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)

Relevant excerpts:

* *“A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). The decision to exclude a pupil permanently should only be taken:*
* *in response to a serious breach or persistent breaches of the school's behaviour policy; and*
* *where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.”*

Paragraph 11: [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)

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).*

Paragraph 11 of the Exclusions Guidance states that:

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

*• in response to a serious breach or persistent breaches of the school's behaviour policy; and*

*• where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.”*

Whilst we acknowledge that the school has identified a serious breach/persistent breaches of the school’s behaviour policy, it is nonetheless submitted that the school has failed to satisfy the second limb of the test at paragraph 11 of the guidance, and that young person would be able to return to the school without seriously harming the education or welfare of themselves or others at the school.

young person can return to name of school without seriously harming the education or welfare of themselves or others. The incident young person is accused of is isolated and clearly does not reflect their otherwise very positive engagement with their education.

young person has never had a suspension, and never been involved in a similar incident. They have never been involved in any serious breaches of the school’s behaviour policy.

As stated above, their involvement in this incident is due to context behind this incident.

young person deeply regrets their involvement in this incident and understands the school’s need to address what happened. However, this does not mean that a permanent exclusion is justified, and it is clear from the behaviour records that young person will not seriously harm the education or welfare of themselves or others if they are allowed to return. Therefore, the test at paragraph 11 is not satisfied and the governors should reinstate young person with immediate effect.

young person can return to name of school without seriously harming the education or welfare of themselves or others. Whilst they are accused of a number of breaches of the school’s behaviour policy, these breaches are very low level, involving only minor disruption or no disruption to other learners. Whilst we do not suggest they should be ignored entirely; they clearly do not evidence the level of severity required to satisfy the second limb of the test at paragraph 11 of the Exclusions Guidance.

young person deeply regrets their involvement in these incidents and understands the school’s need to address their behaviour. However, this does not mean that a permanent exclusion is justified, and it is clear from the behaviour records that young person will not seriously harm the education or welfare of themselves or others if they are allowed to return. Therefore, the test at paragraph 11 is not satisfied and the governors should reinstate young person with immediate effect.

The school has failed to take appropriate steps to investigate, identify and address unmet needs that is contributing to young person’s behaviour.

The school has therefore not only failed to mitigate the risk of exclusion but cannot now show that the second limb of the test at paragraph 11 is satisfied because, with support, young person can return to the school without seriously harming the education or welfare of themselves or others.

Therefore, the test at paragraph 11 is not satisfied and we ask the governors to reinstate young person with immediate effect.