



Ollie Persey

YEAR OF CALL: 2017



Ollie has a broad public law practice focusing on the rights of children, asylum seekers and migrants and disabled people. He has expertise in discrimination, education, community care, mental health and Court of Protection matters. He is ranked in Chambers & Partners and the Legal 500 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.

Ollie is the consultant editor of the latest edition of the highly regarded practitioner text, 'Halsbury's Laws on Judicial Review', and a contributing author of the Legal Action Group textbook, 'Discrimination in Public Law'.

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:

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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.

Current and recent cases include:

An ongoing judicial review challenging section 60C of the Criminal Justice and Public Order Act 1994, on the basis that it discriminates against Gypsy, Roma and Traveller people. Led by Marc Willers KC. See [here](#).

A successful high profile test case challenging the Home Office's unlawful practice of using hotels to accommodate unaccompanied asylum-seeking children outside of the National Transfer Scheme. The High Court held that the systemic and routine use of hotels was unlawful. See press coverage [here](#).

An important test case challenging the Home Office's failure to deliver on its promised 'warm welcome' to Afghans who were relocated to the UK following the Taliban takeover. Led by Martin Westgate KC and Adam Straw KC with Raza Halim, Tessa Buchanan and Alex Schymyck. See press release [here](#).

An ongoing judicial review against the Director of Legal Aid Casework and Lord Chancellor challenging the failure of the 'legal aid safety net' in school exclusion hearings that concern discrimination. Led by Stephanie Harrison KC.

A Court of Appeal case concerning the correct approach to Cost Capping Orders for Claimants in public interest proceedings. Led by Amanda Weston KC with Isaac Ricca-Richardson.

A successful judicial review challenging the Director of Legal Aid Casework's interpretation of the legal aid means regulations in SEND Tribunal appeals. Led by Amanda Weston KC with Isaac Ricca-Richardson. The challenge was conceded after permission was granted which led to new regulations that expanded the scope of legal aid Looked After Children. See coverage in [The Law Society Gazette here](#).

A judicial review hearing challenging a local authority's failure to undertake equalities monitoring and ensure non-discriminatory access to special educational provisions. Led by Nicola Braganza KC with Nadia O'Mara. A high-profile Court of Appeal challenge to the adult hospitalisation rule for Disability Living Allowance. Led by Amanda Weston KC with Desmond Rutledge.

A successful challenge to the Home Office's COVID-19 guidance for the EU Settlement Scheme. Led by Charlotte Kilroy KC with Hollie Higgins. [See press release here](#).

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 the latest edition of the highly regarded practitioner text, '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.

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 co-convenes Garden Court's Community Care Team and acts in complex and urgent cases as sole counsel and led junior.

Current and recent cases include:

A successful high profile test case challenging the Home Office's unlawful practice of using hotels to accommodate unaccompanied asylum-seeking children outside of the National Transfer Scheme. The High Court held that the systemic and routine use of hotels was unlawful. See press coverage [here](#).

An important test case challenging the Home Office's failure to deliver on its promised 'warm welcome' to Afghan citizens who were relocated to the UK following the Taliban takeover. Led by Martin Westgate KC and Adam Straw KC with Raza Halim, Tessa Buchanan and Alex Schymyck. See press coverage [here](#).

A successful challenge to a local authority and integrated care board ('ICB') for delays in reviewing a jointly commissioned care plan and failing to provide interim support. Secured a revised care plan and substantial Equality Act 2010 damages. Sole counsel.

A successful challenge to a local authority's age assessment on the basis, inter alia, that it had breached the GDPR by relying on 'consent' to process the Claimant's personal data from his Facebook account. Claim settled after permission was granted on the papers.

A successful urgent judicial review on behalf of a suicidal homeless teenager challenging a local authority's failure to comply with their duties under section 20 Children Act 1989. Secured interim relief on the papers, which was renewed following an oral hearing.

A successful 'extended powers' Education, Health and Care Plan ('EHCP') appeal in the First-tier Tribunal that secured improved health and social care provision for a Deaf child.

Representing a severely disabled man with impaired mental capacity in a high-profile challenge in the Court of Appeal to the adult hospitalisation rule for Disability Living Allowance. Led by Amanda Weston KC with Desmond Rutledge.

Representing Migrants Organise in a claim for judicial review that led to improved safeguards for prospective applicants to the EU Settlement Scheme with mental health conditions and/or impaired mental capacity. Led by Amanda Weston KC with Bijan Hoshi.

NOTABLE CASES

In 2023 alone, Ollie's reported community care law cases included:

ECPAT UK & Brighton & Hove City Council v SSHD [2023] EWHC 1953 (Admin): **acted for a successful claimant in the high-profile litigation challenging the SSHD's use of hotels to accommodate unaccompanied asylum seeking children outside of the National Transfer Scheme.**

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.

Current and recent cases include:

A test case in the Upper Tribunal in which the Equality and Human Rights Commission intervened, that is the leading case on the First-tier Tribunal's jurisdiction to consider compliance with the Public Sector Equality Duty ('PSED') when determining whether substantive discrimination can be justified.

An important judicial review regarding compliance with the PSED in the permanent exclusion of a Black and disabled child. Led by Stephanie Harrison KC with Nadia O'Mara.

A recent judicial review challenging a local authority's failure to undertake equalities monitoring and ensure non-discriminatory access to special educational provision. Led by Nicola Braganza KC with Nadia O'Mara.

A successful Upper Tribunal appeal concerning the anticipatory and continuing nature of the reasonable adjustments duty under section 20 Equality Act 2010 in the context of online learning.

A complex and long-running extended powers EHCP appeal in the First-tier Tribunal, funded by Exceptional Case Funding, where the local authority had a) attempted to cease to maintain the EHCP b) failed to secure special educational provision for four years. Interlocutory hearings raised issues of mental capacity and the role of the Alternative Person. Secured a specialist placement and extensive amendments to the EHCP at the final hearing.

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

In 2023, Ollie's reported education law cases included:

***TZA v A School* [2023] EWHC 1722 (Admin): acted for the claimant in the leading case on the application of the Public Sector Equality Duty ('PSED') in school exclusions.**

***AI v London Borough of Lambeth and Secretary of State for Education* [2023] EWHC 2088 (Admin): acted for the claimant, a transgender young person, in a significant case on the application of the PSED in securing special educational with Education, Health and Care Plans ('EHCPs') who experience additional barriers to accessing provision because of discriminatory treatment.**

***GP v Lime Trust*, EHRC intervening [2023] UKUT 77 (AAC): a test case on the jurisdiction of the First-tier Tribunal to consider PSED compliance in disability discrimination claims.**

MENTAL HEALTH LAW

Ollie has a growing 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 is acting in a test case in the Administrative Court concerning the statutory construction of the term 'examine' in the Mental Health Act 1983 in the context of renewals of Community Treatment Orders. The Court has been invited to provide guidance on whether remote assessments are lawful or whether to 'examine' requires an in-person assessment.

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.

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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