

Jim Hirschmann

Year of Call: 2018
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Overview

Jim Hirschmann helps clients to navigate the law and resolve disputes. He often acts for families, public bodies and private institutions. He specialises in adult social care, child social care and education law. His caseload regularly concerns public law issues related to his core practice areas including judicial review proceedings and public inquiries.

Outside of busy work demands, Jim enjoys sport with a particular interest in rugby, running and hiking. He likes travelling and has an armchair interest in philosophy.

Jim is committed to protecting and respecting your privacy. Please contact him for a copy of his privacy notice which sets out the basis upon which any personal data he may collect about you, or that is provided to him, will be processed. He will provide a copy of this to you upon request.

Education

Jim Hirschmann's education law practice includes the following:

Schools and Further Education:

Jim has considerable experience in advising parents and schools on admissions, exclusions and SEND appeals, specifically:

- Representing parties where there has been a decision to exclude a pupil (or where such a decision is anticipated).
- Acting in appeals to the First Tier Tribunal (Special Educational Needs and Disability), often relating to Education, Health and Care Plans. His caseload includes discrimination claims under the Equality Act 2010.
- Considering and advising on the law on pupil admissions.

Higher Education

Jim has experience of advising students and universities on student disciplinaries, contractual disputes, academic appeals, discrimination, governance (including of students' unions) and of student visa sponsorship. He is familiar with disputes involving the interplay between University Colleges, the University itself and the Office of the Independent Adjudicator.

Regulatory and Safeguarding

In a regulatory context, Jim has experience of considering challenges to licensing decisions made by Ofsted. In a safeguarding context, Jim has experience advising schools, teachers, and local authorities of their respective rights and duties.

Public law and Judicial Review

Jim's Court of Protection and Family Law experience often intersects with Education Law and has given him considerable advocacy experience. With an LLM in Public Law, Jim is particularly well placed to assist clients with administrative law disputes (including Judicial Review proceedings).

Recent notable cases:

London Borough of Hillingdon v AP & Anor [2026] EWCA Civ 216 - Jim was led by Katherine Anderson and represented the respondents in this Special Educational Needs case. This case concerned two main issues:

(a) whether the First Tier Tribunal had conflated section F and section I by considering whether the child, AA, needed residential provision (as opposed to conducting a more granular assessment of provision in section F). The Appellant argued that residential provision was not the only way of meeting AA's needs and as such the plan should not have specified 'residential' in section F. The respondent argued that the Tribunal had understandably used wording that resolved the dispute between the parties.

(b) how far the First Tier Tribunal's inquisitorial jurisdiction, read with section 9 of the Education Act 1996, imposed a positive duty upon it to investigate the cost effectiveness of the provision it ordered. The Appellant argued that the First Tier Tribunal had defaulted to choosing a very expensive placement without even considering whether other options might exist. The Respondent argued that this was not surprising given that the Tribunal was resolving the dispute between the parties and there was no indication (even at the time of this appeal hearing some two years later) that more affordable provision was in fact available.

The Court of Appeal heard the arguments and ultimately agreed with the Respondents that this claim was academic. There was not active dispute between the parties upon which to rule. Nor did the wider public interest justify the Court exercising its discretion to determine the matter. The appeal was therefore dismissed.

Khan, R (on the application of) v Coventry University [2025] EWHC 3120 (Admin) - Jim acted for the Defendant in this case which provides guidance on the circumstances in which a University may withdraw or reinstate sponsorship of a student's visa.

AB v The responsible body of an Academy Trust – Jim represented a family who brought a discrimination claim under sections 15 and 20 of the Equality Act 2010 against the responsible body of an academy. The case arose from a two day fixed term exclusion for a disabled child who had become dysregulated and acted violently towards other pupils and staff. It was accepted that the violence arose as a consequence of the child's disability and that a fixed term exclusion was unfavourable treatment. The Claim succeeded. The Tribunal accepted that the fixed term exclusion was disproportionate (in breach of section 15 of the Equality Act 2010). The Tribunal did not consider that there had been an unreasonable failure to provide an auxiliary aid - namely 1-1 supervision during unstructured time (considering section 20(5) of the Equality Act 2010). The academy governors were ordered to apologise and put a note on the child's school record. The academy was directed to circulate the decision to staff members.

LW, R (On the Application Of) v London Borough of Islington [2025] EWHC 703 (Admin) – Jim assisted John Friel in this case. It considered the circumstances in which the First Tier Tribunal (Special Educational Needs and Disability) will be a suitable alternative to a judicial review claim.

