



"He has a great rapport with officers and a really practical approach." *Police Law, Chambers UK 2017*

"He is great; the clients absolutely love him." *Police Law, Chambers and Partners 2015*

He is very approachable and clients like him very much. We use him a lot for misconduct and inquest work because he knows it inside out." *Police Law, Chambers and Partners 2014*



Practice Areas

POLICE LAW

INQUESTS

HEALTH & SAFETY

PUBLIC / ADMINISTRATIVE LAW

PERSONAL INJURY LAW

Clerks

T. 020 7410 2000

Email: clerks@5essexcourt.co.uk

"The "very good" Barnabus Branston "charms the panel," and "has the knack of not overplaying his hand" in cases and inquests. He has been involved in a number of inquests recently, including one into the death of Sean Walsh, who suffered a seizure in custody and died in hospital. Branston was also involved in the Ian Tomlinson case" *Police Law, Chambers and Partners 2013*

"Is a firm favourite among clients and instructing solicitors alike. Sources rate him highly for his work in coroners' inquests, disciplinary hearings and civil actions." *Police Law, Chambers and Partners 2012*

"Impresses sources with his solid expertise in relation to disciplinary proceedings, employers' liability claims and coroners' inquests." *Chambers and Partners 2011*

"A solid reputation for his work, particularly on employers' liability claims" *Chambers and Partners 2010*

"A star of the future in this field" *Chambers and Partners 2007*

"An incredible ability for one so young" *Chambers and Partners 2007*

Background:

Barney studied French with Linguistics at Christ Church, Oxford, graduating in 1991. While at university, Barney was sponsored by the Welsh Guards. After graduating from university and then from the Royal Military Academy Sandhurst, he served in the regiment for five years in Northern Ireland, Shropshire, Paris, Germany and London.

On leaving the Army, Barney converted to law at City University from 1997 to 1998 and studied for the Bar Vocational Course at the Inns of Court School of Law from 1998 to 1999. He was called to the Bar by Middle Temple later that year and awarded an MA from Oxford University, being congratulated by both the Vice Chancellor of the University and by the Dean of Christ Church for his "hard work and dedication".

Police Law

Disciplinary

Barney's police law practice consists largely of work in disciplinary proceedings, on behalf of the presenting officer/appropriate authority at misconduct hearings and at Police Appeals Tribunals. He is regularly instructed as the independent legal adviser to the panel and has appeared as legal adviser to the panel in third stage UPP proceedings.

Inquests

Barney continues to represent Chief Officers in coroners' inquests. He is currently instructed on behalf of the Chief Constable of West Midlands Police as junior counsel in the Hillsborough inquests. Barney also appeared on behalf of City of London Police in the six-week inquest into the death of the newspaper vendor Ian Tomlinson on the day of the G20 demonstrations. Other police inquests in which Barney has appeared have included various deaths in custody where death has followed episodes of drug toxicity and excited delirium, those where issues of positional asphyxia have been raised, those where death resulted from acute alcohol withdrawal and those where death followed vehicle pursuits.

Civil Actions

Barney defends Chief Officers in civil actions for assault, wrongful arrest/false imprisonment, malicious prosecution and misfeasance, as well as in personal injury claims and judicial review.

Health and Safety

Barney has dealt with a wide array of cases involving alleged or actual statutory breaches, including HSWA 1974, PUWER, the PPE legislation, and the various regulations that apply to workplaces, contributing at an early stage in threatened proceedings and in associated negotiations with the HSE. He has represented a number of defendants in the printing industry and in heavy industry, both under the "old" regime and also under the relatively new sentencing guidelines, recently appearing on behalf of Cammell Laird Shipbuilders to mitigate in the Liverpool Magistrates court. His many years at the criminal bar gave him regular exposure to both Magistrates' and Crown Courts, in which he is also able to deploy the full array of advocacy skills honed in the regulatory work he does elsewhere.

Personal Injury

Barney represents both claimants and defendants at all stages of proceedings and in cases that range from "simple" tripping and slipping cases on the fast track to more complex matters on the multitrack.

Lectures:

Barney is happy to provide CPD lectures to solicitors on all aspects of his practice.

