

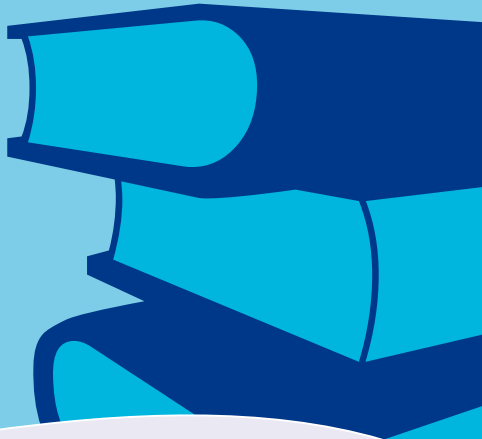
Problems with school

How to get the
best for your child

What can I do if my child's been excluded?

*How can my child get help with a
learning difficulty?*

*What if
the school
I want
won't give
my child a
place?*



0845 345 4 345

www.communitylegaladvice.org.uk

See page 10 for useful phone
numbers and website addresses

A free and confidential advice
service paid for by Legal Aid

community
legal advice

Community Legal Advice

This guide has been produced by Community Legal Advice (CLA), a free and confidential advice service paid for by legal aid.

Community Legal Advice provides:

- advice leaflets on a range of topics
- a helpline **0845 345 4 345**
- a website

www.communitylegaladvice.org.uk

People on a low income can get free, specialist legal advice from the CLA helpline.



How can I get the best for my child?

Everyone wants the best education for their child. But choosing the best school, and making sure your child is getting the help they need, can be difficult. This leaflet answers some common questions about schooling, and outlines some of the laws about schooling and how children should be treated at school.

To find out where to get more information and advice, see 'Where can I get help and advice?' on page 10 of this leaflet.

I can't get my child into the school I want. What can I do?

If your child has been turned down for a place at the school you want, you should be told why. You should also be told how you can appeal against the decision. The local council or the school's governing body decides who gets a place.

You can get free help with your appeal from the **Advisory Centre for Education** (see page 10 for contact details).

When you appeal, there will be a meeting where you can explain why your child should be given a place. If you don't feel confident about doing this yourself, you can ask someone with specialist knowledge about school admissions to help you prepare your appeal. You can also ask them to put your case for you at the hearing, but you will have to pay for this.

What can I do if my child has not got a place in any school?

By law, your local authority (council) must find a place at school for your child – though it might be at a school that you wouldn't have chosen yourself. However, if the local authority does not find a place for your child at any school, you may have to take legal action (or write, threatening to take legal action) to make it find a place. You should seek expert help on what to do.

What help can I get if I have problems with getting my child to school?

The local authority will provide free transport to school if your child lives more than the 'legal walking distance' from their nearest suitable (and available) school. This distance is:

- two miles, if your child is under eight, or
- three miles, if your child is older than eight.

If you've chosen a school that is further than the legal walking distance when there is a place at a closer school, you probably won't get free transport. But you may still get free transport in this case if:

- your child has special needs or a disability, or
- you're on a low income.

If you think your child needs free transport, write to the local authority, explaining why. You can also find out more and apply for free transport online at the Directgov website, www.direct.gov.uk/Parents

If you think your child has been unfairly refused free transport, get advice about what action to take from the **Advisory Centre for Education** phone **0808 800 5793**, or visit www.ace-ed.org.uk

What can I do if my child has been excluded from school?

If the school wants to exclude your child, it must have a good reason for doing so, and it must tell you for how long your child will be excluded. Exclusion should never be a first step – the school must have tried other ways of disciplining your child before they exclude him or her.

If you don't think your child should be excluded, you can write to the school's governing body stating why, and explaining your side of the story. In some cases, for example if your child has been permanently excluded, you have the right to meet the governing body to discuss your child's case.

If you send a letter or go to a meeting but the governing body and the school head still want to exclude your child, you can take your case to an independent appeal panel. This is set up by the local authority.

The Advisory Centre for Education (ACE) has a special Exclusion Pack with advice about what to do if your child is excluded. You can order a copy from the 24-hour information line **020 7704 9822**. ACE also has a free advice line, **0808 800 0327**, where you can talk to an adviser (weekdays 10am to 5pm).

My child has difficulty learning. How can I make sure he gets the help he needs at school?

You should first talk to the school about your child and the help he or she needs.

If you think your child has a serious problem and needs special help, you can also ask the local authority (council) for a 'statutory assessment'. This is where experts, including a doctor and an educational psychologist, prepare reports on your child. You and the school also provide information about your child as part of the assessment.

The statutory assessment is a complicated process, and you'll need help working through it. The local authority must put you in touch with an independent adviser, who will explain the assessment and your rights. You can also get help from:

- the **Advisory Centre for Education** phone **0808 800 5793**, or visit www.ace-ed.org.uk or
- the **Independent Panel for Special Educational Advice** phone **0800 018 4016**, or visit www.ipsea.org.uk

After looking at these reports, the local authority will decide whether your child will get a 'statement of special educational needs'. This is a plan that describes your child's learning needs and what help they must get to meet those needs.

My child has been refused a 'statement of special educational needs' – what can I do?

If the local authority won't give your child a statement, it must tell you why. You can appeal the decision to a body called Special Educational Needs and Disability (SEND for short). SEND is independent of the local authority.

SEND will look at your child's needs, why you think your child needs a statement, and why the local authority believes otherwise. SEND will then decide whether the local authority should give your child a statement.

If you want to appeal to SEND, you must do so within two months of receiving the local authority's decision about a statement. You can get advice on making an appeal from the **Advisory Centre for Education (ACE)** or the **Independent Panel for Special Educational Advice (IPSEA)**.

