



GARDEN COURT CHAMBERS

Ollie Persey

YEAR OF CALL: 2017



Ollie is a public law and human rights barrister. He is ranked in Chambers & Partners and the Legal 500. Ollie won the Legal Aid Newcomer Award at the Legal Aid Lawyer of the Year (LALY) Awards 2024, and was a finalist for a 'Junior of the Year' award at the Legal 500 Awards 2022 for his work in his core practice areas. He is a member of the Equality & Human Rights Commission's panel of preferred counsel.

Ollie is the consultant editor of 'Halsbury's Laws on Judicial Review' and a contributing author of the Legal Action Group textbooks, 'Discrimination in Public Law' and 'Migrant Support Handbook'.

Ollie is a trustee of Southwark Law Centre, a director of the Education Law Association and a former co-chair of Young Legal Aid Lawyers. Prior to joining Garden Court, he was a lawyer at Public Law Project, an academic at the LSE and Oxford University and worked for the UN Special Rapporteur on Extreme Poverty and Human Rights.

"A tireless advocate, who is always putting the client's interests at the forefront of his advice."

LEGAL 500, 2024 (ADMINISTRATIVE LAW & HUMAN RIGHTS)

"Ollie is an expert in equalities legislation. He is consistently able to provide immediate concise, pragmatic and intelligent advice."

LEGAL 500, 2024 (COURT OF PROTECTION & COMMUNITY CARE)

"Ollie is extremely talented in forming creative arguments to achieve results for clients. He is an incredibly quick thinker, thorough, flexible and readily available when required."

LEGAL 500, 2024 (EDUCATION)

"Ollie is a committed, responsive and dedicated junior counsel, who is always on top of a huge variety of public law issues."

CHAMBERS UK, 2024 (ADMINISTRATIVE & PUBLIC LAW)

"Ollie is an exceptional barrister. His client care is wonderful, he reads papers well in advance and is always thoroughly well prepared for conferences."

LEGAL 500, 2023 (EDUCATION)

'Very good on strategic litigation, discrimination and judicial review.'

LEGAL 500, 2023 (ADMINISTRATIVE LAW & HUMAN RIGHTS)

If you would like to get in touch with Ollie please contact the clerking team:

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You can also contact Ollie directly:

oliverp@gclaw.co.uk

ADMINISTRATIVE LAW & HUMAN RIGHTS

Ollie is ranked in the Legal 500 and Chambers & Partners for his administrative law and human rights practice. He acts in urgent and complex claims for judicial review as sole counsel and led junior. He has litigated at all levels, from the First-tier Tribunal to the European Court of Human Rights.

Ollie was a lawyer at Public Law Project for four years and is experienced in all aspects of judicial review litigation. He is happy to advise from the earliest stages of a potential claim. He is the consultant editor of 'Halsbury's Laws on Judicial Review' and a contributing author of the Legal Action Group textbook, 'Discrimination in Public Law'. He provides practical advice on securing funding, costs protection, evidence-gathering and working collaboratively with NGOs.

Ollie is a member of the Administrative Law Bar Association ('ALBA') Equality and Diversity Committee.

NOTABLE CASES

Ollie's notable recent administrative law and human rights cases include:

ECPAT UK & Brighton & Hove City Council v SSHD [2023] EWHC 1953 (Admin) (Judgment No. 1); [2023] EWHC 2199 (Admin) (Judgment No. 2); [2023] EWHC 3030 (Admin) (Judgment No. 3); [2024] EWHC 1353 (Admin) (Judgment No. 4): Acted for a successful claimant in the high-profile and long-running litigation challenging the SSHD's use of hotels to accommodate unaccompanied asylum-seeking children outside of the National Transfer Scheme. The High Court granted the first-ever suspended quashing order with conditions attached. Over the course of 11 hearings and 4 judgments, the High Court supervised the closure of all the unlawful hotels.

