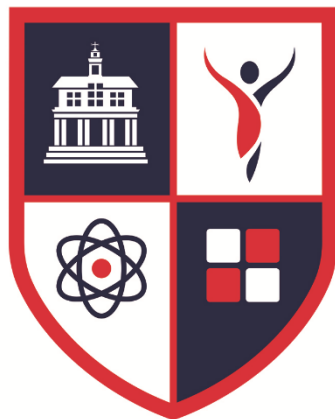




Behaviour Policy



CHILDWALL SPORTS & SCIENCE ACADEMY

LYDIATE
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Engage, Enable, Empower

“We engage, with all within our Trust and beyond to enable them to show the world their particular strengths, their ideas and their passion”

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General Notes

Those members of staff who are authorised by the Headteacher as being in control or in charge of students are:

- Any teacher who works at the Academy
- Any other person whom the Headteacher has authorised to have control of charge of students.

This includes:

- Support staff whose job normally includes supervising students
- Teaching assistants, learning support assistants, learning mentors and lunchtime supervisors
- Teach First, Academy Direct or PGCE students under the guidance of their mentors
- People to whom the Headteacher has granted temporary authorisation to have control or charge of students such as paid members of staff whose job does not normally involve supervising students (for example catering or premises-related staff) and unpaid volunteers (for example parents accompanying students on Academy-organised visits)
- Teachers and other senior, qualified professionals from within the Lydiate Learning Trust who are present in the Academy or who are in attendance at events at which Childwall Sports & Science Academy students are present

It does not include:

- Prefects or Student Council

The policy applies where students are on the Academy premises or elsewhere in the lawful control or charge of the staff member (for example on a visit).

The policy also applies in circumstances where students are not on the premises of the Academy or when they are not under the control of an authorised person such as on a bus to or from the Academy or an Academy event (such as a sporting fixture); walking to or from the Academy or an Academy event (such as a sporting fixture); in the Academy's community and identifiable as a student at the Academy.

The Academy's expectation is that when 'off premises' all students should conduct themselves in an appropriate, responsible and considerate manner. Anti-social behaviour in the community will not be tolerated.

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The policy also applies where a student's behaviour outside the Academy has an impact or is likely to have an impact on the orderliness of the Academy's learning environment (either directly or indirectly). Examples of this are:

- Involvement in community based anti-social behaviour which may cause offence / has caused offence to others and which may / has led to conflict
- Posting of electronic messages (e.g. via Facebook, Twitter or by Text or Email) which may cause offence/has caused offence to others and which may / has led to conflict with the Academy
- Bringing the Academy into disrepute or acting in a manner which is likely to bring the Academy into disrepute by acting in a disorderly or anti-social manner and being identifiable as a member of the Academy community either through the wearing of the Academy uniform, through the wearing or display of the Academy logo or through being known by 'common association' with the Academy within the community.

The sanctions for behaviours where students are not on the Academy premises will be proportionate with those outlined in this policy for misbehaviour whilst in the Academy.

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Principles

All students at Childwall Sports & Science Academy are entitled to a safe, secure environment which is conducive to effective learning. Good behaviour underpins the success of an Academy and we expect all students to demonstrate high standards of behaviour at all times. We recognise that some students experience difficulties and we will do all we can to support them but every student is expected to do their very best.

All incidents of unacceptable behaviour will be dealt with in a fair and appropriate way. It is important that the Academy recognises and rewards positive behaviour and achievement. The support of all parents and carers is essential to the Academy's successful implementation of this policy.

The aims of the Behaviour Policy at Childwall Sports & Science Academy are:

- To ensure a consistent approach with regard to behaviour related expectations and the management of behaviour
- To create an orderly and educationally stimulating environment both inside and outside the classroom
- To encourage positive attitudes in students towards fellow students and staff
- To develop in all students a sense of self-discipline and responsibility for their actions
- To develop in students respect for the environment of the Academy and property within it
- To develop a praise culture as opposed to a blame culture – to reward good behaviour and effort
- To ensure that students understand that poor behaviour is not acceptable
- Develop a Restorative Conversations approach to behaviour in order for all relevant parties to take ownership
- To develop systems of recording to ensure that detailed information on student behaviour (positive and negative) is available to all staff as appropriate and is utilised to refine systems and practice and to engage appropriate external support in order to further improve behaviour

The Academy's expectations of students:

Childwall Sports & Science Academy has high expectations of all students in that they will act in such a way as to actively promote our ethos of '**Engage, Empower and Enable**' by:

- Showing respect for other people and the Academy both inside the Academy and in the wider community
- Using appropriate language and behaving in a sensible manner
- Acting responsibly at all times
- Following instructions, first time, every time
- Arriving on time, fully prepared to learn
- Never bullying others
- Never acting in a manner which could bring the Academy into disrepute
- Taking pride in their appearance by wearing the full Academy uniform

