



# Matthew Wyard

**Year of Call:** 2014

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## Overview

Matthew is a public law specialist with a broad range of interests, including education and court of protection matters. More details can be found in his specialist profiles below.

He is recommended in both leading directories for all his main areas of practice. He is described as "brilliant in his field", a "fantastically pragmatic barrister with an eye for detail" whose advocacy is "clear, concise and easy to follow" and "well beyond his year of call". He is "good at strategic advice", "always on top of things" and has "exemplary client care".

Interesting or important cases in which Matthew has been involved in recent years include:

**Cardiff Council v AW (ongoing):** Matthew represents the respondent family in the first Upper Tribunal appeal concerning the Additional Learning Needs and Wellbeing (Wales) Act 2018.

**Re: AECO [2025] EWCOP 5:** successfully represented the Public Guardian in an application to remove a property and financial affairs deputy.

**Re: Rwanda:** Part of the counsel team quality assuring and providing operational advice to the Secretary of State for the Home Department in seeking to remove individuals to Rwanda whose asylum and protection claims had been declared inadmissible.

**MM (as alternative person to C) v Royal Borough of Greenwich [2024] UKUT 179 (AAC):** successfully represented the appellant in the leading authority on the approach the First-tier Tribunal should take to the question of 'litigation capacity' in special educational needs appeals.

**FA (Iran) v Secretary of State for the Home Department [2024] EWCA Civ 149:** represented the Respondent before the Court of Appeal considering whether the Upper Tribunal properly applied the country guidance on sur place activities to an application for asylum by an Iranian Kurdish national.

**Land Adjacent to HMP Garth and HMP Wymott (ref: 3295556):** represented the Rule 5 party in this recovered appeal that concerned the proposed development of a new prison near Chorley.

**THTN v Secretary of State for the Home Department [2023] EWCA Civ 1222:** represented the Respondent in this appeal concerning the proper interpretation of the Supreme Court's decision in AM (Zimbabwe).

**AB v Newport City Council [2022] UKUT 190 (AAC):** successfully represented the appellant in this appeal that confirmed the existence of a right of appeal to the Upper Tribunal against a review decision of the Special Educational Needs Tribunal for Wales.

**OA v Secretary of State for the Home Department [2022] UKUT 00033 (IAC):** represented the respondent in this country

guidance case on Somalia.

**R (Charles & Dunn) v Secretary of State for Foreign and Commonwealth Affairs [2020] EWHC 3185 (Admin):** disclosure junior for the defendant.

**Nottinghamshire County Council v SF [2020] EWCA Civ 226:** successfully represented the respondent in this appeal that considered the meaning of "necessary" in s37 of the Children and Families Act 2014.

**D v Hampshire County Council [2020] EWHC 2916 (Admin):** instructed to seek permission to appeal to the Court of Appeal.

For more details about Matthew's specialist areas of practice, please see the specialist profiles below.

Away from practice, Matthew is a widely published legal author, a Chair in the Valuation Tribunal sitting on ratings appeals, the Vice Chair of the Board of Directors of a higher education institution and the Chair of the Court of Protection Practitioner's Association.

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.

## Education

Matthew is a trusted and respected adviser to the education sector and those operating within it, having practised in the field of education law since before his call to the Bar. He is recognised in both of the leading legal directories. Having spent a significant time practicing in Wales, Matthew is experienced in advising on the devolved education settlement in Wales.

Adopting a sector based approach, the kind of areas Matthew advises/represents institutions in includes the following:

**Judicial Review:** Most of Matthew's instructions in relation to the education sector involve advising, drafting or representation before the High Court in respect of judicial reviews concerning education. He acts for claimants, defendant and interested parties before the High Court.

**Governance and organisation:** Having co-authored the school reorganisation chapter of the leading education law textbook, Matthew is regularly sought after to assist local authorities and other proposers with drafting documentation or advising on the process for school re-organisation. He is equally happy to advise and represent those wishing to challenge school re-organisation decisions by way of judicial review. As a non executive director of a higher education institution he is happy to advise on all manner of HEI governance issues, including registration with the Office for Students.

