

## Alice Irving



Call: 2018

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### Profile

#### What the directories say

*"Alice is a calm, incisive and compelling advocate and is wonderful at dealing with vulnerable clients."* - Legal 500 2024

*"Alice Irving is highly intelligent and strategic, with great attention to detail, and she is absolutely brilliant in dealing with vulnerable clients."* - Chambers and Partners 2024

*"Alice manages to combine a brilliant legal brain with an effortless charm and a fantastic way with clients. Her advice is clear, to the point and extremely helpful."* - Chambers and Partners 2024

*"Alice is turbo-powered. She is doing cases above her call year."* - Chambers and Partners 2023

*"She is an exceptionally strong advocate. When you instruct Alice you know you are in safe hands."* - Chambers and Partners 2023

*"Alice has an in-depth knowledge of, and is passionate about, education and public law work. The quality of her drafting is second to none, having an uncanny ability to absorb large*

*amounts of information and distil this into clear and coherent submissions."* - Legal 500 2023

*"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."* - Legal 500 2022

*"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."* - Legal 500 2022

## **Overview**

Alice Irving is a civil and public practitioner, specialising in education, community care, housing and social welfare, and discrimination law. She has a particular interest in the rights of disabled persons. Her specialisms mean she is ideally placed to advise disabled clients holistically, across multiple legal areas that impact upon their lives.

Alice was a finalist for Legal Aid Newcomer of the Year at the LALYs 2021 and has been ranked as a Rising Star in Education Law in Legal 500 since 2022 and in Chambers and Partners since 2023.

Alice has represented clients in a wide range of public law challenges. She has appeared led and unled in the High Court and led in the Court of Appeal. She is regularly involved in high profile strategic public law challenges, as well as in cases of the utmost importance to individual clients, such as those concerning special educational provision, social care packages, and access to housing.

Alice regularly represents families in the First-tier Tribunal and Upper Tribunal in appeals relating to Education Health and Care Plans and in disability discrimination claims. She also appears regularly in the County Court, resisting possession claims and representing homeless individuals in statutory appeals. She has particular expertise in working with vulnerable clients, who lack capacity to litigate, and also in claims under the Equality Act 2010.

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, as well as a Bachelor of Laws (Hons) and the Bachelor of Civil Laws (Oxon). She also holds a Doctor of Philosophy in Law (Oxon) and was a law lecturer at the University of Oxford.

Alice has been praised for her manner towards clients and her accessible style when giving written advice. She has published articles in Counsel Magazine, Legal Action Group Magazine and Special Needs Jungle. She also regularly appears in seminars and writes short

blogs on current legal issues, accessible [here](#).

## **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

## **Public Law**

Alice regularly receives instructions in judicial review claims across a wide range of areas, including social care, education, and housing law.

Strategic cases include:

- A challenge concerning local authority delays in the finalisation of EHC Plans following annual reviews: *R (L, M, P) v Devon County Council* [2020] EWHC 2054 (Admin), *R (L, M, P) v Devon County Council* [2021] EWCA Civ 358, *R (L, M, P) v Devon County Council* [2022] EWHC 493 (Admin).

- 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).
- 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).
- A challenge to the Local Government and Social Care Ombudsman's refusal to investigate complaints linked to an appeal to the SEND Tribunal: *R (Milburn) v LGSCO* [2022] EWHC 1777 (Admin), *R (Milburn) v LGSCO* [2023] EWCA Civ 207.
- A challenge to the failure of the Secretary of State for Health and Social Care to introduce an appeals system in relation to adult social care disputes: *R (HL) v SSHSC* [2023] EWHC 866 (Admin).
- A challenge to government guidance on self-isolation following overseas travel. Pre-action correspondence resulted in an exception for disabled individuals being added to the guidance.
- Working with #EveryDeathCounts, a campaign for publication of accessible data on the impact of the Covid-19 pandemic on people with learning disabilities.
- A challenge to the use of public funds to produce government media content containing party political messaging.
- A challenge to the Secretary of State for Education and six local authorities in relation to the placement of looked after children in out of area placements.
- Acting on behalf of Erbakit Otarbay, challenging the Secretary of State for International Trade's failure to impose any restrictions on cottons, or products containing cotton, originating from the Xinjiang Uyghur Autonomous Region in China.
- A challenge to the Secretary of State for the Home Department and the Secretary of State for Levelling up, Housing and Communities in relation to the exemption of asylum accommodation from the HMO licensing regime.

Individual cases include:

- 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.

- Sole counsel on a successful challenge to a local authority refusal of a Disabled Facilities Grant: *R (Gulrez) v Redbridge LBC* [2022] EWHC 2908 (Admin).
- Alice regularly acts as sole counsel on challenges to local authority failures in the context of the EHCP regime, including in cases of unlawful delay and failure to secure educational provision.
- Alice regularly acts as sole counsel on housing challenges, including to refusals to provide accommodation pending review of a homelessness decision, refusals to accept new homelessness applications, and decisions under social housing allocation schemes.

