*About this resource:*

This is a Suggested Wording. It is a set of paragraphs for you to use to argue to the school’s governors that the school failed to take steps to identify relevant special educational needs prior to excluding the young person.

To understand when you might want to use this resource, read the [Step by Step Guide: Preparing Written Arguments for the School’s Governors](https://justforkidslaw.org/school-exclusions-hub/legal-practitioners-and-professionals/making-case-schools-governor/meeting-preparing-case-governers/step-step-guide-creating-written-submissions)

If you want to understand more about the relevant law, read the [Quick-Guide: the Headteacher’s Power to Exclude](https://justforkidslaw.org/school-exclusions-hub/legal-practitioners-and-professionals/making-case-schools-governor/meeting-preparing-case-governers/step-step-guide-creating-written-submissions/quick-guide-headteachers-power)

To use this resource, go through the text and enter the information where prompted to do so. Prompts appear as grey text. Then copy and paste your finished text into the [Template Document: Submissions to the Governors](https://justforkidslaw.org/school-exclusions-hub/legal-practitioners-and-professionals/making-case-schools-governor/meeting-preparing-case-governers/step-step-guide-creating-written-submissions/quick-guide-headteachers-power)*.*

This text is a guide. You might need to make amendments to fit your circumstances.

At paragraph 4 the Guidance states that:

*Whilst an exclusion may still be an appropriate sanction, the headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred and consider paragraph 45 of the Behaviour in Schools guidance.*

At paragraph 96 the Behaviour in Schools Guidance states that:

*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.*

At paragraph 97 the Behaviour in Schools Guidance states that:

*Schools should have a system in place to ensure relevant members of leadership and pastoral staff are aware of any pupil persistently misbehaving, whose behaviour is not improving following low-level sanctions, or whose behaviour reflects a sudden change from previous patterns of behaviour*.

At paragraph 98 the Behaviour in Schools Guidance states that:

*Examples of interventions schools can consider include:*

* *frequent and open engagement with parents, including home visits if deemed necessary;*
* *providing mentoring and coaching;*
* *short-term behaviour report cards or longer-term behaviour plans;*
* *pupil support units (see paragraphs 100 - 106); and*
* *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.*

At paragraph 99 the Behaviour in Schools Guidance states that:

*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.*

At paragraph 100 the Behaviour in Schools Guidance states that:

*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).*

Paragraph 52 of the Guidance states that:

*There are longstanding national trends which show that particular groups of children are more likely to be excluded from school, both for a suspension or permanent exclusion. All of these factors will differ for each child, and the influence of out-of-school factors will vary according to local context, so it is important that schools, local authorities and local partners work together to understand what lies behind local trends.*

It is vital that this process of considering, implementing, reviewing and amending support is a considered and evidence-based process in order to be effective. This is mandated by the SEND 0-25 Years Code of Practice which states at paragraph 6.62 that:

*The SENCO and class teacher, together with the specialists, and involving the pupil’s parents, should consider a range of evidence-based and effective teaching approaches, appropriate equipment, strategies and interventions in order to support the child’s progress. They should agree the outcomes to be achieved through the support, including a date by which progress will be reviewed.*

Further, it is stated at paragraph 6.63 that:

*SEN support should be adapted or replaced depending on how effective it has been in achieving the agreed outcomes. Where, despite the school having taken relevant and purposeful action to identify, assess and meet the SEN of the child or young person, the child or young person has not made expected progress, the school or parents should consider requesting an Education, Health and Care needs assessment. To inform its decision the local authority will expect to see evidence of the action taken by the school as part of SEN support*.

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 Behaviour in Schools Guidance, the Exclusions Guidance and SEND Code of Practice.

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