

Matthew Wyard

Year of Call: 2014

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Overview

Matthew Wyard provides advice and representation on public law matters concerning education, health and social care, as well as private client matters, predominantly (but not exclusively) in the Court of Protection. He is described in the directories as *"meticulous in his preparation and has a great way with clients, putting them at ease"*, *"is very detailed and will go that extra step in order to present the strongest possible case"* and whose *"advocacy is well beyond his year of call"* (Legal 500).

For more information on Matthew's specialist practice areas please see his area specific profiles below.

Matthew prides himself on *"excellent, comprehensive and practical"* advice as well as his *"exemplar"* client care (Chambers UK).

Matthew is a widely published legal author. He is a contributing author to the Education Law Handbook, the leading text for education law practitioners and a contributing editor to Clarke Hall and Morrison on Children. He regularly writes for Lexis PSL and Practical Law and has also been published in The Times Higher Education, the Education Law Monitor and the Solicitors Journal.

Matthew is committed to protecting and respecting your privacy. Please contact him for a copy of his privacy notice which sets out the basis upon which any personal data he may receive will be protected.

Administrative and Public Law

Matthew is an expert in public law and judicial review. He is a member of the Attorney General's C Panel of Counsel to the Crown so regularly acts for Central Government, but is equally comfortable advising local authorities, companies, charities and individuals or providing strategic advice to regulators. He accepts instructions for urgent and out of hours applications as well as international matters.

Matthew's experience in administrative and public law is broad and includes matters as diverse as: education, health, social care, immigration, asylum, freedom of information, planning, human rights, pharmaceuticals, professional regulation, commercial judicial review.

Matthew maintains a non contentious and contentious practice.

Recent examples of non contentious work include advising on the following matters:

- A challenge to a planning authority's decision on *Kides* grounds
- A proposed traffic management order in a London Borough and its impact on disabled residents locally

- The limits of an inspection authority's vires and the point at which it became functus
- The legality and public consultation requirements of amending a regulator's complaints process
- The risks to the regulator associated with the implementation of a new Bill
- Whether a novel business idea would require registration with a particular regulator
- Whether a regulator was obliged, pursuant to 'Managing Public Money' to seek to recover its costs following a successful judicial review challenge
- The prioritization process to consider complaints under an ombudsman scheme
- How long a regulator was required to retain various documents under the UK GDPR
- The correct interpretation of an ombudsman schemes enabling act and whether it could investigate a company, as well as an individual
- Which public body was the correct body to employ a particular individual under the statutory scheme
- Whether employees could lawfully consume medicinal cannabis in the workplace and the risks arising to the public authority
- The enforceability of a historic covenant contained in an Abstract pre dating 1926
- The legal risks associated with a public consultation
- The applicability in the jurisdiction of an international certificate of good conduct

Examples of Matthew's recent contentious public law practise includes:

- *THTN v Secretary of State for the Home Department* [2023] EWCA Civ 1222 – junior counsel for the Respondent in this appeal concerning the proper interpretation of the Supreme Court's decision in *AM (Zimbabwe)*
- *Land Adjacent to HMP Garth and Wymott* – junior counsel in this long running planning inquiry over the building of a so called 'mega prison' near Chorley
- *MA v E Council* – Advising upon and settling Summary Grounds of Resistance in this age assessment judicial review
- *R(F) v H Council* – advised upon and settled the Summary Grounds of Resistance in this judicial review under s19 of the Education Act 1996
- *R(U) v H Council* – advised upon and settled the Summary Grounds of Resistance in this judicial review under s42 of the Children and Families Act 2014
- *R(A) v An Ombudsman* – settling the Summary Grounds of Resistance in this judicial review challenge to the ombudsman's preliminary decision that the dispute was more appropriately dealt with by a court rather than the ombudsman
- *R(L) v An Ombudsman* – settling the summary Grounds of Resistance in this judicial review challenge to the legality of the ombudsman's refusal to consider a complaint due to it being more appropriately dealt with by a court and that there were other compelling reasons not to investigate
- *R(RN) v An Ombudsman* – settling the Summary Grounds of Resistance in this judicial review challenge to the Ombudsman's decision to refuse to investigate a complaint that was submitted out of time.
- Acting successfully for the Home Office in the leading Country Guidance case on Somalia: *OA v SSHD* [2022] UKUT 00033 (IAC).
- Representing the successful Respondent in *Nottinghamshire County Council v SF & Ors* [2020] EWCA Civ 226 considering the meaning of "necessary" under s37 Children and Families Act 2014.
- Seeking permission to appeal to the Court of Appeal in *D v Hampshire County Council* [2020] EWHC 2916 (Admin).
- *Topham v Ministry of Justice* – Successfully represented the defendant and secured the strike out of the claimant's Article 8 Human Rights Act challenge
- *R(A) v B Council* – Advising the claimant on a potential judicial review challenge to the defendant council's direct payment scheme.

