

# Exclusions

## Information for England

### When can a pupil be excluded from school?

Schools can discipline pupils if they break the rules. The school behaviour policy should set out how they will do this. For ongoing challenging behaviour, or more serious 'one-off' offences, pupils may get a fixed period (temporary) exclusion, or a permanent exclusion.

### Who makes the decision to exclude a child?

Only the head teacher, or acting head, can exclude a pupil.

### My child was excluded today, what happens next?

The school will usually ring to tell you your child is being excluded and ask you to take them home. The head must also write to you straight away (law says 'without delay'). The letter or email must say:

- why your child is excluded
- how long the exclusion is for, or that it is permanent
- when they will be allowed back in school (for a fixed period exclusion)
- how their education will continue while they are not in school
- how you can challenge the exclusion.

### What can I do if I disagree with my child's exclusion?

You can write to the school governing body to give your views. You can also ask to meet with them. For longer fixed term exclusions, the governors will automatically meet. Their role is to check that the head followed the exclusion procedures properly and made the right decision.

### Can the decision be changed?

For an exclusion longer than five and a half days the governors have the power to allow your child back into school. If the governors do not reverse a permanent exclusion, you can ask for an Independent Review Panel (IRP) to look at the decision. The Independent Review Panel can ask the governors to reconsider the exclusion. If your child is disabled, you can also make a disability discrimination claim to the First Tier Tribunal for Special Educational Needs and Disability.

### Common queries on exclusion

**The school keep asking me to take my child home. They say it isn't an exclusion.**

Whenever a child is sent home because of their behaviour, even for a short time, this must be recorded as an exclusion. The school shouldn't ask you to take your son or daughter home just to 'cool off' after an incident, or because there is no adult support available. This is an unofficial exclusion, which is illegal, even if you agree to it.

**The school want my child to come to school part-time only.**

Sometimes a part-time timetable can be helpful, for example, to ease a pupil back into school after a long absence. This should only be done with your agreement. The school should discuss with you when the arrangement will be reconsidered and when your child can return to school full-time. A part-time timetable should be to help your child. It should not be put in place because the school does not have enough support. Unless they are ill, your child should be in school for the full school day, like other pupils of their age.

**The school keeps excluding my son/daughter who has special educational needs (SEN). Is this allowed?**

The head can exclude your son/daughter if the offence is considered too serious for lesser punishments such as detention. However if your child's behaviour is related to SEN or disability, the school should first consider whether there are better ways of managing behaviour or giving extra help. If your child needs more help than the school can give, they may need an Education Health and Care (EHC) plan.

**My son/daughter has an Education, Health and Care (EHC) plan. Can they be permanently excluded?**

Yes, if the head decides your child has seriously broken the rules and that they would be a danger to others if they stayed in school. However, exclusion should always be a last resort and the school should take into account a pupil's SEN or disability if this was a factor in the exclusion. If there are concerns about your child's behaviour, an early review of their EHC plan should be arranged.

The rules governing exclusions from schools, academies and pupil referral units in England are contained in the [s52 Education Act 2002](#).

If your child has been excluded, the applicable Statutory Guidance is "[Exclusions from maintained schools, academies and pupil referral units – A guide for those with legal responsibilities in relation to exclusion](#)" (September 2012).

*Note: A 2014 version of the Exclusions Guidance was issued by the Department for Education earlier this year before being withdrawn to address issues with process. The current guidance to be followed is the above Guidance, which was last updated in September 2017.*

- Please note that this page is only applicable to those pupils who are attending school in England; it applies to all children attending a school including those below or above compulsory school age, such as those attending nursery classes or 6th forms.
- [Section 52\(1\) Education Act 2002](#) states that the head teacher of a Local Authority maintained school may exclude a pupil from the school for a fixed period or permanently.

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## What are the different types of exclusion?

- A **fixed term exclusion** is for a specific period of time. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year). In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent 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 half a school day. The legal requirements relating to exclusion, such as the head teacher's duty to notify parents, apply in all cases.
- A **permanent exclusion** involves the child being removed from the school roll. However, the head teacher must not remove a pupil's name from the school Admissions Register until the outcome of the Independent Review Panel (if this route is followed by parents).

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## In what circumstances can a child be excluded?

A pupil must only be excluded on disciplinary grounds. The decision to exclude must be:

- lawful;
- rational;
- reasonable;
- fair;
- proportionate.

The behaviour of pupils outside of school can be considered as grounds for exclusion. The school's behaviour policy will set out when a pupil's behaviour outside of school premises may lead to disciplinary sanctions.

A decision to exclude a pupil **permanently** should only be taken:

*"in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school".*

When reaching the decision to exclude a child, the head teacher must apply the civil standard of proof, i.e. 'on the balance of probabilities', which means it is more likely than not that a fact is true.

Under the [Equality Act 2010](#) schools must not discriminate against, harass or victimise pupils because of their:

- sex;
- race;
- disability;
- religion or belief;
- sexual orientation;
- because of a pregnancy / maternity; or
- because of a gender reassignment.

For disabled children, this includes a duty to make 'reasonable adjustments' to policies and practices.

It is unlawful to exclude or to increase the severity of an exclusion for a non-disciplinary reason. 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.

However a head teacher could lawfully exclude a child for:

- repeated failure to follow academic instruction;
- failure to complete a behavioural sanction, e.g. a detention (a decision to change the sanction to exclusion would not automatically be unlawful);
- repeated and persistent breaches of the school's behavioural policy. Even if the offence that has immediately led to the exclusion would not have normally constituted a serious enough breach on its own, a child can still be excluded if it is part of wider pattern of behaviour.

These duties need to be taken into account when deciding whether to exclude a pupil.

Formally arranged part-time timetables may be necessary as a temporary measure in exceptional circumstances to meet a pupil's needs, but must not be used as a disciplinary sanction or as a long term solution.

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### **What are the factors a head teacher should consider before deciding to exclude?**

The decision on whether to exclude is for a head teacher to take. Pupils should be given an opportunity to present their case before a decision is made.

### **Contributing Factors**

When considering whether to exclude, head teachers should take account of any contributing factors identified after an incident of poor behaviour has occurred – for example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying.

