*About this resource:*

This is a Suggested Wording. It is a set of paragraphs to use to argue to the independent review panel that the governor’s decision was procedurally unfair because they acted in a hostile or otherwise inappropriate manner towards the young person or the family.

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.

The IRP are asked to agree that the process of the governors’ review of young person’s permanent exclusion was procedurally flawed.

In public law, “fairness” describes the requirement that any decision the governors take must be one which resulted from a procedurally fair process.

The 1923 case of R v Sussex Justices Ex Parte McCarthy set out the principle that:

*“it is not merely of some importance but is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done”*

There are now two sections for you to choose from, a yellow one and a blue one. Choose the one that is most appropriate and complete it with the missing information. Then remove the highlighting and delete the unused sections.

The yellow section is most appropriate if you are arguing that the general tone or conduct of the governors was biased against the family.

The blue section is most appropriate if you are arguing that the governors used the hearing to discipline or admonish the young person as if their misconduct was assumed to have taken place as alleged.

In the hearing the governors conduct was aggressive/hostile/unprofessional/impatient when interacting with young person and the family. This was at odds with the more cordial tone struck when interacting with members of school staff.

For example, provide examples of poor behaviour from the governors.

This is a serious failing. It demonstrates the appearance of bias in the way in which the governors interacted with the parties. It at least exposes carelessness and a failure to place both parties on an equal footing, and a failure to treat both parties’ submissions with equal weight. It also evidences a failure to be impartial and a form of conduct that is likely to make the family less comfortable than the school and less able to advocate their position. This is a serious failing which is at odds with the principal that justice must be manifestly and undoubtedly be seen to be done.

The IRP is asked to quash the permanent exclusion and direct reconsideration of it.

During the hearing, the governors disciplined young person, as if the misconduct they were accused of was assumed and the governor’s role was to rebuke them for their behaviour.

Their statements included that “quote from the governors that highlights inappropriate conduct”. This evidences either a misunderstanding of their role – that they believe they are there to discipline the young person as an arm of the school, rather than act as independent adjudicator – or a willingness to disregard their requirement to be independent to support the headteacher’s case against young person.

Clearly, the governors have failed to run proceedings in a manner than is fair on a common-sense understanding of the term. Therefore, even if the IRP feels that their conclusions are sound, justice does not appear to have been done and the IRP should quash the permanent exclusion and direct reconsideration of it.