

This Factsheet is about complaints about school exclusions. It should be read together with our general information booklet about our service.

Decisions to exclude a pupil from school are taken by the headteacher and reviewed by the school governors. If the decision is upheld, and the exclusion is permanent, you have the right to appeal to an independent appeal panel. If the panel upholds the exclusion, the local council, as Local Education Authority (LEA), must ensure that the pupil receives suitable alternative education.

What the Ombudsman can do

The Ombudsman can look at the way in which the panel dealt with your appeal. This could include:

- whether or not the panel followed the correct procedures eg was the panel properly constituted and independent; whether the evidence to be relied upon provided to you in good time before the hearing;
- whether or not the hearing was conducted fairly eg were you allowed to call witnesses; whether the panel satisfied itself: (a) that the events that led to the exclusion happened, and, if so, (b) that exclusion was the appropriate course of action?

The Ombudsman can also look at the way in which the LEA dealt with you subsequently. This could include:

- a complaint that it did not provide sufficient alternative full time education promptly, or at all;
- a complaint that the alternative education provided was not suitable to your child's ability, aptitude and any special educational needs;
- a complaint about a delay in settling your child into a new school.

What the Ombudsman cannot do

He cannot:

- look at the reason for the exclusion, or anything relating to discipline in the school, or employment issues regarding members of staff.
- overturn the decision of the headteacher, the governors or the appeal panel.
- order the school or the Local Education Authority to allow your child to return to school, or to admit your child to another school.

Issues to bear in mind

The Ombudsman will usually expect you to have made representations against the exclusion to the governors before making a complaint to him. However, you may not always have the right to put your case **in person** to the governors.

You do not have the right to appeal to an independent appeal panel in the case of a fixed-term exclusion.

If we find something wrong with the way in which the panel dealt with your appeal we may ask for a fresh panel to rehear your appeal.

If the LEA was at fault in some way, we may ask it to make up for any shortfall in the provision of alternative education.

Further information

The guidance document "Exclusion from Schools and Pupil Referral Units", issued in 2012 can be found at

<http://wales.gov.uk/docs/dcells/publications/120928exclusionguideen.pdf>

Other useful information can be found in the education section of the **Welsh Assembly Government** website – www.wales.gov.uk

You can also obtain information, advice and support from **Snap Cymru** – www.snapcymru.org

The Ombudsman is independent and impartial; he cannot order public bodies to do what he recommends – but, in practice, they almost always do. Examples of cases that the Ombudsman has looked at can be found on our website. Please see www.ombudsman-wales.org.uk

If you are unsure whether the Ombudsman would be able to look into your complaint, please contact us:

- **phone** 0300 790 0203;
- **e-mail** ask@ombudsman-wales.org.uk;
- **visit the website at** www.ombudsman-wales.org.uk;
- **follow us on Twitter:** @OmbudsmanWales;
- **write to:** The Public Services Ombudsman for Wales
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