### **Early Intervention**

The Statutory Guidance is clear that early intervention should be used to address underlying causes of disruptive behaviour. This should include:

- an assessment of whether appropriate support is in place to support any special educational needs or disability that a pupil may have;
- the use of a multi-agency assessment for pupils who demonstrate persistent disruptive behaviour.

## Effectiveness

Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed period exclusions in an academic year, head teachers should consider whether exclusion is providing an effective sanction.

## Directing pupils off-site for education

Maintained schools have the power to direct a pupil off-site for education, to improve his or her behaviour (see [section 29\(3\) Education Act 2002](#) and the [Education \(Educational Provision for Improving Behaviour\) \(Amendment\) Regulations 2012](#)). If the school decides to use this power, they must:

- ensure that parents are given clear information about the placement – why, when, where, and how it will be reviewed;

Note: Where the pupil has a Statement of Special Educational Needs (SEN) or an Education, Health & Care Plan (EHCP), the Local Authority must also be kept informed.

- keep the placement under review and involve parents in the review;

Note: The regulations specify regular reviews but do not specify how often reviews must take place (that should be decided on a case-by-case basis). Reviews should be frequent enough to provide assurance that the off-site education is achieving its objectives and that the pupil is benefitting from it; and

- have regard to guidance from the [Secretary of State](#) on the use of this power.

Note: New Statutory Guidance on this issue can be found in “[Alternative Provision – Statutory guidance for Local Authorities](#)” (January 2013) at paragraph 41.

## Managed Moves

A pupil can also be transferred to another school as part of a ‘managed move’. This is to allow the pupil to have a fresh start in a new school and is an alternative to an exclusion. Managed moves are *voluntary* – they must only be arranged with the consent of the parties involved, including the parents. The threat of exclusion must never be used to influence parents to remove their child from the school. Managed moves are usually subject to a trial period in the new school. Pupils can be returned to the original school if the placement fails.

It is unlawful for a child to be informally excluded from school.

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## Can a child be informally excluded?

An ‘informal’ exclusion involves a child being sent off the school premises, without this being officially recorded as an exclusion (e.g. where a child is sent home for a ‘cooling off’ period). It is unlawful for a child to be informally excluded from school, even where the child’s parent/s or carer/s agree to the exclusion. If a parent believes that their child

has been unlawfully excluded they should, as a first course of action, pursue an internal complaint within the school. For more information on making a complaint please see our page on [Complaints to Schools](#)

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### **What are the school's obligations when a child has special educational needs (SEN) or is 'looked after'?**

There are certain groups of pupils with additional needs who are particularly vulnerable to exclusion. This includes pupils with Statements of Special Educational Needs (SEN) or an Education, Health & Care Plan (EHCP) and 'looked after' children.

Head teachers should, as far as possible, avoid permanently excluding any pupil with a statement of SEN or EHCP or a 'looked after' child. Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs. In relation to 'looked after' children, schools should co-operate proactively with foster carers or children's home workers and the Local Authority that looks after the child.

Where a school has concerns about behaviour, or risk of exclusion, of a child in one of these vulnerable groups, it should, in partnership with others (including the Local Authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of support for a pupil's SEN. Where a pupil has a statement of SEN or EHCP, schools should consider requesting an early annual review or interim / emergency review.

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### **What is the procedure for excluding a pupil?**

When a head teacher or teacher in charge decides to exclude a pupil, the parent(s) or carer(s) should be notified immediately, usually by telephone, followed by a letter without delay. **Note:** Parents may now be given an exclusion notice electronically, if they have provided written consent for notice to be sent this way. However, ideally notification should be provided in person or by telephone in the first instance to allow for any initial questions or concerns.

The correspondence must state:

- whether the exclusion is permanent;
- where the exclusion is fixed-term, the precise period of the exclusion;
- the reasons for the exclusion;
- the parent's right to make representations to the governing body, and how the pupil can be involved in this;
- who to contact about making such representations;
- the right on written request to see copies of a child's school record (Local Authority maintained schools only);
- the arrangements made by the school / pupil referral unit for the pupil to continue their education during the 1st 5 days of the exclusion, including setting and marking of work (with parent(s) having responsibility for ensuring that work sent home is completed by the pupil and returned to school);

- the school days (or school day from) which the pupil will be provided with alternative suitable education.

The DfE [Exclusions Guidance](#) (September 2017) states that *“the law does not allow for extending a fixed period exclusion or ‘converting’ a fixed period exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed period exclusion may be issued to begin immediately after the first fixed period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.”*

The child should not return to school between these periods. This does mean that the school could exclude for a fixed period while ‘investigation is underway’ and decide to permanently exclude or extend the fixed term exclusion if new evidence is provided to them during the investigation period.

If the child is excluded for a further fixed period, or is permanently excluded following the original exclusion, the head teacher must issue a new exclusion notice to parents, and notify them of the new exclusion without delay.

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### **What are the obligations of parents during a period of exclusion?**

During the 1st 5 days of a period of exclusion (whether fixed-term or permanent), the parents of an excluded pupil, who is of compulsory school age, must make sure that he or she is not present in a public place during school hours, unless there is a reasonable justification. Failing to ensure this is an offence, and parents may be given a fixed fine of £60. If the school or Local Authority thinks that parents could better influence the behaviour of the pupil, a Parenting Contract may be offered. This is an agreement between the school and parents that they will both support the child in improving their behaviour.

For a fixed period exclusion of more than 5 school days, the governing body (or Local Authority in relation to a pupil excluded from a pupil referral unit) must arrange suitable full-time education for any pupil of compulsory school age (for example, home tutoring, a pupil referral unit or online studies). This provision must begin no later than the 6th day of the exclusion. This duty is set out in [section 100 Education and Inspections Act 2006](#).

For permanent exclusions, the Local Authority must arrange suitable full-time education for the pupil, again of compulsory school age, to begin no later than the 6th day of the exclusion. This duty is set out in [section 19 Education Act 1996](#).

