



## **THE OAKS ACADEMY**

### **BEHAVIOUR MANAGEMENT AND EXCLUSION POLICY**

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<b>APPROVED:</b>	16.12.19
<b>SIGNED:     Headteacher</b>  <b>                  Chair of Board of Trustees</b>	
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#### **Rationale**

The Oaks Academy believes that in order to enable effective teaching and learning to take place, good behaviour in all aspects of academy life is necessary. It seeks to create a caring, purposeful learning environment in the academy by:

- upholding the academy mission statement
- promoting high standards of behaviour and discipline amongst the whole academy community
- promoting self-esteem, self-discipline, resilience, proper regard for authority and positive relationships based on mutual respect
- encouraging consistency of response to both positive and negative behaviour
- promoting early intervention
- providing a safe environment free from disruption, violence, bullying and any form of harassment
- encouraging a positive relationship with parents and carers to develop a shared approach to involve them in the implementation of the academy's policy and associated procedures
- encouraging staff to seek opportunities to praise all students in their care

Academy staff have the power to discipline and impose reasonable sanctions (for example, confiscation of items and detention) against students:

- Whose behaviour is unacceptable
- Who break the academy rules
- Who fail to follow a reasonable request

Student behaviour and standards is addressed as a strategic priority in the Academy Improvement Plan.

#### **Expectations of Students**

All students are expected to:

- Students are expected to follow the rules of the academy at all times
- They are expected to behave in a polite and responsible manner towards all adults and each other.
- Be polite and courteous towards adults and students. 'Please' and 'thank you' should be used where appropriate and students should 'Pride and Respect' at all times.
- Wear full academy uniform
- Be equipped for learning, with an appropriate sized bag.
- Have the correct equipment for each lesson (e.g. PE kit, pen, pencil, ruler etc.)
- Respect the academy buildings, equipment and facilities
- Move calmly and sensibly around the academy
- Arrive promptly each day and for each lesson
- Engage in their own learning and support the learning of others
- At all times, students are expected to take pride in their appearance, be considerate in their behaviour and act as ambassadors for the academy.
- Students are expected to behave responsibly on their journey to and from academy and on academy trips so as not to bring the academy into disrepute.

### **Student Expectations - Health and Safety**

Students should:

- Show 'Pride and Respect' so that their behaviour does not adversely affect the learning or health and safety of others.
- Not use or supply any illegal drug or legal highs – this is strictly forbidden and will normally mean automatic permanent exclusion
- Not use cigarettes, e-cigarettes or alcohol on the way to, from and while on the academy premises – failure to observe this retraction may lead to a fixed term exclusion (see appendix 4 and appendix 7)
- Not interfere with any academy equipment (including fire alarms)
- Not bring on to the academy site any dangerous articles (including knives, fireworks, and any sort of firearm or harmful chemical)
- Not climb on to any academy buildings or into private premises near the academy
- Deposit rubbish in the refuse containers placed round the academy site
- Not leave the academy site without permission from the Pastoral Manager or a member of the Senior Leadership Team.

### **Expectations of Parents**

Parents must insist that their son/daughter contributes positively towards the positive learning environment of The Oaks Academy by:

- Actively supporting all Academy policies
- Ensuring regular and prompt attendance is maintained, avoiding taking their son/daughter out of academy in term time
- Supporting attendance at detentions after academy if, or when required
- Insisting upon high standards of uniform, behaviour and discipline to and from academy
- Responding in a positive way to all communications from the academy

### **Expectations of Staff**

All members of staff are expected to:

- Insist daily upon high standards of behaviour, discipline, standards and uniform from all students.
- Follow and consistently apply Rewards (appendix 1)
- Issue sanctions, and where necessary, detentions in line with the BFL Policy (appendix 2)
- Insist upon high levels of attendance and punctuality by accurately taking registers during tutor period and at the start of each lesson.
- Confiscate inappropriate items from students.

Staff are authorised to use reasonable force to prevent students committing an offence, injuring themselves or others, or damaging property and to maintain good order and discipline in the classroom.

### **Expectations of Headteacher and Governors**

The Headteacher and Governors will ensure that:

- The Headteacher supports staff in managing behaviour, including the use of rewards and sanctions.
- The Headteacher will support staff if they need to use “reasonable force”.
- The Headteacher is responsible for taking the decision to exclude any student should it become necessary. This decision can be delegated to a designated member of SLT.
- The Headteacher will deal with any allegations against staff, such allegations will be taken seriously and dealt with quickly in a fair and consistent way.
- Governors will monitor the implementation of the Behaviour Policy.

