Exclusion model letter 6 (outcome)

**From the clerk to the governing board to the parent of a permanently excluded pupil upholding a permanent exclusion**

Dear **[parent/carer's name]**

The meeting of the governing board at [**school]** on **[date]** considered the decision by **[head teacher]** to exclude [**name of** **pupil**] from the school permanently. The governing board, after carefully considering the representations made and all the available evidence, have decided not to reinstate **[name of pupil]**.

The reasons for the governing board's decision are as follows: **[set out the reasons for their decision in sufficient detail to enable all parties to understand why the decision was made].**

You have the right to have this decision reviewed by an independent review panel. If you wish to have governing board’s decision reviewed by an independent review panel you must set out the grounds for the review in writing, including if applicable, details of how the pupil’s special educational needs (SEN) may be considered relevant to the exclusion. This should be sent to **[insert name and address of school appointed IRP coordinator to whom any review requests should be sent]** by no later than **[specify the latest date — the 15th school day after receipt of this letter]**. If you have not lodged a review by **[repeat latest date],** your right to a review will lapse.

You have a right to request that a SEN expert also attend the independent review panel. This will be at no cost to you. The role of the SEN expert is to provide impartial advice to the panel on how special educational needs might be relevant to the exclusion and whether the school’s policies or the application of those policies were legal, reasonable and procedurally fair. It is not the SEN expert’s role to make an assessment of your child’s special educational needs. If you would like a SEN expert to be appointed, please make this clear to **[name of person receiving review application]** when you lodge your application for an independent review.

Please also advise **[name of person receiving review application]** if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform them if it would be helpful for you to have an interpreter present at the hearing.

The Independent Review Panel will consist of three members; one a serving (or recently retired) head teacher; one serving (or recently serving) experienced governor; and one lay member who will chair the panel.The review panel is independent of the school and will rehear all the facts of the case. If you have fresh evidence to present you may do so. The panel must meet no later than the 15th school day after the date on which your review application is lodged. In exceptional circumstances panels may adjourn a hearing until a later date.

You can make representations to the review panel and may, at your own expense, appoint someone to make written and/or oral representations on your behalf. If you wish to you may also bring a friend to the review. **[Pupil’s name]** is also able to attend and participate in the review if you feel it is appropriate for them to do so.

In reviewing the decision, the panel can make one of three decisions: they may uphold the governing board’s decision; they may recommend that the governing board reconsiders reinstatement; or they may quash the decision and direct that the governing board reconsiders reinstatement. The panel does not have the power to reinstate your child**.**

If you think this exclusion has occurred as a result of discrimination then you may also make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Education Needs and Disability) in the case of disability discrimination, or the County Court, in the case of other forms of discrimination. Claims for discrimination must be lodged within six months of the date on which discrimination is alleged to have taken place. Guidance on making a claim of discrimination to the First Tier Tribunal can found at [www.justice.gov.uk/tribunals/send/appeals](http://www.justice.gov.uk/tribunals/send/appeals). Making a claim would not affect your right to have a decision reviewed by an Independent Review Panel.

You may find the following sources of free and impartial advice and information useful:

Coram Children’s Legal Centre: [www.childlawadvice.org.uk](http://www.childlawadvice.org.uk) (0300 330 5485).

A copy of the Government’s guidance, ‘Exclusion from maintained schools, Academies and Pupil Referral Units in England’, can be downloaded from the Department for Education’s website at: <https://www.gov.uk/government/publications/school-exclusion>

***[And where considered relevant by the head teacher, links to services such as:]***

Information Advice & Support Services Network (formerly known as the local parent partnership) <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>

National Autistic Society (NAS School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk)

Independent Parental Special Education Advice (<http://www.ipsea.org.uk/> .

You may also wish to contact Cathy Sciueref from H&F ACE team, who can provide advice on the process of exclusion. She can be contacted by telephoning 07769 287 452 or by emailing cathy.sciueref@lbhf.gov.uk

The arrangements currently being made for **[pupil's name]**'s education will continue.

Yours sincerely

**[name]**

Clerk to the Governing board