

## What to do if you feel your child has been discriminated against

### Disability discrimination

- Under the Equality Act 2010, schools can't discriminate because of a protected characteristic; including disability.
- The **1st stage** is the same, asking for an **independent review**, but request a SEN specialist is present.
- The SEN specialist will advise the **IRP**.
- You can also apply for **First-tier Tribunal** for disability discrimination.
- This can be used for undiagnosed disabilities as well.

### Any other discrimination

- To appeal discrimination, other than disability, you can make a claim at the County Court. You will need to seek legal advice around this.

### Support for Parents/Carers

- **Coram Children's Legal Centre**  
0345 345 4345  
[www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)
- **ACE education**  
0300 0115 142 (10AM - 1PM term time)  
[www.ace-ed.org.uk](http://www.ace-ed.org.uk)
- **The National Autistic Society**  
0808 800 4002  
[www.autism.org.uk](http://www.autism.org.uk)
- **Independent Parental Special Education Advice**  
[www.ipsea.org.uk](http://www.ipsea.org.uk)
- **SENDIAS team**  
0800 073 8800  
[SENDIASS@redcar-cleveland.gov.uk](mailto:SENDIASS@redcar-cleveland.gov.uk)
- **Redcar & Cleveland Borough Council Inclusion Team**  
[julie.mcdowell@redcar-cleveland.gov.uk](mailto:julie.mcdowell@redcar-cleveland.gov.uk)  
[angela.henderson@redcar-cleveland.gov.uk](mailto:angela.henderson@redcar-cleveland.gov.uk)

A young child with a red backpack is walking away on a path. The child is wearing a brown hoodie and blue jeans. The background is a blurred green field.

# INCLUSION SERVICE

## Advice to parents/carers about permanent exclusions

You might also wish to read our leaflet “Exclusion Process – Advice for Parents/Carers”



You will receive a letter explaining exclusion and how to appeal.

## Appealing a Permanent Exclusion

- If your child is permanently excluded, you will have been invited to a **Pupil Discipline Committee (PDC)** hearing.
- If the **PDC** decide, after hearing the case, that they are not going to reinstate your child you will be offered the right of appeal in the letter that is sent to you confirming their decision.
- You **must write back within 15 days of receiving this letter**, asking for an **Independent Review**, stating the **reason(s) why you are appealing** the PDC decision.
- You can request a **Special Educational Needs (SEN)** expert to attend this independent review whether your child has a special educational need or special educational needs.

- An **Independent Review Panel (IRP)** meeting will be organised by the local authority for maintained schools or the Academy Trust if your child’s school is an Academy school.
- The panel members of the **IRP** are independent of the local authority or the Academy Trust.
- The SEN expert can advise the **IRP** how any SEN may have affected the exclusion.
- If the **IRP** agree with the Head Teacher/Principal’s decision, the permanent exclusion will stand (and will be on your child’s record).
- If the **IRP** determine that the PDC should reconsider the Head Teacher/Principle’s decision or they decide to quash the Head Teacher’s/Principle’s decision the **PDC must** meet again to consider this (note: this does not mean that your child will be allowed back to school).
- Only the PDC can say whether your child will be reinstated.
- If the **PDC** determines that your child’s permanent exclusion no longer applies it will remove the permanent exclusion

from their record, meaning they can attend a mainstream school (but not necessarily their original school) and they will have the permanent exclusion taken off their record.

- There is no further right of appeal against the decision of an **IRP**. However, if you believe the hearing was unfairly run you can, in many cases, ask the Local Government Ombudsman to look at this. If the complaint is successful it may result in a recommendation that another **IRP** be arranged. This is only available if the school is a council maintained, foundation, voluntary controlled and voluntary aided school.
- If the school is an Academy school a complaint should be made to the Secretary of State who will pass the complaint to the **Education Funding Agency (ESFA)**. They can be contacted on 0370 000 2288.
- If you disagree with the outcome of the **IRP** you have the right to a **Judicial Review (High Court)** where you would need to seek legal advice.