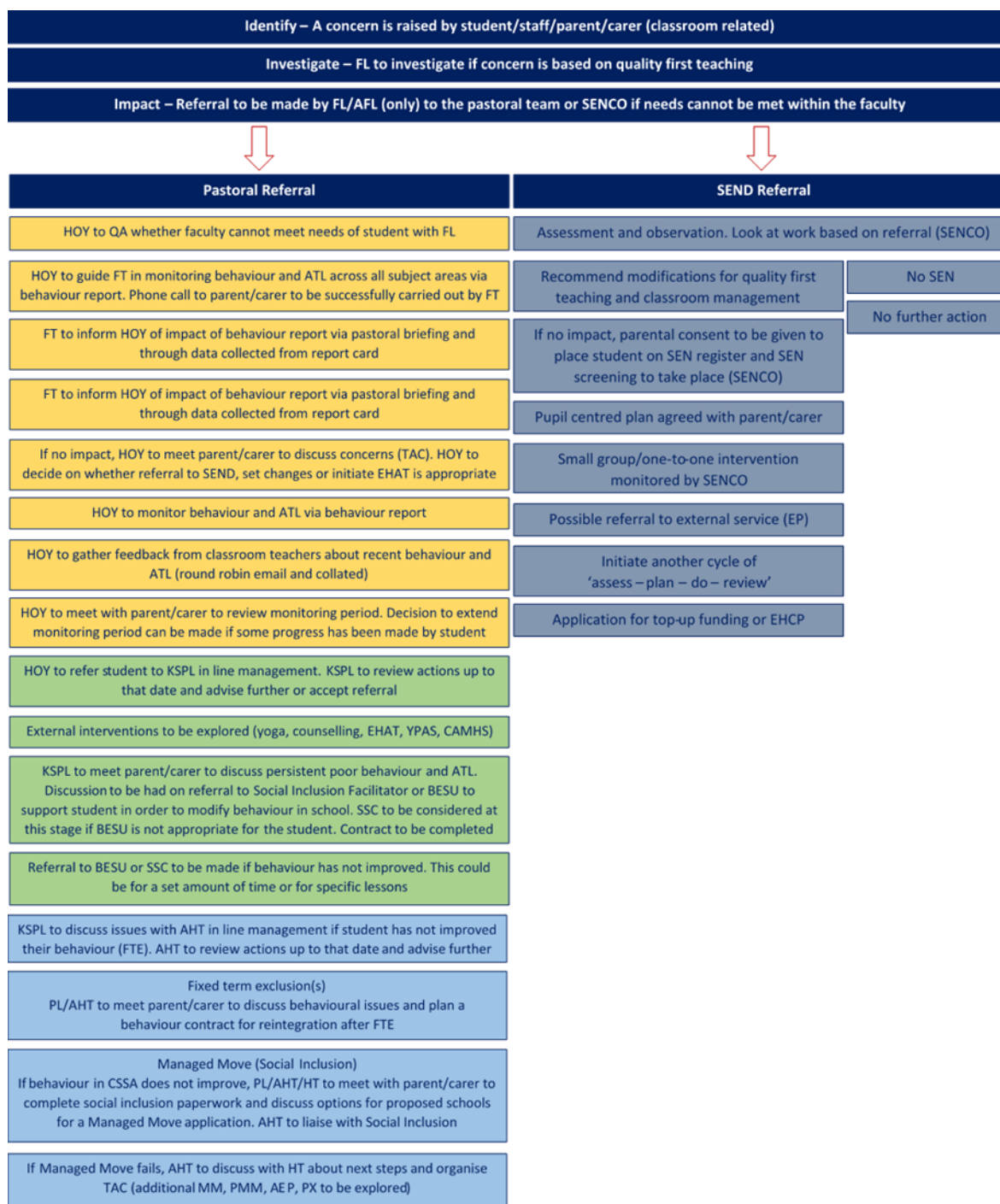
Please note: Students may bring mobile phones into Academy but they must remain switched off and out of sight at all times. Students may use their phones for educational purposes if the teacher gives permission.

We have an expectation that the above are fully supported by parents / carers

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Graduated Approach

A graduated approach has been produced in order for Pastoral Care Staff to ensure that all students are treated consistently and in a supportive manner.



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Chance, Warning, Action Behaviour to Learn. Standards and expectations for staff and students. Restorative Conversations

High Expectations/Routines during the Academy day (non-negotiables):

- Staff arrive at their classroom before the start of the lesson and students begin to arrive
- Staff to meet and greet students at the door
- Staff to check uniform is correct and remove outdoor clothing before entry
- Student to put equipment out on desks ready to learn
- Staff to have a seating plan that takes in to account ability, needs and A2L
- Staff to take register at start of lesson within the first 10 minutes of the lesson
- Staff to stand by the door at the end of the lesson. Ensure students are stood behind chairs and dismiss them in an orderly and staggered fashion
- Staff to stand at door at lesson changeover. High visibility of staff on corridors
- Staff who are not teaching to also step out of their rooms/offices onto the corridors to assist with ensuring students are calm, there is an orderly manner and students are walking in single file on the left

ATL Information and Guidance (Chance, Warning, Action)

On registers	Sanctions
Chance: <ul style="list-style-type: none"> • Calm verbal warning 	
Warning: <ul style="list-style-type: none"> • Second verbal warning • Poor punctuality • Issue ATL 3 on register 	ATL 3 must be logged on register with the following codes added to comments: <ul style="list-style-type: none"> • L – Late (also log minutes late) • E – Poor effort (incomplete work) • B – Behavioural (low level disruption/talking) Subject teacher to have restorative conversation at end of the lesson
Action: <ul style="list-style-type: none"> • Student repeatedly ignores instruction • Issue ATL 4 on register • If student persists, use the 'buddy' system to remove the student from the lesson 	ATL 4 must be logged on register with the following codes added to comments: <ul style="list-style-type: none"> • Disruption to learning • Inadequate work • Inappropriate use of electronic device • Verbal abuse to student • Vandalism • Buddied for (use reason from above) • Staff to also add behaviour to students' behaviour log (please see 'Logging Detentions') • Student to be issued with a faculty detention on the same night as incident. • Subject teacher to have restorative conversation during daily subject/ faculty detention
Supporting Chance, Warning, Action: <ul style="list-style-type: none"> • Weekly report on ATL system (ATL 1, ATL3, ATL4, ATL5) produced by SIMS pastoral lead - produced Friday afternoon • Separate weekly reports are published for form tutors, pastoral staff and faculty leaders. • Faculty leaders to monitor ATL in subject areas and plan/implement support for students and staff • ATL data to be analysed by HOY/PL to identify persistent issues with students 	

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- Actions may include:
- Advice and guidance for staff
- Support for students to improve behaviour
- Positive praise and rewards
- Contact with parents/carers
- Suggest and implement appropriate interventions (SEND support/agency support)

Action Plus:

- Student refuses to be buddied
- Student continues to misbehave after buddy
- Extreme behaviour
- Call CABLE
- Issue ATL 5 on register
- CABLE to inform BESU (only CABLE/SLT or pastoral staff to refer students to BESU)

ATL 5 must be logged on register with the following codes added to comments:

- Repeated, serious disruption to learning
- Verbal abuse to staff
- Physical abuse to student
- Staff to also add behaviour to students' behaviour log (please see 'Logging Detentions')
- Student to be issued with a faculty detention on the same evening as incident.
- Subject teacher to have restorative conversation during daily faculty detention
- Student to spend 2 lessons in BESU (longer for more extreme behavioural incidents). STH to contact parents/carers via SIMS In-Touch and phone call

