Relevant guidance:

* [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](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](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](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 was bound by the principles 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 make a decision on the basis of irrelevant information. Any information that does not inform the lawful tests for exclusion must be disregarded entirely.

In the governing body's letter confirming the exclusion/minutes of the governing body hearing the governing board explains that “quote showing consideration of irrelevant information”.

This does not inform any of the legal tests of the facts of the case that were in dispute, and the governors should not, therefore, have considered it as a part of their decision-making.

Clearly, the governing board has taken irrelevant information into account, and the IRP is asked to quash the exclusion and direct reconsideration.