Expertise

39 Essex Chambers is one of the leading education law sets. Members are highly regarded at all levels of seniority and have consistently been recognised in the legal directories as leaders in this field.

Members of the education law team regularly appear on behalf of both parents, schools and local authorities in the First Tier Tribunal, Upper Tribunal, and higher courts. Members advise on, and act in, all matters arising out of the Education Acts from school transport to school reorganisation, judicial review challenges to exclusions and admissions decisions, cases involving human rights in the education field, discrimination claims, the Prevent duty and disputes as to the rights and liabilities of academies.

Members’ work also covers the full spectrum of university and college-related education issues for education institutions and students including contract, negligence claims and judicial review, challenges to disciplinary decisions (particularly plagiarism), discrimination claims and challenges to admission and grant decisions and appeals to the Independent Adjudicator for Higher Education (OIA).

Chambers is able to offer a unique combination of private and public law expertise providing local authorities, schools, academies and universities an across-the-board service at all levels of call. The group aim to provide a pro-active service that caters to the whole range of legal needs for our education clients. Members are experienced in education, health, social care and mental capacity, something which is increasingly useful for clients in a changing environment in which services are being integrated.

Members are also have expertise in teachers’ discipline and the regulation of schools by Ofsted.

In addition to providing expert advice and advocacy, our barristers have been appointed as governors to schools and to university committees as well as one of the junior member of Chambers being instrumental in establishing a free school. This experience enables members to have a practical understanding of the operational needs and political demands to which local authorities and schools are subject to.

Chambers also arrange regular education law seminars to keep clients abreast of the constantly changing legal framework. This, together with the early involvement of members at the advisory stage, assists in keeping many cases out of court and avoiding costly litigation.

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JENNI RICHARDS QC  
(Call 1991, Silk 2011)

Jenni has an extensive public law practice acting for public bodies, institutions and individuals in all areas affected by public law. She has advised central and local government, educational institutions and parents on a range of educational matters. Her expertise in education law includes local authorities’ duties under the Education Act, OFSTED inspections, schools admissions, parental duties, special educational needs, the overlap between social care, health care and educational provision, and deprivation of liberty in educational settings.

SUSAN RODWAY QC  
(Call 1981, Silk 2002)

Susan has long experience across a wide range of education related disputes. This includes acting for children with disabilities in disputes over SEN provision and failure to diagnose particular types of SEN, to claims against private schools and higher education institutions. She has a long established reputation dealing with claims for stress, bullying or other personal injury within the education arena. She acted in the leading case of G v London Borough of Bromley in the House of Lords [heard with Phelps v London Borough of Hillingdon] which established the liability of teachers and educational authorities in failing to diagnose and address dyslexia or other learning difficulties in pupils.

FENELLA MORRIS QC  
(Call 1990, Silk 2012)

Fenella is ranked by the directories as a leading silk in education law. She is a versatile advocate with a wide-ranging practice including public law and human rights, discipline and regulation and procurement and State aid. She regularly represents and advises higher and further education bodies, local authorities, schools, students and their families and examination and funding bodies and The Office for Students. Her recent work involves challenges to decisions to award degrees, challenges to refusals in admissions processes and claims of negligence and breach of contract in universities. She often advises on overlapping issues of professional education and regulation, such as the approval of higher education institutions as providers of professional education, or disciplinary matters arising during professional studies. She has particular expertise in cases concerning the interrelationship between health, social services and education, and the safe-guarding and treatment of sick and disabled children and deprivation of liberty in educational settings. She writes regularly on education law topics, and has a particular interest in the Prevent duty and the freedom of speech in educational contexts.

RORY DUNLOP QC  
(Call 2002, Silk 2019)

Rory is a member of the Attorney General’s A Panel. He has been, in effect, standing counsel for the Secretary of State for Education and, before that, the General Teaching Council for England, in all appeals by teachers against prohibition orders. In addition, Rory has acted for the Secretary of State for the Home Department in all of the most recent judicial reviews concerning the revocation of educational providers’ Tier 4 licences. Rory has defended a university in a civil claim for allegedly negligent teaching and he has frequently advised parents and local authorities on education, health and care plans and the provision of education to children with special educational needs.
MUNGO WENBAN-SMITH
(Call 2004)

Mungo has a broad range of experience in the field of education law. He appears in the First-tier Tribunal in challenges to statements of special educational needs as well as race and disability discrimination cases. In addition, he has conducted appeals arising out of school admissions and exclusions, including infant-class size appeals and cases raising issues of race and disability discrimination. In addition, he has acted in judicial review proceedings arising out of the summary dismissal of a teacher following allegations of inappropriate behaviour with a student.