- R(H) v X CCG – Advising the claimant in relation to a potential judicial review against the CCG’s failure to secure continuing care provision for a child with a life limiting medical condition.
- R(E) v Norfolk County Council (unreported) – Settled the Statement of Facts and Grounds in this judicial review challenge which settled following the filing of summary Grounds of Resistance
- X v G College (unreported): representing the college against a leading education law silk in a judicial review against its decision to exclude a student.
- YMC v Office of Intercollegiate Studies (unreported): representing the claimant in what is thought to be the first judicial review challenge brought against the Office of Intercollegiate Studies.
- EW v S County Council : advising on and settling the response to a judicial review pre action protocol letter concerning alleged breaches of the Chronically Sick and Disabled Persons Act
- E v H County Council : advising the Defendant local authority on an expedited judicial review claim; settled the Detailed Grounds of Resistance; advising on settlement
- MA v B University : advising on the grounds for judicial review arising from a university’s failure to grant extenuating circumstances.
- JP v IAP : advising on the legality of an Independent Admissions Panel decision.
- AT v An Academy : advising on the grounds of challenge to an Academy’s procedure for conducting a managed move which successfully settled at the pre action stage
- Re: DR : advising on the merits of bringing a judicial review claim against a London Borough for maintaining a policy on not placing children below 16 in children’s homes.

Recommendations

Matthew Wyard is skilled in handling public law challenges arising from decisions made in relation to education. He is a member of the Attorney General's 'C' panel.

Chambers UK 2024/Administrative and Public Law/Regions

Matthew Wyard acts for a wide range of clients, including several individuals and education institutions. He is particularly well regarded for this work before the SEN Upper Tribunal and offers additional expertise in judicial reviews.

Strengths: “He is very good and knowledgeable in the education law field.”

“Matthew is very good at reviewing papers and picking up information and facts very quickly, and he is always on top of things.”

Chambers UK 2024/Education/London Bar

Strengths: “He is an outstanding advocate with a fantastic grasp of complex, factual cases and a thorough and detailed knowledge of the legal framework. His client care is exemplary.”

“Matthew is capable of dealing with complex matters at a rapid pace.”

“Matthew works tirelessly for his clients and puts up quite a performance within the special needs tribunals.”

Chambers UK 2023/Education/London Bar

Strengths: “He is proactive, very knowledgeable and good at what he does.” “His advice is excellent – comprehensive and very practical as well.”

Recent work: Acted for the successful respondent in Nottinghamshire County Council v SF & Others, a challenge to the approach taken by the Upper Tribunal to a 'refusal to issue' appeal.

Chambers UK 2022/Education/London Bar

‘His knowledge and expertise make him a natural choice to instruct on judicial review matters. He knows the Welsh legislation inside out. He is tactically very astute in such challenges and delivers advice in a timely and sensitive manner.’

Legal 500 2024/Administrative and Public Law/Leading Juniors/Wales and Chester

'Matthew is quick to get to the crux of a case and exhibits particular expertise in cases involving special educational needs. His ability to look at a case from all sides is a particular strength.'

Legal 500 2024/Education/Leading Juniors/London Bar

'He quickly picks the issues in the case and is particularly great in a round table meeting which includes litigants in person. He is able to clearly take the parties through the main issues, which helps to progress the matter and discussion.'

Legal 500 2024/Court of Protection and Community Care/Leading Juniors/Wales and Chester – Ranked in Tier 1

'He is calm under pressure, very reassuring with clients and has a keen eye for detail. He is measured in his approach and has particular expertise within the area of special educational needs law within Wales. He is fast becoming the go-to barrister in this area of law, which has seen major changes over the last couple of years. He appropriately adapts his style of advocacy to the relevant forum and is respected by fellow barristers and judges alike.'

Legal 500 2024/Education/Leading juniors/Wales and Chester – Ranked in Tier 1

'Matthew is meticulous with his preparation and has a great way with clients, putting them at ease so that they can give clear and cogent evidence. His advocacy is well beyond his year of call.'

Legal 500 2023/Education/Leading Juniors/London Bar

'Matthew is very detailed and will go that extra step further in order to present the strongest case possible. He is very approachable and clients like him.'

