

Clive Rawlings (Associate)



Call: 1994

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Profile

Clive provides a high quality advocacy and advisory services and is a specialist practitioner in the following fields:

- Education law
- Sport Law
- Professional Regulation
- Public Law

Clive has consistently been at the top of his game in all areas of public and education law since his call to the Bar in 1994 when he converted from the education profession. The high regard he is held in by his peers and clients is reflected in his rating at the top tier of leading juniors in The Legal 500 and Chambers UK.

His record of success in Tribunals, the Administrative Court, and the Court of Appeal, and repeated reports of client satisfaction, is a testimony to his skills as a barrister. He has a long list of reported case law to his name and has acted in many of the most pivotal education law cases in relation to exclusions, admissions, special educational needs, school transport,

disability discrimination and regulatory matters.

Education

BA Hons Philosophy

PGE Education

Dip Special Education

CPE Wolsey Hall Oxford

BVC Inns of Court School of Law

Related practice areas

Education

Professional Discipline and Regulation

What the Directories Say

"...superb barrister with the ability and calibre of a QC..." The Legal 500, 2012

"He is very solid on education law, and can come up with new angles on things. He deals with matters extremely thoroughly." Chambers UK, 2016

"Very thorough, he's able to focus on factors that are pertinent to a case." Chambers UK, 2016

"Very effective on his feet." The Legal 500, 2015

"A very experienced advocate with a keen eye for detail, who is an expert at dealing with the most complex cases, in particular those concerning comparative costings and funding arrangements for specialist education placements" Chambers UK, 2015

"He has the ability to cut through swathes of detail." The Legal 500, 2014

Academic/Seminars

Clive is regularly asked to provide training and chair seminars and conferences for national training organisations such as the Central Law Training, Jordans, the Local Government Group, Lexis Nexis, Informa and many local authorities and individual organisations on a range of issues including judicial review, education law, discrimination and procurement.

Clive has also provided training for Real Training on Disability Discrimination, please see [here](#) to watch the full training.

Clive is complementing his expertise in Public Law and Professional Regulation by developing a practice and reputation in Sports Law as an FA Registered Intermediary and player/athlete/coach representative.

Education

Clive is a much sought after leading expert in this field ranked in the top tier of the Legal 500. He regularly advises and represents individuals, parents, local authorities, organisations and institutions in all aspects of education law: admission, exclusions, special educational needs, discrimination, school transport, Academies, Free Schools, school reorganisation, further and higher education, regulatory matters, independent school registration, contract disputes involving private schools, and more.

He regularly appears in the Court of Appeal, the Administrative Court, Specialist Tribunals including the First-tier Tribunal Special Educational Needs and the sister Disability Tribunal and often appears in Regulatory hearings. He speaks at many conferences on these subjects and is an acknowledged source of formidable knowledge with advocacy skills to match.

Over the last 15 years he has been involved in many of the pivotal cases in education including by way of example only the following:

Relevant Cases

- EH v Kent County Council [2011] EWCA Civ 709
- ?EH v KCC (SEN) 2010 UKUT 376 (AAC) - Clive Rawlings appears as Upper Tribunal rules in favour of local authority on latest line of Section 9 Education Act 1996 costs comparison cases upholding the principle and approach of 'additional LA burden' and 'marginal cost' established in Oxfordshire indicating that Slough and Coventry did not detract from that principle.
- R (on the application of Wharton) v Kent County Council [2009] EWHC 1790 (Admin) - Case where the authority's choice of school not in accordance with claimant's parents' wishes and whether the authority was acting irrationally or in breach of its public law duties in respect of refusal to amend the child's statement.
- Hammersmith and Fulham London Borough Council v First-Tier Tribunal (Health, Education and Social Care Chamber) and another [2009] EWHC 1694 (Admin) - Case of a child with learning difficulties where the parents appealed a decision of the authority where they decided the child should attend a new school.
- R (Arratoon) v Office of the Independent Adjudicator for Higher Education [2008] EWHC 3125 (Admin) - Acted for the claimant in a case examining whether an adjudicator should have recommend that the university's appeal process be completed regarding a student on a PGCE.
- R (on the application of P) v Haringey Borough Council [2008] EWHC 2357 (Admin) - Acted for the claimant in case examining the Governor's Disciplinary Committee

decision to confirm a headteacher's decision to exclude the claimant's son with disabilities.