Supporting Action Plus:

- Student to complete reflection sheet in BESU
- Classwork is sent to BESU by teaching staff for student to complete (this will be marked and assessed by teaching staff)
- STH to contact parents/carers with detail of referral to BESU
- Restorative conversation to be had between staff and student during faculty detention at the end of the day
- Student to work with subject teacher/FL/HOY/PL/STH on improving behaviour (this may include support from outside agencies)

To be logged within SIMS Behaviour Management section:

Type 6 (Extreme poor behaviour outside of the classroom):

- Bullying
- Vandalism
- Verbal abuse to student
- Disruptive behaviour on corridor/yard
- Internal truancy
- External truancy
- Physical abuse to student
- Smoking

Type 7 (Internal exclusion/FTE):

- Theft
- Illicit substance
- Verbal abuse: serious, directly to staff
- Physical abuse: serious, to staff
- Sexual incident
- Weapons
- Fighting

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Restorative Conversations

The Academy has developed a culture of Restorative Conversations to further support positive behaviour and relationships in Childwall Sports and Science Academy. There has been a team of 12 staff trained for three days in this practice. They have delivered full staff training through INSET Days and Twilight CPDL sessions. The expectation is that staff will attend the daily detention in order to have a Restorative Conversation with the student.

Examples of Restorative Conversation Questions:

- 1) What happened?
- 2) What were you thinking/feeling at the time?
- 3) What do you think/feel about it now?
- 4) Who has been affected by what happened and in what way?
- 5) What has been the hardest thing for you?
- 6) What needs to happen to put this right?
- 7) What will you do differently next time?

Rewards

The Academy works to ensure students are rewarded for excellent work, effort and attitude. We celebrate the hard work our students do and try to create a positive culture within the Academy. Rewards include:-

- Classroom/Faculty Rewards such as bronze and silver certificates that are given out and recorded by staff for students who display/produce outstanding attitudes or work during the lesson.
- Praise / positive language
- Give ATL 1 on the register (Highest number of 1s wins subject award at Awards Assembly) Displayed weekly on all school screens
- Phone home / SIMS In-Touch / Email home/ Letter home
- Attendance awards such as form group trophy to be given to the form group with the best attendance (weekly) during assemblies. Individual attendance awards in termly award assemblies
- Termly Reward Assembly-
 - Best form attendance
 - Most 1s for behaviour and effort
 - Most improved student attendance
 - Most improved behaviour
 - Subject nominations for Gold Certificates
 - Outstanding achievement
 - Best overall form
- Work to be sent to social media platforms to be displayed and acknowledgement be given to students for their effort.
- End of year reward trips

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Detentions Policy:

On the rare occasion a student receives a detention, the Academy is no longer obliged to give parents 24 hours' notice of a detention and parental permission to detain a child is not required. Parents will not normally be informed of any detention that is of 15-minutes duration or less. A text via SIMS InTouch will inform parents of a longer detention and notice will normally be given as a courtesy. Detentions are: Faculty/subject detention daily 3.05pm-3:30pm and daily late detentions 3.05pm-3.30pm. Restorative Conversations will take part during the detention between the student and the member of staff who has issued it.

In giving detentions, the academy will ensure that the impact of the detention on the student's travel arrangements is reasonable. However, we do not need to amend this simply because it is inconvenient. The welfare of the child will be considered along with factors such as any caring responsibilities held by the child.

By law, the permitted times for detentions are:

- any Academy day when the student does not have permission to be absent
- weekends but not those at the beginning and end of half term holidays
- teacher training days
- The Academy reserves the right to impose a detention on a student outside Academy sessions which may include 'after Academy' on a normal Academy day, a Saturday during Academy term or a training day.

Reports:

Students can be placed on report to monitor their conduct, progress and application to their studies. Reports can be issued at Form Teacher level, by the relevant Head of Year, Pastoral Manager (or Faculty Leader depending on the nature of the issues that have arisen). 'Praise' reports are also issued in order for students to focus on positive behaviour.

- Form Teacher – general pastoral or progress issues
- Head of Year or Key Stage Pastoral Leader – more acute pastoral or progress issues across a number of subject areas or during social times
- Faculty Leader – a pattern of inappropriate behaviour, lack of engagement or poor progress within a specific curriculum area

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Internal Exclusion:

A student may be placed in Internal Exclusion by a member of Senior leadership team, Pastoral leaders or Head of Year. A 'restorative form' will be completed outlining why this action has been taken. Parents will be notified in via a phone call or SIMs in touch.

Internal Exclusion is normally for a few hours. But can be longer for repeated poor behaviour choices.

Appropriate work is always set and students are able to follow the subjects they would usually be in. There is a teaching member of staff available to support any student who needs it.

Governor's Behaviour Panel:

Students may be required to attend a Governor's Behaviour Panel meeting, accompanied by their parents, if they repeatedly fail to meet the Academy's expectations in terms of their behaviour through:

- Walking away from staff / walking out of lesson
- Arguing with or undermining staff
- Internal truancy / corridor 'cruising'
- Persistent low-level disruption of learning
- Any other behaviour adjudged to be "high tariff" by the Headteacher, including the making of allegations against staff or other students which after investigation, are found to be of a malicious or vexatious nature
- Intimidating/obstructing/manhandling/ swearing at staff
- Violence/threats of violence/sexual harassment
- Vandalism/possession of illegal or significantly inappropriate items
- Bullying including racist, homophobic or cyber-bullying incidents

Should a student or their parents refuse / fail to attend the Governor's Behaviour Panel (taking into account reasonable attempts to schedule or reschedule the Panel in line with parent's work or caring commitments), the Academy may consider higher-level interventions or sanctions up to and including permanent exclusion.

Referral to support services

Childwall Sports & Science Academy works closely with the Safer Schools Police Team (SSPT) for our locality. The SSPT can work with students in order to prevent them from entering the criminal justice system, should this be required. The SSPT liaises with key pastoral staff and provides counsel and guidance to students when they have behaved in an anti-social manner, been involved in bullying or have caused alarm, harassment or distress to others. The SSPT also provides positive mentoring and support to victims of these behaviours. The SSPT may also dispose of behaviour related cases or those that involve damage to property by way of a 'restorative justice' agreement. On rare occasions, when a student acts in such a way as to have broken the law, either inside the Academy or in the Community, the SSPT will liaise with the appropriate officers / services on their behalf.

