



Fiona practises in all areas of police law and is recognised as *“one of the finest police law barristers in the country”* *“She displays great sensitivity and has a great client manner”* *“She is incredibly experienced and pleasant to work with”* and *“her knowledge base is extensive – she has gravitas and commands confidence”* (Chambers UK, 2017). She has represented most of the 43 police forces in England and Wales and appears regularly in high profile, sensitive and ground-breaking cases up to Supreme Court level. This encompasses judicial review proceedings, civil claims as well as misconduct proceedings.

Fiona also appears in high profile public inquiries and inquests. She is adept at handling complex and sensitive cases. *“Very good command of the detail”* *“She has the capacity to deal with huge quantities of work and turn it around in a short timescale”* (Inquests & Public Inquiries – Chambers UK 2017) *“She has acute attention to detail, good knowledge of established coronial law and an innate sense of the right solutions to issues raised by new emerging principles.”* (Inquests & Public Inquiries) Chambers UK 2016

Fiona read Law at the University of London and then undertook the Bar Vocational Course at the Inns of Court School of Law where she came first in the Law of International Trade and was awarded the Middle Temple Sachs Law of Evidence prize. She was called to the Bar by Middle Temple in 1986 and accepted tenancy at 5 Essex Court in 1987.

Fiona was elected Head of Chambers in 2010 and was appointed a Queen’s Counsel in 2011. She has National Security SC vetting clearance.

Recent high profile cases/inquiries include:

- Grainger Inquiry
- Independent Inquiry into Child Sexual Abuse
- Misconduct proceedings involving an Assistant Chief Constable
- Misconduct investigation into Chief Officers – Operation Kalmia and Operation Herne
- Proposed Judicial Review regarding decision to change the policing delivery model
- Civil claim for damages arising out of a high profile cases involving multiple arrests of a child suffering from a behavioural disability
- Advising on the Joint Doctrine of the Joint Emergency Services Interoperability Programme
- Hillsborough Inquests
- Saldanha inquest
- Al Hilli Alps Murders - child protection issues



FIONA BARTON
QC

Practice Areas

POLICE LAW

PUBLIC / ADMINISTRATIVE
LAW

INQUESTS

PUBLIC INQUIRIES

Clerks

T. 020 7410 2000

Email: clerks@5essexcourt.co.uk

Police Law

Fiona is one of the country’s leading QCs specialising in police law. She represents the police in public inquiries, inquests, judicial reviews and civil jury actions. Fiona advises on all aspects of police powers including both

policy and operational issues. She is regularly instructed to represent Appropriate Authorities and advise Panels in police misconduct proceedings. Details of cases in the respective disciplines are set out below.

Fiona has particular expertise in dealing with high profile or highly sensitive cases involving substantial quantities of documents and public interest immunity issues.

Public Inquiries

Since 2003 Fiona has appeared in numerous public inquiries involving the police service including:

The Grainger Inquiry – Acting for the NCA in the public inquiry into the shooting of Anthony Grainger by GMP officers

The Independent Inquiry into Child Sexual Abuse. Acting for Surrey Police in the investigation into alleged abuse by members of the Anglican Church

The Billy Wright Inquiry - represented the former Chief Constable of the RUC regarding the murder of Billy Wright in HMP Maze.

The Richard Inquiry – During the public inquiry into the Soham Murders of Holly Wells and Jessica Chapman represented the Chief Constable of Humberside.

Inquests

Fiona appears in complex, high profile inquests.

In the policing context she has extensive experience in inquests involving operational policing issues including witness protection, covert human intelligence sources, intelligence and firearms issues.

[2013] – [2016] Hillsborough Inquests – Leading Matthew Holdcroft acting for South Yorkshire Police in the inquests into the deaths of 96 Liverpool fans at the Hillsborough Stadium in 1989.

[2013] Saldanha - Acting for the King Edward VII Hospital in the inquest into the death of the nurse who was victim of a prank call from an Australian radio station concerning the Duchess of Cambridge.

