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the cutting edge of everything”

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## Claire Palmer

Call: 2003

Claire specialises in employment, public /administrative, inquests, inquiries and civil claims. She is regularly instructed by a number of government departments as well as Police forces in inquests and public inquiries, and has significant experience across a broad range of civil cases.

Claire is considered to be *“personable and engaging as well as excellent with clients”*. She is rated by clients for representing *“the best of barrister qualities – she’s clear and articulate about the big picture, but in preparation her attention to detail is excellent”*.

Claire regularly appears in the Employment Tribunal, County Court and High Court. She frequently represents the Government in relation to cases with a national security element and has particular experience of the issues that arise in such cases.

Recent examples of her work include: senior junior counsel on the **Undercover Policing Inquiry** for the Designated Lawyers team (representing a significant number of former SDS officers); representing the Crown Prosecution Service in a substantial malicious prosecution, misfeasance in public office, and conspiracy to injure case; and a number of substantial inquests on behalf of HMPPS arising out of deaths in prison custody

Claire is appointed to the Attorney-General's B Panel of Junior Counsel to the Crown.

Claire practised for nine years at a common law chambers before joining 5 Essex Court in 2014. In her early years of practice, Claire appeared regularly in criminal cases and was on the CPS Prosecution list.

Claire was a member of the London Board of Crimestoppers working alongside the Metropolitan Police and chairs her local Police SNT Ward Panel.

## Recommendations

*“represents the best of barrister qualities – she’s clear and articulate about the big picture, but in preparation her attention to detail is excellent”*

*Client Feedback*

*“personable and engaging as well as excellent with clients”*

*Client Feedback*

*“concise, practical advice”*

*Client Feedback*

*“an effective and persuasive advocate”*

*Client Feedback*

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## Employment

Claire has a wide experience of drafting and advocacy in employment matters. She has appeared as an advocate in the County Court, High Court, Employment Tribunals and EAT.

Claire undertakes both Claimant and Respondent work in the Employment Tribunal, ranging from small family employers to large Government organisations (including police forces). Her practice covers all areas of employment law, and she accepts instructions in Tribunals across the country. Since her appointment to the Attorney General's Panel, she has represented a number of Government departments including Her Majesty's Prison and Probation Service, the Ministry of Justice, the Department of Health, the Home Office, GCHQ and the Ministry of Defence. Since 2014, she has been regularly instructed by a number of police forces including Kent, Thames Valley, as well as the National Crime Agency. She also represents individuals (both on a direct access basis and instructed by solicitors) as well as a range of Respondents from including large employers such as Channel 4 and Ladbrokes.

Claire is regularly instructed in fact-sensitive discrimination and whistleblowing complaints and has considerable experience of disability discrimination claims. She has a strong record of striking out claims at the earliest opportunity, obtaining costs orders in unmeritorious claims, and is regularly called upon to act in cases involving senior Government employees.

Claire's clients have particularly commented on her pragmatic and honest approach to the underlying issues that often arise in employment relationships and her understanding approach to witnesses and clients.

Notable cases include:

- Successfully represented a company who engaged a pilot as Chief Captain of a private plane in a 3-day hearing for unfair dismissal, whistleblowing, and breach of contract, including issues of employment status.
- Represented a former finance director of an AIM listed company in a 5-day Tribunal hearing for equal pay, sex discrimination, unfair dismissal, wrongful dismissal etc. The case was settled for an undisclosed sum on day 3 after Claire had cross-examined the Chief Executive of the Respondents.
- Successfully represented Millwall Football Club in a 2-day hearing involving unfair and wrongful dismissal from a former employee.
- Successfully represented a Government department in a 10-day disability discrimination case.

Claire also appears in the Employment Appeal Tribunal. Reported cases include ***GCHQ v Bacchus* [2012] Eq. L.R. 1002** and ***Jennings v Barts and the East London Trust* [2013] Eq. L.R. 326** both dealing with disability discrimination.

In March 2014, Claire appeared for the MOD in the first ever full merits hearing in the Industrial Disputes Tribunal in the Sovereign Base Area, Cyprus. She was called to the SBA Bar, and successfully defended the claim dealing with issues of TUPE, contract, unfair dismissal and redundancy.

## Police Law

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Claire is regularly instructed by a number of Police forces in a variety of employment claims, inquests, judicial reviews and general civil claims. Claire has also been instructed in inquiries involving the police. In 2017 she was instructed in the **Grainger Inquiry** (on behalf of the IPCC) which considered issues relating to the use of firearms, surveillance and intelligence gathering as well as the post incident procedures. In 2017, she was instructed as a senior junior on the **Undercover Policing Inquiry** for the Designated Lawyers team on behalf of a number of former SDS officers.

Claire has an excellent grasp of the issues facing police forces, from a practical and working perspective as well as experience of the legal issues. Her parents are both former police officers, she chairs her local Ward Panel Safer Neighbourhood Team, and was previously a member of the London Board of Crimestoppers. Combined with Claire's previous experience as a criminal advocate (both prosecuting and defending) in the early stage of her career, she understands the particular challenges currently facing police forces and police officers. Claire's clients comment favourably on her "*down to earth approach*" and ability to win the trust of police clients at all levels.

Claire has built upon her experience acting for Government departments defending claims brought by ex-employees and prisoners for negligence, interference with property rights, personal injury, harassment, misfeasance in public office and breaches of human rights. As a member of the Attorney-General's B Panel, Claire is regularly instructed by the Crown Prosecution Service co-defending with police forces in claims of misfeasance in public office, **Zenati** claims, and claims relating to the misuse of information and connected claims. She has been instructed in respect of a number of claims arising out of Operation Elvedon in respect of the misuse of private information and breach of confidence claims.

