



Doxey Primary School

Exclusion Policy

Date of Policy creation	September 2023
Policy lead	Laura Lazenby
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Frequency of review	Annually
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Our Vision:

Doxey Primary School is an inclusive, positive learning environment that is part of the wider community. It delivers a values based curriculum that is inspirational and creative, providing children with exceptional opportunities to develop a love of learning for life. Ensuring that all our pupils leave with a strong set of values and the belief that they can, and will, achieve.

Learning values, achieving goals.

Our Values:

Respect
Self-belief
Curiosity
Perseverance
Pride

Our vision and values underpin all of our policies and the education we deliver. This policy has been created to keep the children of Doxey Primary School safe, happy and to ignite a love of learning that will last for life.

Policy Statement

Doxey Primary School is committed to creating an environment where exemplary behaviour is at the heart of productive learning. We aim to achieve and sustain the highest standards of behaviour both in order to make the children's experiences of school life enjoyable, safe, secure and rewarding. This will maximise learning opportunities and raise the quality of education for all at Doxey. We want pupils to leave Doxey with a high sense of worth, positive mental health, clear identity and with intrinsic motivation to behave in a positive way that will influence their future life opportunities.

We recognise that behaviour is communicative and often reflects an emotion or feeling. Our Behaviour Policy is grounded in the belief that we are able to develop our ability to self-regulate our emotions and behaviour. Adult and child relationships are integral for this to occur. Through co-regulation of feelings, children learn to become more independent and develop self-regulation. This is surrounded by high and clear expectations.

At Doxey Primary School, we have a calm and consistent approach to behaviour management using a restorative and relational approach within clear and consistent boundaries. We understand that positive behaviour can be taught and modelled. This policy outlines our principles and the way the school supports and educates children in managing their own behaviour.

The majority of children at Doxey are very well behaved and lapses of behaviour are dealt with effectively by the class teacher or other members of staff in school following the usual stepped consequence system.

When a child struggles with meeting the expectations over a period of time the class teacher will employ strategies to manage/ improve the behaviour alongside guidance from a member of the senior leadership team.

In more serious cases when children find it difficult to behave appropriately and are disrupting their own and their peer's education on a regular basis, then a more structured approach is necessary. We understand that some children exhibit behaviours linked to previous experiences. As a school we recognise that their behaviour is their way of communicating their emotions. We understand and offer support to those children who need support in reaching the expected standards of behaviour. In these cases an individual behaviour plan (IBP) will be used and will identify targets and strategies to help the individual child to manage their behaviour. The strategies outlined in the IBP will be communicated to other members of staff and to parents/ carers.

In very serious cases of unacceptable behaviour other agencies may need to become involved and / or a child may need to receive a suspension or exclusion. Parents/ Carers will be made aware if these measures are needed.

This is set out in the 'Suspension and Permanent Exclusion from maintained schools, academies and child referral units in England Guidance (September 2023)'. This guidance relates to the following key legislation:

- Education Act 2002, as amended by the Education Act 2011;
- School Discipline (Child Exclusions and Reviews) (England) Regulations 2012;
- Education and Inspections Act 2006;
- Education Act 1996;

- Education (Provision of Full-Time Education for Excluded Childs) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Childs) (England) (Amendment) Regulations 2014

The Headteacher's power to suspend or permanently exclude

The government supports Headteachers in using suspension and permanent exclusion as a sanction when warranted as part of creating a calm, safe and supportive environment in which children can learn and thrive. To achieve this, suspension and permanent exclusion are sometimes a necessary part of a functioning system, where it is accepted that not all behaviour can be amended by pastoral processes or consequences within the school. Only the Headteacher of a school can suspend or permanently exclude a child on disciplinary grounds. A child may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.

A child's behaviour outside school can be considered grounds for a suspension or permanent exclusion.

When establishing the facts in relation to a suspension or permanent exclusion decision the Headteacher must apply the civil standard of proof, i.e., 'on the balance of probabilities' (it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'. This means that the Headteacher should accept that something happened if it is more likely that it happened than that it did not happen. The Headteacher must take account of their legal duty of care when sending a child home following an exclusion.

Headteachers should also take the child's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the child about how their views have been factored into any decision made. Where relevant, the child should be given support to express their view, including through advocates such as a parent/carer or, if the child has one, a social worker. 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.

