## Model Letter 8

**FROM CLERK TO THE GOVERNING BODY/ACADEMY TRUST TO THE PARENT OF A PERMANENTLY EXCLUDED PUPIL DECLINING TO REINSTATE A PERMANENTLY EXCLUDED PUPIL**

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 exclude permanently **[name of pupil]**. The **[governing body/Academy Trust]**, after carefully considering the representations made and all the available evidence, 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 referring to any supportive evidence and where possible to explain how it balances up with the evidence from the parent**].

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.

**[use if a maintained school or an academy with a commissioned arrangement for IRP with Oxfordshire County Council]**

If you wish to apply for an independent review, please notify the Clerk to the Independent Review Panel:

Senior Education Appeals Officer, 1st Floor, Democratic Services, County Hall, New Road, Oxford, OX1 1ND (T) 01865 810 180 schoolappeals@oxfordshire.gov.uk

No later than [**specify the latest date –15 school days after notification of the decision not to reinstate. This means 15 school days starting on the 2nd working day after 1st class posting, or 15 school days starting from the day when the written decision was delivered to the parent**].

**[if an academy arranging an Independent Review Panel – insert the relevant contact details for the appointed Clerk]**

You have the right to require the local authority/Academy Trust to appoint an SEN expert to attend the review. You can exercise this right regardless of whether your child has recognised special educational needs.

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. The SEN expert will 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 a legal advisor or other advocate to make written and/or oral representations to the panel on your behalf. You may also be accompanied at the review by a friend.

Please advise if there is any support we could offer to assist you and your child to attend and contribute to the review; for example, if you need reasonable adjustments because of a disability. Also, please inform the Senior Education Appeals Officer (T) 01865 810 180 schoolappeals@oxfordshire.gov.uk **(This will be different for an Academy which is arranging their own Independent Review Panel – insert the relevant contact details for the appointed Clerk)** if it would be helpful for you to have an interpreter present at the hearing.

If you wish to apply for review, you must do so within 15 school days or you will lose the right to a review. This means your application must be made by [**repeat deadline date**] at the latest. There is only one exception to this rule. Where a claim is made by you under the Equality Act 2010 alleging that the exclusion amounted to unlawful discrimination, (and providing that a review was not already requested within the usual 15 day period), the application for review period will not commence until the date when the legal claim is finally determined by the relevant court or tribunal.

Under the Equality Act 2010, schools must not discriminate against, harass or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. If you believe that this exclusion amounted to unlawful discrimination, you can make a claim to the First-tier Tribunal (Special Educational Needs and Disability), in relation to disability, or the County Court, for all other forms of discrimination. Claims can be made up to six months after the alleged discrimination occurred.

Should your case be heard by an Independent Review Panel, a three-member panel will be convened comprising 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 Chairperson*. [Use the following if there is a possibility that a five member panel may sit: A five member panel will comprise two serving, or recently retired (within the last 5 years) head teachers, two serving, or recently serving, experienced [governing body/Academy Trust] 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 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 board’s decision;
* recommend that the governing board reconsiders reinstatement; or
* quash the decision and direct that the governing board reconsiders reinstatement.

You may wish to contact the local authority’s Exclusion & Reintegration Team to discuss this or if you have any questions about the exclusion procedures on 01865 323 513 or by email ERT@oxfordshire.gov.uk.

You may also find it useful to contact: The Children’s Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted at <http://www.childrenslegalcentre.com/>. The advice line to contact about education law is 0300 330 5485, it’s open from 8am – 6 pm Monday to Friday.

SENDIASS (formerly parent partnership) offers impartial information, advice and support to parents of children and young people with special educational needs (SEN) and disabilities <https://www.oxfordshire.gov.uk/cms/public-site/sendiass-oxfordshire-formerly-parent-partnership> you can call 01865 810516 (term–time only), text 07786524294, or email sendiass@oxfordshire.gov.uk.

**[Where considered relevant by the head teacher include the following]**

National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or

schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The statutory exclusions guidance [Suspension and permanent exclusion guidance September 2023 (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1181584/Suspension_and_permanent_exclusion_guidance_september_23.pdf)

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

 Exclusion & Reintegration Team PEX@oxfordshire.gov.uk