The King (on the application of Heylen) v University of Cambridge [2025] EWHC 510 (Admin) - Jim acted for the Defendant and successfully defended an application for permission to bring a judicial review claim. The case concerned a decision to refuse to grant an examination allowance due to ill health. The Court agreed (a) that it lacked jurisdiction for want of good service of the sealed claim form (it declined to grant relief under CPR 6.15 or CPR 7.6) (b) that the Office of the Independent Adjudicator offered a suitable alternative remedy and that Judicial Review was not generally available to the Claimant in such circumstances (c) that, in any event, the university had been entitled to require contemporaneous evidence of ill health in accordance with best practice in Higher Education.

R (on the application of (1) LM and (2) AM) v An Academy Trust [2024] EWHC 2267 (Admin) - a school exclusions case that offers guidance on the approach that governing bodies should take when their earlier decision is quashed by an Independent Review Panel ("IRP") and they are directed to consider reinstatement.

Jim represented the Claimants after permission had been refused on the papers. He succeeded in obtaining permission to bring the claim. The substantive claim ultimately failed on the basis that, in the Judge's view, the governors had discharged their duty to "conscientiously consider" the IRP's decision.

A v B - Jim successfully persuaded an independent review panel that the decision to permanently exclude a pupil, due to gang-related violence, should be reconsidered as the school had not done enough to explore options other than expulsion.

B v C - Jim represented an international university facing a six-figure claim for breach of a franchise agreement and through written negotiations improved his client's position by over £100,000.

C v D - Jim represented a student challenging the decision to suspend him from his university and successfully mitigated the sanction imposed.

E v F - Jim represented an excluded child before a governors' review panel. The pupil had been permanently excluded for bringing a BB gun into school and discharging it. The case involved legal submissions in relation to a headteacher's discretion to depart from the school's policy. The governors ordered the pupil's reinstatement.

Articles

John Friel and Jim Hirschmann revisit Phelps v The London Borough of Hillingdon [2001] 2 A.C. 619; [2000] E.L.R and examine in particular how duty of care and vicarious liability has evolved as far as education professionals and local authorities are concerned.

View Article

Alice de Coverley and Jim Hirschmann consider how Artificial Intelligence (AI) is already being used in education and by Local Authorities, as well as its possible benefits and risks.

Jim and Alice examine what the use of AI might mean in practical and legal terms, for lawyers, parents, local authority and education professionals involved in education and EHC plans.

View Article

In the wake of The W v Hertfordshire CC [2023] EWHC 3138 (Admin) litigation, Jim Hirschmann considers the role that strategic policy based Judicial Reviews can have in helping guarantee good governance in accordance with the rule of law.

View Article

Jim Hirschmann writes about how duties to children with Special Educational Needs and Disability are often not being met and the explanation for this is often a shortage of necessary staff or placement. He provides examples from the Local Government and Social Care Ombudsman.

View Article

Jim Hirschmann considers the remedies available where a local authority is not able to provide a suitable type of school due to a shortage of such schools.

There is a nationwide shortage of specialist schools for children and young people with special educational needs.

View Article

Jim Hirschmann analyses PM v Worcestershire County Council [2022] UKUT 53 (ACC), a case in which the Tribunal (1) clarifies the approach to be taken to pre-funded places attracting element 1 and 2 funding from ESFA (2) suggests that new, contradicting evidence may justify an application to set aside a FTT decision; and (3) indicates that a former failure by an education provider to provide EHCP provision may render such a provider unsuitable.

View Article

Recommendations

"Thorough drafting, courteous and considerate in court, very pleasant to deal with. Conscientious in his representation of clients."

Legal 500 2027/Court of Protection: health and welfare/Rising Stars

'Jim fights tooth and nail for his client's position with composure and professionalism. He is a persuasive advocate who exudes a gentle authority.'

Legal 500 2026/Court of protection and community care/ Rising Stars/London bar

'Jim is always well-prepared and engages thoughtfully and constructively with opponents outside the courtroom. He has a well-judged advocacy.'

Legal 500 2025/Court of protection and community care/ Rising Stars/London bar

Academic qualifications

- University of Law, BPTC: Very Competent
- University College London, LLM Public Law: Merit
- University of Westminster, LLB European Legal Studies: First Class Honours
- Erasmus, Free University of Berlin: First Class Equivalent (Averaged ECTS Grade A)

Scholarships

- University of Law, Performance Award for top mark in the Judicial Review Module (2018)
- University of Law, Master of Moots Advocacy Scholarship (2017)
- Lincoln’s Inn, Hardwicke Entrance Award (2017)

Professional bodies

- Court of Protection Bar Association (CPBA)
- Administrative Law Bar Association (ALBA)