[2013] Atherton and Mc Goldrick inquests acting for Northumbria Police in the inquests into the high profile deaths of several members of the same family arising from a shooting on New Year's Day. The inquest involved consideration of firearms licensing issues from a police perspective.

[2012] Joshua Jones –Acting for Cheshire Police in the inquest into the death of a toddler following police and social services contact arising from hospital admission. The case considered the adequacy of safeguarding measures.

[2012] David Emmanuel (Smiley Culture) – Acting for the Metropolitan Police in the inquest concerning the death of “Smiley Culture” during a police search of his home and concerned police decisions with regard to restraint and detention during searches.

[2011] Cumbria Shootings Inquests – Acted for the Cumbria Police in the inquests into the deaths of Derrick Bird and his many victims. It involved close examination of the police preparedness and response to a rampaging gunman.

[2011] Rickwood – Acted for SERCO in the inquest into the death of Adam Rickwood, the youngest person ever to die in custody. The inquest concerned national policies in respect of use of force on children in detention.

[2010] 7/7 London Bombing Inquests - Led Charlotte Ventham of Chambers acting for the City of London Police in the inquests into the deaths of the 52 victims.

[2010] Stirland – acting on behalf of the Chief Constable of Nottinghamshire in inquests concerning the contract killing of an elderly couple in Lincolnshire by an organised crime group involving witness protection and intelligence issues.

Public / Administrative Law

Fiona regularly appears in high profile public law cases, including at Supreme Court level.

Recent Public / Administrative Law cases

[2016] Instructed to act for the Chief Constable of Nottinghamshire Police in a proposed judicial review by Nottingham City Council of the decision to change the policing delivery model.

[2014] Nunn (Supreme Court) [2014] UKSC 37- Acting for Suffolk Constabulary in a test case concerning the disclosure obligations of the police post-conviction and appeal.

[2013] A v B Constabulary – Acting for B Constabulary in the Administrative Court in the leading case concerning the vetting of police contractors and their entitlement to reasons for rejection and the impact of public interest immunity *considerations*.

[2012] Icelandic Bank Collapse (Tchenguiz) – Acting for the City of London Police in a judicial review arising out of the arrest and bail of Robert Tchenguiz in connection with his dealings with the collapsed bank.

[2010] Claudia Lawrence Inquiry – Acting for the Chief Constable of North Yorkshire in connection with proposed common law disclosure of the background of a suspect in the Claudia Lawrence murder investigation.

[2009] L v Commissioner of Police of the Metropolis (Supreme Court) [2009] UKSC 3 – Led Matthew Holdcroft of Chambers in the Supreme Court in a test case on behalf of the Commissioner concerning the scope of Enhanced Criminal Record Certificates.

[2008] Madeleine McCann investigation – acted for the Chief Constable of Leicestershire, ACPO and Crimestoppers in legal proceedings in connection with disclosure issues both in the High Court in England and in Portugal in respect of the Madeleine McCann investigation

Civil actions

Fiona has almost 30 years' experience in civil actions involving the police including CHIS and witness protection claims and issues arising in the family courts.

[2016] Child X v Chief Constable of Sussex. Acting for the Chief Constable in a civil claim for damages arising out of a high profile case involving multiple arrests of a child suffering from a genetic condition causing behavioural issues.

[2016] McGoldrick and Turnbull v Chief Constable of Northumbria Police acting for the Chief Constable regarding the civil claims arising from a high profile shooting by Michael Atherton on New Year's Day 2012.

[2015] Watson & others v Chief Constable of Cleveland a very high value claim brought by a solicitor and others arising out of arrests following the collapse of a 'bad on bad' kidnap trial.

[2015] Powell v Chief Constable of West Midlands acted for the Chief Constable of West Midlands defending the claim brought by the family of ‘Mikey Powell’ following his death in police custody. The death led to racial tensions and high profile public campaign for justice.

