Relevant guidance

* [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](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)
* [Public Sector Equality Duty: Guidance for Schools](https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance-schools)
* [Equality Act 2010: specific duties to support the equality duty. What do I need to know?](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85020/specific-duties.pdf)

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. In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:*
* *eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act;*
* *advance equality of opportunity between people who share a relevant protected characteristic and people who do not; and*
* *foster good relations between people who share a relevant protected characteristic and people who do not share it.*

*These duties need to be complied with when deciding whether to exclude a pupil. Schools must also ensure that any provision, criterion, or practice does not discriminate against pupils by unfairly increasing their risk of exclusion. For example, if reasonable adjustments have not been made for a pupil with a disability that can manifest itself in breaches of school rules if needs are not met, a decision to exclude may be discriminatory.”*

Part 2: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](https://www.gov.uk/government/publications/school-exclusion)

* *“With the PSED, as with the previous general duties, schools are subject to the need to have due regard to the three elements outlined above. What having “due regard” means in practice has been defined in case law and means giving relevant and proportionate consideration to the duty. For schools this means:*
* *Decision makers in schools must be aware of the duty to have “due regard” when making a decision or taking an action and must assess whether it may have particular implications for people with particular protected characteristics.*
* *Schools should consider equality implications before and at the time that they develop policy and take decisions, not as an afterthought, and they need to keep them under review on a continuing basis.*
* *The PSED has to be integrated into the carrying out of the school’s functions, and the analysis necessary to comply with the duty has to be carried out seriously, rigorously and with an open mind – it is not just a question of ticking boxes or following a particular process.  Schools can’t delegate responsibility for carrying out the duty to anyone else.”*

Paragraph 5.4: [Equality Act 2010: advice for schools](https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools)

* *“It is good practice for schools to keep a written record to show that they have actively considered their equality duties and asked themselves relevant questions. There is no legal requirement to produce a formal equality impact assessment document, although for key decisions this might be a helpful tool.”*

Paragraph 5.6: [Equality Act 2010: advice for schools](https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools)

* *“The specific duties require schools:*

1. *to publish information to demonstrate how they are complying with the Public Sector Equality Duty, and*
2. *to prepare and publish equality objectives.*

*By 6 April 2012 schools were obliged to publish their initial information and first set of objectives demonstrating how it complies with the general duty. School have to update the published information at least annually and to publish objectives at least once every four years.”*

Paragraph 5.11: [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 make reference 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.

This is a vulnerable group of young people, and yet the school has failed to show that they have proactively pursued policies and practices which foster equality of opportunity between people who are protected characteristic, and people who are not.

The school has therefore failed to satisfy its public sector equality duty and young person should be reinstated with immediate effect.