Redress & conciliation

23/07/2003 - v6

SENDIST

Hears claims relating to

- Special Educational Needs and Disability Tribunal
- Fixed-term exclusions
- Education and associated services
- Admissions to and permanent exclusions from all schools other than maintained & City Academies
- Admissions to and permanent exclusions from all schools from maintained & City Academies heard by admissions appeals panels or independent appeals panels

Admissions appeal panels

- Hear claims in relation to refusals to admit to maintained schools and City Academies
- Short time to appeal but not less than 10 working days
- Letter refusing admission includes details of how to appeal

Independent appeal panels for exclusions

- Hear claims in relation to permanent exclusions from maintained schools and City Academies
- Letter about exclusion explains the right to appeal
- Appeal must be lodged within 15 school days
- Panel must meet within 15 school days of appeal being lodged
- Can order that the pupil be reinstated

Conciliation

- DRC runs an independent conciliation service
- Aims to promote settlement of claims without going to SENDIST or other panel
- Parents and school both need to agree to go to conciliation
- Cannot impose a settlement
- Does not prevent parents pursuing a claim through SENDIST or other panel
- Time limit for appealing to SENDIST extended by two months
- No information disclosed to conciliator may be used in any subsequent SENDIST case without permission of both parties

Claims

- Made by parents
- Cannot be made by child
- Made against the responsible body
- Cannot be made against an individual

Timescales

- Claim must be made within 6 months of alleged discrimination
- Extended to 8 months if dispute referred to the DRC conciliation service
- Sooner the better as it can take some time for the claim to be heard

Remedies

- Cannot order financial compensation
- Disability training for staff
- Preparation of guidance for staff on combating disability discrimination
- Meetings between various parties to review what reasonable adjustments might be required
- Review or alteration of school or LEA policies
- Additional tuition to compensate for missed lessons
- Relocation of facilities (short of requiring adjustment to physical premises)
- Admission of the disabled pupil on same terms as non-disabled pupil
- Formal written apology to child
- Secretary of State can require compliance, enforced through courts if necessary