Fairness in school exclusions: A roadmap for change

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About Coram

This report is published by the **Coram Institute for Children**, the dedicated research and development organisation for children.

Established as the Foundling Hospital in 1739, Coram is today a vibrant charity group of specialist organisations, supporting hundreds of thousands of children, young people and families every year. We champion children's rights and wellbeing, making lives better through legal support, advocacy, adoption and our range of therapeutic, educational and cultural programmes.

Coram's vision for children is a society where every child has the best possible chance in life, regardless of their background or circumstances.

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Foreword

When I published my review of school exclusion in 2019, the central message was clear: exclusion should be a last resort, not a convenient response to complexity. It should follow a process that is fair, transparent and rooted in a proper understanding of a child's needs. Most importantly, it should never become a proxy for unmet need, nor a pathway to poorer life chances.

In recognising where commitments and progress have been made since then, this report from Coram Children's Legal Centre shows, with clarity and conviction, how far we still have to go.

What stands out is not simply the persistence of exclusion, but the quiet expansion of practices that sit beyond formal scrutiny. Off-rolling, informal exclusions, managed moves and opaque internal processes all risk removing children from education without the protections Parliament intended. These are exclusions in all but name – yet too often without accountability, without redress and without visibility.

The test of a good system is not just how it deals with the straightforward cases, but how it responds when things are more complex and difficult. Schools are right to expect high standards of behaviour. But they must also be supported to respond with curiosity as well as consequence – to ask not only 'what rule has been broken?' but 'what need has not been met?'.

What this report powerfully exposes is a variable and, in too many cases, widening gap between principle and practice. The legal framework for exclusion was designed to balance discipline with due process. Yet where processes lack independence, where review mechanisms are weak, and where families face a stark imbalance of power, that balance is lost. A system that appears to mark its own homework will struggle to command confidence, however well-intentioned those within it may be.

There is much here that echoes the recommendations made in my review: the need for better data, clearer guidance, stronger accountability and a more consistent application of the law. But this report goes further, shining a light on the lived reality of families navigating the system today. It reminds us that reform is not simply about structures, but about trust.

Trust that decisions are made fairly.
Trust that rights can be exercised meaningfully.
And trust that no child will be quietly moved out of sight.

The recommendations made by Coram Children's Legal Centre are practical, proportionate and necessary. They recognise that inclusion is not achieved by aspiration alone, but by aligning incentives, strengthening safeguards and ensuring that transparency is the rule, not the exception.

If we are serious about building an education system that works for every child, we must confront uncomfortable truths as well as celebrate progress. This report helps us do exactly that. It is a timely and important contribution – and a call to act with both urgency and purpose.

Edward Timpson CBE KC

Executive summary

A truly inclusive education system is one that is accountable to the children, young people and families who most struggle to access it. Drawing on Coram Children's Legal Centre's legal representation of children facing exclusion and discrimination, and education law advice delivered to 3,000 families every year, this report examines the ways in which systems of accountability and redress are currently failing, and how this must be remedied so that we can achieve a genuinely inclusive education system for all children.

School exclusions have risen substantially over the last decade in England, but UK-wide data shows that this is not inevitable: Scotland has removed only one child from the register since 2022.[1]

This report is not only about the approximately 10,000 children each year who are permanently excluded from school in England. Instead, it is also about the evolving legal means by which pupils are routinely excluded, informally as well as formally; which children and young people are more likely to fall foul of these processes; and the strengths and shortcomings of the legal remedies available.

Exclusion by other names

Comprehensive national guidance is needed to firmly establish best practice in measures such as off-site direction and managed moves. More than this, fringe coercive practices documented under the umbrella of 'off-rolling', and the misuse of the power to cancel a permanent exclusion in order to avoid scrutiny, demonstrate a fundamental power imbalance between schools and families. The current legal framework, designed to balance discipline with due process, is failing in part because of this persistent imbalance in power.

Children can still be excluded while remaining at school. Removal, internal suspensions and part-time timetables all straddle the blurred boundary between welfare interventions and disciplinary measures, with little to no accountability relating to their proportionality, effectiveness or impact on the child.

Inequality, discrimination and need

Disproportionality: National data consistently shows that children in poverty, those with Special Educational Needs (SEN) and certain ethnic groups are at significantly higher risk of exclusion. What data captures less well is the intersection of these characteristics.

Special educational need: In the academic year 2023/2024, 52% of permanently excluded pupils and 45% of temporarily excluded pupils were either receiving SEN support or had an Education Health and Care plan (EHCP). These figures, however, tell only a partial story. For primary school aged pupils, the figure for permanent exclusions rises to 88%. Pupils whose SEN is only identified for the first time after the age of 11 are much more likely to be permanently excluded.[2] And none of these figures include the relatively high numbers of pupils whose SEN is only identified after they have been excluded.

Ethnicity: Pupils with particular ethnicities have been subject to stubbornly high rates of exclusion for many years – particularly Black Caribbean and Gypsy, Roma and Traveller pupils.

Children's social care involvement: In 2022/23, pupils on a child protection plan were nine times more likely to be permanently excluded than the average pupil, and those looked after for less than 12 months were 12 times more likely.

Children at risk of exploitation: Children at risk of exploitation or already experiencing exploitation, which itself disproportionately affects children with SEN, experiencing poverty and/or of particular ethnic groups, are excluded at unmeasured but likely acute rates. Schools act as a vital protective factor against criminal exploitation; however, the exclusion process often removes this shield, leaving vulnerable children at greater risk of being recruited by gangs.

[1] School attendance, absence and exclusions statistics 2024-25, at Exclusions - School attendance, absence and exclusions statistics 2024-25 - gov.scot

[2] FFT Education Datalab, Some things you might not have known about special educational needs and permanent exclusions (2023), available at: https://ffteducationdatalab.org.uk/2023/07/some-things-you-might-not-have-known-about-special-educational-needs-and-permanent-exclusions/

The route to redress

Evidencing discrimination in school exclusions cases is often challenging. Public sector equality duty (PSED) compliance cannot be achieved through a tick box exercise, but in practice this can be the approach taken.

There are several fundamental and interconnected issues with the mechanisms for review, challenge and redress, including:

- **Delay:** The legal process to challenge a permanent exclusion can take up to 11 school weeks (a full term) and in practice, these timeframes are frequently exceeded. This can lead to significant educational disruption and harm.
- **Lack of independence:** Those review mechanisms which do exist, particularly governing board reviews, have a documented lack of independence and rigorous scrutiny.
- **Low take up:** Only about 7% of permanent exclusions are reviewed by an Independent Review Panel (IRP). Barriers are not well understood, but include a poor understanding of rights, limited access to legal help and a belief that the process will not change the outcome.
- **No real power to overturn**: IRPs have no power to mandate that a school reinstates a pupil; they can only 'recommend' or 'direct' a governing board reconsider. Even when IRPs find reason for reconsideration, governing boards very rarely make a different decision.

The end result of these systemic failings is a near-total lack of meaningful accountability. Since 2012, only 0.6% of all permanent exclusions upheld by governing boards have resulted in a pupil being offered reinstatement following an independent review and subsequent reconsideration.

Within this small percentage, there is no data at all about the number of pupils who, after such a drawn-out and adversarial process, do not choose to return.

Key recommendations for reform

- **An overhaul of governing body review**, both of permanent exclusions and of other exclusionary measures, which has long been flagged as insufficiently independent or rigorous.
- **Strengthening managed moves and off-site direction** through the codification of best practice, and careful consideration and scrutiny of a child's outcomes where a permanent exclusion is cancelled.
- **Greater oversight across all in-school practices that remove pupils from the classroom,** to mitigate the risk of these practices being used as informal exclusions and to measure the efficacy of inclusion reforms.
- **Accountability for the disproportionately higher exclusion rates for certain children**, requiring governing boards and IRPs to interrogate exclusion data based on protected characteristics during review hearings.
- **Giving IRPs the power to reinstate pupils** to redress acute systemic power imbalance.

Introduction

This report draws on Coram Children's Legal Centre's legal representation of pupils facing the most serious unfairness and discrimination, as well as CCLC's advice to parents and carers, to argue that accountability and redress are at the heart of securing an inclusive education system. It sets out the evolving legal means by which pupils are routinely excluded, formally or informally; which children and young people are more likely to fall foul of these systems; and the strengths and shortcomings of the legal remedies available.

School exclusions are often presented as inevitable but UK-wide data says otherwise. While permanent exclusions from school have increased in England over the last decade, rates have substantially decreased elsewhere in the UK. Scotland demonstrates this most clearly: no pupils were removed from the register in 2024/25 and in 2022/23 there was only one permanent exclusion recorded. Although the school population is substantially smaller in Scotland than in England, these figures still show that near-zero permanent exclusion is achievable within the UK when policy and practice are aligned towards inclusion and when permanent exclusion is genuinely treated as an exceptional measure. As this report shows, formal exclusion is not the only way to exclude a child from school, as Scotland's policy change has also shown.[3] However, the motivation behind the policy – equity in education – is the same as the motivation which underpins the current push for inclusion in England.

Coram has previously shone a light on the experiences of permanently excluded children and their families in the 2017 report Children's Voices: A review of evidence on the subjective wellbeing of children excluded from school and in alternative provision in England[4] and in the 2019 report Unfair Results: Pupil and parent views on school exclusion.[5] The current report concerns legal processes rather than wellbeing, but the two are intertwined. To work to improve wellbeing without improving the legal underpinnings is building a castle on sand; to achieve genuine inclusion means addressing exclusion.

Only with a rebalancing of power and an improvement in process to lend more, and higher quality, scrutiny and accountability to school exclusions can the transition to a more inclusive education system truly succeed.

Education and children's rights

All pupils of compulsory school age have the right to a full-time education.

The right to education is enshrined in Articles 28 and 29 of the United Nations Convention on the Rights of the Child (UNCRC). Article 28 of the UNCRC states that 'State Parties recognise the right of children to education' and 'should take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity.'

In domestic legislation the Education Act 1996 places a duty on the parents of compulsory school age children to ensure their children are receiving suitable full-time education and for local authorities to provide suitable primary and secondary education to meet the needs of the local population.

[3] Oxford Review of Education, 'School exclusion policies across the UK: convergence and divergence', October 2025 https://doi.org/10.1080/03054985.2024.2376609
[4] Available at: https://assets.childrenscommissioner.gov.uk/wpuploads/2017/11/CCO-Childrens-Voices-Excluded-from-schools-and-alt-provision.pdf
[5] Available at: https://www.coram.org.uk/wp-content/uploads/2023/01/School-exclusions_full-report_final_0.pdf

This report is a distillation of the expertise of the solicitors and advisers working year-round at CCLC to realise children's right to education, and of young people who have been excluded and who now work to improve the system for other young people.

CCLC offers support, advice and casework to thousands of parents, carers and children each year who have experienced or are at risk of school exclusion. This work is carried out through CCLC's:

- **Legal Practice Unit** which specialises in education law, alongside family, immigration and community care, and was the longest serving provider of the Civil Legal Advice contract in education law for the Legal Aid Agency until 2026.
- **School exclusions clinic**, working in collaboration with volunteers from law firms, which offers pro bono legal representation to parents and carers of children and young people who have been permanently excluded from a school in London.
- **Child Law Advice Service**, funded by the Department for Education, which provides free, one-off legal advice to more than 3000 families per year on their child's education.
- **School Exclusions Hub**, which offers free, expert information and resources on school exclusions for parents and carers, third-sector organisations, and children and young people.
- **Voices in Action** exclusions ambassador programme at Coram, through which 16- to 25-year-olds with experience of school exclusion co-design and deliver workshops using their own experiences to make a difference for others.

The case studies in this report are of children and families who have received advice or representation through CCLC's services. However, all case studies have been anonymised, including in some cases having minor details changed for the purposes of protecting a child's privacy. Pseudonyms have been used in all cases.

1. When is an exclusion not an exclusion?

Formal school exclusions are covered by a statutory framework that is intended to provide redress and to uphold principles of fairness, transparency and accountability. In some cases, though, this system does not operate as it should, leaving pupils out of mainstream schooling or outside education altogether. This framework also does not apply to all ways in which pupils can be moved out of their mainstream setting. Mechanisms such as off-site directions and managed moves operate in the margins of the statutory exclusion framework and can result in pupils leaving mainstream education without equivalent protections. The pupil moves themselves are not inherently a problem and can be of enormous benefit to children and young people. However, they lack the legal safeguards and visibility of formal exclusions and, when misused, can amount to exclusions in all but name.

The 2026 white paper from the Department for Education (DfE), 'Every Child Achieving and Thriving',[6] reflects these concerns. In it, the DfE recognises that pupil movements between different types of education settings are not monitored well, and the law is unclear in some areas, especially when children move into or out of alternative provision.

The Difference and the Institute for Public Policy Research (IPPR), in their Who is losing learning? report,[7] distinguish between 'accountable' exclusions (subject to formal process and review) and 'unaccountable' exclusions (often more informal, likely unreported and not counted in national datasets).

This report builds on that distinction to consider the various accountability mechanisms – or lack thereof – for a range of types of exclusion, how such mechanisms apply to different groups of children and young people, and what forms of redress are available.

Ultimately, scrutiny and accountability are normal and necessary functions of a system that works. Some of the unaccountable forms of exclusion covered by this report are newly emerging practices seen through CCLC's advice and casework and which this report seeks to document. These emergent forms of unaccountable exclusion underline the need for clearer rules and more robust safeguards.

Off-rolling

Off-rolling is defined by Ofsted as the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to do so, when the removal serves the interests of the school rather than the best interests of the pupil.

Off-rolling is often linked to a school's academic standing. As evidenced by the Education Select Committee in 2018,[8] some schools remove pupils with lower predicted grades ahead of exams to improve their performance data. While we do not know how many pupils are off-rolled each year, in 2024 the Education Policy Institute found that up to 300,000 children and young people may have been missing entirely from education in 2023, a 40 per cent increase from 2017.[9] Although this number is not comprised solely of off-rolled pupils, with the report noting that the reasons for children missing from education are 'complex, multifaceted, and likely to vary depending on whether a CME case is known, suspected, or a "known unknown"', this nevertheless highlights the urgent need to address the growing number of children who are missing from education, including through off-rolling.

Other umbrella terms exist and overlap with off-rolling: a recent report by the Traveller Movement, Fought not Taught,[10] uses the term 'institutionally coerced exclusion' to describe how schools, through action or inaction, create an educational climate that forces Romani (Gypsy), Roma and Irish Traveller children and young people to withdraw from formal schooling.

Case study: Sam

Sam is 16 and in year 12, attending the sixth form attached to an academy school, and has an EHCP, a diagnosis of autism, communication needs and a learning disability. His parents sought advice through CCLC's Child Law Advice Service after Sam started demonstrating new behaviours which led to someone getting hurt. Sam's parents approached the school to try to negotiate the support outlined in Sam's EHCP, which was still not in place eight months in. Sam's parents were told both that the school may not be able to meet his needs and that he is at risk of permanent exclusion. Following a challenge by an advocate at a reintegration meeting following a suspension, support was finally arranged, but the attitude of the school has since hardened, and the threats of permanent exclusion are becoming more frequent. Sam's parents now feel that the head teacher is applying pressure on them to pull him from school of their own accord to avoid a permanent exclusion on his record. The parents would like to challenge the support provision but are afraid to do so due to the repeated threat of exclusion. Sam would like to stay at the school but his parents are afraid to let him stay and are seeking alternative provision. They don't want to pull him out of school before a suitable alternative has been found, but fear this is the likely outcome.

[6] Available at: https://www.gov.uk/government/publications/every-child-achieving-and-thriving/every-child-achieving-and-thriving-html-version
[7] Available at: https://ippr-org.files.svdcdn.com/production/Downloads/Who_is_losing_learning_Sept24_2024-09-06-103617_euht.pdf?dm=1728042357

[8] Education Select Committee, Forgotten children: alternative provision and the scandal of ever increasing exclusions (2018), available at: https://publications.parliament.uk/pa/cm201719/cmselect/cmeduc/342/34202.htm
[9] Estimate drawn up by comparing GP registrations with school registrations and data on pupils in registered home education for the first time. Education Policy Institute, Children Missing from Education (2024), available at: https://epi.org.uk/publications-and-research/children-missing-from-education/
[10] The Traveller Movement, Fought Not Taught: Tackling Institutionally Coercive Exclusions for Romani (Gypsy), Roma and Irish Traveller children, available at: https://wp-main.travellermovement.org.uk/wp-content/uploads/2025/10/2025.10-Fought-Not-Taught.pdf

There is an overlap between off-rolling and the use of other practices such as off-site direction and managed moves, where those mechanisms are used in a coercive or informal way. This can include processes which are explicitly banned in statutory guidance, such as 'coercive exclusions' whereby parents are encouraged to off-roll their child rather than face a permanent exclusion.

'Every Child Achieving and Thriving' takes a clear and unequivocal stance that off-rolling is unacceptable in any form and introduces new measures designed to strengthen oversight. Central to this is a new internal data dashboard for staff and for governors that will track school-level trends in pupil movement, including through inclusion bases in mainstream schools, which they say will help identify off-rolling and the misuse of related practices.

