



Marches Academy Trust

Date of last review: **September 2021**

Approved: **September 2021**

Date of next review: **September 2022**

Exclusions Policy

Contents

1.	Introduction.....	3
2.	Legislation.....	3
3.	The decision to exclude.....	3
3.1.	Permanent Exclusion	4
3.2.	Fixed Term Exclusion.....	4
4.	Proof	5
5.	Roles and Responsibilities	5
5.1.	The Head Teacher’s Role in Exclusions.....	5
5.2.	Duty to Inform Parents	6
5.3.	Informing the governing board and local authority	6
5.4.	The Local Governing Body (LGB).....	7
5.5.	The Local Authority (LA).....	8
6.	Procedures following a fixed period exclusion.....	8
7.	Considering the reinstatement of a student.....	8
8.	Independent reviews	10
9.	Principles of natural justice	10
10.	Parallel police proceedings	11
11.	Required paperwork for PDC review meetings	11
12.	School Registers	12
13.	Returning from a Fixed-Term Exclusion	12
14.	Monitoring Arrangements.....	12
15.	Appendix 1 - Incidents that may result in exclusion.....	13
16.	Appendix 2 - Independent review panel training	15
17.	Appendix 3 – Behaviour Report Form.....	16
18.	Appendix 4 – Witness Statement.....	18
19.	Appendix 5 – Marches Academy Trust Exclusion Checklist	19
20.	Appendix 6 - Re-admit Programme	21
21.	Appendix 7 – Plan, Do, Review Process	22

1. Introduction

The Marches Academy (the Trust) is an inclusive academy and seeks to ensure that pupils remain in school to learn and to achieve their very best. The school has a wide range of strategies in place to prevent exclusion as we recognise that it should only be a last resort when all else has failed or normal school sanctions are not appropriate.

The aim of this policy is to ensure that:

- The exclusions process is lawful, reasonable and fair;
- The exclusions process is understood by Governors, staff, parents and pupils;
- Pupils in school are safe and happy;
- Pupils do not become NEET (not in education, employment or training); and
- Legislation and statutory guidance is followed.

This policy should be read in conjunction with our Behaviour and SEND policies.

2. Legislation

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.

It is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 51A and 52 of the Education Act 2002, as amended by the Education Act 2011.
- The School Discipline (Pupil exclusions and Reviews) (England) Regulations 2012.

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded pupils.
- Section 579 of the Education Act 1996, which defines 'school day'.
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014.
- Human Rights and Equalities Act 2010.
- SEN guidance.

3. The decision to exclude

There are two types of exclusion: fixed term and permanent. Only the Headteacher may exclude a pupil.

Before deciding whether to exclude a student, either permanently or for a fixed period, the Headteacher will:

1. carry out a full and thorough investigation;
2. consider all evidence and ensure that equality is promoted at all times in relation to SEN, race, gender and disability. Under the Equality Act 2010 ("the Equality Act") schools must not discriminate against, harass or victimise pupils because of their: sex; race; disability; religion or belief; sexual orientation; because of a pregnancy / maternity; or because of a gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices.
3. where practical, give the pupil the opportunity to give their version of events;

4. investigate whether the incident may have been provoked by something e.g. bullying, racial or sexual harassment;
5. keep a written record of all actions taken, any interviews with pupils concerned, any staff statements (behaviour report forms and witness statements should be dated and signed, ideally on school witness documentation. See appendices 3 & 4).

Permanent exclusions and any fixed term exclusions which result in the pupil being excluded for more than 15 school days (singly or cumulatively) must be reviewed by a panel of Governors. Any exclusion must therefore be reported immediately to the Governance team. The school's Clerk will then inform Governors and arrange/clerk the required review meetings.

For the purposes of exclusions, a school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

Please refer to the Exclusions Checklist in Appendix 1 for a list of incidents that may result in exclusion.

3.1. Permanent Exclusion

A decision to exclude a pupil permanently is taken as a last resort and will be taken only:

- in response to serious or persistent breaches of the school's behaviour policy; and/or
- if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The decision to exclude a pupil must be lawful, reasonable and fair. We have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race.

We will give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

Disruptive behaviour can be an indication of unmet needs. Where we have concerns about a pupil's behaviour, we will try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation we will give consideration to a multi-agency assessment that goes beyond the pupil's educational needs. It is an acknowledgement by us that we have exhausted all available strategies for dealing with the child and permanent exclusion is used as a last resort.

