Jonathan Moffett KC

Silk: 2017 Call: 1996

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Jonathan is an acknowledged expert in public law, and has been described by the legal directories as "one of the best", combining "the perfect blend of razor-sharp intellect, strategic oversight and excellent client skills".

Jonathan's practice has a particular emphasis on the fields of regulatory law, local government law, human rights, education law, environmental law, and health and community care law. He has a huge amount of experience in dealing with claims for judicial review, and he is ranked by the legal directories as a leading silk in administrative and public law, local government law and education law.

Jonathan represents public sector bodies on some of their most important and difficult cases, and he is on the Welsh Government's panel of KCs, the Equality and Human Rights Commission's A panel of counsel, and the NPS panel of counsel instructed by Welsh public bodies. Jonathan sits as a Deputy High Court Judge in the Administrative Court and the King's Bench Division, and as a Recorder in the Crown Court. He is the editor of the sections on judicial review in the White Book, and co-author of the leading public law practitioners' text, *Judicial Review: Principles and Procedure* (OUP, 2nd edition, 2026). Jonathan is a former Chair of the Constitutional and Administrative Law Bar Association.

> ***Jonathan combines technical brilliance and attention to detail with an unsurpassed ability to communicate with the client and reassure them.***
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> **CHAMBERS & PARTNERS**

Jonathan represents government bodies on some of their most important and difficult cases, and he is on the Welsh Government's panel of KCs, the Equality and Human Rights Commission's A panel of counsel and the NPS panel of counsel instructed by Welsh public bodies.

Jonathan sits as a Deputy High Court Judge and as a Recorder in the Crown Court. He is also Chair of the Constitutional and Administrative Law Bar Association, the editor of the sections on judicial review in The White Book, and co-author of a leading public law practitioners' text, Judicial Review: Principles and Procedure (OUP), a new edition of which is due to be published in 2024.

Expertise

Education

Jonathan has unrivalled expertise in education law and he is ranked in the field by both Chambers & Partners and the Legal 500.

In the higher education context, Jonathan has experience of dealing with the full range of issues that arise, including judicial reviews, Tier 4 sponsor issues, inter-institution disputes, breach of contract and negligence claims, discrimination and human rights matters, complaints to the OIA, and student discipline appeals. Jonathan has advised the Office for Students, and has acted for universities in regulatory matters against the Office for Students and the Department for Education.

In relation to schools and academies, Jonathan has expertise in dealing with matters relating to admissions, discipline and exclusions, special educational needs and disability discrimination, school transport, and interventions. Jonathan has particular experience in dealing with issues arising out of academy conversions and school reorganisations and in advising on the structural and funding issues (including land transfers) that arise in that context.

Jonathan also deals with matters arising in the independent sector, including contractual and negligence claims and regulatory issues. Jonathan has particular expertise in human rights issues that arise in the education sector and, as well as having acted in the leading domestic case on the right to education under Article 2 of the First Protocol, he has represented the United Kingdom Government in an Article 2 case before the European Court of Human Rights.

Jonathan is a contributing author to The Education Law Handbook (LexisNexis, 2021).

Recent examples of Jonathan's education law cases include:

> ***Jonathan has excellent client-relationship skills, as well as being the best of the best in terms of expertise.***
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> **CHAMBERS & PARTNERS**

R (Isherwood) v Welsh Ministers

[2022] EWHC 3331 (ADMIN), [2023] PTSR 901 (HIGH COURT)

Jonathan successfully represented the Welsh Government on this challenge to the introduction of compulsory relationships and sexuality education in schools in Wales. The challenge was brought on human rights and common law rights grounds, both of which the court rejected.

Derbyshire County Council v EM

[2019] UKUT 240 (AAC), [2020] ELR 27 (UPPER TRIBUNAL)

Jonathan represented Derbyshire on its appeal to the Upper Tribunal, which decided that there is no requirement to name a school in an EHC Plan in circumstances where the plan specifies that the child will be provided with education otherwise than at school.

R (Hollow) v Surrey County Council

[2019] EWHC 618 (ADMIN), [2019] PTSR 1871 (DIVISIONAL COURT)

Jonathan successfully represented Surrey County Council on this major challenge to its decision to reduce its schools and special educational needs budget by £21 million.