## **POLICY INTO PRACTICE**

### **Procedures**

The procedures arising from this policy have been developed by the Headteacher in consultation with the staff. The procedures make clear to the students how acceptable standards of behaviour can be achieved and have a clear rationale that is made explicit to staff, students and parents. The procedures are consistently and fairly applied and promote the idea of personal responsibility and that every member of the academy has a responsibility towards the whole community.

A wide variety of communication is utilised in order to promote and monitor behaviour. These includes assemblies, form time periods, behaviour for learning data, lesson monitoring reports, staff briefings, pastoral weekly briefing, Headteacher's weekly update, academy prospectus.

### **Rewards (see appendix 1)**

The academy ethos of encouragement and praise is central to the promotion of good behaviour. They have a motivational role in helping students to realise that good behaviour is valued. Integral to the system of rewards is an emphasis on praise both formal and informal to individuals and groups of students. Rewards are accessible to all students and are varied in type, ranging from simple praise to rewards day activities. (see appendix 1). High profile assemblies are used to celebrate the achievement of our students as are 'Star of the Week' awards and 'Golden Tickets'.

### **Sanctions (see appendix 2 and appendix 3)**

The Behaviour for Learning Policy is based upon consequences for actions. In some circumstances a student's choice of behaviour may result in either a lunchtime or an after academy detention with their form tutor, subject teacher, Curriculum Team Leader or a member of the SLT. Whilst parental consent is not required for detentions, parents will be informed if the detention is to take place after academy so that appropriate travel arrangements can be made. Detentions that take place during the academy day will be arranged so that adequate time can be allowed for the student to eat their lunch and go to the toilet. Children who blatantly disregard the code of behaviour expected of them or behave in an anti-social manner may be temporarily or permanently excluded. This includes exclusions made within the Internal Exclusion Room (appendix 6). In such cases parents would be kept fully informed and involved. Alternatively, students may be transferred to a partner academy for a short period of time.

The Behaviour Policy will be applied to all students:

- Taking part in any academy-organised or academy-related activity or
- Travelling to or from academy or
- Wearing academy uniform or
- In some way identifiable as a student of the Oaks Academy

The policy will also be applied to poor behaviour at any time, whether or not the conditions above apply, that:

- Could have repercussions for the orderly running of the academy or
- Poses a threat to another student or member of the public or
- Could adversely affect the reputation of the academy

In addition, behaviour that may be criminal will be reported to the police.

### **Restoring relationships**

After incidents of unacceptable behaviour, for example if a student is 'removed' from class or have a disciplinary issue at break or lunchtime, the academy works hard to use restorative approaches, in order to

resolve the situation moving forwards. This will either be led by the Subject Teacher, Curriculum Team Leader or Pastoral Managers. The incident is discussed and a decision is taken on the next step which may be a sanction or, should there be a reasonable explanation for the behaviour, a fresh start in the next lesson.

## **Training**

The Board of Trustees ensures that appropriate high quality training on all aspects of behaviour management is provided to support the implementation of the policy.

## **Interrelationship with other academy policies**

In order for the behaviour policy to be effective, a clear relationship with other academy policies, particularly: Equality Policy, Special Educational Needs Policy, Anti-bullying Policy and the Acceptable Use Policy has been established.

## **Involvement of outside agencies**

The academy works positively with external agencies. It seeks appropriate support from them to ensure that the needs of all students are met by utilising the range of external support available.

## **Confiscation of Inappropriate Items**

Any student who is found in the possession of inappropriate items will have the items confiscated. Where there is a suspicion that a student has an inappropriate item, they will be required to empty their pockets, bags and locker. Refusal to do so will be classed as refusal to follow instructions and will result in the appropriate consequence.

Inappropriate items include inappropriate items of clothing or jewellery, items brought into academy for the purpose of selling to make a personal profit (including items bought in such a manner), cigarettes, tobacco and other smoking related items, knives or weapons, alcohol, illegal drugs, stolen items and any other items that may endanger the health and safety of others.

Staff who are authorised by the Principal may use such force as is reasonable when searching a student without consent for prohibited items (Searching, screening and confiscation – advice for Headteacher’s, academy staff and Board of Trustees DfE February 2014).