The SSPT can also provide support, advice and guidance for students at the Academy when they

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are vulnerable through such issues as domestic violence, substance abuse, gang membership, honour-based violence and exploitation.

Childwall Sports & Science Academy works closely with a range of service providers to ensure that all students and their families can access appropriate support for any issues which might be affecting their general well-being and/or education. Referrals are generally made through the EHAT (early help and assessment tool) document, which is completed with parents' consent and to which they contribute.

With regard to behaviour, most commonly, referrals are made to the Team Around The Family (TAF team)

Workers who have come together to create the TAFs can include the following:

- Liverpool Social Inclusion
- Social workers
- Youth workers
- STAR workers
- Police Officers
- Specialist health workers

TAF's aim is to maintain young people's engagement in Academy and post-16 education, employment and training and steer young people away from crime and anti-social behaviour. They help young people make the right choices and avoid behaviours that harm them and their communities, such as drug or alcohol misuse, sexual exploitation or teenage pregnancy. They also improve young people's aspirations and self-belief and give them the resilience to cope better with the ups and downs of life.

Parenting Contracts and Parenting Orders

Parenting contracts and parenting orders can be used where a child has seriously misbehaved even when the child has not been excluded. The Academy is empowered to apply for parenting orders where previously this had to be done by the Local Authority. A parenting order can require the parent(s) to follow the courts directions, for example to attend parenting courses to assist them in dealing with their children.

Reasonable Force

Reasonable force can be applied by a member of staff on the premises or off the premises if the student is under control of that member of staff. It can also be applied by a person who the Headteacher has temporarily put in charge of students such as unpaid volunteers or parents accompanying students on a Academy organised visit.

The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with students.

Force is usually used either to control or restrain. This must only be used in exceptional circumstances. This can range from guiding a student to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.

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- ‘Reasonable in the circumstances’ means using no more force than is needed.
- Restraint means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances, for example when two students are fighting and refuse to separate without physical intervention.

Academy staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the student.

Staff at the Academy are permitted by law to use reasonable force to:

- Remove disruptive children from the classroom where they have refused to follow an instruction and become a danger to themselves and/ or other students
- Prevent a student behaving in a way that disrupts a Academy event, trip or visit
- Prevent a student leaving the classroom where allowing the student to leave would risk their safety or lead to behaviour that disrupts the behaviour of others
- Prevent a student from attacking a member of staff or another student, or to stop a fight in the playground
- Restrain a student at risk of harming themselves through physical outbursts
- Causing personal injury to any person, including him/herself
- Causing damage to property

They cannot:

- Use force as a punishment – it is always unlawful to use force as a punishment. The decision on whether or not to physically intervene is down to the professional judgment of the staff member concerned and should always depend on the individual circumstances.

DfE Guidance on the use of reasonable force can be found here:
[Gov.uk/Use of reasonable force](https://www.gov.uk/use-of-reasonable-force)

Powers to Search and Confiscation of Prohibited Items

Powers to Search: Academy staff can search a student for any item if the student agrees to this. The Headteacher and staff authorised by her have a statutory power to search students or their possessions, without their consent, **where they have reasonable grounds to suspect that the student may have a prohibited item.**

Prohibited items are:

- Knives or other weapons
- Alcohol
- Illegal drugs
- Prescription drugs which have not been issued to that student and which they should not be in possession of
- Over the counter medicines which, on balance of probability, it is inappropriate for the student to be in possession of
- ‘Legal’ highs such as those containing methoxetamine, synthetic cannabinoids and 5 and 6 APB (but not exclusively restricted to these)
- Stolen items
- Tobacco, smoking paraphernalia and E-Cigarettes

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- 'Energy Drinks' such as those containing caffeine, taurine or other, similar ingredients.
- Fireworks
- Pornographic materials, whether printed or stored electronically
- Any other article which a member of staff reasonably suspects has been, or is likely to be used to commit an offence

The search may be carried out on the Academy premises or where the member of staff has lawful control of the student. The search may only be carried out by the Headteacher or by a member of staff who has been authorised by the Headteacher to carry out the search.

The person carrying out the search:

- May not require the student to remove clothing other than outer clothing
- Must be of the same gender as the student
- Must be carried out in the presence of another member of staff also of the same gender as the student
- The student's possessions may only be searched in the presence of the student and another member of staff

Where an item prohibited by this behaviour policy is seized as the result of a search and it is an electronic device such as a mobile telephone, the member of staff who seized the item may inspect the data on it, if he/she thinks that there is a good reason to do so. For this purpose, the member of staff has a good reason if he/she reasonably suspects that the data or file on the device in question has been or could be used to cause harm, to disrupt teaching or break the Academy rules. The Academy also reserves the right to inspect data on any electronic device which is confiscated by a member of staff. The Academy is entitled to retain the device if it contains material which has been or could be used to cause harm, to disrupt teaching or break the Academy rules.

Any formal complaints about students being searched should be made in accordance with the Academy's usual complaint's policy.

Confiscation of Items

Confiscation is lawful as a disciplinary penalty. The Academy reserves the right to confiscate any item of students' property which has been, or it is suspected might be used to:

- Commit an offence;
- Cause personal injury to any person, including himself or herself;
- Cause damage to property;
- Prejudice the maintenance of good order either during a lesson or otherwise

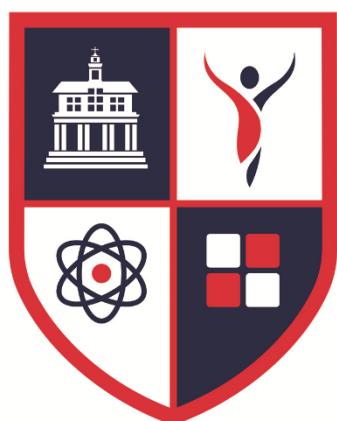
Confiscation may be for any period or the property may be disposed of.