**Data protection/information law:** Benefitting from an established data protection/privacy practice, Matthew is sought after to advise schools, universities and local authorities on their data protection obligations.

**SEN:** Matthew regularly appear before the Upper Tribunal, First Tier Tribunal and Education Tribunal for Wales in SEN appeals. He also offers strategic advice and support to local authorities and schools in managing disputes that arise.

**Equality Act claims:** Whilst defending institutions before the First Tier Tribunal makes up the majority of Matthew's equality practice, he is equally happy to appear before the County Court defending universities or schools in relation to any matter arising under the Equality Act 2010.

**Breach of contract/negligence:** Having spent his first few years of practice in the litigation department of a specialist education firm he has a solid track record in bringing and defending civil challenges against educational institutions including universities, and independent schools.

**Land/planning issues:** Matthew is familiar with the English planning law system, having appeared before Planning Inquiries and given planning advice on a variety of issues. With his knowledge of the education sector he is well placed to advise on these issues within the context of school organization (see Matthew's property profile for more details).

**Transport:** Matthew has a working knowledge of the English and Welsh law on school transport and regularly advises on the same.

**Regulation/reporting:** Having previously been on secondment to an education regulator, Matthew is extremely comfortable advising on regulatory issues arising from school inspections, as well as obtaining urgent interim relief to prevent report publication. He also has experience in challenging Ofsted decision making in the Care Standards Tribunal, and in representing teachers before the TRA.

Examples of recent cases Matthew has been involved with within the education sector include:

- AB v Newport City Council [2022] UKUT 190 (AAC) – represented the successful Appellant in this appeal to the Upper Tribunal which clarified the law in relation to appeals from the Special Educational Needs Tribunal for Wales.
- Nottinghamshire County Council v SF & GD [2020] EWCA Civ 226 – represented the successful Respondents in the Court of Appeal in this decision clarifying the correct approach to s37 Children and Families Act 2014
- D v Hampshire County Council [2020] EWHC 2916 (Admin) – represented the Appellant before the High Court seeking leave to appeal to the Court of Appeal
- X v L University – advising and drafting a Defence to a claim for breach of statutory duty under the UK GDPR
- M v C University – drafting and representing the defendant university in an application to strike out a claim for breach of statutory duty under the UK GDPR and misuse of private information
- F v H Council (unreported) – advised upon and settled the Summary Grounds of Resistance in this judicial review under s19 of the Education Act 1996
- U v H Council (unreported) – advised upon and settled the Summary Grounds of Resistance in this judicial review under s42 of the Children and Families Act 2014
- 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.
- H v D School: Successfully representing the school in an educational negligence claim against a leading silk.
- Re: BCC – Advising a proposer on a school re-organisation project to change a school from single sex to co-educational and drafting various documentation for the same.
- Re: CSDN – Advising the appellant nursery in proceedings before the Care Standards Tribunal
- Advising a regulator on the likely enforceability of a historic covenant contained in an Abstract pre dating 1926 Advising on the legal risks associated with a public consultation
- Drafting online Government guidance in relation to registration with a regulator
- Advising an inspection authority on the limits of its powers and when it becomes functus
- Advising on the legality of amending a regulators complaints process
- Advising a regulator on the risks associated with the implementation of a new Bill
- Advising a regulator on whether a novel business idea would require registration with it

## Articles

Matthew Wyard analyses the Upper Tribunal's decision in MM (as alternative person for C) v Royal Borough of Greenwich [2024] UKUT 179 (AAC) and the UT's updated guidance on mental capacity and the First tier Tribunal's jurisdiction to make health and social care recommendations

Matthew represented the successful appellant, instructed by Geldards LLP.

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Matthew Wyard writes about the Upper Tribunal's decision in MM (as alternative person for C) v Royal Borough of Greenwich [2024] UKUT 179 (AAC), and the important points the judgment raises in relation to the conduct of proceedings before the

SEND Tribunal when impaired litigation capacity is being considered.

Matthew represented the successful appellant.

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[Matthew Wyard](#) has written an update on the right to file a Claimant's Reply which comes into effect on 06 April 2024.