There will, however, be exceptional circumstances where, in the Headteacher's judgement, it is appropriate to permanently exclude a child for a first or 'one off' offence. These might include:

1. serious actual or threatened violence against another pupil or a member of staff;
2. sexual abuse or assault;
3. supplying an illegal drug; or
4. carrying an offensive weapon.

Exclusion will also be considered for incidents listed in Appendix 1.

3.2. Fixed Term Exclusion

There is a limit of 45 school days in an academic year for fixed term exclusions.

A decision to exclude a pupil for a fixed period should also be lawful, reasonable and fair and only in response to breaches of the school's behaviour policy, including persistent disruptive behaviour,

where these are not serious enough to warrant permanent exclusion and lesser sanctions are considered inappropriate.

4. Proof

The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the pupil did what he or she is alleged to have done, the Headteacher may exclude the pupil. However, the more serious the allegation and thus the possible sanction, the more convincing the evidence substantiating the allegation needs to be. This is not the same as requiring the criminal standard of 'beyond reasonable doubt' to be applied. But it does mean that when investigating more serious allegations, in determining whether it is more probable than not that the pupil has behaved as alleged, Headteachers will need to gather and take account of a wider range of evidence. In some cases, this may extend to evidence of the pupil's past behaviour, if relevant to the seriousness of the present allegation.

5. Roles and Responsibilities

5.1. The Head Teacher's Role in Exclusions

Only the Headteacher may exclude a pupil.

Exclusion can only be for a breach of the Trust's behaviour policy, which must be widely published to all pupils and parents and be listed on the school's website. Care must be taken to avoid 'informal' or 'unofficial' exclusions (e.g. sending a child off-site for a 'cooling down' period). However, a pupil whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period.

Exclusions are unlawful if they occur for the following reasons, among others:

- Because a child has additional needs/a disability that the school feels it is unable to meet;
- Lack of academic attainment/ability;
- Based on the actions of a pupil's parents; or
- Failure of a pupil to meet specific conditions before reinstatement.

Permanent exclusion should only be used as a last resort, for a "one-off" serious breach of the school's behaviour policy e.g., violent assault, or in the case of persistent breaches of said policy, where all strategies to change behaviour have failed. It must be demonstrated that allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Where an excluded pupil has a Statement of Special Educational Needs (SEN) or is on the SEN register as part of the graduated approach, it must be demonstrated that the school has provided extensive support to help the pupil and there should be intervention strategies in place which have been discussed with the pupil and parents.

Headteachers should ensure that the behaviour and exclusions policies of the school are reviewed on an annual basis and shared with the Local Governing Body (LGB).

Exclusions must be recorded on the school management information system in a timely manner and reported to Governors.

The Headteacher may withdraw an exclusion that has not been fully reviewed by the LGB or rescind their decision if new evidence arises during the PDC.

5.2. Duty to Inform Parents

The Headteacher will immediately provide the following information verbally and in writing without delay, to the parents of an excluded student:

- The reason(s) for the exclusion.
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent.
- Information about parents/carers' right to make representations about the exclusion to the LGB and how the student may be involved in this.
- Where there is a legal requirement for the LGB to meet to consider the reinstatement of a student, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend.

The Headteacher will also notify parents by the end of the afternoon session on the day their child is excluded. For the first five school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:

- The start date for any provision of full-time education that has been arranged.
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant.
- The address at which the provision will take place.
- Any information required by the student to identify the person they should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Pupils over 18 have to be informed and have the right to appeal on their own behalf. Pursuant to the duty of care placed on schools to ensure the welfare of pupils, parents/carers must be advised of an exclusion prior to the child being sent off-site.

5.3. Informing the governing board and local authority

The Headteacher will immediately notify the LGB and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent.
- Exclusions which would result in the student being excluded for more than 5 school days (or more than 10 lunchtimes) in a term.
- Exclusions which would result in the student missing a public examination.

For a permanent exclusion, if the student lives outside the LA in which the school is located, the Headteacher will also immediately inform the students 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the Headteacher will notify the LGB and LA once a term.

5.4. The Local Governing Body (LGB)

The LGB's Pupil Discipline Committee (PDC) must meet to review the decision of the Headteacher in the following circumstances:

- More than 15 days in one term – must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of an exclusion.
- Permanent exclusion - must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of an exclusion.