Off-site direction for the improvement of behaviour

Off-site direction, under Section 29A of the Education Act 2002, and further defined by the Education (Educational Provision for Improving Behaviour) Regulations 2010, allows a school to require a pupil to temporarily attend another educational setting for the purpose of improving their behaviour. This measure does not require parental consent.

Off-site direction is supposed to be proactive and supportive, rather than a punitive measure, but it can nevertheless have a serious impact on a pupil. Attending another school, even temporarily, can be profoundly disruptive. A pupil is separated from familiar teachers, friends, routines and support systems, and this can undermine their sense of safety and belonging and result in significant breaks in learning and progress. For pupils with SEND, the disruption can be even more acute, if the receiving school lacks the necessary provision and expertise.

There is a fine line between lawful intervention and de facto exclusion, and in CCLC's experience the misuse of off-site directions can all too easily result in the latter. Key recurring issues arising from CCLC's advice work include the following:

- Schools may not set a fixed end-date, or extend without cause, resulting in open-ended off-site placements.
- Governing bodies may fail to review placements or monitor behavioural progress regularly or meaningfully, undermining the core purpose of off-site direction.
- Schools may use off-site direction when they lack sufficient grounds to formally exclude but seek a quick and relatively straightforward way to remove a pupil from the school.
- Off-site direction is sometimes used as a fallback mechanism where the merits of a formal exclusion are weak or unlikely to withstand review and the school wants to remove the pupil while avoiding the scrutiny and challenge that exclusion would trigger.

The issues raised above represent poor practice, but the legal framework itself also presents significant challenges. There is no statutory right of appeal, the mechanisms for review are limited and often ineffective, and parental consent is not required. While there are arguments against consent becoming a prerequisite, there must be far greater clarity and transparency as well as meaningful opportunities for families to question and challenge both the decision to direct a pupil off site and the continuation of that direction.

Case study: Jason

Jason is 13 and at an academy school. He is dyslexic and has struggled at times with the school's rigid application of its behaviour policy. After a behavioural incident in which he initially received a detention, his parent received a phone call informing them that Jason would be directed off-site the following school day to another school within the academy trust. No explanation was provided during the call and the written notice that followed did not set out why an off-site direction was considered necessary, what the school hoped to achieve, a timeframe or what support Jason would receive while there. During his time off-site he was placed in a room with no windows, given no breaks and had very limited staff supervision. He spent each day seated facing a wall and working on his own on a computer for the entire day. Jason's parent contacted the Child Law Advice Service for legal advice and is currently progressing a complaint with each school.

Accountability and review

Currently, in maintained schools, governing boards must meet every four weeks to review an off-site direction and decide whether the requirement should continue, and if so, for what period.[11] The position has been less clear for academies, which have relied on the general powers set out in their trust's articles of association,[12] but the relevant legislation and regulations serve as best practice.

The Children's Wellbeing and Schools Act 2026 regularises the legal framework for off-site directions from academy schools, so all schools are subject to the same statutory requirements in using off-site direction, including safeguarding and review processes.

In practice, however, the rigor of the review process is insufficient. This form of governing board review has long been criticised as lacking independence or proper scrutiny.[13] In the white paper 'Every Child Achieving and Thriving' the DfE commits to strengthening expectations and processes for reintegrating pupils who have been directed off-site back into schools, and to set clear expectations for governing bodies and trust boards to keep track of pupil numbers. These expectations and processes should involve a considerably strengthened governing board review process and reasonable limits on the use of off-site direction.

Off-site direction can and does act as a mechanism for an informal exclusion; this means that further safeguards are needed. These safeguards should include meaningful parental involvement in the process, stronger, formalised reviews, and – given the frequency with which off-site direction can be used in place of permanent exclusion – extending the right for independent review to cover off-site direction once a pupil has been off-site for a long period or for several shorter periods within one school year.

Off-site education for 'safeguarding separation'

In 2021, the High Court case of R (CHF) v Newick CE Primary School[14] considered the legal position on mandatory off-site education for the purpose of keeping pupils apart for safeguarding reasons. Initially, an off-site direction under Section 29A of the Education Act 2002[15] was issued but it was later conceded that this was not the appropriate statutory power as off-site directions are intended to improve behaviour, whereas the issue here was primarily one of 'safeguarding separation'.

[11] The Education (Educational Provision for Improving Behaviour) Regulations 2010, Regulation 4, available at https://www.legislation.gov.uk/uksi/2010/1156/regulation/4/made
[12] Department for Education, Arranging Alternative Provision, page 29, available at: https://assets.publishing.service.gov.uk/media/67a1ee367da1f1ac64e5fe2c/Arranging_Alternative_Provision_-_A_Guide_for_Local_Authorities_and_Schools.pdf
[13] See, for example, JUSTICE, Challenging School Exclusions (2019), available at: https://cdn.prod.website-files.com/67becde70dae19a9e5ea2bc3/68adc4a0887e7e23cb576bf0_Challenging-School-Exclusions-2019.pdf
[14] R (CHF) v Newick CE Primary School [2021] EWHC 2513 (Admin), available at: https://www.bailii.org/ew/cases/EWHC/Admin/2021/2513.html
[15] Education Act 2002, Section 29A, available at: https://www.legislation.gov.uk/ukpga/2002/32/section/29A

The High Court held that this was an inappropriate use of an off-site direction but that schools and local authorities do have the power to enforce a 'safeguarding separation', with this power deriving from multiple sources including Section 19 of the Education Act 1996[16] and Section 175 of the Education Act 2002.[17]

This power is, in effect, new. CCLC's advice services have not yet observed schools or local authorities using it but this could be due to widespread ignorance of its existence. Guidance from the DfE is required to establish good practice in its scope and application. Without it, a vacuum is created that allows inconsistent practice to develop and leaves pupils at risk of informal exclusion.

A 2022 DfE consultation document[18] referenced this case but appeared to misunderstand it, consulting on whether 'it is positive or negative that the court has made it clear that pupils can be temporarily excluded for safeguarding reasons as described in the judgement?'. This framing misinterprets the judgment, as the court did not suggest that suspensions or permanent exclusions should be issued on safeguarding grounds. The consultation response was equivocal and delayed any action, and subsequent guidance updates have not referred to this case or the underlying issue.

Managed moves

A managed move is a process to permanently transfer a pupil from one mainstream school to another. It is designed to give pupils at risk of permanent exclusion a fresh start. Managed moves require the consent of the parents, the home (sending) school and the new (receiving) school.

While we do not know precisely how many pupils are subject to a managed move each year, FFT Education Datalab identified that there were probably around 6000 managed moves each year between 2017 and 2019, and around 5000 in 2022 following lower numbers during the pandemic.[19]

Practice in managed moves has varied widely since they were formally introduced two decades ago. Managed moves often include a transitional phase, using trial periods and off-site directions to assess whether a permanent transfer is appropriate and sustainable. Rightly, there are differences between managed moves and standard in-year transfers. These differences relate to the encouragement schools can be given in a managed move to receive pupils who may have struggled in their previous school. The flexibility built into managed moves, in that the move is not always permanent from the outset and include an option to end the placement, can make schools more willing to take on pupils who have previously experienced behavioural difficulties and/or have additional needs. However, that same flexibility raises important concerns about transparency, accountability and due process.

Considerable best practice data has been gathered in recent years and there have been sustained calls for clear guidance on the use of managed moves, including in the 2019 'Timpson Review of School Exclusion'.[20] Although the government's response included a promise to issue clear guidance on managed moves, the subsequent amendments to the statutory guidance in 2022 and 2024 have not gone far enough to provide clarity on how managed moves should operate, and the changes have not eradicated poor practice. This guidance is particularly necessary where a managed move fails, as there is a significant risk of a pupil falling out of education with few or no procedural safeguards to prevent this.

Guidance on managed moves has also been in the spotlight following the review into the circumstances of the murder of Harvey Willgoose following another pupil's managed move. This review recommended mandatory record-sharing at the outset of any pupil school move, with senior sign-off confirming full safeguarding and behaviour records have been reviewed before a pupil starts.[21] This tragic case highlights the need for stronger guidance and protocols to protect all children.

Case study: Amir

Amir is 13. He had just moved schools through a managed move when an allegation was made against him that involved the police. The receiving school ended the managed move immediately and sent him back to his original school. At first, he was brought back into his original school on a half-day basis but within two weeks the school called his parent to say that due to the allegation, he was 'high risk', couldn't be at school and needed to be home schooled for a fixed period lasting more than a month. There was no formal suspension or official correspondence from the school. Instead, the school said that Amir was merely 'on pause'. The allegation against Amir was quickly dropped by the police but a month later Amir was still out of school. After repeated representations from his parent, Amir was allowed back into school for two hours a day with strict supervision and not to be left alone at any time for the foreseeable future. He has now missed several months of school and there is no formal means for his parent to challenge this.

Coercive practices

Managed moves should be voluntary, requiring the genuine, informed consent of the pupil's parents or carers.

In practice, however, when a managed move happens under the threat of a permanent exclusion, the agreement can be coercive in nature. This is particularly true in cases where, were a pupil to be permanently excluded instead of being subject to a managed move, there would be a strong case to challenge the exclusion for being discriminatory.

In CCLC's advice work advisers regularly see schools claiming that they cannot meet a pupil's needs, presenting exclusion as an inevitable outcome, or leaning into parents' anxiety that an exclusion will significantly impact their child's future, creating an environment in which parents feel cornered into agreement. These conversations often take place behind closed doors and are not formally documented.

Similar coercive practices may arise when parents are pressured to take their child out of school for elective home education, often under the implicit or explicit threat of exclusion. Although statutory exclusions guidance is clear that parents must not be subjected to undue pressure to remove their child under threat of exclusion, and despite increased scrutiny of off-rolling in recent years, CCLC still regularly advises families facing this pressure. As such, current safeguards remain insufficient.

Because managed moves are voluntary, and a parent can withdraw their consent to the move, the practice has not been designed to be challenged. There is no independent route for appeal or review, and parents must instead rely on the school's complaints procedure, a remedy that is often slow and ineffective. However, measures to strengthen school complaints in 'Every Child Achieving and Thriving' may have a positive impact.

[16] Education Act 1996, Section 19, available at: https://www.legislation.gov.uk/ukpga/1996/56/section/19
[17] Education Act 2002, Section 175, available at: https://www.legislation.gov.uk/ukpga/2002/32/section/175
[18] Department for Education, Consultation questions - revised behaviour in schools guidance and suspension and permanent exclusion guidance, page 14, available at: https://consult.education.gov.uk/school-absence-and-exclusions-team/revised-school-behaviour-and-exclusion-guidance/supporting_documents/Suspension%20and%20permanent%20exclusion%20guidance.pdf
[19] FFT Education Datalab, Managed moves vs permanent exclusions: Do outcomes differ? (2019), available at: https://ffteducationdatalab.org.uk/2019/12/managed-moves-vs-permanent-exclusions-do-outcomes-differ/
[20] Timpson Review of School Exclusion, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807862/Timpson_review.pdf

[21] See Irwin Mitchell, 'Independent Review Finds Series of "Missed Opportunities" Before Fatal Stabbing of Sheffield Schoolboy Harvey Willgoose' at https://www.irwinmitchell.com/news-and-insights/newsandmedia/2026/feb/missed-opportunities-before-fatal-stabbing-sheffield-schoolboy-harvey-willgoose

In addition to managed moves, CCLC is increasingly seeing the emergence of what some schools and local authorities are referring to as 'managed transfers'. In some areas, the term is used interchangeably with managed moves, but CCLC is also observing a distinct practice developing. Instead of transferring a pupil to another mainstream school, the pupil is moved to an alternative provision academy or pupil referral unit. Managed transfers raise similar concerns to those already associated with managed moves but they also carry additional risks. Alternative provision is often not an appropriate or equivalent substitute for mainstream education and there are even fewer rules and safeguards governing the use of managed transfers, which increases the risk of pupils being moved out of mainstream education without suitable safeguards.

Trial periods

Trial periods were previously common practice in managed moves, during which a pupil remains on the register of their home school while also being registered at, and attending, the receiving school on a trial basis. Steps have been taken to end this practice: the non-statutory supplementary exclusion guidance for parents from May 2023 states that 'schools should not use a 'trial period' or 'trial admission' for managed moves, as a managed move is a permanent move to another school.'[22] However, CCLC still sees this practice being used in some schools and regions.

Examples of how this approach can be misused in practice include:

- The home school refusing to take back, or significantly delaying the return of, the pupil following the breakdown of a managed move during the trial period, leaving the pupil out of education.
- The receiving school failing to follow the formal exclusion process when ending a managed move during the trial period, despite the pupil being dual registered. Although the need for this is nowhere made explicit, legal analysis of the relevant regulations[23] is that, where a managed move ends due to behaviour, the receiving school should issue a permanent exclusion.
- The pupil not being registered at the receiving school at all, which increases the risk that a child is left out of education should the managed move break down.

Case study: Leah

Leah is 13. She had recently moved to a new school under what was presented to her parents as a managed move, following a period of emotionally based school avoidance (EBSA). Shortly after she started, the receiving school abruptly cancelled the managed move. No explanation was given to Leah's parents; they were told that the reasons had been shared only with her original school. When Leah returned to her original school, the head teacher immediately decided to permanently exclude her. Leah's case was taken up by CCLC's school exclusions clinic. With support, the permanent exclusion was cancelled and a new managed move was arranged with appropriate SEN support. With this supported transition, and the move being treated as permanent from the start, Leah has successfully integrated into her new school.

Off-site directions in managed moves

The 2022 update to the statutory school exclusions guidance states that, rather than a managed move, 'If a temporary move needs to occur to improve a pupil's behaviour, then offsite direction [...] should be used'.[24]

In practice, an off-site direction is now often used as the starting point for a managed move. The non-statutory supplementary exclusion guidance for parents from May 2023 states that: 'In some cases, your child's school may decide it is best for your child to move to another school permanently following an off-site direction placement. This is known as a managed move.'[25] Under this model, the managed move process begins with an off-site direction, after which a decision is made on whether the move should become permanent. If not, the pupil returns to their home school, in line with standard practice for off-site directions. The off-site direction is thus seen as transitional. It may be that the DfE does not intend these processes to be intrinsically linked or sequenced in this way, but if that is the case the current guidance does not make this sufficiently clear.

Off-site directions are intended to be temporary, with the expectation that the pupil returns to the home school, and they can be implemented without parental consent, unlike managed moves, which should be fully voluntary. The introduction of off-site directions as a transitional step in the managed move model is therefore problematic. It risks blurring the already fragile boundaries between these mechanisms and increases the risk that pupils are subject to informal exclusion and off-rolling.

In the absence of comprehensive national guidance, much of the detail is left to individual local authorities to shape – or to leave unshaped. Some have produced guidance on how off-site directions operate within the revised managed move model, emphasising that full agreement and transparency are required from the outset and throughout.

This is a positive step because in practice transparency is often lacking. The intention to secure a permanent move is sometimes withheld until late in the process, thereby placing parents under pressure to agree at the end of the off-site direction.

This highlights the wider issue of local authorities developing their own policies based on limited detail in central government guidance. Analysis carried out by the Education Policy Institute in their report Unexplained School Transfers and Managed Moves: Local Protocols, Practice and Outcomes for Pupils,[26] found significant variation in the policies of local authorities regarding managed moves. One in five local authorities did not have a managed move protocol in place at all. Guidance is particularly needed to define with absolute clarity the purpose of off-site direction in both temporary and transitional use contexts, what process is to be followed if a managed move fails, including giving parents a genuine opportunity to make representations before any decision is finalised, and how a failed managed move interacts with permanent exclusion processes, which are all too frequently seen as the default response. Safeguards are needed to ensure that a proper review and reintegration process takes place, and that any exclusion decision reflects the pupil's current situation.

[22] Department for Education, A guide for parents on school behaviour and exclusion, available at: https://www.gov.uk/government/publications/school-exclusions-guide-for-parents/a-guide-for-parents-on-school-behaviour-and-exclusion#moving-to-another-school
[23] See, for example, a Browne Jacobson blog as an example of relevant commentary, available at: https://www.brownejacobson.com/insights/managing-moves-between-schools
[24] August 2024, available at: https://assets.publishing.service.gov.uk/media/66be0d92c32366481ca4918a/Suspensions_and_permanent_exclusions_guidance.pdf

[25] Available at: https://www.gov.uk/government/publications/school-exclusions-guide-for-parents/a-guide-for-parents-on-school-behaviour-and-exclusion
[26] Education Policy Institute, Unexplained School Transfers and Managed Moves: Local Protocols, Practice and Outcomes for Pupils (2024), available at: https://epi.org.uk/wp-content/uploads/2024/03/Managed-moves-report_FINAL-1.pdf

Cancelled exclusions

The term 'cancelled exclusion' refers to an exclusion that has been cancelled by the head teacher before the governing board has met to consider whether the pupil should be reinstated. When used appropriately, this is a crucial safeguard to ensure that an exclusion is not pursued where it is not a measure of last resort. However, it is sometimes used completely inappropriately: where followed by an immediate off-site direction, a cancelled exclusion can be a means of avoiding independent scrutiny of a decision and depriving a child of the statutory safeguards they should be entitled to.

