*About this resource:*

This is a Suggested Wording. It is a set of paragraphs you can use to argue to the independent review panel that the governors’ decision was procedurally unfair because they failed to allow enough time for the hearing, or because they failed to give equal time to both parties to speak without interruption.

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 correct process.

The procedure followed by the governors in this case was flawed because the governors’ hearing did not allow the family to present their full case.

There are now two sections to choose from, a yellow one and a blue one. Choose the most appropriate section, complete the required information, remove the highlighting and then delete the unused section.

The yellow section is most appropriate if you want to argue that the hearing was simply too short to allow time for full presentation and examination of the issues.

The blue section is most appropriate if you want to argue that the governors allowed more time to the school or allowed interruptions to the family’s submissions but not to the schools’.

The governors only allowed amount of time available for the hearing. This was wholly insufficient to address complex questions of fact and law that required a careful examination of the evidence, opportunity to undertake meaningful questioning and deliver a detailed statement.

This failure to allow sufficient time is a serious procedural error. It has resulted in young person being denied the opportunity to have their defence fairly heard – a key requirement in any disciplinary process – and has handed an unfair advantage to the school who have had the benefit of conducting the investigation and asking questions of young person ahead of the hearing.

The IRP are therefore asked to quash the exclusion and direct reconsideration of it.

At the governors’ hearing, less time was allowed to the family than it was to the headteacher and school staff to make statements. The school made their statement for length of the school’s statement and were allowed to speak without interruption. The family were allowed less time to speak/were not able to speak without interruption. Whilst it is appreciated that it can be a challenge for governors to keep parity between the school staff and family considering their relationship with staff, this is why it is so important that they discharge this function proactively, taking extra care not to benefit the school through the conduct of the hearing.

They have failed to do that in young person’s hearing. This is a serious procedural failing, it has exacerbated the inequity in power between the school and family and undermined young person’s opportunity to have their defence fairly heard.

The IRP are therefore asked to quash the exclusion and direct reconsideration of it.