

## SPSO decision report

**Case:** 201204125, A Council  
**Sector:** local government  
**Subject:** special educational needs - assessment & provision  
**Outcome:** some upheld, recommendations

### Summary

Mr and Mrs C's child was diagnosed with autism. Their child was placed in a primary school, as they had wished, and received 25 hours learning assistance support a week, in the primary two year. There were, however, problems in managing the child's behaviour in class. As the primary three class would be larger, a meeting was held at the primary school during the summer, attended by Mr and Mrs C, their advocate, and various professionals. They discussed the child's imminent transfer and issues that school staff were having with managing the child's behaviour.

Mr and Mrs C's child started primary three in a mainstream class but the following month the head teacher decided that the child's schoolday should be reduced to five hours, with two learning assistants supporting the child together. During the year, following further incidents, the head teacher excluded the child, and called Mr and Mrs C in for a meeting. Mrs C attended and after discussing matters with her husband, told the head teacher that they would not accept the terms set out for readmittance. Their child did not return to the primary school, and Mr and Mrs C appealed to an exclusion appeals committee. After the committee met, Mr and Mrs C were offered ,and eventually accepted, a place elsewhere.

Our investigation upheld Mr and Mrs C's complaints that the council failed to take the appropriate steps in following their exclusion process and, in particular, that an out-of-date leaflet had been issued and that the council failed to keep adequate records. We did not uphold their complaints that the council failed to follow a clear plan for their child's inclusion, that staff had unreasonably restrained their child, and that the council had unreasonably pressured Mr and Mrs C into sending a placing request.

### Recommendations

We recommended that the council:

- review its children and families department's current procedures for convening meetings similar to that held in Mr and Mrs C's case, to ensure that adequate notice is given, the agenda specified, the duration estimated and appropriate caveats given about the scope of note taking; and
- provide confirmation that steps have been taken to ensure that all obsolete information sheets on the process of appeal against exclusion have been destroyed and replaced with the current document.