Relevant guidance, documents and legislation:

* [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)
* [Keeping children safe in education](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)
* [Child sexual exploitation: definition and guide for practitioners](https://www.gov.uk/government/publications/child-sexual-exploitation-definition-and-guide-for-practitioners)
* [Criminal exploitation of children and vulnerable adults: county lines](https://www.gov.uk/government/publications/criminal-exploitation-of-children-and-vulnerable-adults-county-lines)
* [Excluded or missing from education and child exploitation](https://tce.researchinpractice.org.uk/wp-content/uploads/2022/02/2757_TCE_Education__Exploitation_report_v2.pdf)
* [Working Together to Safeguard Children](https://www.gov.uk/government/publications/working-together-to-safeguard-children--2)
* [Behaviour in schools: Advice for headteachers and school staff](https://www.gov.uk/government/publications/behaviour-in-schools--2)

Relevant excerpts:

* *“There is a relationship between school exclusion and child exploitation. Causality is less clear, but the relationship between the two is important. Permanent school exclusion can act as an escalation of risk on a pathway where risk is already likely to have been evident. Attending school full time can be a protective factor. Preventing exclusion reduces the risks around child exploitation.”*

Introduction: [Excluded or missing from education and child exploitation](https://tce.researchinpractice.org.uk/wp-content/uploads/2022/02/2757_TCE_Education__Exploitation_report_v2.pdf)

* *“The behaviours demonstrated because of being at risk of exploitation may be the same behaviours that put a child at risk of school exclusion. In decisions around exclusions, safeguarding and behavioural policies can be seen as being at odds, with behavioural policies often prioritised. As well as requiring schools to consider mitigating circumstances, safeguarding considerations could be made a part of the decision-making framework for school exclusion.”*

Introduction: [Excluded or missing from education and child exploitation](https://tce.researchinpractice.org.uk/wp-content/uploads/2022/02/2757_TCE_Education__Exploitation_report_v2.pdf)

* *“Some of the following can be indicators of both child criminal and sexual exploitation where children:*
* *appear with unexplained gifts, money or new possessions*
* *associate with other children involved in exploitation*
* *suffer from changes in emotional well-being*
* *misuse alcohol and other drugs*
* *go missing for periods of time or regularly come home late, and*
* *regularly miss school or education or do not take part in education.”*

Pages 149,150:[Keeping children safe in education](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)

* *“Whilst an exclusion may still be an appropriate sanction, the headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred.”*

Paragraph 4: [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)

* *“Where appropriate, staff should take account of any contributing factors that are identified after a behaviour incident has occurred: for example, if the pupil has suffered bereavement, experienced abuse or neglect, has mental health needs, has been subject to bullying, has needs including SEND (including any not previously identified), has been subject to criminal exploitation, or is experiencing significant challenges at home.”*

Page 16: [Behaviour in schools: Advice for headteachers and school staff](https://www.gov.uk/government/publications/behaviour-in-schools--2)

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).*

The school has not duly considered if young person has been a victim of criminal and/or sexual exploitation. It is key that schools consider if there are criminal and/or sexual exploitation risks, in line with their safeguarding duties, and it will also be relevant to the decision to exclude. It is clear that the behaviours demonstrated because of being at risk of exploitation may be the same behaviours that put a child at risk of school exclusion. Therefore, the objective of preventing misbehaviour can be achieved by breaking the link between young person and their exploiter/s. An exclusion will only exacerbate these problems.

If the school fail to explore if young person’s behaviour results from exploitation, and fail to engage in productive efforts to end the 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 44 of the DfE school exclusion guidance to account for contributing factors.

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](https://www.nationalcrimeagency.gov.uk/who-we-are/publications/257-county-lines-drug-supply-vulnerability-and-harm-2018/file) and [Ofsted](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/916668/Knife_crime_safeguarding_children_and_young_people.pdf). 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 Barnardos in a [report](https://www.barnardos.org.uk/sites/default/files/uploads/APPG%20on%20Knife%20crime%20-%20Young%20people%27s%20perspective%20August%202019.pdf) 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 governors should therefore reinstate young person with immediate effect.