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 board hearing, it was argued that argument made that the governors were irrational not to agree with.

Evidence was provided to support this argument in the form of description of the evidence that supported the argument. This document explained that “quote from the evidence that supported the argument”.

Despite this, the governing board concluded that decision that was irrational.

This conclusion does not logically follow from the information and evidence presented. It is not within a range of reasonable conclusions that the governing board could have reached and is therefore unreasonable under the test included in the Wednesbury case.

In the governing board’s letter confirming the permanent exclusion, the governing board explained that the decision that is irrational. However, the governing board had access to document containing relevant information, which set out that information relevant to irrational decision.

This conclusion does not logically follow from the information and evidence presented. It is not within a range of reasonable conclusions that the governing board could have reached and is therefore unreasonable under the test included in the Wednesbury case.

The IRP is therefore invited to quash the decision to uphold the permanent exclusion and direct reconsideration of it.