

## Louise Price



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### Profile

#### What the directories say

*"Louise is a strategic thinker."* - Chambers and Partners 2023

*"She is a fantastic lawyer."* - Chambers and Partners 2023

*"A formidable opponent, Louise has mastery of the brief, is incisive in cross examination, and her submissions are perfectly pitched."* - Legal 500 2023

*"Supremely intelligent, thorough, and with great attention to detail; and her advocacy is measured and always received well by judges. She cuts through the nonsense and provides excellent advice on what really matters in a case. Clients can trust her with the most complex and sensitive of claims, and react very well to her calm and sensible approach."* - Legal 500 2023

*"Louise is very reliable, realistic and pragmatic."* - Legal 500 2023

*"Diligent, caring and confident."* - Chambers and Partners 2022

*"Louise has attention to detail [that] is second to none."* - Chambers and Partners 2022

*"Louise is tenacious and forceful in the right way at the appropriate moments. A delight to instruct."* - Legal 500 2022

*"Louise really does the best she can for her clients by knowing the case inside out, knowing how to run it properly and knowing how to make sure it's in her clients' best interests."* - Legal 500 2022

*"Louise is very calm, very approachable and very easy to deal with."* - Legal 500 2022

*"Highly knowledgeable with excellent analytical skills."* - Legal 500 2022

## **Overview**

Louise is sought after for her experience in all aspects of equalities law both in the employment and non-employment fields. She is regularly instructed in multi-day cases dealing with complex and intricate issues of fact and law, as well appearing in the appellate tribunals and courts, both as a led and sole advocate.

She advises and represents clients in all aspects of professional regulation. A highly skilled advocate, she has considerable experience of appearing in fitness to practise proceedings and acting in statutory appeals and the public law challenges which arise from them.

Her expertise includes children's rights and young people's access to education. This includes conducting statutory appeals concerning special education needs provision and the regulation of schools, higher education bodies and students. She has also brought public law and equalities challenges to the provision of education.

Louise has a particular interest in the international application of the right to a fair trial. She sits on the executive committee of the Bar Human Rights Committee and has undertaken trial observations acting as rapporteur on the application of international standards for fair trials. In 2009, Louise was awarded a Pegasus scholarship to work for a local NGO in Malawi, in partnership with Open Society, South Africa on legal education and trial procedure. She reported on *Rep. v Chimbalanga and Monjeza* (The treatment of homosexuality within Southern African justice systems; a trial observation of *Rep. v Chimbalanga and Monjeza*, *African Human Rights Law Journal*, Vol 10, No 2 2010).

Louise is also an Inner Temple trainer of advocacy and ethics and former guest lecturer at LSE on public and constitutional law.

## **Appointments**

Louise has been appointed to both the Equality and Human Rights Commission's and the Attorney General's panel of counsel. She sits as Deputy Judge of the Upper Tribunal (Administrative Appeals Chamber) and as a fee-paid Employment Judge. She also has

extensive experiencing chairing Fitness to Practise hearings at the General Pharmaceutical Council.

### **Education**

BA Politics and Modern History

MSc International Politics

Graduate Diploma in Law

Bar Vocational Course

### **Languages**

French

### **Related practice areas**

Employment, Discrimination and Equality Law

Discrimination

Administrative & Public Law

Education

Professional Discipline and Regulation

Clinical Negligence, Personal Injury & Product Liability

Data Protection and Information Law

Children's Rights Group

## **Equality and Discrimination**

Louise has a depth of experience in all aspects of equalities law both in the employment and non-employment fields. She is regularly instructed in multi-day cases dealing with complex and intricate issues of fact and law, as well appearing in the appellate tribunals and courts, both as a led and sole advocate.

She has been appointed to the Equality and Human Rights Commission's panel of counsel.

Louise is particularly known for her expertise in complex disability discrimination claims. She (with Doughty Street's education team) works in partnership with the charity LOOK UK and is a member of the Deaf and Disabled People's Organisations (DDPO) Legal Network. She has in-depth knowledge of the public sector equality duty and frequently advises and trains public

bodies on its application.