In addition to prohibited items the following items are banned from the academy premises (unless authorised in advance by the Headteacher): jewellery, **mobile phones**, electronic devices e.g. I-pods, laser pens or items which may lead to the disruption of learning or may compromise the safety of others. This list is not exhaustive. Items which are confiscated will be held securely however the academy is not responsible for any loss or damage to items which are banned from the academy premises.

Parents will be contacted and informed of the nature of any items confiscated and appropriate arrangements made for the safe collection of such items. Illegal items will be handed to the Police.

## **Use of Reasonable Force**

Due to the high level of respect that is generated within academy, it is very rare for any form of physical intervention to be necessary when dealing with behaviour issues.

However, The Oaks Academy reserves the right to use “Reasonable Force” where necessary. This may include using reasonable force to prevent students committing an offence, injuring themselves or others, or damaging property.

Examples of reasonable force can range from guiding a student to safety by the arm through to more extreme circumstances such as breaking up a fight.

### **Exclusion (See Appendix 4)**

In very extreme circumstances it may be necessary to exclude a student because their behaviour has become unacceptable. The decision to exclude a student will be taken by the Headteacher. This decision can be delegated to a designated member of SLT.

Exclusion may take the form of Internal Exclusion Room Placement, Fixed Term Exclusion or Permanent Exclusion. Parents will be notified and kept fully informed should such decisions become necessary.

### **Policy into Practice Documents**

The Oaks Academy will use the following to inform and maintain good practice when implementing this policy;

Behaviour and Discipline in Academy's: A guide for head teachers and academy staff available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/488034/Behaviour\\_and\\_Discipline\\_in\\_Academys - A guide for headteachers and Academy Staff.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/488034/Behaviour_and_Discipline_in_Academys_-_A_guide_for_headteachers_and_Academy_Staff.pdf)

### **Legislation**

This policy is based upon:

- Education and Inspections Act 2006
- Academy Standards and Framework Act 1998
- Education Act 2002
- DfE document - Ensuring Good Behaviour in Academy's
- Education Act 2011
- (Searching, screening and confiscation – advice for Headteacher's, academy staff and Board of Trustees DfE February 2014).

## **Appendix 1**

### **Rewards**

Good work and attitude are rewarded through both the Achievement Points System and through the awarding of 'Golden Tickets', certificates and prizes. A conscious effort is made by all our staff to recognise individual achievement and to suitably reward good behaviour and attendance.

Rewards are issued for lots of different reasons, for example:

- Having completed work to a high standard
- Showing excellent effort, resilience and / or perseverance
- Answering a question really well and participating in the lesson
- Having an improvement in manners, uniform, punctuality
- Producing an outstanding project/coursework/essay/piece of work
- Doing something excellent in the community
- A fantastic sporting achievement
- Excellent attendance and punctuality
- Showing 'Pride and Respect'

In addition, each week the Headteacher awards Stars of the Week to students who have been nominated by staff; Praise Postcards and letters of commendation are also issued.

## Appendix 2

### Sanctions

Parents and carers will always be kept informed of serious and other regular patterns of misbehaviour.

- A. Sanctions taken against those students who commit minor acts of misbehaviour (this includes the failure to complete set work)
  - Verbal warning, Second Verbal warning
  - Placing the student on report (often used as an incentive rather than 'punishment')
  - Detentions which could be at break, lunchtimes or after the end of the academy day and can be at weekends and / or training days when students would not otherwise be expected to be present.
  - Withdrawal from certain classes
- B. Sanctions taken against those students who commit serious acts of anti-social behaviour  
Examples of conduct which may lead to a fixed term exclusion (see appendix 4), Internal Exclusion or transfer to partner academy:
  - Physical Assault
  - Fighting
  - Defiance
  - Bullying – physical or verbal abuse, cyber bullying, including teasing or creating / spreading rumours at the expense of another student
  - Wilful Vandalism – to academy property or property of a student or member of staff including deliberately setting off the fire alarm
  - Theft – of any property of students, staff or academy
  - Repeated Disruptive Behaviour – which leads to the teacher having to spend a disproportional amount of time with one student at the expense of others
  - Racist, sexist or homophobic comments directed at students or staff
- C. Examples of misbehaviour that may lead to immediate permanent exclusion:
  - One or more of the previous incidents which is deemed premeditated or deliberate or ignoring direct instructions to desist
  - One or more of the previous incidents after a fixed term exclusion
  - When a student is in breach of a 'contract' which has been approved by the student's parents

- On an occasion when any one act of misbehaviour is deemed to be too serious to be dealt with by any other sanction
- Deliberate and unprovoked physical attacks or assault on a member of staff or another student
- Use or distribution of illegal drugs, substances or alcohol on academy premises

The Academy also reserves the right given under the Act to issue a fixed penalty notice to parents / carers of excluded students if the student is seen in a public place during academy hours.

