



DAVID WOLFE QC

MAIN AREAS OF PRACTICE:

Community care law
EU law
Environmental law and natural resources
Discrimination and equality
Education law
Healthcare, mental health and mental capacity
Human rights law
Local government law
Media and information law
Public law

Called to the Bar 1992

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David Wolfe works as a public lawyer (QC) at Matrix. He is also the Chair of the Recognition Panel established by the Royal Charter in the light of the Leveson Inquiry into the culture, practices and ethics of news publishers.

Until April 2013, alongside his work as a barrister David was also a Commissioner (non-executive director) at the Legal Services Commission and a Board Member of the Legal Services Board. Until July 2008, he was a part-time Chair of the Special Educational Needs and Disability Tribunal. David is an A-Panel member of the Equality and Human Rights Commission's Panel of Preferred Counsel.

David also trains lawyers and other professionals, particularly in education and public law. He contributes regularly to general and specialist publications and radio broadcasts on legal issues including human rights, education law, environmental law, community care and health law. David is an ADR Group Accredited Civil and Commercial Mediator.

David believes passionately that public bodies should act in a fair and open way, and that the law and lawyers have a key role in ensuring that happens. David's blog www.acanofworms.org.uk

is for people concerned about academies/free schools and the law.

DAVID'S LEGAL WORK

In his work as a public lawyer, David specialises in "judicial review" challenges to the legality of the decisions of, among others, government, regulators (including environmental and professional regulators), local authorities, schools and health bodies.

David has particular expertise in:

- environmental law,
- education law,
- community care law,
- health and disability law, and
- local government law.

DAVID'S CLIENTS INCLUDE:

- individuals (typically people seeking to secure legal entitlement to public services and to lawful decisions)
- Non-Governmental Organisations (NGOs), such as Friends of the Earth, WWF, Client Earth, the RSPB, the Woodland Trust, Humanists UK, the National Secular Society, Badger Trust, RSPCA, Guide Dogs, IPSEA (the Independent Panel for Special Educational Advice), and the Council for National Parks, An Taisce (the Irish National Trust) and HS2AA (HS2 Action Alliance) and;
- bodies such as The Equality and Human Rights Commission.

As well as providing direct legal advice and representation to clients involved in cases going

to court, David has also (for example) provided legal input into the development of the policy of various NGOs and chaired a panel of experts who formed an Inquiry Panel constituted by the Disability Rights Commission to consider the inequalities in access to "primary" health care services (GPs and similar) experienced by people with learning disabilities and mental health problems.

DAVID'S RECENT AND CURRENT CASES INCLUDE:

- Acting for a Haringey resident challenging the Council's decision to set up a partnership with a private developer (the HDV) to redevelop all the Council's property assets including homes
- Acting for the RSPB, Client Earth and Friends of the Earth in their legal challenge to new court costs rules which will make it harder to bring environmental legal challenges.
- Acting for residents in their legal challenge to a new parking scheme in Hammersmith and Fulham.
- Acting for Chancepixies, an animal welfare charity, in its legal challenges to licences issued to 'puppy farms'.
- Acting for children challenging Oxfordshire's decision to close its Children's Centres.
- Acting for Humanists UK in its challenge to the legality of the Religious Studies GCSE curriculum.
- Acting for St Mary Magdalene Academy in its challenge to the Home Office's refusal to allow its Chinese student exchange programme.

- Acting for Shepherds Bush Market Tenants Association challenging the planned redevelopment of the market.
- Acting for residents of Cressingham Estate challenging the legality of the decisions to demolish the estate.
- Acting for hospital patients challenging the legality of the NHS Guidance which told doctors to pass their personal details to immigration officials.
- Acting for Child Soldiers International challenging the legality of the rules for recruiting under 18s to the Army.
- Acting for the children of a transgender woman challenging the way she was recorded on their birth certificates.
- Acting for WWF and Fish Legal challenging the Government's slow action on the impacts of farm pollution on EU protected Special Areas of Conservation.
- Acting for local campaigners and Friends of the Earth challenging the legality of decisions to permit fracking including in Ryedale (North Yorkshire), in Balcombe (West Sussex) and Preston New Road (Lancashire).
- Acting for buskers challenging Camden's busking licensing scheme.
- Acting for disabled people challenging cuts to community care services including in Merton and Birmingham.
- Acting for the Equality and Human Rights Commission in the recent Court of Appeal case which established that doctors are obliged to

consult patients before imposing DNACPR Notices.

- Acting for Badger Trust challenging the legality of the Government's decision to allow badger culling in Somerset and Gloucestershire without it being subject to independent oversight and evaluation.
- Acting for the Irish National Trust challenging the legality of the Government's decision to grant planning permission for Hinkley Point C nuclear power station without consulting people in Ireland on its potential impact (from nuclear accidents) in Ireland.
- Acting for severely disabled people challenging the legality of the Government's decision to close the Independent Living Fund (which allows some 18,000 disabled people to live independently including living in the community, attending education and working).
- Acting for the campaign group on behalf of some 172,000 people living along the route of HS2 challenging the legality of the Government's compensation proposals."

