3PB BARRISTERS

Charlotte Hadfield

Year of Call: 1999
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Overview

Charlotte Hadfield is the Head of 3PB's Education Team.

Her main specialism is in public law, particularly education, health and social care, with a complimentary expertise in employment cases and professional discipline cases arising out of related sectors.

Education, health and social care

Charlotte accepts instructions across the full spectrum of these interrelated areas, including:

- SEND appeals (including National Trial cases)
- Discrimination (including disability discrimination) claims in the FTT and County Court
- Judicial review, including decisions relating to SEN provision under EHC Plans, education otherwise than at school, continuing healthcare assessments, social care assessments, unlawful exclusions
- Governance issues in academies and free schools
- School/parent relationships, including parent bans, internal complaints, protection from harassment
- Admissions (lawfulness of admissions arrangements, compatibility of admissions arrangements with the Equality Act 2010 and the Human Rights Act)
- Exclusion appeals
- Legal action in respect of Ofsted and CQC reports (schools, care providers)
- Appeals against cancellation of registration by Ofsted (Early Years and Child Care providers)
- Contractual and tortious claims against education providers
- Safeguarding, DBA (formerly CRB) issues
- Internal academic appeals and fitness to practice hearings
- NCTL proceedings (see also Charlotte's Public and Regulatory profile)
- Disputes relating to school fees

Mental Capacity/Court of Protection

Charlotte accepts instructions to appear in the Court of Protection and is well versed in Court of Protection practice and procedure. She is experienced in anticipating and addressing points about capacity that may arise in education, health and care proceedings outside of the Court of Protection, e.g. in relation to young persons in appeals before SENDIST.

Charlotte regularly delivers training on the law relating to education, health and social care to a variety of different audiences,

including solicitors, local authorities, university student advisors, lay panel members and parents.

For Charlotte's education law expertise please see her Education profile.

Employment and Discrimination

Charlotte is instructed by Claimants and Respondents across the full spectrum of employment law. She has a particular interest in employment cases in the education, health and care contexts and regularly advises on:

- Unfair dismissal
- Redundancy
- Breach of contract/unlawful deductions
- Working Time Regulations
- TUPE
- Discrimination
- Whistleblowing
- Equal Pay
- Breach of Restrictive Covenants

Charlotte regularly delivers training on employment law to solicitors and HR professionals. Please see Charlotte's separate Education & Discrimination profile.

Professional Discipline

Charlotte also regularly accepts instructions in respect of all of the professional regulators, including teachers before the NCTL, regulated healthcare practitioners before the HCPC, GMC, GDC, GOC etc, and solicitors before the SDT.

Charlotte also acts for students pursuing qualifications in the regulated sector, whether they are facing action from the external regulator or internal disciplinary action from their course provider.

For Charlotte's Disciplinary & Regulatory Proceedings expertise please see her separate profile.

Recommendations

Charlotte Hadfield is head of the education team and well known for her handling of SEN cases. She often acts for her clients in SEND tribunals at the First-tier and Upper levels, and is also regularly instructed to appear in judicial reviews. Her varied client list includes schools and academies, local authorities, parents and children.
Strengths: *"Charlotte is extremely intelligent and strong at understanding the key issues and drafting on procedural issues."*
"Charlotte understands the requirements of the client and has been successful in strike-out applications."
"There is very little Charlotte doesn't know and can't turn her mind to. She's excellent on details and makes sure that the tribunal can see a case holistically rather than just as a series of individual decisions."
"She is a very calming influence for witnesses, incredibly knowledgeable about the process, the advice is comprehensive and pragmatic, and she always wants the best for clients."

Chambers UK 2024/Education/London Bar

Strengths: *"Charlotte achieves excellent results whilst maintaining a reassuring presence for clients."*
"Charlotte has a remarkable ability to speedily get to the heart of the issue with confidence."
"The support Charlotte provides is invaluable. Her responsiveness in time-pressured situations is vital."

Chambers UK 2023/Education/London Bar

Strengths: *"Always very good, very reliable and really quick to understand the issues." "She is hugely experienced and a safe*

pair of hands for the most complex SEND appeals."
Recent work: Acted for the claimant in D v Hampshire County Council, a judicial review of the council's decision not to make alternative provision for D's education after a consultant psychiatrist had signed D off as unfit to attend school due to his anxiety.

Chambers UK 2022/Education/London Bar

Strengths: "*She really fights her client's corner and delivers very comprehensive legal arguments." "She has a very broad knowledge base - there isn't an area of education law that she isn't an expert on*."

