**Model letter 6 – 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 **[headteacher]** to permanently exclude your **son/daughter** **[name of pupil]**. The governing body,after carefully considering the representations made and all the available evidence, has decidedto uphold **[name of pupil]**’s exclusion.

The reasons for the governing body’s decision are as follows: **[give the reasons in as much detail as possible, explaining how they were arrived at and how you applied the legal test of whether the decision to permanently exclude the pupil was lawful, reasonable, and procedurally fair]**

You have the right to an independent review of this decision. If you wish to exercise this right, please notify Emily Feenan that you wish to do so. You must set out the reasons for doing so in writing, and if appropriate may also include reference to any disability discriminationclaim you may wish to make, and send this to Emily Feenan, Director of Legal, Procurement and Democratic Services, Derby City Council, The Council House, Corporation Street, Derby DE1 2FS,by no later than **[specify the latest date – the 15th school day after receipt of this letter]**. If you have notapplied for a review by **[repeat latest date]**, you will lose your right to ask for one. Please advise ifyou have a disability or special needs which would affect your ability to attend the hearing. Also, please inform the Local Authority 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, 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 appeal is lodged. In exceptional circumstances panels may adjourn the hearing until a later date.

You also have the right, free of charge, to ask that a Special Educational Needs expert attends to advise the panel how any Special Need that your child might have could have contributed to the behaviour leading to the permanent exclusion. An SEN expert can be requested even if there is no recognised SEN. If you wish such an expert to be present, you must request this when applying for a review.

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

In considering the matter the panel can make one of three decisions: they may uphold your child’s exclusion; they may recommend that the governing body reconsiders its decision; or they may quash the decision and direct the governing body to reconsider. In such circumstances a second meeting of the school’s governing body would have to be convened within ten school days.

In addition to the right to apply for an IRP, if you believe that there has been unlawful discrimination in relation to the permanent exclusion then you may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court, in the case of other forms of discrimination. A claim of discrimination under the Equality Act 2010 made under these routes should be lodged within six months of the date the pupil was permanently excluded.

You may also wish to contact the exclusions team at Derby City Council, Children and Young People’s Services who can provide advice on what options are available to you. You can contact them at The Council House, Corporation Street, Derby DE1 2FS, or email IYFA@derby.gov.uk

You can find further sources of advice from:

Derby SENDIASS – for parents and carers of young people with SEND. <https://derbysendiass.org.uk/> or 01332 641414

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

ACE Education - <http://ace-ed.org.uk> or their advice line on 0300 115 142 on Monday to Wednesday from 10 am to 1 pm during term time.

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 current government guidance on exclusion from school may be downloaded here <https://www.gov.uk/government/publications/school-exclusion>

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

Yours sincerely

**[Name]**

Clerk to the Governing Body