David is regularly identified by the legal directories as a "leading" barrister in the areas in which he practices. Comments in the 2018 directories report that he is "an extremely impressive advocate" and "he is astute and offers outstanding strategic counsel." He offers "incredibly clear drafting", is "very client-friendly and very pragmatic" and is regarded as "a go-to person, who can understand the most complicated of problems and explain them with a clarity no one else seems to have". Solicitors hail him as "remarkably engaging and very inspired"

in his advice.” David enjoys working as part of a close and relatively informal team with clients and those instructing him. David is flexible in how he applies his skill and experience, including as a lawyer, to meet his clients' needs.

David will make sure that ‘reasonable adjustments’ are made (such as providing information in an ‘accessible’ form) as needed.

David is happy to discuss matters ahead of formal instruction. David will charge on a basis which reflects the client's circumstances and the case, and is happy to consider acting on a DFA (Discounted Fee Agreement) or similar basis in appropriate cases.

ENVIRONMENTAL LAW

David specialises in judicial review challenges to planning and other decisions which permit environmentally harmful development. His cases often involve complex legal matters, including principles derived from European Union law (such as the requirement for Environmental Impact Assessment). The subject matter has included fracking, waste disposal facilities; incinerators; mobile phone masts; nuclear installations; cement kilns; new roads; wind farms; and contaminated land.

Before he was a barrister, David did a PhD in Engineering. He is regularly involved in cases involving complex technical evidence.

EDUCATION LAW

David regularly acts for NGOs and parents/children in Upper Tribunal appeals and judicial review challenges relating to education

law. This includes Special Educational Needs (SEN), disability discrimination, admissions, exclusions, the curriculum and school re-organisations.

David has particular expertise and experience in issues arising from the establishment and operation of academies and free schools. His blog www.acanofworms.org.uk is for people concerned about academies/free schools and the law.

David's SEN cases have involved all aspects of SEN law including questions about jurisdiction of the SENDIST; the obligation to specify and quantify provision in a Statement of SEN; the designation of special schools; the obligations in relation to parental preference; and the enforcement of provision set out in a Statement of SEN.

David's exclusion cases have considered a range of issues such as the complainant's right to appear before an exclusion appeal; the legality of Government guidance on exclusions; and the admissibility of 'hearsay' evidence.

David's school re-organisation cases include a particular focus on how Academies are set up and operated, and on the involvement of the public in those processes.

Other cases have involved the inclusion of non-religious world views in the RE curriculum and of persons with such views in Standing Advisory Councils on Religious Education

DISCRIMINATION/EQUALITY AND MENTAL HEALTH LAW

David advises and acts for NGOs and individuals (including many people with a disability).

David's cases have involved judicial review and "Best Interests" challenges on things like:

- the Public Sector Equality Duty
- doctors' misconduct;
 - the right to medical treatment;
- whether life-saving medical treatment should be continued or withdrawn and the imposition of DNACPR notices;
- discrimination, including disability discrimination and the equality duties;
- community care assessments, care plans and the provision of community care generally;
- obligations on CCGs relating to NHS continuing care;
- User Independent Trusts;
- manual lifting;
- hospital closures and consultations;
- the establishment of Independent Sector Treatment Centres (and other private provision) within the NHS
- eligibility criteria and the rationing of services including health services;
- mental health issues including questions of "capacity";
- charging for services;
- complaints procedures;
- confidentiality including the confidentiality of patient information;
- health care and benefit entitlements; and

- the interaction between health, education and social services provisions.

LOCAL GOVERNMENT LAW

David advises and acts for individuals, community groups and NGOs on a wide range of matter to do with local authority funding, governance and decision-making including:

- decision-making around housing and regeneration schemes;
- budget making and budget decisions;
- re-organisations and closures of facilities like libraries and day centres
- consultation
- the Public Sector Equality Duty; and
- the Best Value duty

DIRECTORIES' RECOMMENDATIONS

"David Wolfe is a go-to person, who can understand the most complicated of problems and explain them with a clarity that no one else seems to have."

"He is astute and offers outstanding strategic counsel." "He is very clever, very committed and he pushes cases hard."

Chambers & Partners, 2018

"An excellent advocate who is great with clients and superb at drafting." "Just phenomenal - he will get a point straight away and just run with it. He's incredibly bright and at the pinnacle of his profession in terms of this area of the law."

"A wonderful mixture of skills. An extremely impressive advocate who provides incredibly

clear drafting and is fantastic with clients. A real pleasure to work with."

Chambers & Partners, 2017

"One of the best advocates at the Bar, he is also brilliant with clients - he really understands them." "Extremely quick and bright, he is a rare silk in that he's also very approachable and you can talk to him as equals."

"He is frighteningly clever - he is usually the cleverest person in the room. His brain works ten times faster than anyone else's, which is awe-inspiring." "He is unassuming and generous with his time, and speedily grasps the crux of an argument."

"He's excellent when it comes to detailed legal analysis."

"His arguments are always logical, clear and easy for the court to follow."

Chambers & Partners, 2016

If you would like any further information regarding David Wolfe and the work described above, please contact his Practice Team, or call +44 (0)20 7404 3447.

David accepts instructions under Standard Contractual Terms, details of which can be found on our website under Our Service.