

Alice Irving



Call: 2018

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Profile

“No doubt as a result of pursuing an academic career prior to the Bar, she has brilliant attention to detail skills, and doesn’t shy away from getting to grips with the finer points of case law.”

“From assisting on strategic legal challenges to individual discrimination claims, Alice is always a pleasure to work with. She is committed to her cases and is wonderful with clients. Her drafting and written work is thoughtful and thorough and shows she has a real understanding of the legal issues.”

Alice Irving is a civil and public law practitioner, specialising in housing and social welfare, community care and education.

Alice was a finalist for Legal Aid Newcomer of the Year at the LALYs 2021 and is ranked as a Rising Star in Education Law in the Legal 500.

Alice receives instructions across all areas of housing law. She has represented vulnerable clients in resisting possession claims, anti-social behaviour injunctions and closure orders.

She has experience advising on and litigating disrepair claims, and challenging homelessness decisions. Alice has also provided advice to disabled clients in relation to Disabled Facilities Grants and other avenues for obtaining suitable accommodation. She has particular experience working with clients assessed as lacking capacity to litigate.

Alice regularly represents families in the First-tier Tribunal in appeals of Education Health and Care Plans and disability discrimination claims. She recently appeared before the Upper Tribunal in the first case concerning the First-tier Tribunal's approach to social care recommendations, with the National Autism Society intervening.

Alice has represented clients in a range of public law challenges, as sole and junior counsel. She has worked on strategic challenges concerning the rights of disabled individuals and carers. She has also represented individuals in challenges to social care packages, failures to deliver educational provision, and the use of sensitive personal data in social care documentation.

Before coming to the bar, Alice completed a Bachelor of Arts in Community and Family Studies, which is the academic portion of a social work training. She also holds a Doctor of Philosophy in Law and was a lecturer at the University of Oxford. Alongside lecturing, she worked as a research assistant for academics, barristers and the Law Commission.

Alice has published articles in the Guardian, Huffington Post, UK Human Rights Blog, Counsel Magazine, Legal Action Group Magazine and has contributed content to Special Needs Jungle. She also contributes regularly to webinars, including free webinars hosted by Contact and Special Needs Jungle. She maintains an active professional Twitter account: **@AliceLIrving**.

Alice has been praised for her manner toward clients and her accessible style when giving written advice. She has experience working with vulnerable clients across all areas of her practice.

Education

Doctor of Philosophy in Law, University of Oxford (2019)

BPTC, BPP (2018)

Masters of Philosophy in Law, University of Oxford (2013)

Bachelor of Civil Law, University of Oxford (2011) (Distinction - Second Overall in Year)

Bachelor of Laws (Honours), University of Otago (2010) (First Overall in Year)

Bachelor of Arts (Community and Family Studies), University of Otago (2010) (First Overall in Year)

Related practice areas

Housing, Social Welfare and Property

Administrative & Public Law

Education

Children's Rights Group

Community Care and Health

Anti-Trafficking

Housing and Social Welfare Law

Alice takes instructions spanning all aspects of housing and social welfare law.

She was recently successful in an application to have an anti-social behaviour injunction discharged, on the basis the housing authority had failed to make full and frank disclosure when obtaining the injunction without notice: *Southern Housing Group Ltd v Stephen Berry* (County Court at Clerkenwell and Shoreditch), 25 February 2021) Deputy District Judge Martynski.

Education Law

Alice appears in the First-tier Tribunal in appeals of EHC Plans and disability discrimination claims. Alice is also regularly instructed in judicial review claims concerning the failure of local authorities to secure SEN provision.

Cases include:

- Alice was sole counsel for the Appellant in the first challenge before the Upper Tribunal concerning the First-tier Tribunal's approach to social care recommendations, with the National Autism Society intervening: *VS and RS v Hampshire County Council* [2021] UKUT 187 (AAC).
- Alice acted as junior counsel in a challenge to the Secretary of State in relation to the downgrading of legal duties owed to children and young people with EHC Plans during the Covid-19 pandemic: *R (Shaw) v Secretary of State for Education* [2020] EWHC

2216 (Admin).

- Alice acted as junior counsel in a challenge to a local authority concerning delays in the finalisation of EHC Plans following annual reviews: *R (L) v Devon County Council* [2020] EWHC 2054 (Admin), *R (L) v Devon County Council* [2021] EWCA Civ 358.

Alice has also advised clients who are victims of sexual violence by a fellow student as to the applicable education law framework, and what they can expect from their school in terms of support and safeguarding. Alice was co-founder of It Happens Here, the Oxford University Student Union anti-sexual violence campaign, and has a particular understanding of the sensitive issues arising in this context.

Alice can take instructions on a Direct Access basis.

Public Law

Alice regularly receives instructions on judicial review claims concerning continuing health care, social care, access to education and SEN provision.

Alice also advises on judicial review challenges adjacent to housing law, such as challenges to Care Act 2014 assessments of vulnerable clients facing possession proceedings.

Cases include:

- Alice acted as junior counsel in a challenge to a local authority concerning delays in the finalisation of EHC Plans following annual reviews: *R (L) v Devon County Council* [2020] EWHC 2054 (Admin), *R (L) v Devon County Council* [2021] EWCA Civ 358.
- Alice acted as junior counsel in a challenge to the Secretary of State in relation to the downgrading of legal duties owed to children and young people with EHC Plans during the Covid-19 pandemic: *R (Shaw) v Secretary of State for Education* [2020] EWHC 2216 (Admin).
- Alice acted as junior counsel in a challenge of the Treasury's failure to increase financial support to recipients of Carer's Allowance during the Covid-19 pandemic, in line with the increase to Universal Credit: *R (CC) v HM Treasury* [2020] EWHC 2817 (Admin).
- Alice acted as sole counsel advising on legal correspondence which led to a change in the government guidance on self-isolation following overseas travel. An exception for

disabled individuals was added to the guidance.

- Alice was a member of the legal team working with the #EveryDeathCounts campaign, which campaigned for publication of accessible data on the impact of the Covid-19 pandemic on people with learning disabilities.
- Alice acted as sole counsel on a successful challenge to a local authority's failure to provide special educational provision to a disabled child. The claim was settled in the Claimant's favour.
- Alice acted as sole counsel on a successful challenge to a local authority's use of her client's sensitive personal data in the education and social care records of the client's son. The claim was settled in the Claimant's favour.

Data Protection

Alice receives instructions on data protection issues related to the core areas of her practice.

Cases include:

- Alice contributed to advice for local authorities in relation to data protection in the children's social care context.
- Alice was sole counsel representing former clients of Kids Company, whose personal data was included in the court bundle for the proceedings brought against former directors of the charity.
- Alice acted as sole counsel on a successful challenge to a local authority's use of her client's sensitive personal data in the education and social care records of the client's son. The claim was settled in the Claimant's favour.