Protocol for pupils with SEMH

(including pupils with challenging behaviour)

**What legislation does this protocol relate to?**

* The Special Educational Needs and Disability code of practice 0 – 25 January 2015
* Exclusion from maintained schools, academies and pupil referral units in England Sept 2017
* Mental health and behaviour in schools (Departmental advice for school staff) March 2016
* Promoting the educational outcomes of looked after children – statutory guidance July 2014

(For specific supporting relevant references other than those directly indicated in the main body of the protocol, please see Annex A).

**How does this protocol relate to the experience of Halton pupils?**

* In 2015-16 there were 25 permanent exclusions of Halton pupils. In 2016-17 this figure rose to 53 permanent exclusions of Halton pupils

|  |  |
| --- | --- |
| 2015-16 | 2016-17 |
| Key Stage | Reason for Exclusion | Key Stage | Reason for Exclusion |
| KS2 = 4KS3 = 8KS4 = 13 | Weapon related = 1Drug related = 2Assault = 7Behaviour = 15 | KS2 = 5KS3 = 27KS4 = 22 | Weapon related = 6Drug related = 6Assault = 7Behaviour = 34 |

* These figures show that there is a concerning increase in the number of exclusions taking place in Halton, with verbal abuse and persistent behaviour being the predominant reasons.
* Proportionally we have much higher levels of permanent exclusions that many other boroughs.
* The vast majority of these children and young people have SEMH difficulties as defined by the SEND Code of Practice (Paras 6.32).
	+ Children and young people may experience a wide range of social and emotional difficulties which manifest themselves in many ways. These may include becoming withdrawn or isolated, as well as displaying challenging, disruptive or disturbing behaviour. These behaviours may reflect underlying mental health difficulties such as anxiety or depression, self-harming, substance misuse, eating disorders or physical symptoms that are medically unexplained. Other children and young people may have disorders such as attention deficit disorder, attention deficit hyperactivity disorder or attachment disorder.

**Purpose of the protocol:**

The protocol will

* Support schools to carry out the ‘Assess, Plan, Do, and Review’ cycle of the SEND COP for children with SEMH difficulties. (Paras 6.45 – 6.54).
* Underpin the partnership work between schools and Halton LA to ensure that there is good discipline in schools, as it is agreed that this is essential in ensuring that all pupils can benefit from the opportunities provided by education (Exclusions Guidance September 2017 page 6).
* Support schools in the early identification of unmet needs of children and young people and to remove barriers to engagement and learning (Exclusions Guidance Point 19).
* Support schools to promote positive mental health by supporting them to use best practice as outlined in the advice document ‘Mental health and behaviour in schools’.
* Ensure that schools have a robust, clear and evidence-based approach to the identification of and response to SEN (SEN COP Para 6.14).
* Ensure that everyone fulfils their responsibilities and is accountable in meeting the needs of children and young people with SEMH and in sustaining them in mainstream provision, if this is assessed as being appropriate by multi-agency professionals.
* Ensure that there is no drift in providing advice, support and, where robustly evidenced and assessed as appropriate, additional resources in meeting the needs of children and young people with SEMH.
* Ensure that resources across schools and the LA are being used to create an inclusive ethos of all Halton pupils.
* Identify any critical urgent issues as they are emerging in order to utilise the combined resources of schools and the LA to address these and remove barriers.

**Which pupils are covered by this protocol?**

* It is appropriate to use this protocol when reviewing the needs of any child in a mainstream setting.
* This means that the remit of the protocol covers all children whether they have previously identified SEN, are on SEND Support or Enhanced Provision.
* This is an acknowledgement of SEN COP Para 6.20 which states;
	+ For some children SEN can be identified at an early stage. However, for other children and young people difficulties become evident only as they develop. All those who work with children and young people should be alert to emerging difficulties and respond early.
* Previously looked after children (those adopted from care or who have left care as a result of Special Guardianship or a Child Arrangement Order) should be considered under this protocol. However, with the agreement of the child or young person’s parents/guardians advice should be sought from the Headteacher of the Virtual School (Children and Social Work Act 2017)

**Which pupils sit outside of this protocol and why?**

* If there are behaviour concerns about a Child in Care please discuss this first with the Headteacher of the Virtual School.
* It is not appropriate to use this protocol for pupils with an EHCP. If there are concerns around the behaviour of a child or young person with an EHCP, schools should request an early annual review or an interim emergency review.
* This is in accordance with both Exclusions Guidance (Points 23 and 25) and also statutory guidance on Promoting the education of looked after children (Para 28)

**How will this protocol work?**

This protocol is to allow schools to:

* Reflect on what they have provided to date
* Prompt them to fully utilise the resources they have at their disposal
* To seek advice where appropriate.

It is only when they have done this would the LA expect to see the Evidence of action for pupils with SEMH (including with persistent behaviour) form being completed.

The Children At Risk of Exclusion (C.A.R.E.) Schedule is to be completed by the child or young person and the teacher. The completed schedule should be reviewed by the teacher and the SENCO, with support from the school EP if this is required. The higher the score on each factor the more important the factor is in exclusion risk. There is a separate Primary and Secondary schedule and both cover the following factors:

* Wellbeing
* Learning
* Social Skills and performance
* General behaviour pattern
* General attitude/coping
* Family Parenting.

The following flowchart demonstrates the process to be followed as part of this protocol.

**Step by step Process Suggested action/response**

Teacher discusses child’s behaviour log with SENCO or other appropriate

**Pupil is beginning to show signs of struggling to follow the school behaviour policy**

School should ensure that the pupil is accessing quality first teaching and differentiation targeted at the child’s identified area of need.

