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the cutting edge of everything”

*Chambers UK*

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**Cicely Hayward**  
Call: 2008



Cicely is recognised as a leading junior in the legal directories and described by her clients as having an “*excellent manner in court*” and as providing “*clear, concise and well considered*” advice. Cicely has developed her practice in the areas of Police law, Inquests, Employment law, Public Law and Personal Injury.

Cicely represents police forces throughout the country advising on all aspects of police law . She acts regularly for central government departments in public and private law matters. She has acted in a number of high profile matters and appeared on in the Court of Appeal, High Court, County Court, Crown Court, Magistrates’ Court and Coroner’s Court.

Notable cases include:

***Mouncher & Ors v Chief Constable of South Wales Police*** – High Court – claims by 15 former officers in false imprisonment, malicious prosecution, misfeasance, breach of Article 8, trespass arising out of the collapse in 2011 of the UK’s largest criminal trial involving alleged police corruption

**The Independent Inquiry into Child Sexual Abuse** - Child Migration Programmes Case Study

***R(A & Ors) v Chief Constable of West Midlands Police*** – challenge to warrants for electronic devices where there were reasonable grounds for believing LPP material would be on the devices

***ABC (a Mother) v Chief Constable of West Yorkshire Police*** – defamation and qualified privilege, serious harm to reputation

**Inquest into the death of Sean Cunningham** (the Red Arrows fatal ejection accident)

**Inquest into the death of Geoff Gray** (soldier who died of gunshot wounds at Deepcut barracks in 2001)

Cicely is Junior Counsel to the Crown (appointed to the Attorney General’s B Panel)

Cicely is willing to provide lectures on all aspects of her practice.

## Recommendations

"Her command of a courtroom is compelling viewing." (Police Law)  
*Legal 500 2020*

"My favourite kind of opponent: she is very good quality and knows her stuff but is not unpleasant with it." (Police Law)  
*Chambers UK 2020*

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"She's very polite, doesn't miss anything in court and is always on top of things." (Police Law)  
*Chambers UK 2019*

'A very persuasive and articulate young barrister.' (Police Law - Defendant)  
*Legal 500 2019*

"She is very helpful, especially when dealing with a difficult litigant in person." (Police Law)  
*Chambers UK 2018*

"She is so detailed and good in conference because she is a calming influence, and she is good on her feet without being overbearing." (Police Law)  
*Chambers UK 2018*

"She remains calm and professional in intense litigation" (Police Law – defendant) *The Legal 500 2017*  
*Legal 500 2017*

"She is well prepared and has the ability to build up an immediate rapport with witnesses." (Police Law)  
*Chambers UK 2017*

"She is well liked, very thorough and her defences are robust." (Police Law)  
*Chambers UK 2017*

"She is really tough and really able." (Police Law)  
*Chambers UK 2017*

"She has an eye for detail and in-depth police knowledge." (Police Law)  
*Chambers UK 2016*

"She has the ability to build up an immediate rapport with police officer witnesses, which helps to get the most from them." (Police Law)  
*Chambers UK 2016*

## Police Law

Cicely represents constabularies throughout the country. She has appeared on behalf of police forces in the Court of Appeal, High Court, County Court, Crown Court, Magistrates' Court and Coroner's Court. She has extensive experience in advising on and acting in claims alleging negligence, breach of the Human Rights Act, misfeasance in public office, assault, false imprisonment, breach of the Data Protection Act and a wide range of disclosure issues. She frequently acts in claims and inquests which raise issues of mental health law and capacity.

Notable cases:

***R(A & Ors) v Central London Criminal Court and Chief Constable of West Midlands Police [2017] EWHC 70*** – lawfulness of warrants for electronic devices where there were reasonable grounds for believing LPP material would be on the devices. Led by Dijen Basu QC

***ABC (A mother) v Chief Constable of West Yorkshire Police [2017] EWHC 1650 (QB)*** - claim for defamation arising out of comments alleged to have been made during a police investigation, which raised issues of qualified privilege and what amounted to serious harm to reputation.

***R(Ghuman) v Chief Constable of Thames Valley Police*** – Acting for the Defendant in a substantive judicial review challenge to the lawfulness of the decision to issue a Child Abduction Warning Notice (formerly known as

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Harbourer's Warnings).

**Hunt & Ors v Chief Constable of West Midlands Police** – Acting for the Defendant in multiple claims brought arising from dispersal notices issued on the day of a football match between Birmingham City and Bristol City

**Wilkinson v Chief Constable of Greater Manchester Police** – Acting for the Defendant in a claim brought by a police officer who had been in the vicinity when PCs Fiona Bone and Nicola Hughes were murdered.

**Mouncher & Ors v Chief Constable of South Wales Constabulary [2016] EWHC 1367 (QB)** - claims by 15 former officers in false imprisonment, malicious prosecution, misfeasance, breach of Article 8, trespass arising out of the collapse in 2011 of the UK's largest criminal trial involving alleged police corruption. Led by Jeremy Johnson QC.