If the exclusion would result in a pupil missing a public examination or national curriculum test, the LGB must consider the exclusion before the date of the exam or test. If it is not practicable for a sufficient number of Governors to consider the exclusion before the exam/test, the exclusion may be considered by a smaller sub-committee. In such cases, the parents still have the right to make representations to the LGB and must be made aware of this right.

The PDC must consist of a quorum of three Governors, with the Headteacher and a Clerk. The PDC has a duty to consider the reinstatement of an excluded pupil (see section 7).

Within 14 days of receipt of a request, the LGB will provide the Secretary of State and the Local Authority with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than five school days, the Trust will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the exclusion.

Fixed term exclusions totalling five or fewer school days, or 10 or fewer lunch-times or half days in any one term must be reported to the Governors at each meeting and recorded on the MIS. The LGB can agree to set up a meeting with the parent(s) if they make representations about one of these exclusions but does not have to do so, though it must consider any representations made by the parent.

For fixed term exclusions of 6 to 15 school days, the PDC must meet to consider any representations from the parent if received.

For fixed term exclusions of more than 15 days in one term or which cumulatively add up to more than 15 days, and for permanent exclusions, the PDC must hold a formal hearing within 15 school days, whether or not the parent(s) make representations.

The PDC may confirm the exclusion or direct reinstatement of the pupil. There is no legal option to impose a lesser sanction, i.e. to commute a permanent exclusion to a fixed term one.

The PDC can direct that any pupils excluded for a fixed term of more than five days or pupils who would miss a public exam or permanently excluded pupil are reinstated.

If the pupil is to be reinstated, a re-integration programme should be planned with the school.

If reinstatement is not practicable, because the pupil is already back in school or because the parent does not want it, the PDC must consider the representations made by the school and parent(s), and decide whether or not the exclusion was justified. The decision should be included in the pupil's record.

After the PDC review hearing, the school Clerk informs the parties in writing about the result, with reasons for the decision. Decisions are communicated as soon as possible and every attempt is made to do this within three to five working days.

Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

5.5. The Local Authority (LA)

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

6. Procedures following a fixed period exclusion

Following the 6th day of exclusion the Trust must arrange suitable full-time educational provision. During the exclusion the school must set work for the pupil to complete and arrange for it to be marked. The school must also consider what support will best help the child's reintegration into school.

7. Considering the reinstatement of a student

Where the LGB is legally required to consider the reinstatement of an excluded student they should:

- not discuss the exclusion with any party outside of the meeting;
- inform the clerk if there is a conflict of interest in hearing the case e.g. the student is personally known to them or is a relative of family friend. In the event of a conflict of interest the Chair will seek an untainted Governor to replace the other;
- ask for written evidence in advance of the meeting (including witness statements and other relevant information held by the school such as those relating to a student's SEN);
- where possible circulate any written evidence and information, including a list of those who will be present, to all parties at least five days in advance of the meeting;
- allow parents and the student to be accompanied by a friend or representative (where a student under 18 is to be invited as a witness, the LGB will first seek parental consent and invite parents to accompany their child to the meeting);
- comply with their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or student has a disability in relation to mobility or communication that has an impact upon their ability to attend the meeting or to make representations); and
- identify the steps they will take to enable and encourage the excluded student to attend the meeting and speak on their own behalf (such as providing accessible information or allowing them to bring a friend), taking account of the student's age and understanding; or how the excluded student may feed in their views by other means if attending the exclusion meeting is not possible.

The PDC committee will consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent;
- It is a fixed-term exclusion which would bring the students total number of school days of exclusion to more than 15 in a term; and
- It would result in a student missing a public examination.

If requested to do so by parents, the PDC will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the student would be excluded from

school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a student missing a public examination, the PDC will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Chair of the LGB (or the Vice-Chair where the Chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the student.

The PDC can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date.

In reaching a decision, the PDC will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties. The PDC's decision should be based on whether the exclusion was lawful, reasonable and procedurally fair taking into account any evidence presented for the particular case of that individual pupil. The PDC must come to their own decision based on information presented to them by all relevant parties at the hearing. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude. Minutes will be taken of the meeting and these must minute a strong justification for the exclusion. A record of evidence considered kept and the outcome will also be recorded on the student's educational record.