## Education Law

Alice appears regularly in the First-tier Tribunal and Upper Tribunal in appeals in relation to EHC Plans and disability discrimination claims. Alice is also regularly instructed in judicial review claims concerning local authority failures, including unlawful delays in issuing EHC plans and failures to secure educational provision. Alice has also provided advice in relation to school closures and short-notice moves from residential placements. In relation to the latter, her housing and community care expertise allow her to provide holistic advice.

Alice also advises on peer-on-peer sexual violence within schools. Alice was co-founder of It Happens Here, the Oxford Student University Student Union anti-sexual violence campaign, and has an understanding of the sensitive issues arising in this context.

In appropriate cases, Alice accepts instructions to appear in the First-tier Tribunal and Upper Tribunal on a direct access basis.

Cases include:

- Sole counsel for the Appellant in the first challenge before the Upper Tribunal concerning the First-tier Tribunal's extended jurisdiction to make social care recommendations, with the National Autism Society Intervening: *VS and RS v Hampshire County Council* [2021] UKUT 187 (AAC).
- A challenge concerning local authority delays in the finalisation of EHC Plans following annual reviews: *R (L, M, P) v Devon County Council* [2020] EWHC 2054 (Admin), *R (L, M, P) v Devon County Council* [2021] EWCA Civ 358, *R (L, M, P) v Devon County Council* [2022] EWHC 493 (Admin).

- 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).
- A challenge to the Local Government and Social Care Ombudsman's refusal to investigate complaints linked to an appeal to the SEND Tribunal: *R (Milburn) v LGSCO* [2022] EWHC 1777 (Admin), *R (Milburn) v LGSCO* [2023] EWCA Civ 207.

## Housing and Social Welfare Law

Alice appears frequently in the County Court in possession matters and homelessness appeals. She has particular expertise in representing disabled clients and clients who lack capacity to litigate. She also authored the soon to be released update of Atkins on Anti-social Behaviour and Harassment.

Alice has expertise in working with disabled clients, drawing not only on her housing knowledge, but also her expertise in relation to discrimination law, community care, and Disabled Facilities Grants.

Recent cases of note:

- A successful application to discharge an interim anti-social behaviour injunction, on the basis the housing authority had failed to make full and frank disclosure when obtaining the injunction without notice. See Nearly Legal write up [here](#).
- A successful disrepair counterclaim in possession proceedings, where it was held that for the period the property was unfit for human habitation, damages should be assessed at 100% of the rent.
- A successful homelessness appeal against a decision the applicant was intentionally homeless where their housing benefit had been suspended. See Nearly Legal write up [here](#).
- A disability discrimination claim against a landlord who failed to make reasonable adjustments in the provision of decant accommodation to a disabled client. Settled for a significant sum.
- Advising survivors of the Maddocks House Fire.

- A successful challenge to a refusal to let a property to a disabled client, on the basis he was receiving benefits.
- A successful challenge to the refusal of a Disabled Facilities Grant: *R (Gulrez) v Redbridge LBC* [2022] EWHC 2908 (Admin).

## Community care and asylum support

Alice is regularly instructed on challenges to social care packages and the failure of local authorities to secure social care provision. She also has expertise in relation to Disabled Facilities Grants and in advising on complaints to and challenges of decision making by the Parliamentary and Health Service Ombudsman.

Alice's experience in housing law means she is uniquely placed to advise in cases where there are interlocking community care, asylum support, and housing issues. For example, Alice regularly advises on challenges to local authority Care Act 2014 assessments in relation to vulnerable individuals facing possession proceedings, who may need supported accommodation. She has also provided advice on residential placements being terminated at short-notice.

Alice is developing her asylum support practice. She has experience advising on cases concerning NASS accommodation. She is currently involved in a challenge to the exemption of asylum accommodation from the HMO licensing regime. Alice is particularly well placed to advise on asylum accommodation issues which intersect with housing law, given her housing law expertise.

Recent cases of note include:

- A challenge to the failure of the Secretary of State for Health and Social Care to introduce an appeals system in relation to adult social care disputes: *R (HL) v SSHSC* [2023] EWHC 866 (Admin).
- Advising on pre-action correspondence with the PHSO, in relation to a complaint the PHSO initially refused to determine. The complaint concerned an NHS Trust's failure to provide adequate incontinence pads to a disabled individual. Following extended correspondence, the PHSO upheld the complaint and the NHS Trust reimbursed the family a significant sum.

- A challenge to the Secretary of State for the Home Department and the Secretary of State for Levelling up, Housing and Communities in relation to the exemption of asylum accommodation from the HMO licensing regime.