out of school. I feel like you get excluded from, you know, from your things. so, I feel like in regards to do that, then... Yeah. Because literally when I was... When I was coming here, I got a phone call from my brother's school. "Is that the parent of so-and-so?" And she's like, "Well, I need you to come remove her from school premises." And she's like, "Oh, yeah, he's been really disorderly, blah, blah, blah." And I'm explaining to her, my mom is not home, I'm not home. so, he can't come home. She's like, "I don't know what's gonna happen. But he needs to get off school, you know, property." And I'm like, "Where's he gonna go?" And she was like, "I don't know, he could just sit at the bus stop." so, my brother went to the bus stop. And my mom had to, my mom came here, but had to leave early to go pick him up from the bus stop. so, that kind of thing is not documented. Do you get what I mean? It's not documented. He's gonna go to school tomorrow, but it's not documented, what just happened? so, that's kind of my point of view.

Beinn Grant

Yeah, I mean, I don't know how the rest of you feel about this, but when you say, like, exclusions can sometimes be given out for really flaky or silly reasons. And like, I mean, certainly, I mean, I've seen exclusions in my own school, and other schools and amongst my friendship group. And sometimes, you know, you'll read the letter, you get some local authority for the reason why you can exclude, and you think, "Really, you're excluding someone for that." And, you know, it begs the question, did the school create the situation that caused the exclusion in the first place? Would you say, that's an issue at all?

Ian Nisbet

I mean, I think probably not deliberately. But, I mean, certainly, you know, there's some kind of wider structural issues that contribute to behaviours, and so, on. I can only speak to the cases that come to me; they tend to be fairly serious incidents. And there's, you know, there's question marks about how they're dealt with. But yeah, there may well be... The thing with, I guess, a short term exclusion, that is a one off or an occasional thing is that, you know, you're back in school in a very short period of time, who's got the time and energy and inclination to appeal that, just for the sake of taking off your school record? so, you know, the rates of appeal are actually fairly low, even though individual pupils may feel aggrieved at the individual case. so, again, there's not necessarily a record of all of that.

Bruce Adamson

And just one more point linked to protected characteristics, in terms of disabled children in Scotland, one of the things that we saw throughout the pandemic was an increase in, kind of, moves to home education, where we're schools were failing to provide the tailored support and reasonable adjustments that you would expect to ensure that that disabled children could continue to engage with education. That wasn't working for many disabled children. And, and so, we have seen an increase in in children coming outside of the education system and school based mainstream kind of school-based education

system, or even, kind of, the specialised provision, towards home-schooling. And I don't think there's been enough work around that in terms of, a lot of the parents that we speak to a saying it wasn't a choice that it's not that they have kind of a preference for home-schooling, it was just that they weren't receiving the support from the state that that they should have got. That holistic approach to an education that develops children to their fullest potential wasn't available, and so, they're defaulting into home-schooling. And I am concerned that that we're seeing kind of more of that and, in terms of it wouldn't be labelled as exclusion, because it's seen as a voluntary choice, but actually, it's a choice predicated... it's a choice that, were parents are saying, "We don't really have a choice here, we are doing it because there is no, no real provision." And I think that there's, there's a piece of work that needs to be done around that as well.

Sarah Wishart

So I'm going to just interrupt, we're a little bit over time, and we have the wine coming in. so, I would like to maybe ask the panel, if they've got, just to kind of like, if they've got anything else they would like to sort of like sum up, or if there's something they haven't managed to kind of like, say, just to sort of like round off. And then we can finish for the day and have a little bit of a break, have some wine, carry on the chat that we had during the cups of tea, for those that can stay, and then we're going to screen the documentary.

Zainab Adeleye

Just one final thing I wanted to say was that, regardless of all these issues, I feel like it just goes back to the conversations with the people being affected. so, I feel like there's a lot of barriers to people making, you know, the processes, the system, and people were actually affected by this decisions. so, any decision made for us, without us, is against us. And that's just a simple thing. so, if you're not coming to us to talk to us about how this is gonna affect us, then it's against us. I don't care what you think your intentions about, but if you're not talking to us about it, it's against us.

Bruce Adamson

I just want to say thanks to everyone that's been involved in this. I know, it's been a huge labour of love. And I know it's been incredibly challenging. And it's been really exciting to be part of this. so, thanks to all of you who have been real leaders in this and human rights leaders, which is absolutely fantastic. And, and again, for all of the young human rights defenders that are here, huge, huge, thank you. And also, to all of you in the room, I think it's been a really powerful discussion. And I think that what's really important to me is that is that we take what we've discussed and learnt here and think about how we can use any of that kind of power that we have to affect change. And so, my kind of big request, then, would be please get in contact with me and my office and talk about how we can support you to affect change for children and young people. Because I would like this to be part of an ongoing conversation. so, just a big thanks. And also, just reflecting on the huge work that's been done over the last few years during the pandemic. I know that that all of you in the room have been working incredibly hard. And I know that kind of feeling that we're all tired at the moment. And when you're confronted with all of the challenges, we've, we've seen here, but, so, just a big thank you and a big commitment for me to support you in any way that I can.

Beinn Grant

Yeah, just to reiterate the previous points as well, thank you so, much. I mean, although we're talking about some really difficult subjects, and there's a lot of issues within education within Scotland at the moment, the fact that you're all here, sitting in this room goes to show that people are caring people do you want to make a change, and that, you know, the fact that we have our MSYPs and other people in the room and we've got you know, people from all different sectors across our country, this does actually show me that there is hope. You know, there are people who want to listen, there are people who want to make a change. so, for that, and all the work that you guys have been doing. Thank you so, much.

Ian Nisbet

So one point I want to make that I thought might come up in a later question that we didn't get to, was: one of the depressing things about informal exclusions and part time, timetabling and all of those other things that don't necessarily come under the heading of "exclusion", in terms of how they're described, it's not that it's legally complex to deal with, it's that it's actually legally really straightforward to deal with. You're entitled to full time school education, and if that's not happening, then we can make that happen really quickly. And so, it shouldn't take somebody coming to a lawyer to do that. And so, I think that there's just a big issue around children and families being aware of their rights and, and then being empowered to, to insist on them.

Sarah Wishart

And I just want to really echo what Bruce has said, like this, this whole event was put together to start conversations, to connect people from the Human Rights sector, from the education sector, from like, you know, the legal sector, like we kind of like are at an overlap, my organisation, and I wanted to kind of like bring that together. Looks like it's happening. You know, it's worked. We've got some really different people in this room, chatting at lunchtime. Please continue to chat now. But let's take the conversation on afterwards. This is one moment in the life of the excluded documentary. I want it to continue. so, I hope that we get to do that and thank you very much for coming.