The power to cancel a school exclusion was placed on a statutory footing in 2023[27] prior to which it existed only in guidance. While it must be possible to cancel exclusions, the 2023 regulations do not include any meaningful procedural safeguards for a child whose exclusion is cancelled, specifying only who must be informed of the decision and the reasons for it, [28] and that the child must be reinstated 'without delay'. The statutory guidance largely reflects this lack of detail but also recommends that the pupil's parents are offered the opportunity to meet with the head teacher.[29]

The lack of procedural safeguards means that cancelled exclusions are increasingly used in a way that avoids both independent scrutiny of an exclusion decision and the statutory protections that would have applied had the exclusion taken place.

Case study: Charlie and Abdullah

Charlie is 14 years old and is autistic. Abdullah is 15 years old, is autistic and has attention deficit disorder (ADD). Both have EHCPs. Both are Black and eligible for free school meals. Both Charlie's and Abdullah's head teachers made the decision to permanently exclude but then, prior to governing board review, cancelled the decision. Very soon after the cancellation of the permanent exclusion, both Charlie and Abdullah were directed off-site without a timeframe for return.

Both Abdullah and Charlie were denied the scrutiny and right to challenge that are part of the permanent exclusions process; both were nevertheless effectively excluded. These cases will not appear in official DfE data, masking the reality of exclusion practices and denying parents the opportunity for procedural fairness.

Through the school exclusions clinic CCLC is seeing increasing numbers of pupils whose exclusion is cancelled in the face of strong evidence of discrimination, only for that same pupil to be directed off-site for an indefinite period immediately upon return or in place of being readmitted. This is an exclusion in all but name, and yet the pupil and their parents have no opportunity to request an external review of the decision, or access other statutory protections, and the pupil's move to alternate provision is not captured by exclusion statistics.

[27] School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023, available at: https://www.legislation.gov.uk/uksi/2023/571/contents

[28] (4) Where an exclusion is cancelled in accordance with paragraph (1)— (a)the head teacher must, without delay— (i)inform the relevant person, the governing board, the local authority, the social worker and the virtual school head of the cancellation and the reasons for it in writing; and (ii)reinstate the pupil;
The School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023, available at: https://www.legislation.gov.uk/uksi/2023/571/part/2/chapter/2

[29] 'Parents (or the excluded pupil if they are 18 years or older) should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay;' Department for Education, Suspension and permanent exclusion guidance, Paragraph 13, available at: https://assets.publishing.service.gov.uk/media/66be0d92c32366481ca4918a/Suspensions_and_permanent_exclusions_guidance.pdf

Removal (internal isolation)

Removal, also known as internal isolation, is used when a pupil, for serious disciplinary reasons, is required to spend a limited period outside the classroom. Its purpose is to ensure the pupil can continue their education in a supervised setting. DfE guidance[30] makes clear that removal is a serious sanction and should only be used when necessary, after other classroom-based strategies have been tried, unless the behaviour is so serious that immediate removal is warranted.

Removal is a widespread practice. Data from The Key Group on the prevalence of removal found that 18.4 per cent of 856,654 pupils were internally excluded at least once in the 2024-25 school year.[31] Removal can mirror many of the effects of exclusion by separating a pupil from their usual learning environment, their peers and the wider school community, and in some cases limiting access to suitable education. As with off-site directions and managed moves, removal lacks many of the safeguards, protections and oversight that accompany formal exclusion processes. CCLC has growing concerns about how this practice is applied.

The use of removal becomes an issue when an individual pupil is subjected to it for long periods or repeatedly; the quality of education provided while in removal is poor or non-existent; or where it is disproportionately applied to pupils with additional needs or vulnerabilities.

Case study: Molly

Molly has SEN and significant trauma history. She was on a pastoral support plan for a year, which was subject to review, and her parents felt that her wellbeing and ability to engage at school had improved following supportive interventions during that time. She had not had any behaviour incidents in the four months prior to the final review, which nevertheless concluded that the pastoral support plan had failed and that Molly would now be directed off-site. The behaviour incidents cited in the review, such as uniform infractions, were all minor but escalated. Molly's parents argue that this is not wilful non-compliance, but unmet need, and that the school's approach is neither fair nor proportionate. On the day that the review concluded, Molly's parents were told that she could continue to attend school before the off-site direction was arranged but that she would have to spend all her time in internal isolation 'as per behaviour policy'. The parents challenged this and found that no such policy exists. Nevertheless, the school continues to insist that it is appropriate in this case even though the internal isolation is open-ended and could last for a long time. Molly's parents are seriously concerned about the impact this will have on her mental health and educational outcomes but have been told they have no route to challenge.

CCLC sees examples of particularly poor practice through its advice work, including pupils who are being kept in removal for prolonged periods, either in a single extended removal or through repeated removals over time. In casework CCLC rarely sees evidence of isolation rooms being used as anything other than a sanction or for the undefined and sometimes open-ended purpose of 'reintegrating' a child following an exclusion.

[30] Department for Education, Behaviour in schools: advice for headteachers and school staff, available at: https://www.gov.uk/government/publications/behaviour-in-schools--2

[31] The study took data from the 762 secondary schools which recorded internal exclusions that year.
The Key Group, How prevalent are internal exclusions? (2026), available at: https://thekeygroup.com/news-insights/how-prevalent-are-internal-exclusions

These practices all result in pupils spending significant time away from their usual learning environment, with clear implications for their academic progress and wellbeing. Research has shown the negative effects of isolation practices on the mental health of children[32] and particularly harmful effects on children with SEND.[33]

The Scottish Parliament is currently legislating on the use of seclusion in schools, with draft legislation mandating further guidance, requiring parental consent and introducing a duty to record and report on the use of these measures.[34] A 2025 High Court case[35] considered this issue in the English context, examining not the lawfulness of removal in principle, but whether the scale and repeated use of removal in that case made it unlawful. Although the High Court finally rejected the challenge, finding that the school had not 'crossed the boundaries of what the law or good practice permits', the judgment raised questions about the reasonableness of the practice and the lack of available alternatives. This underscores the need for stronger statutory safeguards to protect pupils from excessive time out of the classroom. Removal lacks meaningful accountability mechanisms, with the only recourse for parents who are unhappy with its use being a formal complaint.

The question of who is removed is key. Research carried out by the University of Manchester[36] found that, even after accounting for behavioural difficulties, removal is disproportionately applied to pupils who may be most in need of support:

- Pupils with recognised special educational needs were more than twice as likely to be in removal;
- Pupils on free school meals were more than one and a half times more likely to be in removal;
- Pupils who identified as LGBTQ+ were nearly twice as likely to be in removal;
- Black, Asian and mixed heritage pupils were all groups that were more likely to be in removal than their White British peers.

Schools are not required to collect or publish statistics on their use of removal, which means the practice remains largely hidden from view.

Plans for internal suspension

In 2026 the DfE announced plans to introduce internal suspensions to sit alongside external suspensions and permanent exclusions.[37] 'Every Child Achieving and Thriving' built on this commitment by stating that the DfE will, following consultation, 'introduce a new framework to give schools clear guidance on when internal suspensions are appropriate and how to structure them effectively'.

Internal suspensions are being presented as a new, structured and supportive alternative. Due to the similarity between internal suspension and removal, however, more clarity is needed on the difference between these measures. In its early 2026 announcement the DfE stated that: 'Internal suspension is not the same as isolation or seclusion. Isolation usually means a pupil is placed alone with very limited interaction. Internal suspension, by contrast, is: supervised, structured, time-limited, focused on learning and reintegration.' This suggests that removal does not share these features. While we know that in practice this is often true, current guidance is clear that removal should be supervised, time-limited, focused on reflection and reintegration, and accompanied by meaningful education.[38]

Further points of overlap are found with Pupil Support Units, which function in place of mainstream lessons as a structured behavioural or pastoral intervention and/or as a final preventative measure for pupils at risk of exclusion,[39] and the proposed inclusion bases set out in 'Every Child Achieving and Thriving'. These bases are intended to offer targeted support within mainstream settings, bridging mainstream and specialist provision.

This expanding landscape of in-school interventions that remove pupils from their usual classroom environment risks prioritising new parallel practices over addressing weaknesses in the existing framework, particularly as communications to date, at least in relation to internal suspensions, suggest that additional funding will not be provided.[40] Rather than entrenching the weaknesses of current practice, which include lack of transparency and an overall loss of learning, the use of practices that remove pupils from the classroom should be regulated and measured so that they can provide the supervision, structure and purpose they are intended to deliver.

'Every Child Achieving and Thriving' announced that schools would be given access to both their own exclusions and suspensions data and those of comparator schools in a timely way to ensure that the use of these sanctions is happening appropriately in this school. It is not clear whether the data that will be shared will include data on removals as well as internal suspensions, or whether removals will continue to sit outside this monitoring framework.

The forthcoming framework should take the opportunity to establish clear boundaries on all in-school practices that remove pupils from the classroom, whether punitive or supportive, including what constitutes proportionality, how these practices apply to those with additional needs, and the accountability and redress options available, such as complaints processes and governing board reviews.

[32] Children and Young People's Mental Health Coalition, 'Behaviour and mental health in schools', June 2023, at https://cypmhc.org.uk/wp-content/uploads/2023/06/Behaviour-and-Mental-Health-in-Schools-Full-Report.pdf
[33] Educational Psychology in Practice, 'Exploring internal exclusion in mainstream secondary schools: views and experiences of young people with SEND', September 2025, at: https://doi.org/10.1080/02667363.2025.2562135
[34] Restraint and Seclusion in Schools (Scotland) Bill, as at 24.4.2026, at: https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/restraint-and-seclusion-in-schools-scotland-bill/stage-3/spbill61bs062026.pdf
[35] The King on the application of (1) EBB, a child, by her mother and litigation friend, ESU (2) LAX, a child, by his mother and litigation friend, SAN (3) LUN, a child, by her mother and litigation friend, JNB – and – THE GORSE ACADEMIES TRUST, available at: https://acrobat.adobe.com/id/urn:aaid:sc:EU:960d11ad-beae-47d8-a754-83b2af512297?viewer%21megaVerb=group-discover
[36] British Educational Research Journal, Lost learning: Prevalence, inequalities and outcomes of internal exclusion in mainstream secondary schools (2025), available at: https://berajournals.onlinelibrary.wiley.com/doi/10.1002/berj.70049
[37] Department for Education, Suspensions: How suspensions in school can help tackle behaviour and boost pupil support, available at: https://educationhub.blog.gov.uk/2026/01/suspensions-how-suspensions-in-school-can-help-tackle-behaviour-and-boost-pupil-support/
[38] Department for Education, Behaviour in schools: advice for headteachers and school staff, pages 22-25, available at: https://assets.publishing.service.gov.uk/media/65ce3721e1bdec001a3221fe/Behaviour_in_schools_-_advice_for_headteachers_and_school_staff_Feb_2024.pdf
[39] Department for Education, Behaviour in schools: advice for headteachers and school staff, pages 28–29, available at: https://assets.publishing.service.gov.uk/media/65ce3721e1bdec001a3221fe/Behaviour_in_schools_-_advice_for_headteachers_and_school_staff_Feb_2024.pdf
[40] Department for Education, Suspensions: How suspensions in school can help tackle behaviour and boost pupil support, available at: https://educationhub.blog.gov.uk/2026/01/suspensions-how-suspensions-in-school-can-help-tackle-behaviour-and-boost-pupil-support/

Part-time timetables

A part-time timetable is when a school reduces a pupil's hours, so they attend for only part of the school day or week. This is distinct from flexi-schooling, where a child who is primarily educated at home attends a school or other setting on a part-time basis to supplement that home education.

Pupils of compulsory school age are entitled to a full-time education and DfE guidance makes clear that part-time timetables should be used only in 'very exceptional circumstances, where it is in a pupil's best interests'.[41] This can include pupils unable to attend full time for medical reasons and those experiencing emotionally based school avoidance (EBSA).

However, in CCLC's experience, part-time timetables are often used outside this limited scope. CCLC sees them applied both as a behaviour management tool, which is expressly prohibited in DfE guidance, and when a school is unable to meet a child's SEND, which is not a lawful basis for limiting a pupil's entitlement to full-time education. The relevant DfE guidance, 'Working together to improve school attendance', was updated in August 2024 and the latest version states that schools should obtain parental consent, set an end date and carry out regular reviews – provisions that were not included in previous versions.[42] Yet in practice, many part-time timetables are still implemented without these safeguards and can result in pupils attending for as little as one hour a day, effectively operating as informal exclusions.

A new absence code (C2) was introduced in September 2024 for pupils of compulsory school age on a part-time timetable.

This will go some way towards the creation of a clear dataset so that use of part-time timetables can be scrutinised. This falls short of providing meaningful oversight, however, as the C2 code alone does not include reporting of the underlying reason or rationale for the part-time timetable.

Case study: Tomas

Tomas is five years old and in reception at a mainstream primary school. He has speech, language and communication needs and although the school has made a referral to speech and language therapy, there is a long waiting list and no interim support has been put in place. The school placed Tomas on a part-time timetable due to behavioural concerns, contrary to DfE guidance stating that part-time timetables must not be used as a behaviour management tool or as a substitute for unmet SEND support. After seeking advice from the Child Law Advice Service, Tomas's parents raised their concerns with the school. The head teacher responded that Tomas would return to full-time attendance 'gradually' and told the parents that he was 'lucky' he had not been permanently excluded.

[41] Department for Education, Working together to improve school attendance, Paragraphs 65-70, available at: https://www.gov.uk/government/publications/working-together-to-improve-school-attendance
[42] Available at: https://www.gov.uk/government/publications/working-together-to-improve-school-attendance

Recommendations for reform

Off-site direction

- A maximum limit of 30 school days per term should apply to the length of time a pupil can be directed off-site, whether in one continuous period or in separate periods. Following this, there should be a presumption that a child returns to their home school, with discretion for limited extension overseen by the governing board.

- The DfE should provide clearer rules on the evidence provided and factors to be considered in a governing board review of off-site direction. At a minimum, there should be a reasoned statement covering the support and interventions already implemented, the pupil's behavioural and academic progress off-site, a proportionality justification and a plan and timetable for reintegration. In addition, the governing board should review reasonable adjustments and any relevant equalities data in forming a decision.

- If a school initiates or continues an off-site direction that would reach the threshold of more than 60 school days in an academic year, parents should have recourse to review by an independent body. This review should be triggered automatically as the pupil approaches the 60-day limit and must take place as soon as practicable. The Independent Review Panel (IRP) could fulfil this role, helping to ensure that off-site directions do not become a mechanism for informal exclusions.

Off-site education for 'safeguarding separation'

- New guidance should define the scope of any 'safeguarding separation' off-site arrangements and establish robust procedural safeguards

Cancelled exclusions

- Any managed move, off-site direction or other referral to alternative provision or home-schooling proposed by a head teacher within 12 months of a cancelled exclusion should trigger an automatic review by the governing board. The family should be informed of their right to make representations to the governing board at the review.

- The reintegration and ongoing progress of pupils whose permanent exclusion has been cancelled should be subject to ongoing monitoring and oversight to ensure no misuse of other mechanisms to back-door exclude.

Removal

- In drafting the forthcoming framework for internal suspensions, the DfE should make clear what accountability and redress measures are available to parents and children and young people, what oversight removal measures should be subject to, and what data should be gathered, collated and shared to ensure transparency and good practice.

2. Inequality in exclusions

National data consistently shows that some pupils are at disproportionate risk of exclusion. The Difference and the Institute for Public Policy Research (IPPR) noted that: 'Poverty is one of the most powerful factors increasing a child's risk of permanent exclusion and it heightens risk across the continuum'. Other discrete categories include: pupils with SEN; certain ethnic minority groups – particularly Gypsy, Roma and Traveller,[43] Black Caribbean and Mixed White and Black Caribbean pupils; and pupils receiving children's social care support.

These disproportionate impacts have long been evident, and were highlighted in the Timpson Review in 2019, but have persisted. 'Every Child Achieving and Thriving' noted this and committed to an interrogation by the Race Equality Unit of the evidence on what drives ethnic disparities in school exclusions.

While the DfE's exclusion guidance notes that some groups are more likely to be excluded, it no longer specifies which groups, as earlier (pre-2022) versions did. One at-risk group prominent in the cases referred to CCLC's pro bono school exclusions clinic is children at risk of exploitation. This concerning interplay between a pupil's risk of exploitation and the school exclusions process is backed up by emerging data.

Pupils who experience multiple disadvantage are not easily captured in government data. The following sections consider particular forms of disadvantage in turn, but it is important to recognise that children and young people rarely fit neatly into a single category.

The DfE's statutory guidance changed significantly between 2017 and 2022, and several key statements about the intersectionality of inequality and recommendations for head teachers to combat this were removed.[44] Case studies below demonstrate the ways in which pupils facing multiple disadvantage may be at greater risk of discrimination, more in need of inclusive school and local authority processes, and in greatest need of fairer and more accountable systems.