[2014] MG1 v PF1 – Acting for a police force in respect of a claim brought by members of a family in witness protection. Highly sensitive claim involving a number of public interest immunity issues.

[2013] Al Hilli Alps Murders – Leading Robert Cohen of Chambers acting on behalf of Surrey Police in the family proceedings concerning the arrangements for care of the All Hilli children following the murder of their parents

[2012] Alam – Acted for Cleveland Police in this high profile high value civil claim by a former officer who had been “fitted up” by the misfeasance of colleagues resulting in him serving a period of imprisonment and being unfit to continue his chosen career as a police officer.

[2011] A v Commissioner of Police of the Metropolis – Acted for the Commissioner in a claim brought by a CHS alleging substantial loss and damage by reason of disclosure of status.

Legal directories:

“She is one of the finest police law barristers in the country.” “She displays great sensitivity and has a great client manner” “She is incredibly experienced and pleasant to work with” and “her knowledge base is extensive – she has gravitas and commands confidence” (Police Law) Chambers UK 2017

“She is unflappable, well considered and gives thorough and thoughtful advice. You know you’re getting quality legal advice when she’s on your case.” (Police Law) Chambers UK 2016

“She is hugely knowledgeable and experienced.” (Professional Discipline) Chambers UK 2016

“Very good command of the detail” “She has the capacity to deal with huge quantities of work and turn it around in a short timescale” (Inquests & Public Inquiries) Chambers UK 2017

“She has acute attention to detail, good knowledge of established coronial law and an innate sense of the right solutions to issues raised by new emerging principles.” (Inquests & Public Inquiries) Chambers UK 2016

“She is often instructed in sensitive cases and specialises in police work. She brings an invaluable decisiveness to any case” (Professional Discipline) Chambers UK 2017

“Highly regarded for acting for the police during inquests.” (Professional Discipline and Regulatory Law, including Police Law) The Legal 500 UK 2015

“Particularly noted for her experience in inquests concerning deaths in custody.” (Inquests) The Legal 500 UK 2015

“She manages to effectively present the position for her clients, who are often the unpopular party in an inquest.” and “She is never fazed by difficult inquests and never lets her guard down.” (Inquests) Chambers UK 2015

“One of the finest police law barristers in the country, she is very approachable and good at advising on complex legal issues.” (Police Law) Chambers UK 2015

“She is trusted with very sensitive cases and provides no-nonsense advice. Her understanding of the law in this area is phenomenal.” (Police Law) Chambers UK 2014

“She is practically minded and appreciates commercial realities. Robust in her advice, she doesn’t get cold feet.”
(Police Law) Chambers UK 2014

“She is incredibly thorough and well known for being unflappable, and has a real intellectual rigour.”
(Discipline) Chambers UK 2014

Lectures:

Fiona provides CPD lectures to solicitors and officers on all aspects of her practice. She regularly speaks at the Association of Police Lawyers (APL) seminars and the Police Defence Lawyers Association conferences. Recently she has lectured on the development of the law relating to Enhanced Criminal Record Certificates; the recent changes in the Police Conduct Regulations and delivered case law updates.

[2016] Delivered training at the national police conference for SPOCs involved in the Undercover Policing inquiry

[2013] Delivered a session on ‘Interoperability of the emergency services’ at the inaugural conference of the ‘Joint Emergency Services Interoperability Programme’.

[2013] Delivered training on the Gold incident Commanders Course, Bramshill.

[2012] Police Reform Symposia – Together with Jason Beer QC and Jeremy Johnson QC delivered 2 one day symposia to over 100 Force Solicitors, Chief Executives of Police Authorities and Chief Officers on the major changes to the policing landscape under the Police Reform and Social Responsibility Act 2011.

In December 2009 she was a guest on the Radio 4 series Unreliable Evidence talking about the control of collation and dissemination of information on databases.

Education:

ICSL, 1985-1986

University of London, 1982-1985

Interests:

Sport and Travel