CP v United Kingdom

[2016] 63 EHRR SE14 (EUROPEAN COURT OF HUMAN RIGHTS)

Jonathan successfully represented the United Kingdom on this Strasbourg application claiming that a pupil's exclusion from school gave rise to a breach of his right to education.

R (Durand Education Trust) v Secretary of State for Education

[2020] EWCA CIV 1651, [2021] ELR 213 (COURT OF APPEAL)

Jonathan successfully represented the Department for Education in the latest round of litigation relating to Durand Academy, defending an A1P1 challenge to a direction to make an academy land transfer.

R (Chief Constable of Lincolnshire) v College of Policing

(2019, HIGH COURT)

Jonathan successfully represented the College of Policing in this challenge to the introduction of a new nationwide qualifications framework for police officers.

McTier v Secretary of State for Education

[2017] EWHC 212 (ADMIN), [2017] PTSR 815 (HIGH COURT)

Jonathan represented the Secretary of State in this challenge to the retrospective effect of the regime governing prohibition orders against teachers.

R (Hockerill Anglo-European College Academy Trust) v Schools Adjudicator

[2016] EWHC 1642 (ADMIN) (HIGH COURT)

Jonathan successfully represented the Secretary of State in this challenge to a boarding academy's admission policy which provided for children to be admitted as "day boarders".

Johnston v Secretary of State for Education

[2016] EWHC 1871 (ADMIN), [2017] ELR 163 (HIGH COURT)

Jonathan successfully represented the Secretary of State in this challenge to the imposition of a prohibition order on a teacher who had been accused of ill-treating a child with special educational needs.

R (London Oratory School) v Schools Adjudicator

[2015] EWHC 1012 (ADMIN), [2015] ELR 335 (HIGH COURT)

This was a major judicial review of the Schools Adjudicator's decision that the London Oratory School was operating an admissions policy that breached the School Admissions Code in a number of respects. Jonathan acted for the Secretary of State, who intervened in the case.

R (DD) v Independent Appeal Panel of the London Borough of Islington

[2013] EWHC 2262 (ADMIN), [2013] ELR 483 (HIGH COURT)

Jonathan successful represented the Secretary of State, who intervened in this challenge to an IAP decision which raised difficult questions as to the application of the School Admissions Code in infant class size cases where a school operates split reception classes.

Achievements

Publications

Editor, The White Book, CPR Part 54

Co-author, *Judicial Review: Principles and Procedure* (OUP, 2nd edition, 2026)

Contributing author, *Education Law Handbook* (LexisNexis, 2021)

Appointments

Deputy High Court Judge (King's Bench Division), 2023

Recorder (Crown Court), 2023

Education

Girton College, Cambridge, BA (Hons), Class I

Girton College Cambridge, LLM, Class I

Major Scholarship, Inner Temple

He has colossal public law experience and always comes up with a winning point.

CHAMBERS & PARTNERS

Jonathan is an exceptional barrister: intellectually sharp, strategically astute and a formidable advocate. His drafting is meticulous; his advocacy authoritative and persuasive; and he has an enviable ability to master complex legal and factual issues at speed. He is highly responsive, collaborative and commercial in approach, and clients and instructing solicitors alike place immense confidence in his judgement.

CHAMBERS & PARTNERS

He is a fantastic lawyer.

CHAMBERS & PARTNERS

Jonathan has excellent client-relationship skills, as well as being the best of the best in terms of expertise.

CHAMBERS & PARTNERS

Jonathan is easy to work with, and his advocacy skills are excellent. He is calm, very methodical and clear.

CHAMBERS & PARTNERS

Jonathan is exceptionally bright but personable too. He puts clients at ease and adapts his strategy and advice brilliantly to his audience.

CHAMBERS & PARTNERS

Jonathan is an extremely approachable and personable barrister. Enthusiastic and energetic. Never fazed. Always a pleasure to work with. His advocacy is clear, concise, clever, orderly and ultimately successful.

LEGAL 500, 2026

One of the best.

CHAMBERS & PARTNERS 2023

Jonathan is an outstanding barrister.

CHAMBERS & PARTNERS 2023