

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE2051](#): Improve the processes for protecting children and young people from traumatic incidents, lodged by Dianne Youngson

Brief overview of issues raised by the petition

The petition appears to be focused on how schools and local authorities address traumatic incidents in schools and their recording practices.

The petition is not entirely clear about the kinds of incidents it is concerned about. However, under the “Previous action taken” section the petition refers to “issues around school bullying and violence against children and young people”. Under the “Background information” section, the petition refers to a significant mental health episode. This briefing will focus on policy around bullying and mental health and wellbeing in schools.

Health and Wellbeing in the Curriculum and GIRFEC

There has been a trend in the past decades of increasing policy and practice focus on supporting health and wellbeing. It is beyond the scope of this paper to list all the work in this area; some key examples are set out below.

Health and Wellbeing is a key area of Curriculum for Excellence and is one of the three curriculum areas considered to be the responsibility of all practitioners (the other two are literacy and numeracy).

The [Scottish Government's Mental Health Strategy](#) included the ambition that every child and young person should have appropriate access to emotional and mental wellbeing support in school. Following the strategy, the Scottish Government has funded access to counsellors in every secondary school.

Getting it Right for Every Child (“GIRFEC”) is intended to be a holistic, and where necessary multi-agency, approach to support wellbeing, as defined by the SHANARRI¹ indicators. The [Government says](#), “GIRFEC is about enhancing the wellbeing of all children and young people as well as building a flexible scaffold of support: where it is needed, for as long as it is needed.”

¹ SHANARRI is an acronym for: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, and Included.

Additional Support for Learning

A pupil has additional support needs if, for whatever reason, they are unlikely to be able to benefit from school education without additional support. The Education (Additional Support for Learning) (Scotland) Act 2004 provides that education authorities identify the additional support required by every child for whose school education it is responsible and “make adequate and efficient provision” for those children.

Legislation does not list any particular conditions or type of need, except that there is a presumption that looked after children are considered to have additional support needs. [Statutory guidance on the 2004 Act](#) provides a non-exhaustive list of conditions, and statistics are gathered on the reasons for schools providing additional support.

A pupil with mental health needs would likely be considered to be an additional support need and the local authority would therefore be required to support this need, perhaps alongside the health service.

Where necessary or required, there are a variety of planning mechanisms employed by local authorities to ensure that the necessary support is provided to pupils. These plans will have records associated with them. More broadly the local authority is expected to keep appropriate records for planning and monitoring purposes where additional support is provided.

Bullying and the recording of bullying incidents

The current Scottish Government guidance on bullying [was published in 2017](#). This guidance seeks to “ensure that all sectors and communities, at a national and local level, are consistently and coherently contributing to a holistic approach to anti-bullying; regardless of the type of bullying.”

Recording of bullying incidents is seen as an important part of addressing bullying behaviour. Following the publication of the 2017 guidance, the Scottish Government set up a Recording and Monitoring Bullying Incidents in Schools working group. The purpose of this group was “to develop a consistent and uniform approach to recording and monitoring that all schools and local authorities could adopt using the Bullying and Equalities module within SEEMiS, the schools' information management system.”

Since August 2019, all schools and local authorities have been expected to use the Bullying and Equalities module within the SEEMiS system to record and monitor bullying incidents.

Education Scotland undertook a national thematic review of the approaches to recording and monitoring incidents of bullying in schools; [it published a report on this work in April 2023](#). This found that staff in schools “are committed to creating a safe and secure environment where bullying is openly acknowledged, discussed and challenged as unacceptable behaviour” and that “in almost all schools, staff provide appropriate support to children and

young people who both display and experience bullying behaviours.” It also found—

“School leaders recognise the value of recording incidents of bullying, and the majority are using the nationally agreed process through the BEM within SEEMis. However, they describe finding the BEM module challenging to use and some schools are not fully implementing national guidance. This is leading to inconsistency in both the use of the BEM module and the recording of bullying incidents. There is now a need for partners to review the functionality of the BEM to make it more practical for schools to record and monitor incidents of bullying.”

In Autumn 2023, the [Scottish Government is convening a “summit”](#) on how to tackle incidents of violence in schools.

Guidance on exclusions

Local authorities have the power to exclude children and young people from school. The Schools General (Scotland) Regulations 1975 set out the grounds for excluding a pupil and the process education authorities must follow. Exclusions here mean both temporary exclusions and being permanently removed from a school roll. The 1975 regulations state—

“An education authority shall not exclude a pupil from a school under their management to which he has been admitted, except where:

- (a) they are of the opinion that the parent of the pupil refuses or fails to comply, or to allow the pupil to comply, with the rules, regulations, or disciplinary requirements of the school; or
- (b) they consider that in all the circumstances to allow the pupil to continue his 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.”

An exclusion does not affect the right of the child to education and education authorities’ duties to ensure the provision of school education, albeit this might be through alternative provision.

The Scottish Government published [guidance on managing school exclusions in June 2017](#). Three of the guiding principles of this guidance are:

- exclusion should be the last resort;
- where exclusion is used, it should be as a proportionate response where there is no appropriate alternative and the wellbeing of the child or young person should be the key consideration; and
- exclusion must be for as short a period as possible with the aim of improving outcomes for the child or young person. 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 for all.

Key Organisations and relevant links

Scottish Government

Education Scotland

[Association of Directors of Education Scotland](#)

Ned Sharratt
SPICe Researcher

25/10/2023

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP