

Claim No. [REDACTED]

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW

BETWEEN:-

The King on the application of

[REDACTED]

Claimant

-and-

(1) THE GOVERNING BODY OF [REDACTED]

[REDACTED]

(2) THE INDEPENDENT APPEAL PANEL FOR [REDACTED]

[REDACTED]

Defendants



CONSENT ORDER

UPON the Defendants acknowledging that the decision of the First Defendant dated 27 June 2022 to remove the Claimant from her role as a parent governor, as upheld on appeal to the Second Defendant, was unlawful for the reasons set out in the Statement required by paragraph 16.1 of Practice Direction 54A, filed with this Consent Order.

AND UPON the First Defendant agreeing to a quashing of the Defendants' decisions and to reinstate the Claimant retrospectively from 27th June 2022

AND BY CONSENT

IT IS ORDERED THAT:

1. Permission to apply for judicial review is granted.
2. The Claimant is granted an extension of time to challenge the First Defendant's decision to remove the Claimant dated 27 June 2022.
3. The First Defendant's decision to remove the Claimant dated 27 June 2022 is quashed.
4. The Second Defendant's decision to uphold the Claimant's removal dated 21 September 2022 is quashed.

5. There shall not be disclosed in any report of these proceedings (by whatever medium), any information which could lead to the identification of the Claimant, her children, or the School.
6. There is no order as to costs.

Signed for the Claimant:

Name: P Conrathe

Position: Solicitor to the Claimant P. Conrathe

Date: 17 February 2023

Signed for the Defendants:

Name: M Barker

Position: Solicitor to the Council

Date: 16 February 2023

M Barker

Order approved as
drawn

Timothy A Barker

18th May 2023

HHS BARKER sitting
as a judge of the
High Court.

Statement of Reasons under paragraph 16.1 of Practice Direction 54A

1. The Defendants have agreed to a quashing of each of the two decisions challenged in the claim. The first is a decision of the First Defendant (a school Governing Body) to remove the Claimant from her position as an elected parent governor. The second is a decision of a Panel on appeal from that decision, which upheld it. [The Claimants consider that a quashing order is necessary because the decision-makers are functus officio: they have no power under the applicable framework to rescind the decisions of their own motion. The Defendants do not agree and consider that the First Defendant has the power to rescind its decision, but are content to agree to this quashing order and statement of reasons in the interests of saving time and costs and avoiding unnecessary dispute.]
2. The Defendants accept that the decisions were unlawful as set out below.
3. The First Defendant's decision was unlawful because (in summary) it was in breach of its obligation to have regard to the relevant statutory guidance, namely *The constitution of governing bodies of maintained schools: statutory guidance for governing bodies of maintained schools and local authorities in England (August 2017)*. See Ground 1 in the Statement of Facts and Grounds ("SFG"). It is agreed that the Second Defendant's decision, which upheld the unlawful decision, should also be quashed.
4. In the premises it has been unnecessary for this Statement to record the Defendants' position on the other three Grounds of Challenge. This should not be taken as acceptance on the Claimant's part that those grounds were not also well made; nor a concession by the Defendants that they were.
5. The Defendants accept that the Claimant should now immediately be reinstated as a governor, with retrospective effect from 27 June 2022. The First Defendant is committed to welcoming back the Claimant and working with her constructively for the remainder of her term. The Claimant looks forward to doing likewise.
6. The parties agree the provision on anonymity at paragraph 4 of the Consent Order (as extended to the School) for the reasons given at §82 SFG. Such provision is necessary given that the proceedings were issued and could therefore be the subject of reporting.