

# Emma Waldron

**Year of Call:** 2011

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## Overview

Emma Waldron is a sought after practitioner and skilled advocate in the field of Education Law. She has a very busy practice and finds herself in Court or in Tribunal regularly. This is carefully managed alongside a busy paperwork practice. Emma's practice has led her to deal with clients in the High Court, Upper Tribunal, County Court and First Tier Tribunal. Emma's client base is wide-ranging and includes parents, students, childminders and local authorities, as well as some of the most prestigious schools and universities in the country.

Emma has significant experience in conducting investigations on behalf of schools and universities which have included safeguarding allegations of the utmost severity. She conducts such investigations with care, diligence, and sensitivity.

Emma also has substantial experience in the Care Standards Tribunal, frequently advising nursery providers and childminders at risk of cancellation and suspension following serious allegations being raised against them.

Within Emma's prolific Education practice, she has been instructed on a number of cases involving complex social and health care issues. As a former Teaching Assistant and Governor at a Maintained Special School for children with severe profound and multiple learning difficulties, Emma has a strong interest in dealing with cases within the SEN arena.

Emma's knowledge and experience within the care industry gives her a real sense of what good care is. Her first-hand experience in the industry has been of real benefit to her clients when Emma has advised on matters that involve care homes, nurseries, childminders or serious safeguarding issues.

The service that Emma provides to her lay clients is second to none and has been proven when dealing with her many cases of a sensitive nature.

## Recommendations

Emma Waldron has a broad practice encompassing a wide range of education matters. She offers expertise in special educational needs and discrimination issues, and advises on admissions and exclusion appeals. She regularly represents universities, schools, academies, and local authorities, as well as parents and young persons.

Strengths: "She has a background in education so gets the difficulties and the entrenched positions of both sides."

"Emma is very empathetic and great with clients."

**Chambers UK 2025**/Education/London Bar

Strengths: "She is a very caring barrister, very approachable and a formidable advocate - firm but fair."

"Emma is the go-to counsel for my team. She provides practical advice, including reputational and commercial

considerations.”

“Emma is thorough, careful and considerate. She is sensitive to clients, good to work with and responsive to questions.”

**Chambers UK 2024**/Education/London Bar

Strengths: “Emma is extremely calm and able to work on very complex, emotive work. She is incredibly bright and collaborative.”

“Emma is a gifted and persuasive advocate who is able to get to the heart of the matter.”

“Emma is an extremely kind, caring and compassionate barrister, providing very thorough and detailed counsel.”

**Chambers UK 2023**/Education/London Bar

Strengths: “Very good and knowledgeable about education law.” “A very sensible advocate.”

Recent work: Successfully acted for the university in *Etowe v Newcastle University*, a case in which the claimant sought damages of approximately £200,000 for misrepresentation, breach of contract and negligence.

**Chambers UK 2022**/Education/London Bar

Strengths: “Her questioning of witnesses is really good – sensitive and to the point. Her written submissions are also really clear.” “She has the ability to calm anxious clients and makes them understand why they are there and what the issues are.”

Recent work: Represented Southampton City Council in an appeal against a decision by the First-tier Tribunal to refuse to name a particular specialist provision in a child’s education health and care plan.

**Chambers UK 2021**/Education/London Bar

### **Emma Waldron is ranked in the Legal 500 2025 – London Bar for Education**

Emma Waldron notably acted for a childminder in successfully appealing an Ofsted suspension notice

‘Emma is a joy to work with. She is incredibly professional. Her knowledge of the law in all things SEND tribunal is second-to-none, and her advice is always very clearly explained and accurate.’

**Legal 500 2024**/Education/Leading Junior/London Bar

‘Emma provides clear, accurate and concise advice in the most difficult cases. Her advocacy is impeccable.’

**Legal 500 2023**/Education/Leading Junior/London Bar

‘Emma is our go-to counsel on contentious education matters; she is very knowledgeable and provides thorough, practical advice.’