Claire has an excellent knowledge of the specific issues affecting police forces in the Employment Tribunals particularly discrimination claims, claims arising from attachments to other organisations and forces, and whistleblowing. Recent employment cases include acting for the National Crime Agency in whistleblowing claims brought by 3 former attached officers, acting for Kent Police in a disability discrimination claim, and a sensitive sex discrimination claim for another police force which was successfully settled on favourable terms. Claire also has experience of Equality Act claims in the County and High Court and has advised on equality impact assessments on behalf of the MOJ.

Claire also undertakes advisory work for Police forces and Police and Crime Commissioners. She has recently advised on topics such as the availability of police allowances, the complex issues involved for police officers dealing with cloud computing in the context of searches of suspects' premises, and in respect of actual and threatened judicial review proceedings.

## Inquests

Claire is regularly instructed in inquests with particular experience of dealing with deaths in or on release from custody (including police and prison custody and immigration detention) and after contact. She has an excellent relationship with clients who comment favourably on her pragmatic and straightforward approach to the process. Claire is also instructed in a number of civil claims arising out of cases connected to inquests.

Recent cases include:

- Instructed by a Police force in respect of a death in police custody giving rise to issues of searches and the potential ingestion of drugs;
- Inquest for the Ministry of Justice in relation to a prisoner who confessed to the murder he had previously denied in the face of a high-profile innocence campaign;
- Inquest for a Police force including detailed consideration of the Prisoner Escort Record forms and information communication;
- Three-week inquest for the MOJ relating to a death in custody;

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- Inquest for GCHQ in respect of the death of one of their employees.

Claire's employment experience has been particularly invaluable in two recent cases where the (deceased) individuals were employed by state agencies. Her experience of disability discrimination cases in the Employment Tribunal and civil courts is valuable in addressing cases involving issues relating to mental health.

## Public Inquiries

Claire is instructed by the IPCC (now the IPOC) in the public inquiry into the death of **Anthony Grainger**. The Inquiry heard evidence over a 3-month period in 2017 and has recently heard evidence in respect of recommendations with the report due out later this year.

Claire also has experience of inspections under the Local Government Act 1999 having advised in respect of the Inspection into Avon Fire and Rescue Authority in 2017.

In August 2017, Claire was instructed as senior junior counsel to the Designated Lawyers team representing a significant number of former Special Demonstration Squad officers in the **Undercover Policing Inquiry**. Claire works as part of a team of 10 barristers (led by a silk) and liaising with other core participants in the UCPI and the Inquiry itself. Claire is involved in all aspects of the UCPI relating to her clients with a particular focus at present on the restrictions order process.

## Public / Administrative

Claire undertakes judicial reviews in wide range of forums including the High Court, but also has considerable experience of the Special Immigration Appeals Commission (SIAC) and in the Sovereign Base Area Cyprus. Recent cases include representing the Service Complaints Ombudsman in judicial reviews relating to the Armed Forces, advising the Metropolitan Police in relation to a threatened judicial review relating to a former undercover officer and the payment of sick pay, and drafting submissions in respect of the costs element of the Ian Brady judicial review challenge.

As well as appearing as an advocate, Claire has been involved in a number of cases in an advisory capacity and has successfully defended and avoided claims on receipt of a letter before claim, and at the permission stage.

In the SBA, Claire has acted for the SBA Police force and the Administration in respect of challenges to the local Police Discipline Regulations as well as in other civil and employment claims. The SBA is governed by Ordinances passed by the local administration but subject to UK common law. Her most recent case was appealed to the Privy Council, in which Claire drafted written submissions and the appeal was rejected.

In SIAC, Claire is regularly instructed by the Home Office in respect of challenges to naturalisation and exclusion to the UK. SIAC applies the same JR principles as the High Court but combined with a closed material procedure in relation to any relevant closed material.

## Human Rights

Claire is regularly instructed in respect of claims for the Government and police where issues relating to human rights arise.

Most notably, this includes inquests and other consequential claims arising out of deaths in police and prison custody, and inquiries. Other recent cases include claims relating to the disclosure and retention of records by police forces, article 5 (*Zenati*) claims against the Police or CPS, and civil damages claims brought against HMG

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including relating to alleged conduct of HMG abroad.

Claire has considerable experience dealing with cases involving a national security element including closed material procedures, and other procedures (including PII, private hearings and the anonymity and protection of witnesses).

## Regulatory

Claire has significant experience of advising in respect of disciplinary proceedings in an employment context from both the employee and employer position and has a good knowledge of police misconduct procedures. She has experience of judicial review proceedings in the Sovereign Base Area in Cyprus relating to the relevant police misconduct procedures and their application.

Recently Claire was instructed on a direct access basis to defend proceedings brought by the BSB in a prosecution of a barrister for an offence of dishonesty. The case involved issues of disability and mental health and which culminated in the BSB offering no evidence after a Directions Hearing. The BSB were ordered to pay a costs award to the barrister in excess of £9,000. Claire has also acted on a pro bono basis in a COIC hearing representing a student facing allegations of cheating.

Claire is a member of the Association of Regulatory and Disciplinary Lawyers.

## Personal Injury

Claire is regularly instructed in cases involving claims for damages for personal injury as part of wider civil and employment claims. Her experience includes claims for general damages, special damages and pension loss (both public sector and private pensions).