If the confiscation falls within this behaviour policy and is reasonable, the person confiscating is not liable in respect of the confiscation, the disposal or any damage or loss arising. The Academy will follow statutory guidance issued by the deciding what to do with a seized prohibited item.

DfE guidance on searching, screening and confiscation can be found here:
[Gov.uk/Searching_screening_and_confiscation](https://www.gov.uk/searching-screening-and-confiscation)

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Exclusions Policy



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CSSA EXCLUSIONS POLICY

Childwall Sports & Science Academy follows Department for Education exclusion guidelines, which can be found here: [Gov.uk/Exclusions](https://www.gov.uk/exclusions). (*The Headteacher's power to exclude a student is detailed in section 3.*)

Exclusion Procedures

Exclusions, whether fixed-term or permanent, may be used in response to any of the following: (all of which are examples of unacceptable conduct and breach the Academy Behaviour Policy.)

- Physical assault against a student
- Physical assault against an adult
- Verbal abuse/threatening behaviour against a student
- Verbal abuse/threatening behaviour against an adult
- Bullying
- Racist abuse
- Homophobic abuse
- Sexual misconduct
- Drug and alcohol related
- Damage
- Theft
- Persistent disruptive behaviour and escalation through our report card cycles
- Weapons related
- Arson
- Deliberately tampering with safety equipment such as fire extinguishers or setting off a fire alarm

This is not an exhaustive list and there may be other situations where the Headteacher judges that exclusion is an appropriate sanction.

The Headteacher will decide in each case whether the exclusion is internal or an off-site FTE.

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The Academy operates a system of stepped intervention through our Graduated Approach

Understanding that disruptive behaviour can be an indicator of unmet needs, where monitoring reveals concerns about a student's behaviour the Academy will seek to identify any causal factors and intervene early. Students potentially at risk will be identified and offered alternative or additional provision to meet their individual needs.

These additional measures may include:

- Active involvement and engagement with parents
- Placement on a daily report
- Detentions or other sanctions
- A change of class or set
- Curriculum alternatives
- Internal Exclusion in the BESU base for a maximum of 3 days or RESTORE as part of a planned positive programme for students
- Individual tailored support programmes
- Support from outside agencies
- Assessment of Special Educational Needs/ support from external providers
- IEP Review
- Implementation of a Behaviour Support Plan
- Temporary placement or referral to other relevant agencies
- Temporary respite exclusion in another mainstream secondary Academy isolation centre for up to 10 days
- Temporary or part-time placement in a Student Support Center for up to 6 weeks
- A Managed Move to another Academy

Isolation/Exclusion

There are 2 internal behaviour provisions within Childwall Sports and Science Academy

1. **Short term BESU Support.** This is for 2 hours. This can only be used by PL's and HOYS and SLT on Call. Reasons to be admitted include a) defiance/Serious disruption to lessons/CABLE call & refusal to be buddied b) Awaiting an investigation or parental meeting.
2. **The Internal Exclusion BESU.** This is for more serious incidents. This is for 1-3 days depending on severity of incident. Each day requires the student to pass the day by showing good behaviour. If after 3 days, the students has not passed their session in the Internal Exclusion Centre a parental meeting will be arranged. This has to be sanctioned by a member of the SLT. Parents are always kept informed. This is an alternative to off site fixed term exclusion.

The aim is always to allow a student to restore and repair their behaviour and return to lessons as soon as possible post-exclusion behaviour modification and support.

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Fixed Term Exclusion

Fixed term exclusion is used for more serious incidents and can be anything between 1 day - 5 days. The Headteacher makes the final decision to fix term exclude. There is always a full investigation before the decision is made. When the decision has been made parents/ carers are informed via telephone and letter. Parents/carers are expected to attend a meeting on the day of reintegration in Academy. Following a period of Fixed Term Exclusion, a range of strategies will be put in place to address behaviour that may lead to any future exclusion.

The Academy undertakes a range of reintegration programmes to ensure that students returning following a period of Fixed Term Exclusion are supported to be successful. This will always include an assessment of need and appropriate provision to identify any SEN requirements in addition to the following:

- A reintegration meeting held by either the Assistant Headteacher for Behaviour and Welfare or Key Stage Pastoral Leader, the student, and their parents. A Behaviour Support Plan will be agreed to define the expected behaviours, actions and support to be undertaken by the Academy, the student and their parents.
- The student will be placed on report for a number of weeks to monitor their behaviour.
- The HOY/PL/AHT/DHT will telephone the student's parents (or make contact by other agreed means) each week with an update on their progress.
- At the end of the four-week reintegration period parent/carers will be invited to attend a review meeting to agree any continued support.

Permanent Exclusion

The decision to exclude students permanently is always a serious one which will only be taken:

- a) In response to a serious breach of the Academy's Behaviour Policy.
- b) If allowing the student to remain at the Academy would seriously harm the education or welfare of the student or others in the Academy.

There are two main types of situation in which permanent exclusion may be considered.

- a) Is where a student exhibits a build-up of disruptive behaviours over time and continues to display persistent and defiant behaviour in spite of sanctions and the use of other strategies. In this respect a student would usually have progressed through the Academies Graduated Approach and support.
- b) Is in the exceptional set of circumstances where, in the Headteacher, Chief Executive and Chair of Governors' judgement, it is appropriate to permanently exclude a student for a first or 'one off' offence, regardless of previous disciplinary history.

These circumstances may include:

- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson

This list is not exhaustive but serves as an illustration of the severity of the offence. There may be other situations where the Headteacher judges that permanent exclusion is an appropriate

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sanction given the extreme nature of the incident.

Where the Academy considers a criminal offence may have taken place, it reserves the right to inform the Police and other agencies – Social Services or the Youth Offending Team – as appropriate.

Making a decision to exclude

Before deciding whether to exclude a student, the Headteacher will:

- Ensure that an appropriate investigation has been carried out
- Consider all the evidence available to support the allegations
- Allow the student to give his/her version of events
- Look at the particular circumstances of each case.

The Headteacher has to be satisfied on the balance of probabilities that the student was responsible for the behaviour in question.

