Independent Review Panel and First Tier Tribunal: practical tips on presenting your case

# About this document

These practical tips should help you feel more confident in making your points well and making the strongest case for the pupil you are supporting.

# Before the hearing

## Be prepared

First of all, prepare your bundle of files and documents – including evidence and statements – that you will want to refer to during the hearing.

* Make sure you can navigate around the bundle and have the key documents tabbed or clearly marked so you can find them easily during the hearing.
* Arrange everything in the order in which you intend to present it.
* To help you keep track, prepare a short chronology of the facts you’re going to present. This should have three columns: (1) Date, (2) Event, (3) Page in the bundle.

## Think about what you’ll say

Next, prepare a speaking note. This should follow the same structure as your written submissions and make the same general points. However, it should add extra detail to some points and simplify or summarise others. You want to put your arguments in a fresh way to persuade the Independent Review Panel (IRP) / First Tier Tribunal (FTT), who will already have read your written submissions.

In the speaking notes:

* Explain the structure of your oral submissions at the start (this is called “signposting”), so the Panel/Tribunal can follow along.
* Use bullets points to make it easy for you to follow on the page.
* Refer to the paragraph numbers in your written submissions so the panel or Tribunal understands how the oral submissions and written submissions fit together.
* Keep the sentences short and the points as simple as possible.
* Back up your points with evidence from the bundle.
* Most professional advocates do not write out every word of what they’re going to say and instead have notes of the points they want to make. If you feel that you need full notes you can do this. The most important thing is that you feel comfortable saying what you want to say.

## Question time

Prepare the questions you want to put to any witnesses who will be giving evidence at the hearing. This includes not only your own witnesses, but those from the other side.

* For your witnesses: If they have already given a statement, you only need to ask questions if there is anything in the statement they need to clarify or change, or if anything new has happened since the statement was made.
* For the other side’s witnesses: Make sure you only ask questions about topics that are within the knowledge of the witness and are relevant to the issues in the case. Keep your questions short, direct, and closed (i.e. can be answered with a simple “yes” or “no”). Always be polite.

Also, consider whether any particular or special arrangements are required. For example, hearing from the pupil first so they don’t need to stay for the entire hearing. Inform the Panel/Tribunal of these arrangements in good time.

## Practice makes perfect

If possible, spend some time practicing your presentation using your speaking notes. Try doing it in front of a mirror, and also in front of a friend or colleague who might be able to offer constructive criticism.

Try not to read your notes word for word. Think of it more as a prompt you can refer to as and when you need it. Practicing in this way will help you feel more confident and calm any nerves.

# The day of the hearing

Before the hearing actually begins, it’s a good idea to speak with the School’s representative and make sure they’ve received all your documents – and that you’ve received all of theirs. You should also check that you are both clear on which witnesses will be called.

Here’s what to expect once you enter the room:

* In both the IRP and the FTT, parties and witnesses are likely to be seated around tables arranged in a horseshoe facing the Panel/Tribunal. The representatives normally sit next to each other, directly opposite the Panel/Tribunal, with the witnesses seated at the sides. There are usually place names to show you where to sit.
* It’s also possible for the arrangement to be more like a “traditional” courtroom - where you sit on the left and the other side sits on the right, with representatives in the front row and others sitting behind.
* You remain seated throughout the hearing – there’s no need to stand up when making your submissions.
* You are likely to be invited to present your case first, starting with your witnesses (if any) and then moving on to submissions. You may also be given, or may ask for, a brief reply to the other side’s submissions to deal with any new points they have raised.
* If at any point in the hearing an issue arises which you have not previously discussed with your client – for example, if new evidence emerges during the hearing – you may ask the Panel/Tribunal for a short break in order to take instructions (i.e. in order to discuss the issue privately with your client).

## Setting the scene

The IRP will probably have three members on the panel – a chair and two others.

The FTT will probably also have three members making up the Tribunal – a judge and two lay members

Address the IRP Panel or the FTT as if you were speaking to the Chair or the Judge only. Use “Sir/Madam” as appropriate - unless answering a direct question from one of the members.

## Making your submission

Before you start speaking, pour yourself a glass of water and take a few deep breaths – then begin, speaking slowly and clearly.

1. Introduce yourself. For example: **‘My name is [NAME] and I appear on behalf of [Mr and Mrs [NAME]]’.**
2. State what the desired outcome is for your clients. For example (in the IRP) **‘Mr and Mrs [NAME] submit that the Tribunal should quash the permanent exclusion of [CHILD’S NAME] and direct that the Governing Board reconsiders reinstatement’.**
3. Check that the panel or Tribunal has your written submissions and has read them, and hand up copies of any late documents or other evidence.
4. Make your submissions.

Remember to look up at the Tribunal or panel as often as you can during your submissions. If one of the members is still taking notes when you finish a sentence, pause to allow them to finish. Remember the following, too:

* When making a point that you want to support with evidence, ask the members to turn to the relevant page in the bundle. Identify where the passage is on the page, then read the passage aloud. If it is a long passage, you can summarise its relevance or what point it supports rather than reading it all aloud.
* Listen carefully to any questions. Take your time to think before answering. Don’t rush – the period of silence will feel longer for you than for the others in the room.

## Concluding the case

Conclude your argument by restating the desired outcome. Turn to check that your clients do not wish to add anything further – and check your notes to make sure you haven’t missed any points.

**Finish by saying confidently:**

Unless I can help the [panel / Tribunal] further, those are the submissions on behalf of Mr and Mrs [NAME].