

Head of Education, Mark Blois celebrates 25 years of being an education lawyer

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The new academic year 2021/22 will see the 25th anniversary of the start of Mark's career as an education lawyer. As he reaches this major milestone Mark reflects on his professional journey and some of the achievements of the Browne Jacobson team he founded and has led.

Early days as an education lawyer

It is somewhat extraordinary to find myself reflecting back on having completed 25 years as a lawyer dedicated to supporting and advising the education sector. Around the time I started my legal career a new area of law was developing around what were known as 'failure to educate' claims. These were insured liability claims in which claimants typically alleged negligent failures by those involved in their education to diagnose their special educational needs (SEN) and put in place appropriate support during their education. Thanks to Browne Jacobson's client base of major insurers involved in the local authority market, I had the opportunity as a young lawyer to be at the forefront of these new types of claim. I enjoyed the intellectual challenge but, in particular, I found the range of education professionals I got to work with, including head teachers, SENCOs and educational psychologists and their professional and personal values to be a hugely rewarding group to work with. Through working on these claims, I learnt a great deal about the education sector and the work of education professionals. It became clear to me that I wanted to dedicate my legal career to advising education professionals and the organisations within the education sector.

Founding the Browne Jacobson education team

Since then, my work as an education lawyer over the last 25 years has been wonderfully diverse and fulfilling. While my career began working exclusively on education negligence cases, my interest in the education sector then led to me seeking to actively diversify the range of legal advice I provided to education providers to include other aspects of education law, such as admissions, exclusions, SEN, pupil behaviour and child protection. Back then, specialist education lawyers, certainly outside of local authority legal teams, were quite a rare breed, but I was able to build a practice for myself that, in turn, enabled me to found a small Education team at Browne Jacobson that supported and advised school clients in relation to education law issues and helped them manage some of the practical implications of what tended to be an escalating stream of new statutory guidance and regulation.

A period of significant policy developments

Browne Jacobson's Education team was fortunate to enter the market at the beginning of what turned out to be a hugely significant decade of policy developments around the school system. First, the School Standards and Framework Act 1998 introduced foundation schools as a replacement for grant-maintained schools, which were schools whose governing bodies were afforded greater freedoms in the running of their schools. Further developments around school system reconfiguration and governance autonomy followed thereafter.

In 2000, the original academies programme commenced via the provisions of the Learning and Skills Act 2000 although, at that point, the number of academies remained very small, and in 2007, proposals for another new form of school, the trust school, were enacted in the Education and Inspections Act 2006, which added further momentum to the theme of giving increasing freedoms and devolved decision making powers to schools and reducing the role of local authorities. The climax of this run of significant policy developments around the school system was then the Academies Act 2010. It was a fascinating period and the education team and its client base grew steadily during this time.

The evolution of the modern education law team

Since 2010, thousands of schools have converted to academy status, adopting the status of charitable companies and starting to employ their own staff and manage their own assets. The range of law with which academies are required to engage is much more wide ranging than maintained schools, and the legal and regulatory framework for academies has evolved with increasing complexity over the last decade. As a corollary of this, the range of legal advice education clients have required has diversified incredibly. In tandem with that development, we have seen the emergence of multi-academy trusts, as the predominant model of governance within the education sector. These multi-academy trusts are essentially large charitable companies delivering state education, and the legal teams who serve them have needed to progressively build their capability and capacity to ensure that they have continued to meet the legal needs of their clients. As a result, the modern education law team is a very different and much larger organisation than the small and very niche teams that existed before.

Browne Jacobson's Education team today

Against this background, I have had the great privilege of leading the Browne Jacobson Education team from its modest beginnings to become the market-leading practice it is today. Today, I oversee a multidisciplinary team of around 70 lawyers across a national network of offices, meeting the legal needs of over 1,300 different education providers every year. While still a specialist area of the legal profession, the number of education lawyers has increased significantly, in particular over the last ten years, and it is a little odd to now find myself to be one of the most experienced education lawyers in the country. Reflecting back on having completed 25 years as a lawyer dedicated to supporting and advising the education sector, I find myself feeling very grateful for having had the opportunity to work in such a fascinating and fast-developing area of legal practice. I have also had the pleasure of working with a wonderful and talented team of colleagues whose commitment, as we have built the hugely successful Browne Jacobson team together, has been extraordinary. However, above all, I feel honoured to have been able to serve the thousands of education professionals who have been my clients over the last 25 years. The values of education professionals and their remarkable work improving the life chances of children and young people was what originally inspired me to become an education lawyer all those years ago, and it is also what has sustained my ongoing commitment to the education sector over the years that have followed.

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