

Book review

Education Law and Practice (4th Edition)



Authors: John Ford, Mary Hughes, Karen May, Marian Shaughnessy & Helen Gill
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This central text in the field of education law has usefully been updated for the fourth edition. First published by the Legal Action Group, it retains the feel of an accessible guide to the law with a significant emphasis upon the provision of practice advice, policy framing, and advising individual clients.

Areas of interest

The book deals with all of the most common areas of dispute in education law: admissions, exclusions, special educational needs, attendance, complaints, discrimination and information law issues. There is a useful chapter on the 'key players', that is, institutions such as the Department for Education and Ofsted, as well as the position of individual actors such as governors, head teachers and parents.

In addition to the statutory issues in education law described above, it addresses the application of common law causes of action in the education field, such as negligence and breach of contract. It also provides guidance on a wide range of issues which arise in an education context such as safeguarding, school transport and bullying. The chapter on the structure of the school system will be particularly useful to those struggling with the increasing

byzantine classifications of school-type used in the sector.

Two further chapters of note concern 'special cases' and 'practical considerations in running an education case'. The 'special cases' who are considered include looked after children, children in pupil referral units, home educated children, sick children, travellers, asylum seekers, prisoners and children under school age.

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The 'practical considerations' chapter is a step-by-step guide to the running of an education case, which will be of assistance to solicitors, barristers and other advisers. It considers in detail issues such as who the client is, how to interact with that client, the process of building a case (including issues such as expert evidence) and the decision as to which legal (or non-legal) route to achieve a resolution of the issues identified. Much

of the advice set out in that chapter will be invaluable to new practitioners in the field.

Clear & straightforward

The text of the book is refreshingly clear and straightforward. References and signposting have been minimised to the essentials only, in favour of chapter structures which take the reader to the relevant material before he or she gets lost in the detail. There is an emphasis on the big picture of the legal problems it addresses, particularly in respect of the needs of the client (and, where they differ, those of the child) and the pressures placed upon education institutions. The rear of the book contains a set of checklists, set out by issue, which will be useful for the busy practitioner. There are also 20 precedent letters covering a wide range of the most common causes for correspondence which will be particularly useful for parents or advisers engaging in such correspondence for the first time.

While the book has an emphasis upon accessibility and the provision of practical guidance, it is also scholarly. The authors have long experience in education law disputes, and consequently, in many instances, old and near-forgotten authorities which established important practical points are identified and explained.

Useful guide for all

The book is written for lawyers and advisers but in such a way that anyone could find it useful. It is primarily aimed at lawyers acting for parents or children, and the issues that arise when bringing a case on behalf of such clients. There is an especial emphasis upon the acquisition of legal aid in education cases (such as it is available). However, readers based in institutions will also find the book to be a useful guide to this sometimes difficult and opaque area of law.

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Reviewer: Tom Ogg, barrister, 11KBW