

## BOOK REVIEW

### EDUCATION LAW AND PRACTICE

4<sup>th</sup> edition

By John Ford, Mary Hughes, Karen May, Marian Shaughnessy and Helen Gill

With a contribution from Julianne Kerr Morrison

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THIS BOOK EXHIBITS AN “EXEMPLARY USE OF PLAIN AND COMPREHENSABLE ENGLISH” SAYS OTTON LJ – PERHAPS, EVEN A LESSON FOR SOME TEACHERS!

An appreciation by Elizabeth Taylor of Richmond Green Chambers and Phillip Taylor MBE of “The Barrister”

“Education Law and Practice” is aimed primarily at lawyers and advisers but it does also look “at law and practice from the viewpoint of pupils and students rather than the providers”. The authors, John Ford, Mary Hughes, Karen

May, Marian Shaughnessy and Helen Gill, are to be commended and congratulated for their approach. They have arranged the book in the same order as a parent may encounter problems where a legal point could arise. As they write in their introduction, “most parents, and many lawyers, might not recognise immediately the precise legal issue in this complex field”. Their task, therefore, has been to look at what to do when things go wrong and to consider the available remedies.

The beauty of this book is that the authors guide readers through a consideration of “the practical effect of any intended course of action where the welfare and development of a child or young person is involved” as their main mission. The reason being that “it can take years to make good the damage done by a traumatic educational experience or a failure to meet special educational needs” as any legal practitioner and responsible teacher will know.

The work is a practical guide, specifically making education law accessible to a range of legal advisers, social workers, children’s guardians, those within educational establishments, and most importantly local authorities.

The fourth edition remains an outstanding introduction to this highly technical field as a complicated area of law where specialist advice and assistance is often required in obtaining expert evidence or making representations on behalf of clients. In our view it is required reference for all

professionals advising parents and pupils as well as schools and governing bodies.

The title opens with a valuable introduction to the history and structure of the education system before reviewing key issues including admissions, health and safety, attendance, discipline, exclusion and special educational needs, as well as issues specific to further and higher education. In a nutshell, it encompasses most of what an education lawyer needs as a ‘one stop shop’ without further reference to detailed specifics of a case which will inevitably turn on heavy detail from the loose leaf works.

The new fourth edition for 2016 has been substantially re-written by the authors to explain new developments in law and practice including additional material on new school structures, and Academies, which will be very helpful to the uninitiated; a review of the new SEN regime; and an excellent new chapter on information law from Julianne Kerr Morrison of Monckton Chambers.

The authors complement their explanatory text with useful precedent letters for professionals acting for parents and pupils, together with relevant consolidated statutory materials which we found most helpful and time-saving. When the first edition was published in 1999, Otton LJ wrote that at the end of the twentieth century “reality has obliged our legislators, local education authorities, educationalists, teachers and

perhaps even judges to look more closely at the law of education and its practice”. It hasn’t changed since then.

Otton’s statement remains even more important with the advent of a new government which may re-introduce selective state schools- one of several “serious questions to be asked about the treatment of education as a political tool” as the authors put it at a time of Brexit with big change on the way. The new edition is both timely and fundamental for the current education law practitioner in 2017. Thank you.

The law is stated as at 31<sup>st</sup> October 2016 and it is available as a book and as an ebook.