Suspensions

A suspension is where a child is temporarily removed from the school and a child may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year).

A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a child that their current behaviour is putting them at risk of permanent exclusion. Where suspensions are becoming a regular occurrence for a child, the school will consider whether suspension alone is an effective sanction for the child and whether additional strategies need to be put in place to address behaviour.

It is important that during a suspension, children still receive their education. Doxey will take steps to ensure that work is set and marked during the first five school days of a suspension. This may include utilising online pathways such as Oak National Academy.

The school's legal duties to children with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support disabled children during this period.

Any time a child is sent home due to disciplinary reasons and asked to log on or utilise online pathways this will be recorded as a suspension.

A suspension can also be for parts of the school day. For example, if a child's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the Headteacher's duty to notify parent/carers, apply in all cases.

The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

Permanent exclusions

A permanent exclusion is when a child is no longer allowed to attend a school (unless the child is reinstated). The decision to exclude a child permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the child to remain in school would seriously harm the education or welfare of the child or others such as staff or children in the school.

For any permanent exclusion, Doxey will take reasonable steps to ensure that work is set and marked for children during the first five school days where the child will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a child's social worker) will also take place.

Cancelling suspensions and exclusions

The Headteacher may cancel any suspension or exclusion that has already begun, but this will only be done where it has not yet been reviewed by the governing board. Where an exclusion is cancelled, then:

- The parent/carer, the governing board, and the Local Authority (LA) will be notified and, if relevant, the social worker and Virtual School Head (VSH);
- The Governing Board's duty to consider reinstatement ceases and there is no requirement to hold a meeting to consider reinstatement.
- The parent/carer will be offered the opportunity to meet with the Headteacher to discuss the circumstances that led to the exclusion being cancelled;
- The child will return to school without delay.
- Any days spent out of school as a result of any exclusion prior to the cancellation will count towards the maximum of 45 days permitted in any school year.

Reasons for Suspensions and Permanent exclusions

The reasons below are examples of the types of circumstances that may warrant a suspension or permanent exclusion.

- Physical assault against a child

- Physical assault against an adult
- Verbal abuse or threatening behaviour against a child
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

This list is non-exhaustive and is intended to offer examples rather than be complete or definitive.

Each disciplinary suspension and permanent exclusion will be confirmed to the parent/carer in writing with an explanation of the reasons for the suspension or permanent exclusion.

Any suspension of a child, even for short periods, must be formally recorded. It would also be unlawful to suspend or permanently exclude a child simply because they have special educational needs or a disability that the school feels it is unable to meet, or for a reason such as academic attainment/ability, or the failure of a child to meet specific conditions before they are reinstated, such as to attend a reintegration meeting.

If any of these unlawful exclusions are carried out and lead to the deletion of a child's name from the register, this is known as 'off-rolling'.

A further example of off-rolling would be exercising undue influence over a parent/carer to remove their child from the school under the threat of a permanent exclusion and encouraging them to choose Elective Home Education or to find another school place.

If a parent/carer feels pressured into electively home educating their child or that the suspension or permanent exclusion procedures have not been followed, they can follow the school's complaints procedure with the governing board.

Reintegration after a suspension or off-site direction

School will support children to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction. This reintegration will offer the child a fresh start; help them to understand the impact of their behaviour on themselves and others; teach them to how meet the high expectations of behaviour in line with the school culture; foster a renewed sense of belonging within the school community; and help to build engagement with learning.

A reintegration meeting will be held before or at the beginning of the child's return to school. During the reintegration meeting, the school will communicate to the child that they are valued, and their previous behaviour is not seen as an obstacle to future success. Where possible this meeting will include the child's

parent/carer. A child will not be prevented from returning to the classroom if the parent/carer is unable or unwilling to attend a reintegration meeting.

Where necessary, school will work with relevant staff and multi-agency organisations, such as teachers, pastoral staff, mentors, social workers, health professionals and educational psychologists, to identify if the child has any special educational needs, disabilities or health needs.

A part-time timetable will only be in place for the shortest time necessary. Any pastoral support programme or other agreement will have a time limit by which point the child is expected to attend full-time, either at school or alternative provision. There will also be arrangements in place for reviewing this with the child and their parent/carer.

