*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 It is a set of paragraphs you can use to argue to the school’s governors that the exclusion should be rescinded because it was not imposed for disciplinary reasons.

To understand when you might want to use this text, 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: the Headteacher’s Power to Exclude](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)

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 Exclusions Guidance states at paragraph 1 that:

*“Only the head teacher of a school can suspend or permanently exclude a pupil on disciplinary grounds* [emphasis added]”

There are now two sections to choose from, a yellow one and a blue one. Complete the most appropriate section with the required information, remove the highlighting and then delete the spare section.

The yellow section is most appropriate where the exclusion letter gave a non-disciplinary reason for the exclusion.

The blue section is most appropriate where the exclusion letter was unclear or gave a disciplinary reason, but subsequent disclosures form the school such as those included in the panel pack or a subject access request suggest an alternative reason for the exclusion which is not disciplinary.

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. 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 principle 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.