Significant work and cases

Police Law

Ex-DC Croll - Presenting the case against a West Yorkshire detective who before the case was concluded, had a relationship with the mother of a victim of crime in a case that he was investigating.

Re PS Bates & Ors - Independent Legal Advisor to the panel in a case concerning the transmission by text message of offensive and bad taste "jokes" between a number of serving Metropolitan police officers.

Ex-DS Smith - Presenting the case against a West Midlands police officer who had simulated sexual acts with various female colleagues in an open-plan office and in front of their peers. Also representing the Chief Constable in the officer's unsuccessful appeal to the Police Appeals' Tribunal.

Ex-PC Walker - Presenting the case against an off-duty Metropolitan police officer who had assaulted a member of the public outside a nightclub.

Re "Plebgate" - Advising the PCC for Warwickshire in respect of matters arising from the meeting with Andrew Mitchell MP at Sutton Coldfield Conservative Party office, the response of the IPCC and the consequences of evidence given before the Home Affairs Select Committee.

Re PC Caroline Warren - Legal Advisor to the panel convened by the Metropolitan Police to hear allegations amounting to insubordination but set against the background of cogent medical evidence of panic attacks.

Re PC Polly Johnson - Representing the Metropolitan Police in a misconduct hearing arising from a false and malicious allegation of assault made against a colleague.

Re Ex PC Smith - Representing Staffordshire Police before the Police Appeals Tribunal where the grounds relied on were procedural irregularities and the consequent perception of unfairness.

Re PC Dean Bonner - Representing West Midlands Police in a misconduct hearing arising from an investigation led by the anti-corruption unit.

Re PC Smith - Legal Advisor to the panel convened by Suffolk Police to hear allegations amounting to an indecent assault.

Re PC Baillon and PC Cleese - Legal Advisor to the panel convened by Gwent police to hear allegations brought by a member of the public following a contentious road traffic stop.

Re PC Rackham - Presenting Officer in Fast Track disciplinary proceedings pursuant to Police (Conduct) Regulations 2004 in respect of an officer who was later convicted of serious sexual offences.

Re Insp Burrows, Sgt Thurogood, PC Johnson - Legal Advisor to an externally-appointed panel convened to consider allegations of gross misconduct against officers who were very highly placed in the force's Federation hierarchy.

Re Supt Trotman - Legal Advisor to the panel in misconduct allegations against a senior officer convened to consider matters of gross misconduct.

Re PC Joseph - Legal Advisor to the panel chaired by the DCC in allegations of gross misconduct brought against an officer alleged to have assaulted members of the public when off duty, where proceedings continued despite the officer's prior acquittal in the magistrates' court.

Inquests

Re Dorothy "Cherry" Groce - Representing the Metropolitan Police in an ongoing inquest into the recent death of Mrs Groce, who was accidentally shot in her house in 1985 when firearms officers were searching for her son in connection with an alleged armed robbery. Mrs. Groce was left paralysed from the waist down as a result of the shooting and died in May 2011.

Re Hillsborough Inquests - Junior Counsel representing West Midlands Police in the inquests into the death of the 96 who lost their lives at or following the FA Cup semi-final in 1989. West Midlands Police were appointed in the immediate aftermath of the tragedy to undertake an independent investigation; aspects of that investigation will fall to be examined at the inquest.

Re Jack McLeod - Representing Warwickshire Police in an inquest into the suspicious death of a fourteen year old boy who was found to have drowned in the River Leam.

Re Kevin Isaac - Representing Leicestershire Police in an inquest into a death in a road traffic accident, involving consideration of the force's pursuit policy.

Re Karlene Wright - Representing the Metropolitan Police in an inquest into the death of a lady who fell from the seventh floor of a multi-storey car park. This was after patrol officers had secured the area and were seeking to involve negotiators when she fell.

Re Jason Pierce - Representing West Mercia Police in a case in which patrol officers had restrained an individual who was later believed to have taken a "legal high", and who became manic before suddenly collapsing with a massive heart attack. Issues of positional asphyxia, restraint techniques and training were closely examined.

