

# Emma Waldron

**Year of Call:** 2011

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## Education

Emma is regularly instructed on behalf of parents, young persons, independent schools, academies, charities, local authorities and universities advising on all aspects of Education Law.

Emma regularly works in the following areas of Education Law:

- SEND
- Disability and Race Discrimination
- Educational Negligence
- Ofsted Appeals
- Safeguarding
- Judicial Review
- Complex admissions arrangements and appeals
- Exclusions
- Breach of Contract
- Debt Recovery
- Deprivation of Liberty (DOLS)
- Academic Appeals and Fitness to Practice

## SEND and Disability Discrimination

Emma has over 10 years of experience in dealing with cases in the SEND Tribunal. This has included appeals against refusals to assess need, appeals against failures to secure EHC Plans, EHC Plan content appeals, and "cease to maintain" appeals. Emma has extensive experience in dealing with cases involving 52 or 38 week residential placements. She also has considerable experience in cases involving education otherwise than in school.

Emma is regularly instructed in complex appeals which involve interrelated health and social care issues.

In relation to disability discrimination claims, Emma has experience in the County Court, High Court, First Tier Tribunal and Upper Tribunal, acting on behalf of parents, students, independent schools and universities. Emma's client base includes some of the most prestigious schools and universities in the country.

As a former Teaching Assistant and Governor at a Maintained Special School for children with severe profound and multiple learning difficulties, Emma has first-hand experience of the special school sector which she is able to draw on in her

practise.

Reported cases include the following:

- RB v Calderdale MBC (SEN) [2022] UKUT 136 [2022] (AAC)
- MS and NS v Hertfordshire CC (SEN) [2022] UKUT 102 (AAC)
- NE and DE v Southampton City Council (SEN) [2019] UKUT 388 (AAC)
- JJ & EE v Buckinghamshire Council: [2022] UKUT 345 (AAC)

## **OFSTED**

Emma's experience of successfully challenging decisions made by Ofsted is considerable. She regularly acts for childminders and nurseries in the Care Standards Tribunal, challenging suspension and cancellation decisions, as well as refusals to register. The subject matter of these appeals is often extremely sensitive and emotionally highly charged. Emma is both pragmatic and thoughtful in her approach to these cases, and Emma has significant experience of negotiating settlements outside the Tribunal.

Examples of Emma's work in the Care Standards Tribunal can be seen in the following reported cases:

- OB v Ofsted [2023] 4822.EY-SUS
- F v Ofsted [2023] 4957.EY-SUS

Emma has also delivered advice and training to Schools on judicially reviewing the contents of Ofsted reports.

## **Safeguarding**

Emma has conducted a number of complex investigations concerning matters of safeguarding for universities, colleges and independent schools. These investigations have ranged from allegations against senior members of staff to allegations of peer-on-peer abuse.

Emma's knowledge and experience in the fields of education law and the care sector enable her to conduct such matters with fairness and sensitivity.

Emma has experience of conducting investigations where there may be overlapping regulatory or criminal proceedings.

## **Judicial Review**

Emma is regularly instructed by parents and Local Authorities in judicial review proceedings involving section 42 of the Children and Families Act 2014, section 19 of the Education Act 1996 and Article 2 of Protocol 1 ECHR.

More recently, Emma successfully acted on behalf of a Local Authority in a judicial review claim against a grammar school's decision to deny a pupil the opportunity to sit the 11+ examination following their late application.

## **Breach of Contract/Educational Negligence claims**

Having previously practised in the field of personal injury and clinical negligence, Emma is highly experienced in civil litigation and is regularly instructed to advise in County Court and High Court claims against schools and universities. Noteworthy claims have included the following:

- Successfully acting for Queen Mary, University of London in a race discrimination claim.
- Successfully striking out a claim against Newcastle University pleaded at in excess of £200,000.

- Successfully defending a breach of contract claim against a prestigious single sex independent school.