Doxey will consider a range of measures to enable the child's successful reintegration which may include, but is not limited to:

- Maintaining regular contact during the suspension and welcoming the child back to school;
- Daily contact with designated pastoral staff in-school;
- Use of a report card with personalised targets leading to personalised rewards;
- Ensuring the child follows an equivalent curriculum during their suspension or receives academic support upon return to catch up on any lost progress;
- Planned pastoral interventions;
- Mentoring by a trusted adult or a local mentoring charity;
- Regular reviews with the child and the parent/carer to praise progress being made and raise and address any concerns at an early stage;
- Informing the child, parent/carer and staff of potential external support.

Preventative measures to school exclusion

Off-site direction

Off-site direction is when a governing board requires a child to attend another education setting to improve their behaviour. Where interventions or targeted support have not been successful in improving a child's behaviour, off-site direction may be used to arrange time-limited placements at an Alternative Provision (AP) or another mainstream school. During the off-site direction to another school, children will be dual registered and Code B will be used for any off-site educational activity, if the provision is an approved educational activity that does not involve the child being registered at any other school. This placement can be full time or a combination of part-time support in AP and continued mainstream education. A proposed maximum period of time will be discussed as part of the planning phase for an off-site direction. Once this time limit has been reached, including a managed move on a permanent basis (if a child is in a mainstream school) then a review will take place.

Managed moves

A managed move is used to initiate a process which leads to the transfer of a child to another mainstream school permanently. Managed moves are voluntary and agreed with all parties involved, including the parent/carer and the Local Authority of the new school. Managed moves only occur when it is in the child's best interests.

Duty to inform a parent/ carer about an exclusion

Following the Headteacher's decision to suspend or permanently exclude a child, the initial notification to the parent/carer will be in person or by telephone in the first instance. The parent/carer will then be informed in writing with following information:

- the reason(s) for the suspension or permanent exclusion;
- the period of a suspension or that it is a permanent exclusion;
- the parent carer's right to make representations about the suspension or permanent exclusion to the governing board and how the child may be involved in this;
- how any representations should be made; and
- where there is a legal requirement for the governing board to consider the suspension or permanent exclusion, that parent/carer (or a child if they are 18 years old) have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

Written notification of the information above will be provided by delivering it directly to the parent/carer, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parent/carer have given written agreement for this kind of notice to be sent in this way.

Where a suspended or permanently excluded child is of compulsory school age the Headteacher will also notify the child's parent/carer of the days on which they must ensure that the child is not present in a public place at any time during school hours. These days are the first five school days of a suspension or permanent exclusion (or until the start date of any full-time alternative provision or the end of the suspension where this is earlier). Any parent/carer who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted.

If alternative provision is being arranged, then the following information will be included with this notice where it can reasonably be found out within the timescale:

- the start date for any provision of full-time education that has been arranged for the child during the suspension or permanent exclusion;
- the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant;
- the address at which the provision will take place; and
- any information required by the child to identify the person they should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session on the first day of the suspension or permanent exclusion, it may be provided in a subsequent notice, but it will be provided at least 48 hours before the provision is due to start. The exception to this will be where

alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the information will be provided with less than 48 hours notice with parent/carer's consent.

If a child is suspended again following their original suspension, or is subsequently permanently excluded, the Headteacher will inform the parent/carer and, where relevant, the child's social worker or Local Authority and issue a new exclusion notice to the parent/carer.

School uses letter templates created by the Local Authority to inform the parent/carer in writing.

When notifying the parent/carer about a suspension or permanent exclusion, the Headteacher will give information about the sources of free and impartial information. This information will include:

- Staffordshire's SENDIAS service who can provide information, advice and support to children and young people with SEND, including on exclusions.
- Coram's Child Law Advice service which can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- ACE education also run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

Informing social workers and Virtual School Heads about an exclusion

Information sharing is vital in safeguarding children and promoting their welfare, including their educational outcomes. The school will be proactive in sharing information as early as possible to help identify, assess, and respond to risks or concerns about the safety and welfare of children. Keeping Children Safe in Education and Working Together to Safeguard Children (2018) set out the requirements about information sharing in more detail.

Whenever a Headteacher suspends or permanently excludes a child they must also notify the social worker, if a child has one, and the Virtual School Headteacher (VSH), if the child is a LAC37, of the period of the suspension or permanent exclusion and the reason(s) for it. Information must also be provided in writing to the Local Authority. Both the social worker and/or VSH, must be informed if/when a governing board meeting is taking place, in order to share information. The social worker and/or the VSH can attend the meeting, should they wish to do so.

