

Jim Hirschmann

Year of Call: 2018
Email Address: Jim.Hirschmann@3pb.co.uk

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.

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)

Expertise

Court of Protection

Jim Hirschmann has a busy practice handling both health and welfare and property and affairs cases. His experience in judicial review and family has contributed to making him a thoughtful and effective advocate who helps find acceptable solutions to parties' strongly held but conflicting views.

Between 2023 and 2026 Jim was an active member of Court of Protection Bar Association committee. He was involved in organising panel events and in responding to Law Commission consultations (including in relation to Contempt and Disabled Children's Social Care).

Health and Welfare

Jim has experience in health and welfare matters. He has worked on cases concerning:

- conflicting capacity evidence, including fluctuating capacity
- forced marriage protection orders
- capacity declarations and best interests decisions including issues relating to sexual relations, marriage, care, residence, medical treatment and alcohol consumption
- where a young adult with significant health needs should be educated

He is regularly instructed by private individuals and local authorities.

Property and Affairs

In the property and affairs context, Jim has experience of cases involving:

- conflicting capacity evidence
- applications to appoint a deputy
- disputes around enduring or lasting powers of attorney
- matters complicated by the involvement of trusts, alleged dissipation of assets, extent of a deputy's authority, disputed wills and complex business and land ownership arrangements

He has been instructed by private individuals, local authorities and by the Office of the Public Guardian.

Inherent Jurisdiction of the High Court, or Safeguarding of Vulnerable Adults and Children

Jim has been regularly instructed in cases involving the inherent jurisdiction of the high court often related to issues of deprivation of liberty in cases involving a young person's drug abuse, exploitation or involvement in organised crime.

With a Master of Laws (LLM) in public law, he is well placed to consider challenges against the decisions of local authorities (including judicial reviews and claims under the Human Rights Act 1998).

Medical Treatment

Jim is willing to accept instructions surrounding medical treatment. He has experience of best interests decision concerning addiction, rehabilitation and the way in which medication should be administered.

He is often instructed by local authorities.

Notable cases include:

Re AB & Ors [2025] EWCOP 27 (T3) – Mr Justice McKendrick gives practitioners guidance on how to approach wrongful removal from jurisdiction cases.Jim acted for the Local Authority in this cross-border case. It concerned wrongful removal of a vulnerable adult to Jamaica and non-compliance with court orders. His first involvement in this long running case was in March 2025. Since his involvement P was located using Court powers. This in turn enabled a welfare check to be conducted. P was not however returned to the jurisdiction of England and Wales. The matter was stayed for six months with the Judge noting "whether or not there is to be an application for contempt is one for the applicant and Official Solicitor".

Re A - a complicated case culminating in a 7-day final hearing. The case necessitated live evidence and cross examination of a variety of experts including from a neurodevelopmental disability psychiatrist, an independent social worker, a hepatologist, and a psychiatrist specialising in addiction. The Local Authority's care plan was accepted at a contested final hearing despite resistance from privately represented parties.

Re B - A section 21a challenge. It was complex in the sense that P had a diagnosis of bipolar affective disorder which had historically resulted in numerous hospital admissions but there were also periods where limited interventions were required. The issue before the Court was whether P should return to live at home with a package of care or whether she should reside in a residential care home. The Local Authority's position was that P's best interests required her to be cared for in the care home. This was accepted by the Judge at a contested final hearing.

A v Z - instructed by a local authority who sought a deprivation of liberty order. The case related to a young person who had run away from her care home and suffered significant harm after becoming involved with suspected members of a county lines network. The deprivation of liberty order was granted under the inherent jurisdiction of the high court.

B v C - represented a mother in a forced marriage protection case that raised issues of capacity to marry, capacity to consent to sexual relations and the jurisdiction of the family court.

E v F - acted for the Office of the Public Guardian in a matter concerning an invalid lasting power of attorney and cross-border assets. The registration of the lasting power of attorney was duly to be cancelled.

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.

Administrative and Public Law

Judicial review

Jim Hirschmann is regularly instructed by claimants and defendants in judicial review claims.

His public law practice has seen him successfully challenge and defend decisions made by public bodies relating to adult social care, child social care and education law (including SEND provision, school exclusions, safeguarding, Higher Education examination allowances and other regulatory matters including licensing by Ofsted).

Public inquiries

Jim accepts instructions on behalf of public inquiries and core participants.

He spent four years (initially as junior junior and subsequently as second junior counsel to the Inquiry) on one of the UK's largest and most complex public inquiries, involving extensive disclosure, Rule 9 investigations, sensitive material, witness preparation and advocacy at hearings attracting substantial public scrutiny.

He has familiarity with the Inquiries Act 2005, the Inquiry Rules 2006 and complex document management utilising relativity (including delivering training).

Social Care

Jim Hirschmann advises families and public bodies on their respective rights and duties. He has particular experience in cases involving children's social care, adult social care, safeguarding, disability, age assessments, human rights and related public law issues.

His previous experience in family law and ongoing Court of Protection work has given him an insight into how social work operates within legal proceedings. With a Master of Laws (LLM) in public law, he is well placed to advise clients in cases concerning the decisions of local authorities (including judicial reviews and claims for damages under the Human Rights Act 1998).

Recent notable cases

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A v B - Jim drafted judicial review grounds concerning (1) a local authority's failure to secure provision specified in an Education Health and Care Plan in breach of section 42 of the Children and Families Act 2014 (2) a school's failure to admit a pupil contrary to section 43 of the Children and Families Act 2014. The claim succeeded.

C v D - Jim successfully drafted grounds of appeal under section 204 of the Housing Act 1996 with the result that the local authority conceded the unsuitability of the property offered and made an offer afresh.

E v F - Jim drafted correspondence on behalf of his client following a local authority's failure to offer proper support to a special guardian. It resulted in an extensive training package being offered to his client and reconsideration of the financial support due.

G v H - Jim drafted summary grounds of resistance in a case concerning a local authority's failure to secure provision specified in an Education Health and Care Plan in breach of section 42 of the Children and Families Act 2014. The Claim settled on terms favourable to his client.

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