Legal 500 2023/Education/Leading juniors/Wales and Chester – Ranked in Tier 1

'An excellent advocate.'

Legal 500 2023/Court of Protection and Community Care/Leading Juniors/Wales and Chester – Ranked in Tier 1

'A junior with good client care skills, and his advice is well-considered, comprehensive and clear.'

Legal 500 2022/Court of Protection and Community Care/Rising Stars/Wales and Chester – Ranked in Tier 1

'A strong and detailed advocate who quickly identifies the relevant issues in a case. He has the ear of the Tribunal.'

Legal 500 2022/Education/Rising Stars/Tier 1/Wales and Chester

'[...] the addition of Matthew Wyard to the team has given real fire power to their Court of Protection offering in Wales.'

'His in-depth knowledge of Welsh social care law is an advantage.'

Legal 500 2021/Court of Protection and Community Care/Rising Stars/Tier 1/Wales and Chester

'[...] 3PB's presence in this region comes in the form Matthew Wyard... He specialises in public law challenges in the education sector, civil claims against education institutions and special educational needs appeals.'

'One of very few barristers in the Country who has a true grasp of Welsh Education Law.'

Legal 500 2021/Education/Rising Stars/Tier 1/Wales and Chester

'Thank you again for the excellent outcome you obtained for us yesterday. This note is also very helpful. I have shared it with our wider team because I am sure that the outcome will assist with the handling of many of the other data protection claims across [the organisation] at the moment.'

It was a stroke of luck for us that you were able to assist with this matter at short notice and your work is very much appreciated."

Instructing Solicitor, Data protection matter

"I did also want to mention that...we have received some excellent feedback recently for 3PB and thought it would be good to share this with you. I have received excellent reports from [team members] and most importantly of all, my clients, regarding the high quality and standard of the work that we are receiving...specifically in relation to...Matthew...I have worked closely with Matthew on one of my cases recently and I am hugely impressed, as are the clients, over his handline and management of the case. The clients are absolutely delighted with his professionalism, conduct and communication. This is a case where it has gone part-heard and the clients do not seem to mind a bit as Matthew has been just excellent"

Partner/Head of Education – National Law Firm

"I instruct Matthew regularly and am never disappointed by the level of professionalism and knowledge he brings to each case he is instructed on. Matthew has a unique way of identifying the key issues of a case and preparing submissions in a clear and persuasive manner, in order to achieve the best result possible. I can trust that he will always provide honest and efficient advice and am happy to have good working relationship with him."

Instructing Solicitor

As you can imagine, it is extremely stressful for families to be going through this so I just wanted to say a big thank you for supporting me through [the] tribunal. I would recommend you to anyone going through similar proceedings. We are delighted with the outcome and have not stopped smiling since!

Client, Education

Firstly, the client would like for me to pass on their gratitude to Matt for all of his assistance on this matter. They described him as "a really nice guy who fought formidably for them and have nothing but praise for the work he has undertaken".

Clients feedback to instructing solicitor

Thank you so much for recommending and introducing us to Matthew. We've effectively been on hold for two years waiting to hear from the Coroner's. It was painful for us to engage again with the legal process. We appreciate that you also experienced difficult emotions. We were on a very long journey that ultimately ended in tragedy, so we'd be lying to say we weren't dreading the meeting at 3PB.

Matthew was so professional, on point and informative. But above all, he was kind and empathetic. We didn't feel pushed into making a decision, but ultimately, his clarity in describing the potential road ahead allowed us to make a pragmatic decision. We did leave the Chambers convinced that pushing forward was the right thing to do. However, as the night wore on, and emotions fluctuated we were able to come to the view that there is little point in pushing for an Inquest to be opened. It's a huge weight off our shoulders and we'd be grateful if you could convey to Matthew just how pivotal he was in helping us reach this point of release.

Clients feedback to instructing solicitor

Academic qualifications

- LL.B (Hons) Law, Upper Second Class, University of Surrey
- Pg Dip (BPTC), Very Competent, City Law School

Scholarships

- Erasmus Scholarship
- Blackstone Chambers BPTC Mooting Competition, Semi finalist, 2013

Professional qualifications & appointments

- Chair of the Valuation Tribunal for England
- Attorney General's C Panel of Counsel to the Crown
- Committee member, Court of Protection Practitioner's Association, Midlands

Professional bodies

- Lincoln's Inn
- Western Circuit
- Education Law Association
- Court of Protection Bar Association
- Constitutional and Administrative Law Bar Association