

Your rights to be heard in school – a guide for children and young people in England

This guide helps you know your rights to be heard and taken seriously if:

- ✓ You want to have more of a say in your education
- ✓ You want to get involved in the way your school is run
- ✓ You have been excluded from school
- ✓ You want to make a complaint about your education.

General rights

- You should be treated with respect at all times
- You should be consulted and your views taken seriously whenever decisions are made about you
- You should never be treated unfairly because of your ethnic origin, sex, any disabilities, your religion or beliefs, your sexual orientation or your transgender status.



Respecting each other

- 1 The views of school students must be taken into account when the school is making decisions about behaviour rules.
- 2 The Government says that schools should involve students in developing their anti-bullying policy. This includes having a say about how to encourage respectful behaviour in your school, how to deal with bullying behaviour, and the best ways for students to get help.
- 3 You should be consulted about your school's uniform rules.

If you have special educational needs

- 1 If you have special educational needs, your parents, your school and the local council must listen to your views and take them seriously when they are making decisions about your education. No matter what your age, you should be asked what help you feel you need. You should help to put together your individual education plan.
- 2 You should be asked to take part in a review of your education plan each year. You will have a chance to say how well you have been doing, what you still find hard, and if the support you are getting is helpful.
- 3 You have the right to ask for an adult to help you get your views heard, or to help you work out what you think is best for you. This could be your parent or carer, or it could be someone else, like an independent advocate, a Connexions adviser, a counsellor or mentor, or a social worker (if you have one). It could even be another student at your school.

Schools must take into account Government rules about 'pupil participation' – this means you being involved in all kinds of decisions that affect your education. These rules apply in nursery schools, primary schools, secondary schools, sixth forms and pupil referral units.

- 4 If you have special educational needs, you may also have a statement. This is a written document put together by your local council. It says what support you need. Your local councils should always ask you for your views about this, and your views should always be written down and taken seriously.

If you have been excluded

- 1 If you seriously break the behaviour rules, a decision may be taken to exclude you (either for a short time or permanently) from your school. Before this decision is taken, your headteacher must let you give your point of view.
- 2 A meeting called an 'exclusion hearing' will be held with the school governors to make sure the decision to exclude you was fair. A parent or the person with parental responsibility for you has the legal right to attend this hearing. You should also be

allowed to go to this hearing. The school governors should take what you say into account.

- 3 If your school knows you are going to come to the hearing, it must send you any written statements about your exclusion and a list of who will be at the hearing at least 5 days before it takes place.
- 4 If you are in care, your school should make sure you have the support you need to be able to take part in your exclusion hearing. They must make sure the hearing takes place somewhere that you feel comfortable and able to speak.
- 5 If you are a school student but aged 18 or over, you will receive all the letters relating to your exclusion. You also have the right to attend the exclusion hearing, bring a lawyer or an advocate (someone who knows about your rights and can support you) with you, and to make an appeal against the decision of the hearing to an independent appeals panel.
- 6 You do not have this right if you are under-18 – only your parent or carer can appeal against your exclusion. However, the appeals panel should listen to your views and take them into account when it makes its decision.

How your school might involve you

There are lots of ways that schools involve students in decisions about their education. For example, you might have a school or class council that you could join. These should have real influence over how your school is run. You could take part in school-wide surveys (for example on planning activities in your school), have meetings with the headteacher, or join groups that are working out solutions to particular problems in your school.

In some schools, students are involved in appointing teachers, and giving teachers advice on improving their lessons. In others, you may be able to become a peer mentor or mediator, so you can help other students work out any problems.

Students under the age of 18 can join a school governing body as 'associate members'. Associate

members help the governors to make decisions about how a school is run. There is no lower age limit at which you can apply to become an associate member of the governing body in your school.

Other important rights in school

- 1 No matter what your age, you have the right to ask to see your school records. This request has to be made in writing. Your request will only be refused if the school thinks you do not understand what you are asking for, or if having the information would seriously damage your health, or that of another student. Your parents are also able to ask to see your school records, and do not need your permission to do this.
- 2 Teachers are allowed to search your locker under certain circumstances without your consent because it is part of school property (although they should always ask for your consent before they do this). However, they are not allowed to search your personal property without your consent – this includes your school bag and your pockets – *unless they suspect you have a knife or other weapon*. The person searching you must be of the same sex as you. They can only ask you to remove your outer clothing (jacket, jumper etc). If a member of staff searches your belongings, another member of staff must also be present.
- 3 If you are under-16, you cannot opt-out of religious education or sex and relationships education, although your parents have the right to remove you from these classes. If sex and relationships education is part of a science class, your parents do not have the right to remove you. If you are a sixth-form student, you can remove yourself from religious worship at certain schools.
- 4 There are particular rules in place for boarding schools to make sure children and young people that study and live there can have a say in how they are run.
- 5 Inspectors must listen to the views of the students at a school when they are carrying out their inspections.

Find out more

- NSPCC ChildLine, freephone **0800 1111**; www.childline.org.uk
- The National Education Line at the Children's Legal Centre, telephone **0845 345 4345** (then press 3 for education) between 9am and 6.30pm Monday to Friday
- Advisory Centre for Education **0808 800 5793** between 10am and 5pm, Monday to Friday
- Children's Rights Alliance for England **You've got the Right** advice line, freephone **0800 32 88 759** between 3.30 and 5.30pm, Tuesday to Thursday; www.crae.org.uk/protecting/legal-advice.html
- Local Government Ombudsman, www.lgo.org.uk/young-people/index.htm

See our other guides on your right to be heard and taken seriously by:

- Children's services
- Health services
- Police and the courts.

The Children's Rights Alliance for England and Participation Works are not responsible for any information or advice you receive from other organisations.

This guide was written by the Children's Rights Alliance for England for Participation Works. All information was accurate as of August 2008. Legal references are included in the Participation Works summary of all four guides.

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