### **Appendix 3**

Behaviour for Learning policy (January 2019)

## Appendix 4

### EXCLUSION POLICY

On the very rare occasions that a student's behaviour cannot be appropriately dealt with using the BFL Policy, through the anti-smoking sanction (appendix 7), or through the isolation systems or IER tariff (see appendix 6) it may be necessary to exclude a student from academy for a fixed period of time (Fixed Term Exclusion) or on even rarer occasions it may be necessary to consider permanently excluding a student from academy. The following issues will be taken into consideration:

- the safety and wellbeing of other students and adults
- the seriousness of the offence committed
- the previous behaviour record
- other strategies which have already been tried
- the student's known educational and medical needs
- the support of external agencies in providing alternatives to permanent exclusion

An exclusion will be considered for serious incidents, such as:

- refusal to follow the BFL Policy
- unsafe behaviour
- persistent disruption of lessons
- defiance or verbal abuse of staff
- refusing to enter the Internal Exclusion Room
- repeated or serious acts of bullying
- violence or threat of serious violence towards other students or staff
- deliberately setting off the fire alarm.
- theft
- drug related offences
- bringing weapons onto academy premises

For Students who are open to social care and Child Protection orders the following exclusion risk assessment is in place:

- Before the parent/carer is informed, the Designated Safeguarding Lead (or Deputy) will be informed to ensure that all individualised CP/CIN Safety Plans are adhered to.
- For exclusions greater than half a day, daily home visits will ensure the well-being of the individual and allow for school work and lunch to be dropped off.

- When an exclusion of more than 3 days is deemed appropriate, an alternative provision either in the Academy IER or external IER should be organised.

Only the Headteacher or in their absence senior staff with delegated responsibility, can issue a fixed term exclusion.

In very exceptional circumstances a permanent exclusion from academy may be necessary when repeated fixed term exclusions are not providing the necessary improvement in behaviours or actions, or for single, particularly serious incidents which jeopardise the safety and wellbeing of another person or persons. The academy will comply with government guidance around permanent exclusion.

The Oaks Academy is committed to using a broad range of strategies to maximise the chances of avoiding permanent exclusions and to working with parents/carers and support agencies in constructive partnership.

For some students at risk of permanent exclusion a managed move to another academy may be considered. This would be discussed with both the student and the parents/carers before another academy was approached and we would work with the receiving academy to ensure the move has the best possible chance of succeeding.

Work will be set for the student during an exclusion. For an exclusion exceeding five days, academy will make arrangements for the student to attend another organisation after the fifth day and will send work to that organisation.

A readmission meeting with parents will always be arranged and, where appropriate, a reintegration programme will be put in place following a student's exclusion.

## **APPENDIX 5:**

### **A Guide to Providing Evidence for Governor Disciplinary Committee Meetings**

#### **Introduction**

The aim of this guidance is to set out for supporting staff preparing for a Governor Disciplinary Committee (GDC), what information governors require in making a rigorous decision about a permanent exclusion. It has been considered in the context of how an independent review panel might review a GDC.

This guidance draws upon the legislative guidance document [Exclusion from maintained academy's, Academies and student referral units in England: A guide for those with legal responsibilities in relation to exclusion](#), (Department for Education 2017).

At the end of the guidance is a [checklist](#) of the documents that are usually made available to the GDC where they are relevant to the student. It can be helpful to use/adapt this checklist as an index to the document bundle.

#### **Context – Responsibilities of the GDC**

This passage summarises the responsibilities of the GDC:

In reaching a decision on whether or not to reinstate a student, the governing body should consider whether the decision to exclude the student was lawful, reasonable and procedurally fair, taking account of the head teacher's legal duties.

DfE Guidance 2017, Para 71

To clarify, Governors should be satisfied that the decision you took:

- Was in accordance with the law (section 3 of DfE guidance), and took full account of your legal duties to students in the academy including Safeguarding, SEN and Equality
- That it was a balanced decision that you made having investigated the events fully, seeking the account of the student concerned and any witnesses, and that you took sufficient time and appropriate advice to consider the evidence and explore the alternatives to permanent exclusion (section 3 of DfE guidance)
- That you followed the academy's own policy and procedures in administering the exclusion, and that DfE guidance was followed in notifying all parties and meeting the necessary timescales (sections 3 & 4 of DfE guidance)

The academy's statement and the supporting documents provide the evidence of how the academy has followed the DfE Guidance and met its legal duties in reaching the decision to permanently exclude.