Responding to children and young people's needs

When the Children's Commissioner published The Children's Plan[45] in October 2025 it noted that schools do not always know about the wide range of additional needs pupils have outside of the classroom. As well as needs attracting statutory duties,[46] homelessness, poverty, neglect, family breakdown, being a child carer, having a parent in prison, having a physical or mental health need whether or not it is being met, suffering bereavement or being subject to immigration control are all examples of major obstacles to learning. The Children's Commissioner noted that most data collection and reporting systems lack this kind of nuance (though child carer data has now been added to the school census).

Government guidance on both behaviour and school exclusions has, in recent years, been amended to more explicitly encourage the consideration of underlying factors before a punitive action is taken against a pupil. The behaviour guidance now makes clear that when considering a pupil's removal from the classroom, the head teacher should first 'consider whether any assessment of underlying factors of disruptive behaviour is needed'.

[43] It is important to note the conflation of groups in the data. The Traveller Movement advocates for a full disaggregation of three distinct ethnic groups: Romani (Gypsy), Roma and Irish Traveller communities.
[44] Paragraph 11 of the 2017 guidance stated: "Provisions within the Equality Act allow schools to take positive action to deal with particular disadvantages, needs, or low participation affecting one group, where this can be shown to be a proportionate way of dealing with such issues." This statement was removed in 2022.
[45] The Children's Commissioner, The Children's Plan: Vision For Care, available at: https://assets.childrenscommissioner.gov.uk/wpuploads/2025/10/The-Childrens-Plan-Vision-for-Care.pdf
[46] Including SEN, being on free school meals, or being looked after

The Difference and IPPR's Who is losing learning? report noted the potential for the range of interventions around exclusion serving, in best practice, as an early warning system signalling that a pupil needs further support.[47] This, however, relies on meaningful active review. In CCLC's casework lawyers see many pupils whose schools can demonstrate interventions put in place for them, but where that pupil has still faced permanent exclusion. The most common faultline seen in the support provided is the absence or insufficiency of active review, leading to a failure to change an intervention which is not working and, in some cases, meaning that an assessment fails to be triggered when it should be. A greater focus on iterative, active review and reflection could bridge the gap for many children and young people beyond those with needs arising from protected characteristics.

Protection against discrimination

Protected characteristics, however, are protected for a reason, and the rising exclusion statistics paint a picture of the processes and systems put in place to safeguard children and young people from discrimination routinely failing to do so.

Case study: Carla

Carla is 16 and Black Caribbean. From the start of secondary school she struggled in class. She found herself frequently suspended and sent to isolation rooms. She found it difficult to control her emotions and was bullied. However, bullying was not addressed by the school and she was frequently seen as the aggressor. Carla had been waiting for assessment for autism for over two years, at the repeated request of her parents, and was diagnosed with attention deficit hyperactivity disorder (ADHD) in year 9.

On review of the school file, very little meaningful support was provided by the school for special educational needs. Shortly after she received a diagnosis for ADHD she was permanently excluded for persistent disruptive behaviour, after which she was sent to a pupil referral unit (PRU). Her SEN made her particularly vulnerable to exploitation and she quickly became a victim of child criminal exploitation through other exploited children she met at the PRU. She now has a criminal record. She finally received an autism diagnosis but has now been outside of mainstream education for several years and, due to the significant delay in diagnosis, has missed the opportunity for appropriate specialist support in the critical years of her education or early intervention in mainstream school.

The exclusion guidance and the behaviour in schools advice include provisions for vulnerable cohorts and outline the relevance of the Equality Act 2010, including the public sector equality duty (PSED).

The public sector equality duty (PSED)

The PSED is a 'due regard' duty and not an outcomes duty, meaning that schools, local authorities and the government must have 'due regard' to the need to:

1. eliminate discrimination, harassment, victimisation and other conduct that is prohibited by the Equality Act 2010;
2. advance equality of opportunity between people who share a relevant protected characteristic and people who do not; and
3. foster good relations between people who share a relevant protected characteristic and people who do not share it.

[47] Institute for Public Policy Research and The Difference, Who is losing learning? The case for reducing exclusions across mainstream schools (2024), available at: https://ippr-org.files.svdcdn.com/production/Downloads/Who_is_losing_learning_Sept24_2024-09-06-103617_euht.pdf?dm=1728042357

The practical effect of these provisions is hard to measure, and sometimes hard to see; schools have, and exercise, considerable discretion, and without enforceable safeguards, disproportionality remains a feature of school exclusions.

Evidencing discrimination in school exclusions cases is often challenging. PSED compliance cannot be achieved through a tick box exercise, but in practice this can be the approach taken. There is no legal requirement for schools to produce contemporaneous written evidence that they have properly considered either the Equality Act 2010 or the PSED. Instead, current guidance allows head teachers to make an oral statement of compliance, which may or may not then be scrutinised. Due regard under the PSED requires a rigorous focus on specified considerations.

There are multiple information sources on equalities duties in school but all leave considerable room for discretion. The Equality and Human Rights Commission has published technical guidance for schools on the application of the Equality Act 2010[48] and, separately, on the PSED, [49] and the DfE published departmental advice for schools in 2014 on the Equality Act 2010.[50] But in reality these are not well understood.

In the absence of stronger guidance, case law is filling the vacuum and establishing precedent on the limits and application of schools' equalities duties.[51] But this is not necessarily in line with what the DfE might want as it shapes a more inclusive education system. The DfE should build on the steps taken in the latest draft of the school exclusions guidance, which reinforces Equality Act 2010 duties, to lay out a proactive vision for how schools should be using equalities duties not just in letter but in spirit:

not only as a protective factor against committing discrimination, or as a tick box exercise, but as a tool to help them build safer and more inclusive schools.

Transparency and oversight

'Every Child Achieving and Thriving' makes a strong commitment to better data and transparency in pupil moves. Central to this is both a data dashboard and taking a proactive approach to the use of better pupil move data to measure 'concerning practices' including the misuse of managed moves, off-site direction and forms of off-rolling. CCLC welcomes that this commitment includes explicit reference to schools or areas 'where SEND, FSM [free school meals] or demographic trends appear significantly out of sync with their local context'.[52] The white paper also looks to strengthen Ofsted's oversight role, building on inspection framework oversight of the education and welfare of disadvantaged groups.

The white paper commits to using data to improve transparency, stating:

'To help schools review their sanctions systems, we will provide schools with timely data on suspensions and permanent exclusions. This will allow them to review their outcomes against similar schools.'

This measure could make a big impact, but the effect on transparency and accountability will only be as effective as data collection methods. In particular, it is pressing that where the government has equalities duties, enough detailed data is collected to monitor the exercise of those duties and to identify both individual cases of potential discrimination and discriminatory patterns.

[48] Equality and Human Rights Commission, Technical guidance for schools in England, available at: https://www.equalityhumanrights.com/equality/equality-act-2010/technical-guidance-schools-england
[49] Equality and Human Rights Commission, Public Sector Equality Duty: guidance for schools, available at: https://www.equalityhumanrights.com/guidance/public-sector/public-sector-equality-duty/public-sector-equality-duty-guidance-schools-0
[50] Department for Education, The Equality Act 2010 and schools, available at: https://assets.publishing.service.gov.uk/media/5a7e3237ed915d74e33f0ac9/Equality_Act_Advice_Final.pdf
[51] See, for example, TZA (claimant/appellant) v A Secondary School (defendant/respondent), available at: https://www.casemine.com/judgement/uk/67c746ae1ee4d73a47b60d9c
[52] DfE, Every Child Achieving and Thriving, page 75, at https://assets.publishing.service.gov.uk/media/6996ee6a047739fe61889e05/Every_child_achieving_and_thriving_web_accessible_version.pdf

Schools should be required to provide data not only on exclusions but also on all other moves out of the school. 'Every Child Achieving and Thriving' notes that pupil movements between different types of education settings are not monitored well. It commits to strengthening the reporting and scrutiny of all pupil movements and to sharing more timely data with Ofsted to support the identification of unacceptable practices, including off-rolling. New data collection should include reporting the number of managed moves, off-site directions, transitions to home education and all other forms of pupil movement outside the normal functioning of the school system. Crucially, however, this dataset should also record the reasons for each move, as well as facilitating the monitoring of pupil outcomes. For the purposes of complying with the public sector equality duty and monitoring inclusion, the data should include collated information on protected characteristics.

Schools should collect and monitor data on removals to interrogate repeat patterns and assess the effectiveness of the use of various forms of internal isolation, or whether specific departments or teachers may require further support. Separately, schools should analyse the collected data to identify any patterns relating to pupils who share protected characteristics and to ensure that behaviour and sanctions policies are not having a disproportionate effect on pupils with protected characteristics.

In implementing ambitious inclusion reforms, the DfE should also consider applying a form of proportionate accountability, which has been called for by a wide range of stakeholders in education and beyond over the last decade.[53]

Proportionate accountability would involve re-weighting school league tables to consider the results of all pupils, past or present, proportionate to the amount of time they were enrolled at the school. Making schools accountable for the outcomes of pupils who left before year 11 would disincentivise the practice of off-rolling to manipulate results. While no action on this has yet been taken, previous governments committed to considering this measure, with the headline government response to the Timpson Review in 2019 stating that 'we will make schools accountable for the outcomes of permanently excluded children'.

Special educational needs

Legal duties

The exclusion rate for children and young people with SEN is as high as it is in spite of the legal duties held by schools and local authorities. In particular:

schools have duties under the Equality Act 2010 to take such steps as is reasonable to avoid any substantial disadvantage to a disabled pupil caused by the school's policies or practices;

* for disabled children, this includes a duty to make reasonable adjustments to any provision, criterion or practice which puts them at a substantial disadvantage;

* under the Children and Families Act 2014, relevant settings have a duty to use their 'best endeavours' to meet the needs of those with SEND; and

* if a pupil has an EHCP, the provisions set out in that plan must be secured, in accordance with Section 42 of the Children and Families Act 2014, and the school must co-operate with the local authority and other bodies, in accordance with Section 29 of the Children and Families Act 2014.

In the academic year 2023/2024, 52% of all permanently excluded pupils and 45% of all temporarily excluded pupils were either receiving SEN support or had an EHCP. For primary school aged pupils, the figure for permanent exclusions rises to 88%. These figures, however, mask both variations between pupils with different kinds of SEN and, crucially, do not include the relatively high numbers of pupils whose SEN is only identified after they have been excluded.[54] Of the pupils represented by CCLC's school exclusions clinic whose hearings took place from January 2025 onwards, only 18% had an EHCP. However, 45% had an identified SEN for which the pupil was on a waiting list for assessment, and a further 10% had undiagnosed SEN, where additional needs had been raised by parents, social workers or other professionals but no steps had yet been taken to assess.

Beyond CCLC's casework, there is evidence that disability discrimination in schools is on the rise. As noted by The Difference and IPPR, in 2022 there were 330 registered appeals against schools by parents in relation to disability discrimination – a 71% increase on the previous year.[55] Since then, the number of appeals in the SEND Tribunal has continued to rise.[56] Of the 402 appeal registered in relation to disability discrimination in 2024/25, 20 were related to temporary exclusion from school and the other 382 were listed as 'uncategorised'; it is not known if they relate to admissions, the provision of support or a permanent exclusion.

Both the number and the rate of permanent exclusions from mainstream primary schools have risen over the last decade. In 2024, 88% of permanent exclusions from primary school were children with SEN.

Concerningly, pupils with an EHCP account for a growing share of these permanent exclusions since 2021, though the number of EHCP has also grown in this period. This calls into question whether EHCPs are a protective factor against exclusion from mainstream schools. All EHCPs have a focus on support and preventative reviews. Rising exclusions figures for children with EHCPs suggests this is not working.

The high exclusion rate for pupils with SEN is also in spite of acknowledgements in government guidance, notably the SEND code of practice but also the DfE's behaviour guidance, that while not every incident of misbehaviour will be linked to a pupil's SEND, behaviour will often need to be considered in that context. In 2019 JUSTICE argued that schools correctly applying reasonable adjustments 'will often involve applying disciplinary sanctions differently to disabled pupils in order to avoid putting them at a substantial disadvantage in relation to other pupils'.[57] To fail to do so puts the school at risk of committing indirect discrimination.

Case study: Femi

Femi, age 13, was labelled 'aggressive' during an incident which led to his permanent exclusion. During the IRP hearing he was identified by the SEN expert as experiencing 'meltdown', though his SEN were undiagnosed at the time of the exclusion. Following a successful challenge, the IRP quashed the governing board decision and Femi was then reinstated by the governing board. Shortly after the hearing, he was diagnosed with ADHD and is awaiting further assessment of autism. However, despite being reinstated to school and in spite of new understanding of his needs, the school immediately used its powers of off-site direction to remove Femi again with no timeframe to return to mainstream schooling.

[53] This proposal has been raised and supported many times, including in the Timpson Review of School Exclusions (2019) and the DfE's 2016 White Paper Educational Excellence Everywhere

[54] See, for example, FFT Education Datalab, Some things you might not have known about special educational needs and permanent exclusions (2023), available at: https://ffteducationdatalab.org.uk/2023/07/some-things-you-might-not-have-known-about-special-educational-needs-and-permanent-exclusions/

[55] Institute for Public Policy Research and The Difference, Who is losing learning? The case for reducing exclusions across mainstream schools (2024), page 29, available at: https://ippr-org.files.svdcdn.com/production/Downloads/Who_is_losing_learning_Sept24_2024-09-06-103617_euht.pdf?dm=1728042357

[56] The majority of Tribunal cases do not relate to exclusions, but instead to EHC plans: of the 25,000 registered SEN appeals in 2024/25, 24% were for a refusal to secure an EHC assessment.

[57] Justice, Challenging School Exclusions (2019), paragraph 3.4, available at: https://cdn.prod.website-files.com/67becde70dae19a9e5ea2bc3/68adc4a0887e7e23cb576bf0_Challenging-School-Exclusions-2019.pdf

What about special schools?

Mainstream secondary schools account for most permanent exclusions (85% in 2023/24), with a rate of 0.25. While the number of permanent exclusions in special schools is low, the rate (0.08) remains higher than in primary schools (0.03). From 2016 to 2020, special schools had the highest suspension rate of any school type, before being overtaken by mainstream secondary schools in 2021. The current suspension rate in special schools (12.62) remains higher than all schools average (11.31).

Almost all pupils in special schools have an EHCP. In theory, this impacts a child's vulnerability to exclusion in three ways. First, EHCPs mean there is a structured process in place through which a child's needs are assessed, appropriate provision is specified and a suitable placement is secured, with the Tribunal's powers acting as an important safeguard. Second, the statutory exclusions guidance sets out further protections including the expectation that schools assess whether the current provision and placement remain suitable and arrange an early review of the EHCP before considering exclusion, though practice and compliance vary considerably. The third protective factor is less clear: at present a school named on a child's EHCP has a legal duty to admit that child, regardless of capacity. This in no way grants immunity to children being permanently excluded from a named placement, but it may nevertheless be having an impact on exclusion rates. 'Every Child Achieving and Thriving' proposes removing the ability of the Tribunal to name a particular placement, as it can do now. In the future, the DfE aims to halve the number of children with EHCPs, and while future EHCPs will still name placements, the process of naming a placement will be amended to grant local authorities significantly more control.

It remains to be seen whether these changes will lead to a change in rates of permanent exclusion from special schools.

One useful comparator is temporary suspensions. From 2016 to 2020, special schools had the highest rate of suspensions of any other school type, before being overtaken by mainstream secondary schools in 2021.[58] Although the significant difference in rates of temporary and permanent exclusion will be down to many factors, likely including less rigid behaviour policies in special schools, from CCLC's casework experience it appears that named placements may be a factor in the lower rates of permanent exclusion. Changes to the process of naming placements and an overall reduction of named placements may have the knock-on effect of increasing rates of permanent exclusion in special schools following these reforms.

The reforms proposed in 'Every Child Achieving and Thriving' include limiting the Tribunal to quashing a local authority's placement decision and ordering reconsideration, rather than directing the authority to name a particular placement, as it can do now, representing a significant weakening of its current powers. These reforms also present a risk that more children may remain in unsuitable mainstream placements because local authorities retain greater control over placement decisions. If children with complex needs are less able to access specialist provision in a timely way, the likelihood of suspension or permanent exclusion in mainstream settings is likely to rise.

[58] Available at: https://explore-education-statistics.service.gov.uk/find-statistics/suspensions-and-permanent-exclusions-in-england/2023-24#section-suspensions

What should be happening?

Where a school has concerns about the behaviour, or risk of suspension or permanent exclusion, of a pupil with SEND, it should, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEND. The 'graduated response'[59] should be used to assess, plan, deliver and then review the needs of the pupil and the impact of the support being provided. For those with SEND but without an EHCP, this may provide a point for schools to request an EHC assessment. Where a pupil has an EHCP, schools should contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude.