Chambers UK 2021/Education/London Bar

Strengths: "*She's able to grasp a case very quickly and is extremely good in conversation with clients." "She is an exceptional barrister in the area of SEN law. Her expertise means that she is able to secure positive outcomes for young people and their families which change their lives for the better. She is also an excellent advocate.*"
Recent work: Instructed in R (ota DJ and BW) v The Welsh Ministers, Career Wales and Cardiff City Council, an application for a judicial review of the Ministers' refusal to carry out an assessment of DJ's education needs.

Chambers UK 2020/Education/London Bar

Charlotte Hadfield is noted for her expertise acting in claims concerning student and parent matters, including disability discrimination claims and SEND Tribunal appeals.

'Charlotte is extremely knowledgeable, clam under pressure, and a sophisticated advocate. Her expertise in special educational needs matters is unrivalled, and she is greatly respected by peers and the judiciary alike.'

Legal 500 2024/Education/Leading Individual/London Bar

Team head Charlotte Hadfield appeared in a case clarifying the statutory expectation for a local authority regarding an EHCP. In another matter

'Charlotte is extremely bright, and can handle the most complex cases with ease. '

Legal 500 2023/Education/Leading Individual/London Bar

''*Charlotte is approachable and extremely helpful in both a practical and advisory capacity, using her wealth of knowledge and experience to provide thorough and clear advice*.''

Legal 500 2022/Education/Leading Individual/London Bar

`*Her vast knowledge of education law is invaluable. She is excellent in tribunal appeals, thinking quickly on her feet and her advices are really detailed.'*

Legal 500 2021/Education/Leading Individual

'*A go-to barrister in the area of education law.'*

Legal 500 2020/Education/Leading Individual

`*A well respected counsel.'*

Legal 500 2018/19/Education/Leading Individual

`*A diplomatic advocate with great interpersonal skills.'*

Legal 500 2017/Education/Leading Individual

Academic qualifications

- LLB (Hons)
- LLM, London School of Economics

Professional qualifications & appointments

- Accredited Mediation Advocate

Direct Access

Charlotte Hadfield is qualified to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme.

Expertise

Employment and discrimination

Charlotte is instructed by Claimants and Respondents across the full spectrum of employment law. She has a particular interest in employment cases in the education, health and care contexts. She regularly advises on the following claims:

- Unfair dismissal
- Redundancy
- Breach of contract/unlawful deductions
- Working Time Regulations
- TUPE
- Discrimination
- Whistleblowing
- Equal Pay
- Breach of Restrictive Covenants

She is frequently instructed on behalf of both Respondents and Claimants in complex discrimination/detriment cases, and has extensive experience of cases involving direct/indirect discrimination and/or victimisation and harassment; whistleblowing, equal pay, and detriment to part-time workers. Charlotte has a particular interest in TUPE cases.

Charlotte has also represented clients charged with disciplinary offences before professional regulators. She has particular insight into the operation of disciplinary panels thanks to her experience as a Legal Assessor for the Nursing and Midwifery Council.

The crossover between Charlotte's education practice and her employment practice, means that she is ideally placed to act in employment claims by teachers. She has extensive experience of acting on behalf of local authorities, schools and teachers in employment claims.

On the non-contentious side, Charlotte is available to advise on the drafting and interpretation of contracts of employment, disciplinary and grievance procedures, and compromise agreements.

Reported cases:

- Harris v Academies Enterprise Trust [2015] IRLR 208 EAT (whether employment tribunals are bound by Mitchell case management principles)
- Morgan Motor Co Ltd v Morgan (2015) UKEAT/0128/15 (factors to be taken into account when considering an application for relief from sanction)
- Crystal Palace FC Ltd and Anor v Kavanagh & Ors [2014] IRLR 139 CA (whether an administrator can dismiss for an ETO reason)

Education

Charlotte is passionate about education and enjoys a wide and varied practice covering the full spectrum of education law and related regulatory law. She is regularly instructed on behalf of parents, young people, students, schools, academies, HE providers, local authorities, universities and Early Years and Child Care providers/practitioners.

Her work includes:

- SEND appeals (including National Trial cases)
- Discrimination (including disability discrimination) claims in the FTT and County Court
- Judicial review, including decisions relating to SEN provision under EHC Plans, education otherwise than at school, continuing healthcare assessments, social care assessments, unlawful exclusions
- Governance issues in academies and free schools
- School/parent relationships, including parent bans, internal complaints, protection from harassment
- Admissions (lawfulness of admissions arrangements, compatibility of admissions arrangements with the Equality Act 2010 and the Human Rights Act)
- Exclusion appeals
- Legal action in respect of Ofsted and CQC reports (schools, care providers)
- Appeals against cancellation of registration by Ofsted (Early Years and Child Care providers)
- Contractual and tortious claims against education providers
- Safeguarding, DBA (formerly CRB) issues
- Internal academic appeals and fitness to practice hearings
- NCTL proceedings (see also Charlotte's Public and Regulatory profile)
- Disputes relating to school

Charlotte regularly provides training on education law to a variety of different audiences, including LEAs, solicitors, university student advisors, lay panel members and parents.