**Legal 500 2022**/Education/Leading Junior/London Bar

‘Emma is an excellent advocate, very tenacious and has a high level of mental fortitude. She is passionate about the work she does and instils confidence in clients, even those who are anxious and vulnerable.’

“Emma Waldron successfully acting for Queen Mary, University of London in a discrimination claim.”

**Legal 500 2021**/Education/Leading Individual

‘Does a very good job even in difficult circumstances.’

**Legal 500 2020**/Education/Leading Individual

## **Academic qualifications**

- BPTC (BPP Law School, 2010–2011) – Outstanding
- GDL (BPP Law School, 2009–2010)
- BA (Hons) Politics (St Chad’s College, University of Durham)

## **Scholarships**

- Harmsworth and Astbury Scholar, Middle Temple
- Certificate of Honour, Middle Temple

- Ian Graham Award for outstanding contribution to student life, University of Durham

## **Professional qualifications & appointments**

- ADR Group Accredited Mediator

## **Professional bodies**

- Education Law Association (ELAS)
- Member of the Association of Women Barristers
- Personal Injury Bar Association (PIBA)

# Expertise

## Education

Emma is regularly instructed on behalf of parents, young persons, independent schools, academies, charities, local authorities and universities advising on all aspects of Education Law.

Emma regularly works in the following areas of Education Law:

- SEND
- Disability and Race Discrimination
- Educational Negligence
- Ofsted Appeals
- Safeguarding
- Judicial Review
- Complex admissions arrangements and appeals
- Exclusions
- Breach of Contract
- Debt Recovery
- Deprivation of Liberty (DOLS)
- Academic Appeals and Fitness to Practice

## SEND and Disability Discrimination

Emma has over 10 years of experience in dealing with cases in the SEND Tribunal. This has included appeals against refusals to assess need, appeals against failures to secure EHC Plans, EHC Plan content appeals, and "cease to maintain" appeals. Emma has extensive experience in dealing with cases involving 52 or 38 week residential placements. She also has considerable experience in cases involving education otherwise than in school.

Emma is regularly instructed in complex appeals which involve interrelated health and social care issues.

In relation to disability discrimination claims, Emma has experience in the County Court, High Court, First Tier Tribunal and Upper Tribunal, acting on behalf of parents, students, independent schools and universities. Emma's client base includes some of the most prestigious schools and universities in the country.

As a former Teaching Assistant and Governor at a Maintained Special School for children with severe profound and multiple learning difficulties, Emma has first-hand experience of the special school sector which she is able to draw on in her practise.

Reported cases include the following:

- RB v Calderdale MBC (SEN) [2022] UKUT 136 [2022] (AAC)
- MS and NS v Hertfordshire CC (SEN) [2022] UKUT 102 (AAC)
- NE and DE v Southampton City Council (SEN) [2019] UKUT 388 (AAC)
- JJ & EE v Buckinghamshire Council: [2022] UKUT 345 (AAC)

## OFSTED

Emma's experience of successfully challenging decisions made by Ofsted is considerable. She regularly acts for childminders and nurseries in the Care Standards Tribunal, challenging suspension and cancellation decisions, as well as refusals to register. The subject matter of these appeals is often extremely sensitive and emotionally highly charged. Emma is both pragmatic and thoughtful in her approach to these cases, and Emma has significant experience of negotiating settlements outside the Tribunal.

Examples of Emma's work in the Care Standards Tribunal can be seen in the following reported cases:

- OB v Ofsted [2023] 4822.EY-SUS
- F v Ofsted [2023] 4957.EY-SUS

Emma has also delivered advice and training to Schools on judicially reviewing the contents of Ofsted reports.

## Safeguarding

Emma has conducted a number of complex investigations concerning matters of safeguarding for universities, colleges and independent schools. These investigations have ranged from allegations against senior members of staff to allegations of peer-on-peer abuse.