In practice, there is considerable discretion in this guidance and, from our casework experience, this discretion is rarely exercised in a way that benefits and protects the pupil. The SEND code of practice makes clear when a course of action is mandatory and when it is advisory, as follows:

> Where it is decided to provide a pupil with SEN support, the parents must be formally notified, although parents should have already been involved in forming the assessment of needs as outlined above. The teacher and the SENCO should agree in consultation with the parent and the pupil the adjustments, interventions and support to be put in place, as well as the expected impact on progress, development or behaviour, along with a clear date for review.
> **(Paragraph 6.48, 'SEND code of practice')**[60]

Where a pupil is at risk of suspension or permanent exclusion, schools should consider what additional support or alternatives the pupil may require. They 'should' also work in partnership with specialists where relevant. They 'should' involve formal assessment of a pupil's SEN needs. However, the language weakens when formal assessments are considered: schools 'may' escalate the investigate whether the needs of a pupil with SEN are being met following an incident.

What needs to change?

Major changes to the education, assessment and support of children with SEN are proposed in 'Every Child Achieving and Thriving', and while these changes will take time to implement, they are likely to have a significant impact. However, while the white paper noted that the overall rise in exclusions and suspensions is a serious concern and that there are disparities in which children are excluded, it contains no substantive changes in policy on permanent exclusion. While it is hopeful that early intervention on SEN will support more children to engage with school and thereby reduce disruptive behaviour, a passive approach is not enough in the face of the high and rising numbers of children with SEN who are permanently excluded.

When Independent Review Panels (IRPs) were introduced in 2011 it was envisaged that they would mitigate disability discrimination in schools through the opportunity for parents to request a SEN expert. The use of this provision was slow to take effect: in 2012, 53% of reviews included a SEN expert, though this had risen to 68% of reviews in 2024. However, this intervention comes too late to be of help to many children and young people, particularly as IRPs have no power to mandate a school to reinstate a pupil.

[59] Department for Education, SEND code of practice, the 'graduated response' can be found in Part 6, available at: https://www.gov.uk/government/publications/send-code-of-practice-0-to-25
[60] SEND code of practice, paragraph 6.48, at https://assets.publishing.service.gov.uk/media/5a7dcb85ed915d2ac884d995/SEND_Code_of_Practice_January_2015.pdf

The inclusion of SEN experts at earlier points of conflict, for example in the strengthened and more independent complaints process envisaged by 'Every Child Achieving and Thriving', could aid in complying with their equalities duties, and it is hoped, prevent so many post-exclusion SEN diagnoses.

As well as opportunities, the proposed reforms also present significant risk. At present, the early involvement of the local authority where a school has concerns about the behaviour of a child with an EHC plan is a protective factor against permanent exclusion. It is unclear what role local authorities will play, if any, in mitigating against permanent exclusion for children with SEN following the implementation of the reforms outlined in 'Every Child Achieving and Thriving'.

Ethnicity

Pupils with particular ethnicities have been subject to stubbornly high rates of exclusion for many years, including Gypsy/Roma pupils, whose exclusions rates are persistently the highest and the nuances of whose difficult position are laid out by the Traveller Movement's 2024 report 'Fought not Taught'.[61] Travellers of Irish Heritage pupils and White and Black Caribbean pupils had the joint second highest rate of exclusions in 2023/24, also in line with a persistent trend.

Legal duties

Race is a protected characteristic under the Equality Act 2010, and the definition of race includes colour, nationality, and ethnic or national origins. Schools need to make sure that pupils of all races are not singled out for different and less favourable treatment from that given to other pupils, and that no practices could result in unfair, less favourable treatment of such pupils.

The Equality and Human Rights Commission provides technical guidance for schools on their equalities duties, and this guidance includes specific reference to the risk of indirect discrimination in exclusions and behaviour policies which, although applied to all pupils, might disproportionately disadvantage a particular group of children (in the case provided, Black boys).[62]

A data study run as part of the 'Timpson Review' highlighted the intersectional and deeply contextual nature of this problem. It stated that: 'the data is clear that there are certain groups of children who may already be facing significant challenges in their lives outside of school, who are most likely to be excluded.' One complicating factor is the over-representation of certain ethnicities in pupils with particular SEN diagnoses. A University of Oxford 2018 study on ethnic disproportionality in the identification of SEN in England painted a complex picture of association between ethnicity, special educational need and external factors such as socio-economic need.

The study found significant variability in the rates at which children and young people of different ethnicities were diagnosed with autism spectrum disorder (ASD), some of which were mitigated by controlling for demographic and socio-economic variables (Black Caribbean and Black-Other groups) and some of which did not (Asian groups). The study also found that, alongside certain ethnic groups being underrepresented, Black Caribbean and Mixed White & Black Caribbean children and young people were substantially overrepresented in the Social, Emotional and Mental Health (SEMH) need category, and found moreover that this ethnic overrepresentation occurred much more in some secondary schools than others.[63]

The study concluded that drivers behind this over-representation could include factors associated with high deprivation, negative peer effects, or school policies (including "preemptive or zero tolerance disciplinary strategies").

Case study: Joshue

Joshue, a 5-year-old Black boy, was permanently excluded for disruptive behaviour. A teacher described him as displaying "narcissistic traits"— an adult psychological label inappropriately applied to a young child. The school did not initiate an EHC needs assessment despite his parent raising concerns. After he was permanently excluded Joshue was sent to a PRU, where he was the youngest child. We represented Joshue at the IRP, where the governing boards decision to exclude was quashed. Later, he was diagnosed with autism. From the outset Joshue's additional needs were not recognised, nor were his needs understood in a developmentally appropriate way. As a result, he was denied the protections afforded under the SEND Code of Practice and instead subjected to punitive discipline.

At the reconvened Governing Body hearing, Joshue was formally reinstated. However, his parent, traumatised by the treatment her son had experienced, did not return him to the school following reinstatement. Joshue subsequently obtained an EHCP, which recommended a special school placement, but due to a shortage of suitable special school places he remained out of education for a further year before finally starting at a new school.

Adultification

Joshue's case is an example of adultification: a process through which "notions of innocence and vulnerability are not afforded to certain children" as "determined by people and institutions who hold power over them."[64] Adultification refers to a pattern of perception and decision-making in which some children and young people are treated as more mature, blameworthy, or intentionally defiant than is consistent with their age, their peers and their developmental stage. Adultification has been found to particularly affect Black children, but there is also evidence for its impact on other racialised, socio-economically disadvantaged, or care-experienced children and young people.[65]

Where adultification occurs, it is illustrative of a pattern of behaviour which is likely to be a factor in disproportionate exclusions. As such, more should be done to identify such patterns where they occur so that action – such as training on adultification, unconscious bias, a proper understanding of special education needs, and on the intersection of protected characteristics such as ethnicity and SEN – can be taken. But pattern recognition requires there to be sufficiently detailed underlying data. 'Every Child Achieving and Thriving' recognises the power of data to make a difference in this arena. In it, the government commits to an investigation by the Race Equality Unit to work with key stakeholders to interrogate the evidence on what drives disparities in school exclusions between different ethnic groups. However, this must also be the work of schools, governing boards, local authorities and multi-academy trusts themselves.

[61] The Traveller Movement, Fought not Taught (2024), available at: https://wp-main.travellermovement.org.uk/wp-content/uploads/2024/11/TTM-Fought-not-Taught_web.pdf

[62] Equality and Human Rights Commission, Technical guidance for schools in England, available at: https://www.equalityhumanrights.com/equality/equality-act-2010/technical-guidance-schools-england

[63] The odds of being identified with SEMH needs were much higher for boys than girls (OR= 3.2); for pupils entitled to FSM (OR= 3.1), for pupils from disadvantaged neighbourhoods (OR= 1.9) and for pupils in secondary school, particularly Y10 and Y11 (OR= 2.1 and OR= 2.4 compared to Y1). Controlling for these factors attenuated but did not eliminate the overrepresentation of Black Caribbean (OR= 1.43) and Mixed White & Black Caribbean (OR= 1.38) pupils https://www.education.ox.ac.uk/wp-content/uploads/2018/08/Executive-Summary_2018-12-20.pdf

[64] Jahnine Davis and Nicholas Marsh, Boys to men: the cost of "adultification" in safeguarding responses to Black boys, Critical and Radical Social Work, vol. 8, no. 2, available at: https://bristoluniversitypressdigital.com/view/journals/crsw/8/2/article-p255.xml

[65] College of Policing, ' Adultification and adultification bias: Rapid evidence assessment', January 2026, at https://library.college.police.uk/docs/CoP/REA-adultification-2026.pdf

In the white paper the governing further commits to 'provide schools with timely data on suspensions and permanent exclusions' to 'help schools review their sanctions systems', and going further by sharing wider data to allow schools 'to review their outcomes against similar schools'.[66] For schools and their governing bodies to be able to interrogate data disparities based on protected characteristics, the data collected must include this level of detail. For transparency and accountability this data – at both school and local level – should be available to both governing boards and IRPs interrogating decision-making.

At exclusions decisions reviews, governing bodies are not required to take into consideration data on exclusions which records ethnicity and SEN. They should do so, and this data should also be made available to IRPs and to parents. Data on other pupil moves including off-site direction, managed moves and internal removals should be captured alongside the relevant equalities data.

Case study: Amara

A 14 year old Black pupil, Amara, was permanently excluded after defending herself during a fight initiated by another pupil, who was White British. At the IRP hearing, the Chair of Governors made comments that indicated he did not understand the requirements of the Equality Act, including stating, "I don't see colour," when asked about the school's compliance with the legislation. The IRP also found that the governing board had failed to consider their public sector equality duty (PSED), noting that race and ethnicity were not addressed in their deliberations despite the school's own data showing disproportionately high exclusion rates for Black pupils. The family also learned that the other pupil involved in the incident had not been permanently excluded.

The IRP recommended reconsideration and strongly recommended training for staff and governors on the Equality Act and their responsibilities regarding PSED, yet the governing boards response was to uphold the exclusion. The parent could not bring a race discrimination claim, as she was not eligible for legal aid and would have had to fund the initial stages of the claim herself, which she was unable to do.

This case highlights how a lack of understanding of equalities duties can perpetuate systemic discrimination within the education system. The governing board in this case had failed to understand the basic tenets of equalities legislation and their duties under them. As the school in question was an academy, there was no local authority scrutiny. It is for cases such as Amara's that equalities duties exist. Stronger guidance on compliance, such as written PSED considerations being made a part of the exclusions review process, and more mandatory training for governors are not bureaucratic burdens or tick box exercises but rather opportunities for schools to overcome inclusivity failings that harm children.

Children's social care

Pupils receiving support from children's social care are disproportionately excluded from school. In December 2024 the Education Policy Institute found that approximately 1 in 8 care-experienced pupils were at risk of exiting the English education system permanently.[67] In 2023 a UCL study found that a third of pupils with history of social care face either temporary or permanent school exclusion.[68] The DfE's own statistics tell a similar story: In 2022/23, pupils on a child protection plan were nine times more likely to be permanently excluded than the average pupil, and those looked-after[69] for less than 12 months were twelve times more likely.

[66] DfE, Every Child Achieving and Thriving, February 2026, p. 74 at https://assets.publishing.service.gov.uk/media/6996ee6a047739fe61889e05/Every_child_achieving_and_thriving_web_accessible_version.pdf

[67] Education Policy Institute, Children Missing from Education (2024), available at: https://epi.org.uk/publications-and-research/children-missing-from-education/

[68] Risk of school exclusion among adolescents receiving social care or special educational needs services: A whole-population administrative data cohort study, available at: https://www.sciencedirect.com/science/article/pii/S0145213423003137

[69] A child or young person is 'Looked-after' if they are in the care of the Local Authority for more than 24 hours.

The data also presents a story of complex intersecting needs: more than 60% of children who had been in care for at least 12 months in 2024/25 had a special educational need, which is three times the rate of the overall pupil population.[70]

The difficulties some pupils face outside of school compound with educational exclusion to lead to more serious, entrenched and in some cases life-long disadvantage. Pupils on child protection plans are a stark example. Child protection plans are legal measures under the Children Act 1989, amended by the Children Act 2004, designed to safeguard children from immediate significant harm. A child protection plan is a formal, written agreement created when a child is assessed to be at risk of significant harm (physical, sexual, emotional abuse, or neglect) to outline actions for their safety, welfare, and development, detailing responsibilities for parents, social workers, and other professionals to reduce risks and support the family until the child is safe. The last full year before the pandemic, 330 children and young people on active child protection plans were permanently excluded from school. In 2022/23, that number was 420: a rise of nearly a third.

Children's Wellbeing and Schools Act 2026

This legislation addresses children at risk of falling through gaps between education and social services through the inclusion of childcare and education agencies in safeguarding arrangements. It changed front-line child protection practice in order to improve joined-up thinking on child protection including schools. The Act changed Section 47 enquiries and oversight of child protection plans to be led by a group of multi-agency staff from local authorities, police, education and health working as a team on a day-to-day basis.

However, it stops short of making schools a statutory safeguarding partner and does not mandate the involvement of the child's school in multi-agency safeguarding groups despite calls to do so from the LGA and others.[71]

The Children's Wellbeing and Schools Act 2026 recognises the role and importance of education in safeguarding, and creates a power for local authorities to mandate a pupil's school attendance where the pupil is subject to a Section 47 enquiry[72] or is on a child protection plan and is already being educated at home, where the authority considers that school attendance is in the pupil's best interests. However, the Act stops short of recognising the decisions made by schools to exclude as contributory factors that can compound disadvantage and risk.

What support is available?

Virtual School Heads (VSHs) are in charge of promoting the educational achievement of all the children looked after by the local authority they work for. In theory, where a looked-after child is likely to be subject to a suspension or permanent exclusion, the Designated Teacher[73] should contact the local authority's VSH as soon as possible. The VSH, working with the Designated Teacher and others, should consider what additional assessment and support need to be put in place to help the school address the factors affecting the pupil's behaviour and reduce the need for suspension or permanent exclusion.

The support should not cease where a pupil is no longer looked-after. Where previously looked-after children face the risk of being suspended or permanently excluded, the school should engage with the pupil's parents and the school's Designated Teacher. In these cases, the school may also seek the advice of the VSH.

[70] See data tables at: Department for Education, Outcomes for children in need, including children looked after by local authorities in England, October 2025, https://explore-education-statistics.service.gov.uk/find-statistics/outcomes-for-children-in-need-including-children-looked-after-by-local-authorities-in-england/2025

[71] Local Government Association, Children's Wellbeing and Schools Bill: Second Reading, House of Lords, available at: https://www.local.gov.uk/parliament/briefings-and-responses/childrens-wellbeing-and-schools-bill-second-reading-house-lords

[73] Children Act 1989, Section 47, available at: https://www.legislation.gov.uk/ukpga/1989/41/section/47

[73] A member of staff in a school who has responsibility for promoting the educational achievement of looked-after children, including those aged 16 to 18, who are registered pupils at the school.

Where a pupil has a social worker, e.g. because they are the subject of a child in need plan or a child protection plan, and they are at risk of suspension or permanent exclusion, the headteacher should inform their social worker, the Designated Safeguarding Lead and the pupil's parents to involve them all as early as possible in relevant conversations.

In practice, however, the expertise of the VSH is not often effectively deployed in considering the exclusion of a looked-after child. There are also issues with the Designated Teacher being, as can be the case in small schools, the headteacher, which presents a potential conflict of interests. The support that should be available for children and young people receiving help from children's social care is not often material in the case of exclusions.

Case study: Peter

Peter, 8, was permanently excluded while he and his siblings were on a Child Protection Plan with an allocated social worker. Minutes from the governing board hearing show that the social worker attended the hearing but made no substantive contribution. When the case proceeded to the IRP, the social worker did not attend despite repeated requests for their involvement, and no written statement was provided. During the hearing, the headteacher referred to the social worker's views, but no corroborating evidence was supplied. The family had experienced multiple changes of social worker during this period, which contributed to the lack of clarity and professional input. The lack of social care involvement meant the governing board and IRP were given an incomplete picture of the wider safeguarding context surrounding Peter.

What needs to change?

Through our casework we routinely see social workers who do not understand their role in the exclusions process, and instances where earlier discussions which should be in place to support a pupil prior to the decision to exclude being made never materialise or take place without the relevant professionals. More guidance and information are needed to allow social workers to take an active role in this process, and to do so early: before crisis point, and before a decision to exclude has been made. At the very least, for a pupil's care status to genuinely inform the question of exclusion, decision letters should demonstrate consideration of, and explicitly refer to, the views of the designated safeguarding lead, social worker and/or VSH. Paragraphs 211 and 212 outline the role of the social worker and VSH at IRP. Looked after children would benefit from the same role being brought forward to governing board hearings, so that a pupil's care context can be better understood at an earlier stage in exclusions decisions.

More than this, children and young people's lives could be improved if the change begun by the Children's Wellbeing and Schools Act, which recognises the impact schools could have on safeguarding through a more joined-up approach, were to be realised.