- R (on the application of O) v Independent Appeal Panel of the London Borough of Tower Hamlets [2007] EWHC 1455 (Admin) - Case of the permanent exclusion of child following fight on school grounds.
- T v Governing Body of OL School & SENDIST [2005] EWCH 753 Admin - Case concerning the school's decision to exclude a child with a Special Education Needs Statement.
- Governing Body of PPc v DS, CAS & SENDIST [2005] EWCH 1036 Admin - Case examining disability discrimination in schools.
- N, The Queen (ota) v the Headteacher of X School and others [2002] ELR 187 - Case of bias within school. Two children had been excluded after a fight, and the decision to exclude one of the children was taken by a teacher who had been involved in the child's case.
- S, T and P v LB Brent and others, Oxfordshire CC Headteacher of Elliott School and others: SS for Education and Skills [2002] ELR 556 - The appellants, S, T and P, whose individual appeals were heard together, had all been permanently excluded from their respective schools.
- The Queen on the Application of B v the Head Teacher of Alperton Community School and others [2001] ELR 359, QB - The applicant had been refused admission to the school because his application to this Roman Catholic school was not supported by a priest's signature on the application form and so did not meet the admissions criteria for being accorded a high priority. They challenged the compatibility of the provisions with Art 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (the Convention), asserting that the appeal panel was not an 'independent and impartial tribunal'.
- R v Headmaster and Independent Appeal Committee of Dunraven School, ex parte B CA [2000] ELR 156 - Judicial review case, regarding a child's exclusion from and the fairness of a hearing before the governors and independent appeal committee, especially as regards reliance on statement of another pupil implicating applicant but not disclosed to applicant.
- P v Swansea County Council & Davies [2000] QBD TLR 1 - Although exceptional, it was lawful to name a pupil referral unit as an appropriate school for a child with special educational needs pursuant to part IV of the Education Act 1996.

Public Law

Judicial Review

Clive has developed a healthy judicial review practice. He acts on behalf of applicants and respondent local authorities in decisions ranging from education to medical spheres.

Relevant Cases

R (Arratoon) v Office of the Independent Adjudicator for Higher Education [2008] EWHC 3125 (Admin) - Acted for the claimant in a case examining whether an adjudicator should have recommend that the university's appeal process be completed regarding a student on a PGCE.

R (on the application of P) v Haringey Borough Council [2008] EWHC 2357 (Admin) - Acted for the claimant in case examining the Governor's Disciplinary Committee decision to confirm a headteacher's decision to exclude the claimant's son with disabilities.

R (on the application of O) v Independent Appeal Panel of the London Borough of Tower Hamlets [2007] EWHC 1455 (Admin)

Case of the permanent exclusion of child following fight on school grounds.

The Queen on the Application of B v the Head Teacher of Alperton Community School and others [2001] ELR 359, QB - The applicant had been refused admission to the school because his application to this Roman Catholic school was not supported by a priest's signature on the application form and so did not meet the admissions criteria for being accorded a high priority. They challenged the compatibility of the provisions with Art 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (the Convention), asserting that the appeal panel was not an 'independent and impartial tribunal'.

R v Headmaster and Independent Appeal Committee of Dunraven School, ex parte B CA [2000] ELR 156 - Judicial review case, regarding a child's exclusion from and the fairness of a hearing before the governors and independent appeal committee, especially as regards reliance on statement of another pupil implicating applicant but not disclosed to applicant.

Human Rights & Civil Liberties

Clive acts for both claimants (including children and vulnerable adults) and local authorities within this area including judicial review proceedings, claims in negligence and advisory work in respect of the duties of local authorities. He has secured successful outcomes for clients via this route.

Relevant Cases

The Queen on the Application of B v the Head Teacher of Alperton Community School and others[2001] ELR 359, QB

The applicant had been refused admission to the school because his application to this Roman Catholic school was not supported by a priest's signature on the application form and so did not meet the admissions criteria for being accorded a high priority. They challenged the compatibility of the provisions with Art 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (the Convention), asserting that the appeal panel was not an 'independent and impartial tribunal'.

Sports Law

Clive is an FA Registered Intermediary and the Founder and CEO of Four Corners Sports Management with Sport and Business entrepreneur **Richard Thompson** and former footballer/manager/coach and TV pundit **Ray Wilkins MBE**.

Clive is building a reputation advising and representing footballers and negotiating playing contracts and commercial deals at all levels from scholars to professionals including women footballers playing in the Women's Super League. He recently negotiated an enhanced and extended contract with Arsenal Ladies on behalf of an England Under 19 squad professional.

Clive also advises league and non-league football and cricket clubs on regulatory, constitutional and contractual matters and is able to represent players and athletes in professional regulation hearings.

Professional Regulation

Clive acts regularly in professional regulation matters involving teachers, medical students, doctors, nurses and midwives and other professions. He regularly appears in such matters before the General Teaching Council (pre-abolishment), University Fitness to Practice Committees, and the General Medical Council. When appropriate he has taken matters further to the Administrative Court.

Clive represented the Claimant in the case of R v The General Medical Council, ex p Toth [2000] 1 WLR 2209, 61 BMLR 149, [2000] All ER (D) 865 which decided that GMC procedures must become open and comply with 1998 Human Rights Act.

Clive also acted for **Channel 4** and **Channel 5** in separately defending two teacher journalists who took cameras into the classroom for undercover disclosure programmes.

Clive has extensive experience and expertise in defending university students in disciplinary matters including Fitness to Practice, plagiarism, conduct and competency.