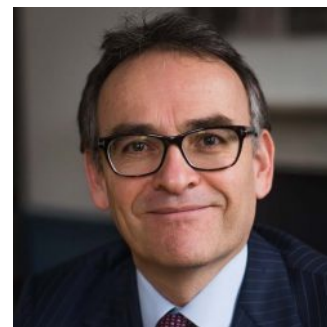

Clive Sheldon QC

Clive is a Leading Silk in the fields of Administrative & Public Law, Employment Law, Education Law and Local Government Law, with particular expertise on the cross-over between employment law and public law. Clive is regularly instructed in very high profile matters for government departments, local authorities as well as individuals and corporations. He appears often in the Supreme Court and Court of Appeal.

Recent court appearances have included representing the Secretary of State for Health in the 'Junior Doctors' litigation, appearing for the Labour Party in the dispute over who could vote in the leadership election, and representing John Platt in the dispute over taking children out of school during term-time.

Clive is currently instructed by the Football Association to carry out a review into non-recent child sex abuse in football.

Clive sits part-time in the Administrative Court as a Deputy High Court judge.



Professional Summary

Called 1991
Appointed QC 2011

Contact Details

Clive.Sheldon@11kbw.com
+44 (0)20 7632 8500
Clerk Tom Street
Clerk Christopher Smith
[Contact Clerks](#)

Specialisms

Education

Clive is recognised by Chambers and Partners as a Band 1 Silk in Education law. He advises and represents students, schools, local authorities and universities in a wide range of education matters. Most recently, Clive represented John Platt in the Supreme Court case concerning term-time holidays.

Examples of Clive's work include:

Secretary of State for Education v National Union of Teachers

Represented Secretary of State in challenge to strike action by sixth-form college teachers

X v Governing Body of a School

Represented governing body in disability discrimination case concerning a seven-year-old child excluded from school after repeated assaults on staff and pupils.

R (Governing Body of Uplands Junior School) v Leicester City Council

Represented the local authority in challenge to its use of intervention powers

R (Lewisham LBC) v. AQA

Represented coalition of local authorities, teachers' unions, schools and pupils in challenge to GCSE English grading

R (Moyle) v Secretary of State for Education

Represented the Secretary of State in challenge to academy conversion

Employment

Clive advises and represents parties in a wide range of employment disputes. Clive specialises in high profile discrimination claims for employers and employees, as well as disputes involving senior executives and high ranking public office holders. Clive is currently representing 43

police forces in defence of discrimination claims from several thousand police officers relating to the introduction of new pension arrangements.

Examples of Clive's work include:

Dizaei v. Metropolitan Police Authority

Represented police authority in defence of discrimination and victimisation claims by former Commander Ali Dizaei

Windle v. Secretary of State for Justice

Represented government department in employment tribunal, EAT and Court of Appeal in test case challenge by foreign language interpreters in the court system: were they 'employees' for discrimination purposes

Secretary of State for Education v National Union of Teachers

Represented Secretary of State in challenge to strike action by sixth-form college teachers

Jarrett v. Essex County Council

Overturned finding of race discrimination and victimisation against local authority legal department

Health and Community Care:

Clive has particular expertise in health authority reorganisation matters, and ordinary residence and funding disputes for community care. Clive is currently acting for the Secretary of State for Health in *Forge Care*, the Supreme Court case concerning the allocation of responsibility between health and local authority for work carried out in nursing homes.

Examples of Clive's work include:

R (Cornwall Council) v Secretary of State for Health

Represented the government in the leading case in the Supreme Court concerning the test for determining 'ordinary residence' in the community care field

R (Justice for Health) v. Secretary of State for Health

Represented the government in the 'junior doctors' litigation

R (Hartlepool Borough Council) v. North Tees and Hartlepool NHS Foundation Trust

Represented the local authority in challenge to the reconfiguration of fertility treatment

R (Ealing London Borough Council) v NHS England

Represented the local authority in a challenge to the reconfiguration of health services in North West London.