[74] Excluded or missing from education and child exploitation: literature review and stakeholder views on safeguarding practice, available at: https://tce.researchinpractice.org.uk/wp-content/uploads/2022/02/2757_TCE_Education__Exploitation_report_v2.pdf

[75] Home Office, Criminal exploitation of children and vulnerable adults: county lines, available at: https://www.gov.uk/government/publications/criminal-exploitation-of-children-and-vulnerable-adults-county-lines/criminal-exploitation-of-children-and-vulnerable-adults-county-lines#who-is-vulnerable-to-county-lines-exploitation

[76] Just for Kids Law and Children's Rights Alliance for England, Excluded, exploited, forgotten: childhood criminal exploitation and school exclusions (2020), available at: https://crae.org.uk/publications-and-resources/excluded-exploited-forgotten-childhood-criminal-exploitation-and-school vernment Association, Children's Wellbeing and Schools Bill: Second Reading, House of Lords, available at: https://www.local.gov.uk/parliament/briefings-and-responses/childrens-wellbeing-and-schools-bill-second-reading-house-lords

Exploitation

Pupils who have been permanently excluded are at significant risk of being subject to childhood criminal exploitation. As stated by research commissioned by the DfE in 2022, '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.'[74]

The DfE's own guidance on the exploitation of children and young people over county lines acknowledges that risk factors for exploitation include: 'being excluded from mainstream education, and/or a pupil at an alternative provision such as a pupil referral unit'; being on a reduced timetable or not attending school; 'having a physical or learning disability, or being neurodivergent'; and social isolation.[75] However, the link between exclusion and childhood criminal exploitation goes both ways: pupils who have experienced exploitation are more vulnerable to exclusion[76] and may be being excluded in greater numbers.

The factors in this list are also not discrete, but likely to compound one another when more than one is present. Research has shown that pupils with some special educational needs and disabilities are at higher risk of criminal and sexual exploitation due to gaps in policies and services, unmet need, and correlatively high levels of social deprivation.[77] They are also at higher risk of school exclusion, and so the risk that is then faced by these children and young people is intersectional.

[77] Modern Slavery PEC, Internal trafficking and exploitation of children and young people with special educational needs and disabilities (SEND) within England and Wales: Understanding identification and responses to inform effective policy and practice (2024), available at: https://www.modernslaverypec.org/resources/children-special-needs-disabilities

A 2023 BBC investigation found that, in England's four largest drug-exporting regions, there were more than 1,200 exclusions between 2021 and 2023 involving pupils assessed by children's services as victims of child criminal exploitation.[78] In some of these cases, it is likely that the school will have known about the risk of exploitation or the exploitation itself at the point the pupil was permanently excluded.

Decisions to exclude children who are at risk of exploitation are often taken in the name of protecting other pupils at the same school.

While important, this takes a short-sighted view of the social impact of exclusion and even of the harms to which the excluded child is or may be exposed. The 'Equity By Design' report from the Excluded Lives Project suggests moving the focus towards 'the right for all to be safe', acknowledging the complex interplay of needs that is often present in classrooms.[79]

Children who are absent from education

Children being absent from education for prolonged periods and/or on repeat occasions can act as a vital warning sign to a range of safeguarding issues including neglect, child sexual and child criminal exploitation - particularly county lines. It is important the school or college's response to persistently absent pupils and children missing education supports identifying such abuse, and in the case of absent pupils, helps prevent the risk of them becoming a child missing education in the future.

(Paragraph 177, 'Keeping children safe in education')[80]

Naming exploitation

Article 4 of the European Convention on Human Rights (ECHR) prohibits slavery, servitude, and forced or compulsory labour.[81] A child victim of criminal exploitation cannot consent to their own abuse and exploitation, and they often do not even recognise themselves as victims of exploitation. As such, the duty for protecting children and young people from such exploitation lies with the adults in their lives, including in school and at the local authority.

Schools and local authorities have duties to proactively safeguard pupils against exploitation of all kinds. Article 4 of the ECHR is engaged where a school, local authority or governing board has credible suspicion that trafficking or exploitation has occurred. However, there is varying practice in how this is dealt with across different schools and local authorities, with the West Midlands in 2023 flagged by the BBC as a region with particularly high exclusion rates in these cases.

The case of R (NAA, by his litigation friend NAD) v London Borough of Haringey & another[82] concerned a child represented by CCLC who was permanently excluded from school despite the local authority's assessment identifying the child as a potential victim of child criminal exploitation, a referral from the police, and a positive reasonable grounds decision.

The child was failed in numerous ways: after the identification of the exploitation risk, no action was taken by the local authority; the local authority also failed to share information to the Single Competent Authority (SCA) for the conclusive grounds consideration and failed to share with the school. The crux of the case was the failure of the defendants to act in relation to duties under the Modern Slavery Act and the Article 4 duty to protect victims or potential victims of trafficking. Although the Section 52 of the Modern Slavery Act argument failed due to being out of time, the judge decided that Article 4 duties were triggered when the SCA notified the local authority of the positive reasonable grounds decision and made a declaration, critical to future cases, that there were breaches by the local authority and that it failed in its duty.

The question of how a school should respond to a credible suspicion of exploitation, and how this relates to a decision to exclude a pupil, has been examined by the courts in recent years.

Recent cases considered by the courts[83] have looked at what kinds of evidence could be seen as constituting 'credible evidence': an exploitation risk raised by a pupil's social worker (in the case of CM), a Multi-Agency Safeguarding Hub referral or unexplained physical harm (in the case of RWU), and even a referral to or positive reasonable grounds decision from the National Referral Mechanism (NRM) (in the cases of RWU and NAA). An expectation of a NRM referral or decision, however, would be too high an evidential threshold to set in these cases because the National Crime Agency has acknowledged that NRM data is likely a serious underestimate of the total number of children exploited in county lines cases, and - as in the case of RWU - often come after the fact.[84]

This issue is live, and the government should not be waiting for the courts to force them to act. Just as the Crime and Policing Act 2026 seeks to close the enforcement gap by creating a new standalone child criminal exploitation offence, additional protections should be put in place to protect child victims of exploitation. Assuming non-exclusion as a protective measure where there are serious safeguarding concerns about a pupil's risk of exploitation would have a significant positive impact. A child or young person should not have to be suffering already from the harms of exploitation for Article 4 to be a relevant consideration; instead, schools should be empowered and encouraged to act where there is a risk of exploitation happening in the future. Schools act as a protective factor against exploitation, but only while a child or young person is still in education and attending school.

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[78] BBC West Midlands, 'Excluded pupils in West Midlands at risk of criminal exploitation' , available at: https://www.bbc.co.uk/news/uk-england-birmingham-66622434
[79] The Excluded Lives Project, University of Oxford, 'Equity by Design', May 2025, at https://excludedlives.education.ox.ac.uk/wp-content/uploads/2025/05/Equity-by-Design_Excluded-Lives.pdf
[80] Department for Education, Keeping children safe in education 2025, available at: https://assets.publishing.service.gov.uk/media/68add9319692539o4d155860/Keeping_children_safe_in_education_from_1_September_2025.pdf
[81] Human Rights Act 1998, Article 4, available at: https://www.legislation.gov.uk/ukpga/1998/42/schedule/1
[82] Available at: https://www.bailii.org/ew/cases/EWHC/Admin/2025/1845.html

[83] Including RWU, R (on the application of) v The Governing board of A Academy ([2025] EWCA Civ 147); and THE KING (on the application of CM, by her grandmother and litigation friend, CY) [2025] EWHC 1414 (Admin); and NAA (by his litigation friend NAD) v An Independent Review Panel, [2025] EWHC 1845 (Admin), KBD
[84] National Crime Agency, County lines: drug supply, vulnerability and harm (2018), available at: https://www.nationalcrimeagency.gov.uk/who-we-are/publications/257-county-lines-drug-supply-vulnerability-and-harm-2018/file#:~:text=8.,offenders%20at%20the%20supply%20level and Home Office, Evaluation of the County Lines Programme (2025), available at: https://www.gov.uk/government/publications/evaluation-of-the-county-lines-programme/evaluation-of-the-county-lines-programme

Recommendations for reform:

Data and transparency

- School-level data on: off-site directions, managed moves, transitions to home-schooling, and all other forms of pupil movement outside the 'normal' functioning of the school system, should be captured and published. This dataset should include the reason for the move and the child's outcomes. For the dual purposes of complying with the Public Sector Equalities Duty and monitoring inclusion, this data should also include collated details of protected characteristics.

- Governing boards and IRPs should be mandated to take equalities data into consideration when reviewing exclusions decisions. This data should also be made available to parents.

- School ranking and results should proportionally take into account all children in that school year who have been enrolled at the school at some point, including those who have been excluded or otherwise moved out of the school.

Groups at greater risk of exclusion

- Governing board training on the law on exclusions should not be left to discretion but should be made mandatory, strengthening paragraph 88 of the school exclusions guidance. Governing board training should include a proper understanding of special education needs, and information on adultification, unconscious bias, including on the intersection of SEN and other protected characteristics.

- The strengthened independent complaints process envisaged by 'Every Child Achieving and Thriving' should, like IRPs, include the optional involvement of an SEN expert.

- The Ministry of Justice should categorise SEND tribunal appeal hearings by reason, rather than listing them as 'uncategorised'. Without this data it will be difficult to understand or measure how use of the Tribunal changes following the significant changes proposed by 'Every Child Achieving and Thriving', or to measure whether disability discrimination cases are rising or falling.

- The behaviour in schools guidance should be amended to mandate (rather than suggest) that initial interventions include a consideration of SEN where no assessment has yet been undertaken, and an assessment of SEND support in cases where a child's SEN has already been identified.

- Amend statutory guidance to include provision that:
  - If there is suspicion that a child is being exploited, schools must liaise with the relevant first responder about whether the child should be referred into the National Referral Mechanism, and
  - the school should support first responder with pulling together evidence in support of referral.

- If a child has a pending NRM decision, any decision on a permanent exclusion should be delayed pending determination of a reasonable grounds decision.

- Guidance should make clear that if a child has a positive reasonable grounds decision following an NRM referral, a pupil referral unit will not generally constitute a suitable placement for that child, and not conducive to the recovery and reflection period afforded to victims of trafficking under international law.

3. Legal remedies

The waiting game: timescales for review

Exclusion proceedings can last several terms, resulting in significant educational disruption. On paper, timescales are proportionate: governing bodies are required to convene a review meeting within 15 school days. If they uphold the exclusion, parents have a further 15 school days to request an independent review. An IRP must then be arranged to take place within 15 school days. If the IRP directs or recommends that the governing board reconsiders the exclusion, the board must meet to do so within 10 school days. As such, the law allows for up to 11 school weeks – the equivalent of a term – for a decision on whether a child should be readmitted following a permanent exclusion.

These timeframes are often exceeded. Sometimes this is because families are exploring alternatives to exclusion, such as a managed move, but more commonly in our casework the delays stem from the school or local authority missing the required deadlines, for reasons including difficulties coordinating governors at short notice, arranging in-person hearings, or collating evidence.

Case study: Jason

Jason had been predicted GCSE grades of 8s, but due to missed learning and lack of educational support, he was unable to recover academically after spending a year out of school during GCSEs. The delay was due to successive delays to first governing board and then IRP hearings. Initially he was keen to return to school once the governing board had agreed to reinstatement; however, as year 11 began he felt he would never catch up. Although his parent requested catch-up tuition over the summer for reintegration, this was not provided. Jason was on free school meals, and his mother was unable to pay for this tuition herself.

While there are clear time limits, the duty on governing boards to meet them is weak: they are required only to make "reasonable endeavours" to arrange the first-stage review within the statutory timeframe, and the guidance states that a decision is not invalid simply because it is made late.[85] We are also seeing increased delay at the IRP stage; in spite of statutory timeframes, IRPs have the power to adjourn. In one recent case, a young person who was permanently excluded in June 2025 had her IRP hearing adjourned to January 2026, after which there could still be further delay.

The harms associated with school exclusion are already well established. When decision-making is delayed and children and young people remain out of mainstream education for extended periods, these harms intensify and the negative impact of exclusion becomes even more pronounced. Delay in deliberation and review also intensifies the adversarial nature of this process, as parents are called upon to adapt to their child potentially out of education or out of full-time education for extended periods. The impacts of this on parents was examined in Coram's 2018 report 'Unfair Results'.[86] Parents described needing to take time off work or even leave their jobs to manage the disruption to their child's education. They also reported heightened stress and a deterioration in their mental health, as well as negative impacts on wider family dynamics, with parents questioning their own parenting and noting increased strain on relationships within the household.

Alternative provision, which schools and local authorities are legally required to arrange from the sixth day of a suspension or permanent exclusion, covers a wide range of different kinds of education and settings that are not covered here. While Coram's 2018 research into the wellbeing of excluded children found that many were positive about their experiences of alternative provision, we often advise parents whose views are more negative.

[85] Department for Education, Suspension and permanent exclusion guidance, paragraph 105, available at: https://www.gov.uk/government/publications/school-exclusion
[86] Available at: https://www.coram.org.uk/wp-content/uploads/2023/01/School-exclusions_full-report_final_0.pdf

Parents consider the alternative provision offered unsuitable, usually citing safeguarding concerns or unmet special educational needs. There is a lack of clear guidance which addresses this situation, and disparity of practice across local authorities with some offering home-based tuition, others only upon request and some not at all. This leaves many vulnerable children and young people at home, and with no education for the many months a school exclusion appeal can require.

In some cases parents may try to withdraw their child from school to home educate full-time. However, there is no automatic right to temporary home education, though discretion exists to allow this.

Case study: Louis

Louis, who has SEN, was permanently excluded aged 15. His mother appealed the decision. The local authority arranged for Louis to attend alternative provision, but Louis's mother strongly disagreed with the chosen provision due to concern they could not meet his SEN needs. Instead, she asked the local authority if she could temporarily home educate Louis while different provision was found. On the basis of this request, the school cancelled the exclusion (also cancelling the appeal that was in train) and de-registered Louis, without communicating these outcomes in advance. While this action may have been technically in accordance with the School Attendance (Pupil Registration) (England) Regulations 2024, the school appears to have taken advantage of the situation and of the mother's lack of understanding to remove Louis from the roll, thereby removing both the opportunity for independent scrutiny of the exclusion decision and any chance Louis had of being reinstated.

The scale of this problem must be measured using the children out of school register introduced by the Children's Wellbeing and Schools Act. If timeframes cannot be tightened or even met, then guidance should be clarified to standardise the offer for children and young people out of education while their exclusion appeal is ongoing.

Governing board reviews

All permanent exclusions, as well as suspensions that result in a pupil missing more than 15 school days in a term, are subject to an automatic review by the school's governing board.

Being a governor means adopting a wide-ranging and difficult role on a voluntary basis with significant responsibility, all on a voluntary basis. However, the law on school exclusions demands that governors take on the responsibility for scrutinising individual decisions made by the headteacher, and so this role must be scrutinised to ensure it is being undertaken and supported in the most rigorous way possible.

At governing board review stage, the governing board considers parents' representations about a suspension or permanent exclusion and decides whether an excluded pupil should be reinstated. In reaching a decision, the governing board should consider whether the exclusion decision was lawful, reasonable, and procedurally fair. This should consider the welfare and safeguarding of the pupil and their peers, the headteacher's legal duties (including equalities duties), and any evidence that was presented to the governing board in relation to the decision to exclude.

In the light of its consideration, the governing board can either:

- direct reinstatement of the pupil immediately or on a particular date; or
- decline to reinstate the pupil.

Parents are often expected to engage with governing board reviews without support, which is challenging given the quasi-legal, court-like process.

We often advise parents who receive their exclusion pack, a document often exceeding 100 pages, with only five days before the hearing. In practice, this means that parents are often expected to have prepared their written case of legal challenge before they have received evidence of the case against their child. In any comparable legal or quasi-legal process, such limited preparation time would generally be considered procedurally unfair, yet it remains routine in exclusion reviews. To support parents in this process, guidance should be amended to mandate that a written submission by the headteacher outlining the basis of the permanent exclusion should be provided to the young person, their parents, and any external support they have, in good time prior to the deadline to provide written submissions.

The numbers and outcomes of governing board reviews are not captured in DfE statistics. The statistics published only includes those exclusions already upheld by governing boards. However, FOI data cited in the 2019 Justice Challenging School Exclusions report[87] showed that in the vast majority of the 90 local authorities that provided information, governing boards upheld headteachers' exclusion decisions 95% or more of the time. In each year analysed, at least a third of local authorities reported that governing boards upheld decisions 100% of the time.

There is a marked difference with IRP outcome data (discussed below), which reports a much lower percentage of decisions upheld. This raises genuine questions about whether governing boards are providing meaningful scrutiny.

Issues with governing board reviews

Based on our casework and frontline advice, we have identified three primary concerns with the governing board review stage, many of which are well-documented.

Lack of independence

A central concern with the governing board review stage is the lack of independence. Governing boards rely heavily on information provided by the school, and governors, in particular the chair, often have longstanding relationships with the headteacher and senior leaders, which can compromise the objectivity expected at this stage. Although legislation[88] requires governors to act with integrity, objectivity and honesty, it also obliges them to act in the best interests of the school, creating an inherent tension between this duty and the need to scrutinise an exclusion decision effectively.

We frequently hear from parents that the outcome feels predetermined and that the process operates as a rubber-stamp exercise. The high percentage of exclusions upheld by governing boards only serves to reinforce this perception.

Limited training and expertise

Training for governors varies as widely as schools do. Many multi-academy trusts provide standardised training covering equalities and exclusions, but individual maintained schools and many primary schools may not.