Smith v Secretary of State for the Home Department, FFT and Liberty intervening [2024] EWHC 1137 (Admin): Acted for the Claimant in a case in which the High Court held that provisions in the Criminal Justice and Public Order Act 1994 ('CJPO Act') introduced by the Police, Crime, Sentencing and Courts Act 2022 ('Police Act'), were incompatible with Article 14 of the European Convention on Human Rights ('ECHR') (the prohibition on discrimination) read with Article 8 ECHR (the right to private life), as they amount to unjustified discrimination against Gypsies and Travellers. The High Court took the significant and unusual step of issuing a declaration of incompatibility under Section 4 of the Human Rights Act 1998, which means that Parliament will have to review those provisions to ensure their compatibility with the ECHR.

The Commissioners for His Majesty's Revenue and Customs v Mr Abubaker Arrbab [2024]

EWCA Civ 16: Acted for Mr Arrbab, the respondent tax credit recipient, in getting parts of HMRC's mandatory reconsideration regime struck out on the basis of it being introduced by ultra vires regulations. The Court of Appeal held that the regulations, which amended primary legislation, were made using a power that had not been intended for that purpose and unlawfully curtailed the right of access to justice. The legal team won the Citizens' Advice 'Most Outstanding Impact' Award 2024 for representing Mr. Arrbab.

XYZ v City, University of London [2024]: Significant Court of Appeal case concerning procedural fairness in university internal investigations into allegations of sexual violence. The case was conceded by City University shortly before a final hearing, with a detailed statement of reasons and the Appellant awarded their costs. The Lady Chief Justice, at an earlier hearing, also provided guidance regarding the Office of the Independent Adjudicator as an alternative remedy to judicial review.

Derbyshire NHS Foundation Trust v Secretary of State for Health and Social Care [2023]

EWHC 3182 (Admin): Acted for a mental health patient in successfully resisting a hospital trust's application to weaken procedural safeguards for renewing Community Treatment Orders ('CTOs'), under the Mental Health Act 1983.

R (TZA) v A Secondary School [2023] **EWHC 1722 (Admin):** The leading High Court case on the Public Sector Equality Duty ('PSED') and school exclusions. Permission to appeal to the Court of Appeal granted.

R (AI) v London Borough of Lambeth and Secretary of State for Education [2023] **EWHC 2088 (Admin):** High Court case concerning PSED-compliance in securing special educational provision for a transgender young person.

GP v Lime Trust, Equality and Human Rights Commission Intervening [2023] **UKUT 77 (AAC):** Test case on the jurisdiction of the First-tier Tribunal to consider PSED compliance in disability discrimination claims against schools.

R (CR) (by their litigation friend, TI) v Director of Legal Aid Casework and Lord Chancellor [2023] **EWCA Civ 717:** A successful systemic challenge in the High Court that led to the Lord Chancellor expanding legal aid eligibility for Looked After Children in SEND Tribunal proceedings, with satellite litigation in the Court of Appeal on retrospective modification of Costs Capping Orders ('CCOs').

HZ & Ors v SSHD [2023] **EWHC 660 (Admin):** Acted for the claimants in a high-profile test case challenging the operation of the Afghan bridging hotels scheme.

COMMUNITY CARE LAW

Ollie is ranked as a Tier 1 Rising Star in the Legal 500 for his community care practice, which spans age assessments, asylum support, welfare benefits, and health and social care. He is a contributing author of Legal Action Group's 'Migrant Support Handbook'. He co-convenes Garden Court's Community Care Team and the Deaf Legal Network.

NOTABLE CASES

Ollie's recent notable community care cases include:

ECPAT UK & Brighton & Hove City Council v SSHD [2023] EWHC 1953 (Admin) (Judgment No. 1); [2023] EWHC 2199 (Admin) ; [2023] EWHC 3030 (Admin) [2024] EWHC 1353 (Admin) (Judgment No. 4): Acted for a successful claimant in the high-profile and long-running litigation challenging the SSHD's use of hotels to accommodate unaccompanied asylum-seeking children outside of the National Transfer Scheme. The High Court granted the first-ever suspended quashing order with conditions attached. Over the course of 11 hearings and 4 judgments, the High Court supervised the closure of all the unlawful hotels.