Louise has considerable experience of acting in the employment tribunal where she sits as a Judge. Her practise covers all aspects of employment law including unfair dismissal, wrongful dismissal, Working Time Regulations, TUPE, whistle blowing and all areas of discrimination law.

**De Marchi v London United Busways Ltd** [2021] instructed by the RMT in an appeal before the EAT concerning the application of regulation 4 of TUPE regulations 2006 where an individual has objected to transfer and its impact on the contract of employment. This is the first time this issue has been considered at appellate level.

**Ale v Changani** [2019]. Instructed by the Anti Trafficking and Labour Exploitation Unit in a claim seeking to dis-apply the Deduction from Wages (Limitation) Regulations (SI 2014/3322) due to their incompatibility with European Law due to their disproportionate effect on trafficked workers.

**Romanov & Oths v Russia** [2019] (App Nos: 58358/14, 7146/15, and 25887/15), was instructed by the Equal Rights Trust (Intervening) in the European Court of Human Rights, concerning the state's failure to protect against, investigate and prosecute acts of violence against LGBT activists during gay pride marches.

In addition, Louise is frequently instructed in high profile claims for compensation for gender-based violence or sex and race related discrimination claims.

Junior counsel currently assisting the families and individuals who were affected by the Fire in Grenfell Tower in claims under the Equality Act and Human Rights Act damages.

**AZY and ors v DPP and ors** (High Court) [2021] junior counsel in a Human Rights Act damages claim for victims of grooming gangs in Rochdale regarding their treatment by the police and the CPS.

**AKW v Chief Commissioner of the Police for the Metropolis** [2019] (High Court and Committee on the Elimination of Discrimination against Women) acting for women who had been deceived into relationships with undercover police officers bringing civil claim for compensation (led by Phillippa Kaufmann QC and Charlotte Kilroy QC).

**AF v MOD** [2020], represented the first entry level female sub mariner engineer in a claim for sexual harassment she experienced during her time serving in the Royal Navy, obtaining a significant sum in settlement.

**De Kresten v MOD** [2019] represented in a claim for damages arising out of racist harassment experienced during a soldier's time serving in the Army.

Louise is a contributor to Halsbury's Law of England, Volume on Human Rights (vol. 88A) on the right to religious freedom and co-wrote the chapter on Equality law in the 2nd edition of Disabled Children, A legal handbook, LAG, 2016.

Louise is a member of the Discrimination Law Association and the Employment Law Association.

## Education Law

Louise is recognised as a leading junior in the area of education by Legal 500 who says her *"attention to detail is second to none. Louise is articulate, fair, and will really fight for her client"*.

Louise has recognised expertise in the rights of children and young people to access education. She represents individuals, families, local authorities and institutions in both tribunal and related public law proceedings. She regularly appears before the Upper Tribunal in appeals concerning SEN. She acts in judicial review claims relating to all aspects of the provision of education, including exclusions and admissions and provision of SEN. In respect of higher education she has experience of challenges brought against the decisions of both qualification bodies and universities.

In addition, she has a depth of experience advising on the regulatory framework concerning the provision of education including the processes of OFSTED, the OIA and the ISI, as well as the registration requirements of the Department of Education.

She frequently represents individual teachers before the Teachers Regulation Authority, including acting for teachers who were subject to allegations following the high-profile Trojan Horse affair in Birmingham and those arising out of the complex closure of Stanbridge Earls residential school.

She has been appointed as a Judge in the Welsh Special Educational Needs Tribunal and she is herself a parent of young children.

## European Cases

**Stoian v Romania Application** no. 89/14/ Pilska v Czech Republic/Hradzia v Czech Republic/ Instructed by Mental Disability Advice Centre (Intervening) on the issue of the right

to inclusive education and reasonable accommodation of children with disabilities.