Re Ian Tomlinson - Representing City of London Police in the six-week inquest into the death of Ian Tomlinson at the G20 demonstration on 1 April 2009. The actions of all officers and police dogs involved in the clearance of Royal Exchange Buildings were considered in great detail and in highly publicised proceedings.

Re Ricky Penfold - Representing the Metropolitan Police where officers had restrained an individual who was in the throes of cocaine-induced excited delirium.

Re Sean Walsh - Representing Warwickshire Police in a three-week inquest into the death of an alcoholic man whose condition declined in custody and who later died in hospital. Detailed analysis of the signs, symptoms and medical consequences of alcohol withdrawal and the ramifications for training and improved best practice in the custody suite.

Re Christopher Morgan - Barney has also appeared on behalf of Cambridgeshire and Peterborough NHS Foundation Trust in a two-day inquest examining the practices and procedures applicable for when voluntary patients in psychiatric wards have escorted leave.

Civil

Leiba v Commissioner of Police for the Metropolis - Defending an array of civil claims brought on behalf of two boys. They sustained psychiatric injury when arrested after firearms officers were deployed to their home address following reports of a firearm having been used to threaten a neighbour. A toy gun was found at the scene but the boys were arrested and taken into custody.

Mustafa v Commissioner of Police for the Metropolis - Defending various tortious claims brought by two sisters after their property was searched pursuant to a warrant obtained under the Terrorism Act 2000. The claims included conversion, trespass to goods and to land, assault, false imprisonment and personal injury, as well as claims for aggravated and exemplary damages.

Gonsalves v Chief Constable of Staffordshire - Representing Staffordshire police defending allegations of wrongful arrest and malicious prosecution in a matter listed for a five-day trial with a jury.

Fox v Commissioner of Police for the Metropolis - Representing the Metropolitan Police in an application pursuant to s 329 CJA 2003. This was for permission to bring proceedings alleging an assault after the proposed Claimant had been convicted and imprisoned for serious offences arising out of the same incident. When the Claimant was partially successful in that application, Barney later defended the subsequent civil claims in a five day trial.

Klein v Chief Constable of Staffordshire - Barney acted in defence of the Chief Constable in a six day jury trial for malicious prosecution brought by a litigant in person.

Gray v Metropolitan Police - Defence of the Commissioner in a number of wide-ranging applications in the County Court and High Court, and in the eventual trial in proceedings for wrongful arrest brought by a litigant in person.

Okoro v Metropolitan Police - Barney defended a three-day trial in the High Court for wrongful arrest and assault.

Inquests:

As well as representing Chief Officers in police inquests, Barney appears on behalf of Serco Home Affairs in inquests following deaths in custody, notably for those at HMP Doncaster, HMP Dovegate and HMP Norwich.

Re Gary Bell - Six week inquest into a prisoner's death in 2007 from peritonitis due to a perforated duodenal ulcer, requiring the detailed consideration of matters of clinical governance and the working practices of individuals in the healthcare centre.

Re Alfred Smith - Three day inquest into a death by natural causes but which required the detailed examination of current procedures in the healthcare centre, especially in relation to the transportation of blood samples.

Re Andrew Stanley - Four-day inquest into a ligature suicide, where the mechanics and handover of the PER form and the ACCT process was examined in great detail.

Re Carlo Hanshaw - Four-day inquest into a death of a prisoner who had collapsed due to methadone toxicity and where the jury returned an open verdict.

Re Hossein Abdollahzadeh - Five-day inquest into the death of a remand prisoner who took his own life shortly after a visit. Detailed examination of the transfer of information between relevant agencies, the Suicide and Self-Harm Warning Form, training of staff and the risk assessment processes for those in custody.

Re Robert Proctor - Five-day inquest into the death of a remand prisoner with a substantial history of alcoholic liver disease who died from complications arising from a urinary tract infection.

Re Mikhail Trimailovs - A one day inquest into a death by natural causes but which nonetheless required the careful presentation of prison healthcare procedures.

Re Adam Wileman - A six-day inquest into a death by hanging that required detailed examination of the ACCT process and frequencies of observation.

Interests:

Barney is married with three children, lives in Shropshire. His outside interests include sport, especially rugby and cricket, the Welsh Guards, and looking after his chickens and spaniels.