



**Oliver Hyams**  
Year of Call: 1989



Oliver Hyams specialises in employment and education law, professional disciplinary matters and related areas such as the regulation of care homes. He has long and deep experience of fighting public law cases, and has significant experience of advising on and making claims of misfeasance in a public office. He has significant experience of advising on, and fighting, claims concerning pension rights. Oliver has appeared in many reported cases, most of them concerning the law of employment or the law of education.

Oliver is the immediate past Chair of the Education Law Association, and he remains a very active member of the Executive Committee of that Association.

### Publications

Oliver has written three legal textbooks as the sole author: *Law of Education*, a comprehensive practitioners' text, the second edition of which was published by Jordans in 2004, *Employment Aspects of Business Reorganisations*, published in 2006 by Oxford University Press, and *Employment in Schools – A Legal Guide*, the second edition of which was published by Jordans in 2007. He was the consultant editor for the Education title in *Halsbury's Laws* (vols 35 and 36) for the 2007 and 2011 editions, and he has contributed chapters to a number of books, including *Equality and Discrimination – the New Law*, published by Jordans in 2010. Before that he co-wrote the chapter on post-termination restraints on employees for the Law Society's publication *Managing People in a Legal Business*. Oliver contributed annotations for almost all education and some employment statutes for *Current Law Statutes* from 1998 until 2011.

### Recommendations

Has a growing practice and regularly deals with judicial reviews and SEND tribunal appeals. He acts for a diverse list of clients including schools, universities and colleges. He is particularly good at handling cases at the intersection of education and employment law, and acts in high-profile employment disputes involving schools.

**"Oliver is very approachable and conducts careful drafting. He assists in helping the client understand how the process is moving forward."** Advised a school on the disciplinary process and outcome concerning a teacher who had been acquitted of abusing boys at the school. - *Education, Chambers UK Bar 2019*

**'He is a brilliant and hardworking counsel.'** - *Education, Legal 500 2019*

Has a growing practice and deals regularly with judicial reviews and SEND tribunal appeals. He acts for a diverse list of clients including schools, universities and colleges. He is particularly good at handling cases at the intersection of education and employment law and acts in high-profile employment disputes involving schools.

**"He's the only barrister we work with for education. He's extremely clever, noticeably so, and generally optimistic about cases but realistic when needs be. He can come up with imaginative arguments, he's very good at the detail, and is an excellent advocate as well."** Instructed to handle a potentially precedent-setting claim brought by a teacher who had been suspended for the manner in which they had handled children. It was alleged that there had been a failure to provide appropriate support for children with severe behavioural difficulties. - *Education, Chambers UK 2018*

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**"A highly sought-after junior, who is worth every penny in the most challenging cases."** - *Education, Legal 500 2017*

Has a growing practice and deals regularly with judicial reviews and SEND tribunal appeals. He acts for a diverse list of clients including schools, universities and colleges. **"Absolutely excellent, he's very switched on and user-friendly."** **"He is a specialist in education who is technically very adept and strong on his feet."** Junior counsel in *R (CD) v Westminster City School*, an application for permission to review the lawfulness of regulations surrounding academy exclusions. - *Education, Chambers UK 2017*

**"A top-class barrister with an excellent knowledge of this field."** - *Education, Legal 500 2016*

A respected education junior who frequently advises on the employment aspects of education. He is noted for his inventive approach to matters and his well developed interpersonal skills. "His advice is very thorough and precise." "He is our first port of call as he has very interesting ideas, a great ability to put his finger on a problem and a willingness to put himself out." Acted as sole counsel for the claimant in *Randall v Governing Body of Shaftesbury Junior School*, a case involving allegations of constructive and unfair dismissal of a teacher at a maintained school. - *Education, Chambers UK 2016*