In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider:

- a) The gravity of the incident, or serious of incidents, and whether it constitutes a serious breach of the Academy's Behaviour Policy.
- b) The effect that the student remaining in the Academy would have on the education and welfare of other members of the Academy community.
- c) In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations by a panel of Governors made up from the Academy Governance Committee when they meet to consider the Headteacher's decision to exclude. The subcommittee will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence such as the student's Academy record, witness statements and the strategies used by the Academy to support the student prior to exclusion.

Behaviour outside the Academy

Students who breach the Academy's Behaviour Policy whilst on Academy business such as trips and journeys, sports fixtures or a work-experience placement will be dealt with in the same manner as if the incident had taken place at the Academy.

For incidents that take place outside the Academy and not on Academy business, this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the student body as a whole. This includes behaviour in the immediate vicinity of the Academy or on a journey to and from the Academy.

Students with special educational needs (SEN), disability, and looked after children

The Academy will pay due regard to the guidance on students with special educational need, disability, race equality and in respect of looked after children in relation to exclusions.

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Roles and Responsibilities

The Headteacher is responsible for ensuring the fair and consistent implementation of the policy and for all decisions on whether or not to exclude a student. The Headteacher may delegate to other senior leaders the arrangements for the support for students in danger of exclusion and for the reintegration of students returning to Academy after a fixed-term exclusion.

A panel of Governors made up from the Academy Governance Committee is responsible for deciding whether or not to confirm the Headteacher's decision to exclude a student, delegated to the relevant subcommittee.

In the event of a parental appeal against the sub committees' decision to uphold a permanent exclusion, (the Academy will draw on the services of the Trust to undertake the independent appeals panel procedures) a panel of Governors made up from the Academy Governance Committee will be convened.

Monitoring, Evaluation and Review

Working in collaboration, the Academy Senior Leadership Team will monitor the implementation and effectiveness of the Exclusion protocols, review them annually and submit a report to the Academy Governance Committee. The procedures will be promoted and implemented throughout the Academy.

AGC meetings

If a meeting of the AGC Behaviour Panel is to be held, the Headteacher should prepare all supporting papers for the exclusion and pass them to the Clerk for circulation to all parties at least five days in advance of the meeting. The paperwork should include:

- the Headteacher's case for exclusion
- a copy of the exclusion letter of notification to parent
- attendance records
- witness statements (signed where possible and dated)
- the excluded student's statement
- Academy discipline policy, and other relevant policies
- details of any Pastoral Support Programme – or Individual Education Plan with behaviour targets, where appropriate
- cumulative behaviour log
- details of any alternative or enhanced curriculum.
- records of any interventions

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Role of the AGC (Academy Governance Committee)

The Lydiate Learning Trust Board has delegated powers to the AGC to review exclusions and must consider any representations about an exclusion made by the parents of the excluded student. The AGC usually delegates some or all of its functions in respect of exclusions to a panel consisting of at least three governors and such a panel may be called the Behaviour Committee.

The AGC's role is to review exclusions. The AGC can either uphold an exclusion or direct reinstatement immediately or by a particular date. The AGC cannot extend a fixed term exclusion nor substitute it with a permanent exclusion.

The Behaviour Panel, which meets to consider any exclusion, must be made up of at least three members, none of whom are employees of Lydiate Learning Trust or have any connection with the student or incident that would affect their ability to act impartially. The Chair, who must be a member of the AGC, has the casting vote in all cases where an even number of members is considering the case.

The Clerk to Governors would handle the administrative arrangements for the Behaviour Panel. The Clerk's responsibilities are described later.

The Behaviour Panel of the AGC has a duty to meet within 15 Academy days and consider the reinstatement of an excluded student if:

- the exclusion is permanent;
- it is a fixed term exclusion which would bring the student's total number of Academy days of exclusion to more than 15 in a term; or
- it would result in a student missing a public examination or national curriculum test
- (The Committee should make all efforts to hold the meeting before the exam/test, but if this is not possible the Chair of Governors can consider the exclusion independently and decide whether or not to reinstate the student. Where this happens, parents still have the right to make representations to the AGC).

Where a student is excluded from Academy for a fixed term of more than 5 but not more than 15 Academy days in a single term, and if requested to do so by the parents, the Behaviour Panel must meet and consider the reinstatement of an excluded student within 50 Academy days of receiving notice of the exclusion.

In the case of one or more fixed term exclusions totaling 5 days or less in a Academy term, the Behaviour Panel must consider any written representations from the parent. They cannot direct reinstatement in this case. For the avoidance of doubt there is no obligation to meet with the parents regarding their representations.

In all exclusion cases, the AGC should comply with the statutory time limits, but are not relieved of their obligation to carry out the relevant duty if they fail to do so. Accordingly, their decision will not be invalid simply on the grounds that it was made out of time.

1. Prior to the meeting

- The AGC should invite the parent and Headteacher to the meeting, at a time and place convenient to all parties. The parent can be accompanied by a friend or legal representative at their request. A parent may also invite an LA representative to attend the meeting as an observer but representations can only be made by the LA with the consent of the AGC.

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- The student is also entitled to attend the meeting, and should be encouraged to participate, taking into account their age and understanding.
- Any written statements should be requested prior to the meeting. These should be circulated to all parties at least five Academy days in advance of the meeting, along with a list of those who will be present at the meeting.
- Governors should read all the paperwork and prepare relevant questions to assist them in making a decision.

2. Procedure for the meeting

An agenda for Behaviour Panel meetings is set out later in this policy. The meeting should be conducted in line with guidance on natural justice:

- the Headteacher and parents should all enter the room together, at the invitation of the Committee, at the beginning of the meeting
- parents must not receive any impression that the Headteacher and Committee have discussed the exclusion prior to all parties being invited into the meeting
- all parties, except the Committee and the clerk, should be asked to leave the room before the Committee discuss their views and make a decision

Following this procedure ensures that all parties have an opportunity to present their views and ask questions. At the meeting, the Behaviour Panel should consider;

- any representations made by the parent and the student
- whether the Headteacher has complied with the exclusion procedure and has had regard to the Secretary of State’s Guidance on Exclusion
- on the balance of probabilities, has the student done what they are accused of;
- whether: allowing him/her to remain in the Academy seriously harms the learning or welfare of the student or others in the Academy
- the behaviour is a serious breach of the Academy behaviour policy
- and finally, in most cases, that a wide range of possible strategies to improve a student’s behaviour were tried and have failed. Strategies could include the use of a Pastoral Support Programme or an alternative curriculum in the case of a student in KS4

Governors should have particular regard to:

the needs of children with Special Educational Needs and those with disabilities (refer to the Equality Act 2010) and the needs of Looked After Children.

