

Clive David Sheldon

Year of Call: 1991

Education

1989-1990

UNIVERSITY OF PENNSYLVANIA, LL.M

1986-1989

CAMBRIDGE UNIVERSITY, BA (Law) First Class

Qualifications

Clive became a **CEDR** (Centre for Effective Dispute Resolution) **Accredited Mediator** in June 2003, and served on the **CEDR Solve** Panel of mediators from August 2005.

Areas of Practice

Practice areas include *employment law* (e.g. unfair and wrongful dismissal, discrimination, restraint of trade, industrial action), the law of *education* (e.g. special educational needs, exclusions, admissions, school reorganisations, professional negligence and university appeals), *public law* (e.g. Human Rights Act, local government, social services, health), and *commercial law*.

Clive was appointed to the Attorney General's 'A' Panel of Treasury Counsel on February 12th 2007, and advises and represents government departments on a range of employment and public law matters. Clive has also been appointed to the Information Commissioner's Panel of Counsel.

Clive acts regularly in the High Court on judicial review matters, in the employment tribunals and Employment Appeal Tribunal on employment matters, and in the Special Educational Needs and Disability Tribunal. He has appeared several times before the Care Standards Tribunal on behalf of the Secretary of State for Education on teachers' misconduct/medical barring matters, as well as on behalf of *Ofsted*. He has also appeared before the Parole Board, and has represented the Department for Works and Pensions and the Department of Health at three Coroner's Inquests.

Clive has acted as an advocate to the court, on the instructions of the Attorney General. He also serves as Legal Adviser to the various regulatory committees of the General Social Care Council.

Clive is recognised as a Leading Junior in the field of Employment Law, Public Law and Education law in the *Chambers & Partners* publication.

Previous Employment

Oct 1992-Sep 1994

CLEARY, GOTTLIEB, STEEN & HAMILTON, New York, *Associate*. Practice areas included international and United States domestic commercial litigation. I remain a member of the *New York State Bar*.

1991-1992

THE LONDON SCHOOL OF ECONOMICS & POLITICAL SCIENCE,
Lecturer in Labour Law, part-time
Assistant to Lord Wedderburn of Charlton, Q.C.

Recent Reported Cases

Employment

Brown v. London Borough of Croydon

[2007] IRLR 259, Court of Appeal
Race discrimination; burden of proof)

Viridi v. Commissioner of Police of the Metropolis

[2007] IRLR 24, EAT
Race discrimination; time limits; definition of 'disability' for the DDA

SCA Packaging Ltd. v. Revenue & Customs Commissioners

(2006) STC (SCD) 426
Taxation of payments *in lieu*

Parliamentary Commissioner for Administration v. Fernandez

[2004] I.C.R. 123, EAT
Equal pay and objective justification; race discrimination

Thorpe v. Dul and Learning & Skills Council

[2003] I.C.R. 1556, EAT
Status of modern apprenticeships/contract of employment

Glendale Managed Services v. Graham

[2003] I.R.L.R. 465, Court of Appeal
Breach of contract, post-TUPE transfer

Synaptex Ltd. v. Graeme Young (HMIT)

[2003] I.C.R. 1149, High Court
IR35 legislation – deemed status of 'contractor' for national insurance purposes

Gidella v. Wandsworth Borough Council

[2002] 3 CMLR 1083, EAT
Upper age limits for unfair dismissal

Lincolnshire County Council and The Registrar-General v. Hopper

[2002] I.C.R. 1301, EAT
Status of registration officers

TNT Express Worldwide (UK) Ltd. v. Brown

[2001] I.C.R. 182, Court of Appeal
Victimisation; unfair dismissal

Education

R (B) v. Headteacher of St. Michael's Church of England School

[2008] ELR 116, High Court
Compatibility of fixed term exclusion regime and Article 6 of the ECHR

