

Off-rolling and Unlawful Suspensions and Exclusions

All suspensions and exclusions must be legal and fair. Schools have a duty to comply with legislation captured within the statutory guidance: Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement guidance (2022) [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(July, 2022\)](#)

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 suspension for the duration of half a school day. Suspending a pupil for a short period of time, such as half a day, is permissible, however, the formal suspension process must be followed. Each disciplinary suspension and permanent exclusion must be confirmed to the parents in writing with notice of the reasons for the suspension or permanent 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.

It is unlawful for school to exercise undue influence over a parent to remove their child from school under the threat of permanent exclusion and encouraging them to choose Elective Home Education or to find another school place.

If a parent feels pressured into electively home educating their child or that the suspension or permanent exclusion procedures have not been followed, they can follow the school's complaints procedure with the governing board and in the case of a maintained school, the Local Authority.