The statement should be written in straightforward language, avoiding jargon and acronyms,

presenting the facts of the case and the order in which things happened, including both the incident itself and the academy's decision-making. The presentation must be accessible to all those who will be party to the governor hearing and potentially an independent review.

The statement should cover:

- A summary of the incident(s)
- Evidence of the support offered/provided by the academy
- Detail of the decision making process

These elements are considered in turn below.

#### The Head Teacher's Statement – A summary of the incident(s)

The statement should give a clear summary description of the incident which led to the decision to permanently exclude the student. In cases of persistent disruptive behaviour, this will be a description of the 'final straw' incident and an outline of the persistent nature of the behaviour over time. The decision should be based on the balance of probabilities i.e. 'on the balance of probabilities' it is more likely than not that a fact is true rather than the criminal standard of 'beyond reasonable doubt'.

The academy's summary of the incident may be subject to scrutiny at both the GDC and an Independent Review Panel so it is important that the statement carries a factual and neutral tone, clearly distinguishes between fact and opinion, and that it accurately reflects any statements that you are presenting within the bundle. It is likely that there will be contentious issues and conflicting accounts within the information you provide. The academy should acknowledge any inconsistencies and explain why they have taken a particular view.

The DfE guidance states that efforts should be made to obtain the student's account of events and that they have opportunity to state their case before the decision to exclude. If this has not been possible for some reason it is important that you make reference to this in your statement and explain the reasons for it.

It may be helpful to present information in an attached chronology for easy reference, particularly in cases of persistent disruptive behaviour where there will be several relevant events. References can be made to other documents within a chronology for further detail, but presenting the 'story' of events in a chronology can be helpful.

#### The Head Teacher's Statement – Support offered/provided by the academy

The DfE Guidance refers to supportive measures:

Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a student may have. Head teachers should also consider the use of a multi-agency assessment for students who demonstrate persistent disruptive behaviour. Such assessments may pick up unidentified special educational needs but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems.

Where a student has received multiple exclusions or is approaching the legal limit of 45 academy days of fixed period exclusion in an academic year, head teachers should consider whether exclusion is providing an effective sanction.

DfE Guidance 2017, Para 19-20

The governors need to understand the impact of interventions/support, to understand how relevant they were to the needs of the student and what the outcome was e.g.

- a) "Pastoral referral made in May" - does not offer sufficient detail
- b) "A pastoral referral was made on 2<sup>nd</sup> May 2019 following a meeting with the family about poor attendance patterns. The pastoral team has worked for 2 months on establishing routines in the home. The impact has been minimal as the family have not met with the academy regularly. Attendance has not improved" - demonstrates how appropriate the referral was; the focus of the work, and the level of engagement/impact.

Similarly, for any meetings or assessments either within academy or by external agency, the governors will need to see the agreed actions and evidence of how these have been put into practice e.g.

- a) Education Psychology referral made - does not offer sufficient detail
- b) Education Psychology referral made on 14<sup>th</sup> December 2018, student attended 2 appointments with the EP in academy on 8<sup>th</sup> February 2019 and 21<sup>st</sup> February 2019. Recommendations of the report were to support student in small groups of up to 4 and to offer alternative activities at break times with a chosen friend; implement a reward system for good choices based around their interest in trains; and implement the team teach strategies to de-escalate situations of stress and where required follow a positive handling plan to intervene if there are incidents of physical violence towards others. Class teacher and SENDCO met with parents to review IEP on 15<sup>th</sup> March 2019. Some positive response to the reward system observed and better concentration and reduced anxiety within the small groups - demonstrates the timescale of the referral, engagement, recommendations, how these were implemented by the academy and the impact.