**Daniels & Ors v Chief Constable of South Wales Police [2015] EWCA Civ 680** - consideration of immunity from suit for police officers in discharging their disclosure obligations in criminal proceedings. Led by Jason Beer QC.

**R(P) v Chief Constable of Thames Valley Police [2014] EWHC 1436** - proportionality of contents of enhanced DBS certificate – formerly ECRC

**Allen v Chief Constable of Hampshire Constabulary [2013] EWCA Civ 967** - threshold for the engagement of Article 3 and the scope of the investigative obligation in circumstances where the alleged ill treatment was at the hands of a private individual, not an agent of the state. Led by Samantha Leek QC.

**Durrant v Chief Constable of Avon and Somerset [2013] EWCA Civ 1624** - relief from sanctions. Led by Alan Payne.

**R (Cubells) v IPCC [2012] EWCA Civ 1292** - sole counsel in the High Court and Court of Appeal in challenge to outcome of complaint investigation by the IPCC.

**Inquest into the death of Justin Skrebowski** - instructed by the Chief Constable of Thames Valley Police in the inquest into the death of an antiques' dealer who was stabbed to death in Poundland by a man who had significant substance misuse issues and suffered from paranoid schizophrenia, and was known to the police and mental health services.

**Bijan Ebrahimi - inquest into the death and civil claim** - instructed in the inquest and civil claim arising from the death of a man who was beaten to death in Bristol by his neighbours, following numerous calls to the police. Led by Samantha Leek QC.

**Inquest into the Death of Ian Tomlinson [2012]** - Inquest into the death of a newspaper vendor who died after contact with the police at the G20 riots. Led by Samantha Leek QC.

**Dawood (on behalf of Ian Tomlinson, deceased) v Commissioner of Police of the Metropolis** – civil action brought by family of Ian Tomlinson who died following police contact at the G20 riots.

**R (Trans Berckx BVBA) v North Avon Magistrates' Court [2011] EWHC 2605 (Admin)** – acting for the Chief Constable as the interested party in a judicial review claim concerning the lawfulness of a deprivation order

Cicely has also been instructed by a number of police forces (as well as local authorities) in hearings and appeals pursuant to the Licensing Act 2003 and advises on licensing matters.

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## Inquests

Cicely has particular experience in inquest work. She frequently represents police, central government departments, local authorities and families in inquests. This work is often related to areas of her wider practice, including in particular civil claims against the police and personal injury litigation. Wherever possible she will aim to work with clients from an early stage to ensure early identification of the legal and practical issues ahead. Much of the inquest work Cicely is involved in engages issues of mental health, substance misuse, and capacity, and the approach to these issues by medical practitioners and other professionals, such as the police and social workers.

Notable cases:

**Inquest into the death of Geoff Gray (Deepcut 3) [2018/2019]** - instructed as junior counsel for the Ministry of Defence in the further inquest into the death of Geoff Gray, who died of gunshot wounds to the head in 2001. Mr Gray was the third of four trainees to die at Deepcut Barracks in the period 1995 – 2002. Led by Nicholas Moss.

**Independent Inquiry into Child Sexual Abuse (Child Migration Programmes Case Study) [2017/2018]** - junior counsel for the Department of Health (representing all government departments) in the case study into institutional failings or organisations based in England and Wales relating to the sexual abuse of children involved in the child migration programmes (1940s – 1970). Led by Samantha Leek QC.

**Inquest into the death of Justin Skrebowski [2018]** - instructed by the Chief Constable of Thames Valley Police in the inquest into the death of a man who was stabbed to death in Poundland by a man known to the police and mental health services.

**Inquests into the deaths of Michael and Nicola Beck [2017]** - instructed by the estate of Michael Beck.

**Inquest into the death of Milan Dokic [2017]** - instructed by Transport for London in this inquest which raised questions about the surface used for London's cycle Superhighways.

**Inquest into the death of Craig Royce [2017]** - instructed by the Ministry of Justice in the inquest into the death of a prisoner who was found suspended from a ligature in his cell at Chelmsford Prison in 2016.

**Inquest into the death of Major General Alastair Duncan [2017]** - instructed by the Ministry of Defence in the inquest into the death of a retired General who died in 2016. Successfully argued that the long term effects of the anti-malarial drug lariam were not within the proper scope of the inquest.

**Inquest into the death of Lisa Moller [2015]** - instructed by the Chief Constable of South Wales Police into widely reported case of a young mother found hanging in her home hours after the police had checked on her.

**Inquest into the death of Bijan Ebrahimi [2014]** - instructed as junior counsel for the Chief Constable of Avon and Somerset in the inquest into the death of a man who was beaten to death by neighbours in Bristol, following numerous calls to the police. Following the criminal proceedings and disciplinary proceedings, and in light of the work done since the death by the police, a decision was made not to resume the inquest.

