

Mental Health and student behaviour issues

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Three quarters of mental health problems in adult life start before the age of 18. The number of referrals of young people to child and adolescent services has increased by 26% in the five years prior to 2018. At what point does bad behaviour become a disability or special educational need for which you are required to make reasonable adjustments?

Top tips

The top tips below outline what you should consider when managing and seeking to address behavioural problems with a child with mental health issues. As always, if you would like to speak to one of expert lawyers about a specific situation please [contact us](#).

1. Consider whether the child is exhibiting behaviour that is a choice or whether it is beyond their control:
2. Has the behaviour changed?
3. Has the child become moody, irritable or anxious?
4. Are they engaged with friends or have they become withdrawn or anxious? Have they developed low self-esteem?
5. Are they aggressive or oppositional?
6. Has their attainment changed?
7. Have there been any traumatic events at home?

8. Is the child being bullied?
9. Consider the child holistically and gauge whether there is a possible issue. Consider an assessment of all the information gathered to see if the students have needs which can be met. There are assessments available which list risk factors.
10. Consider whether the behaviour is a mental health issue that is part of a safeguarding issue (you may need to speak to your Designated Safeguarding Lead).
11. Ensure that the ability to punish is exercised lawfully and in line with your published behaviour policy. The decision:
- 11.1. must be made by a paid member of the school staff;
 - 11.2. must be made on school premises (or while under the charge of a member of staff);
 - 11.3. must not breach other legislation such as the Equality Act 2010; and
 - 11.4. must be reasonable in all the circumstances.
- Thus, if an assessment would suggest that there are underlying mental health issues, the punishment needs to be proportionate under statutory requirements.
- This would include special educational needs, disabilities, age and any religious requirements.
12. If appropriate, review any notes received from the child's previous school. What do they suggest? Is there a history of bad behaviour? Is there any pattern? Check any comments made by parents in the school application/information forms. Have they indicated any special educational needs for which adjustments could be made?
13. Involve parents/carers if possible. What is the behaviour like at home? Is it a general problem or a problem only seen at school? CAMHS will often only deal with children who exhibit similar behaviour at home and school and therefore you will need to consider any necessary referrals. Generally it is expected that parental consent has been given to a referral by school, although some SENCOs of secondary schools can make a referral if they have undertaken the necessary training.
14. If a child is identified as having mental health issues, engage the student and or parents/carers and try to arrange communication with the GP. The school can then ensure that the reasonable adjustments put in place are appropriate in terms of extent, time and intensity. Parents are not always the most objective and the child may not be in a place to be able to know what is best for them. Stress to the child's GP [and/or] parents/carers that in order to fulfil the school's duty of care to the child, proper medical input is required, and that without this there is no certainty that the adjustments being made are reasonable.
15. Be aware of students with mental health issues at exam time. Make reasonable adjustments for them in exactly the same way as you would make adjustments for a physical disability. Distinguish between what is normal short term exam stress and longer term underlying anxieties or other contributing factors.

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