

# Education, Law and Practice

Fourth Edition

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## FOREWORD TO THE FIRST EDITION

This work is an invaluable addition to the already meritorious Legal Action Group publications. Education law is perhaps the most important cornerstone of our society. It deals with the most valuable national asset – our children and our future. Following the Education Act of 1944, aspirations were high. A depressing and deplorable lack of foresight, energy, resources and interest has meant that we have done less than justice to the young. We are now reaping the whirlwind. There is reason to believe that in the last decade reality has obliged our legislators, local education authorities, educationalists, teachers and perhaps even judges to look more closely at the law of education and its practice.

Parents and pupils need assistance to recognise and to claim their right to education. They are encouraged to do so by the incorporation of the European Convention on Human Rights into our domestic legislation by the Human Rights Act, which will come into force in October 2000. Article 2 of the First Protocol provides: ‘No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and teaching, the state shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.’

The authors have wisely divined that parents, pupils and lawyers acting for them need guidance and assistance through this complex body of law. Education law is not a self-contained area of the law. It reaches over into family, housing, community care and also criminal law. The authors are uniquely qualified to take our hands. John Ford is a solicitor specialising in education law, Mary Hughes is a practising barrister who previously worked in local authority education for many years, David Ruebain is a solicitor specialising in education and community care law. Like children, we (local education authorities, teachers, parents, pupils, lawyers and, not least, judges) can reach out with confidence and place our trust in their joint experience and expertise.

I was particularly gratified that they devote two chapters (9 and 11) to special educational needs and social welfare law, both matters to which I have had occasion, professionally and personally, to address. Others will find them of great assistance. Chapter 15 explains the limitations of judicial review and the scope of statutory appeals. Chapter 16, ‘Failure to provide appropriate education’ is of topical interest as we await the outcome of *Phelps v*

*Hillingdon LBC* in the House of Lords concerning dyslexic children (in which I was part of the constitution in the Court of Appeal).

Finally, the authors are to be congratulated on their exemplary use of plain and comprehensible English. Perhaps even a lesson for some teachers!

I commend this book without a single reservation.

Lord Justice Otton