*About this resource:*

This is a Suggested Wording. It is a set of paragraphs you can use to argue to the school’s governors that the exclusion should not proceed because it results from the young person’s exploitation.

To understand when you might want to use this resource, read the [Step by Step Guide: Preparing Written Arguments for the School’s Governors](https://justforkidslaw.org/school-exclusions-hub/legal-practitioners-and-professionals/making-case-schools-governor/meeting-preparing-case-governers/step-step-guide-creating-written-submissions)

If you want to understand more about the relevant law, read the [Quick-Guide: Exclusions](https://justforkidslaw.org/school-exclusions-hub/legal-practitioners-and-professionals/making-case-schools-governor/meeting-preparing-case-governers/step-step-guide-creating-written-submissions/quick-guide-headteachers-power) and Child Criminal Exploitation (REPLACE WITH CORRECT LINK ONCE AVAILABLE!!)

To use this resource, go through the text and enter the information where prompted to do so. Prompts appear as grey text. Then copy and paste your finished text into the [Template Document: Submissions to the Governors](https://justforkidslaw.org/school-exclusions-hub/legal-practitioners-and-professionals/making-case-schools-governor/meeting-preparing-case-governers/step-step-guide-creating-written-submissions/quick-guide-headteachers-power)*.*

This text is a guide. You might need to make amendments to fit your circumstances.

The School has safeguarding duties contained in the Keeping Children Safe in Education Guidance (KCSE Guidance) published in 2021. It is Statutory Guidance and all schools *must* have regard to it.

All staff in every school should be familiar with Part 1 of the KCSE Guidance. It includes four examples of actions that form the duty to safeguard. They are:

* *protecting children from maltreatment;*
* *preventing impairment of children’s mental and physical health or development;*
* *ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and*
* *taking action to enable all children to have the best outcomes*

The KCSE Guidance defines both Child Criminal Exploitation and Child Sexual Exploitation together as:

*Both CSE and CCE are forms of abuse and both occur where an individual or group takes advantage of an imbalance in power to coerce, manipulate or deceive a child into sexual or criminal activity. Whilst age may be the most obvious, this power imbalance can also be due to a range of other factors including gender, sexual identity, cognitive ability, physical strength, status, and access to economic or other resources. In some cases, the abuse will be in exchange for something the victim needs or wants and/or will be to the financial benefit or other advantage (such as increased status) of the perpetrator or facilitator. The abuse can be perpetrated by individuals or groups, males or females, and children or adults. The abuse can be a one-off occurrence or a series of incidents over time, and range from opportunistic to complex organised abuse. It can involve force and/or enticement-based methods of compliance and may, or may not, be accompanied by violence or threats of violence. Victims can be exploited even when activity appears consensual and it should be noted exploitation as well as being physical can be facilitated and/or take place online.*

Annex 1 of the KCSE Guidance gives examples of warning signs that staff should watch for as indicators that a young person is suffering criminal exploitation. These are:

* children who appear with unexplained gifts or new possessions;
* children who associate with other young people involved in exploitation;
* children who suffer from changes in emotional well-being;
* children who misuse drugs and alcohol;
* children who go missing for periods of time or regularly come home late; and
* children who regularly miss school or education or do not take part in education.

This list should not be considered to be exhaustive. However, these are useful and clear indicators that a young person is suffering exploitation.

If they are suffering exploitation, preventing that situation from continuing or escalating must be the first priority. In this situation the school is obliged, by virtue of its safeguarding and legal duties, to take affirmative action and inform the relevant authorities to ensure that the potential exploitation is investigated and that steps are taken to protect young person.[[1]](#footnote-1) Consideration of child criminal exploitation risks is relevant to the decision to exclude young person. This is because if young person’s behaviour for which they are being exploited is as a result of criminal exploitation, then the objective of preventing further misbehaviour can be achieved by breaking the link between young person and their exploiters without the need or any reason for an exclusion.

Therefore, if the school fails to explore whether young person’s behaviour results from exploitation, and fails to engage in productive efforts to end that ongoing exploitation, then the exclusion cannot be said to be a last resort, and the school will have failed in its duty contained at paragraph 18 of the Statutory Exclusions Guidance to account for factors that may be influencing a young person’s behaviour prior to excluding them.

In addition, it is widely recognised that being outside of mainstream education is a risk factor that makes a young person more vulnerable to exploitation. This has been acknowledged by authoritative and policing bodies including the National Crime Agency[[2]](#footnote-2) and Ofsted.[[3]](#footnote-3) Further, there have been multiple reports of exploiters coercing young people to engage in risky behaviour in order to engineer their exclusion, precisely because it makes them easier to control. This has been acknowledged by Barnardo’s in a report published by the All-Party Parliamentary Group on Knife Crime.

young person displays the following indicators that they are being criminally exploited:

* Enter a sign that the young person is being exploited. Refer to one of the indicators from the KCSE Guidance set out above if relevant. You can click the + symbol to add a more indicators. Where relevant, refer to evidence you have submitted to the panel.

Despite these factors, we cannot see that the school has taken productive action to account for this in their decision to exclude, or to take safeguarding steps to prevent further exploitation prior to resorting to exclusion. The Panel should therefore reinstate young person with immediate effect.

1. Guidance set out in Department for Education (2020) Keeping Children Safe in Education (Statutory guidance for schools and colleges) and refer to the National Referral Mechanism through relevant first responder - National referral mechanism guidance: adult (England and Wales) https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales#the-referral-process [↑](#footnote-ref-1)
2. NCA Intelligence assessment (2018) County lines drug supply, vulnerability and harm. See paragraph 30 https:// nationalcrimeagency.gov.uk/who-we-are/publications/257- county-lines-drug-supply-vulnerability-and-harm-2018/fil [↑](#footnote-ref-2)
3. Ofsted report (March 2019) Safeguarding children and young people in education from knife crime https:// assets.publishing.service.gov.uk/government/uploads/ system/uploads/attachment\_data/file/785055/Knife\_crime\_ safeguarding\_children\_and\_young\_people\_110319.pdf [↑](#footnote-ref-3)