

**Information, Advice and Support
Services Network: Report on
Equality and Human Rights
Commission School Exclusions
Training**

June 2021

Introduction

In March 2021, the Information, Advice and Support Services Network (IASSN) invited the Equality and Human Rights Commission (EHRC) to provide three sessions of online training to SENDIAS services on school exclusions and the law. This is an important and growing area of work for SENDIAS services and service staff felt in need of further training to support them in working effectively with this complex issue. The training was delivered nationally and available to all SENDIAS services in the 152 local authority areas in England. In total, it was accessed by 97 attendees who then disseminated the training content to the approximately 400 employees working for SENDIAS services across the country.

Impact of training

Services described the resources provided by the EHRC as informative and of excellent quality, as well as being invaluable in supporting them with their exclusions-based casework. More specifically, services have made widespread use of EHRC information and resources to inform families of policy and practice in regards to their rights and options when at risk of exclusion. Services also reported making frequent use of EHRC template materials to support families in challenging permanent exclusions, particularly when making written representations to Independent Review Panels (IRP) and Governors Disciplinary Committee Meetings (GDCM).

Service managers have ensured that all training information and resources have been cascaded to SENDIASS staff working with children and young people who have been permanently excluded or are at risk of being so. Feedback from services in regards to service user experience indicates that families have been very satisfied with how EHRC training and resources have shaped both the content and case presentation of SENDIASS exclusions-based work.

Feedback from SENDIASS case officer:

'I used the IRP resources as a basis to support parents, initially with the governors' meetings for permanent exclusions. In one case, we were successful in getting the governors to quash the decision to exclude. Another case went to IRP. Initially, the parent wrote what they wanted to say in note form and we then used the EHRC templates and guidance to ensure we referenced the correct legal terms. The EHRC resources gave the process a lot of focus, allowing us to make sure the relevant detail was added in a clear way. The parent felt more

confident using the statement to put across their point of view. The decision was overturned at IRP. I have also talked through the guidance with other families who then felt more confident to attend the meetings where I was not available to attend in person.'

Use of EHRC resources:

- [First tier tribunal template](#): 246 downloads
- [First Tier Tribunal - making written representations](#): 173 downloads
- [Independent Review Panel Template](#): 170 downloads
- [Challenging discriminatory exclusions IRP guidance](#): 222 downloads
- [Top Tips for IRP FTT](#): 169 downloads

SENDIASS case study: using EHRC resources to challenge the permanent exclusion of a primary age pupil

What was the CYP/family situation when they came to the SENDIAS service?

T's mother originally approached the SENDIAS service because her son was having some difficulties at school due to his ADHD diagnosis. Over the period of the intervention, this escalated to T being permanently excluded from his primary school.

What support did the SENDIAS service provide?

The SENDIASS case officer advised the parents in regards to SEN Support and what they could reasonably expect the school to provide under this bracket. The school reported struggling so much with T that they would ask the parents to collect him at lunch times. The SENDIASS case officer advised the parents about the legalities of this situation and provided them with information on Education, Health and Care Needs Assessments (EHNCA) for them to consider and to discuss further with the school. The parents decided to progress with the application, and T was successful in gaining an Education, Health and Care Plan (EHCP).

Things went quiet and the parents did not contact the service for a period of time. The parents then re-approached the service after several months, stating that T had been permanently excluded from school. The SENDIASS case officer sent the parents guidance and information on exclusions procedure, including things to consider when a child is permanently excluded from school when they have an EHCP.

Sadly, the governors decided to support the decision to permanently exclude. In response, the parents requested an IRP was called. In preparation for the panel, the SENDIAS service manager provided the parents with resources created by the EHRC. At that time, SENDIASS was piloting the exclusion resources prior to a national rollout to all SENDIAS services. SENDIASS liaised with the parents to establish the circumstances leading to T's permanent exclusion. This information was used to ensure the parents' representation to the IRP (using the template created by the EHRC) included all the relevant points in relation to the Equality Act (2010) and Exclusions Guidance. The resource enabled the parents, with the support of the Inclusion Officer, to argue that T's exclusion was unlawful and procedurally improper, based on the following points:

- Ground 1 - Illegality: Failure to treat permanent exclusion as "last resort";

- Ground 2 - Procedural impropriety: Letter from GDC does not state sufficient or lawful reasons for the exclusion being upheld.

What was the impact of SENDIASS support on the CYP/family?

T's parents, with support from SENDIASS and the Inclusion Officer, were successful in proving that T's permanent exclusion was unlawful and procedurally improper. As a result, the exclusion was quashed. SENDIASS are still awaiting the final outcome, however, the school in question now has the option of the two following routes:

- take T back
- pay the Local Authority £4,000 due to the fact they carried out an illegal exclusion.