What if I don't think my child's statement of special educational needs is right for them?

If you don't think the statement gives your child the support they need for learning, or if you don't think it has suggested the right school for them, you can appeal to SEND. You must appeal within two months of receiving the statement. You can get advice on making an appeal from the organisations listed on page 10.

What if my child is not getting the help they are supposed to?

If the local authority is not providing the learning help that your child's statement says they should get, write to the Special Needs Officer that deals with your child, explaining your concerns in detail. The name and address of the Special Needs Officer will be on the letter you received with your child's statement.

If this doesn't solve the problem, your next step will depend on a number of factors, including exactly what help your child is not receiving, and why. You'll need to get expert advice on what to do, for example from the **Advisory Centre for Education** of the **Independent Panel for Special Educational Advice**. You should get this as soon as possible as you may need to take legal action.

What can I do if my child is being treated unfairly at school because of a disability?

You should first talk to the school about the problem, and what can be done about it. If schools treat disabled pupils unfairly, it usually counts as illegal discrimination.

If the school won't deal with the problem, and you think your child is being discriminated against, you can complain to **Special Educational Needs and Disability (SEND)** – phone **01325 392760** (England) or **01597 829 800** (Wales). SEND can order the school to stop the discrimination.

What if my child is truanting?

If you're having problems making your child go to school, tell the school and ask for help. If your child doesn't go to school regularly, the school or the local authority may ask you to sign a 'parenting contract', which tells you steps to follow, such as bringing your child to school each morning. You may also get some help through parenting classes or advice from a local authority education welfare officer.

You must do your best to get your child to go to school. If the local authority doesn't believe you are doing this, it can take legal action against you, for example by applying to the court for an 'education supervision order'. This allows the local authority to give you advice and instructions, which you must follow.

Where can I get help and advice?

Community Legal Advice

If you have a low income and qualify for legal aid, you can call us for free independent advice about education problems.

- If you have a low income, including if you receive benefits, and qualify for legal aid, you can call for independent advice about debt, benefits and tax credits, employment and housing problems.
- If you don't qualify for legal aid, or if you have another type of problem, we can put you in touch with other organisations, helplines or local advice services that can help, and we can direct you to other legal information resources.

How to contact us

You can speak to our advisers in several ways:

- Call us on **0845 345 4 345** from 9am to 8pm Monday to Friday, 9am to 12.30pm Saturday. Calls cost no more than 4p per minute from a BT landline. Calls from mobiles usually cost more. Worried about the cost? Ask an adviser to call you back.
- Request a callback through our website, at www.communitylegaladvice.org.uk
- Text 'legalaid' and your name to **80010** and we'll call you back within 24 hours.

Help on the internet

If you have internet access, our website www.communitylegaladvice.org.uk has lots of help, including:

- our online directory of advisers, organised by areas of law
- more information about legal aid and who can get it
- online factsheets and leaflets that you can download, on lots of topics, and
- links to specialist organisations, charities and support groups in your area.

The Advisory Centre for Education (ACE) can give you independent advice about many aspects of your child's schooling. ACE has:

- a website, www.ace-ed.org.uk with advice, and booklets you can download
- a free advice line, **0808 800 5793** (10am to 5pm, weekdays)
- a recorded information line, **020 7704 9822** (24 hours, every day)
- an Exclusion Pack, with information about dealing with exclusion, which you can order through the 24-hour information line.

If you have questions or concerns about your child's special educational needs, or their statement, the **Independent Panel for Special Educational Advice (IPSEA)** has information and advice through:

- a website, www.ipsea.org.uk
- a free helpline, **0800 018 4016** (Monday to Thursday 10am to 4pm and 7pm to 9pm; Friday 10am to 4pm).

Can I get legal aid?

If you need help with the costs of legal advice, you can apply for legal aid. Whether you will get it will depend on:

- the type of legal problem you have
- your disposable (spare) income and how much disposable capital (money, property, belongings) you have
- whether there is a reasonable chance of winning your case, and
- whether it is worth the time and money needed to win.

There is an online calculator on our website, at www.communitylegaladvice.org.uk/en/legalaid where you can see whether you could be financially eligible for legal aid.

What if I think I am eligible?

If you think you could be eligible for legal aid, you should speak to a legal adviser who can deal with legal aid cases. You can search our directory to find an adviser in your area, at the 'Find a legal adviser' section of our website www.communitylegaladvice.org.uk or call our helpline 0845 345 4 345.

Help for other problems

This leaflet is one of a series of free leaflets produced by Community Legal Advice giving easy-to-read advice on a range of problem areas. The leaflets in this series are:

- C1 Dealing with rent problems**
- C2 Domestic abuse**
- C3 Fair treatment at work: your rights if you are disabled**
- C4 Your rights at work**
- C5 Dealing with debt**
- C6 Losing your home**
- C7 Claiming benefits**
- C8 Problems with school**
- C9 Mental health laws**
- C10 Community care**
- C11 Divorce and separation**
- C12 Living together**
- C13 Medical accidents**
- C14 Dealing with the police**
- C15 Care proceedings**
- C16 Claiming asylum**
- C17 Removal and deportation**
- C18 Dealing with a will**

You can order any of these leaflets free by:

- phoning **0845 3000 343**
- faxing **0845 5438 258**, or
- emailing orderleaflets@communitylegaladvice.org.uk.

All these leaflets are also available in Welsh, Braille and Audio.



The Legal Services Commission manages the Community Legal Service and Community Legal Service Fund (legal aid). To find out more about us, visit www.legalservices.gov.uk

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