Smith v. Hampshire County Council

[2007] ELR 321, Court of Appeal
Education negligence, limitation questions

R (A) v. Hertfordshire County Council

[2007] ELR 95, High Court
Special educational needs

R (L) v. London Borough of Wandsworth

[2006] ELR 376, High Court
Special educational needs

H v. R School

[2005] ELR 67, High Court
Disability discrimination

R (S) v. Norfolk County Council

[2004] ELR 259, High Court
Interim injunction for school placement pending SENDST hearing

R v. Birmingham City Council Exclusions Appeal Committee

[2003] E.L.R. 743, High Court
Exclusion, fairness, use of witness statements

(A) v Cambridgeshire County Council

[2003] ELR 464, High Court
Special educational needs/involvement of parents

R (C) v. X Borough Council

[2003] E.L.R. 47, High Court
Disclosure of sensitive information/teacher misconduct

M v. Worcestershire CC

[2003] E.L.R. 1, High Court
Special educational needs

The Queen on the Application of N v. The Head Teacher of X School

[2002] E.L.R. 187, High Court
Exclusion, bias of panel, use of witness statements

W v. Gloucestershire County Council

The Times, August 20th 2001, High Court
Suitability of education and special educational needs

R v. Governing Body of Gateway Primary School, ex. parte X

[2001] E.L.R. 321, High Court
Deletion from the register; delay

R v. Birmingham City Council, ex parte Youngson

(2001) LGR 218, High Court
Discretionary grant for ballet school

H v. Gloucestershire County Council

[2000] E.L.R. 357, High Court
Natural justice and procedural issues concerning special educational needs tribunal

R v. Chair of Governors and Headteacher of A and S School ex parte T

[2000] E.L.R. 274, High Court
Powers of governors and special educational needs

R v. Southend Borough Education Appeals Committee, ex. p. Southend on Sea Borough Council

[2000] EdCR 368
High Court: admission appeal and infant class size

Community Care

R (on the application of H) v Wandsworth LB (2007)

[2007] 2 F.C.R 378, High Court
Duty to provide accommodation to unaccompanied child asylum seeker

R (on the application of Stephenson) v. Stockton-on-Tees Borough Council

[2006] LGR 135, Court of Appeal
Disability related expenditure, application of policy

R (on the application of S) v. Wandsworth London Borough Council

[2005] 2 All.E.R. 954, Court of Appeal
Parental resources, charging, community care

Miscellaneous Public Law/Human Rights

R. (on the application of Corby BC) v Secretary of State for Communities and Local Government [2008] BLGR 109, High Court

Ministerial decision-making, local authority grant scheme

Director of Public Prosecutions v. Haw

[2008] 2 WLR 379, Divisional Court
Can the Commissioner of Metropolis delegate power to impose conditions on protests near Parliament; acted as advocate to the court

R (on the application of London Borough of Lambeth) v. Department for Works and Pensions

[2005] LGR 764
Ministerial decision-making; housing benefit subsidy recoupment

Wilkinson v. Official Solicitor and Lord Chancellor's Department

[2003] 2 All E.R. 184
Contempt of court: summary powers and the common law/Human Rights Act

R (on the application of Denson) v. Child Support Agency

[2002] 1 F.C.R. 460

Child support system: compatibility with the Human Rights Act

Bancroft v. Crutchfield (HMIT)

[2002] STC (SCD) 347

Surcharge for late payment of income tax and Human Rights Act

Publications and Articles

Tolley's Employment Handbook (Maternity Pay, Sick Pay, Termination of Employment and Wrongful Dismissal chapters);

Tolley's Employment Law (Wrongful Dismissal chapter);

Supperstone, Goudie & Coppel, Local Authorities and the Human Rights Act 1998
(Social Services section)

'*Ali – the right to education*', *New Law Journal* (18/6/2004)

'*Religious discrimination – challenges for schools*', *Public Sector Employment Law Journal* (Dec 2004)

'*ADR and Public Law*' *Public Law*, Summer 2006 (with Michael Supperstone QC and Daniel Stilitz)

'*Mediating Education Disputes*', *Education Law Journal* 8 (165) (with Daniel Stilitz)