



Ollie Persey

YEAR OF CALL: 2017



Ollie is a public law barrister. He joined Garden Court Chambers from Public Law Project, where he gained considerable experience of strategic litigation at all domestic levels including the Supreme Court. He has particular expertise in judicial review claims raising discrimination, education, EU citizens' rights and retained EU law issues.

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

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ADMINISTRATIVE AND PUBLIC LAW

Ollie has a broad public law practice, specialising in disability and migrant rights. He acts for individuals and NGOs in judicial review claims challenging systemic unfairness. He was recently junior counsel for Project 17 (led by Amanda Weston QC and Bijan Hoshi) in *W v Secretary of State for the Home Department, Project 17 intervening* [2020] EWHC 1299 (Admin)

, in which the High Court held that part of the No Recourse to Public Funds (NRPF) scheme breached Article 3 ECHR.

At Public Law Project, he worked on all aspects of judicial review litigation and is well-placed to advise from the earliest stages of a potential claim. He has in-depth knowledge of the legal aid scheme, with expertise in applying for Exceptional Case Funding (ECF) and challenging Legal Aid Agency funding decisions.

NOTABLE CASES

No Recourse to Public Funds (NRPF) scheme successfully challenged

W v Secretary of State for the Home Department, Project 17 intervening [2020] EWHC 1299 (Admin). The High Court found that the NRPF scheme as it related to parents on the 10-year route to the settlement constituted a breach of Article 3 ECHR. Junior counsel for Project 17, led by Amanda Weston QC and Bijan Hoshi.

Home Office's removal windows policy denied migrants access to justice

Medical Justice v Secretary of State for the Home Department [2019] EWHC 2381 (Admin). Judicial review of the Home Office's removal windows policy. Policy suspended by an injunction of the High Court, and ultimately held to be unlawful by the Court of Appeal. Assisted Charlotte Kilroy QC and Alison Pickup.

Transgender man who gave birth sought legal recognition as "father"

TT v Registrar General for England & Wales [2019] EWCH 2384 (Fam)

A transgender man (with a Gender Recognition Certificate) who gave birth challenged the Registrar General's decision to list TT as the "mother" of his child on the birth certificate. Assisted Sarah Hannett.

EDUCATION LAW

Ollie has a growing education law practice. He frequently appears in the Special Educational Needs and Disability (SEND) Tribunal in Education, Health and Care Plan (EHCP) appeals and disability discrimination claims under the Equality Act 2010. He devised and coordinated Public Law Project's work supporting education law legal aid providers to secure legal aid for representation in the SEND Tribunal, which led to SEND ECF being granted for the first time.

He welcomes instructions in SEND appeals to the Upper Tribunal as well as judicial review claims raising education law issues.

EU CITIZENS' RIGHTS AND RETAINED EU LAW

Ollie coordinated Public Law Project's EU Settlement Scheme (EUSS) support hub, providing second-tier advice to Law Centres and other organisations assisting vulnerable EU citizens and family members to apply to the EUSS.

Having worked on Brexit-related public law issues for three years at Public Law Project, he has in-depth knowledge of Appendix EU, the Withdrawal Agreement, the European Union (Withdrawal) Act 2018, the European Union (Withdrawal Agreement) Act 2020 and the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020.

He has experience of high-profile Brexit-related judicial reviews, including *Miller & Cherry v Prime Minister* [2019] UKSC 41, in which the Supreme Court held that the prorogation of Parliament was unlawful. Public Law Project's intervention focused on the importance of Parliamentary scrutiny of Brexit-related statutory instruments.

Ollie welcomes instructions in judicial review claims concerning EU citizens' rights and questions of retained EU law.

NOTABLE CASES

Prorogation of Parliament held to be unlawful

Miller & Cherry v Prime Minister [2019] UKSC 41

Successful judicial review of the lawfulness of the prorogation of Parliament. Public Law Project intervened to provide evidence of the impact of prorogation on Parliamentary scrutiny of Brexit-related statutory instruments. Assisted Tom de la Mare QC, Alison Pickup and Daniel Cashman.

COMMUNITY CARE LAW

Ollie is developing a community care practice spanning asylum support, children's rights and adult social care. He is experienced in acting in 'National Trial' cases in the SEND Tribunal, which concern provision of health and social care to children with EHCPs.

MENTAL HEALTH AND MENTAL CAPACITY LAW

Ollie is developing a mental health and mental capacity practice. He is acting for an NGO in a systemic challenge concerning mental capacity issues and regularisation of immigration status.

PRO BONO

Ollie is happy to provide pro bono advice in his practice areas to campaign groups and NGOs. He volunteers as a Tribunal advocate for IPSEA, the SEND charity.

YOUTH JUSTICE & CHILD RIGHTS

Ollie has extensive experience of representing children in school exclusion hearings and challenging other forms of discriminatory treatment of children. He provides holistic representation drawing upon his experiences as a lecturer in criminal law and as a practitioner in discrimination, education and public law.

BACKGROUND

Ollie trained at Public Law Project, with a secondment to Matrix Chambers, through a Justice First Fellowship funded by the Legal Education Foundation. Before coming to the Bar, he held research and teaching positions at the London School of Economics and Oxford University. He was also a legal fellow at the American Civil Liberties Union (ACLU) and a research assistant to the UN Special Rapporteur on Extreme Poverty and Human Rights, Professor Philip Alston.

Ollie is a co-chair of Young Legal Aid Lawyers (YLAL), coordinating its legal aid policy work. He is also a member of Liberty's policy council and a trustee of Southwark Law Centre and The Elfrida Society, a charity that supports individuals with learning disabilities. He set up RebLaw UK, the largest student-run public interest law conference in the country.

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.

TRAINING AND SEMINARS

Ollie is a former university lecturer and experienced in delivering training. He recently presented sessions at Public Law Project's 'How to Do Judicial Review' training academy and Equality Act 2010 conference. He 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

FreeBar

Liberty (Policy Council)

Human Rights Lawyers Association

Young Legal Aid Lawyers (Co-chair)

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