In addition, where a pupil has a Statement of Special Educational Needs (SEN) or Education, Health & Care Plan (EHCP), the Local Authority must ensure that an appropriate full-time placement is identified in consultation with the parents.

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### **Does the school have to provide education during the first 5 school days of an exclusion?**

It is important for schools to help minimise the disruption that exclusion can cause to an

excluded pupil's education. Whilst the statutory duty on governing bodies or Local Authorities is to provide full-time education from the 6th day of an exclusion, there is an obvious benefit in starting this provision as soon as possible.

Where it is not possible, or appropriate, to arrange alternative provision during the 1st 5 school days of an exclusion, schools should take reasonable steps to set and mark work for pupils. Work that is provided should be accessible and achievable by pupils outside of school.

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### **When will a governing body review an exclusion?**

The governing body has a duty to consider parents' representations about an exclusion. The extent of this duty and how it is exercised depend on the length and nature of the exclusion.

The governing body **must** consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:

- the exclusion is permanent;
- it is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in term; or
- it would result in a pupil missing a public examination or national curriculum test.

Where an exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for a governing body to consider exclusion before the date of the examination or test. If this is not possible, the chair of governors may consider the exclusion independently and decide whether or not to reinstate the pupil. These are the only circumstances in which the chair can review an exclusion decision alone. In such cases parents still have the right to make representations to the governing body and must be made aware of this right.

If a child has been excluded for a period of more than 5 school days but not more than 15 in a single term, the parents can request that the governing body consider the reinstatement of the child. In these circumstances the governing body must consider the reinstatement within 50 school days of receiving notice of the exclusion. This may not affect the actual exclusion, as the child is likely to have completed their exclusion prior to the governing body considering reinstatement. However, if the governing body did decide to overturn the exclusion and direct reinstatement, a record to this effect could be added to the child's school records.

In the case of a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than 5 in a term, the governing body must consider any representations made by parents. However, it cannot direct reinstatement and is not required to arrange a meeting with parents.

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### **What will happen at a Governing Body meeting?**

The following parties must be invited to a meeting of the governing body and allowed to make representations:



- parents;
- the head teacher; and
- a representative of the Local Authority (in the case of a maintained school or pupil referral unit)

**The Governing Body must:**

- ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to a pupil's special educational needs);
- circulate any written evidence and information, including a list of those who will be present, to all parties at least 5 school days in advance of the meeting;
- allow parents and pupils to be accompanied by a friend or representative;
- identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on their own behalf (taking into account the pupil's age and understanding), or participate by other means if attending the meeting is not possible.

**When considering the exclusion, the governing body must consider:**

- the interests and circumstances of the excluded pupil;
- the circumstances in which the pupil was excluded; and
- the interests of other pupils and people working at the school.

When establishing the facts in relation to an exclusion decision, the governing body must apply the civil standard of proof – i.e. 'on the balance of probabilities', it is more likely than not that a fact is true.

In reaching a decision on whether or not to reinstate a pupil, the governing body should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the head teacher's legal duties.

**In the light of their consideration, the Governing Body can either:**

- uphold an exclusion; or
- direct reinstatement of the pupil immediately or on a particular date.

Where reinstatement is not practical because for example, the pupil has already returned to school following the expiry of a fixed period exclusion or the parents make clear they do not want their child reinstated, the governing body must, in any event, consider whether the head teacher's decision to exclude the child was justified based on the evidence.

The governing body must notify parents, the head teacher and the Local Authority of its decision, and the reasons for its decision, in writing and without delay. The governing body should set out the reasons for its decision in sufficient detail to enable all parties to understand why the decision was made.

In the case of a permanent exclusion, the governing body's notification must also include

the following information:

- the fact that it is permanent;
  - notice of the parents' right to ask for the decision to be reviewed by an Independent Review Panel, including:
    - 1 the date by which an application for a review must be made;
    - 1 the name and address to whom an application for a review (and any written evidence) should be submitted;
    - 1 that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's special educational needs are considered to be relevant to the exclusion;
    - 1 that parents have a right to require the Local Authority / Academy Trust to appoint an special educational needs (SEN) expert to attend the review;
    - 1 details of the role of the SEN expert and that there would be no cost to parents for this appointment;
    - 1 that parents must make clear if they wish for a SEN expert to be appointed in any application for a review; and
    - 1 that parents may, at their own expense, appoint someone to make written and / or oral representations to the panel and that parents may also bring a friend to the review;
  - that, in addition to the right to apply for an Independent Review Panel, if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the [Equality Act 2010](#) to the [\(Special Educational Needs and Disability\), First-Tier Tribunal](#) in the case of disability discrimination, or the County Court in the case of other forms of discrimination;
  - that a claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place, e.g. the day on which the pupil was excluded.
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### **What will happen at an Independent Review Panel?**

If the governing body uphold a permanent exclusion, parents have the right to request that their decision is reviewed by an Independent Review Panel (IRP).

Parents must lodge their application for a review:

- within 15 school days of notice being given to the parents by the governing body of their decision to uphold a permanent exclusion; or
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the [Equality Act 2010](#) in relation to the exclusion.

These are strict deadlines and any application made outside of the legal time frame must be rejected by the Local Authority / Academy Trust.

Parents may request an Independent Review Panel even if they did not make a case to, or attend, the meeting at which the governing body considered the exclusion.

Parents must submit written representations and, if applicable, supporting evidence, when lodging their application. New evidence can be submitted to the Independent Review Panel. However, when deciding whether to quash the decision, the panel should only take account of evidence available to the governing body at the time of making its decision not to reinstate. The Panel is able to take account of evidence that they consider would, or should have been available to the governing body, and that the governing body ought to have considered if they had been acting reasonably.

The Local Authority / Academy Trust must constitute the Panel with either 3 or 5 members:

- a lay member to chair the panel;
- 1 (or 2) school governor(s) who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or head teachers during this time; and
- 1 (or 2) head teacher(s) or individual(s) who has/have been head teacher(s) within the last 5 years.

A clerk will also be present to provide advice to the Panel and parties to the review on procedure, legislation and Statutory Guidance on exclusions. The clerk does not take part in the decision-making process.

