



# Caroline Stone

**Year of Call:** 2005

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## Overview

***A highly-experienced barrister: dedicated and incisive with an excellent 'bedside manner'***

Caroline Stone's practice focuses on public law with a particular expertise in national security litigation and a developing practice in education law. She also has significant experience of employment cases.

Caroline is an accomplished advocate and acts on behalf of a diverse range of clients, including individuals, companies and a variety of public authorities. She is frequently instructed in complex matters raising issues of public importance, including human rights challenges, and has appeared before the Court of Appeal and High Court, in addition to various specialist Tribunals and the County Court. She is a member of the Attorney General's B Panel of Junior Counsel to the Crown, having previously been appointed to the C Panel.

Notable cases include:

- **In the matter of Russian sanctions** - advice regarding Ukraine-related designations and closed material procedures under the Sanctions and Anti-Money Laundering Act 2018.
- **R (Sarkandi, Nabipour and Ors) v Secretary of State for Foreign and Commonwealth Affairs** [2015] EWCA Civ 687, [2016] 3 All E.R. 837 - the leading appellate authority on s.6 of the Justice and Security Act 2013 and the use of 'closed material' in civil proceedings.
- **Z, Y, U, W, BB, PP and G v Secretary of State for the Home Department** [2015] EWCA Civ 9 - protracted litigation regarding the continued feasibility of HMG's Deportation with Assurances policy (proposed deportations of suspected terrorists to Algeria).
- **In the matter of an Academy** - advising the Department for Education in a high-profile case concerning the potential termination of an Academy's funding as a result of poor governance and failure to comply with the Independent School Standards (in particular, provisions relating to safeguarding and the need to promote community cohesion, including concerns about extremism and radicalisation).

Caroline is a founding and Assistant Editor of and contributor to the leading practitioner's textbook *National Security: Law, Practice and Procedure* (Oxford University Press, March 2021).

Caroline's meticulous attention to detail, tenacity, pragmatic advice and personable approach are among her key strengths. These skills are of particular value in the protracted, multi-party (claimant and/or defendant) cases in which she is often instructed, especially those involving substantial documentation.

Complementing her domestic practice in public law and human rights, Caroline also has extensive experience of international law and foreign jurisdictions. Whilst working at the War Crimes Chamber of the State Court of Bosnia and Herzegovina (Sarajevo) prior to joining 3PB, Caroline's caseload included Bosnia's first genocide trial relating to a massacre at Srebrenica. In 2012, she was a Judicial Assistant to the Appeals Chamber of the Special Court for Sierra Leone (based in The Hague), dealing with appeals arising from the conviction of Charles Taylor, former President of Liberia. In late 2011, as a Pegasus Scholar, Caroline undertook a 2-month secondment at the Legal Resources Centre, Cape Town, one of South Africa's pre-eminent public-interest law clinics.

In 2009, Caroline was nominated for a Bar Pro Bono Award for her involvement in **R (Compton) v Wiltshire Primary Care Trust** [2008] EWCA Civ 749, 1 WLR 1436 (a leading Court of Appeal authority on protective costs orders, the predecessor to cost-capping orders), for which she and her co-Counsel received a special commendation from the judging panel.

In her downtime, Caroline has a passion for singing and photography.

## Education

In the course of her public law practice, Caroline has undertaken a range of education-related cases. She is particularly keen to specialise further in Education law and brings to this area not only a wealth of relevant experience from other areas of her practice (e.g. disciplinary issues, discrimination claims and contractual disputes), but also a down-to-earth, considered approach which is particularly well-suited to the sensitive issues and high stakes often at play in education cases.

Caroline's education-related experience to date includes:

- School admissions  
(clerking Admission Appeal Panels, including provision of legal advice regarding disability discrimination)
- School exclusions
  - Representing a school before an Exclusion Appeal Panel (under the previous regime)
  - Providing training to local authorities and Independent Review Panel members on legislative changes
- Judicial review
- Legal action in respect of Ofsted reports (schools)
- Appeals against suspension of registration by Ofsted (Early Years and Child Care providers)
- Governance issues in Academies
- Safeguarding
- Prosecutions for non-attendance (under s.444 of the Education Act 1996)

Whilst at PLP, Caroline's education-related work included:

- Advising on the lawfulness of a University's disciplinary scheme
- Advising a teacher about a potential judicial review in relation to a CRB certificate (which disclosed that the teacher had been the victim of a crime)
- Advice regarding a potential judicial review of a decision to close the (then) last all-male state school in Hackney

Cases of note include:

### **R (Dawatul Islam UK and Eire) v OFSTED**

Successfully resisting a school's application to judicially review an unfavourable progress monitoring inspection report (breach of the Independent School Standards; consideration of the Prevent Duty).

Findings challenged included those relating to the quality of education, the 'spiritual, moral, social and cultural' development of pupils, the welfare of students, leadership and Schedule 10 of the Equality Act 2010.

### **In the matter of an Academy**

The case concerned the potential termination of an Academy's funding as a result of poor governance and failure to comply with the *Independent School Standards* (in particular, provisions relating to safeguarding and the need to promote community cohesion, including concerns about extremism and radicalisation).

#### **JC v OFSTED** [2011] UKFTT 449

Successfully resisting an appeal against temporary suspension from the register of childminders (safeguarding concerns, including allegations of assault; relevance of concurrent police investigation considered).

In addition to the matters listed above, Caroline particularly welcomes new instructions in the following areas:

- SEND appeals
- Independent Review Panels
- Internal academic appeals
- Fitness to Practice hearings (student and Teaching Regulation Agency)
- Disciplinary and grievance procedures
- The intersection between national security and education law
- Higher education cases

Please see Caroline's [Public and Regulatory profile](#) for details of other relevant experience.

#### **Articles**

[SEND provision beyond 24 September 2020 - a brewing storm?](#) – 3PB Education Newsletter, September 2020

[Legislating in the Time of Corona](#) – 3PB Education Newsletter, September 2020

## **Articles**

Legislating in the time of Corona

Caroline Stone examines the Administrative Court's recent decision in R (Amber Shaw (a child, by her mother and litigation friend Deanne Shaw) and ABC (a child, by his mother and litigation friend XYZ) in which two disabled children with EHC plans challenged decisions made by the Secretary of State for Education regarding SEND provision during the height of the pandemic.

[View Article](#)

SEND provision beyond 24 September 2020 - a brewing storm?

Caroline Stone examines the forthcoming changes to the SEND Regulations 2014.

[View Article](#)

## **Academic qualifications**

- MA (Hons) (Law), Downing College, Cambridge University
- Bar Vocational Course, BPP Law School (Very Competent, 9th in year of 300)

## **Scholarships**

- Pegasus Scholarship (South Africa, 2011)
- Chrystal Macmillan Prize (Middle Temple) in recognition of BVC results (2005)

- Queen Mother's Scholar (Major BVC Scholarship, Middle Temple) (2004)

## **Professional qualifications & appointments**

- Attorney-General's Junior Counsel to the Crown (B Panel)
- Assistant Editor, *National Security: Law, Practice and Procedure* (Oxford University Press, March 2021)

## **Professional bodies**

- Constitutional and Administrative Law Bar Association (ALBA)
- Human Rights Lawyers' Association
- Education Law Association (ELAS)