Relevant guidance:

* [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](https://www.gov.uk/government/publications/school-exclusion)
* [Behaviour in schools: advice for headteachers and school staff](https://www.gov.uk/government/publications/behaviour-in-schools--2)
* [Mental health and behaviour in schools](https://www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2)
* [Special educational needs and disability code of practice: 0 to 25 years](https://www.gov.uk/government/publications/send-code-of-practice-0-to-25)

Relevant excerpts:

* *“Where a pupil has an EHC plan, schools should contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude. For those with SEN but without an EHC plan, the school should review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required.”*

Paragraph 57: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](https://www.gov.uk/government/publications/school-exclusion)

* *“Where a looked-after child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) should contact the local authority’s VSH as soon as possible. The VSH, working with the DT and others, should consider what additional assessment and support need to be put in place to help the school address the factors affecting the child’s behaviour and reduce the need for suspension or permanent exclusion. Where relevant, the school should also engage with a child’s social worker, foster carers, or children’s home workers.”*

Paragraph 60: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](https://www.gov.uk/government/publications/school-exclusion)

* *“Schools should consider whether the misbehaviour gives cause to suspect that a pupil is suffering, or is likely to suffer, harm. Where this may be the case as set out in Part 1 of keeping children safe in education, school staff should follow the school’s child protection policy and speak to the designated safeguarding lead (or deputy). They will consider if pastoral support, an early help intervention or a referral to children’s social care is appropriate.”*

Page 17: [Behaviour in schools: advice for headteachers and school staff](https://www.gov.uk/government/publications/behaviour-in-schools--2)

* *“Examples of interventions schools can consider include:*
* *engaging with local partners and agencies to address specific challenges such as poor anger management, a lack of resilience and difficulties with peer relationships and social skills”*

Page 27: [Behaviour in schools: advice for headteachers and school staff](https://www.gov.uk/government/publications/behaviour-in-schools--2)

* *“Where a school has serious concerns about a pupil’s behaviour, it should consider whether a multi-agency assessment such as an early help assessment or statutory assessment that goes beyond the pupil’s educational needs is required (see guidance Working together to safeguard children).”*

Page 27: [Behaviour in schools: advice for headteachers and school staff](https://www.gov.uk/government/publications/behaviour-in-schools--2)

* *“Where a child is being supported through local authority children’s social care, their allocated social worker can be an important source of appropriately-shared information about wider developmental needs, child protection concerns, and parental, familial and contextual circumstances. Effective multi-agency working between schools and social care will help to inform a school’s assessment of child’s educational and mental health needs, as well as enabling a prompt response to any safeguarding concerns.”*

Paragraph 3.22: [Mental health and behaviour in schools](https://www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2)

* *“Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. The head teacher should also consider the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour. Such assessments may pick up unidentified SEN, disability or mental*

*health problems but the scope of the assessment could go further, for example, by seeking to identify housing or family problems.”*

Paragraph 3.24: [Mental health and behaviour in schools](https://www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2)

* *“Early intervention to identify issues and provide effective support is crucial. The school role in supporting and promoting mental health and wellbeing can be summarised as:*
* *Access to specialist support: working effectively with external agencies to provide swift access or referrals to specialist support and treatment.”*

Paragraph 1.2: [Mental health and behaviour in schools](https://www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2)

* *“There are a range of options for identifying where pupils might need extra support, and for helping schools to understand what sort of support might be suitable, including working with external agencies.”*

Paragraph 4.1: [Mental health and behaviour in schools](https://www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2)

* *“It is important that children are provided with support as soon as a problem emerges, at any point in their life. Providing early help is more effective in promoting the welfare of children than reacting later. Schools should have access to local educational psychology services, who will support children with SEND, but can also be well placed to advise on emerging mental health needs and either to provide direct intervention or signpost to other, more appropriate, forms of support.”*

Paragraph 4.2: [Mental health and behaviour in schools](https://www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2)

* *“Local areas should have a comprehensive range of effective, evidence-based services in place to address assessed needs early, and will typically include support for mental health.”*

Paragraph 4.3: [Mental health and behaviour in schools](https://www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2)

* *“Where a pupil continues to make less than expected progress, despite evidence based support and interventions that are matched to the pupil’s area of need, the school should consider involving specialists, including those secured by the school itself or from outside agencies.”*

Paragraph 6.58: [Special educational needs and disability code of practice: 0 to 25 years](https://www.gov.uk/government/publications/send-code-of-practice-0-to-25)

* *“Schools may involve specialists at any point to advise them on early identification of SEN and effective support and interventions. A school should always involve a specialist where a pupil continues to make little or no progress or where they continue to work at levels substantially below those expected of pupils of a similar age despite evidence-based SEN support delivered by appropriately trained staff.”*

Paragraph 6.59: [Special educational needs and disability code of practice: 0 to 25 years](https://www.gov.uk/government/publications/send-code-of-practice-0-to-25)

* *“Where assessment indicates that support from specialist services is required, it is important that children and young people receive it as quickly as possible. Joint commissioning arrangements should seek to ensure that there are sufficient services to meet the likely need in an area. The Local Offer should set out clearly what support is available from different services and how it may be accessed.”*

Paragraph 6.60: [Special educational needs and disability code of practice: 0 to 25 years](https://www.gov.uk/government/publications/send-code-of-practice-0-to-25)

Suggested wording

*(This suggested wording is a guide. You might need to make amendments to fit the individual circumstances of the pupil in question. You can also make reference to the above excerpts to strengthen your argument).*

name of young person has special educational needs in the form of description of SEND. These needs exhibit themselves as relevant behaviours.

These needs are evidenced in the documents provided. For example, piece of evidence explains that “quote from the evidence”. The school became aware of this on date school became aware of SEND evidence.

Whilst it is appreciated that name of school has taken some pastoral and welfare steps, it is essential, according to the section of the SEND Code of Practice outlined above, that action taken is regularly reviewed, assessed and amended where it has failed to achieve the desired effect. This is what the SEND Code of Practice means when it refers to “purposeful” intervention.

In addition, there are a range of additional support and outside services available to a school when they are struggling to support a young person with the resources available to them internally. It is vital that a school takes these steps if they are going to successfully demonstrate that the exclusion was a last resort, because outside services can provide very effective, specialist interventions that are not feasible for a school to have on internally. It is not sufficient that a school simply exhausts their internal offering of support but fail to explore why it may not have been effective.

There is no evidence provided by the school to show that they have engaged external services or made referrals for name of young person, in addition there is no evidence to show that they made efforts to access additional funding to provide intense support in the school system, such as by way of an education health and care plan (“EHCP”) assessment.

Considering the school’s stated concerns around name of young person’s needs, and their attempts to engage them with in-house support, which were not successful, this is a serious failing.

The school has not acted to mitigate the risk of exclusion. The permanent exclusion is therefore not a last resort and the governors are asked to reinstate name of young person with immediate effect.