The role of the Panel is to review the governing body's decision not to reinstate a permanently excluded pupil. In reviewing the decision, the Panel must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

The panel can decide to:

- uphold the exclusion decision;
- *recommend* that the governing body reconsiders their decision; or
- quash the decision and *direct* that the governing body considers the exclusion again.

When considering the governing body's decision, the Panel should apply the following tests which need to be satisfied to quash the decision:

- **Illegality**– Did the head teacher and / or governing body act outside the scope of their legal powers in taking the decision to exclude?
- **Irrationality**– Did the governing board rely on irrelevant points, fail to take account of all relevant points or make a decision so unreasonable that no governing board acting reasonably in such circumstances could have made it?
- **Procedural impropriety**– Was the process of exclusion and the governing body's consideration so unfair or flawed that justice was clearly not done?

If any of these criteria are met, the Panel can quash the decision of the governing body and direct that they consider the exclusion again.

Where the criteria for quashing a decision have not been met, the Panel should consider whether it would be appropriate to recommend that a governing body reconsiders their decision not to reinstate the pupil. This should be used where evidence or procedural flaws have been identified that do not meet the criteria for quashing the decision but which the Panel believe justify a reconsideration of the governing body's decision.

In all other cases the panel should uphold the exclusion.

There is no further right of appeal against the decision of an Independent Review Panel. However, if you feel that the Review Panel process was unfairly run, you may be able to take this further by complaining about maladministration by the IRP. A successful complaint may result in a recommendation that a new IRP should be arranged, but the decision to uphold the exclusion cannot be overturned. The body this complaint should be made to will depend on the type of school involved:

### **For community, voluntary controlled, voluntary aided and foundation schools**

A complaint should be made to the [Local Government Ombudsman](#) (LGO). The LGO have an advice line number which you can call for further advice: **0300 061 0614**.

### **For academies**

A complaint should be made to the Secretary of State who will pass the complaint to the [Education Funding Agency](#) (EFA). They can be contacted on **0370 000 2288**.

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### **Can I request a special educational needs (SEN) expert attend the Independent Review Panel (IRP)?**

Parents have a right to request the attendance of a SEN expert at the IRP, regardless of whether or not the school recognises that their child has SEN.

The SEN expert should be a professional with first-hand experience of the assessment and support of SEN, as well as an understanding of the legal requirements on schools in relation to SEN and disability.

SEN experts must be impartial. The SEN expert can be employed by another Local Authority or Academy Trust but they should not have had any previous involvement in the assessment or support of SEN for the excluded pupil, or siblings of the excluded pupil. The purpose of this is to avoid a conflict of interest.

The appointment of an SEN expert is for the Local Authority / Academy Trust to make, but it should take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEN expert. Where possible, this may include offering parents a choice of SEN expert.

The SEN expert's role is similar to an expert witness. They should provide impartial advice to the Panel on how SEN might be relevant to the exclusion. The SEN expert should base their advice on the evidence provided to the panel. The SEN expert's role does not include making an assessment of the pupil's SEN.

The focus of the SEN expert's advice should be on whether the school's policies which relate to SEN, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEN expert believes that this was not the case, they should advise the Panel on the possible contribution that this could have made to the circumstances of the pupil's exclusion.

Where the school does not recognise that a pupil has SEN, the SEN expert should advise the Panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEN that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.

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### **What happens when the Independent Review Panel (IRP) recommends the governing body reconsiders the exclusion?**

Where the IRP directs or recommends that the governing body reconsiders its decision, the governing body must reconvene within 10 school days of being given notice of the IRP's decision.

If, following a direction to reconsider, the governing body does not offer to reinstate the pupil within 10 school days of being notified of the Panel's decision, a negative adjustment may be made to the school's budget of £4,000.

In the case of an academy, the school would be required to make an equivalent payment directly to the Local Authority in which the school is located. This payment will be in addition to any funding that would normally follow an excluded pupil.

In the case of either a recommended or directed reconsideration, the governing body must notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay:

- the parents;
- the head teacher;
- the Local Authority and, where relevant, the 'home Authority'.

If the governing body upholds the exclusion again, there is no further right to refer the matter to the IRP. However, it might be possible to challenge the decision on the grounds listed below, if the governing body:

- made an error in law;
- acted unreasonably;
- was in breach of natural justice.

The [application for judicial review](#) should be made promptly, but at least within 3 months of the date of the decision. You would need legal representation should you decide to pursue this course of action.

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### **When can I bring a judicial review claim against the decision of the Independent Review Panel (IRP)?**

As noted above, there is no appeal from the decision of an IRP. However, the IRP's decision may also be subject to judicial review (on the same grounds as above); if

successful, the judge could quash the original decision and order that a fresh hearing is arranged. The same time limit of 3 months applies. You would need legal representation should you decide to pursue this course of action.

Examples of potential maladministration that could lead to a complaint include the following:

- The Panel was not properly constituted, e.g. a member of the panel was not truly independent and had links to the school.
- The Panel relied on information provided by the school that has subsequently been shown to be false.
- A parent was not allowed to properly participate in the proceedings.
- A parent did not receive proper notice of the Panel hearing.

Parents have a right to request the attendance of a SEN expert at the Independent Review Panel.

### **What can I do if the exclusion involved disability discrimination?**

If parents believe that the exclusion has occurred as a result of discrimination then they may make a claim under the [Equality Act 2010](#) to the [First-tier Tribunal \(Special Educational Needs and Disability\)](#), in the case of disability discrimination.

In order to fall under the protection of the [Equality Act 2010](#), a pupil needs to be classed a 'disabled' for the purposes of the Act. A person is disabled if they have a physical/mental impairment which is long term (has lasted or will last for more than 12 months) and has a substantial effect on their ability to carry out normal day to day activities. The school is under a duty not to discriminate against a person who is classed as disabled for the purposes of the act.

The [Equality Act 2010](#) requires that educational establishments must take reasonable steps to ensure that disabled pupils are not substantially disadvantaged compared with pupils who are not disabled. Educational establishments have a duty to avoid the substantial disadvantage caused by a provision criterion or practice. The duty applies to the provision of education and access to any benefit, service or facility.

