*About this resource:*

This is a Suggested Wording. It is a set of paragraphs you can use to argue the independent review panel that the governor’s decision was unlawful because they found that the exclusion did not meet the tests in the statutory guidance, but upheld it anyway.

To understand when you might want to use this resource, read the [Step by Step Guide: Preparing Written Arguments for the Independent Review Panel](https://justforkidslaw.org/school-exclusions-hub/legal-practitioners-and-professionals/after-governors-meeting-appeal-and-3/deciding-whether-appeal-and-making-request-irp/step-step-guide-creating-written-submissions-irp).

If you want to understand more about the relevant law, read the [Quick-Guide: the Independent Review Panel](https://justforkidslaw.org/school-exclusions-hub/legal-practitioners-and-professionals/after-governors-meeting-appeal-and-3/attending-irp-advocacy-and-supporting-family/quick-guide-independent-review-panels).

To use this resource, go through the text and enter the information where prompted to do so. Prompts appear as grey text. Then copy and paste your finished text into the [Template Document: Submissions to the Independent Review Panel](https://justforkidslaw.org/school-exclusions-hub/legal-practitioners-and-professionals/after-governors-meeting-appeal-and-3/deciding-whether-appeal-and-making-request-irp/step-step-guide-creating-written-submissions-irp)*.*

This text is a guide. You might need to make amendments to fit your circumstances.

name of school’s governing body were bound by the principals of public law when considering young person’s permanent exclusion, including that the decision must be lawful.

In public law, “lawfulness” describes the requirement that any decision the governors take must be one which they had the authority to make in law.

The governors have declined to reinstate young person, instead upholding the permanent exclusion. This is in spite of the governors acknowledging in the letter confirming their decision/the minutes of their deliberations that the headteacher’s decision to exclude was not in accordance with the Exclusions Guidance because “quote showing the governors’ reasoning that the guidance was not met”. This means that the test specify the test that has not been met has not been satisfied in the governors’ own judgement.

The governors must have regard to the statutory Exclusions Guidance. The legal tests for exclusion it contains are binding on them. Where the governors find they have not been met, they do not have discretion to uphold the permanent exclusion anyway. They must reinstate young person in such circumstances.

By failing to do so they have made a decision that they had no lawful power to make. They have therefore acted beyond the scope of their lawful powers and the IRP are asked to quash the decision and direct them to reconsider.