VICTORIA BUTLER-COLE QC
(Call 2005, Silk 2019)

Victoria advises families on education matters with a particular focus on disability and mental health. She has worked on a number of cases under the Human Rights Act concerning the use of physical restraint and “calm rooms” for autistic children. She also advises local authorities and education providers on policy matters, including the HRA and the public sector equality duty. She is a member of the Equality and Human Rights Commission B Panel.

ROBERT LAZARUS
(Call 2004)

Robert’s practice covers predominately professional regulation & discipline, professional negligence and personal injury. He has experience of cases covering a wide range of issues including children and young adults with special educational needs, educational psychologists, school governors, sports injuries and workplace accidents. His experience in litigation extends to high value multi-million pound disputes.

JACK ANDERSON
(Call 2006)

Jack has a wide-ranging public law practice and acts and advises regularly in the fields of education and community care. He appears frequently in the First-tier Tribunal, in particular the SENDIST, in the Upper Tribunal and High Court, and in the Court of Protection. He often acts on an urgent basis. His clients include local authorities, schools, NHS Trusts and individuals. He is a member of the Attorney General’s C Panel of Counsel and has acted for both the Department for Education, the Department for Health and Ofsted. He has been recognised as a leading junior in the Education law section of Chambers and Partners for several years. He is a contributor to Education and the Courts (Jordans, 2012) and with Ben Tankel is the author of Atkins Court Forms, Education.
KELLY STRICKLIN-COUTINHO  
(Call 2006)
Kelly is a Foundation Governor at St. Michael's Catholic Grammar School for Girls, where she is also on the Curriculum & Standards committee. Her experience includes being appointed the chair of a Complaints Appeal Panel and appointing a head teacher. She has taught at University of London colleges for 10 years in both undergraduate and postgraduate courses, where she has been responsible for the setting of the course and the assessments, as well as dissertation supervision. She has experience of undergraduate and postgraduate students with special educational needs and of academic appeals and plagiarism. She also has experience of the Early Years Foundation Stage statutory framework and holds a diploma in Montessori Pedagogy for Early Childhood.

THOMAS AMRAOUI  
(Call 2007)
Tom is ranked as a leading junior in Education law by Chambers and Partners and The Legal 500. He regularly represents local authorities in special educational needs cases, has advised and represented schools in discrimination cases and has experience in the Upper Tribunal on education matters. Tom speaks regularly at education law conferences and seminars, and has delivered training to many authorities on effective case preparation in SEN appeals. Tom also has extensive experience of school admissions and exclusion appeals, having acted as both a representative and clerk at many such appeals.

KATHERINE APPS  
(Call 2006)
Katherine’s work in this field spans education law, equality law, regulatory and professional discipline, employment, pensions, public law, immigration/ hostile/ compliant environment and safeguarding. She has worked with the Department for Education in various matters involving school governance, equality law and free speech/ hate speech. She has acted for a school Assistant head in a matter involving safeguarding and whistleblowing. She is on the Attorney General’s B Panel of Counsel and EHRC panel of Counsel. She is on the National Safeguarding Panel for Sports Resolutions. Reported cases include R(G) v X School and Y Council [2012] 1 AC 167 (Article 6 ECHR and internal disciplinary processes).

JENNIFER THELEN  
(Call 2007)
Jennifer is recognised in the Education law section of Chambers and Partners (Band 4) and The Legal 500 (Tier 5). She regularly appears in the First tier Tribunal and Upper Tribunal on behalf of local authorities in education cases as well as, for both local and central government, on education matters in the High Court. She has been instructed to advise and appear across a range of education matters including special educational needs, disability discrimination, governance, admissions and exclusions appeals, as well as challenges by way of judicial review to the implementation of statements of special educational needs and Ofsted reports. Jennifer has a broad legal background, having practised corporate and regulatory law before being called to the Bar. Jennifer is a member of the Attorney General’s B Panel of Junior Counsel to the Crown.
STEVE BROACH  
(Call 2008)

