Relevant guidance:

* [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023](https://www.gov.uk/government/publications/school-exclusion)
* [Behaviour in schools: advice for headteachers and school staff 2022](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:

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

Paragraph 55: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023](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: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023](https://www.gov.uk/government/publications/school-exclusion)

* *“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. This may provide a point for schools to request an EHC assessment or a review of the pupil’s current package of support.”*

Paragraph 57: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023](https://www.gov.uk/government/publications/school-exclusion)

* *“Where a pupil has a social worker, e.g. because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the headteacher should inform their social worker, the Designated Safeguarding Lead (DSL) and the pupil’s parents to involve them all as early as possible in relevant conversations.”*

*Paragraph 59:* [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023](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 - from September 2023](https://www.gov.uk/government/publications/school-exclusion)

* *“Schools can create environments where positive behaviours are more likely by proactively supporting pupils to behave appropriately. Pupils should be taught explicitly what good behaviour looks like. Some pupils will need additional support to reach the expected standard of behaviour. Where possible, this support should be identified and put in place as soon as possible to avoid misbehaviour occurring in the first place.”*

*Introduction:* [Behaviour in schools: advice for headteachers and school staff 2022](https://www.gov.uk/government/publications/behaviour-in-schools--2)

* *“Schools should adopt a range of initial intervention strategies to help pupils manage their behaviour and to reduce the likelihood of suspension and permanent exclusion. This is achieved by helping pupils understand behavioural expectations and by providing support for pupils who struggle to meet those expectations. Some pupils will need more support than others and this should be provided as proactively as possible. It will often be necessary to deliver this support outside of the classroom, in small groups, or in one-to-one activities.”*

*Paragraph 96:* [Behaviour in schools: advice for headteachers and school staff 2022](https://www.gov.uk/government/publications/behaviour-in-schools--2)

* *“Initial intervention to address underlying factors leading to misbehaviour should include an assessment of whether appropriate provision is in place to support any SEND that a pupil may have. The ‘graduated response’ should be used to assess, plan, deliver and then review the needs of the pupil and the impact of the support being provided. If the pupil has an Education, Health and Care (EHC) plan, early contact with the local authority about the behavioural issues would be appropriate and an emergency review of the plan might be needed.”*

*Paragraph 99:* [Behaviour in schools: advice for headteachers and school staff 2022](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.”*

*Paragraph 100:* [Behaviour in schools: advice for headteachers and school staff 2022](https://www.gov.uk/government/publications/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)

* *“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.”*

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

* *“All schools should have a clear approach to identifying and responding to SEN. The benefits of early identification are widely recognised – identifying need at the earliest point and then making effective provision improves long-term outcomes for the child or young person.”*

*Paragraph 6.14:* [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)

* *“Professionals should also be alert to other events that can lead to learning difficulties or wider mental health difficulties, such as bullying or bereavement. Such events will not always lead to children having SEN but it can have an impact on wellbeing and sometimes this can be severe. Schools should ensure they make appropriate provision for a child’s short-term needs in order to prevent problems escalating.”*

*Paragraph 6.22:* [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 can be seen in the evidence 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. It is key 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.

It is not satisfactory that a school simply goes through the motions or follows a standard template plan. Every child is different, and interventions need to be tailored to their specific needs. They must be kept under review and amended wherever appropriate.name of school’s records show no sign of review or forward planning. There is no assessment of the intervention’s efficacy and we therefore invite the governors to conclude that the school has not satisfied its duty to act early to mitigate the risk of permanent exclusion.

Therefore, the exclusion has not been used as a last resort and the governors should reinstate name of young person with immediate effect.