When the duty arises, the issue to be considered is whether the adjustment is reasonable. When deciding whether the adjustment is reasonable, a number of factors will be taken into account including the financial resources available, the cost of taking a particular step and the extent to which it is practicable to take a particular step. Discrimination will only occur if the failure to make reasonable adjustments has put the pupil at a substantial disadvantage compared to their non-disabled peers.

In addition, schools have a duty to ensure that a disabled pupil is not treated unfavourably because of something connected with their disability. This is called 'discrimination arising from disability'. This will occur when the school treats a disabled pupil unfavourably because of something connected with the disabled pupil's disability, and the school cannot justify the treatment by showing that it is a 'proportionate means of meeting a legitimate aim'.

Claims for disability discrimination would be lodged with the [First-Tier Tribunal \(Special Educational Needs & Disabilities\)](#). There is strict time limit of 6 months from the date of

the alleged discrimination for lodging a claim. A successful claim may result in a declaration that the school has discriminated against the pupil, an apology for this discrimination and a change in school policy.

Parents can make a claim to the Tribunal for any type of exclusion, fixed term or permanent. For permanent exclusions, this right is in addition to the right to request a review by an Independent Review Panel.

## Managed Moves

### **What is a managed move?**

A managed move is a *voluntary* agreement between schools, parents/carers and a pupil, for that pupil to change school or educational programme under controlled circumstances. Managed moves are often used as an alternative to permanent exclusion; the result is that no exclusion is formally logged on the pupil's school record. For more information see our page on [School Exclusions](#).

A managed move is different to the power of a school to direct a pupil off-site for the improvement of their behaviour. This is a particular power given to maintained schools under [section 29\(3\) Education Act 2002](#) and is strictly time-limited. It is important that you clarify with the school the legal basis under which they are proposing that a child is sent to another premises for their education.

A managed move can only be with the consent of all of those involved, whereas direction off-site under [section 29\(3\)](#) can be done without the consent of the parents. For more information about direction off-site under [section 29\(3\)](#)

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### **When might a managed move be appropriate?**

A managed move may be suitable in the following situations:

- where a pupil refuses to attend their current school;
  - where a pupil is at risk of permanent exclusion from their current school;
  - where a pupil is posing a risk to the welfare of others at their current school;
  - where a pupil has Special Educational Needs (SEN) and is not making progress at their current school or the school is unable to meet the pupil's needs.
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### **What educational provision might a managed move involve?**

A managed move can include the following options for the pupil:

- transfer to a new school or college with an amended learning programme;
- part-time attendance at the current school, with an individual learning and therapeutic programme elsewhere;
- full-time attendance at a Pupil Referral Unit with a view to the pupil returning to

the current school or moving to a new school or college;

- part-time attendance at a Pupil Referral Unit combined with a home and community learning plan;
  - home-based learning to cater for the pupil's Special Educational Needs.
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### **What is a deferred managed move?**

A school can implement a deferred move, where the move only takes place if the pupil does not keep to their side of an agreement. The plan should be clear about what the pupil is expected to do and the consequences of not sticking to the agreement.

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### **What is the process for deciding a managed move?**

As managed moves are voluntary agreements, there is no statutory scheme governing their use and no governmental guidance on how the process should work. However, best practice suggests that there should be a number of clear stages as detailed below:

- 1 The school appoints a facilitator to oversee a managed move agreement.
  - 2 The headteacher informs parents or carers in writing of the situation and proposal for a managed move.
  - 3 The facilitator and headteacher discuss options and alternatives for the pupil involved.
  - 4 The facilitator contacts other schools or Pupil Referral Units which might be suitable and parents can input into this process.
  - 5 The facilitator holds a home visit with parents and carers to explain the situation and options.
  - 6 The school hosts a managed move meeting. This should be attended by a representative of the school, the pupil and his or her family, any member of the school harmed by the pupil's behaviour and the facilitator responsible for the move.
  - 7 The managed move agreement should be drawn up and agreed to by all parties.
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### **What might be included in a managed move agreement?**

The managed move agreement should include:

- key information such as: when it will begin, where it will be and what the next steps will be;
  - an adjusted individual education plan for the pupil;
  - the named person responsible for implementing the agreement;
  - incentives and goals for achievements under the agreement.
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### **What are the advantages to a managed move?**

There may be the following advantages to agreeing to a managed move:



- A managed move may be a viable alternative to a permanent exclusion, because the focus is on a fresh start for the pupil and providing support and services to the pupil in their new educational placement or programme.
- Both of the schools, the parents and carers and the pupils are fully involved in the process and must agree before the managed move goes ahead.
- A managed move can ensure a transition with minimal disruption to a child's education and without the need to go down the appeals route against a permanent exclusion.

It is important that parents and pupils are fully informed before consenting to a managed move; if you are unsure, you should seek advice on this.

## Special Educational Needs

**This page provides information on the duties of schools and Local Authorities to assess, identify and provide for a child's SEN within school.**

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### What are Special Educational Needs (SEN)?

[Section 20 Children and Families Act 2014](#) defines a child as having Special Educational Needs (SEN) if he or she *"has a learning difficulty or disability which calls for special education provision to be made for him or her"*.

A child is considered to have a learning difficulty if she or he:

- has a significantly greater difficulty in learning than the majority of others of the same age; or
- has a disability which prevents or hinders them from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post 16 institutions.

In the [Equality Act 2010](#) a person is classed as disabled if they have a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

- **Normal day-to-day** means things that people do on a regular basis, for example mobility, dressing or cleaning (physical co-ordination), and having a conversation.
- **Long-term** usually means the impairment should have lasted or be expected to last at least a year.
- **Substantial** means not minor or trivial.
- **Physical impairment** includes sensory difficulties such as visual or hearing impairments
- **Mental impairment** includes learning difficulties, autism, dyslexia, speech and language difficulties, attention deficit hyperactivity disorder (ADHD).
- Some specified medical conditions, such as HIV, multiple sclerosis and cancer are

all considered as disabilities, regardless of their effect.

There are some specific conditions which will not amount to an impairment under the [Equality Act 2010](#). For more information see our page on [Disability Discrimination in Education](#).