Governors are expected to receive training that enables them to carry out their responsibilities effectively, but there is currently no national requirement for exclusions-specific training, nor for training in areas of law that closely intersect with school exclusion decisions, such as discrimination and equality law.[89]

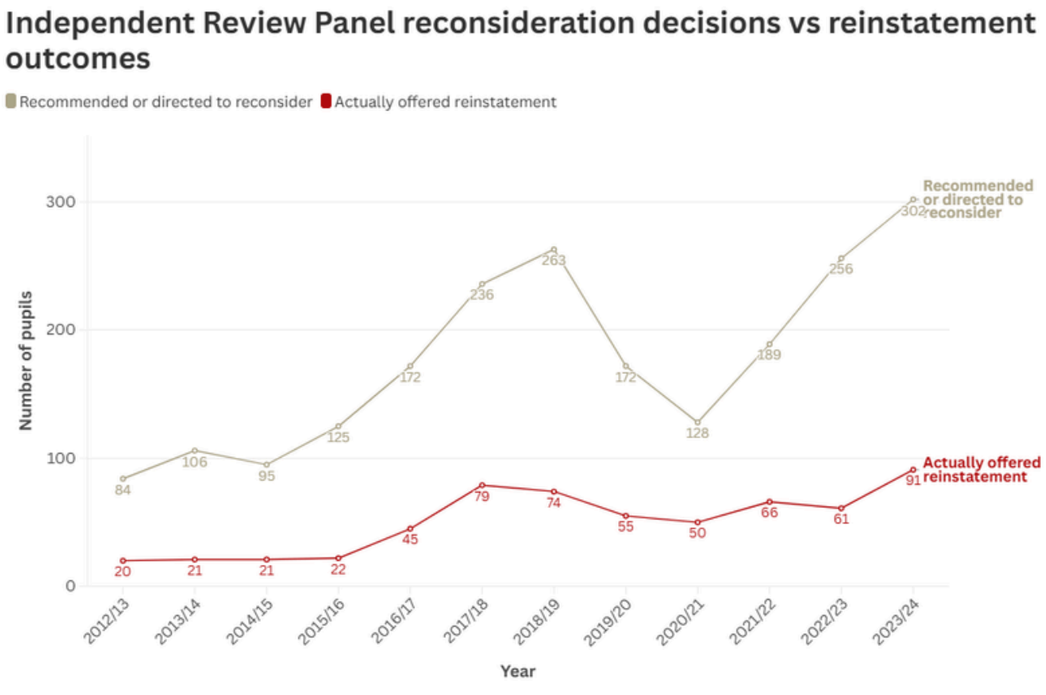
[87] JUSTICE, Challenging school exclusions, available at: https://cdn.prod.website-files.com/67becde70dae19a9e5ea2bc3/68adc4a0887e7e23cb576bf0_Challenging-School-Exclusions-2019.pdf
[88] The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013, Part 2, available at: https://www.legislation.gov.uk/uksi/2013/1624/regulation/6/made
[89] Paragraph 88 of the school exclusions guidance may capture the need for this training as a general requirement, but this is not explicit.

By contrast, the exclusions statutory guidance sets out clear training expectations for IRP members and clerks, including the areas they must be trained in and how often that training should be refreshed. This creates a built-in imbalance within the system, which in turn leads to an inconsistent approach, wide variation in the quality of decision-making, and an increased risk of flawed outcomes.

Power imbalance

Parents are rarely accompanied or assisted at governing board review, and legal aid is not available for a publicly funded solicitor to advise or accompany a family to governing board reviews.

Governing boards are responsible for upholding public law principles; this means that flawed or unfair processes can make an exclusion decision challengeable, even if the substance of the decision itself is not disputed. This is a complex legal construction and not something parents can be expected to understand easily. From our experience, without legal support, parents can struggle to understand their rights or the grounds on which a decision can be challenged, and this can mean a child or young person's circumstances are not fully communicated or properly advocated for.



After reconsideration of the exclusion, the governing board must come to one of three decisions:

- uphold the exclusion;
- reinstate the pupil with immediate effect; or
- reinstate the pupil on a particular date.

Reconsideration

The governing board may also have to re-consider their original decision to uphold an exclusion after an IRP. Depending on its findings, the IRP can either recommend that the governing board reconsider the decision or direct it to do so. The role of the governing board is to conscientiously reconsider whether the excluded pupil should be reinstated, taking full account of the findings of the IRP.[90]

In practice, government statistics show that governing body reviews very rarely result in a child returning to school: the proportion of children offered reinstatement (458 in total since 2012) is only 0.6% of all upheld permanent exclusions since 2012. Governing bodies having the final say, and there being no power to compel schools to take back previously excluded children, was a cornerstone of educational reforms in 2010 that resulted in the Education Act 2011.[91] In the intervening years, many concerns have been raised about the fairness of these reforms. Consideration of the role of the IRP and recommendations for reform are below.

The question of re-consideration raises obvious concerns, not least because it appears contrary to natural justice for the chair, who effectively acted as the opposing party in the IRP, to sit on the reconvened governing board and rule on whether their own decision was correct. Put simply, the governing board is marking its own homework. There is no requirement for a new set of governors to carry out the reconsideration, and while in a complex or long-running case there may be advantages in retaining the same governors because of their familiarity with the evidence and history, there are also significant concerns about the lack of independence and the risk of confirmation bias. Consideration should be given to the question of how to establish and maintain procedural fairness.

For governing bodies, a reconsideration may need to be conducted by governors who were not involved in the original decision, particularly where there is a risk of perceived or actual bias or discrimination. Statutory guidance should clarify this. A more robust approach to procedural fairness, however, would be to transfer the responsibility to reconsider to the governing board of another local school, co-ordinated by the local authority, to ensure a fully independent re-hearing of the exclusion. For decisions made by a Multi-Academy Trust (MAT) board, the reconsideration should be undertaken by a governing board external to the MAT. This will require additional support for schools, local authorities and MATs, given how much scrutiny already rests on the shoulders of the voluntary governor workforce.

Independent Review Panels

Parents (and pupils aged 18 and over) can request an independent review if the school's governing board upholds a permanent exclusion.

Independent Review Panels (IRPs) were introduced in the Education Act 2011, replacing Independent Appeal Panels (IAPs), with the aim of restoring the authority of headteachers and schools. Unlike IAPs, IRPs do not have the power to reinstate a pupil themselves. Following a review, an IRP can:

1. uphold the governing board's decision not to reinstate;
2. recommend that the board reconsiders reinstatement; or
3. quash the board's decision and direct that it reconsiders reinstatement.

IRPs can require the school to pay £4,000 from its budget if, following a directed reconsideration, the governing board arrives at the same decision to uphold the exclusion.

[90] See part 12 of Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement
[91] See for example the 'The Importance of Teaching' schools white paper, 2010, at https://assets.publishing.service.gov.uk/media/5a7b4029ed915d3ed9063285/CM-7980.pdf

Although it is rare, this potential outcome, alongside the IRP's inability to actively reinstate a pupil or effectively overturn a governing boards decision, amounts to a lack of effective remedy for unlawful exclusions. Ultimately, whatever the outcome of a review, the school is still the ultimate decision-maker and could effectively 'pay to exclude.'

IRPs, and families navigating them, often face significant data gaps. In 'Every Child Achieving and Thriving', the DfE commits to helping schools, through better data, review their own sanctions data including temporary and permanent exclusions data to assess the proportionality of their policies. This same data, including equalities data, should be provided to IRPs and all parties so that an individual child's exclusion can be understood within the necessary broader context of a school's decisions.

IRP decision-making and judicial review principles

IRPs do not review the headteacher's decision to exclude; that is the role of the governing board. The IRP, instead, must review the decision of the governing board to uphold the exclusion. In practice, this distinction means that an IRP may find that the governors need to reconsider the exclusion because they have not performed a satisfactory review, even if the IRP does not find anything wrong with the exclusion itself. Conversely, an IRP may not agree with the decision to exclude and yet have no grounds on which to challenge this. This structure creates a narrow form of oversight. This limited remit is one reason often cited for the removal of the IRP's power to reinstate a child at school: the panel is not assessing the wider context, only the quality of the governing board's review.

IRPs have a duty to conduct a judicial review 'as far as possible'.[92]

This is not uncontentious; the judge in the case of CR stated that:

> "I am bound to say that it is difficult to see that it is entirely satisfactory for what is a lay body to be required to apply judicial review principles in the decision that they have to make. However, that is what Parliament has required and that is what has, so far as possible, to be applied."

The application of judicial review principles is a challenging standard to meet. Panels consider whether:

1. the governing board took account of relevant or irrelevant factors
2. the decision was irrational, and
3. whether there was a serious material error of fact.

These tests edge into substantive review of the facts of the case, but only at a very high threshold. The test with which a governing board's decision may be quashed on factual grounds is extremely high: "so unreasonable that no governing board acting reasonably in such circumstances could have made it", or if the error made was material. Where there are clear reasons for the IRP to disagree with the substance of a decision, it should be possible for them to challenge it. This would be a significant change to the remit of an IRP, but one that would greatly improve fairness.

While implementing inclusions reforms, the government should consider whether the current scope of IRPs is achieving the aim of having an effective appeal mechanism against permanent exclusions. Within this, it should be considered whether broadening the scope of IRPs to look not only at procedural fairness, but at the substance of a child's permanent exclusion would increase access to justice. Regardless of scope, the test to be met should be lowered such that the IRP is able to decide, on a balance of probabilities, if an exclusion was justified and in accordance with guidance.

[92] As expressed by the High Court in the case of CR v Independent Review Panel of the London Borough of Lambeth [2014] EWHC 2461 (Admin)
[93] All IRP data taken from the Department for Education, Exclusion reviews (from 2012/13) dataset, available at: https://explore-education-statistics.service.gov.uk/data-catalogue/data-set/5cb1a9cf-ea53-4fbb-9748-a4812dad2a85

IRPs are not court hearings, and it is never appropriate for independent review panel hearings to take place in rooms that feel like court rooms. While not universal, this happens regularly and risks traumatising and alienating children. We also see excellent practice, in which IRPs take place in the round, with the child present. A child's active participation in IRP hearings is unfortunately not mainstream practice, as procedural fairness is the subject of the review. If the scope of IRPs were broadened to look beyond procedural fairness, a child's meaningful participation, in line with their capacity and age, should be facilitated and best practice guidance should be written.

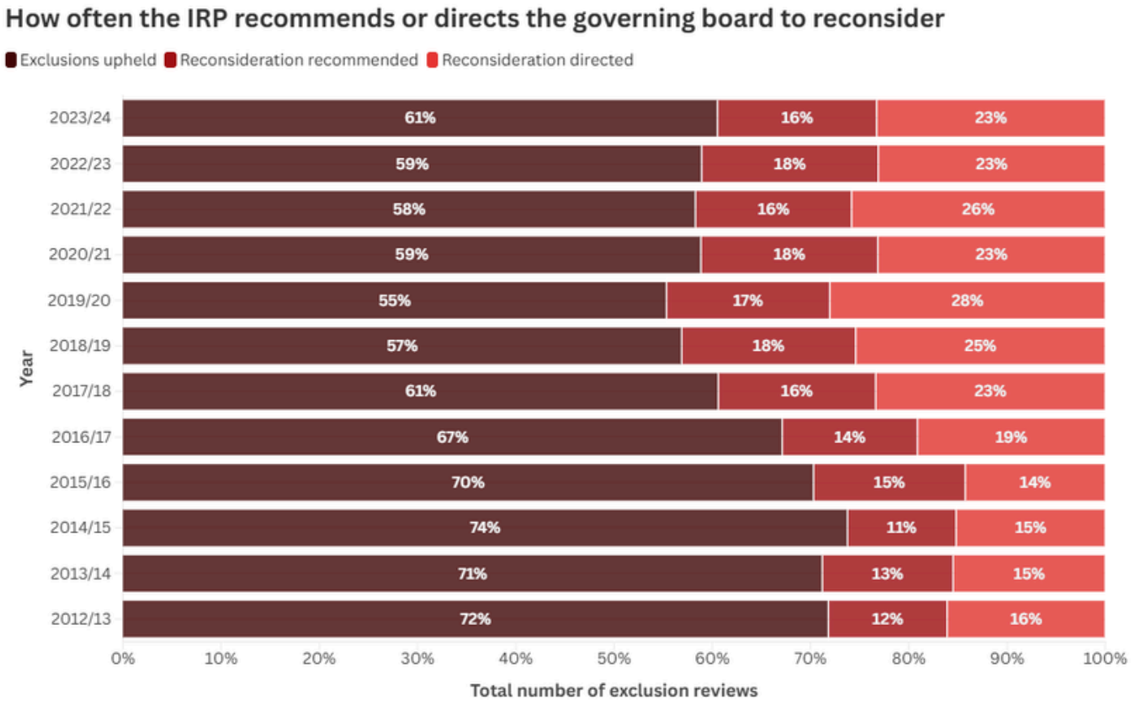
The data

Compared to the number of permanent exclusions, there are very few independent reviews by IRPs. Since 2012 when IRPs were introduced, governing boards have upheld 81,319 permanent exclusions. [93] This has led to 6,158 requests for an independent review (7.6% of cases) and 5,718 reviews determined (7% of cases).

Since IRPs were introduced in 2012, a total of 6,158 reviews lodged over 13 years have led to 2,128 decisions overturning a governing body's decision (894 recommended reconsiderations, 1,234 directed reconsiderations). This is an effective 'success rate at appeal' of 35%. However, in total since 2012, only 605 children have been offered reinstatement at school following a reconsideration. This is an effective 'success rate at appeal' of just 10%.

Concerningly, of the one in five decisions 'quashed', which is the most positive possible outcome for the child, only a third led to an excluded child being offered reinstatement at school.

The proportion of children offered reinstatement (458 in total) is only 8% of all reviews determined, and 0.6% of all upheld permanent exclusions since 2012. This means that in 62.9% of cases when an IRP quashed a governing board's decision, the governing board made the same decision at reconsideration.



It should be noted, however, that the published figures do not capture how many permanently excluded children return to their school following a review hearing. This is because, even where a governing board is directed to reconsider a decision to permanently exclude, and where that child is subsequently offered reinstatement, children or their parents may not choose to take up the offer. In our casework experience, this is often due to a complete breakdown of relationship and/or trust following a deeply adversarial review process.

The percentage of reviews upholding an exclusion has fallen steadily since 2012 from 71.8% in 2012/13 to 60.5% in 2024/25. Although there will be many other factors at play, this falling rate correlates with the percentage of IRPs where a SEN expert is requested, which has correspondingly risen steadily from 53.4% in 2012/13 to 67.6% in 2024/25.

When IRPs were introduced in the Education Act 2011, they were intended to be a review process which held no decision-making power over a school. These statistics call into question at what point a review process ceases to hold decision-makers to account and fails to bring accountability or fairness to a system with a deeply unequal power imbalance. As schools become more inclusive, this will unfortunately continue to be a faultline and a point of potential failure unless action is taken to strengthen this primary mechanism through which a child can seek accountability and access to justice.

Why are there so few independent reviews?

The numbers of permanent exclusions which are reviewed by an IRP are low, averaging 7.6% since IRPs were introduced in 2012 and remaining fairly static year-on-year. However, this low take-up is not unique to the IRP system. Prior to the reforms in 2011/12, appeals before IAPs had been low and falling steadily for several years.

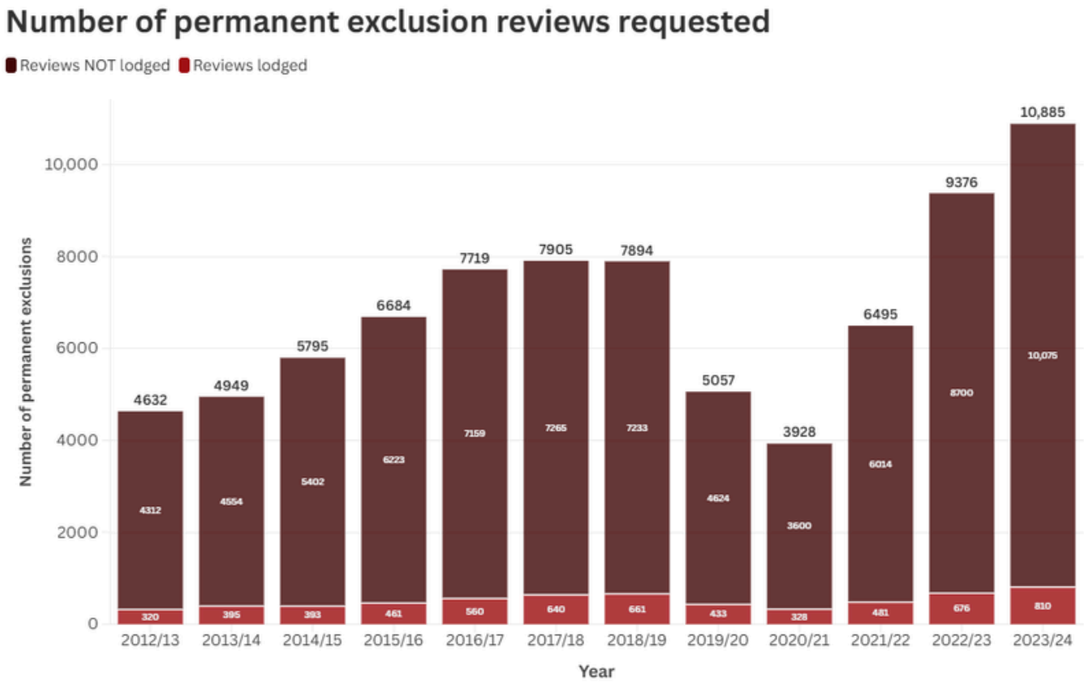
This trend has long been observed, for example by the Timpson Review which states that "it is difficult to understand why uptake is low based on numbers alone: while it could be dissatisfaction with the system, it could equally represent decisions parents do not want to challenge".[91] Coram's 2018 research 'Unfair results' found indications of schools pressuring parents not to challenge an exclusion.[92]

From our experience advising parents on school exclusions, several factors contribute to the low take-up, including:

- Poor understanding of rights and procedures
- Trust breakdown and loss of faith that the school can meet a child's needs
- Limited help to navigate a legally complex process, and
- Belief that the IRP won't make a difference

Conversely, DfE research in 2014 found that two thirds of a small sample of parents who challenged a permanent exclusion did so not solely in order to have their child reinstated, but due to a feeling that the decision had been unfair or unjust.[93]

A permanent exclusion is a very serious sanction that is likely to have a serious impact on a child's life and outcomes. A decision so serious should be subject to meaningful and lawful scrutiny and review, and children and their families should have a meaningful avenue to appeal.