It has long been customary practice for Claimants to file a Reply document following receipt of a Defendant's Acknowledgement of Service in judicial review proceedings. This is despite there being no provision in the Civil Procedure Rules allowing a Claimant to do so.

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*Data protection for schools and higher education institutions*

[Matthew Wyard](#) highlights the rights of access to data from schools and colleges and specifically what constitutes 'education data'. The new Data Sharing Code of Practice from the ICO is also scrutinised for how it assists the higher education sector in situations of crisis on campus.

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3PB's specialist regulatory law barrister Matthew Wyard reviews the case of A Local Authority v GP (Capacity – care, support and education) [2020] EWCOP 56.

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Public law barrister Matthew Wyard, who specialises in the education sector reviews the hidden extras in 'The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No.1) Order 2020 which came into force this Monday 2 November.

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3PB's specialist education barristers Alice de Coverley and Matthew Wyard have co-authored a two-part report, for students and schools separately, about today's GCSE results day (20 August 2020).

The guidance offers tips for students and their parents about the GCSE grade that students will receive; the appeals process in England, Scotland, Wales and Northern Ireland; Exam results Helplines available; Subject Access Requests for finding out information to support you in pushing for an appeal; grounds for appeals; Centres' duties to students/learners.

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In this article, Alice de Coverley and Matthew Wyard answer some of the most significant questions facing both students and schools on A-level results day 2020, providing practical advice on what to do next.

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3PB's specialist public law barrister Matthew Wyard has reviewed the draft Curriculum and Assessment (Wales) bill. The bill was introduced to the Senedd on 6 July 2020 without prior public consultation.

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Matthew Wyard and Alice de Coverley have produced a guide to remote hearings in SENDIST including practical top tips for both practitioners and witnesses. They cover topics from using technology to adapting your approach to this new style of hearing.

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Matthew Wyard considers the meaning of "reasonable endeavours" in public and private law following the modification of the LA's duty to secure special educational provision specified in an EHC Plan under section 42 to a reasonable endeavours duty,

and the likely approach of the Administrative Court to applications to enforce provision in Section F via judicial review.

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Education law barrister, Matthew Wyard examines the impact of the Coronavirus Bill on the independent education sector.

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Education and public law barrister Matthew Wyard and Paul Wyard of Sinclairslaw review Nottinghamshire CC v SF and another, a case in which the Court of Appeal held that the First-Tier Tribunal had correctly construed the meaning of 'necessary' in section 37(1) of the Children and Families Act 2014 (CFA 2014) in finding that it was necessary for special educational provision to be made for a child in accordance with an EHC Plan – even though the school had identified and made provisions for the child's needs and the child was making progress at school.

This article was first published by LexisPSL on 9 March 2020.

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## Recommendations

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: "Matthew Wyard's advocacy is clear, concise and easy to follow. He is very personable with clients." "Matthew is very responsive and proactive, with great drafting and preparation skills." "Matthew is brilliant in his field, and his knowledge of both English and Welsh law is second to none."

### **Chambers UK 2025**/Administrative and Public Law/Regions

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

Strengths: "Matthew is prompt, sharp and effective." "Matthew is a fantastically pragmatic barrister with an eye for detail. He takes the complicated details of his cases and puts forward straightforward and sensible solutions. "His written work in age assessment matters is super strong. "Matthew is good at strategic advice."

### **Chambers UK 2025**/Administrative and Public Law/Regions

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

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**

Matthew Wyard is noted for his expertise in judicial reviews and in special educational needs matters.

Matthew is a shrewd advocate, often finding nuance arguments in cases which other counsel may overlook. His advocacy is very reasoned, balanced, and he has a fantastic legal mind for untested areas of the law and judicial review. One to watch.

**Legal 500 2025/Education/Leading Juniors/London Bar**

Mathew is a conscientious barrister who will do his utmost for his client. He is a good lawyer and a very helpful junior in the quality of his legal research and his thoughts and ideas for advancing the case.

**Legal 500 2025/Court of Protection and community care/Leading Juniors/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
- Chairman, Court of Protection Practitioners Association (COPPA), Midlands

## **Professional bodies**

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