Emma's knowledge and experience in the fields of education law and the care sector enable her to conduct such matters with fairness and sensitivity.

Emma has experience of conducting investigations where there may be overlapping regulatory or criminal proceedings.

## Judicial Review

Emma is regularly instructed by parents and Local Authorities in judicial review proceedings involving section 42 of the Children and Families Act 2014, section 19 of the Education Act 1996 and Article 2 of Protocol 1 ECHR.

More recently, Emma successfully acted on behalf of a Local Authority in a judicial review claim against a grammar school's decision to deny a pupil the opportunity to sit the 11+ examination following their late application.

## Breach of Contract/Educational Negligence claims

Having previously practised in the field of personal injury and clinical negligence, Emma is highly experienced in civil litigation and is regularly instructed to advise in County Court and High Court claims against schools and universities. Noteworthy claims have included the following:

- Successfully acting for Queen Mary, University of London in a race discrimination claim.
- Successfully striking out a claim against Newcastle University pleaded at in excess of £200,000.
- Successfully defending a breach of contract claim against a prestigious single sex independent school.

## Mediation

Emma is an ADR Group Accredited Mediator.

## Court of Protection

Emma's practice in the fields of Education Law and Personal Injury Law has, in recent years, led her to advise on matters of capacity and issues involving the Court of Protection.

She has a particularly strong interest in:

- Deprivation of Liberty Safeguarding
- Issues surrounding consent to medical treatment
- Lasting Powers of Attorney
- Deputyship.

Having previously worked in the care industry and in special schools, Emma has a unique insight into questions of care and capacity. She recently delivered a talk on the Care Act 2015 and its interplay with the Mental Capacity Act 2005.

She is happy to take instructions from local authorities or individuals.

### Recent cases:

- Re MD: acting on behalf of the Official Solicitor in relation to an application to revoke an LPA and appoint a Welfare Deputy
- Re ALS: acting on behalf of the Official Solicitor in respect of challenge to a standard authorisation which deprived P of his liberty
- Re FL: acting on behalf of the Applicant who was seeking to oppose the registration of an LPA which had been purportedly obtained by duress
- Re RB: judicial review proceedings, challenging a local authority's decision that the Applicant was not eligible for care and assistance under the Care Act 2014.

## Public and Regulatory

Emma Waldron is an expert in all aspects of education law and in regulatory proceedings. Emma is regularly instructed on behalf of parents, young persons, independent schools, academies, charities, local authorities and universities advising on all aspects of education law.

Emma also has substantial experience in the Care Standards Tribunal, frequently advising nursery providers and childminders at risk of cancellation and suspension following serious allegations being raised against them.

As a former Teaching Assistant and Governor at a Maintained Special School for children with severe profound and multiple learning difficulties, Emma has a strong interest in matters within the SEND field.

Emma also has extensive experience in providing training to schools and expert witnesses on Ofsted Appeals and has advised numerous clients on challenging Ofsted decisions. For instance, in January 2023, she successfully acted for a registered childminder in getting their suspension lifted in an appeal against Ofsted.

## Articles

Emma Waldron on the case of Hampshire County Council v (1) GC (2) GC (SEND): [2024] UKUT 128 (AAC) and the decision by a local authority to cease to maintain the EHC Plan of a child who had moved abroad.

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Special education barrister [Emma Waldron](#) shares her top 10 takeaways from the long-awaited Special Educational Needs and Disabilities and Alternative Provision Improvement Plan which the Government published on 2 March 2023.

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[Emma Waldron](#) reflects on the last 12 months of virtual hearings in the SEND Tribunal and looks at the many benefits as well as the disadvantages of the "new normal".

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"Low arousal" environments examined by the Upper Tribunal

Emma Waldron reviews *Jl and SP v Hertfordshire County Council (SEN)*, in which the Upper Tribunal examined whether sufficient reasons had been given by the First Tier Tribunal for rejecting expert evidence and for finding that a school could provide a "low arousal environment".

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