Informing the governing board about an exclusion

The Headteacher will notify the governing board of:

- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the child);
- any suspension or permanent exclusion which would result in the child being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and

- any suspension or permanent exclusion which would result in the child missing a public examination or national curriculum test.

When removing a child from the school roll, the governing board must ensure this is done under the circumstances prescribed by the Education (Child Registration) (England) Regulations 2006.

Informing the local authority about an exclusion

The local authority must be informed of all school suspensions regardless of the length of the suspension. Staffordshire Local Authority require a copy of the suspension letter or PEX (Permanent Exclusion notification) to be sent to them.

For a permanent exclusion, if the child lives outside the local authority area in which the school is located, the Headteacher will also notify the child's 'home authority' of the permanent exclusion and the reason(s) for it.

The Headteacher will also inform the governing board once per term of any other suspensions of which they have not previously been notified. Notifications must include the reason(s) for the suspension or permanent exclusion and the duration of any suspension or, in the case of a permanent exclusion the fact that it is permanent.

The governing board and Local Authority's duties to arrange education for excluded children

For a suspension of more than five school days, the governing board will arrange suitable full-time education for any child of compulsory school age. This provision is commonly called alternative provision and must begin no later than the sixth school day of the suspension. Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. This means that if a child has more than five consecutive school days of suspension, then education will be arranged for the sixth school day of suspension, regardless of whether this is because of one decision to suspend the child for the full period or multiple decisions to suspend the child for several periods in a row.

For permanent exclusions, the Local Authority must arrange suitable full-time education for the child to begin from the sixth school day after the first day the permanent exclusion took place. This will be the child's 'home authority' in cases where the school is in a different Local Authority area.

In addition, where a child has an Education, Health and Care plan, the Local Authority may need to review the plan or reassess the child's needs, in consultation with the parent/carer, with a view to identifying a new placement.

Provision does not have to be arranged by either the school or the local authority for a child in the final year of compulsory education who does not have any further public examinations to sit.

The education of children prior to the sixth day of a suspension or permanent exclusion

It is important for the school to help minimise the disruption that suspension or permanent exclusion can cause to a child's education. Whilst the statutory duty on governing boards or Local Authorities is to arrange full-time education from the sixth day of a suspension or permanent exclusion, there is an obvious benefit to the child in starting this provision as soon as possible. In the case of a looked-after child or child with a social worker, the school and the Local Authority should work together to arrange alternative provision from the first day following the suspension or permanent exclusion.

Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days of a suspension or permanent exclusion, the school will take reasonable steps to set and mark work for the child. Online pathways such as Oak National Academy may be used and the school will ensure that the work set is accessible and achievable by the child outside school.

There are clear processes in place to comply with its legal duty to arrange suitable full-time educational provision for children of compulsory school age from the sixth consecutive school day of a suspension. This includes:

- Checking that there is a process in place for the governing board to assure itself that the education provided is suitable and full-time
- Quality assuring provision and ensuring that any previous placements have been evaluated, including support for any special educational needs or disabilities a child may have
- Checking whether there is a process in place to monitor the child's attendance and behaviour at the provision
- Checking whether the correct attendance code is being used
- Checking whether the child's child protection file and any other information relevant to the child's safeguarding and welfare has been securely transferred to their new setting.

The governing board's duty to consider a suspension or permanent exclusion

Governing boards have a key responsibility in considering whether suspended or permanently excluded children should be reinstated. They have a duty to consider parent/carers' representations about a suspension or permanent exclusion. The governing board may delegate its functions with respect to the consideration of a suspension or permanent exclusion to a designated sub-committee consisting of at least three governors. The governing board must consider and decide on the reinstatement of a suspended or permanently excluded child within 15 school days of receiving notice of a suspension or permanent exclusion from the Headteacher if:

- it is a permanent exclusion;
- it is a suspension which would bring the child's total number of school days out of school to more than 15 in a term; or
- it would result in the child missing a public examination or national curriculum test.