The Commissioners for His Majesty's Revenue and Customs v Mr Abubaker Arrbab [2024] EWCA Civ 16: Acted for Mr Arrbab, the respondent tax credit recipient, in getting parts of HMRC's mandatory reconsideration regime struck out on the basis of it being introduced by ultra vires regulations. The Court of Appeal held that the regulations, which amended primary legislation, were made using a power that had not been intended for that purpose and unlawfully curtailed the right of access to justice. The legal team won the Citizens' Advice 'Most Outstanding Impact' Award 2024 for representing Mr. Arrbab.

Derbyshire NHS Foundation Trust v Secretary of State for Health and Social Care [2023] EWHC 3182 (Admin): Acted for a mental health patient in successfully resisting a hospital trust's application to weaken procedural safeguards for renewing Community Treatment Orders ('CTOs'), under the Mental Health Act 1983.

HZ & Ors v SSHD [2023] EWHC 660 (Admin): Acted for the claimants in a high-profile test case challenging the operation of the Afghan bridging hotels scheme.

COURT OF PROTECTION

Ollie is ranked as a Tier 1 Rising Star in the Legal 500 for his Court of Protection practice. He represents P in complex health and welfare cases and is frequently instructed by the Official Solicitor. Ollie is committed to ensuring that P is fully able to participate in proceedings.

Ollie is learning British Sign Language ('BSL'), which is improving his understanding of the barriers faced by Deaf people. He is a volunteer litigation friend in the First-tier Tribunal (Immigration and Asylum Chamber) for Migrants Organise and was formerly a trustee of the Elfrida Society, a small charity that supports individuals with learning disabilities.

Ollie is developing a specialism in urgent medical treatment cases due to his expertise in health and social care matters, including HIV/AIDS treatment (he was a contributing editor of Professor Scott Skinner-Thompson's textbook, *AIDS and the Law*), vaccinations and end of life care.

Current and recent cases concern:

Capacity to make decisions regarding special educational provision in an Education, Health and Care Plan ('EHCP').

Long-term residence for a young person whose supported living arrangements broke down following allegations of carer abuse.

Best interests decisions regarding COVID-19 vaccination.

Best interests decisions regarding end-of-life care.

Best interests decisions where placements had repeatedly broken down due to allegations of P sexually abusing other residents.

Ollie sits on the executive committee of the Court of Protection Bar Association.

EDUCATION LAW

Ollie is ranked as a Tier 1 Rising Star in the Legal 500 for his education law practice and co-convenes Garden Court's Education Law team.

He acts for children, young people and families in all forums where education law issues arise, including the First-tier Tribunal, the Upper Tribunal, the Administrative Court, university panels, governing body disciplinary committees and independent review panels.

Ollie is committed to addressing discrimination against marginalised children and young people in the education system. He is a trustee of the Education Law Association ('ELAS'), sits on the steering committee of the School Inclusion Project ('SIP') and provides pro bono support to Southwark Law Centre's new school exclusion unit. Ollie co-organises the annual Legal Action Group Education Law Conference, which is sponsored by Garden Court's Education Law Team.

NOTABLE CASES

Ollie's recent notable education law cases include:

EM v Royal Borough of Windsor and Maidenhead [2024]: A successful Upper Tribunal appeal that clarified that the test for ceasing to maintain an Education, Health and Care Plan (EHCP) does not include the question of whether a certain level of educational attainment could be reached in proportion to the amount of provision.

XYZ v City, University of London [2024]: A significant Court of Appeal case concerning procedural fairness in university internal investigations into allegations of sexual violence. The case was conceded by City, University of London shortly before a final hearing, with a detailed statement of reasons and the Appellant awarded their costs. The Lady Chief Justice, at an earlier hearing, also provided guidance regarding the Office of the Independent Adjudicator as an alternative remedy to judicial review.

R (TZA) v A Secondary School [2023] EWHC 1722 (Admin): The leading High Court case on the Public Sector Equality Duty ('PSED') and school exclusions. Permission to appeal to the Court of Appeal granted.

LC and RC v Hampshire County Council [2023] UKUT 281 (AAC): Upper Tribunal case on the test that should be applied when section I of an EHCP is in dispute.

R (AI) v London Borough of Lambeth and Secretary of State for Education [2023] EWHC 2088 (Admin): High Court case concerning PSED-compliance in securing special educational provision for a transgender young person.