Human Rights

Clive regularly advises and represents parties in a wide range of human rights matters. Clive appeared recently in the Supreme Court on behalf of the Department for Communities and Local Government in a case concerning Article 6 in the homelessness sphere.

Examples of Clive's work include

R (SG) v Secretary of State for Work and Pensions

Represented the Government in the Court of Appeal and the Supreme Court in the 'benefit cap' challenge: Article 1 Protocol 1, read with Article 14

R (Birks) v Commissioner of Police of the Metropolis

Represented the Commissioner in challenge to decision preventing a police constable from retiring so as to take up his vocation as a priest, as police constable was subject to disciplinary investigation for a death in custody: clash between Article 2 and Article 8.

R (Keep Streets Live Campaign Ltd) v Camden London Borough Council

Represented the local authority in challenge to its decision to introduce a licensing scheme for

buskers under the London Local Authorities Act 2000: Article 10.

Mediation & Arbitration

Clive is a CEDR trained mediator. He conducts commercial and public law mediations.

Professional Discipline & Regulatory

Clive advises and represents a broad range of regulators in professional disciplinary matters.

Recent cases have included defending judicial review proceedings against the General Dental Council, the Bar Standards Board, and the Chief Constable of Wiltshire.

Public

Clive is well known for his public law work, advising and representing both claimants and respondents. Clive regularly appears in the Court of Appeal and Supreme Court in public law matters, including the leading case on consultation: **Moseley v. LB Haringey**.

Examples of Clive's work

Poshteh v Kensington and Chelsea Royal LBC

[2017] UKSC 36; SC, May 10 2017; [2017] 2 WLR 1417

Determination of application for accommodation as homeless person – Whether applicant entitled on review to article 6 procedural protections.

CS and TC appeared for the Secretary of State for Communities and Local Government, intervening.

R(Justice for Health) v. Secretary of State for Health

Represented the government in the 'junior doctors' litigation

R (Sumpter) v Secretary of State for Work and Pensions Represented the government in the Administrative Court and the Court of Appeal in a challenge to the consultation process for the introduction of the PIP (Personal Independent Payment) scheme, in place of Disability Living Allowance

(Croydon Property Forum Ltd) v Croydon

Represented the local authority in defence of its selective Licensing scheme for landlords

(Logan) v Havering LBC

Represented the local authority in defence of its Council tax support scheme: scheme was not discriminatory on grounds of age or disability.

R (Commissioner of Police of the Metropolis) v Independent Police Complaints Commission

Represented the Commissioner in the Administrative Court and the Court of Appeal in a challenge to a decision of the IPCC to reopen disciplinary action against a police officer: was the IPCC's decision irrevocable/'functus officio'.

(Enfield LBC) v Secretary of State for Transport

Represented the government in the Administrative Court and the Court of Appeal in defence of its decision to tender a railway franchise

R(London Borough of Islington) v. Transport for London

Represented the local authority in its successful challenge to TfL's decision to close Caledonian Road underground station for lift refurbishment

Recommendations

"Clive is a very clever barrister who is able to explain difficult legal concepts in a simple way."

Chambers and Partners

“Deals with cases extremely effectively. Uncompromising, but always fair, he shows extraordinary attention to detail.” **Chambers and Partners**

“Clive is really great – he’s sensible, pragmatic and always makes good points.” **Chambers and Partners**

“A highly effective silk and a powerful but very pleasant opponent.” **Legal 500**

“Robust and persuasive in both oral and written submissions. Very collegiate approach and good with the client.” **Chambers and Partners**

“His written opinions are very clear, he has a very good brain cutting through to what the points are and he provides very clear advice and guidance. He is a very clever man.” **Chambers and Partners**

“He’s got a brilliant legal mind, and takes a very practical approach to how problems can be addressed. The way in which he presents his arguments to the court is absolutely fantastic.” **Chambers and Partners**

“Clive is brilliant. He’s a heavy hitter, he cuts through the detail and gives practical advice. He is very intelligent and is measured in his approach.” **Chambers and Partners**

