



## Resolving disputes in the education sector

### Our expertise

Trowers & Hamlins LLP's education disputes practice caters for a broad client-base, including specialist schools, local authorities and insurers, as well as students and parents. The firm's education disputes team has extensive experience of advising clients on challenging exam grades, admissions decisions and special educational needs provision.

#### Exam grades

Grades should be fair, accurate and reflect a student's hard work throughout the academic disruption brought about by the COVID-19 pandemic. We continually advise students and their parents on the implications of appealing exam results, which includes providing advice and assistance in engaging with schools, exam boards and the regulator, Ofqual. We recognise the importance of taking action on questionable grades immediately on publication, so as to ensure a swift resolution and as smooth as possible a transition to the next stage of a student's education.

#### School fees

With school fees and tuition fees on the increase, compounded by the impact of rising inflation, students and parents are understandably keen to ensure that high standards of teaching and quality of the learning environment are maintained. We have experience of providing practical and strategic advice on school fees disputes, including claims against educational institutions and bringing complaints before the regulator.

### Education, health and care plans

We have experience in dealing with special educational needs and disabilities (SEND) and Education, Health and Care (EHC) plans. We recognise the importance of an EHC plan accurately reflecting the needs of the student to ensure that the correct provision is arranged and commissioned by the local authority.

We understand that there can be difficulties and disagreements with regard to the content of an EHC plan and we work with clients to obtain the best outcome for the child. When an agreement cannot be reached, we have experience with progressing matters to the First Tier Tribunal (Special Educational Needs and Disability) (SEND Tribunal) in order to reach a resolution. We have acted for parents in SEND Tribunal proceedings and have been successful in reaching agreements with which all parties are content.

We appreciate that this can be an emotional time for families and seek to provide clear advice throughout.

#### School Admissions

We have acted on a wide range of school admissions disputes, which in some instances are covered by legal expenses insurance policies. We have a wealth of experience considering and assessing such matters and advising clients on whether a refusal falls in line with a local authority's Admissions Policy. Where it does not, we have experience in appealing the decision and preparing for the appeal in front of an independent panel.

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## Decision making and risk mitigation

Educational institutions can face increased risk of challenge when making difficult or unpopular decisions, such as closing or varying a service, apportioning limited resources or deciding which students to admit and how to assess performance. Our in-depth knowledge of both the private law and public law aspects of educational disputes (including the Judicial Review process) enables us to advise you comprehensively and strategically on how to approach such a challenge. We can assist education providers in respect of their consultation and decision-making procedures, mitigating against the risks of a successful challenge and ensuring proper audit trails are created. Individuals seeking redress from state or independent education providers can rely on our knowledge and understanding of the many available avenues of complaint and appeal in order to get swift results.

## Data protection and cyber security

We routinely advise both organisations and data subjects concerning the use of and access to personal data. Educational institutions need to be sophisticated in their handling of personal data and to have well-designed data protection and cyber-security measures in place to reduce the risk of a data breach or cyber attack. Cyber attacks are increasing in volume, size and sophistication worldwide. In particular, universities are high-value targets in light of their intellectual property holdings, academic and corporate partnerships and high-profile research and development activities.

Our litigation team have experience in handling data breach claims, including managing responses to ransomware and other cyber attacks. Our team is well equipped to advise on preventative measures and good practices that organisations should have in place to reduce the risk of a data breach or cyber attack.

## Our services

Whatever the issue, we act as a single point of contact, making it easier to address your needs and concerns. Our strength and depth of experience and resource is a real benefit to you, especially in the most urgent of cases where immediate action is required.

We would welcome the opportunity to talk with you about the practical steps available to resolve disputes in the education sector. Our services include:

**Pre-action guidance and strategic advice** – we can advise on the steps to take in order to resolve complaints in their early stages, advising on risk management, response plans, as well as addressing a

crisis situation if things were to go wrong.

**Dispute resolution** – we offer a fully comprehensive dispute resolution solution should that become necessary. Our dispute resolution team are experts in handling complaints, appeals and disciplinary processes. Our expertise in public and private law matters means we are well placed to handle regulatory challenges, investigations and litigation on behalf of individuals or institutions.

**Training and other services** – we can offer bespoke training for educational institutions in order to improve practices.

We can also undertake audits and health checks to assess key risks to your organisation.

Where we identify areas of risk, we can develop and implement policies and procedures to ensure you are in the best position to protect your business.

We also offer independent helplines such as our 24/7 whistleblowing hotline which can be tailored to ensure it fits your business needs.

## Selected experience

- Acting for a student in a challenge against a leading independent school's refusal to assist in the appeal of exam grades.
  - Challenging a university's potentially discriminatory and irrational admissions decisions in the wake of the Covid-19 pandemic, which also touched on the controversial use of algorithms in assessing student performance.
  - Advising clients in connection with statutory inquiries and other regulatory matters.
  - Advising clients on significant data breaches, including advice on the handling of detailed investigations, undertaking immediate steps to mitigate any risks to data subjects and to the organisation's reputation, discharging any obligation to notify the data subjects, assisting in notifications to, and any subsequent dealings with, the Information Commissioner, reviewing data policies and procedures and advising on remedial action.
  - Providing reputation management advice to a specialist education and care provider client.
  - Preparing advice for a local authority in relation to SEND provision and school admissions disputes.
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- Advising and representing a family in the SEND Tribunal in relation to a school placement under an EHC plan.
- Advising clients in relation to school admissions where children have not been given a place at their chosen school.

### Practice in brief

- Over 150 partners with more than 900 people located across the UK, Middle East and Far East providing a full-service integrated offering to clients with local knowledge and expertise at its core.
- Nine offices located in London, Exeter, Birmingham, Manchester, Abu Dhabi, Bahrain, Dubai, Malaysia, and Oman.
- Member of Interlaw, the 'Elite Global Law Firm network', with lawyers in more than 150 cities worldwide.

### Key contacts

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