

***R (HVF) v Lift Schools* [2026] EWHC 2088 (Admin)**

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The High Court's judgment in *R (HVF) v Lift Schools* [2026] EWHC 2088 (Admin) is a significant authority on the legal limits of permanent exclusion where a disabled child's behaviour may reflect unmet SEND needs. The judicial review was brought on behalf of a ten-year-old primary school pupil known in the judgment as 'Henry'. The Court criticised the school's exclusion decision as "lacking in reasons and analysis" and held that the academy trust's decision-making was unlawful.

The 4-5 *Gray's Inn Square* Information Hub has previously considered the systemic pressure facing the Special Educational Needs and Disabilities ('SEND') framework. *HVF* was handed down in the same month as the rollout of HM Courts and Tribunals Service's 'One Touch' Case Management Pilot, and the two developments together sharpen the practical risks for schools, parents and local authorities: *exclusion decisions must be legally robust and SEND placement disputes may now require earlier evidential preparation.*

Key implications: schools must evidence proportionality before excluding disabled pupils; families should assemble SEND and risk-assessment evidence early; and local authorities should expect greater scrutiny where exclusion or placement decisions are inadequately reasoned.

R (HVF) v Lift Schools

At its core, *R (HVF) v Lift Schools* [2026] EWHC 2088 (Admin) addresses a recurring issue in English education law: *whether permanent exclusion is being used as an immediate disciplinary response to behaviour that may instead reflect unmet SEND needs.*

The context

The claimant, a ten-year-old boy with complex neurodivergent and physical needs, had been permanently excluded following a behavioural incident involving a replica butterfly knife. The point for present purposes was not simply the nature of the object, but whether the school had lawfully assessed risk, proportionality and alternatives in light of the pupil's SEND profile.

The school argued that Henry's return would compromise safety. The High Court, however, scrutinised the statutory duties of headteachers, governing bodies and Independent Review

Panels, and in quashing the exclusion, Alan Bates KC, sitting as a High Court judge, identified three points of wider significance for school leadership teams:

- i. **Exclusion as a measure of last resort:** Permanent exclusion cannot be deployed simply as punishment; it must be justified by evidence that allowing the pupil to remain would seriously harm the education or welfare of others.
- ii. **Proportionality must be explicit:** Decision-makers must satisfy themselves that lesser measures, including suspension or off-site direction, would be insufficient before severing a child's access to their school.
- iii. **Generic reasoning will not suffice: 'Boilerplate'** exclusion letters are vulnerable where they fail to engage with the specific risk profile, the available alternatives and the particular harm exclusion may cause to a SEND child.

The restructuring of placement appeals: the 'One Touch' pilot

The judgment was handed down against the backdrop of operational change in the First-tier Tribunal (SEND), which has been seeking to address significant and well-publicised backlogs. On 17 August 2026, the Ministry of Justice launched the 'One Touch' Case Management Pilot.

The new system

Before August 2026, where a parent appealed the school or placement named in Section I of an Education, Health and Care Plan, the tribunal ordinarily issued a provisional future hearing date. Under the 'One Touch' framework, that approach has been replaced for new appeals by a more front-loaded process:

- i. **Front-loaded directions:** Once an appeal is lodged, parents and local authorities face compressed deadlines for evidence, expert material and finalised case bundles.
- ii. **Review before listing:** A hearing date is withheld until the tribunal has reviewed the parties' materials and given any necessary case management directions.
- iii. **Earlier merits assessment:** The pilot is intended to encourage local authorities to evaluate cases earlier and, where appropriate, concede or resolve weak disputes before they progress to a full hearing.

The broader policy context

These developments sit within a wider policy context. In February 2026, the Department for Education published its White Paper, *Every Child Achieving and Thriving*, presenting a multi-year strategy concerned in part with the financial sustainability of high-needs provision.

One proposal identified in the paper concerns the tribunal's role in naming specific schools in Section I of an EHCP. If enacted, any such reform would materially alter the balance between parental appeal rights, local authority decision-making and independent tribunal oversight.

That policy direction sits in some tension with *HVF*. The judgment emphasises rigorous, individualised scrutiny of exclusion decisions, while the White Paper raises the possibility of reforms that could recalibrate the relationship between local authority judgment and independent tribunal oversight.

The impact on families and local authorities

For families navigating a strained system, *HVF* is an important authority, but not a complete answer. Where an academy trust or local school permanently excludes a neurodivergent child without a clear evidential trail showing that alternatives were considered and rejected, *HVF* provides families with a significant authority for challenging the legality of that decision by judicial review.

The 'One Touch' pilot may also place greater pressure on families. Parents may need to obtain educational psychology reports, speech and language therapy evidence and legal advice much earlier, rather than building their case over the months preceding a listed hearing.

Ombudsman decisions point in the same practical direction. Where local authorities delay or fail to secure required provision, they may face formal findings of fault, apologies and financial remedies.

Conclusion

R (HVF) v Lift Schools [2026] EWHC 2088 (Admin) is a clear reminder that behaviour policies cannot be applied in isolation from the statutory duties owed to disabled children. The 'One Touch' pilot, meanwhile, signals a procedural shift towards earlier and more disciplined preparation in placement disputes. Taken together, these developments point to a SEND landscape in which legality, evidence and timing will be central to effective decision-making.