Assess, Plan, Do, Review

**School uses its own resources to support the child and sets a date to review the impact.**

School should provide targeted interventions, write an individual support plan and engage with other agencies, for example group consultation with an EP, to meet the child’s needs

Assess, Plan, Do, Review

**If no improvement, school implements further targeted support and intervention from own resources. A date is set to review the impact**

Assess, Plan, Do, Review

**Child’s behaviour continues to cause concern or escalates. Teacher and pupil should complete the C.A.R.E. Schedule and set a review date.**

School discusses and refers to other agencies with a review of why previous strategies have not worked.

Assess, Plan, Do, Review

Following analysis of underlying issues, refer to any other agency that is appropriate, and decide to review child at Group consultation or use individual EP time. Implement additional strategies for review.

**Further review with services that have provided support and advice. Review C.A.R.E. Schedule.**

**If there have been no improvement in the child’s behaviour or it has escalated, then Headteacher makes the decision to complete the form ‘Evidence of Action for pupils with SEMH’ and sends into Placement and Provision Panel inbox.**

**Next steps**

Placement and Provision Panel will meet on a weekly basis to review any completed ‘Evidence of action for pupils with SEMH (including with persistent challenging behaviour)’ forms. The following are possible decisions and outcomes that the panel may reach:

Panel Decision Outcome

**A member of the Inclusion Division will provide feedback to the school on the panel’s suggestions and discuss the case further.**

There is more work the school can do within their own resources to support the child.

OR

Identify a member of the Inclusion Directorate that can provide further advice and guidance as to how the school can meet the child’s needs.

**A member of the Inclusion Division will make contact with the school and work with them to implement the advice form the panel.**

OR EXCEPTIONALLY

**A member of the Inclusion Division will make contact with the school and inform them of the panel’s decision and guide them as to how to proceed.**

Agree that the child may need to be considered at the Enhanced Provision Panel or begin the statutory assessment process

The Placement and Provision Panel will analyse all completed forms for trends and new priorities in terms of providing additional training for school and for discussion at SENCO network meetings.

**Annex A – Legislation/advice relevant to this protocol:**

* The identification of SEN should be built into the overall approach to monitoring the progress and development of all pupils (SEND COP Para 6.5)
* Schools support pupils with a wide range of SEN. They should regularly review and evaluate the breadth and impact of the support they offer or can access. Schools **must** cooperate with the local authority in reviewing the provision that is available locally. SEND COP Para 6.8)
* 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 (SEND COP Para 6.14)
* For some children, SEN can be identified at an early stage. However, for other children and young people difficulties become evident only as they develop. All those who work with children and young people should be alert to emerging difficulties and respond early. (SEND COP 6.20)
* Persistent disruptive or withdrawn behaviours do not necessarily mean that a child or young person has SEN. Where there are concerns, there should be an assessment to determine whether there are any causal factors such as undiagnosed learning difficulties, difficulties with communication or mental health issues. If it is thought housing, family or other domestic circumstances may be contributing to the presenting behaviour a multi-agency approach, supported by the use of approaches such as the Early Help Assessment, may be appropriate. In all cases, early identification and intervention can significantly reduce the use of more costly intervention at a later stage.
* High quality teaching, differentiated for individual pupils, is the first step in responding to pupils who have or may have SEN. Additional intervention and support cannot compensate for a lack of good quality teaching. Schools should regularly and carefully review the quality of teaching for all pupils, including those at risk of underachievement. This includes reviewing and, where necessary, improving, teachers’ understanding of strategies to identify and support vulnerable pupils and their knowledge of the SEN most frequently encountered. (SEND COP Para 6.37)
* In deciding whether to make special educational provision, the teacher and SENCO should consider all of the information gathered from within the school about the pupil’s progress, alongside national data and expectation of progress. This should include high quality and accurate formative assessment, using effective tools and early assessment materials. For higher levels of need, schools should have arrangements in place to draw on more specialised assessments from external agencies and professionals. (SEND COP Para 6.38)
* Schools may involve specialists at any point to advise them on early identification of SEN and effective support and interventions. (SEND COP Para 6.59)
* Schools should work closely with the local authority and other providers to agree a range of local services and clear arrangements for making appropriate requests. This might include schools commissioning specialist services directly. Such specialist services include, but are not limited to educational psychologists; CAMHS; specialist teachers or support services; therapists. (SEND COP Para 6.61)
* The SENCO and class teacher, together with the specialist, 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. (SEND COP Para 6.62)
* The Headteacher and governing board must comply with their statutory duties in relation to SEN when administering the exclusion process. This includes having regard to the SEND Code of Practice. (Exclusions Guidance Point 12)
* 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 p[pick up the unidentified SEN but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems. (Exclusions Guidance point 19)
* As well as having disproportionately high rates of exclusion, there are certain groups of pupils with additional needs who are particularly vulnerable to the impacts of exclusion. This includes pupils with EHC plans and looked after children. The head, should as far as possible, avoid permanently excluding any pupil with an EHC plan or a looked after child. (Exclusions Guidance Point 23)
* Where a school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with an EHC plan or a looked after child, it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil’s SEN. Where a pupil has an EHC plan, schools should consider requesting an early annual review or interim emergency review. (Exclusions Guidance Point 25)
* Where a school has concerns about a looked-after child’s behaviour, the VSH should be informed and, where necessary, involved at the earliest opportunity. This is to enable the VSH, working with others, to:
	+ consider what additional assessment and support (such as additional help for the classroom teacher, one-to-one therapeutic work or a suitable alternative placement) needs to be put in place to address the causes of the child’s behaviour and prevent the need for exclusion
	+ Make any additional arrangements to support the child’s on-going education in the event of exclusion. (Promoting the educational achievements of looked after children July 2014 Para 28)