

## 3PB Barrister Profile



### Alex Line

Call 2009

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### Education law Team

Alex has a particular interest in education law. He is happy to accept instructions in any education matter, but especially cases concerning special educational needs (?SEN?). He is also willing to consider appropriate pro bono work in this area.

#### Special Educational Needs

Alex has a background interest in this area due to his own dyslexia. Prior to joining chambers he worked as a paralegal which included undertaking education work. He has developed his education practice at 3PB by providing advice and representing parents and local authorities in a number of SEN cases which were heard before the First-Tier Tribunal (Special Educational Needs and Disability) (?SEND Tribunal?). Recent examples include:

? Representing the parents of a child with a rare and complex genetic condition called Sub Cortical Laminar Band Heterotopia, which resulted in global difficulties affecting her general cognitive profile but with specific learning needs in connection to her speech and language and fine motor skills. The appeal was in relation to Parts 2 and 3 of the child?s Statement. This case involved the consideration of complex medical evidence from Neuropsychologists; Educational Psychologists; Speech and Language Therapists; Occupational Therapists; and Physiotherapists.

? Representing the parents of a child with Autistic Spectrum Disorder with specific speech and language needs in an appeal against Parts 2, 3 and 4 of his statement. The appeal involved arguments concerning the extent to which the parents? trust and confidence in a school was relevant to the SEND Tribunal?s determination as to Part 4; and submissions concerning Hampshire County Council v R [2009] EWHC 626 as to whether the attendance of the child at the school of parental preference would be incompatible with the efficient education of other pupils and efficient use of resources under Schedule 27, paragraph 3(3) of the Education Act 1996 (and the difference between having an impact and incompatibility in that regard).

? Representing the parents of a child with severe and multiple specific learning needs resulting from his diagnosis of Autistic Spectrum Disorder and Attention Deficit Hyperactivity Disorder. This was an appeal against Parts 2, 3 and 4 of the child?s Statement and involved arguments concerning the distinction between educational and social welfare needs, and the case of London Borough of Bromley v SENT [1999] EWCA Civ 1490 in respect of Parts 2 and 3; which in turn influenced arguments as to the appropriateness of the parents? preferred school in Part 4. Alex successfully represented the parents, resulting in the child obtaining a place at a £200,000 per annum fee residential school with a 24 hour waking day curriculum. He also successfully resisted the Local Authority?s attempt to appeal the SEND Tribunal?s decision in the Upper Tribunal.

? Representing the parents of a child with a diagnosis of ASD and ADHD in an appeal which concerned whether the child required as educational provision, for the purposes of Part 3 of his statement, the principles of Applied Behaviour Analysis (?ABA?) to be applied to him; and thus a school named in Part 4 which could implement such provision.

? Representing the parent of Dyslexic child seeking an assessment of SEN, which the Local Authority had refused to undertake.

Education law also compliments Alex?s employment practice. Alex has advised and represented a teacher at an independent special school (which specialises in providing education to children with special educational needs including Duchenne Muscular Dystrophy) in relation to internal disciplinary proceedings before the school?s board of

Governors concerning allegations of gross misconduct and child welfare. The teacher?s sanction of summary dismissal was reduced to a written warning following the disciplinary hearing.

Alex has the following drafting experience in relation to special educational needs cases:

? Grounds of appeal and response for SEND Tribunal proceedings;

? Grounds of appeal and grounds of response to applications for permission to appeal to the Upper Tribunal following a decision of the SEND Tribunal;

? Grounds of response to applications for stays of implementation of a statement of SEN following a decision of the SEND Tribunal;

? Urgent application and grounds for permission for judicial review for failures by Local Authorities to implement a statement of SEN in breach of statutory duty.

#### **Further and Higher education**

Alex has advised and represented both students and institutions alike on the multitude of legal issues which can arise in the education context, for example relating to breach of contract; supply of goods and services; and judicial review. He has specific experience of:

? Advising a student on the use of a University?s internal complaints and appeals procedures and on the use of the Office of the Independent Adjudicator for Higher Education (?OIA?) complaints scheme; and drafting grounds of complaint under the scheme.

? Advising on the merits of a breach of contract claim against a Higher Education institution.

? Advising and drafting particulars of claim in a breach of contract claim against an independent school.

? Successfully representing a Higher Education Institution in the strike-out of a student?s claim for breach of contract in relation to examination procedures.

? Advising an overseas student in respect of higher education funding arrangements and eligibility under the Education (Student Support) Regulations 2009 (as amended), and duties owed to him as a former relevant child under section 23CA of the Children Act 1989 and related provisions.

#### **Admissions**

Alex has worked as a clerk to Independent Appeals Panel (IAP), the body responsible for determining appeals by parents concerning decisions of Local Authorities about admissions. He has specific experience of Infant Class Size and Grammar School Selection appeals, and so has a detailed understanding of the applicable legal framework and procedures in these areas.

#### **Exclusions**

Alex has significant experience of exclusions law. He has acted as a clerk to IAP (now ?Review Panel?). He has also provided training to local authorities and academy trust Review Panel members in respect of the changes to exclusions law which came into force in September 2012. In the independent sector, has advised and drafted pleadings in a breach of contract claim arising from an exclusion of a child shortly prior to examinations.

Prosecutions under sections 444(1) and 444(1A) of the Education Act 1996

Alex has experience of prosecuting on behalf of local authorities and of defending parents in proceedings under these offences.

### **Judicial review**

Please see Alex's specialist Public & Regulatory profile.

### **Professional Qualifications and Appointments**

- Bar Vocation Course (2009), Very Competent
- LL.M Laws (2008), Merit, University College London
- LL.B Law with American Studies (2006), First Class, University of Sussex
- Foundation Diploma (2003), Wimbledon School of Art

### **Professional Bodies**

- Education Law Association (ELAS)
- Employment Law Bar Association (ELBA)
- The Honourable Society of Gray's Inn