

Unofficial or Unlawful Exclusions

All exclusions must be legal and fair. Schools have a duty to comply with legislation captured within the statutory guidance: **Exclusion from Maintained Schools, Academies and Pupil Referral Units in England 2017**.

It is never legal for any school to send a pupil home to 'cool off' even when parents have agreed. Any pupil sent home because of their behaviour must be recorded as an official and legal exclusion.

Pupils whose lunchtime behaviour is disruptive may be excluded from the school premises for the duration of the lunchtime period. An exclusion that takes place over a lunchtime would be counted as a fixed term exclusion for the duration of half a school day. The legal requirements relating to exclusion, such as the head teacher's duty to notify parents, apply in all cases of exclusion.

It is unlawful to exclude or to increase the severity of an exclusion for a non-disciplinary reasons. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet. It would also be unlawful to exclude for a reason such as:

- academic attainment / ability;
- the action of a pupil's parents;
- the failure of a pupil to meet specific conditions before they are reinstated such as attend a reintegration meeting.