

Model letter 5

From the clerk to the governing body to parent upholding a permanent exclusion.

Dear ***[Parent's name]***

The meeting of the governing body at ***[school]*** on ***[date]*** considered the decision by ***[head teacher]*** to permanently exclude your son/daughter ***[name of pupil]***. The governing body, after carefully considering the representations made and all the available evidence, has decided to uphold ***[name of pupil]***'s permanent exclusion.

The reasons for the governing body's decision are as follows: ***[set out reasons for the decision in sufficient detail to enable all parties to understand why the decision was made and how they arrived at that decision]***

You have the right to a review of this decision by an Independent Review Panel. If you would like to request a review, please notify the Schools Appeals Officer. You must set out the reasons for requesting a review in writing and send this to Warwickshire County Council, Law & Governance, Resources Group, PO Box 9, Shire Hall, Warwick CV34 4RR by no later than ***[specify the latest date — the 15th school day after receipt of this letter]***. If you have not requested a review by ***[repeat latest date]***, you will lose your right to a review. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform Nikki Daly if it would be helpful for you to have an interpreter present at the hearing.

Your review will be heard by an Independent Review Panel. A three-member panel will comprise one serving, or recently retired (within the last five years), head teacher, one serving, or recently serving, experienced governor member and one lay member who will be the Chairperson. The review panel will rehear all the facts of the case — if you have fresh evidence to present to the panel you may do so. The panel must meet no later than the 15th school day after the date on which the review request is lodged. In exceptional circumstances panels may adjourn the hearing until a later date.

Following its review the panel can decide to:

- uphold your child's exclusion;
- recommend that the governing body reconsiders their decision, or
- quash the decision and direct that the governing body considers the exclusion again.

You have a right to request the attendance of a Special Educational Needs (SEN) Expert at the review, regardless of whether the school recognises that your child has SEN. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion and does not include making an assessment of your child's special educational needs. There is no cost to yourself for this service but you must make clear that you wish for a SEN expert to be appointed in any application for a review.

You may at your own expense, appoint someone to make written and/or oral representation to the panel or bring a friend to the review.

As stated above you have the right to apply for an independent review panel. In order to assist you to make an informed decision on whether, and if so, how to seek a review please see the information at the end of this letter. In addition if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals> who have the jurisdiction to hear claims of discrimination under the Equality Act 2010 or the County Court (for other forms of discrimination). A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the day on which the pupil was excluded.

The following sources of information are available to you:

- For general advice on the exclusions process you may contact the Access to Education team at Warwickshire LA by telephone: 01926 736323, by email: exclusions@warwickshire.gov.uk or view the website at www.warwickshire.gov.uk/exclusions
- You may also find it useful to view the Coram Children's Legal Centre website www.childlawadvice.org.uk . The website can offer advice and information on child, family and education law.
- The Department for Education statutory exclusions guidance can be found at www.gov.uk/government/publications/school-exclusion

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

Yours sincerely

[name]

Clerk to the Governing Body