Reported cases

- BA v Nottinghamshire County Council [2021] EWHC 1348 (Admin) (JR)
- DJ, R (on the application of) v Welsh Ministers & Anor [2018] WLR (D) 646
- DS, R(on the application of) v Wolverhampton City Council [2017] ELR 630
- SN v Nottinghamshire County Council [2014] UKUT 002 (AAC)
- Oxfordshire County Council v JL (2010) EWHC 798 (Admin)

Mental Capacity/Court of Protection

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Public and Regulatory

Charlotte is an expert in all aspects of education law, and in disciplinary and regulatory proceedings.

Education Law

Charlotte is passionate about education and enjoys a wide and varied practice covering the full spectrum of education law and related regulatory law. She is regularly instructed on behalf of parents, young people, students, schools, academies, HE

providers, local authorities, universities and Early Years and Child Care providers/practitioners.

Her work includes:

- SEND appeals
- Discrimination (including disability discrimination) claims in the FTT and County Court
- Judicial reviews
- Governance issues relating to academies and free schools
- School/parent relationships, including parent bans, internal complaints, Protection from Harassment
- Admissions (including infant class size appeals, lawfulness of admissions arrangements, compatibility of admissions arrangements with the Equality Act 2010 and Human Rights Act)
- Exclusion appeals
- Appeals by Early Years and Child Care providers and practitioners against cancellation of registration by Ofsted
- Contractual and tortious claims against education providers
- Issues relating to safeguarding, CRB, DBA disclosures
- Internal academic appeals by university students
- NCTL proceedings (see also Charlotte's Public and Regulatory profile)
- School fee disputes
- Employment Tribunal proceedings (see also Charlotte's Employment profile)
- Charlotte regularly provides training on education law to a variety of different audiences, including LEAs, solicitors, university student advisors, lay panel members and parents.

Reported cases

- Oxfordshire County Council v JL [2010] EWHC 798 (Admin)
- SN v Nottinghamshire County Council [2014] UKUT 002 (AAC)

Professional Discipline and Regulatory Law

Charlotte accepts instructions in respect of all of the professional regulators, including teachers before the NCTL, regulated healthcare practitioners before the HCPC, GMC, GDC, GOC etc, and solicitors before the SDT.

Charlotte also acts for students pursuing qualifications in the regulated sector, whether they are facing action from the external regulator, or internal disciplinary action from their course provider.

Charlotte specialised in criminal law for the first 6 years of her practice and has since specialised in education, regulatory and employment law. She has an excellent understanding both of the regulatory/criminal law that governs regulatory proceedings, and of the persuasive advocacy required to achieve the best possible result for her clients. Charlotte is also able to advise clients on associated legal action, e.g. judicial review in respect of publication decisions.

Recent work includes:

- Representing a student nurse facing internal disciplinary action and removal from their nursing degree
- Representing a solicitor accused by the SRA of misleading the court
- Representing a solicitor accused by the SRA of failing to act with integrity and compromising client confidentiality
- Representing a teacher accused by the NCTL of "grooming" a pupil

- Representing a registered psychologist before the HCPC

Articles

Charlotte Hadfield analyses the case of Omar v Epping Forest District Citizens Advice (EA-2021-000595-JOJ), in which the EAT considers how to construe words spoken "in the heat of the moment" that are said to be words of dismissal or resignation.

The EAT also conducts an extensive and very useful review of the relevant case law.

View Article

Is a philosophical belief in Stoicism a protected belief under section 10 of the Equality Act? Yes it is, says London South Employment Tribunal.

Charlotte Hadfield analyses Mr S Jackson v Lidl Great Britain Ltd, Case Number 2302259/2019/V.

View Article

Articles

Charlotte Hadfield provides a summary on Government guidance on vulnerable children published today (22 March). Children w/EHCPs will *not* automatically receive a school place - their eligibility will be subject to risk assessment. Required reading for SEND professionals.

View Article

3PB Barristers are proud to announce the launch of the first book on the law on school exclusions since 2002, co-authored by Charlotte Hadfield and Alice de Coverley.

View Article

Articles

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