**Letter from the Clerk to the Governors Discipline Committee/ (Management Committee in case of an Education Centre) to parents/carers upholding a permanent exclusion**

**CONFIDENTIAL**

Dear **[parent’s/carer’s name]**

The meeting of the Governing Body/Management Committee at **[insert name of school]** on **[insert date]** considered the decision by **[insert Headteacher’s/ Teacher in Charge’s name]** to permanently exclude your son/daughter **[insert pupil’s name]**.The Governing Body/Education Centre Management Committee, after carefully considering the representations made and all the available evidence, has decided to uphold **[insert pupil’s name]**’s exclusion.

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] [*to assist in detailing the decision please see HCC Exclusions Guidance Section F, Minutes and decision letter*]**

You have the right to ask for the decision to be reviewed by an Independent Review Panel. If you wish for a review, please notify Inclusion Support Service who will provide a form, which has to be signed and returned, either as hard copy or scanned, and attached to an email. You must set out the reasons for requesting a review and, where appropriate, include a reference to how any special educational needs your child has were relevant to the exclusion.

Regardless of whether **[insert pupil’s name]** has recognised special educational needs, either by being on the school’s Special Educational Needs Register or by having an Education Health Care Plan, you have a right to require the Local Authority/Academy Trust to appoint an SEN expert to attend the review. Please make it clear if you wish for an SEN expert to be appointed in any application for a review. There will be no financial implication for a parent/carer requesting the SEN officer appointment.

The SEN expert will 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. The focus of the SEN expert’s advice should be on whether the school’s policies which relate to special educational needs, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair.

Please send this notice of review to Independent Appeals Service at [independent.appeals.service@hants.gov.uk](mailto:independent.appeals.service@hants.gov.uk) **[SCHOOL TO INSERT DETAILS OF HOW PARENTS CAN APPLY FOR AN APPEAL]** by no later than **[insert the latest date – THE 15TH SCHOOL DAY AFTER RECEIPT OF THIS LETTER]**. If you have not lodged a wish to review by [repeat latest date], you willlose your right to a review. Please advise if you have a disability or special needs which would affect yourability to attend the hearing. Also, please inform **[insert Independent Appeals Service or the school]** if it would behelpful for you to have an interpreter present at the hearing.

Your request for a review of the Governing Body’s decision will be heard by an Independent Review Panel. A three-member panel will comprise one serving or recently retired (within the last five years) headteacher, one serving or recently serving experienced Governor/Management Committee member, and one lay member who will be the Chair.

**[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) headteachers, two serving or recently serving experienced Governors/Management Committee members, and one lay member who will be the Chair.]**

The role of the Panel is to review the Governing Body’s decision not to reinstate a permanently excluded pupil. 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 wish for a review is lodged. In exceptional circumstances the Panel may adjourn the hearing until a later date.

You can ask for a governing board meeting or independent review panel (IRP) meeting to be held via the use of remote access technology, such as video conferencing software. However, remote meetings should not be the automatic choice and face-to-face meetings should always be encouraged.

When deciding whether to request a remote meeting, you should consider:

* your internet connectivity, whether it is good enough and not intermittent or slow
* if you have a suitable space free from distraction to enable you to fully take part
* whether a face-to-face meeting may be better.

Each person attending the meeting should be able to hear and be heard and (where using a live video link) see and be seen throughout the meeting.

If the governing board does not think that a meeting can be held fairly and openly via remote access, they should talk to you about how a face-to-face meeting can be arranged that will be convenient for you.

If you wish for the meeting to be held remotely you must inform the school within 3 school days of this notification.

You should be aware that if you think the exclusion has occurred as a result of discrimination, you may make a claim under the Equality Act 2010 to the First-Tier Tribunal (Special Educational Needs and Disability), and in the case of disability discrimination, or to the County Court in the case of other forms of discrimination ([www.justice.gov.uk/tribunals/send](http://www.justice.gov.uk/tribunals/send)). 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, eg: the day on which the pupil was excluded.

I would advise you of the following sources of advice:

Inclusion Support Service, Children’s Services, Hampshire County Council, Elizabeth II Court, The Castle, Winchester, Hampshire SO23 8UG

Enquiries to: [Exclusion.queries@hants.gov.uk](mailto:Exclusion.queries@hants.gov.uk) / 0370 7790123

<https://www.hants.gov.uk/educationandlearning/educationinclusionservice>

The Coram Children's Legal Centre aims to provide free legal advice and information to parents/carers on state education matters

Telephone: 020 7713 0089. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24 December to 1 January

<http://www.childrenslegalcentre.com>

Hampshire Special Education Needs & Disability Information, Advice & Support: [Hampshire SENDIASS | Impartial SEND Advice & Support](https://www.hampshiresendiass.co.uk/)

[Independent Provider of Special Education Advice (IPSEA)](http://www.ipsea.org.uk/) - independent information and support on the suspension and permanent exclusion of children with SEND

Department for Education Statutory Guidance on exclusions is published online at:

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

Department of Education A Guide for Parents: [A guide for parents on school behaviour and exclusion - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/school-exclusions-guide-for-parents/a-guide-for-parents-on-school-behaviour-and-exclusion)

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

Yours sincerely

**[insert Clerk’s name]**

Clerk to the Governing Body (or Clerk to the Management Committee in case of an Education Centre)

Copy to: Headteacher

Inclusion Officer

Virtual School / Children’s Services Department (Social Care) (if appropriate)