

SAMPLE LETTER 11 (ACADEMY) - TO BE USED BY THE CLERK TO THE DISCIPLINE COMMITTEE WHEN WRITING TO THE PARENT/CARER CONFIRMING THE COMMITTEE'S DECISION TO UPHOLD THE PERMANENT EXCLUSION FROM AN ACADEMY SCHOOL.

Dear **[Parent/Carer's name]**

The meeting of the Academy Governors' Discipline Committee at **[name of academy]** on **[date]** considered the decision by **[Principal]** to permanently exclude your **[son/daughter]**, **[pupil name]**. The Committee, after carefully considering the representations made and all the available evidence, have decided to uphold **[pupil name]**'s exclusion.

The reasons for the Committee's decision are as follows: **[give reasons in as much detail as possible, explaining how the committee arrived at its decision]**.

You have the right to ask for the decision to be reviewed by an Independent Review Panel (IRP). As your child has been excluded from an Academy School, if you wish to request a review please notify the Academy School directly by writing to **[address and contact details]** by no later than **[specify the latest date –15 school days after the day on which notice in writing was given of the GDC decision. Where notification was given by first class post, it is treated as having been given on the 2nd working day after which it was posted if sent by first class mail]**. Your application for review must state your reasons as to why you are requesting a review and any written evidence should also be submitted. Where appropriate, you should include a reference to how the pupil's special educational needs are considered to be relevant to the exclusion.

If you have not lodged a request for a review by **[repeat latest date]**, your right to request a review will lapse. Please advise **[contact]** if you have a disability or special needs which would affect your ability to attend a review. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the review meeting.

Regardless of whether your child has recognised special educational needs (SEN), you have the right to require the Local Authority to appoint an SEN expert to attend the review. There would be no cost to you for this appointment. The SEN expert is there to provide impartial advice to the panel on how special educational needs might be relevant to the exclusion. Please make it clear in your application whether you wish for an SEN expert to be appointed.

If you decide to request a review, it will be heard by an IRP. You may be accompanied by a friend and/or, at your own expense, appoint someone to make written and/or verbal representations on your behalf. A three member panel would comprise one serving or recently retired (within the last five years) head teacher, one serving or recently serving, school governor and one lay member, who would be chairperson. The IRP would rehear all the facts of the case - if you have fresh evidence to present to the Panel you may do so. The Panel are required to meet no

later than the 15th school day after the date on which a review request is lodged. In exceptional circumstances, panels may adjourn a hearing until a later date.

In determining your review the IRP can make one of three decisions:

- they may uphold your child's exclusion;
- they may recommend that the governing body reconsiders their decision; or
- they may quash the governing body's decision and direct that the governing body considers the exclusion.

In addition to the right to apply for a review by an IRP, if you believe that 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), 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 lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the day on which your child was excluded.

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

I would like to remind you of the following sources of advice and assistance:

The Local Authority Exclusions Team. The Team can provide advice concerning the exclusion process. Tel: 0121 303 2685/7893. Fax: 0121 303 2882. Email: exclusions@birmingham.gov.uk

Special Educational Needs & Disability Information, Advice and Support Service (SENDIASS). The Service offers direct support to parents/carers of pupils who are going through the Special Educational Needs Statementing process, by working closely with schools and other agencies, and offers impartial advice and information. Tel: 0121 303 5004. Fax: 0121 464 3137. Email: SENParentPartnership@birmingham.gov.uk.

Website: <http://www.birmingham.gov.uk/sendias>

A link to sources of impartial advice for parents such as the Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.ace-ed.org.uk>) and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1pm during term time);

Where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership)

www.councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about

The 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 exclusions guidance on:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/2017_0831_Exclusion_Stat_guidance_Web_version.pdf

Yours sincerely

[Name]

Clerk to School Governors' Discipline Committee