**Model Letter 8: from Clerk to the Governing Body/Academy Trust to a Parent of a Permanently Excluded pupil declining to reinstate**

**SCHOOL LETTER HEAD (containing Clerk to the Governing Body’s Name and School Address)**

Dear **[Parent’s Name]**

**PERMANENT EXCLUSION: [ENTER PUPIL NAME] [ENTER D.O.B 00.00.00]**

The meeting of the **[governing body/Academy Trust]** at [**school**] on [**date**] considered the decision by [**head teacher**] to permanently exclude **[name of pupil]**.

After carefully considering the representations made and all the available evidence, the **[governing body/Academy Trust]**, decided [**name of pupil**] should not be reinstated.

The reasons for the **[governing body/Academy Trust]**’s decision are as follows: [**give the reasons in as much details as possible, explaining how they were arrived at, making reference to how the DfE exclusion guidance has been followed**].

You have the right to ask for the decision to be reviewed by an **Independent Review Panel**. You must set out the reasons for your application in writing and may also include reference to any special educational needs that are considered to be relevant to the exclusion.

If you wish to apply for an independent review, please put your request in writing to:

**For maintained schools (or academies who have an SLA with St Helens Democratic Service) the below contact/address should be used. Academy’s should refer to their academy trust for IRP details**

Mr Matt Jones

Assistant Director of Legal and Democratic Services

PO BOX 512

St Helens

WA10 9JX

by no later than [**specify the latest date –15 school days after receipt of this letter**].

You have the right to request that a SEN expert attends the review regardless of whether your child has recognised special educational needs.

The role of the SEN expert would be to provide impartial advice to the panel on how special educational needs might be relevant to the exclusion. The SEN expert should base their advice on the evidence provided to the panel. The SEN expert’s role does not include making an assessment of the pupil’s special educational needs. There will be no cost to you for this appointment.

If you wish the Local Authority/Academy Trust to appoint an SEN expert to attend the review, you must make it clear in your application.

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

You should also be aware that if you think this 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 First-tier Tribunal (Special Educational Needs and Disability). The address to which appeals should be sent is First-tier Tribunal (Special Educational Needs and Disability) 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU Email sendistqueries@hmcts.gsi.gov.uk Telephone 01325 289 350 Website <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

If you have not lodged an application to review by [**repeat latest date**] you will lose your right to this review. Please advise if you have a disability or special needs which would affect your ability to attend or take part in the hearing or if it would be helpful for you to have an interpreter present at the hearing.

Should your case be heard by an Independent Review Panel, a three-member panel will comprise one serving or recently retired (within the last 5 years) head teacher, one serving, or recently serving, experienced governor and one lay member who will be the Chairman. 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 your application is lodged. In exceptional circumstances panels may adjourn a hearing until a later date.

Following its review the panel can decide to:

* uphold the governing body’s decision;
* recommend that the governing body reconsiders reinstatement; or
* quash the decision and direct that the governing body reconsiders reinstatement.

You may wish to contact Elyse Ledwith, Education and Fair Access Co-ordinator, if you have any questions about the exclusion procedures on 01744 671262 or by email managedtransfersandexclusions@sthelens.gov.uk

You may also find it useful to contact the following services for free and impartial information:

St Helens IASS (formerly Parent Partnership) offers impartial information, advice and support to parents of children and young people with special educational needs (SEN) and disabilities. IASS can be contacted on 01744 673428.

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

ACE (Advisory Centre for Education) can be contacted on 0300 0115 142 from Monday to Wednesday from 10am to 1pm during term time. Information can also 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

You should also be aware that if you think this 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 First-tier Tribunal (Special Educational Needs and Disability). The address to which appeals should be sent is First-tier Tribunal (Special Educational Needs and Disability) 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU Email sendistqueries@hmcts.gsi.gov.uk Telephone 01325 289 350 Website <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

The statutory exclusions guidance ‘Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England including pupil movement May 2023’ can be found at:

<https://www.gov.uk/government/publications/school-exclusion>

Along with information and advice for parents:

 <https://www.gov.uk/school-discipline-exclusions/exclusions>

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

Yours sincerely

**[Name]**

**Clerk to the [Governing Body/Academy Trust**]

Cc Head teacher

 Elyse Ledwith, Education and Fair Access Co-ordinator