Steve Broach is a public lawyer who advises and represents individuals, charities, companies and public authorities. Steve’s education law practice is focussed on the educational rights and interests of disabled children and young people and those with special educational needs (SEN). He is regularly instructed in complex judicial reviews and Tribunal appeals involving disputes between families, young people and public bodies. As a co-author of the leading practitioner text in this area (Disabled Children: A Legal Handbook), Steve has comprehensive knowledge of the statutory scheme introduced by the Children and Families Act 2014. Steve is ranked by Chambers & Partners as a leading junior (Band 1) for Education.

PHILIPPA JACKSON  
(Call 2008)

Philippa has an extensive education practice. She acts for parents, schools and local authorities in the First-Tier and Upper Tribunal in claims concerning statements of special educational needs and disability discrimination, and she advises schools and local authorities on a range of education matters including school organisation, Equality Act duties and educational negligence claims. She also has extensive experience of school admissions and exclusions, having frequently acted as clerk to Independent Appeal Panels, as well as advising on and drafting judicial review challenges to the decisions of IAPs.

ANNABEL LEE  
(Call 2010)

Annabel is regularly instructed by parents, schools and local authorities in education law matters. She has experience of admission appeals, exclusion appeals, judicial reviews and SEN appeals in the First-tier Tribunal. She is a contributing author to the third edition of “Education and Courts” (ed. Richard McManus QC) published by Jordans.

BENJAMIN TANKEL  
(Call 2009)

Ben’s education practice covers judicial review, special educational needs, education funding, discrimination, and admissions and exclusion. He has appeared in all types of venue including the First-Tier Tribunal, the High Court, and the Court of Appeal, and he has clerked several hundred Independent Appeal Panels. Ben also has extensive experience of areas impacting on education such as community care, planning, employment, and matters arising under the Children Acts, so can offer an across-the-board service. His clients include educational institutions, local authorities, and claimants.
TOM TABORI  
(Call 2012)

Tom has a broad education law practice, from multi-track damages claims for Equality Act breaches or negligent PhD supervision, to judicial reviews of university CAS decisions and academy admissions and exclusion decisions. He regularly appears in the Upper Tribunal (Administrative Appeals Chamber) in cases concerning the evolving interpretation of the Children and Families Act 2014 SEN regime. His extensive education law experience also includes claims against independent schools, DfE local authority funding arrangements, and use of restraint against students. Tom is a part-time university lecturer and has given EHCP-training to local authorities.

ADAM BOUKRAA  
(Call 2013)

Adam has a broad range of experience in public law as well as professional regulation and discipline. He has particular experience in advising public bodies and regulators on their statutory powers, as well as acting in judicial reviewing proceedings. Adam has been instructed by clients including the Financial Ombudsman Service, Electoral Commission, and Foreign and Commonwealth Office, and has acted in a claim for judicial review against the Secretary of State for Health. His experience also includes assisting a healthcare regulator in responding to issues around governance and fitness to practise procedures.

NICOLA KOHN  
(Call 2012)

Nicola practises in all areas of public law and has particular interests in human rights law, Court of Protection matters and education law. She has a developing education law practice. She has acted for families in a number of school exclusion panels and as clerk to Independent Appeal Panels. She also has experience of defending Equality Act claims arising out of a failure to provide appropriate SEN services.

RACHEL SULLIVAN  
(Call 2015)

Rachel’s education law practice includes special educational needs, Equality Act and judicial review claims. She also has experience in the higher education sector, having undertaken a secondment to the Office for Students advising on procedure for the exercise of the OfS’s powers and on registration decisions.
STEPHANIE DAVID  
(Call 2016)

Stephanie has a burgeoning practice in education matters, including special educational needs, disability discrimination and school exclusion matters. She has undertaken appeals, challenging the contents of Statements and Education, Health and Care Plans in the First-Tier Tribunal. She has been instructed by young people, parents and other government bodies.

GETHIN THOMAS  
(Call 2016)

Gethin is currently consultant counsel to the Office for Students, the higher education regulator. He is developing a broad education practice. Recent examples of instructions include assisting in a judicial review challenge of a school closure, and acting on behalf of a higher education institution in a breach of contract claim.