**Some examples of SEN are:**

- emotional and behavioural difficulties (EBD);
- Autism, including Asperger Syndrome;
- Attention Deficit (Hyperactivity) Disorder (ADHD/ADD);
- specific learning difficulties such as Dyslexia;
- Obsessive Compulsive Disorder;
- communication difficulties;
- medical needs such as Epilepsy and Cerebral Palsy;
- mobility difficulties.

If your child has SEN, they may need extra help in a range of areas, for example:

- reading, writing, number work or understanding information;
- expressing themselves or understanding what others are saying;
- making friends or relating to adults;
- behaving properly in school;
- organising themselves;
- sensory or physical needs which may affect them in school.

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**What can nurseries do to meet the needs of children aged 0-5 with SEN?**

All state maintained nurseries must use best endeavours to ensure that the SEN of children attending the nursery are identified and met as quickly as possible. The nursery should have a detailed SEN policy about the support available.

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**What can schools do to meet the needs of children with SEN?**

Every school is required to have systems in place to identify children who are in need of support and to assess, monitor and secure appropriate support for any SEN they may have. Under paragraph 6.2 of the "[Special educational needs and disability code of practice: 0 to 25 years](#)", each school must:

- use their best endeavours to make sure that a child with SEN gets the support they need – this means doing everything they can to meet children and young people's SEN;
- ensure that children and young people with SEN engage in the activities of the school alongside pupils who do not have SEN;
- designate a teacher to be responsible for co-ordinating SEN provision – the SEN co-ordinator, or 'SENCO' (not applicable to 16 to 19 academies);
- inform parents when they are making special educational provision for a child;

- prepare a SEN information report and setting out:
  - their arrangements for the admission of disabled children;
  - the steps being taken to prevent disabled children from being treated less favourably than others;
  - the facilities provided to enable access to the school for disabled children; and
  - their accessibility plan showing how they plan to improve access progressively over time.

Schools are also required to involve parents in the process.

Schools are provided with additional money to provide support for children with SEN, this is called their delegated budget. Each child with SEN is entitled to receive up to £6,000 funding from their school per year.

There are 2 stages of support for meeting the needs of children with SEN: *Additional SEN Support* and an *Education, Health and Care Plan (EHCP)*.

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### **What is Special Educational Provision?**

Special educational provision is provision that is different from or additional to that normally available to pupils or students of the same age, which is designed to help children and young people with SEN or disabilities to access the National Curriculum at school or to study at college.

For children under 2 years old it is educational provision of any kind.

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### **What can the school governing body do to meet the needs of children with SEN?**

- Develop and monitor the School's SEN policy.
  - Ensure that all governors, especially SEN governors, are up to date and knowledgeable about the school's SEN provision, including how funding, equipment and personnel resources are deployed.
  - Ensure that SEN provision is an integral part of the school's development plan.
  - Ensure that the school's notional SEN budget is appropriately allocated to support pupils with SEN.
- 

### **Additional SEN Support**

If a child is identified as struggling with their school work, and it is determined that this is being caused by a child's underlying SEN, it may be necessary for a school to intervene to provide additional support for that child.

This support should be provided through a process known as 'Additional SEN Support'. This is designed to help remove any barriers the child has to learning and put in place provision that will enable that child to benefit fully from their education.

This support should be provided through a continuously repeated 4-part cycle known as

the 'graduated approach', revisiting and reappraising the support, and concentrating on what works best for the child. In this way, the support should become more refined and specialised over time, to ensure that the child continues to make good progress at school and that the desired outcomes are reached.

The 4-part cycle is as follows:

### **1. Assess**

This is when a child's class or subject teacher along with the school's SENCO work together to carry out a clear analysis of a child's needs. This assessment process should not just involve the school themselves, the views of parents should also be sought and where appropriate the views of the child or young person. Where outside professionals are also involved with the child or young person, for example Children's Services or health professionals, it may also be appropriate to seek their views. This assessment should be reviewed on a regular basis to make sure that the support being provided to a child continues to be effective and best matched to the child's needs.

### **2. Plan**

Where a school does decide to put in place Additional SEN support for a child, the parents should be formally notified of this. The child's teachers and the school's SENCO should then, in consultation with the parents and the pupil if appropriate, agree on the following:

- the adjustments, interventions and support to be put in place;
- the expected impact on progress, development or behaviour;
- the desired outcomes for the child; and
- a clear date for review

All teachers and support staff that work with the child should be made aware of the child's needs and of the above plan, so they can make sure the 'Plan' is correctly implemented. The 'Plan' should also be placed on the child's school record and should be accessible by parents.

### **3. Do**

The child's class teacher still remains responsible for working with the child on a day-to-day basis; this remains the case even if the support offered includes group or one to one teaching away from the child's main class. This should all be done whilst working closely with any support or specialist staff involved.

The SENCO should remain closely involved in supporting the child's class teacher, both in terms of continuing to assess the child's progress and needs and ensuring the planned support is being implemented properly.

### **4. Review**

The success and effectiveness of the support provided should be reviewed on a regular basis and in line with the date agreed in the 'Plan' stage. During this 'Review' stage, the impact and quality of the support in place should be evaluated and the views of the parents and child should again be sought.

This review process should feed back to Part 1 of the cycle – the needs should again be assessed and the cycle should flow through again, with any changes needed to the support provided being implemented.

A spokesperson for the Department for Education [has recommended](#) that reviews with parents should take place at least 3 times a year.

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### **What happens if the support being provided through Additional SEN Support is not enough?**

If the parents of a child do not believe that the support being provided to their child through Additional SEN Support is allowing the identified outcomes to be reached, they should first raise their concerns with the school's SENCO – this should be done prior to the 'Review' stage. There is scope within Additional SEN Support for external specialists to become involved to support the child – for example, this could include:

- Behaviour Support Services;
- Educational Psychologist;
- Child and Adolescent Psychologists;
- Speech and Language Therapists;
- Occupational Therapists;
- Child and Adolescent Mental Health Services (CAMHS).