Case study: Malik

Malik is a Year 9 Black pupil with identified SEND who was permanently excluded. The IRP quashed the governing board's decision, highlighting the school's failure to consider Malik's SEND in relation to the incident or the support in place. They also noted that racial abuse and bullying allegations which formed part of the circumstances around the exclusion were not investigated or considered as mitigating factors. At reconsideration, the governing board upheld the exclusion, dismissed the SEN expert's extensive findings - arguing that they were acting beyond their scope - and stated that too much time had passed for the racial abuse and bullying allegations to be relevant. This case highlights the ongoing concerns around how governing boards handle reconsiderations.

[91] Timpson Review of School Exclusion, page 88, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807862/Timpson_review.pdf

[92] Available at https://www.coram.org.uk/wp-content/uploads/2023/01/School-exclusions_full-report_final_0.pdf

[93] Department for Education, Independent Review Panel and First-tier Tribunal Exclusion Appeals systems Research report, February 2014 at https://assets.publishing.service.gov.uk/media/5a7c9819e5274a0bb7cb8174/DFE-RR313.pdf

Legal aid

Since the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), legal aid has not been available for the traditional stages of the exclusion appeal process, namely governing board and IRP hearings. As a result, families are left to navigate the complex appeal process with minimal support, relying largely on help from a small number of charitable organisations and pro bono advocates and solicitors. This has undermined access to justice for excluded children and young people, particularly those from vulnerable groups, who are less able to challenge potentially discriminatory exclusions. Discrimination cases, which are brought before the First-tier Tribunal or the County Court, remain within the scope of legal aid.

A February 2025 High Court ruling in a case (CWJ) [94] brought by CCLC marked a significant development, removing the blanket prohibition on legal aid in school exclusion appeals and confirming that a form of legal aid, Exceptional Case Funding (ECF), may be available in appeals before an IRP where an exclusion involves substantive discrimination. Despite this High Court ruling, prior to April 2026, the Legal Aid Agency had still not granted ECF for representation.

Instead, most known applications made following the ruling had either been refused or delayed. Cases subject to review were also reviewed by the original decision maker, a practice which was successfully challenged in early 2026. In April 2026 funding was finally granted for a family to have legal representation at the IRP following the case of CWJ. However, the application for legal funding in this case had been pending since February 2025, a wait of 14 months, and was only decided following threat of further legal challenge. 14 months is clearly not a workable timeframe for excluded children or their families, nor is it a meaningful human rights safety net for a child if more than a whole school year is lost.

Legal aid accessed through ECF, while a major step forward, is only a partial solution to the problem of families unable to secure advice and representation at IRP, and there are many practical barriers which stand between parents and the support they need. Exclusion ECF applications are considered "at risk" work, meaning providers are not paid unless the application is granted. As a result, providers cannot afford to spend extensive time producing well-drafted documents for applications that may go unpaid. There are also issues around capacity: demand for education legal aid lawyers far exceeds supply, and the tight timeframes in the exclusion appeal process make it difficult to prepare the detailed pleadings that are required.

ECF was envisaged as a safety net to ensure that individuals without means could get legal help to fight breaches in their human rights. A process this procedurally complex is failing in that mission.

School complaints processes

Where a pupil is excluded in accordance with the statutory process, parents may challenge the decision through the established statutory appeal route, and the school's complaints procedure does not normally apply. In contrast, where schools use informal exclusions, off-site directions, managed moves, or other practices outlined in this report, there is no equivalent appeal route. Parents must instead rely on the school's complaints procedure to raise and escalate their concerns.

Complaints raised in this way are considered under the school's published complaints procedure, which typically involves an initial review by the headteacher followed by escalation to the governing board and, in certain circumstances, the DfE. In partnership with the Improving Education Together (IET) initative,[95] the DfE in 'Every Child Achieving and Thriving' has outlined measures to improve the school complaints process.

This includes creating a new digital, accessible system for handling complaints, co-produced guidance for parents and consulting on strengthening complaints panels through the inclusion of an independent expert.

The complaints process can be slow, which is particularly problematic where, for example, a pupil has been informally excluded or is left without education following the breakdown of a managed move. For complaints to be an effective remedy, they must be heard in a child's timeframe. Beyond this, however, the current complaints process raises concerns about independence and effectiveness, due to the central role of a school's governing board and as discussed above in the section on exclusion reviews. Once a school's internal complaints procedure has been exhausted, families often find that there is no meaningful route to escalate their concerns externally.

The DfE's remit is restricted to assessing whether the school has followed its procedures correctly, rather than reviewing the substance of the complaint. As a result, many families are left without access to an impartial body capable of considering their complaint. It remains to be seen whether the measures set out in 'Every Child Achieving and Thriving' will make a substantive difference in the efficacy of the complaints system.

Local Government and Social Care Ombudsman

When a pupil has been permanently excluded from a local authority-maintained school and the case has been reviewed by an IRP, a complaint may be made to the Local Government and Social Care Ombudsman (LGSCO) about the way the IRP carried out its review.

Across all the complaints the LGSCO investigates, which cover a wide range of issues involving council services and some other authorities, rates of compliance are very high: in 2024/2025, the LGSCO upheld 83% of the 4,928 complaints it investigated, with compliance with its recommendations reaching 99.7%.[96] The LGSCO does not have the power to overturn the IRP's decision. However, if it finds that the panel's handling of the review was flawed in a way that could have affected the outcome, it may request that the local authority convene a new panel to hear the review again. It can also ask the local authority to review its procedures or the training provided to panel members, recommend that an apology be given, and suggest a financial remedy for any injustice caused.

The LGSCO can also examine related issues arising when a child is excluded from school, such as the local authority's duty to arrange suitable alternative education. In addition, for a child with an EHCP, the LGSCO may consider whether the LA is meeting all its duties in relation to the plan, including ensuring that the specified provision is delivered.

It should be noted that powers relating to the LGSCO's oversight of IRPs are not frequently used. Of the published cases on the LGSCO website[97] that relate to requests for the LGSCO to investigate an IRP and excluding those concerning exclusions from academy schools (which the LGSCO cannot investigate), there were only seven cases in the last five years. Of these cases, one was upheld, while six found no fault.

The LGSCO has several strengths: it is independent, free, and easy to use. However, while there is a high rate of compliance with its recommendations, it cannot enforce them, and investigations may take considerable time before a final decision is reached. Furthermore, the LGSCO cannot consider IRP decisions in academy exclusions, and given that over half of all pupils (58.4%) were attending an academy in 2024/2025,[98] it is not available as a remedy for many families.

[94] Judgement available at: https://gardencourtchambers.co.uk/wp-content/uploads/2025/02/Final-Judgment-AC-2022-LON-002669-CWJ-v-Director-of-Legal-Aid-Casework-Lord-Chancellor.pdf
[95] IET is a joint agreement between government, unions and organisations representing employers to propose, develop and implement policy

[96] Local Government Ombudsman, Annual Review of Local Government Complaints 2024-25, available at: https://www.lgo.org.uk/assets/attach/6814/LG-Review-2024-25-FINAL.pdf
[97] Available at: https://www.lgo.org.uk/decisions/education/school-exclusions
[98] Department for Education, Schools, pupils and their characteristics: 2024–25, available at: https://explore-education-statistics.service.gov.uk/find-statistics/school-pupils-and-their-characteristics/2024-25

The courts

First-tier Tribunal (Special Educational Needs and Disability)

In most school exclusion cases, the SEND Tribunal is not involved. However, alongside the introduction of IRPs in 2011, the government slightly expanded the Tribunal's remit in relation to exclusion. The Tribunal's previous role in considering claims of disability discrimination relating to fixed-period exclusions (now known as suspensions) was extended to include permanent exclusions. This gave parents two potential routes to challenge their child's permanent exclusion from school: the IRP, and, where parents suspect discrimination based on SEND, the First-tier Tribunal. This avenue is only available for exclusions from school; disability discrimination while attending a further education college must be addressed via the County Court.

In March 2026 the Ministry of Justice (MoJ) announced the roll-out across England and Wales of Child Focused Courts for family law matters.[99] This development aims to avoid putting vulnerable children through lengthy, adversarial court proceedings, and to identify any risks to the children's welfare more quickly – for example, when they're experiencing domestic abuse - while streamlining court processes to reduce delays. Unfortunately, the rationale for a child-friendly court system is not yet mainstream across other Courts, and the Tribunal can be an intimidating and traumatic experience for children.

The Tribunal has significant powers: it can order the responsible body to do anything reasonable to rectify the effects of the discrimination. This includes, in the case of a pupil permanently excluded from school, an order for reinstatement.

Some parents may instead seek a formal finding of discrimination along with broader remedies, such as an apology, staff training, policy changes, or other measures to prevent future discrimination. IRPs, however, are often the default choice, and although families can pursue both the IRP and, subsequently, a tribunal claim, navigating these procedures in quick succession is extremely demanding.

There is centralised public data available on how many parents bring disability discrimination claims against schools following a permanent exclusion, however the DfE's own analysis of the measure three years on from implementation had to change scope due to the fact that 'only five parents had undertaken an FTT nationally (during the data collection period from January 2013 to mid-July 2013), and only one of these parents and the headteacher involved agreed to take part in the research'.[100]

MoJ statistics only cover the total number of disability discrimination claims against schools and those claims that relate to what the MoJ terms 'temporary exclusions.' Regardless, the numbers are extremely low — 402 registered disability discrimination claims in total in 2024/25[101] — especially given that pupils with SEND have accounted for over 50% of all exclusions in each of the last two years.

The Tribunal is also currently operating at a considerable delay and dealing with a growing backlog. The number of cases lodged per year at the SEND Tribunal has soared from 3236 in 2015/16 to 23,861 in 2024/25. Although disability discrimination cases against schools are low in number, they too have grown by 250%: from 115 claims lodged in 2014/15 to 402 in 2024/25. This has led to delays of 14 months; clearly not a practical avenue for challenging an exclusion.

[99] Gov.uk, 'Children to get swifter justice as new family court approach expands nationally' https://www.gov.uk/government/news/children-to-get-swifter-justice-as-new-family-court-approach-expands-nationally
[100] Department for Education, Independent Review Panel and First-tier Tribunal Exclusion Appeals systems Research report, February 2014 at https://assets.publishing.service.gov.uk/media/5a7c9819e5274a0bb7cb8174/DFE-RR313.pdf
[101] Tribunal Statistics Quarterly: July to September 2025, Annual Special Educational Needs and Disability (SEND) Statistics, available at: https://www.gov.uk/government/statistics/tribunals-statistics-quarterly-july-to-september-2025/tribunal-statistics-quarterly-july-to-september-2025#annual-special-educational-needs-and-disability-send-statistics

Recommendations for reform

Primary recommendation

- The IRP should be given the power to reinstate pupils who have been permanently excluded where the panel deems the governing body to have acted unreasonably. This change would bring a critical rebalancing to a system too heavily weighted against individual parents and children.

Other recommendations

- The DfE should mandate who conducts a governing body reconsideration following an IRP. Responsibility for reconsidering a governing board decision should be transferred locally to an alternate governing body, overseen by the local authority to ensure a fully independent re-hearing of the exclusion. For decisions made by a Multi-Academy Trust (MAT) board, the reconsideration should be undertaken by a governing board external to the MAT.
- If the recommendation above is not implemented, guidance should be amended to clarify when a reconsideration should to be conducted by governors who were not involved in the original decision, particularly where there is a risk of perceived or actual bias or discrimination.
- Guidance should be clarified to standardise the offer for children out of education while their exclusion appeal is ongoing.
- Guidance should be updated to mandate that parents, often engaging with the school without representation or help, should be provided with the exclusion pack with significantly more time before the governing board review.
- Guidance should mandate that written submissions by the headteacher outlining the basis of the permanent exclusion should be provided to the young person, their parents, and any external support they have, ahead of the family's deadline to provide written submissions.
- Data should be collected and published on the outcomes of governing board reconsiderations following an IRP decision, as this information is currently unavailable and would provide valuable insight into the effectiveness of the process.
- The government should consider broadening the scope of IRPs to look not only at procedural fairness, but at the substance of a child's permanent exclusion at a lower threshold.
- The test for quashing a governing body decision on factual grounds ('so unreasonable that no governing board acting reasonably in such circumstances could have made it') is too high and should be lowered to a test on a balance of probabilities if an exclusion was justified and in accordance with guidance.
- Sanctions data, including equalities data, should be provided to IRPs and all parties so that an individual child's exclusion can be understood within the necessary broader context of a school's decisions.
- The DfE should strengthen the penalty incurred in any case where an IRP directs that a governing body reconsider its decision to permanently exclude a child, but the governing body ultimately upholds the decision to exclude.
- Where governing bodies routinely uphold their initial decision, this should trigger an investigation by the DfE which includes consideration of a school's PSED compliance
- The LGSCO should be given the power to investigate complaints relating to permanent exclusions by academies.

Conclusion

Amy's story

Amy was often in trouble at primary school. Her mum was a single parent who didn't speak English, and who wasn't able to either fight for additional support or to provide any herself. Although her teachers recognised that she had additional learning needs, she got little personalised support at primary school and fell behind, particularly because she was often unable to do her homework and there was no one at home who could help her. After she transitioned to a secondary school the problems became much more entrenched: in a bigger class in a very mixed school Amy fell further behind and became increasingly socially isolated, often getting into fights that included overt racial discrimination which was mostly ignored by the school. She was repeatedly isolated and excluded for fixed periods. Eventually, Amy began to avoid going to school.

When she was in year 9, her older cousin intervened with the school, which finally agreed to conduct an assessment of her educational needs; this found that Amy had severe dyslexia, and listed her support needs in an EHCP. By then, however, Amy had completely lost faith in her school and lost hope in her education. While skipping school she was recruited to join a gang; with them, Amy felt support, community and protection that she had lacked at school and at home. She began to use drugs and alcohol; she was 13 years old. After a period of four months completely out of school, social services got involved. When they did, it was transformative: she was taken into care, initially in foster care, which led to hugely increased safeguarding efforts from her school. Then, when the gang found out where she was living, she was suddenly moved to a different city and a different school to sever any remaining links. At her new school Amy's special educational needs were finally taken seriously: she received one-to-one help and therapeutic support, and the school took a flexible approach that allowed her to take her GCSEs.

In the end, Amy's is a good news story: she has compassion and resilience and is committed to using her early experiences to help other children to avoid the same traps. She is going to college to study childcare. But the punitive approach taken by her school put her at significant risk, and she believes only social work intervention prevented a much worse outcome. In her words:

"For kids, school should be their second home. This didn't happen for me, school for me was very hard. Teachers have a responsibility to take care of all of the children at school no matter what their background is. To other kids: remember that what is happening to you is not your fault. You are a kid! School shouldn't put you down – it should help you become who you are going to be."

CCLC advises thousands of families annually including children like Amy who are at risk of school exclusion or who has already been excluded. As this report and the case studies within it demonstrate, current routes of redress for formal exclusions are insufficient. There are too many possible loopholes in the legal framework, and those mechanisms which do exist can be weak, slow or ineffective, leaving a persistent imbalance of power between schools and families.

A truly inclusive education system is accountable to the children, young people and families who most struggle to access it. It should not be left to mark its own homework.

No child should be left without the full-time suitable education to which they are entitled in law. Forthcoming inclusivity reforms will be measured by the extent to which external transparency and accountability, as well as the prospects of children previously excluded, are in evidence.

Only with a rebalancing of power and process to lend more – and higher quality – scrutiny and accountability to exclusions can the transition to a more inclusive education system truly succeed.

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