#### The Head Teacher's Statement – The decision making process

The governing body will need to see how the academy followed the DfE Guidance in reaching the decision to permanently exclude. The statement should demonstrate to the governors how the decision to permanently exclude was taken:

- By the head teacher (or acting head, section 579(1) of the Education Act 1996)
- On disciplinary grounds
- In response to serious or persistent breaches of the academy's behaviour policy; and where allowing the student to remain in academy would seriously harm the education or welfare of the student or others in the academy
- In line with administrative law i.e. lawful, rational, reasonable, fair and proportionate
- Based on the balance of probabilities that it is more likely that the fact is true than not
- Ensuring that in the academy's policies and practice a student has not been discriminated against
- With due regard to the SEND code of practice
- After (where practical) the student concerned has had opportunity to present their case, and taking into account any contributing factors and mitigating circumstances
- Ensuring that early intervention has been implemented to address the underlying causes of behaviour including SEN or disability in order to prevent the incident(s)

The guidance is clear that permanent exclusion should always be the last resort and that early intervention and multi-agency working should be used to address underlying causes of disruptive behaviour in addition to assessment of SEND need (paras.6 & 19).

Governors will need to be satisfied that the decision to permanently exclude has been taken rationally;

in fair proportion to the incident(s) and that all alternatives were considered even if they were deemed to be unsuitable.

LA Officers can offer advice on alternatives to permanent exclusion and give a view on how other academies have responded to incidents. Alternatives include but are not limited to – fixed term exclusion, time-limited courses to support engagement, restorative approaches, changing the learning environment e.g. considering alternative provision, college courses, activity programmes, or planned transfer to another academy.

Ensure that the academy's statement explains what alternatives have been considered, and why they deemed them inappropriate. Also document any advice that has been sought prior to making the decision, what the advice was and if/how it was used.

If the student is from a group at high risk of exclusion, the academy will need to demonstrate to governors what extra support was considered to identify their specific needs and reduce their risk of exclusion. The guidance specifies that head teachers should avoid permanently excluding students with a SEN Statement and Cared for Children (CfC), and that academies should work with social care partners and the Virtual Academy for CfC students, and call an early/emergency SEND Annual Review for students with a SEND Education Health and Care Plan (EHCP). If you have permanently excluded a CfC or SEN EHCP student, you will need to explain why in light of this.

Supporting documents – Presenting appropriate information to evidence your statement

The academy will need to provide evidence to the GDC of the things you refer to in your head teacher statement.

#### Permanent exclusion documents

Should include the permanent exclusion form sent to the Local Authority, the letters sent to the parent informing them of the permanent exclusion and any fixed term exclusion made 'in the first instance, pending a decision about permanent exclusion' and present them in date order so the sequence of events is clear.

If the student has received a number of exclusions (particularly in the case of persistent behaviours) it is appropriate to include these also.

#### Witness statements

It is commonplace for students to provide handwritten statements following an incident, the expectation on children to provide these is at the academy's discretion and should take into account their age and understanding. If a verbal statement is taken, it should be written out in full by those who were present. All statements should be named, signed and marked with the date and time of their writing.

It is helpful to encourage students and staff alike to give as much detail as possible including where they were at the time of the incident, what they themselves saw or heard directly and what they believe to have happened - distinguishing between fact and opinion. It may be appropriate for a student or staff member to express how they felt at the time of the incident, but the overall statement should aim to be balanced and factual. It doesn't need to include the detail of language used by a student where 'foul and abusive' language is involved. Staff should simply make reference to 'foul and abusive' being used.

The academy may need to consider providing typed versions of the handwritten statements in the bundle to accompany the originals to assist parties in reading them.

When presenting statements in the bundle, the question of providing anonymity to students (and on rare occasion staff) is something that must be considered. Balancing the need to protect students who may have witnessed a serious incident and may fear repercussions from the student involved, against natural justice – the right of the student to hear what is being alleged and by whom. Each situation must be judged on its individual merits and will need to be able to explain why the decision to make the statements anonymous if this done. Where anonymised, statements should be marked up student A, B, C or student 1,2,3 for example, to enable parties to distinguish between statements.

All written witness statements should be attributed, signed and dated, unless the academy has good reason to wish to protect the anonymity of the witness, in which case the statement should at least be dated and labelled in a way that allows it to be distinguished from other statements. The general principle remains that excluded students are entitled to know the substance behind the reason for their exclusion (Para 118, DfE Guidance 2017).

### SEND documents

The guidance refers to SEN on a number of occasions, the factors that should be considered when taking the decision to exclude, the fact that students with SEND are more likely to receive exclusions and therefore additional provision should be made to prevent their exclusion, and that there is a duty to give due regard to the SEND Code of Practice and the academy's SEND policy.

Should the case be heard at an independent review panel, the parent may request a SEND expert, even where the academy has not recognised the child has SEND. The SEN expert's role is to advise the panel on 'how SEN could be relevant to the exclusion' and 'whether the academy acted reasonably in relation to its legal duties when excluding the student'.

