



PATT FACTS

EXCLUSION

Myth: The school can send my child home to ‘cool off’ or ask me to collect my child from school to prevent exclusion – as long as I agree.

Fact: Unofficial or informal exclusions (like sending a pupil home to ‘cool off’) are illegal – even if the parent agrees.

Law: *“Exclusion from Maintained Schools, Academies and Pupil Referral Units in England”* is the statutory guidance that confirms this (in paragraph 14).

14. ‘Informal’ or ‘unofficial’ exclusions, such as sending a pupil home ‘to cool off’, are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded



EXCLUSION

Exclusion from Maintained Schools, Academies and Pupil Referral Units in England 2017

Useful extracts

2. A fixed-period exclusion can also be for parts of the school day. For example, **if a pupil's behaviour at lunchtime is disruptive, they may be excluded from the school premises for the duration of the lunchtime period.** The legal requirements relating to exclusion, such as the head teacher's duty to notify parents, apply in all cases. **Lunchtime exclusions are counted as half a school day** for statistical purposes and in determining whether a governing board meeting is triggered.

6. **Any decision of a school, including exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful** (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention on Human Rights and the Equality Act 2010); **rational; reasonable; fair; and proportionate.**

9. Under the Equality Act 2010, schools must not discriminate against, harass or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. **For disabled children, this includes a duty to make reasonable adjustments to policies and practices and the provision of auxiliary aids.**