*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 irrational because failed to take account of relevant information.

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.

name of school’s governing body 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 body must account for all relevant information and consider it before coming to a conclusion on any of the arguments presented by the family, and before coming to a conclusion on whether the various legal tests are satisfied.

There are now two sections to choose from, a yellow one and a blue one. Complete the most appropriate section by filling in the text where prompted, then remove the highlighting and delete the unused section.

The yellow section is most appropriate if you are arguing that the governors failed to account for relevant information when making a decision that was not in response to an argument made by the family.

The blue section is most appropriate if you are arguing that the governors failed to account for relevant information when making a decision in relation to an argument made by the family.

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 governors 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. Clearly, this information may have had a material impact on the governors’ 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 governors to reconsider.

The family asked the governors 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 governors took this relevant information into account. Clearly, this information may have had a material impact on the governors’ decision making. The decision cannot therefore be said to be reasonable, under the Wednesbury test.

If the governors had considered this information, reasonably they must have come to the conclusion that decision that you wanted the governors to reach.

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