“He is an excellent problem solver who shows good judgement in complex and sensitive matters.” **Chambers and Partners**

“A very good, hard-working silk.” **Chambers and Partners**

“Unfailingly brilliant, knowledgeable, user-friendly and supportive.” **Chambers and Partners**

“A softly spoken but highly effective silk” **Legal 500**

“He is reliable and clear, and displays authoritative intelligence” **Legal 500**

“He is great on detail and is a very cerebral, academic lawyer.” **Chambers and Partners**

“He sees the bigger picture from the client’s point of view.” **Legal 500**

“A go-to counsel for anything complicated and urgent.” **Legal 500**

“Very approachable and down to earth. Great at explaining tricky legal situations simply to lay clients, he inspires confidence and makes people feel looked after.” **Chambers and Partners**

“He is extremely good in employment law cases with a public law or education dimension, and he gives very practical, succinct advice.” **Chambers and Partners**

“Amazingly astute and prepared to give difficult advice.” **Chambers and Partners**

“He really gives matters a huge amount of consideration and thinks about new angles in a case.” **Chambers and Partners**

“His advice is invariably clear and comprehensive. Friendly, helpful and easy to work with.” **Chambers and Partners**

Recent Cases

R (MacKenzie) v Chancellor, Masters and Scholars of the University of Cambridge

[2019] EWCA Civ 1060 CA, July 22 2019 [2019] 4 All ER 289

The only remedy for an employer’s failure to comply with an order for re-engagement was a liability on the employer to pay an additional award under the Employment Rights Act 1996 s.117. The re-engagement order did not create an enforceable obligation on the employer to actually re-engage the employee.

Poshteh v Kensington and Chelsea Royal LBC

[2017] UKSC 36; SC, May 10 2017; [2017] 2 WLR 1417

Determination of application for accommodation as homeless person – Whether applicant entitled on review to article 6 procedural protections.

CS and TC appeared for the Secretary of State for Communities and Local Government, intervening.

(P) v General Dental Council

[2017] 4 W.L.R. 14

Was the legislative provision enabling a dentist to seek a review of a decision to issue a warning retrospective?

(Humphreys) v Parking and Traffic Appeals Service

[2017] EWCA Civ 24

Could a local authority issue a penalty charge notice to a motorcyclist who left his vehicle in a parking bay which was not suspended at the time when he initially parked it?

Evangelou v McNicol

[2016] EWCA Civ 817; Times, September 7, 2016

Was it a breach of contract for the National Executive Committee of the Labour Party to prevent new members from voting in the leadership election in the summer of 2016?

(SG) v Secretary of State for the Home Department

[2016] EWHC 2639 (Admin); [2016] A.C.D. 133

Was the level of asylum support provided by the government contrary to its obligations under EU law, human rights law, and domestic law?

Forge Care Homes Ltd v Cardiff & Vale University Health Board

[2016] 19 CCLR 62

Who pays for the cost of nursing care?

Secretary of State for Education v National Union of Teachers

[2016] IRLR 513

Proposed strike by sixth-form college teachers not unlawful

News, Articles & Publications

Contributor, Tolley's Employment Law and Employment Handbook

Author (with Hannah Slarks), The Claimant's Pre-permission Checklist: *Judicial Review*: Vol 21, No 2

Education

University of Cambridge, BA (Cantab),

University of Pennsylvania, LLM

Other

Before joining 11KBW, Clive practised for two years as an attorney with a leading Wall Street firm, where he specialised in commercial litigation. Clive continues to be a (non-practising) member of the New York State Bar.

Clive served for three years as a member of the Professional Complaints Committee of the Bar Standards Board.



ADDRESS

11KBW
11 King's Bench Walk
Temple
London
EC4Y 7EQ



CONTACT US

T +44 (0)20 7632 8500

F +44 (0)20 7583 9123

OUT OF HOURS CLERK

T +44 (0)7824 365 991



EMAIL

clerksroom@11kbw.com

DX NUMBER

LDE 368