A PDC meeting may be adjourned in exceptional circumstances e.g. if clarification sought by the LGB is essential to the proceedings. The adjourned date must be as soon as possible.

The PDC will notify, in writing, the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the PDC decision will also include the following:

- The fact that it is permanent;
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - The date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the student's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded student has recognised SEN, parents have a right to require the Local Authority to appoint an SEN expert to attend the review
 - Details of the role of the SEN expert and that there would be no cost to parents for this appointment
 - That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
 - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review; and
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

8. Independent reviews

If parents apply for an independent review, the Trust will arrange for an independent panel to review the decision of the LGB not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the PDC of its decision to not reinstate a student.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a five-member panel is constituted, two members will come from the school Governors category and two members will come from the headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer;
- School Governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time; or
- Headteachers or individuals who have been a headteacher within the last 5 years.

A person may not serve as a member of a review panel if they:

- Are a member of the LA, or LGB of the excluding school;
- Are the Headteacher of the excluding school, or have held this position in the last five years;
- Are an employee of the Local Authority, or the LGB of the excluding school (unless they are employed as a Headteacher at another school);
- Have, or at any time have had, any connection with the LA, school, LGB, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality; and/or
- Have not had the required training within the last two years (see appendix 2 for what training must cover).

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the LGB's decision;
- Recommend that the governing body reconsiders reinstatement; or
- Quash the governing body's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed).

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

9. Principles of natural justice

If a permanent exclusion is upheld, parent(s)/carers must be told of their right to seek an independent review of the decision reached by Governors, and the deadline for seeking a review. They also have the right to have a SEN expert attend the independent review panel meeting (IRP). When schools write to the parent(s) communicating the decision reached by Governors details of the right of independent review are also given. The parent(s)/carers have 15 school days (from

the date when notified of the PDC decision) to seek an IRP meeting.

All decisions to exclude are based on a balance of probabilities – both by Headteachers and at any subsequent review. In making their decisions to exclude Headteachers must ensure that their decisions are fair and based on the facts of the incident and do not include any elements of discrimination. Where a PDC reviews a decision to exclude, the latter issue will be tested.

Members of the PDC should be impartial, unprejudiced, have taken no previous part in the case, and have no personal or school interest in its result. Headteachers should not discuss individual exclusions with members of their LGB as cases may be referred to the PDC for review.

Parent(s) should be informed of the case put forward by the school and have an opportunity to challenge it.

Both parties should be allowed to present their case without unreasonable interruption.

Parent(s) should be able to bring a friend or adviser with them.

All documents to be used in evidence should be distributed to all parties at least five working days before the hearing. If new material is introduced at the hearing, all parties must have time to consider it.

No party to the hearing should be in the presence of the PDC unless the other party is also present. Everyone should feel that they have had a chance to put their case and have been listened to.

10. Parallel police proceedings

The PDC has no power to delay a hearing beyond the statutory time limit because of police proceedings. If a permanent exclusion is upheld in these circumstances, the parent has 15 days to request an IRP in the normal way.

11. Required paperwork for PDC review meetings

Guidance on exclusions is available to Headteachers and LGB members. This will concentrate on the standard of paperwork required for PDC review meetings and should be referred to by Headteachers or those members of staff delegated with responsibility for investigating breaches of behaviour policies.

It is necessary to state here that students should only be excluded for a breach of the Trust's behaviour policy and that the appropriate exclusion letter and advice note should be sent to parents and copied without delay to The Trust. There should be no delays in gathering evidence and witness statements because the school. The Trust is under a legal obligation to meet statutory deadlines imposed for governor review meetings.

Please refer to Appendix 4 – Witness Statement and Appendix 7 – Plan, Do, Review Process.

12. School Registers

A student's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the student and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel.

Where an application for an independent review has been made, the LGB will wait until that review has concluded before removing a student's name from the register.

Where alternative provision has been made for an excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded students are not attending alternative provision, code E (absent) will be used.

13. Returning from a Fixed-Term Exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the student, parents, a member of senior staff and other staff, where appropriate. If a student has been excluded for 15 days in the last academic year the Chair of Governors will also attend the re-integration meeting to express concern about behaviour.

The following measures may be implemented when a student returns from a fixed-term exclusion:

- Putting a student on a pastoral support programme;
- Agreeing a behaviour contract;
- Putting a student 'on report';
- Internal isolation;
- Holding restorative meetings with appropriate people.
- Off-site provision.

