

Name of provider and status	Contact helpline case study – December 2018
Role of author	Helpline parent adviser (SEN team)
Background details:	Name: Young person A Gender: Male Age: 17 Condition: ADHD, features of ASD SEN status – SEN support Type of provision – out of education
Brief reason for selecting:	Complex and interesting case. Highlights issues with unofficial exclusions and off-rolling. Opportunity to highlight Ombudsman decision.
Overview of the issues:	Telephone helpline enquiry from Ms D, parent of YP A. The enquiry relates to when A was a pupil of statutory school age. YP A was a pupil at a mainstream academy. He was given 52 exclusions, only a few of which were legal. He was repeatedly punished for behaviour linked to his disability. Ms D's requests for reasonable adjustments were ignored. She was put under pressure to withdraw her son from the school. YP A was offered an alternative offsite education package by the school but only received three sessions of 1:1 tuition. The rest of the time he was left with no education. Ms D was already aware about unofficial exclusions and had complained to the Academy Trust.
Areas relating to:	Disability discrimination/ unofficial exclusion / alternative education /complaints
Advice and information provided:	The Contact adviser explained rights of disabled pupils under the Equality Act and different types of discrimination. The adviser further explained the duty on the LA to provide alternative education under section 19 of the 1996 Education Act. The adviser highlighted a recent LGSO decision which clarifies that this duty applies more widely than illness and exclusion. We advised on possible ways for Ms D and YP A to take things forward: <ul style="list-style-type: none"> - Disability discrimination claim to First Tier Tribunal and timescales - Complaint to Education and Skills Funding Agency following unresolved complaint to the Academy Trust - Complaint to LA over lack of alternative education when A was unable to access education in school. - Possibility of taking further to LGSCO. <p>-The adviser signposted Ms D to Cerebra's 'Accessing public services toolkit'. - The adviser kept a record of Ms D's enquiry on out confidential database.</p>

<p>Anticipated outcomes: (we do not case work or follow up on individual enquiries)</p>	<ul style="list-style-type: none">- YP A with Ms D's support will make a disability discrimination claim to the First Tier Tribunal.- Ms D will have sufficient knowledge and feel empowered to take the complaints forward effectively to the correct body.
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