GP v Lime Trust, Equality and Human Rights Commission intervening [2023] UKUT 77 (AAC): Test case on the jurisdiction of the First-tier Tribunal to consider PSED compliance in disability discrimination claims against schools.

R (CR) (by their litigation friend, TI) v Director of Legal Aid Casework and Lord Chancellor [2023] EWCA Civ 717: A successful systemic challenge in the High Court that led to the Lord Chancellor

expanding legal aid eligibility for Looked After Children in SEND Tribunal proceedings, with satellite litigation in the Court of Appeal on retrospective modification of Costs Capping Orders ('CCOs').

MENTAL HEALTH LAW

Ollie has a busy mental health law practice. He welcomes instructions in a broad range of mental health matters, including appeals to the First-tier Tribunal and Upper Tribunal, applications for habeas corpus and applications to displace nearest relatives. He has a particular interest in section 117 aftercare issues.

Due to his expertise in Court of Protection matters, he is well-placed to act in cases raising mental capacity issues. He has significant expertise in child and adolescent mental healthcare and draws upon his background in special educational needs and disability law to provide holistic and practical advice.

NOTABLE CASES

Ollie's recent notable mental health cases include:

***Derbyshire NHS Foundation Trust v Secretary of State for Health and Social Care* [2023]**

EWHC 3182 (Admin): Acted for a mental health patient in successfully resisting a hospital trust's application to weaken procedural safeguards for renewing Community Treatment Orders ('CTOs'), under the Mental Health Act 1983.

***PQR v Derbyshire Healthcare NHS Foundation Trust* [2023] UKUT 195 (AAC):** Upper Tribunal appeal concerning the First-tier Tribunal's jurisdiction to determine whether a CTO had been lawfully renewed.

***MB v South London & Maudsley NHS Foundation Trust (Mental Health)* [2023] UKUT 261 (AAC):** Successful Upper Tribunal appeal regarding whether the First-tier Tribunal's refusal of the patient's application to reinstate his application for review of his section involved an error of law.

BACKGROUND

Ollie taught public law at the London School of Economics and was a researcher in international human rights law at Oxford University. He is a former co-chair of Young Legal Aid Lawyers.

Before returning to England to qualify as a barrister, Ollie undertook postgraduate studies and worked in the USA. He was a legal fellow at the American Civil Liberties Union (ACLU) and a researcher for the UN Special Rapporteur on Extreme Poverty and Human Rights, Professor Philip Alston.

PUBLICATIONS

Ollie regularly writes for Legal Action magazine. He contributed to many of Public Law Project's briefings on Brexit-related legislation and has been published in several law journals, including the Journal of Immigration, Asylum and Nationality Law and the European Human Rights Reports.

Co-author of Legal Action Magazine - [Environmental Law: Update \(October 2023\)](#)

TRAINING AND SEMINARS

Ollie is a former university lecturer and experienced in delivering training. He frequently speaks at Garden Court webinars and various legal conferences (including for Public Law Project and Legal Action Group) and is happy to provide pro bono training to law firms and NGOs.

AWARDS

Peter Duffy Scholarship, Bar European Group (2019)

Conference Scholarship, Administrative Law Bar Association (2018)

Shelford Scholarship, Lincoln's Inn (2018)

Sir Geoffrey Nice Bursary, Lincoln's Inn (2017)

Master of the Moots Scholarship, University of Law (2016)

Lord Denning Scholarship, Lincoln's Inn (2016)

Residential Scholarship, Lincoln's Inn (2016)

Human Rights Emerging Scholarship Prize, New York University School of Law (2015)

Kirkland & Ellis Scholarship, New York University School of Law (2014)

EDUCATION

BPTC, University of Law

LLM (International Legal Studies), New York University School of Law

BA (Hons) Jurisprudence, St Hugh's College, Oxford University

PROFESSIONAL MEMBERSHIP

Administrative Law Bar Association (Equality and Diversity Committee)

Bar European Group

Court of Protection Bar Association (Committee)

Education Law Association (Committee)

FreeBar

Liberty (former Policy Council member)

Human Rights Lawyers Association

Young Legal Aid Lawyers (Committee member and former co-chair)

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