Parents have the right to be present at any interview, medical or other test during the statutory assessment, but sometimes the professionals may ask to see the child without a parent present. The parents should feel free to suggest any other people or organisations they know whose views may be helpful in the assessment of a child.

The school will not have received any additional funds to provide support at the Additional SEN Support stage. Any cost must be met through their delegated budget for children with SEN, this equates to the first £10,000 needed to educate the child. This figure is made up of a standard amount of £4,000 allocated to every pupil and then an additional £6,000 to provide SEN support.

If after the school have exhausted that budget at the Additional SEN Support stage, the child's needs are still not being adequately met, a parent's next option would be to pursue an Education, Health and Care Plan (EHCP) for their child. You will have to demonstrate that more than £6,000 worth of support is required in order to get an EHCP assessment.

The success and effectiveness of the support provided should be reviewed on a regular basis

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### **What can the LEA do to meet the needs of children with SEN?**

- Identify, assess and provide for children with SEN.
  - Audit, plan, monitor and review SEN provision.
  - Provide support through an information, support and advice service (IASS) for young people with SEN.
  - Liaise with other partners whose job it is to support children with SEN (such as schools, colleges, and health bodies).
  - Secure training, advice and support for staff working with SEN.
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## **Education, Health and Care Plans (EHCPs)**

If a child fails to make progress at the Additional SEN Support stage, a request can be made to the Local Authority, by either the parents or the child's school, for them to carry out an Education, Health and Care needs assessment. This would be with a view to the child being placed on an EHCP.

The purpose of an EHCP is:

- to make special educational provision to meet the SEN of the child or young person;
- so as to secure the best possible outcomes for them across education, health and social care, and
- to prepare them for adulthood, as they grow older.

Under paragraph 9.2 of the [“Special educational needs and disability code of practice: 0 to 25 years”](#), the assessment and EHCP, if granted, should:

- establish and record the views, interests and aspirations of the parents and child or young person;
- provide a full description of the child or young person's SEN and any health and social care needs;
- establish outcomes across education, health and social care based on the child or young person's needs and aspirations;
- specify the provision required and how education, health and care services will work together to meet the child or young person's needs and support the achievement of the agreed outcomes.

An EHCP is legally binding – the support detailed in the Plan *must* be provided. These Plans can be in place for children or young people between birth and the age of 25. Young people aged 18-25 with an EHCP will continue to have their needs reviewed on at least an annual basis, to ensure the right level of support is being provided across the areas of education, health and social care.

For more information on EHCPs and the assessment process please see our 'How-To guide' on [“SEN Needs Assessments and Education, Health and Care Plans”](#).

An EHCP is legally binding and the support detailed in the plan must be provided.

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## **How a parent can raise concerns**

### **1. Speak to the child's teacher**

If you have concerns with regards to your child's education and you feel that they are not coping with their school work, you should raise your concerns with your child's teacher. This may be their class teacher or head of year.

At this meeting, you may wish to provide evidence to the teacher supporting your concerns. This could include homework, test results and any other work. You may also wish to discuss with the teacher any change you have noticed in your child, such as them becoming more anxious, their behaviour deteriorating or any health condition that has been recently diagnosed.

During this meeting, you and the teacher should try and work together to address any concerns and to decide whether any action needs to be taken. It is important that you make note of any recommendations made and any plan that is being implemented. You should then make another meeting date, to follow up on any implementations that have been suggested.

After this meeting, it is important that you keep a track of how your child is progressing. If you do not feel that any progress has been made, you should meet with the teacher again or consider the next step.

## **2. Have a meeting with the SENCO**

Every school must have a SEN Co-ordinator (SENCO). A SENCO has to be a qualified teacher and may also have another job title within the school, such as Deputy Head Teacher.

The role of the SENCO is to ensure that all the special needs provision are met at the school. If you and the school are concerned that your child is still not making any progress, a meeting with the SENCO should be arranged. You can make a written request to the SENCO, requesting a meeting and setting out your concerns. At this point, you may wish to request a copy of the school's policy on SEN and also your child's school records, to assess whether you feel the school are fulfilling their duty.

When you have a meeting with the SENCO, you will want to discuss whether the SENCO feels your child has any SEN and the support that the school can provide for them.

It will be at this point that Additional SEN Support could be discussed with you. You and the SENCO should work together to put in place any targets or desired outcomes for your child. It is important that you make a note of anything agreed at this meeting as well.

If you feel it is necessary, you can also ask the school if they can arrange any assessments from outside specialists, such as Speech and Language Therapists or Educational Psychologists.

As discussed above, any support provided through Additional SEN Support should be reviewed regularly to ensure that outcomes are being met by your child and that they are receiving the support necessary. If this isn't the case, you may wish to follow the next stage below.

It is important that you keep a track of how your child is progressing

## **3. Education, Health and Care needs assessment**

If your child is not reaching any targets or outcomes set through Additional SEN Support, it may be necessary to apply for an Education, Health and Care needs assessment to the Local Authority. This can be made by the school or by yourself. You should set out what your child's SEN is, the difficulties that they are having, the current support that they are receiving and the evidence of additional support needed. The Local Authority will assess your child if they have or may have SEN and special provision may be necessary. The purpose of the assessment is to establish whether your child's SEN requires additional provision through an EHCP. If an EHCP is issued, this will set out the additional support for education, social care and health care and the budget provided for this. For further information, please see our 'How-To Guide' on "[SEN Needs Assessments and Education, Health and Care Plans](#)".

#### **4. Appeals relating to an Education, Health and Care Plan (EHCP)**

If an EHCP is made and parents have concerns with regards to the contents of the Plan, they can appeal to the [First Tier Tribunal \(Special Educational Needs and Disability\)](#). For Wales, see the [Special Educational Tribunal for Wales](#).

An appeal can be made on the basis of:

- a refusal to carry out an Education, Health and Care needs assessment or reassessment;
- a refusal to issue an EHCP;
- a refusal to amend an EHCP following reassessment or annual review;
- the content of an EHCP in:
  - Part B – a child's SEN;
  - Part F – a child's provision to meet their SEN;
  - Part I – the educational establishment named in the Plan;
- a Local Authority's decision to cease to maintain a child's EHCP.

