**Permanent exclusion – governing board declined reinstate decision letter**

Dear [Parent's name]

The meeting of the governing board at [school’s name/ or virtual information if appropriate] on [date] considered the decision by [head teacher] to permanently exclude your [son/daughter], [name of pupil]. The governing board, after carefully considering both the oral and written representations made by you and the head teacher, and all the available evidence, has decided to decline to reinstate [Child’s Name]'s.

The reasons for the governing board's decision are as follows: [give the reasons in as much detail as possible, explaining how they were arrived 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 have the decision of the governing board reviewed by an independent review panel. You must set out the reasons for wanting the review in your application and include any written evidence you wish to submit. If appropriate, you may also include reference to any special educational needs that your child has that are relevant to this exclusion. The Independent Review Panel can be held via the use of remote access (for example, live video link) if requested by you. Please see Annex A page 76 of the Department for Education guidance ‘Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement’ dated May 2023 which sets out a number of matters you may want to consider before requesting a remote access meeting.

If you would like to request a review, please apply in writing to **[choose one of the following options]:**

* **Non Academies -** Ivan Walters, Democratic Services, County Hall, Matlock, Derbyshire, DE4 3AG   Email: [Ivan.Walters@derbyshire.gov.uk](mailto:Ivan.Walters@derbyshire.gov.uk) or [democratic.services@derbyshire.gov.uk](mailto:democratic.services@derbyshire.gov.uk)
* **Academies -** provide alternative contact details for the substitute contact deemed appropriate by your academy trust

The request for review must be received by [Democratic Services/Academies’ contact], no later than [state date]15 school days from the date on which notice in writing of the governing board’s decision is given to parents, or directly to the pupil if they are 18 or above]. If you wish for the Independent Review Panel to be held remotely, please confirm this in your request for a review.

If you have not lodged an application by [repeat latest date], you will lose your right to have the decision to exclude your child reviewed by an independent review panel. Please advise if you have a disability or special needs, so that suitable arrangements may be made for you to attend the review hearing. Also, please inform [name of the contact listed above] if it would be helpful for you to have an interpreter present at the review hearing. You can have someone to make written and/or oral representations to the Independent Review Panel on your behalf and at your own expense. You may also wish to bring a friend with you to the review hearing.

Irrespective of whether the school regards your child as having special educational needs, you are entitled to have a Special Educational Needs (SEN) expert at the review hearing. The role of the SEN expert is to provide impartial specialist advice to the panel on how special educational needs might be relevant to the exclusion but does not include making an assessment of your child’s special educational needs. The SEN expert’s advice will focus on whether the school’s policies which relate to SEN, or the application of these policies in relation to this case, were lawful, reasonable and procedurally fair.  If you wish to have a SEN expert at the review hearing, please clearly indicate this on your application and be aware that the cost of appointment of the SEN expert will be met by [the local authority (if maintained school) or Academy Trust (if academy)] [amend as appropriate].

Your review hearing will be heard by an independent review panel. A three-member panel will comprise of: one serving, or recently retired (within the last five years), head teacher; one serving, or recently serving, experienced governor/ management committee member; and one lay member who will be the Chairman.

[**Use the following paragraph only if there is a possibility that a five-member panel may sit]**

[A five-member panel will comprise of: two serving, or recently retired (within the last 5 years), head teachers; two serving, or recently serving, experienced governors / management committee members 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 should meet no later than the 15th school day after the date on which your application for a review is lodged.

In reviewing the governing board’s decision, the panel can decide to make one of three decisions:

i. uphold the governing board’s decision not to reinstate;

ii. recommend that the governing board reconsiders reinstatement; or

iii. quash the governing board’s decision and direct that reconsiders reinstatement.

In addition to your right to apply for an independent review hearing, if you believe that the exclusion occurred as a result of discrimination, you can 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.  If you wish to make a claim of discrimination, please be aware that such a claim must be lodged within six months of the date on which the discrimination is alleged to have taken place.

Information on disability discrimination and other forms of discrimination claims are available on the [HM Courts and Tribunal Service](http://www.justice.gov.uk/tribunals/send) website (www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability)

You may wish to contact Sharon Neak (Derbyshire County Council) for advice and information at County Hall, Smedley Street, Matlock, Derbyshire DE4 3AG, telephone 01629 535802. Email: [Sharon.Neak@derbyshire.gov.uk](mailto:Sharon.Neak@derbyshire.gov.uk)

The Department for Education (DfE) has developed exclusion guidance for parents which can be accessed via the following web links:

<http://www.gov.uk/school-discipline-exclusions/exclusions>

<https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>

The following general information may be useful:

* Inclusion Pathways Team (Esteem Academy Trust) arrangements for education 073771 81993 or 073771 82034
* Derbyshire Information, Advice & Support Service (exclusion support) 01629 533668 [Welcome to the Derbyshire Information, Advice and Support Service for SEND - Derbyshire Information, Advice & Support Service for SEND](https://www.derbyshireiass.co.uk/home.aspx) (derbyshireiass.co.uk)
* Council for Disabled Children - SENDIAS [The Information, Advice and Support Services Network](https://councilfordisabledchildren.org.uk/about-us-0/networks/information-advice-and-support-services-network) (councilfordisabledchildren.org.uk)
* [Coram’s Child Law Advice Service](https://childlawadvice.org.uk/information-pages/school-exclusion/) (https://childlawadvice.org.uk/information-pages/school-exclusion/)
* [ACE Education](http://www.ace-ed.org.uk) – ([www.ace-ed.org.uk](http://www.ace-ed.org.uk)), telephone 0300 0115 142.
* [Independent Provider of Special Education Advice](https://www.ipsea.org.uk/) – (www.ipsea.org.uk)

Yours sincerely,

[Name] Clerk to the Governing Board