Relevant guidance:

* [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023](https://www.gov.uk/government/publications/school-exclusion)

Relevant excerpts:

* *“Any decision of a headteacher, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school’s wider legal duties); reasonable; fair; and proportionate.”*

Paragraph 2: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023](https://www.gov.uk/government/publications/school-exclusion)

* *“Public law principles underpin good decision making. All decisions of a governing board must be made in accordance with public law. Panels are expected to understand the legislation that is relevant to suspensions and permanent exclusions and the legal principles that apply. Headteachers and governing board members of panels are likely to have first hand experience of the education context that may be relevant to considerations about whether a decision was reasonable in the circumstances.”*

Paragraph 226: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023](https://www.gov.uk/government/publications/school-exclusion)

Suggested wording:

*(This suggested wording is a guide. You might need to make amendments to fit the individual circumstances of the pupil in question. You can also refer to the above excerpts to strengthen your argument).*

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

Reasonableness was considered in the 1948 Kings Bench Division case of Associated Provincial Picture Houses Ltd. v Wednesbury Corporation.

In this case, the court found that reasonableness includes the principle that a public body must not fail to take relevant information into account when making a decision. The effect of this is that the governing board must account for all relevant information and consider it before concluding on any of the arguments presented by the family or on whether the various legal tests are satisfied.

In the governing body's letter confirming the exclusion/minutes of the governing body hearing it is recorded that, in deciding whether decision that the governors made without relevant information, the governing board considered the following information: “quote evidencing the information that the governors accounted for.”

There is no evidence to suggest that the governors took relevant information into account. This information may have had a material impact on the governing board’s decision-making. The decision cannot therefore be said to be rational under the Wednesbury test.

The IRP is therefore asked to quash the exclusion and direct the governing board to reconsider.

The family asked the governing board to reinstate young person for reasons including that argument presented that led to the governor’s irrational conclusion. In support of this argument, the family explained that “information or evidence that the governors failed to consider”.

There is no evidence to suggest that the governing board took this relevant information into account. This information may have had a material impact on the governing board’s decision-making. The decision cannot therefore be said to be reasonable under the Wednesbury test.

If the governing board had considered this information, they must have concluded that decision that you wanted the governors to reach.

The IRP is therefore asked to quash the exclusion and direct the governing board to reconsider.