For further information on appeals, please see our 'How-To Guide' on SEN: [Appealing an Education, Health & Care Plan or a Statement of Special Educational Needs](#).

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#### **What if my child is already receiving support for their SEN?**

Additional SEN Support and EHCPs were implemented as a result of [Part 3 Children and Families Act 2014](#) and have been in place since 1 September 2014. Prior to this date, many children will have received support through different mechanisms.

Some children may have been receiving support through 'School Action' or 'School Action Plus'. These support arrangements have now been replaced with 'Additional SEN Support'. If your child was receiving support through 'School Action' or 'School Action Plus' before the changes, they should automatically have been moved onto 'Additional SEN Support'. If you have doubts about whether this has happened, you should discuss this with your child's school's SENCO.

If your child currently receives support through a Statement of Special Education Needs (SSEN), these remain legally binding and the child's support should not be removed.



From 1 September 2014, no new requests for SSENs have been accepted, the appropriate application being for an EHCP.

The government intends for all children with SSENs to transition to EHCPs by 1 April 2018. This transition will take place via a 'transfer review', replacing the annual review in the year of transition. Local Authorities should seek to transfer those already on SSENs to EHCPs at key transition points in their education, for example:

- children transferring from an early years setting to a school;
- children transferring from an infant to a junior school;
- children transferring from primary to secondary school;
- children transferring from mainstream to a specialist school, or vice versa;
- children in Year 9 (in line with the requirement under EHCPs for adulthood to be prepared for from Year 9 onwards);
- children in Year 11;
- children moving to further education.

If the person receiving support is a young person, i.e. over 16, and they currently receive SEN support through a Learning Difficulty Assessment (LDA), they will also at some stage transition across to an EHCP, unless the LDA comes to an end before the date for transition. The transition phase for those on LDAs will last until 1 September 2016. Until a young person has transferred to an EHCP, they should continue to receive support through their LDA.

For those who already have a request for Statutory Assessments for SSENs on-going, the Local Authority could still issue a SSEN, though the Local Authority may seek parental consent to issue an EHCP instead.

If a parent has an ongoing request for a SSEN that is refused, or is having problems with an existing SSEN, they will still be able to appeal to the [First Tier Tribunal \(Special Educational Needs & Disabilities\)](#) to try and resolve these issues.

Please see our 'How to Guide' on SEN: "[Appealing an Education, Health & Care Plan or a Statement of Special Educational Needs](#)" for further information.

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## **What is the Local Offer?**

From 1 September 2014, all Local Authorities must publish a detailed summary of the services available to support children and young people with SEN and disabilities named the 'Local Offer'. This should cover services for education, health and social care and should include information about services available in neighbouring boroughs. The [SEND Code of Practice](#) sets out in detail what the Local Offer should do:

- provide clear, comprehensive, accessible and up-to-date information about the available provision and how to access it;
- target provision specifically to meet local needs and aspirations.

Local Authorities should involve children and young people with SEN and disabilities and their parents and service providers in developing and reviewing the Local Offer.

[Schedule 2 Special Educational Needs and Disability Regulations 2014](#) provides a common framework for the Local Offer.

The Local Offer **must** include information about:

- special educational, health and social care provision for children and young people with SEN or disabilities (including online and blended learning);
- details of how parents and young people can request an assessment for an EHCP;
- arrangements for identifying and assessing children and young people's SEN – this should include arrangements for EHC needs assessments;
- other educational provision, for example sports or arts provision, paired reading schemes;
- post-16 education and training provision;
- apprenticeships, traineeships and supported internships;
- information about provision to assist in preparing children and young people for adulthood;
- arrangements for travel to and from schools, post-16 institutions and early years providers;
- support to help children and young people move between phases of education (for example from early years to school, from primary to secondary);
- sources of information, advice and support in the Local Authority's area relating to SEN and disabilities including information and advice provided under [Section 32 Children and Families Act 2014](#), forums for parents and carers and support groups;
- childcare, including suitable provision for disabled children and those with SEN;
- leisure activities;
- support available to young people in higher education, particularly the Disabled Students Allowance (DSA) and the process and timescales for making an application for DSA;
- arrangements for resolving disagreements and for mediation, and details about making complaints;
- parents' and young people's rights to appeal a decision of the Local Authority to the First-tier Tribunal (SEN & Disability) in respect of SEN and provision;
- the Local Authority's accessibility strategy (under [Equality Act 2010, Schedule 10, paragraph 1](#));
- institutions approved under [Section 41 Children and Families Act 2014](#).

The Local Offer **should** cover:

- support available to all children and young people with SEN or disabilities from universal services such as schools and GPs;
- targeted services for children and young people with SEN or disabilities who require additional short-term support over and above that provided routinely as part of universal services;
- specialist services for children and young people with SEN or disabilities who require specialised, longer term support.

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**Can the Local Government Ombudsman look in to the local authority failure to support my child's SEN?**

The [Local Government Ombudsman](#)(LGO) can look in to some complaints about the failure of a council to deal properly with a child's SEN. The LGO can investigate:

- 1 delay in assessing a child for SEN;
- 2 delay in issuing a Statement of SEN or EHCP;
- 3 failure to implement a Statement of SEN or EHCP;
- 4 failure to carry out an annual review;
- 5 failure to follow the SEND Regulations 2014 and SEND Code of Practice;
- 6 failure to follow the formal transitional arrangements;
- 7 complaints about Personal Budgets;
- 8 failure to involve children and young people over the age of 16 in decisions about their provision;
- 9 complaints about the Local Offer;
- 10 complaint about the council's response about a failure of a school to provide additional SEN support.

The LGO cannot look into complaints where there is a right of appeal to the SEN Tribunal. For more information see our 'How-To Guide' on "[Appealing an Education, Health and Care Plan or a Statement of SEN](#)".

If the LGO finds that your child's SEN has not been dealt with appropriately they can order an apology, and in some instances compensation. It can order that the Local Authority provide further help to your child. For more information see the [LGO factsheet](#).

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### **Further information**

The Department for Education has released a [SEND Guide for Parents and Carers](#).