*About this resource:*

This is a Suggested Wording. It is a set of paragraphs you can use to argue to use to argue to the school’s governors that the headteacher has not sought additional support from outside services, and therefore reduce the risk of exclusion.

To understand when you might want to use this text, 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.

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The Guidance states in the key points that:

*“Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil’s behaviour, it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation, schools should consider whether a multi-agency assessment that goes beyond the pupil’s educational needs is required.”*

At paragraph 18 the Guidance states that:

*“Whilst an exclusion may still be an appropriate sanction, the head teacher should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that the pupil has suffered bereavement, has mental health issues or has been subject to bullying.”*

At paragraph 19 the Guidance states that:

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

Paragraphs 21 and 22 of the guidance states that:

*“The exclusion rates for certain groups of pupils are consistently higher than average. This includes: pupils with SEN; pupils eligible for free school meals; looked after children; and pupils from certain ethnic groups. The ethnic groups with the highest rates of exclusion are: Gypsy/Roma; Travellers of Irish Heritage; and Caribbean pupils.”*

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*.”

These provisions clearly set out the requirements for considered, agreed and measured intervention where SEND are identified.

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 exclusion is therefore not a last resort and the governors are asked to reinstate name of young person with immediate effect.