**Blohin v Russia**, Application no. 47152/06, (led by Paul Bowen QC and Caoilfhionn Gallagher QC) (Grand Chamber of the European Court of Human Rights) instructed by Mental Disability Advice Centre (Intervening) concerning Article X claims subjected a 12-year-old boy with physical and mental disabilities to inhuman and degrading treatment or punishment, denied his right of access to justice, and unlawfully detained him.

## **Domestic Cases**

**Logan v Cherry Lane Primary School** [2019], UT appeal concerning whether the 2008 Procedural rules of the First Tier Tribunal in respect of the time limits for bringing a disability discrimination claim were lawful;

**Lach v of LB Brent** [2019], UT appeal concerning the procedural fairness of the approach of FTT to an unrepresented party whose first language was not English;

**JM & Others v Hampshire County Council** [2019] claim for judicial review of the transport policy for home to school transport. Claim settled post issue.

**Spoors v North Tyneside Council** [2017], UT appeal concerning the meaning of 'or not to take any particular action' in the context of section 11 (5) (d)(ii) of Tribunals Courts and Enforcement Act 2007;

**AA v LBH** [2017] UKUT 0241 (AAC), representing the family in an appeal which demonstrates the limits of the decision in **Staffordshire County Council v JM** [2016] UKUT 0246 (AAC) in which it was held that home to school transport is not a special educational need nor can it be special educational provision.

**Kesen v Essex County Council** [2017], UT appeal concerning the correct application of the scope of the duty under section 316 of the Education Act 1996;

**Gray v London Borough of Lewisham**, UT appeal concerning when it is appropriate to name alternative provision in part 4 of a statement of special educational needs;

**AK v Surrey County Council** [2017], represented in a claim for judicial review brought against a local authority for failing to provide a pupil with education in accordance with part 4 of a statement of special educational needs, contrary to section 324 (5) of the Education Act 1996;

**HY v Hampshire County Council** [2017], claim for judicial review concerning the provision of education for an individual who was over 18 years of age and was the subject of a

Learning Difficulties Assessment under section 139A of the Learning and Skills Act 2000;

**ED v South Tyneside** [2017], UT appeal concerning the contents of a special education needs statement on the basis of insufficiently specific provision and insufficiency of reasons;

**Hussain and Rani v Birmingham City Council** [2017], UT appeal of an FTT decision to amend a statement of special education needs which altered the aspects of the provision on which the parties had reached an agreement on aspects of the provision;

**FH v Kent County Council** [2017], UT appeal concerning a refusal to accept an appeal of a decision to cease to maintain a statement of special education needs, in which the UT considered the impact of the Children and Families Act 2014 (Transitional and Saving Provisions) (No. 2) Order 2014 (SI 2014/2270) on young people who were aged 18 or over.

Upon completion of her pupillage, Louise undertook a secondment at the (former) Department of Children, Schools and Families, assisting in drafting and advising upon the content of the School Admissions Code and the School Admissions Appeal Code (2007).

## Regulatory Law and Professional Discipline

Louise has extensive experience of regulatory law and compliance work in the fields of health and social care and education.

She is recognised as a leading junior in the area of Professional Disciplinary law in both Chambers & Partners UK and the Legal 500. She has been described in Chambers & Partners as being a 'renowned junior with vast experience of representing healthcare professionals before major regulators. She is particularly noted for her adroit handling of matters involving allegations of dishonesty or sexual misconduct'.

## Fitness to Practise

Louise advises and represents registrants at all stages of professional disciplinary proceedings and has extensive experience appearing before the GDC, MPTS (GMC), NMC, HCPTS and the TRA. She has substantial experience of both first instance and appeal hearings, and in particular matters dealing with dishonesty and sexual misconduct.

Louise sits as a chair on the GPhC fitness to practise and restoration appeals committee which compliments her practice in the field.

