Relevant guidance:

* [Guidance on the suspension and permanent exclusion of pupils from local-authority-maintained schools, academies and pupil referral units](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)

Relevant excerpts:

* *“The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. This duty can, in principle, apply both to the suspensions and permanent exclusions process and to the disciplinary sanctions imposed. Under the Children and Families Act 2014, governing boards of relevant settings must use their ‘best endeavours’ to ensure the appropriate special educational provision is made for pupils with SEN, which will include any support in relation to behaviour management that they need because of their SEN.”*

Paragraph 54: [Guidance on the suspension and permanent exclusion of pupils from local-authority-maintained schools, academies and pupil referral units](https://www.gov.uk/government/publications/school-exclusion)

* *“Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs.”*

Paragraph 55: [Guidance on the suspension and permanent exclusion of pupils from local-authority-maintained schools, academies and pupil referral units](https://www.gov.uk/government/publications/school-exclusion)

* *“Where a school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan it should, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil’s SEN or disability.”*

Paragraph 56: [Guidance on the suspension and permanent exclusion of pupils from local-authority-maintained schools, academies and pupil referral units](https://www.gov.uk/government/publications/school-exclusion)

* *“Schools must also ensure that any provision, criterion, or practice does not discriminate against pupils by unfairly increasing their risk of exclusion. For example, if reasonable adjustments have not been made for a pupil with a disability that can manifest itself in breaches of school rules if needs are not met, a decision to exclude may be discriminatory.”*

Part 2: [Guidance on the suspension and permanent exclusion of pupils from local-authority-maintained schools, academies and pupil referral units](https://www.gov.uk/government/publications/school-exclusion)

* *“The governing board must also comply with their statutory duties in relation to pupils with SEN when administering the exclusion process, including (in the case of the governing board of relevant settings) using their ‘best endeavours’ to ensure the appropriate special educational provision is made for pupils with SEN and (for all settings) having regard to the Special Educational Need and Disability (SEND) Code of Practice.”*

Part 2: [Guidance on the suspension and permanent exclusion of pupils from local-authority-maintained schools, academies and pupil referral units](https://www.gov.uk/government/publications/school-exclusion)

* *“Some behaviours are more likely be associated with particular types of SEND, such as a pupil with speech, language and communication needs who may not understand a verbal instruction. Behaviour will often need to be considered in relation to a pupil’s SEND, although it does not follow that every incident of misbehaviour will be connected to their SEND.”*

Page 13: [Behaviour in schools: advice for headteachers and school staff](https://www.gov.uk/government/publications/behaviour-in-schools--2)

* *“Schools need to manage pupil behaviour effectively, whether or not the pupil has underlying needs. When a pupil is identified as having SEND, the graduated approach should be used to assess, plan, deliver and then review the impact of the support being provided.”*

Page 14: [Behaviour in schools: advice for headteachers and school staff](https://www.gov.uk/government/publications/behaviour-in-schools--2)

* *“When considering excluding a pupil, schools should consider any contributing factors that are identified after an incident of poor behaviour has occurred, which could include where the pupil has mental health problems.”*

Paragraph 3.15: [Mental health and behaviour in schools](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1069687/Mental_health_and_behaviour_in_schools.pdf)

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. Clearly, staff at name of school have witnessed and documented this behaviour as can be seen in name of young person’s school file at quote any part of the school file that evidences the relevant SEND.

Despite the fact that name of young person has demonstrated challenging behaviour since choose the earliest date the school appeared to be aware of behaviour linked to SEND , at no point has name of school taken effective action to mitigate the risk of exclusion, and help name of young person to engage effectively with their education.

This is particularly problematic considering the concern the school has expressed over name of young person’s behaviour. name of school’s records show that they have implemented a range of disciplinary actions including list any punishments the school has used against the young person.

However, despite these actions continually failing to improve name of young person’s engagement with their education, at no point did the school act to implement pastoral or welfare interventions in accordance with the requirements of the Exclusions Guidance and SEND Code of Practice.

As a result, the School has failed to act to intervene to mitigate the risk of exclusion. The exclusion has not been used as a last resort and we ask the Governors now to reinstate name of young person.