



Jack Anderson

Year of call: 2006

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Jack Anderson specialises in all areas of public law including education, immigration, healthcare, social care and local government law.

Jack's clients cover the full gambit of public law, from central and local government to vulnerable adults. Given this range he has appeared before many civil courts and tribunals: the First Tier Tribunal (Asylum & Immigration Tribunal, Care Standards Tribunal, Mental Health Review Tribunal, Social Security Tribunal, SENDIST), SIAC, Upper Tribunal (Administrative Appeals and Immigration and Asylum Chambers), Planning Inspectorate, Licensing Sub-committees, County Court, Magistrates Court, Crown Court, Court of Protection, High Court (QBD, Administrative Court, Family and Chancery Divisions) and Court of Appeal.

Areas of expertise

Administrative and Public

Local Government

Administrative and Public

Court of Protection, Serious Medical Treatment and Mental Health

Jack is experienced in relation to both property and financial affairs and health and welfare applications in the Court of Protection. He appears regularly for local authorities, health bodies, and individuals in relation to a variety of issues including enduring and lasting powers of attorney, deputyship, best interests decision-making, including serious medical treatment, and contempt proceedings arising from a failure to comply with the court's orders. He is instructed in safeguarding proceedings including matters involving complex disputes of fact as well as best interests considerations. Reported cases include *Hospital Trust v V* [2017] EWCOP 20; [2018] C.O.P.L.R. 56 (in which he acted for the successful health authority in a leading case on non-therapeutic contraception) and *Secretary of State for the Home Department v Skripal* [2018] EWCOP 6 (led by Vikram Sachdeva QC). He has experience of cases with a cross-border element and of seeking urgent relief.

Jack has also appeared in complex appeals in the Mental Health Review Tribunal, as well as on appeal. Clients have included individuals, statutory bodies and the Department of Health. Reported cases include *AMA v Greater Manchester West Mental Health NHS Foundation Trust and others* [2015] UKUT 36 (AAC); *YA v Central and North West London NHS Trust* [2015] UKUT 37 (AAC); [2015] M.H.L.R. 144; *DL-H v West London Mental Health Trust and Secretary of State for Justice* [2017] UKUT 387

Education Law

"Really impressive in the way he conducts himself. He's very sharp and gets the legal points." Chambers and Partners 2015

Jack advises and acts for parents, schools and local authorities in relation to a wide range of issues that arise in the context of education and has also been instructed by Ofsted and the Department for Education. Jack appears before the First Tier Tribunal (SENDIST) in relation to both statements of special educational needs and claims of disability discrimination, and in the Upper Tribunal. He has also clerked for Independent School Admission Appeal Panels and acted for both parents and schools in relation to exclusion appeals including appeals that raise issues of disability discrimination. He has advised on issues of school organisation and school transport including challenges to school transport policy. He also acts in the Administrative Court in education matters including exclusions, school transport, provision section 19 of the Education Act 1996, challenges to Ofsted inspections and disciplinary appeals. Reported cases include *M v Harrow LBC* [2010] UKUT 395 (AAC); *R (on the application of a local authority) v The Independent Appeal Panel of the local authority* [2014] EWHC 3151 (Admin); *Devon CC v OH* [2017] UKUT 292 (AAC); [2016] E.L.R. 377; *KE v Lancashire CC* [2017] UKUT 468 (AAC); [2018] E.L.R. 196. He was recently led by Rory Dunlop on behalf of the Department for Education in resisting an Article 14, ECHR challenge to the Childcare (Early Years Provision Free of Charge)(Extended Entitlement) Regulations 2016: *R (T) v SSE* [2018] EWHC 2582.

He has delivered training and seminars on education law including school admissions and exclusions, special educational needs and the law on home education. He contributed to the third edition of McManus, Education and the Courts (Jordans, 2012) and, with Ben Tankel, is the author of Atkins Court Forms on Education. In a private capacity, he has been involved in establishing a free school and acted as a school governor, in which capacity he was responsible for considering revisions to school policies, and chairing disciplinary and grievance proceedings amongst other things.

Immigration Law

Jack has acted for both individuals and central government in relation to immigration matters, appeals and claims for judicial review, as well as claims for false imprisonment arising in the context of immigration detention. His immigration work has often involved complex questions of general public law and EU law.

Reported cases include *R (on the application of G (Afghanistan) v SSHD* [2015] EWHC 3185 (Admin) (false imprisonment; age assessments); *R (on the application of Abdulkadir) v SSHD* [2016] EWHC 1504 (Admin) (returns to Austria; requirements of the Dublin III Regulation, led by Alan Payne); *R (on the application of JM (Zimbabwe) v SSHD* [2016] EWHC 1773 (Admin); [2017] 1 W.L.R. 268 (false imprisonment; s 35 Asylum and Immigration (Treatment of Claimants, etc Act 2004); *R (Lauzikas) v SSHD* [2016] EWHC 3215 (Admin); [2017] 1 W.L.R. 1683 (first instance; lawfulness of imposition of a work restriction); *R (on the application of A) v SSHD* [2017] EWHC 1233 (Admin) (birth certificates as proof of paternity in connection with citizenship); *P v Home Office* [2017] EWHC 663 (QB); [2017] 1 W.L.R. 3189 (abuse of process; limitation); *Liban v SSHD* [2017] EWHC 2551 (Admin) (lawfulness of certification); *R (on the application of Lauzikas) v SSHD* [2018] EWHC 1045 (Admin); [2018] 1 W.L.R. 5299; [2018] 4 All E.R. 141; [2018] 5 WLUK 91; [2018] 3 C.M.L.R. 31; [2018] A.C.D. 64 (false imprisonment; Article 27 of the Citizens Directive; effect of unlawful immigration decision on detention); *R (Basir) v SSHD* [2018] EWCA Civ 2612; [2018] 11 WLUK 371

Regulation

Jack has advised and acted for both regulated entities and regulators in the fields of education, health and social care and in respect of both appeals and claims for judicial review. He is experienced in advising at short notice and seeking urgent interim relief. He understands the importance of seeking to achieve a practical resolution in such cases and that this may not always necessitate litigation. His work in this area has included work in relation to teacher misconduct, student misconduct, Ofsted inspections and inspections by the CQC of both social care and health settings. Reported cases include *R (on the*

application of Babylon Healthcare Ltd) v Care Quality Commission (led by Fenella Morris Q.C.) [2017] EWHC 3436 (Admin); 2017 WL 06886295. He is a contributor to Disciplinary and Regulatory Proceedings (Lexis Nexis, 8th and 9th Editions (9th Edition, 2017).

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