Relevant guidance:

* [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](https://www.gov.uk/government/publications/school-exclusion)

Relevant excerpts:

* *“Only the headteacher of a school can suspend or permanently exclude a pupil on disciplinary grounds.”*

Paragraph 1: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](https://www.gov.uk/government/publications/school-exclusion)

* *“It would also be unlawful to exclude a pupil simply because they have SEN 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 pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting.”*

Paragraph 20: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](https://www.gov.uk/government/publications/school-exclusion)

* *“Excluding children from school for non-disciplinary reasons is unlawful.”*

Page 4: [House of Commons Library Briefing Paper: Off-rolling in English schools](https://commonslibrary.parliament.uk/research-briefings/cbp-8444/)

Suggested wording

*(This suggested wording is a guide. You might need to make amendments to fit the individual circumstances of the pupil in question. You can also make reference to the above excerpts to strengthen your argument).*

The reason the headteacher gave in their letter of date of the exclusion letter confirming name of young person’s exclusion was “reason for the exclusion”.

This is not a valid reason to exclude a young person as it is not a matter of discipline. It does not relate to a breach of the school’s behaviour policy. Therefore, it is not within the headteacher’s lawful powers to exclude name of young person as a result of this incident/these incidents. Excluding due to a non-disciplinary reason is a form off-rolling and it is unlawful. The headteacher has therefore acted outside the scope of their lawful power and we ask the governors to reinstate name of young person with immediate effect.

The reason the headteacher gave in their letter of date of the exclusion letter confirming name of young person’s exclusion was “reason for the exclusion”.

However, the headteacher has said in relevant document that “quote showing alternative motivation”.

This reveals a motivation for the exclusion that is not reflected in the letter confirming the permanent exclusion. This is not a valid reason to exclude a young person as it is not a matter of discipline. It does not relate to a breach of the school’s behaviour policy. Therefore, it is not within the headteacher’s lawful powers to exclude name of young person as a result of this incident/these incidents. The headteacher has therefore acted outside the scope of their lawful power and we ask the governors to reinstate name of young person with immediate effect.

If the governors do not agree that this exclusion has not been imposed for non-disciplinary reasons, we ask the governors to keep in mind the principal of procedural fairness that justice must not just be done but be unequivocally seen to be done. Clearly, in this instance, the headteacher has expressed an alternative, unlawful, influence on their decision making and justice cannot been seen to be done, because the family can see that the headteacher’s decision has been adversely influenced by inappropriate factors. Therefore, we still urge the governors to reinstate name of young person.