James Cornwell

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James practises mainly in public, education, local government, media and data privacy and information law. His work often involves overlap between these areas.

He has acted for a wide range of clients, including government departments and agencies, local authorities, regulators, universities, major companies and third-sector organisations. He is a member of the Attorney General's A Panel of Counsel.

The main legal directories rank James as a leading junior for, variously, administrative and public law (including local government), data protection law and education law.

> ***He has a fantastic legal mind. He gets his head around really technical arguments, and is easy to work with.***
>
> CHAMBERS & PARTNERS

Expertise

Education

James's education practice covers schools (maintained and independent) and further and higher education.

He has appeared before a range of tribunals, including regularly the Administrative Court, FTT (SEND) (formerly SENDIST), and Upper Tribunal (AAC), and also the Court of Appeal, FTT (Care Standards), Special Educational Needs Tribunal for Wales, General Teaching Council, county courts and IAPs.

His schools work has included advice and advocacy on Academies and city technology colleges, special educational needs, age 19+ SEN education, disability discrimination, school exclusions, admissions, independent schools' registration and standards, Ofsted inspections, local authorities' duty to educate otherwise than in school, school transport, residential placements, schools and Early Years childcare funding, and staffing issues.

James's higher education work has included appearances in the county court and High Court in judicial reviews and claims for breach of contract, negligence and race, disability and sex discrimination against universities, as well as advisory work on HE and FE governance, regulation, and organisation, legislation and student funding.

R (LH) v BRIT School

[2017] EWHC 1985 (ADMIN)

Education – admissions – whether City Technology College of the Arts required to comply with School Admissions Code – whether school entitled to withdraw offer of 6th Form place – whether decision irrational.

R (Essex County Council) v Secretary of State for Education

[2016] EWHC 1724 (ADMIN)

Challenge to the Secretary of State for Education's decision to cut funding to Sure Start Capital Funding in Essex. Challenge on basis that the decision was contrary to a substantive legitimate expectation, irrational, in breach of the consultation requirements and contrary to s 149 Equality Act 2010.

R (Essex County Council) v Secretary of State for Education

[2016] EWHC 1724 (ADMIN)

Education – government grants – whether the Secretary of State had taken an irrational or unfair approach to criteria for allowing carry forward of a grant to a local authority for Early Years childcare – whether the Secretary of State had failed to comply with the public sector equality duty.

Mr. & Mrs. X v Governing Body of a School

[2015] UKUT 0007 (AAC), [2015] ELR 133

Disability discrimination – exclusion from school – Equality Act 2010 (Disability) Regulations 2010, reg.4 – meaning of "a tendency to … physical abuse of other persons" – whether reg.4 applies to children – whether pupil's behaviour was manifestation of tendency to physical abuse.

Scarborough v Christ Church Canterbury University

(BRIGHTON COUNTY COURT, HHJ SIMPKISS, CLAIM NO.2IR643251)

Higher education – whether contract claim against university was abuse of process because it could have been brought as claim for judicial review or under the Disability Discrimination Act 1995.

GC & JC v Tameside Metropolitan Borough Council

[2011] UKUT 293 (AAC), [2011] ELR 470

Special educational needs – adequacy of FTT (SEND)'s reasons – determination of contents of Parts 3 and 4 of SEN statement.

R (Hassan) v Coventry University

[2016] EWHC 654 (ADMIN)

Higher education – whether a university had acted irrationally or unfairly in refusing to extend the deadline for a student to enroll on a course.

R (Crawford) v University of Newcastle upon Tyne

[2014] EWHC 162 (ADMIN), [2014] ELR 110

Higher education – whether university complied with the requirements of its course handbook in marking final examination – whether university acted unfairly in application of its Academic Appeals Procedure – whether OIA was adequate alternative remedy.

CW & KW v Staffordshire County Council

[2012] UKUT (AAC) HS/1333/2012

Special educational needs – whether material error of fact in FTT (SEND)'s decision.

Achievements

Appointments

2016 Attorney General's A Panel of Civil Counsel
2012 Attorney General's B Panel of Civil Counsel
2008 Attorney General's C Panel of Civil Counse

News, Articles & Publications

Contributor, *Halsbury's Laws of England* (5th Edition), Vol.61 (Judicial Review)

Contributor, *Information Law Reports*

Contributor, *Local Government Law* (Bloomsbury) (chapter on adult social services)

Contributor, *Tolley's Employment Handbook* (chapter on discrimination and equal opportunities enforcement)

Author, *"Local authority duties under the Children Act 1989"*, PLC Public Sector

Author, *"Mount Cook 1: Whatever Happened to Leach?"* [2004] Judicial Review 49

James has given talks and training (including by podcast and webinar) on various topics in public, employment, discrimination, community care, local government, data protection, freedom of information and education law to solicitors, local authority officers, civil servants, school governors, barristers, IRP panel members, data protection officers and others.

Education

2001-2002 Inns of Court School of Law – Bar Vocational Course

2000-2001 City University – Diploma in Law

1995-2000 Brasenose College, Oxford – DPhil in Philosophy

1993-1995 University College London – MPhil in Philosophy Dawes Hicks Scholarship in Philosophy

1990-1993 University College, Oxford – BA (Hons) in Philosophy, Politics & Economics College Exhibition

Other

Queen Mother Major Scholarship, Middle Temple

Sachs Prize for performance on the BVC, Middle Temple

Benefactors CPE Scholarship, Middle Temple

James is a barrister mentor for student representatives on the City University School Exclusions Project.

James is a member of:

- Administrative Law Bar Association
- Education Law Association
- Employment Law Bar Association
- Employment Lawyers Association

> ***Combines meticulous preparation with excellent clarity of understanding of the law***
>
> LEGAL 500

> ***Able to master a huge amount of detailed material in a short timeframe.***
>
> LEGAL 500

> ***Clever and very experienced***
>
> CHAMBERS & PARTNERS

> ***He is intellectual, hard-working and thorough, and reads every last page of the case***
>
> LEGAL 500

> ***Imaginative, industrious and full of sound judgement; he will go far***
>
> LEGAL 500

> ***He has a fantastic legal mind. He gets his head around really technical arguments, and is easy to work with***
>
> CHAMBERS & PARTNERS

He got to grips with a very difficult project and he was very impressive... It was his great grasp of the complex issues in the case that was really impressive. He had obviously prepared diligently for the hearing and fully understood the arguments and the background

CHAMBERS & PARTNERS

He has a first-class intellect

LEGAL 500

Precise and to the point, he focuses on the key facts and issues

CHAMBERS & PARTNERS