3 AGC decision

A checklist for Behaviour Panels is available in the appendices. This should be used when making the final decision for every permanent exclusion.

The Behaviour Panel must inform the parent, Headteacher and the LA of their decision, in writing without delay, preferably within one Academy day of the meeting, stating their reasons. Where the student resides in a different LA, they must also inform the student’s ‘home’ LA.

A note of the Behaviour Panel’s views on the exclusion should be placed on the student’s Academy record with copies of relevant papers.

If the Behaviour Panel directs reinstatement, this should take place as soon as possible. No conditions can be attached to any direction to reinstate the student save that the Committee can direct reinstatement on a particular date.

Where the Behaviour Panel upholds a permanent exclusion, there are specific requirements for what information should be included in the letter to parents.

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Role of the Clerk to the Behaviour Panel Committee

1. Background

The Behaviour Panel may appoint a Clerk. The Clerk must not be a member of the AGC or the Headteacher.

The role of the Clerk is to handle the administrative arrangements for considering exclusions. The Clerk should not have taught the student or been involved in any of the incidents involved in the case, and should not contribute to the meeting other than in an administrative capacity. Where possible the Clerk should be experienced in exclusion matters so that the meeting can progress smoothly.

2. Before the Meeting

When the Headteacher notifies the Clerk that s/he has excluded a student for more than five days, the Clerk should:

- ensure that the Headteacher's letter of notification has been sent to all relevant parties and that any further information is being prepared
- set up a meeting of the Behaviour Panel within the timescales (allowing two days for receipt of notification) and formally invite the parents and Headteacher to the meeting at a time and place convenient to all parties
- obtain written information/statements and circulate to all parties at least five days in advance of the meeting, along with a list of those who will be attending and a copy of the procedure for the meeting (this set out overleaf).

3. At the meeting

The Clerk should:

- ensure that the Behaviour Panel has all the information it requires, and that it has appointed a Chair for the meeting
- invite all other parties into the meeting at the same time, when the Behaviour Panel has indicated it is ready to begin
- prepare a written record of the meeting
- stay with the Behaviour Panel to help them with reference to his/her notes of evidence and in wording their decision
- record the Behaviour Committee's decision and reasons for it.

Procedure for the Behaviour Panel

1. Before the Meeting

- Election of Chair for meeting (usually the Chair of the Behaviour Committee).
- Confirm arrangements for a clerk to record the meeting (should not take any part in the proceedings).

2. During the Meeting - Agenda

Introductions

The Chair should:

- explain the purpose of the meeting, which will be: to hear any representations the parents and the student may wish to make; and for the committee to consider whether or not to uphold the exclusion;
- circulate copies of this procedure; and go through the procedure for the meeting as outlined below.

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A decision will be made whether or not to include the student. The involvement of the student in the meeting should be encouraged, unless there are strong reasons for this not to happen.

The Headteacher's Case for Exclusion

The Headteacher will be invited to explain what has happened to lead to his/her decision to exclude the student and summarise his/her reasons for it. He/she may ask other relevant colleagues to help explain what has happened.

Questions to the Headteacher from the Parents

The parents and/or friend will be given the opportunity to ask questions of the Headteacher and his/her colleagues.

Questions to the Headteacher from the Committee

The committee will be given the opportunity to ask questions of the Headteacher and his/her colleagues.

The Parents' Representations/ Views

The parents, student and/or friend will be invited to present their views concerning the exclusion and any other related matters.

Questions to the Parents from the Headteacher

The Headteacher will be given the opportunity to ask questions of the parents, student and/or friend.

Questions to the Parents from the Committee

The governors will be given the opportunity to ask questions of the parents, student and/or friend.

Any other related matters

Any other questions

Summary by the Headteacher of the case for exclusion

Summary by the parents of their representations/views

At the end of the Representations Stage of the Meeting

The Chair should explain:

- that there are two possible outcomes from this meeting;
- that the governors direct the Headteacher to reinstate the student; or
- that the governors uphold the Headteacher's decision to exclude the student;
- that the governors will be the only people involved in the decision making for this meeting.
- that the governors' decision will be communicated to the parents, Headteacher and the Local Authority in writing without delay, preferably within one Academy day of the meeting and, if applicable, that the governors would be prepared to make their decision known verbally prior to this;
- that everyone but the committee members and the clerk to the committee will now be asked to withdraw.

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Making the Decision

- The Headteacher, the parent and the student may be invited back into the meeting to offer further information and/or clarification. All parties should be invited in together.
- The governors should complete the Checklist, in order to determine whether the Headteacher has complied with all of the necessary procedural requirements.
- Having completed the Checklist, the governors should then make their decision and record their reasons for their decision.
- The committee should ensure that the necessary arrangements are made to inform parents, the Headteacher and the Local Authority without delay, preferably within one Academy day.

3. After the Meeting

The Behaviour Panel should:

- inform the parent, the Headteacher and the LA of the decision, in writing without delay, preferably within one Academy day of the meeting, stating the reasons for the decision. Where the student resides in a different LA, they must also inform the student's 'home' LA
- a note of the AGC's views on the exclusion should be placed on the student's Academy record with copies of relevant papers
- where the Behaviour Panel upholds a permanent exclusion, there are specific requirements for what information should be included in the letter to parents. Model letters are contained in the appendices.

The role of LLT

The LA does not have a decision-making role in the exclusion process for any Academy. The LLT board has delegated this responsibility to each AGC. As part of considering each permanent exclusion, however, the Headteacher must consult fully with the Chief Exec LLT (or delegated executive) before a decision is reached and the case presented to the Behaviour Committee.

It is the Behaviour Panel which has the duty to review the Headteacher's decision to exclude.

