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Year of call: 2001



## Main Areas of Practice

Education, community care and capacity  
Immigration & asylum  
Prison law

Nick specialises in public law with a particular focus on education and community care, immigration and asylum and prison law. He also carries out a lot of mental health (particularly capacity) work in the Court of Protection and the High Court, as well as disability discrimination claims and inquests (where they arise in his other practice areas so particularly mental health, immigration and prison facilities). Nick is particularly interested in cases that arise in one or more of his other areas so acts in a number of claims raising issues of asylum support, children leaving care (including former asylum seekers), and disability discrimination in detention facilities.

Nick is a former solicitor having started practice in the Public Law Unit at Irwin Mitchell. Prior to that he was a research fellow at the Nottingham Law School where he completed a PhD and then further research on civil justice reform. He is the editor of Education, Public Law and the Individual and the deputy editor of the UK Human Rights Reports.

### Education and community care

Nick practises in all areas of education and community care but in education he is particularly interested in special educational needs and cases raising issues of social exclusion such as cases in respect of looked after children, migrant children and cases with a criminal context.

In community care Nick has a particular interest in vulnerable adults and questions of capacity. He has significant experience of "best interests" litigation in the Family Division and the Court of Protection.

Nick is currently a member of the Lamb inquiry into parental confidence in the SEN assessment process, established by the DCSF in February 2008.

### Immigration & asylum

Nick is an experienced immigration and asylum lawyer and a member of the Executive Committee of the Immigration Law Practitioners' Association. He regularly appears in the Asylum and Immigration Tribunal and the higher courts. His particular expertise lies in asylum, refugee family reunion and cases overlapping with his other areas of practice including discrimination and false imprisonment. Nick has also done a great deal of work in connection with foreign national prisoners both from the prison side - establishing the immigration status of life sentence prisoners and advising on the possibility of release abroad - and introducing prison risk assessment expertise into deportation proceedings.

### Prison law

Nick regularly advises and represents on applications for judicial review in the prison context, and frequently appears before the Parole Board. He is interested in all aspects of prison law and the assessment of risk (whether in the parole or the categorisation context) and he has a particular expertise in respect of elderly prisoners, prisoners with disabilities and foreign national prisoners.

### Recent cases of note include:

#### In education, community care and capacity

AM v Birmingham City Council [2009] EWHC 688 (whether DDA adds anything to FACS-compliant community care decisions)

B v Cornwall County Council [2009] EWHC 491 (lawfulness of care charging decisions)

V v IAP for Tom Hood School [2009] EWHC 369 (Admin) (Article 6 compatibility of school exclusion proceedings)

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R (L) v Merton LBC [2008] All ER (D) 144 (Jun) (rationality of children's care planning; whether the Arrangements for Placement of Children (General) Regulations 1991 impose a limit on respite care)

A Local Authority v E (2008) 1 FLR 978 (best interests of vulnerable adult)

LH & MH v London Borough of Lambeth [2006] EWHC 1190 (the first case to look at the local authority cooperation duties under the Children Act 2004)

#### In immigration and asylum

N v Secretary of State for the Home Department [2009] EWHC 873 (Admin) (Secretary of State forced to return asylum seeker unlawfully removed)

Gichura v Home Office [2008] The Times 4 June (key case establishing the application of the DDA to detention including immigration detention)

Miao v SSHD [2006] EWCA Civ 75 (dealing with the application of the Refugee Family Reunion Policy in Article 8 cases and establishing that it sets a lower threshold than the Immigration Rules)

HK v SSHD [2006] EWCA Civ 1037 (now a key case on the proper approach to implausibility in factually unusual cases)

#### In prison law

James, Lee & Wells [2009] UKHL 22 (Article 5 and IPP sentences).

R (W) v HMP Y (application of DDA to transfer of life sentence prisoners with medical needs to open conditions: settled in claimant's favour in 2007).

#### Directories

Nick is recommended by the Legal 500 2009 as a leading junior in Admin and Public law and Education law "operates to very high standards of professional service".

Nick is ranked as a leading junior by Chambers & Partners 2010 in civil liberties, education and immigration "creative and interesting, clever and quick, Armstrong is a rising star of the practice".

#### Publications & papers

Nick is the editor of Education, Public Law & the Individual and the deputy editor of the UK Human Rights Reports (Jordans). He is a regular contributor to professional journals in respect of all his practice areas and has written particularly extensively on civil justice and legal aid including as a former contributor to Blackstone's Civil Practice and to Zuckerman & Cranston, Reform of Civil Procedure: Essays on Access to Justice (OUP 1995).

Nick is always pleased to be approached about providing training and education, both within and outside the legal profession. He is a regular speaker for organisations such as Informa, Jordans, the Institute of Prison Law and HJT (on immigration) and also conducts training for charities, local authorities and professional groups including teachers and therapists.

#### Career

2007 Joined Matrix

2001 - 2007 Barrister at Tooks Chambers

1998 - 2001 Solicitor in the Public Law Unit, Irwin Mitchell

1997 - 1998 Trainee solicitor, Irwin Mitchell (reduced training contract)

1995 - 1997 Post-doctoral research fellow at Nottingham Law School

1991 - 1995 Researcher to the Centre of Advanced Litigation, Nottingham Law School