# Exclusion model letter 7 (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.

You have the right to make a request to hold the independent review panel meeting via the use of remote access. Please state if this is your preference when making your request for a meeting. You are advised to consider the following, before requesting a remote access meeting:

• The technology that will be used for the independent review panel meeting.

• Do you have an appropriate space free from other distractions to enable you to participate fully with a remote access meeting?

• If you have limited access to the Internet, intermittent service, or slower speed Internet, you should not request a remote meeting.

• If you initially ask for a meeting to be held via the use of remote access then decide to withdraw the request, you should inform the independent review panel without delay. The independent review panel should without delay, arrange the meeting to be held face to face.

**[****If your appeal is being arranged by Educationappeals Dotcom Ltd, provide the following instructions].**

Please complete the appeal form online at the link below:

[**www.edap.link/myPEXappealform**](http://www.edap.link/myPEXappealform)

You must complete this form by no later than **[specify the latest date — the 15th school day after receipt of this letter]*.*** The statutory guidance states that any application made outside of this time frame must be rejected.

Before you complete the online form, you are advised to read the exclusion guidance booklet which can be found online at the link below:

[**https://www.educationappeals.com/appealinfo/**](https://www.educationappeals.com/appealinfo/)

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 when you lodge your application for an independent review.

Please also adviseif you have a disability or special needs which would affect your ability to attend the hearing. Also, please advise if it would be helpful for you to have an interpreter present at the hearing.

**[If your appeal is NOT being arranged by Educationappeals Dotcom Ltd, provide the following instructions].**

This should be sent to **[insert name and address 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.

**[Use all remaining paragraphs regardless of your IRP arrangements]**

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.

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:

The Department for Education’s Guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found here: <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>

Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on suspensions / exclusions, which can be found here: <https://councilfordisabledchildren.org.uk/about-us-0/networks/information-advice-and-support-services-network>

Coram’s Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.

ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.

Independent Provider of Special Education Advice (known as IPSEA – [www.ipsea.org.uk](http://www.ipsea.org.uk)) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

A copy of the Government’s guidance, ‘*Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement’,* can be downloaded from the Department for Education’s website at: <https://www.gov.uk/government/publications/school-exclusion>.

You may wish to contact Paul Worts, Senior Exclusions Officer, who can provide advice on the process of exclusion. He can be contacted (term-time only) by telephoning 0207 745 6614or by emailing: paul.worts@rbkc.gov.uk

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

Yours sincerely

**[name]**

Clerk to the Governing board