The requirements are different for suspensions where a child would be suspended for more than five but less than 16 school days in a term. In this case, if the parent/ carer make representations, the governing board must consider and decide within 50 school days of receiving the notice of suspension whether the suspended child should be reinstated. In the absence of any representations from the parent/carers, the governing board is not required to meet and cannot direct the reinstatement of the child.

Where a suspension or permanent exclusion would result in a child missing a public examination or national curriculum test, there is a further requirement for a governing board. It must, so far as is reasonably practicable, consider and decide on the suspension or permanent exclusion before the date of the examination or test. If it is not practical for sufficient governors to consider the reinstatement before the examination or test, the chair of governors may consider the suspension or permanent exclusion alone and decide whether or not to reinstate the child.

The following parties will be invited to a meeting of the governing board and allowed to make representations or share information:

- parent/carer (and, where requested, a representative or friend);
- the child if they are 18 years or over;
- the headteacher;
- a representative of the local authority
- the child's social worker if the child has one; and
- the VSH if the child is a looked after child

The governing board will make reasonable endeavours to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits. Parents can request the meeting be held via the use of remote access. In the case of a suspension which does not bring the child's total number of days of suspension to more than five in a term, the governing board must consider any representations made by a parent/carer, but it cannot direct reinstatement and is not required to arrange a meeting with parent/carer.

Taking into account, the child's age and understanding, the child or their parent/carer should also be made aware of their right to attend and participate in governing board meetings and the child should be enabled to make a representation on their own behalf if they wish to do so.

When establishing the facts in relation to a suspension or permanent exclusion the governing board must apply the civil standard of proof, i.e., 'on the balance of probabilities' (it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.

In the light of its consideration, the governing board can either:

- decline to reinstate the child; or
- initiate direct reinstatement of the child immediately or on a particular date.

If a reinstatement meeting would make no practical difference because, for example, the child has already returned to school following the expiry of a suspension or the parent/carer makes it clear they do not want their child reinstated, the governing board must still meet to consider whether the child should or would have been officially allowed back into the school. Ideally, a reinstatement meeting should happen as soon as possible and should ideally be held before the child is back in school.

If it decides against the reinstatement of a child who has been permanently excluded the parent/carer can request an independent review.

In the case of a permanent exclusion where the governing board decides not to reinstate the child, the governing board's notification must state that the exclusion is permanent and provide notice of parent/carers' right to ask for the decision to be reviewed by an IRP (Independent Review Panel) and the following information:

- the date by which an application for a review must be made
- where and to whom an application for a review (and any written evidence) should be submitted;
- that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the child's SEN are considered to be relevant to the permanent exclusion;
- that, regardless of whether the permanently excluded child has recognised SEN, parent/carer/carers have a right to require the Local Authority/academy trust to appoint a SEN expert to advise the review panel;
- details of the role of the SEN expert; and
- that the parent/ carer may, at their own expense, appoint someone to make written and/or oral representations to the panel.

Guidance for governing boards on removing an excluded child's name from the school register

The governing board must ensure that a child's name is removed from the school admission register if:

- 15 school days have passed since the parent/carer was notified of the governing board's decision to not reinstate the child and no application has been made for an IRP; or
- the parent/carer has stated in writing that they will not be applying for an IRP.

The school cannot backdate the deletion of the child's name to the date the child's exclusion began.

Where an application for an IRP has been made within 15 school days, the school must wait until the review has been determined, or abandoned, and until the governing board has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a child's name from the register. Where a child's name is to be deleted from the school admissions register because of a permanent exclusion the school must make a return to the local authority.

Police involvement and parallel criminal proceedings

The Headteacher need not postpone taking a decision on a suspension and permanent exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, the Headteacher will need to take a decision on the evidence available to them at the time and will follow general safeguarding principles. Where the evidence is limited by a police investigation or criminal proceedings, the Headteacher will consider any additional steps they may need to take to ensure that the decision to suspend or permanently exclude is fair. However, the final decision on whether to suspend or permanently exclude is for the Headteacher to make.

Childs with disabilities and Special Educational Needs (SEN) including those with Education, Health and Care plans (EHC plans)

The Equality Act 2010 requires schools to make reasonable adjustments for disabled children. 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 children with SEN, which will include any support in relation to behaviour management that they need because of their SEN.

School will engage proactively with the parent/carer in supporting the behaviour of children with additional needs. Where a school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a child 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 child's SEN or disability. Where a child 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.