## Articles

Special education barrister [Emma Waldron](#) shares her top 10 takeaways from the long-awaited Special Educational Needs and Disabilities and Alternative Provision Improvement Plan which the Government published on 2 March 2023.

[View Article](#)

[Emma Waldron](#) reflects on the last 12 months of virtual hearings in the SEND Tribunal and looks at the many benefits as well as the disadvantages of the "new normal".

[View Article](#)

"Low arousal" environments examined by the Upper Tribunal

Emma Waldron reviews *Jl and SP v Hertfordshire County Council (SEN)*, in which the Upper Tribunal examined whether sufficient reasons had been given by the First Tier Tribunal for rejecting expert evidence and for finding that a school could provide a "low arousal environment".

[View Article](#)

## Recommendations

Emma Waldron has a broad practice encompassing a wide range of education matters. She offers expertise in special educational needs and discrimination issues, and is also able to advise on admission and exclusion appeals. She regularly represents universities, schools, academies and local authorities, as well as parents and young persons.

Strengths: "She is a very caring barrister, very approachable and a formidable advocate - firm but fair."

"Emma is the go-to counsel for my team. She provides practical advice, including reputational and commercial considerations."

"Emma is thorough, careful and considerate. She is sensitive to clients, good to work with and responsive to questions."

### **Chambers UK 2024**/Education/London Bar

Strengths: "Emma is extremely calm and able to work on very complex, emotive work. She is incredibly bright and collaborative."

"Emma is a gifted and persuasive advocate who is able to get to the heart of the matter."

"Emma is an extremely kind, caring and compassionate barrister, providing very thorough and detailed counsel."

### **Chambers UK 2023**/Education/London Bar

Strengths: "Very good and knowledgeable about education law." "A very sensible advocate."

Recent work: Successfully acted for the university in *Etowe v Newcastle University*, a case in which the claimant sought damages of approximately £200,000 for misrepresentation, breach of contract and negligence.

### **Chambers UK 2022**/Education/London Bar

Strengths: "Her questioning of witnesses is really good - sensitive and to the point. Her written submissions are also really clear." "She has the ability to calm anxious clients and makes them understand why they are there and what the issues are."

Recent work: Represented Southampton City Council in an appeal against a decision by the First-tier Tribunal to refuse to name a particular specialist provision in a child's education health and care plan.

#### **Chambers UK 2021/Education/London Bar**

Emma Waldron notably acted for a childminder in successfully appealing an Ofsted suspension notice

'Emma is a joy to work with. She is incredibly professional. Her knowledge of the law in all things SEND tribunal is second-to-none, and her advice is always very clearly explained and accurate.'

#### **Legal 500 2024/Education/Leading Junior/London Bar**

'Emma provides clear, accurate and concise advice in the most difficult cases. Her advocacy is impeccable.'

#### **Legal 500 2023/Education/Leading Junior/London Bar**

'Emma is our go-to counsel on contentious education matters; she is very knowledgeable and provides thorough, practical advice.'

#### **Legal 500 2022/Education/Leading Junior/London Bar**

'Emma is an excellent advocate, very tenacious and has a high level of mental fortitude. She is passionate about the work she does and instils confidence in clients, even those who are anxious and vulnerable.'

"Emma Waldron successfully acting for Queen Mary, University of London in a discrimination claim."

#### **Legal 500 2021/Education/Leading Individual**

'Does a very good job even in difficult circumstances.'

#### **Legal 500 2020/Education/Leading Individual**

## **Academic qualifications**

- BPTC (BPP Law School, 2010-2011) – Outstanding
- GDL (BPP Law School, 2009-2010)
- BA (Hons) Politics (St Chad's College, University of Durham)

## **Scholarships**

- Harmsworth and Astbury Scholar, Middle Temple
- Certificate of Honour, Middle Temple
- Ian Graham Award for outstanding contribution to student life, University of Durham

## **Professional qualifications & appointments**

- ADR Group Accredited Mediator

## **Professional bodies**

- Education Law Association (ELAS)
- Member of the Association of Women Barristers
- Personal Injury Bar Association (PIBA)