Relevant guidance:

* [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023](https://www.gov.uk/government/publications/school-exclusion)
* [Equality Act 2010: advice for schools](https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools)

Relevant excerpts:

* *“Under the Equality Act 2010 (the Equality Act) and the Equality Act 2010: advice for schools, schools must not discriminate against, harass, or victimise pupils because of their: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to any provision, criterion or practice which puts them at a substantial disadvantage, and the provision of auxiliary aids and services.”*

Part two: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023](https://www.gov.uk/government/publications/school-exclusion)

* *“Direct discrimination occurs when one person treats another less favourably, because of a protected characteristic, than they treat – or would treat – other people. This describes the most clear-cut and obvious examples of discrimination – for example if a school were to refuse to let a pupil be a prefect because she is a lesbian.”*

Paragraph 1.17:[Equality Act 2010: advice for schools](https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools)

* *“A school must not treat a disabled pupil less favourably simply because that pupil is disabled – for example by having an admission bar on disabled applicants.”*

Paragraph 4.7: [Equality Act 2010: advice for schools](https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools)

* *“A change for schools in this Act is that there can no longer be justification for direct discrimination in any circumstances. Under the DDA schools could justify some direct discrimination – if was a proportionate means of meeting a legitimate aim. What the change means is that if a school discriminates against a person purely because of his or her disability (even if they are trying to achieve a legitimate aim) then it would be unlawful discrimination as there can be no justification for their actions.”*

Paragraph 4.8: [Equality Act 2010: advice for schools](https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools)

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 refer to the above excerpts to strengthen your argument).*

young person Is protected characteristic, which is a protected characteristic under the category of category of protected characteristic.

The headteacher has been influenced to exclude young person because they are protected characteristic.

This is evidenced in piece of evidence which records that “quote from evidence”.

This clearly evidences an intent to exclude young person, or at least an unwillingness to mitigate the risk of exclusion, because of young person being protected characteristic, a protected characteristic under the Equality Act. We submit that, on the balance of probabilities, a person who did not share this characteristic, where all other circumstances are equal, would not have been excluded.

Therefore, the exclusion resulted from direct discrimination and young person should be reinstated with immediate effect.