Please refer to Appendix 6 Re-admit Programme.

14. Monitoring Arrangements

The Leadership team monitors behaviour reports and the number of exclusions every term and reports back to the LGB.

They also liaise with the Trust Executive Lead to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the Headteacher every year. At every review, the policy will be shared with the LGB.

15. Appendix 1 - Incidents that may result in exclusion

Physical assault against pupils includes:

- Fighting
- Violent behaviour
- Wounding
- Obstruction and jostling

Physical assault against an adult include:

- Violent behaviour
- Wounding
- Obstruction and jostling

Verbal abuse/threatening behaviour against pupils includes:

- Threatened violence
- Aggressive behaviour
- Swearing
- Homophobic abuse and harassment
- Verbal intimidation
- Carrying an offensive weapon

Verbal abuse/threatening behaviour against an adult includes

- Threatened violence
- Aggressive behaviour
- Swearing
- Homophobic abuse and harassment
- Verbal intimidation
- Carrying an offensive weapon

Bullying includes

- Verbal
- Physical
- Homophobic bullying
- Racist bullying

Racist abuse includes:

- Racist taunting and harassment
- Derogatory racist statements
- Swearing that can be attributed to racist characteristics
- Racist bullying
- Racist graffiti

Sexual misconduct includes:

- sexual abuse
- sexual assault
- sexual harassment
- lewd behaviour
- sexual bullying
- sexual graffiti

Drug & Alcohol related includes:

- possession of illegal drugs (those controlled by the Misuse of Drugs Act 1971)
- possession of alkyl nitrites (known as poppers) and psychoactive drugs ('legal highs')
- possession of drug paraphernalia e.g. items such as marijuana cannisters and pipes,

- cannabis grinders, etc
- inappropriate use of prescribed drugs
- drug dealing
- smoking
- alcohol abuse
- substance abuse

Damage (includes damage to school or personal property belonging to any member of the school community)

- vandalism
- arson
- graffiti

Theft includes:

- stealing school property
- stealing personal property (pupil or adult)
- stealing from local shops on a school outing
- selling and dealing in stolen property

Persistent disruptive behaviour

- challenging behaviour
- disobedience
- persistent violation of school rules

Other

Includes incidents which are not covered by the categories above, but this category should be used sparingly.

16. Appendix 2 - Independent review panel training

The Trust must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making;
- The need for the panel to observe procedural fairness and the rules of natural justice;
- The role of the chair and the clerk of a review panel;
- The duties of Headteacher, governing body and the panel under the Equality Act 2010;
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.

17. Appendix 3 – Behaviour Report Form



Marches Academy Trust

BEHAVIOUR REPORT FORM

Student Name:										
Gender:		Ethnicity:		LAC: (Y/N)			FSM: (Y/N)			
Date:					Time:					
Subject/Activity					Room/Area (the incident occurred in)					
Incident Details (Please tick one or more that apply)										
Continuous lateness to Lesson				Disruption of others' learning					Verbal aggression to peers	
Truancy from Lesson				Dangerous behaviour					Verbal aggression to staff	
Littering				Physical Aggression to peers					Argumentative with staff	
Damage to property				Physical Aggression to Staff					Poor behaviour on school visit	
Fails to follow sanctions				Stealing					ICT abuse	
Smoking / Substance Abuse				Prejudice Based Language						
BULLYING										
Emotional Bullying	Physical Bullying	Racist Bullying	Sexual bullying	Homophobic Bullying	Verbal Bullying	Cyber Bullying	Other			
Other than any of the incident categories above:										
<u>Antecedent</u> (What was going on before the incident occurred?)										
<u>Behaviour</u> (What actually happened?)										
<u>Action taken</u>										
Member of Staff _____					Signed _____					
Date _____										

Any required follow-up action/further comments

Member of Staff _____
Date _____

Signed _____

18. Appendix 4 – Witness Statement



Marches Academy Trust

RESTORATIVE PRACTICE: WITNESS STATEMENT

Name of Witness	
Name of staff supervising this statement (if a student witness)	
Subject/Activity	
Room/Area (the incident occurred in)	
Date	
Time (approximately)	
Who was involved in this incident:	Witnesses:
Where did the incident take place:	
What happened:	
How were you feeling at the time of the incident:	
What needs to happen to put things right:	
What are you going to do differently next time:	
Staff Only – Action Taken:	
Signed (witness)	Signed (member of staff, if a student witness)
Date:	Date:

