

Model letter 5

Notification of School Discipline Committee decision – confirmation of exclusion

(This must be sent out without delay following the Discipline Committee meeting - by first class post)

Dear **[Parent's name]**

I am writing to inform you of the outcome of the recent governing body/management committee or Academy Trust meeting when the Head Teacher's decision to permanently exclude your son/daughter **[pupil's name]** was considered. The governing body, after carefully considering the representations made and all the available evidence, has decided **[not/to]** reinstate **[pupil's name]**.

The reasons for the governing body/management committee's decision are as follows: **[give the reasons in as much detail as possible, explaining how they were arrived at.]** *(Reasons for upholding the decision should not differ from those of the head teacher's i.e. the governing body cannot uphold the exclusion on different grounds than those for which the pupil was excluded).*

You have the right to ask for this decision to be reviewed by an Independent Review Panel (IRP). If applied for by parents/carers within the legal timeframe, the Local Authority or (in the case of an academy) the Academy Trust must, arrange at their own expense, an independent review panel hearing to review the decision of a Governing Board not to reinstate a permanently excluded pupil. The legal timeframe for an application is within 15 school days of notice being given to the parents/carers by the Governing Board of its decision not to reinstate. Any application made outside of the legal timeframe must be rejected by the Local Authority of Academy Trust.

If you wish to apply for a review you must notify the Head Teacher at the school by no later than **(specify the latest date – the 15th school day after the receipt of this letter)**. **Notice is deemed to have been given on the same day if it is delivered directly or on the second working day after posting if it is sent by first class mail.**

If you apply then your application must set out the grounds on which it is being made and that, where appropriate, should include a reference to how the pupil's special educational needs are considered to be relevant to the exclusion.

Regardless of whether **[pupil's name]** has recognised special educational needs, you have a right to require the Local Authority/Academy Trust to appoint an SEN expert to attend the review. You must make it clear in your application if you wish for a SEN expert to be appointed. There will be no cost to you for this appointment. 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 should base their advice on the evidence provided to the panel. The role does not include making an assessment of the pupil's special educational needs.

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

In addition to your right to apply for an independent review panel, if you believe that the exclusion has occurred as a result of discrimination 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 made under these routes should be logged within a 6 months of the date on which the discrimination is alleged to have taken place, e.g. the day on which the pupil was excluded. You can seek advice from Kirklees Information, Advice and Support in Kirklees (KIAS).

The role of the panel is to review the Governing Body's decision. The IRP cannot reinstate a child. The panel can decide to:

- uphold the exclusion decision
- recommend that the governing body reconsiders their decision, or
- quash the decision and direct that the governing body considers the exclusion again.

If you would like further information with regard to the exclusion process you can contact the following:

Ethos academy Trust Inclusion Manager

Tracy Rider on 01924 478482

For advice and support with regard to Special Educational Needs contact (KIAS) on 03003301504 www.kias.org.uk

. You may also find it useful to contact the Children's Legal Centre. They can be contacted on 0808 8020 008 or at www.childrenslegalcentre.com. They aim to provide free legal advice and information to parents on state education matters.

You also can refer to the government guide "Exclusion from Maintained schools, Academies and Pupil Referral units in England" which can be downloaded from www.education.gov.uk/schools/pupilsupport/behaviour/exclusion.

The arrangements currently being made for **[pupil's name]**'s education will continue for the time being. If you have any questions about this please contact the most appropriate person in relation to the pupil's age (as detailed above).

May I also remind you that as **[pupil's name]** is excluded from the school she/he must not come onto the school site unless specifically invited by the head teacher to do so.

Yours sincerely

[name]

Clerk to the Governors

Chair of Discipline Committee

Head Teacher

Tracy Rider – ETHOS Academy Trust

MODEL LETTER