*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 governor’s decision was procedurally unfair because they refused to adjourn the panel, or arranged it with too little notice to 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 procedure followed by the governors in this case was flawed because the governors’ hearing was held when it materially disadvantaged the family and advantaged the school.

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 arranged too quickly for the parents to know what the case against them was, or to prepare a case of their own.

The blue section is most appropriate if you want to argue that the governors rejected a request to postpone the hearing without good reason for doing so, meaning the family were unable to obtain records or statements to support their case.

The permanent exclusion was issued on date the exclusion was issued. The family received the panel pack containing the school’s evidence on date the panel pack was received by the family. The governors’ hearing then took place on date of the governors’ hearing.

This is a very short timescale to expect a family to be able to understand the case against young person, learn the relevant law, obtain records from the school and prepare a case. The meeting was arranged without consultation with the family and this is a serious failing considering the school is already, inevitably, in a much stronger position than the family – having relevant expertise, knowledge of the process and of young person’s school records. They also have a relationship with the governors.

Considering this intense imbalance in power, the family required support and understanding to facilitate their effective participation. Instead, the hearing was arranged with far too little notice for them to be able to understand the relevant law or prepare a case in their defence. This seriously undermines the family’s capacity to obtain a fair hearing and access to justice. The IRP is therefore asked to direct that the governors reconsider their decision.

The permanent exclusion was issued on date the exclusion was issued. The family received the panel pack containing the school’s evidence on date the panel pack was received by the family. The governors’ hearing was arranged for date of the governors’ hearing.

This is despite the family making a subject access request/freedom of information request on date the request for information was made. In anticipation of the receipt of information, the family requested that the hearing be adjourned. However, this request was denied/ignored. This is wholly inappropriate and unfair. The school have unfettered access to all their records to pick and choose from in order to prepare their case. A common-sense understanding of fairness requires that the family get the same opportunity to access and evaluate the records and information they need and are entitled to in law.

There was no good reason for the governors to proceed in the face of this request to adjourn, and expedience alone does not justify the denial of the family’s rights.

Accordingly, the IRP are asked to direct the governors to reconsider the exclusion.