**Recent cases include:**

**Gannon & Warsama v Foreign & Commonwealth Office and Sasha Wass QC [2020]**

EWCA Civ 142 (led by Nick Bowen QC);, representing social workers who had been criticised in the report of the non statutory Wass Inquiry into allegations of child sexual abuse on the island of St Helena. The claim was defended by the Foreign Secretary on the grounds that the report, having been presented to the House of Commons by way of a motion for an unopposed return, was subject to Parliamentary privilege, as conferred by Article IX of the Bill of Rights 1689. That defence was upheld by the Court of Appeal, the Lord Chief Justice presiding, and the claims were struck out. The judgment contains one of the most authoritative explanations of the scope of Article IX and the definition of a 'proceeding in Parliament', and also sets out the causation test to be applied in determining claims brought under the Human Rights Act 1998.

**Bar Standards Board v XY**, represented a barrister before the professional disciplinary and in associated judicial review proceedings concerning whether the admissibility of evidence (led by Adrian Waterman QC);

**Grant v Teacher Regulatory Authority** (Stanbridge Earls School), represented a teacher in a Long running disciplinary proceedings and concurrent judicial review claim arising out of alleged failure to safe guard arising out of allegations of peer on peer sexual abuse in a residential school which catered for neuro-diverse pupils;

**Selvaraj v HCPC**, represented a physiotherapist is accused of sexual misconduct and inappropriate touching of 11 patients whilst working for a NHS trust;

**MK v UEA**, represented a medical student before the disciplinary board of a University facing serious sexual misconduct allegations;

**Anwar v (1) NCTL and (2) Secretary of State for Education [2016] EWHC 2507**

(Admin), disciplinary proceedings arising out of the so-called Trojan horse affair. Louise represented the teachers in a successful appeal against the DoF and the decision of the Teaching Regulatory Authority arising out of the Trojan Horse affair (led of Richard Thomas);

**IA v National College of Teaching and Leaders**, advising on a claim for judicial review of the first issuing of a notice under the section 128 of the Education and Skills Act 2008 by the Department of Education, proposing to impose a life long banning order on an individual, preventing him from being involved with the conduct of or teaching within in independent schools. This matter arose out of alleged inappropriate religious teaching;

**B v Nursing Midwifery Council**, represented a midwife charged with clinical incompetence and misconduct involving the neonatal death of a baby in a long running and complex case. The case garnered considerable media attention, including being the subject of an episode of

Panorama;

**K and K v General Dental Council**, presented for the statutory regulator in a matter involving two registered dentists concerning allegations of failing to register with the CQC and in addition a range of serious clinical failings;

**H v General Medical Council**, represented a doctor in a matter concerning the registrant's health. The registrant was allegedly unfit to work through alcohol consumption, in circumstances where the registrant had previously breached three conditions of practice orders;

**C v HCPC**, represented a biomedical scientist who faced a charge of clinical incompetence by failing to complete her specialist microbiologist profile within a two year period and a charge of dishonestly plagiarising a colleague's work. The case involved complex expert evidence concerning the competency of the registrant's completion of her workload.

## **Compliance**

Louise has a considerable experience of advisory work concerning compliance with regulatory duties arising out of the provision of healthcare and education. She advises the government and a wide range of public bodies on issues of regulatory compliance within these areas.

Louise is standing counsel to the FPPR Panel (applying regulation 5 of the regulation 5 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014/2936) of the CQC.

She has experience advising and representing both pharmaceutical service providers and General Practitioners in applications arising out of The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, including appearing in appeals before the Secretary of State.

**R (on the application of Community Pharmacies (UK) Ltd) v NHS Litigation Authority** [2016] EWHC 1595 (QB) acted on behalf of Boots Plc. Intervening the first appellant level case to consider the 2013 Regulations concerning pharmaceutical lists;

She has significant experience of advising on public law issues arising from regulatory decisions relating to education bodies and institutions, including inspections conducted by OFSTED and DfE decisions. She is used to advising on complex and novel issues in this context, for example she has advised on one of the only cases concerning a notification of consideration by the DfE to prohibit from management of independent schools under s.128 of the Education and Skills Act 2008.

Louise is a contributor to the publication of Professional Discipline and Health Care Regulators: a Legal Handbook. She co-authored the chapter on appeals in the second edition. Louise is a member of the Association of Regulatory and Disciplinary Lawyers (ARDL).