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Amy Clarke
Call: 2010



Amy accepts instructions across Chambers' main practice areas with particular interest in police law, inquests and inquiries.

Described by instructing solicitors as *"approachable"*, *"tenacious and persuasive"*, Amy primarily represents police forces as well as other public sector organisations such as NHS Trusts.

Amy is currently instructed on the **Grenfell Tower Inquiry** on behalf of the Metropolitan Police Service. Other recent examples of her work include a multi-track trial examining the use of force by police officers on a blind detainee, judicial review of the use of spitguards, an inquest into the death of a child after contact with the NHS 111 service and misconduct proceedings arising from a death in custody.

Amy frequently provides training on all of Chambers' areas of practice.

Before being called to the Bar, Amy worked as a Parliamentary Researcher and a Paralegal within a personal injury department.

Recommendations

"She is very persuasive in her advocacy." (Police Law)
Chambers UK 2020

"A junior who stands out, partly for being very good with clients and sensitive to their needs." (Police Law)
Chambers UK 2020

"A rising star known for handling claims brought under the Human Rights Act concerning the police's failure to investigate, in addition to claims of false imprisonment and misfeasance."
Chambers UK 2020

Police Law

Amy represents police forces across the country and has acted in a wide range of civil actions against the police including claims for false imprisonment, assault, malicious prosecution, breaches of the ECHR, discrimination, breaches of the Data Protection Act, the destruction and retention of devices containing indecent images, and the historic retention of human tissue. Amy frequently appears in interlocutory matters such as applications for strike out and summary judgment.

Amy has also advised and acted on behalf of police forces in Judicial Review proceedings involving challenges to search warrants, the refusal to charge an individual with a criminal offence, failure to investigate and the use of spitguards,

Amy regularly appears in the Family Division on behalf of police forces to deal with complicated disclosure matters

and applications for Public Interest Immunity, often in cases involving extremism. Amy also has particular experience and interest in applications for Female Genital Mutilation Protection Orders and Forced Marriage Protection Orders.

Historically, Amy has provided long term in-house support for a number of different police forces and has advised on a range of areas including high value civil actions, recoverability of the cost of policing events attended by the public, the destruction of dangerous dogs, FOI requests, review of Notification Requirements, applications for Sexual Harm Prevention Orders, Closure Orders, IPNAs (formerly ASBOs), firearms licensing appeals and the retention and destruction of property containing indecent images.

Amy has represented various police forces in misconduct proceedings (see experience under Regulatory).

Examples of Amy's recent cases include:

A and B v Chief Constable of Nottinghamshire Police [2017] – successful strike out of a complex claim for breach of the Data Protection Act 1998, breach of Article 8 of the ECHR, breach of confidence and misuse of private information.

R (on the application of Purvis) v (1) The CPS (2) The Chief Constable of Devon and Cornwall Police [2017] – application for Judicial Review arising from a decision not to prosecute a police officer for misconduct in a public office.

The Chief Constable of Greater Manchester Police v B and Others [2017] – application for a FMPO where the protected party had been the victim of honour based violence and as a result, was living within protective custody.

Re AB v A London Borough and Re: AA v A London Borough [2017] – Two linked cases involving complex and extremely sensitive criminal investigation into terrorism offences and corresponding Children Act proceedings.

R (C) v Chief Constable of West Yorkshire [2016] – application to judicially review a decision not to charge an individual in a case of alleged sexual assault.

The Chief Constable of Avon and Somerset v IA [2016] – successful application for a Female Genital Mutilation Protection Order, involving issues of capacity and PII.

Makoni v Chief Constable of West Midlands [2016] – successful defence of a claim for discrimination on the grounds of race.

Molis and Parker v The Chief Constable of Avon and Somerset [2015] – successful defence of a claim for assault arising from the Bristol Riots in 2011.

Sadler v Worcester Magistrates Court [2014] EWHC 1715 (Admin) – appeal by way of case stated dealing with the approach the courts should take to applications to vary a SOPO

Re the Al Hilli Children [2012] EWHC 4394 (Fam) – a successful application for a police force to become a party to family proceedings when the role of the police extends beyond providing disclosure.

Inquests

Amy has extensive experience of appearing at Coroners Courts around the country, primarily for police forces and NHS Trusts and is regularly instructed on jury inquests and cases engaging Article 2 of the ECHR.

Amy undertook a secondment in the inquest team at a leading firm of solicitors in 2016, which has given her invaluable insight into the specific needs of NHS clients. Amy regularly advises on Serious Incident and Root Cause Analysis reports, as well as providing representation at inquests.

Amy has recently been instructed on cases involving cardiac arrest following positional asphyxia, delayed attendance by police officers to a scene where a member of the public had committed suicide, absconson from custody, detention under the Mental Health Act 1983, levels of observation on an acute psychiatric ward, advice given by the NHS 111 service, a neonatal death arising from failures in midwifery care, delayed diagnosis of sepsis, the failure of a cardiac device, delay in conveyance to hospital, and many cases involving geriatric death following falls in care homes and hospitals.

Public Inquiries

Amy has a keen interest in the field of public inquiries and is currently being lead by Jeremy Johnson QC on the **Grenfell Tower Inquiry**, acting for the Metropolitan Police Service.

Regulatory

Amy has represented various police forces in misconduct proceedings, often of a high profile nature.

Amy was junior counsel in the misconduct proceedings arising from the death of **Bijan Ebrahimi** and has recently dealt with cases involving excessive use of force causing life changing injuries, excited delirium, falsification of grounds of arrest, personal association with nominals, sexual misconduct, domestic violence, the use of force against a vulnerable child and serious breaches of confidentiality.

Personal Injury

Amy has built on her experience as a paralegal by providing in-house advice to personal injury solicitors as well as drafting pleadings and appearing in court in a number of personal injury claims. Amy assisted Alan Payne in ***Burn, De Man and Shalloe v Ministry of Justice [2012]***, a high value claim for Post -Traumatic Stress Disorder brought by prison guards who were on duty at the time of a violent prisoner escape.

Employment

Amy has been instructed to advise and provide representation on a wide range of Employment issues, notably unfair dismissal (including claims relating to redundancy and whistleblowing) and disability discrimination.

Healthcare

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Amy has recently been instructed on cases involving the following:

- Cardiac arrest following gallbladder surgery
- The failure of a cardiac stent fitted during a routine angioplasty procedure
- Sepsis, which developed after a patient had become unwell from a spider bite
- Examination of the basic care given over the course of eight days in hospital
- Geriatric care in hospital, including management of pressure ulcers and the risk of falls
- Failure to provide anti-epilepsy medication
- Death in prison from the rapid onset of necrotising fasciitis
- Death in prison associated with mental health difficulties
- Absconion from hospital whilst detained under the Mental Health Act 1983
- Disappearance from hospital during a period of voluntary admission
- Levels of observation and the assessment of suicidal risk on an acute psychiatric ward

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- Frequency and intensity of contact with a Community Mental Health Team
 - The death of a young child from bowel intussusception
 - Advice given by the NHS 111 service, including the creation of appropriate care pathways, examination of the provision of training for call handlers and the impact of the specific advice given by a number of call handlers over a period of 24 hours
 - Neonatal death arising from failures in midwifery care and delayed diagnosis of obstetric cholestasis
 - Delayed attendance by police officers to a scene where a member of the public had committed suicide
 - Cardiac arrest following positional asphyxia
 - Examination of the involvement of the police immediately before a death in suspicious circumstances
 - Missing person strategy and procedure
 - Death in prison custody shortly after a period of police custody
 - The approach taken to those who appear to be in mental health crisis whilst being detained in police custody