**"Recommended for education sector issues such as the employment of teachers."** - *Education, Legal 500 2015*

Highly regarded practitioner with a practice that spans the full spectrum of education law. He is an expert in employment matters and is frequently instructed in judicial reviews and appeals. **Expertise: "He provides incisive, clear and timely advice, and has proved himself to be of invaluable assistance to the team."** **Recent work:** He acted in *Lam v St Mary's School Cambridge*; a case concerning a claim of breach of contract relating to the failure of the school to provide an adequate duty of care to a new pupil. - *Education, Chambers UK 2015*

**"Recognised for his considerable judicial review experience in the High Court"** - *Legal 500 2014*

Most well-known for his work on employment matters for the education sector; Hyams has broad experience in acting for educational institutions and related organisations in judicial reviews, appeals and in SENDIST. He is rated for his practical advice. **Expertise: "He puts his heart of soul into it."** **"Combining his expertise in employment law with education is very helpful."** **Recent work:** He has acted in *Lindop v Red House Academy*, defending a claim of unfair dismissal of an employee who had been convicted of firearms offences in Northern Ireland. - *Chambers UK 2014*

Oliver Hyams of Devereux Chambers is **"supportive," "very thorough," "hard-working"** and **"an extremely bright and confident advocate."** He wins market approval... - *Chambers UK 2013*

Oliver Hyams of Devereux Chambers is singled out for his charity related education work and his general wealth of experience. Clients note he is **"responsive and deals with things quickly"** - *Chambers UK 2012*

Oliver Hyams at Devereux Chambers **"is first-class, as is his tactical awareness"** - *Legal 500 2009*

The **"technically quick and highly analytical"** Oliver Hyams at Devereux Chambers **"understands the minutiae of a case"**. A man with **"tremendous knowledge at his fingertips,"** he appeared in the High Court and the Court of Appeal in a school exclusion case where the majority of the teaching staff of a school refused to teach a pupil whose exclusion had been overturned. - *Chambers UK 2009*

**"Enthusiastic and user-friendly,"** agree clients. He regularly acts for claimants in higher education cases and also advises institutions. Sources concede he is **"well-read and very thorough on paper"** - *Chambers UK 2008*

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Has long experience across many areas of education law and is rated for his "**attention to detail, comprehensive knowledge and devotion to client care**" Furthermore, "**his quality of advice is painstakingly high and presentational skills exhaustive**" - *Legal 500 2008*

"**Extremely intelligent with a natural aptitude for education and employment law**" - *Legal 500 2007*

"**Academically and technically excellent**" ensuring clients of "**a thorough grasp of education law.**" He is far from a backroom researcher though, with clients reporting he is "**quite a fighter in the courtroom.**" He has a wide practice that includes higher education cases and "a good knowledge of employment law which complements his education work." - *Chambers UK 2006*

## Employment

Oliver's employment law practice is broad-ranging, encompassing all of the kinds of claims decided by employment tribunals, claims for breach of contract, restrictive covenant cases, and employment law issues arising in relation to pensions.

Notable reported cases in which Oliver has appeared include:

- *President of the Methodist Conference v Preston (Formerly Moore)* [2013] 2 AC 163
- *Parmar v East Leicester Medical Practice* [2011] IRLR 641
- *Bullimore v Potheary Witham Weld (No 2)* [2011] IRLR 18
- *Potheary Witham Weld v Bullimore* [2010] ICR 1008
- *YKK Europe Ltd v Heneghan* [2010] ICR 611
- *Cable Realisations Ltd v GMB Northern* [2010] IRLR 42
- *Governing Body of X Endowed Primary School v Special Educational Needs and Disability Tribunal* [2009] IRLR 1007
- *Kovats v. TFO Management LLP* [2009] ICR 1140
- *Varma v. North Cheshire Hospital NHS Trust* (2008) 103 BMLR 117
- *Barke v. SEETEC* [2005] ICR 1373
- *Eastwood v. Magnox plc* [2005] 1 AC 503
- *Qua v. John Ford Morrison* [2003] ICR 482
- *Hagen v. ICI Chemicals & Polymers Ltd* [2002] IRLR 31

## Education

Oliver's education work is wide-ranging. He frequently appears in judicial review cases in the High Court and appeals from the SENDIST (now the First-tier Tribunal). He also appears in the First-tier Tribunal (now only in Wales as far as education cases are concerned) as well as in county court and High Court private law claims concerning education in schools, further education institutions and higher education institutions.

