

Exclusion, SEN and disability

Support Sheet 13

*Permanent exclusion: your child's right to suitable alternative education***How much education?**

1. LEAs have a duty to provide suitable full-time education 'at school or otherwise' for children who are permanently excluded from school.
2. 'Full-time' means supervised education the equivalent to that provided by mainstream schools.
3. The number of hours should be:
 - Key Stage 1 (ages 5–7) 21 hours
 - Key Stage 2 (ages 8–11) 23.5 hours
 - Key Stage 3/4 (ages 12–14) 24 hours
 - Key Stage 4 (ages 15–16) 25 hours
4. The LEA should provide suitable full-time education from the sixteenth day after permanent exclusion.

S19 Education Act 1996 and Improving Behaviour and Attendance paragraphs 161 and 162.

SEN issues

If your child has special educational needs, you can argue that the LEA's duty to provide 'suitable' education means that they have a duty to make provision which will meet your child's special educational needs.

In addition, if your child has a Statement of Special Educational Needs you can argue that the LEA have a continuing duty to "arrange" the special educational provision which is specified in Part 3 of the Statement, even though your child is excluded from school.

Writing to your LEA

1. You should write as soon as you learn that your child has been permanently excluded.
2. Write to the Director of Education. Your library, Citizen's Advice Bureau or council offices will give you the correct name and address if you don't know them.
3. Tell the Director the date by which the LEA will have a duty to provide full-time education for your child (i.e. 16 days after the exclusion).
4. Give your child's age and inform the Director of how many hours the LEA should provide (using the table above).
5. Give details of your child's special educational needs and of the provision which will be required in order for the alternative education provision to be 'suitable'.
6. If your child has a Statement, send a copy of it to the Director of Education along with your letter. Ask for details of how the LEA intends to make the special educational provision which is specified in Part 3 of the Statement.
7. Keep a copy of your letter.

If you need advice, call IPSEA on Freephone 0800 018 4016.