

Russell Holland

Call: 2008

"Just wanted to write a brief email to say thanks for your efforts in our successful case...I found you helpful and professional and on the whole, I enjoyed the experience at the hearing"

Feedback from Client



Russell Holland is a member of No5's Employment and Public Law groups, with experience on a wide variety of cases.

Russell accepts instructions on a direct access basis.

Expertise

Employment

Russell represents both claimants and respondents and has acted in cases of unfair and wrongful dismissal claims arising out of conduct, capability and redundancy issues and constructive dismissal. These cases have also included counterclaims by the employer. He has a particular interest in equality issues and has acted in cases involving disability discrimination, sex discrimination, race discrimination, equal pay and TUPE issues. He has experience of judicial mediation and has successfully settled contentious cases.

He has successfully appealed to the Employment Appeal Tribunal in a case where the Tribunal has substituted its own judgment. Russell was also mentioned in the judgment where he successfully appealed in a case where the Tribunal had breached the rules of natural justice, "In his reply, with a few strokes of the forensic pen as it were, Mr Holland gave what seems to us in context a completely convincing response." (para.17 UKEAT/0133/12).

Russell accepts instructions on a direct access basis and is happy to provide assistance with all aspects of a claim.

Public Law

Russell has wide range of experience of public law with a particular interest in judicial review, education, local government and planning acting on behalf of Claimants and Public Bodies. Russell regularly provides advice and representation on a variety of cases. Recent judicial review experience includes:

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London

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DX: 449 London Chancery Lane
Telephone: +44 (0) 207 420 7500

Bristol

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Bristol
BS1 4ND

DX: 7838 Bristol
Tel: +44 (0) 117 917 8501

- Age assessment of unaccompanied asylum seekers. Russell routinely advises and drafts grounds for judicial review in this area. Cases include both the nature of the assessment itself and the interaction between the Home Office and Local Authorities. These includes issues relating to the legality of detention and obtaining appropriate interim relief.
- Challenges against the refusal of Local Authorities to provide support to children and families under the Children Act 1989. This has included issues in relation to housing and human rights issues arising out of destitution.
- Challenges against the refusal of Local Authorities to provide housing.
- Challenges in respect of a failure by the Home Office to provide support to destitute asylum seekers.
- Challenges in respect of a failure to provide support pursuant to the Care Act 2014 and to charge for support.
- A challenge in respect of exercise of the discretion of the First Tier Tribunal to use its review power.
- Education issues including admissions, school transport and special educational needs (see also Education CV)

In addition Russell has experience of social security, criminal injuries compensation hearings and CRU appeals. He has experience of all aspects of special educational needs law, disability discrimination and school transport. He has experience of the Upper Tribunal and Court of Appeal. As a pupil Russell worked alongside his supervisor on several planning inquiries, High Court and Court of Appeal cases in planning law.

Russell has been an elected Councillor since 2007 where he served on the Planning Committee for 3 years, was Chair of the Children and Young Peoples' Overview and Scrutiny Committee, was Chair of Task Group reviewing the education of children in care and since 2011 he been Cabinet Member for One Swindon Communities and Housing. In 2013 he became Cabinet Member for Finance and has recently taken on additional responsibilities in relation to performance and human resources. He was a member of a Police Authority and is a Governor of a further education college with special responsibility for safeguarding issues. As a student he completed internships in the House of Commons, United States Senate, European Parliament and Public law project.

Education

Russell has considerable expertise in and a passion for all aspects of education law. He recently undertook a secondment in the education team of a leading law firm where he specialised in advising multi academy trusts, maintained schools and local authorities on a variety of matters. He also has a retainer with a large multi academy trust providing advice on a variety of legal issues.

In addition to his legal experience he was a Governor of a Further Education College for 4 years with special responsibility for safeguarding. He has been an elected Councillor since 2007 and served for several years and was chair of the education committee. He was a member of task groups reviewing the education of looked after children and special educational needs. In 2019 he became the Cabinet Member responsible for education and skills.

Russell has extensive experience in relation to multi academy trusts. He led the legal team involved in the rebrokerage of a multi academy trust which was in difficulty. This involved directly advising on and managing the process in relation to TUPE, transfer agreements, property issues, corporate governance issues and several employment issues. His successful work in this area subsequently led to instructions on other difficult rebrokerage situations. He has extensive experience of working with the ESFA on such matters. Russell has also been involved in multiple academy conversions and provided advice in relation to all aspects of in connection with the conversion.

Russell has extensive experience in special educational needs and disability law. He has appeared many times in the First Tier Tribunal, Upper Tribunal and was sole Counsel in an important case in the Court of Appeal about the relationship between the jurisdiction of the Special Educational Needs and Disability Tribunal and school transport. He has experience in respect of refusals to assess and the contents of EHCPs as well as ceasing to maintain EHCPs.

He has provided advice to schools on all aspects of disability discrimination law including school discipline, school trips and

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complaints as well as appearing in the First Tier Tribunal. Russell has provided numerous training sessions for schools on disability discrimination law particularly in relation to exclusions.

Russell has a strong background in employment law having appeared in many Tribunals as well as the Employment Appeal Tribunal. He has more recently focused providing advice on general employment issues as well as education specific issues. This has included advising and assisting in sensitive issues relating to safeguarding and suspension as well as the routine aspects of employment law. He has provided representation at the Teacher Regulation agency.

Russell has assisted both parents and schools with exclusion matters. He has attended meetings of the Governors to consider exclusions and Independent Review Panel. He has provided training sessions to Local Authorities for panel members of the Independent Review Panel and also admissions training.

Russell has also provided advice and representation in relation to judicial review issues. This has included special educational needs, school transport, challenging a decision of the Standards and Testing Agency, education for children other than at school and also funding issues. He also has provided advice on alternative provision issues.

As part of working with schools Russell became very significantly involved in helping schools prepare for and implement GDPR. His work in this area involved providing multiple training sessions which led to invitations to speak at national events and conferences. He was part of a DfE task group which helped produce the guidance on GDPR. He routinely advises schools on GDPR issues.

His recent work includes:

- Providing advice in relation to a judicial review in relation to the regulations relating to the carrying out of a statutory assessment.
- Providing representation where a child had been excluded on multiple occasions and there was a claim of disability discrimination.
- Upper Tribunal cases involving the relationship between special educational needs and family law issues.
- Providing advice and representation in all aspects of appeals to the Special Educational Needs and Disability Tribunal.
- Providing advice in relation to grammar school admissions appeal.
- Assisting a parent resisting an appeal to the Upper Tribunal made by the Local Authority. Permission to appeal was refused.

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