Notable reported cases in which Oliver has appeared include:

- *GO v Barnsley MBC* [2015] UKUT 184 (AAC); [2015] ELR 42
- *Hill v Governing Body of Great Tey Primary School* [2013] IRLR 274
- *Abramova v Oxford Institute of Legal Practice* [2011] ELR 385
- *Haringey Independent Appeal Panel v R (M) & Secretary of State* [2010] ELR 823
- *Slough Borough Council v SENDIST* [2010] ELR 687
- *R (JK) v. Haringey LBC and Waltham Forest LBC* [2009] ELR 421
- *R (Arratoon) v. Office of the Independent Adjudicator* [2009] ELR 186
- *R (Governing Body of Drayton Manor High School) v. The Schools Adjudicator* [2009] ELR 127
- *R (P) v. Haringey LBC* [2009] ELR 49
- *R (Hill) v. Bedfordshire County Council* [2008] ELR 660
- *R (Siborurema) v. Office of the Independent Adjudicator* [2008] ELR 209
- *Ealing v. SENDIST* [2008] ELR 183
- *R (O) v. Governing Body of Parkview Academy* [2007] ELR 454

## Professional Negligence

Oliver undertakes professional negligence work against lawyers practising in his own specialist fields, such as the law of employment. Education negligence cases are a form of professional negligence claim, and Oliver has much cutting edge experience of education negligence cases, including in relation to the supervision of post-graduate research.

## Regulatory & Professional Discipline

Oliver has expertise in regulatory and discipline work concerning in particular doctors, dentists, teachers, social workers, nurses, midwives, and the regulation of care and nursing homes. By way of example, in the latter regard Oliver has appeared in the First-tier Tribunal in cases concerning care homes, and a Magistrates' court in a long fight with Ofsted which was seeking an emergency order under section 20 of the Care Standards Act 2000, seeking to close down a residential special school. In addition, Oliver has appeared before the General Dental Council for clients on a number of occasions and he has appeared in General Teaching Council hearings on a number of occasions. Oliver has appealed decisions of the General Medical Council and advised on such appeals on a number of occasions.

## Partnership

In relation to partnerships, Oliver has ever increasing experience of claims by partners of discrimination or (in the case of salaried partners) unfair dismissal. He has also advised on and where appropriate redrafted the terms of partnership agreements.

## Administrative and Public Law

While Oliver's work is predominantly in the fields of employment or education, he has appeared in a number of

public law cases over the years outside the field of education. An example is R. (on the application of Rudewicz) v Secretary of State for Justice [2012] EWCA Civ 499; [2013] Q.B. 410. Oliver has also appeared in the First-tier Tribunal in relation to care homes and schools on a number of occasions. He appeared in the case of ?Menon v Herefordshire County Council?, one of the few cases on misfeasance in public office which get to a contested hearing on the facts. One aspect of that case led to the judgment of Lewis J reported at [2015] A.C.D. 144; [2015] P.T.S.R. D56, concerning the application of legal professional privilege where misfeasance in public office is claimed. The case itself was a claim of misfeasance in relation to the de facto closure by a local authority of a care home, where no emergency order under section 20 of the Care Standards Act 2000 had been made. Oliver has successfully defended an application for such an order in relation to a residential special school.

### **Appointments**

Employment Judge (fee-paid); appointed in 2000

First-tier Tribunal Judge (fee-paid); appointed in 2016

Member of the Panel of Counsel for the Commission of Equality & Human Rights

### **Memberships and Associations**

ELA, ELBA, ELAS, Public Law Bar Association

### **Languages**

A smattering of French

### **Personal Interests**

Music, walking, reading