Education of excluded students

The LA is required to arrange full time educational provision for permanently excluded students from the 6th day of a permanent exclusion. Once a Headteacher has decided to permanently exclude a student, the LA will arrange to assess the student's needs and how to meet them (even though the exclusion might still be overturned by the Academy governors). The student's name will be deleted from the Academy roll only if:

- (i) the student was permanently excluded; and
- (ii) 15 Academy days have passed since the parents were notified of the Behaviour Committee's decision to uphold the permanent exclusion; or
- (iii) the parents have stated in writing they will not be applying for an independent review panel. It will be the responsibility of the LA to offer an alternative Academy place.

Independent Review Panels

Each AGC must take responsibility for setting up and training Independent Review Panels or make arrangements to use the service provided by the Local Authority. Note that the

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Independent Review Panel is only involved in reviewing permanent exclusions and only if requested by the parent/carer of the excluded student, and/or the student if over 18

1. Notifying parents

When a permanent exclusion is upheld by the Behaviour Committee, the Committee's decision letter to the

parent must state the reasons for the decision, give the last day for lodging a review (within 15 Academy days) and explain that the grounds for the review should be set out in writing. If a parent does not request a review within the timescales the AGC must reject the application.

2. The timing of the hearing

An independent review panel must meet to consider an exclusion no later than the 15th Academy day after the day on which the review was requested. However, if necessary, the panel may then decide to adjourn the hearing.

3. Composition of independent review panels

Review Panels must consist of 3 or 5 members. One must be a lay member (can be an ex-governor), one must be a headteacher or was one within the last 5 years (two for panels of 5), and one must be a governor who has served for 12 consecutive months in the last 5 years (two for panels of 5).

Role of the Clerk to the Independent Review Panel

It is strongly advised that the Independent Review Panel has a Clerk. The Clerk, if appointed, provides an independent source of advice on procedures for all parties.

In advance of the independent review panel, whoever is convening the panel must take reasonable steps to find out when the parent and others entitled to attend the hearing would be available in order to ensure that all parties are able to attend. They must also arrange a suitable venue for hearing the independent review panel.

The following are entitled to make written representations, appear and make oral representations and to be represented (including legally):

- the parent (or, if aged over 18, the student);
- the Headteacher;
- the AGC;

The LA is entitled to attend if requested to do so by the parent (or student if over 18) but only as an observer and may only make representations with the consent of the Academy. The LA is not entitled to legal representation. The SEN Expert must attend if requested to do so by the parent (or student if over 18) but there is no right for this person to be legally represented

The student is also entitled to attend the review, but if not attending then their views can be presented through a representative or by written statement.

The clerk should circulate all written evidence to all parties at least 5 working days before the hearing, including information about the parties attending.

Request for a SEN Expert (see Section 9 DFE Exclusion Guidance)

If requested by the parents, the person convening the panel must appoint a SEN Expert to attend the independent review panel.

Parents have a right to the above, regardless of whether their child has recognised or identified SEN.

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The SEN Expert's role is to provide impartial advice to the independent review panel on how special educational needs may be relevant to the exclusion. Including whether Academy policies in relation to SEN were legally reasonable and procedurally fair, whether the Academy acted in a legal, reasonable and procedurally fair way with regards to identification of SEN and any contribution that this could have made to the circumstances of the student's exclusion.

The SEN Expert's role does not include making an assessment of the student's special educational needs.

Conduct and role of the independent review panel

It is for the independent review panel to decide how to conduct the proceedings, which should be reasonably formal so that all parties can present their case effectively. The meeting should take a similar form to that of the Behaviour Panel meeting.

The role of the panel is to review the Behaviour Committee's decision not to reinstate a permanently excluded student. The panel must take account of the circumstances of the excluded student and all others in the Academy. The panel must apply the civil standard of proof (the balance of probabilities).

1. Reaching a decision

Information on what the panel should consider when coming to their decision can be found in section 9 of the DFE Guidance on exclusions.

2. The decision

An independent review panel can decide to:

- uphold the exclusion decision;
- recommend that the AGC reconsiders their decision; or
- quash the decision and direct that the AGC considers the exclusion again.

The panel's decision can be decided by a majority vote. The panel can request that a copy of the decision letter is placed on the student's record and the Academy must comply with this request.

The panel may only quash a decision and direct reconsideration where it considers that the exclusion was flawed when considered in the light of the principles applicable on an application for judicial review; illegality, irrationality and procedural impropriety.

3. Financial Penalties

Where a panel directs a AGC to reconsider an exclusion it has the power to order that a readjustment of the Academy budget be made if the AGC does not offer to reinstate the student within 10 Academy days of receiving notification. The sum of this adjustment must be £4000, payable within 28 days, and will be in addition to other monies that follow permanently excluded students.

4. Reconvening a Behaviour Committee

If the independent review panel directs or recommends that the AGC reconsider the exclusion, the AGC must meet to reconsider within 10 Academy days of notification.

Where a AGC body has reconsidered an exclusion decision it must inform the relevant person, the Headteacher and the LA of its reconsidered decision and the reasons for it without delay.

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5. After the independent review panel

The independent review panel is independent. Its decision is binding on the parent, the AGC and the Headteacher. The panel cannot revisit its decision once made.

The panel must let all parties know its decision without delay. The decision letter should give the panel's reasons for its decision in sufficient detail for the parties to understand why the decision was made.

If the independent review panel upholds the permanent exclusion, the Clerk should immediately report this to the LA. If the student is of compulsory Academy age, it is for the LA in whose area the student lives to make arrangements as quickly as possible for the student to continue in suitable full-time education. If the student lives outside the area of the LA, the Clerk should make sure that the home LA is also informed immediately of the position.

Where the exclusion is upheld the Clerk should also advise the parent to contact the appropriate person at the home LA about arrangements for their child's continuing education. The Headteacher should remove the student's name from the Academy roll the day after the conclusion of the independent review panel.

6. Remedies after the independent review panel

A parent can complain to the Secretary of State via the Education Funding Agency at the Department for Education.

7. Judicial review

Decisions of both AGC bodies and independent review panels can be subject to judicial review.

8. Claims of Discrimination in relation to exclusion

Parents can also apply to the First-tier tribunal to hear cases of alleged disability discrimination, in addition to their current right to apply to a County Court to hear other cases of discrimination under the Equality Act 2010. The First-tier Tribunal will be able to direct reinstatement.

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