It is therefore imperative that there is evidence as to how the academy has followed the SEND code of practice in relation to the student, what assessments have been made, what subsequent action was taken, and how this was reviewed and managed over time.

Ensure that the following documents are included where they exist for a student:

- o SEND EHCP
- o Individual Education Plan (IEP)
- o Individual Behaviour Plan (IBP)
- o Pastoral Support Plan (PSP)
- o Positive Handling Plan
- o Academy provision map
- o Targeted interventions
- o Assessments
- o SEND Policy

### SIMS records

Behaviour and attendance records from SIMS are sometimes presented to the meeting, this can be helpful but there can also be a lot of irrelevant information in these records and jargon/codes that may need further explanation.

If they are including SIMS records it is useful to check them and provide further detail to make the information, clear and accessible to all parties. It may be more useful to present the information in a chronology for this purpose.

### Photographs/video evidence

The academy may have considered video or photographic evidence when taking the decision to exclude, either from academy CCTV or from other sources e.g. mobile phones. If these are being submitted, any photographic or video evidence, you will need to consider the confidentiality of other students who may feature.

Consult the academy policy on using images of children i.e. whether there is a need for the student's parents to agree, and consider whether images should be edited to remove other students or protect their identity.

### Third party reports

The governors will want to see what advice has been given and how the academy has implemented that

advice. If there are reports from other agencies e.g. CAMHS or Education Psychology, there may be a need to obtain their agreement to share the documents with the meeting. In addition to the evidence in any SEND paperwork, the chronology can be used to show when things were implemented and their impact.

### Social care

Where there is social care involvement, and minutes from core group meetings or conferences, or CAF documents, these are confidential and there will be a need to seek agreement from the social worker, and indeed the family to include them in the bundle. Any information that is included will need to be checked for references to other family members or irrelevant information.

Usually it is sufficient to document when meetings have been held and any action points that were given to the academy or involving education – this can be done in the chronology. The documents usually have a front sheet which details the date of the meeting and who attended, and a page which summarises the actions agreed, just these two pages could be included, taking care to remove references in the actions to anything not relating to the child's education, which then avoids compromising confidentiality.

### Safeguarding

If the academy has made no name requests to social care or taken action in response to safeguarding concerns the academy will need to consider whether this is recorded in the bundle. The academy may wish to enter those actions in the chronology if they are relevant in a wider sense to the exclusion. However, if sharing that information would place someone at risk or if the family is not aware of the contact, it may be useful to seek advice from the local authority safeguarding team on this matter.

### Risk Assessment

Where there has been concern about a student's risk to themselves or others, the academy should have completed a risk assessment; for a serious one-off, the academy may have only had cause for concern at the time of the incident however, it would be good practice to complete a risk assessment as part of the decision-making on whether or not to permanently exclude the student. Any risk assessments should be included in the bundle.

### Policies

Include the academy's behaviour and SEND policy in the bundle, ensuring that the policies were in date and in use at the time the decision was taken to permanently exclude. If the policies have been revised since, the version that was in use at the time of the incident/decision must be included. If you have any additional policies that would be relevant e.g. specific policy on drugs, then include those policies also.

Governors may wish to know how the policies have been communicated with students and parents, and how a parent and student would have had access to these policies.

### Presenting the bundle

The documents or 'bundle' that you provide is sent by post to the parents, the governors and the local authority (unless an Academy Governing Body has not requested the local authority attends). As the information is confidential consideration should be given as to it is securely sent this to all parties. **The bundle should be available to all parties at least 5 days in advance of the meeting.**

Some academy's present their bundles in a ring binder, some have them bound and others simply provide loose paperwork in an envelope. It is helpful to have identical sets of documents with numbered pages so that everyone in the meeting can refer to the same pages for reference.

You may arrange to email the papers to the local authority and the governors and even the parents if they choose. We would recommend having hard copies available either to follow or at the meeting.