19. Appendix 5 – Marches Academy Trust Exclusion Checklist



Student _____

Date _____

Staff involved in discussion _____

Has the student committed the offence?	Y/N	Notes
Has there been a serious breach of the school policy?		
Does the student's presence seriously harm the education / welfare of other students / others?		
Is this a last resort following a wide range of other strategies?		
Is this a serious first or 'one off' offence?		
Is exclusion the appropriate response? Factors to consider: <ul style="list-style-type: none"> ▪ Decision to exclude not taken in the heat of the moment ▪ A thorough investigation has taken place ▪ Evidence has been considered in light of policies and discrimination ▪ The student's views have been recorded ▪ Mitigating circumstances and provocation (bullying) have been considered ▪ Appropriate wider consultation has been considered 		
Has there been a wider involvement of specialist teachers (SEND)		
Has a support programme been implemented		
Have alternatives to exclusion been considered?		
On the balance of probability, did the student do it? (for more serious allegations the evidence must be more substantiating)		
Disability Discrimination		
Does the student fit the definition of 'disabled'?		
Do they have a mental or physical impairment? Is this adverse, substantial, long term? Does this affect their ability to carry out day to day activities? Mobility, manual dexterity, physical co-ordination, continence, ability to lift, carry or otherwise move everyday objects, speech, hearing or eyesight, memory or ability to concentrate, learn or understand, perception of the risk of physical danger		
Is it direct discrimination?		
Was it less favourable treatment?		
Would a pupil without a protected characteristic of disability be treated the same?		
Is it discrimination arising from a disability?		
Is the reason for the treatment connected to their disability?		

Can unfavourable treatment be justified? Or is it appropriate means of achieving a legitimate aim?		
Have reasonable adjustments been applied?		
Would a failure to make reasonable adjustments place the pupil at a substantial disadvantage?		
Could need to make reasonable adjustments have been anticipated?		
Has school reviewed policies, practices and procedures?		
Do reasonable adjustments involve removal / alteration of physical features?		
Do reasonable adjustments involve provision of auxiliary aids/services (= SEN framework)?		
Have relevant factors been explored & balanced: <ul style="list-style-type: none"> ▪ Need to maintain standards (eg academic, music, sporting etc)? ▪ Financial resources available? ▪ Cost of taking particular step? ▪ Extent to which practical to take particular step? ▪ Extent to which auxiliary aid/services will be provided under SEN framework? ▪ Health & safety requirements? ▪ Interests of other pupils/prospective pupils? 		
Could school have been reasonably expected to know about the disability (confidentiality; lack of knowledge)?		
Can act/omission be materially & substantially justified?		
Special considerations:		
Does the student have a special educational need? Does the student have an EHC Plan? Have you contacted the SEND team at LA? Has an emergency annual review been called?		
Is the student currently LAC? Have you contacted the Head of the virtual school and social worker?		
Is the student subject to a child protection or child in need plan? Have you spoken to the social worker? Is Early Help in place?		
Has the appropriate length of exclusion been considered? Is this for the shortest time possible?		

20. Appendix 6 - Re-admit Programme

Student	Date	AM Group	Year	HAP	SEND?
Who attending:			Room/time:		

Hard copy with head teacher PA prior to meeting

Outline of reasons for exclusion:

Phased return conditions (to be confirmed following discussion with Headteacher):

Outcomes from meeting:

Following meeting – scan to Arbor (school management information system)

DOCUMENT CONTROL

Policy Owner	Executive Lead Team
Scope	All staff, Trustees and Governors
Last Updated	September 2021
Effective from	September 2021
Next planned reviewed date	September 2022
Status	Approved
Date of approval	07.07.21 by ELG & 27.09.21 by Board of Trustees
Summary of last revision	Adoption of new policy March 2021 Appendices added May 2021 Sections added on PDCs, meeting adjournment and withdrawal of exclusion by Headteacher.
Related Policies/Documents	<ul style="list-style-type: none">▪ Behaviour Report Form▪ Witness Statement Form▪ Behaviour Policies▪ Safeguarding and Child Protection Policy and Procedures▪ ICT Policy
Policy control survey	Please complete this survey and provide feedback if you have had to use this policy https://forms.office.com/r/HMeZtB29Si