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:

* *“Any decision of a headteacher, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school’s wider legal duties); reasonable; fair; and proportionate.”*

Paragraph 2: [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).*

To uphold the exclusion, the governing board must satisfy themselves that the exclusion will not have a disproportionate impact on young person; that is to say, that the benefits of the exclusion are not outweighed by the harm that it will do to them.

We submit that the impact on the young person will be fundamental and profound. It will go on to affect them for many years to come. We have a very good understanding of how serious exclusion can be for young people. General difficulties that all permanently excluded young people are likely to experience include:

* A heightened vulnerability to criminal gangs. The Home Office, the Children’s Commissioner, Ofsted, and the Children’s Society have all identified that children out of mainstream education are more susceptible to being criminally exploited or becoming involved in violent crime as either victims or perpetrators.
* Severely undermined academic prospects. The Parliamentary Education Select Committee found in 2018 that only 2% of young people in alternative provision attain five ‘good’ standard GCSEs, with 98% failing to do so.
* A detrimental impact on mental health. Children in pupil referral units begin school refusing at an increased rate and report social isolation as well as feelings of anxiety, frustration, and low mood.

The available evidence indicates that children who have been excluded from school suffer adverse short-term and long-term outcomes. The ‘Timpson Review of School Exclusion’ identified that 7% of children who were permanently excluded and 18% of children who received multiple fixed-period exclusions achieved ‘good’ passes in English and math GCSEs in 2015/16. The Timpson review also highlighted that exclusion is a marker for being at higher risk of becoming a victim or perpetrator of crime; 23% of young offenders sentenced to less than 12 months in custody in 2014 had been permanently excluded from school prior to their sentence date.

Clearly, these are significant impacts that must be factored in when deciding to exclude young person. The headteacher has failed to show that the exclusion is proportionate, and therefore the governing board should reinstate the young person.