Core Curriculum: Module 2: Decision-making and Challenge: Materials for Micro site

Essentials 1: Introduction

In this part of Module 2 you will be introduced to the key principles underpinning public law decision-making and challenge.

This Part consists of four sections or “Essentials” to be worked through sequentially:

Essentials 1: Policy development

This section focuses on two particular issues which frequently arise in policy development, consultation and legitimate expectation.

Essentials 2: Decision

This section introduces a fictional case study which will be developed through the rest of the Part.

This section also covers the key things to be considered when advising on public law decision-making, building on previous work on consultation and legitimate expectation, and looking at powers, bias, pre-determination and independence, and factors relevant to decision-making. This section also introduces the concepts of rationality and proportionality.

Essentials 3: Challenge

This section provides an introduction to judicial review, and explores procedural and substantive grounds for review.

Essentials 4: Remedies

This section briefly introduces the remedies and appeals available in judicial review.

Once you have completed this Part of Module 2, it is anticipated that you will be able to:

* Recognise key public law principles in policy development, including consultation and legitimate expectation;
* Advise on key aspects of fair decision-making;
* Advise on procedural and substantive grounds of challenge in a judicial review;
* Advise on available remedies in judicial review; and
* Understand where to go for further help and materials.

This Part consists of a case study, short webinars and reading materials from LION and Practical Law (for which you will need your username and password – log in first in order to ensure that the links work properly). It is important to work through each of the four sections in the suggested order. The reading materials themselves contain a number of links to cases and further material. You are not expected to read the material at these further links as part of this introductory course, though they provide useful further learning should you need to delve more deeply into a particular area.

As a guide, it is anticipated that this part of Module 2 should take around 3 hours to complete.

*Note: this part of Module 2 touches on several areas of law (such as primary legislation, devolution, equalities law and international law) which are not within the scope of this pilot, but which would be covered elsewhere as part of the Core Curriculum. Although these areas may be touched upon in the webinars, this Part does not aim to equip learners with an understanding of them, and supporting materials are not generally provided.*

Essentials 1: Consultation

Please view the following webinar on consultation: [insert link to edited Thomson Reuters consultation webinar]

Next, read the LION Guidance on Consultation Law:



You should also be aware of the Government’s Consultation Principles, which have no legal force, but which set out the Government’s agreed approach to consultation: <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492132/20160111_Consultation_principles_final.pdf>

Essentials 2: Legitimate Expectation

Please read the Practical Law article “Legitimate Expectations” by Matthew Purchase of Matrix Chambers: <http://uk.practicallaw.com/6-504-2351?q=legitimate+expectation>

The key principles are also available in these slides:



*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*