The key presentation points are:

- 1) Remove any references to other children (peers or siblings) unless they directly relate to the incidents
- 2) Consider how accessible the information is e.g. a recipient could have a communication disability, English as a second language or may not read with confidence
- 3) Include a contents/index page with a clear list of the documents enclosed and corresponding page numbers
- 4) Organise the bundle so that the Head Teacher’s Statement, Permanent Exclusion Form, Letter to Parents, and the Chronology are near the front
- 5) Consider providing typed versions of handwritten statements/information, but still include copies of the originals

Checklist of documents

This checklist could be adapted to make an index for the GDC document bundle

Document/Information	Page
Information about the Permanent Exclusion	
Permanent Exclusion Form	
Permanent Exclusion Letter to Parents	
Head Teacher’s Statement	
Chronology of events	
General exclusion/attendance information	
Record of all past Exclusions	
Letters to parents regarding all past exclusions	
Reintegration meeting minutes from past exclusions	
Record of Attendance	
Evidence relating to the permanent exclusion	
Student’s statement(s)	
Witness statements	
Risk Assessments	
Behaviour Policy	
SEN support	
SEN Policy	
SEN Statement	
SEN Reviews	

Discussions with SEN Officer and recommendations	
IEP Individual Education Plan	
IBP Individual Behaviour Plan	
PSP Pastoral Support Plan	
PHP Positive Handling Plan	
Provision map	
External agency support	
CAF plans	
Referrals to outside agencies and outcomes for student	
Discussions with external professionals and their recommendations	

## Example Chronology

Date	Type of event	Detail	Impact	Follow-up
01/01/19	Incident	<p>Sarah was working in a small group on a collage; Sarah was working well at first then began to throw paper at another student. Sarah picked up some scissors to throw. The TA told Sarah she mustn't throw the scissors. Sarah shouted at the TA that she hated her and hit the TA, she then threw the scissors off the table (but not directly at any person) and continued to shout and screw up the collage.</p> <p>The class teacher assisted the TA and used TEAM TEACH to restrain and redirect Sarah to a quiet area.</p>	<p>Sarah was upset and angry. The other students in the small group were scared and couldn't complete their piece of work as it was damaged.</p> <p>The TA sustained a small red mark to her upper left arm but no lasting injury.</p> <p>Class time was interrupted as the teacher assisted Sarah.</p>	<p>Discussion with Sarah once she was calm to think about the choices she made and what she might do differently. Sarah apologised and wanted to make a card for the TA to say sorry.</p> <p>This is the fourth incident and seems to be escalating. A risk assessment was completed (see attached) regarding Sarah's use of equipment in the classroom and has been shared with all relevant teaching and support staff.</p> <p>Incident reported to Local Authority</p>
01/01/2012	Discussion with parent	<p>The class teacher spoke to Sarah's mother at the end of the academy day away from Sarah's earshot. Sarah's mother expressed concern about Sarah's behaviour at home. Agreed it would be helpful to meet to talk about this properly and make a plan.</p>	Parent informed	<p>Check diary to schedule a meeting</p> <p>Discussion with SENDCO to include in planning to support Sarah</p>
02/01/2012	Letter	Letter to parent inviting her to a meeting on 05/01/2012	Parent informed	None

04/01/2012	Incident	A classmate of Sarah reported to the class teacher that Sarah had bitten her when she wouldn't let her play with the ball. Observed by another student who gave the same report. Light red mark observed on the child's right forearm. Sarah had then run to the fence around the academy field. TA approached Sarah applying TEAM TEACH to encourage her to return to the building; Sarah followed her in at a distance.	Student upset and sustained a mild injury (mark faded after 30mins) Sarah felt isolated at break time	TA asked Sarah about break time and Sarah said she was angry with her classmate as she wanted to join in.  Incident sheet to be completed, LA notified  Both parents to be informed at the end of the day
04/01/2012	Discussion with Sarah's mother	Informed of the incident today, reminded about meeting tomorrow	Parent informed	None
05/01/2012	Meeting	Class Teacher, SENDCO and Parent met (minutes attached). Parent is experiencing difficulty with Sarah's behaviour particularly when she says 'no' or asks her to change what she is doing. Sarah has a baby brother and this makes it difficult for her mother to manage – she is a single parent. We agreed on making a referral to the Education Psychologist to assess what is affecting Sarah's learning and behaviour. Parent would also welcome some support in managing Sarah's behaviour at home so agreed to make a Social Care referral. Parent is happy for us to start a CAF.	Plan made to support Sarah and the family	Finish off the referrals to the Ed Psych  Prepare a CAF Form to complete with the parent
09/01/2012	Referral	Ed Psych referral sent to the Local Authority (see attached)	To activate support	
10/01/2012	Meeting	Meeting with parent to complete the CAF	Assessment of needs complete	Send to Social Care as referral
11/01/2012	Referral	Referral sent to Social Care Team	To activate support	None