**The Red Arrows Inquest [2014]** - instructed as junior counsel for the Ministry of Defence in this 3-week inquest into the death of Flt Lt Sean Cunningham, a Red Arrows pilot, who was inadvertently ejected from his Hawk aircraft whilst it was still on the ground. Led by Nicholas Moss.

**Inquest into the death of Mark Duggan [2013]** - instructed as junior counsel by the Serious Organised Crime Agency (as was).

**Inquest into the Death of Ibrahim Tejan [2012]** - instructed by the City of London Corporation in this six-day

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inquest into the death of a man killed by a bus in central London.

**Inquest into the Death of Ian Tomlinson [2012]** - Article 2 inquest involving complex medical evidence as to cause of death.

## Public / Administrative

Cicely undertakes all areas of public and administrative law work, including prison law, judicial review, human rights, and inquests. She has appeared in permission and substantive hearings, and has experience in national security matters.

Notable cases include:

***Belhaj v Straw and others*** - acting for the individual and Government Defendants in claims brought by the former leader of the Libyan Islamic Fighting Group alleging complicity in extraordinary rendition

***R(Ghuman) v Chief Constable of Thames Valley Police*** – acting for the Defendant in a substantive judicial review challenge to the lawfulness of the decision to issue a Child Abduction Warning Notice (formerly known as Harbourer’s Warnings).

***R (Khosa) v Secretary of State for Justice and Governor of HMP Long Lartin*** – appeared for the Secretary of State in an Article 8 challenge to a prison’s decision to limit a prisoner’s contact to children.

***R(A & Ors) v Central London Criminal Court and Chief Constable of West Midlands Police [2017] EWHC 70*** – acting for the Chief Constable in a claim concerning the lawfulness of warrants for electronic devices where there were reasonable grounds for believing LPP material would be on the devices.

***Attorney General v Elliott [2016]*** - appeared for the Attorney General in an application under s.42 of the Senior Courts Act 1981 for an all proceedings order.

***R (P) v Chief Constable of Thames Valley Police [2014] EWHC 1436*** - appeared for the Chief Constable in a claim concerning the proportionality of contents of enhanced DBS certificate – formerly ECRC.

***R (Cubells) v IPCC [2012] EWCA Civ 1292*** - sole counsel in the High Court and Court of Appeal in challenge to outcome of complaint investigation by the IPCC.

***R (Trans Berckx BVBA) v North Avon Magistrates’ Court [2011] EWHC 2605 (Admin)*** – appeared for the Chief Constable as the interested party in a judicial review claim concerning the lawfulness of a deprivation order.

## Employment

Cicely has experience in a range of employment law matters including race discrimination, disability discrimination, sex discrimination, unfair dismissal, constructive unfair dismissal, transfer of undertakings, equal pay, working time regulations, redundancy, protected disclosures and positive discrimination. Cicely has experience of advising on and acting in mediations.

Recent cases include :

***Mohammed v CPS [2017 / 2018]*** - instructed by the CPS in three claims brought by a Senior Crown Prosecutor

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for disability and race discrimination.

**O'Shaughnessy v DWP [2017]**. Instructed by the Ministry of Justice in this claim for unfair dismissal and disability discrimination, including consideration of a prior final written warning.

**Hussain v DWP [2014]** - instructed by DWP in a whistleblowing claim.

**Nawaz v HMRC [2013]** - instructed by the Respondent in this claim for unfair dismissal, arising from a decision to dismiss on the grounds of capability.

**Crayden v Ministry of Justice [2013]** - instructed by the Ministry of Justice in this week long Employment Tribunal claim concerning a capability dismissal.

## Personal Injury

Cicely has wide experience of acting and advising in a broad range of personal injury and clinical negligence matters, including employers' liability claims, claims concerning delayed treatment, assault in an employment setting, allegations of inadequate PPE, manual handling and quantum.

She handles many high value claims on behalf of Defendants (including, frequently, the Ministry of Defence) involving complex medical, employment and causation evidence.

Cicely is particularly interested in cases that involve questions of vicarious liability, and when it is appropriate to seek strike out or summary judgment on that basis.

## Healthcare

Cicely is recognised as a leading junior in the legal directories and described by her clients as having an "excellent manner in court" and as providing "clear, concise and well considered" advice. Cicely has developed her practice in the areas of Police law, Inquests, Employment law, Public Law and Personal Injury. Cicely represents police forces throughout the country advising on all aspects of police law. She acts regularly for central government departments in public and private law matters. She has acted in a number of high profile matters and appeared on in the Court of Appeal, High Court, County Court, Crown Court, Magistrates' Court and Coroner's Court.

*Zawiasa v MOD* - delayed diagnosis of hand injury. Unless this has settled since I went on mat leave I believe it is still ongoing. Damages could be c. £300K but we are trying to limit those by exploring credibility and causation arguments.

*Whitehurst v MOD* - delayed diagnosis of shoulder injury. We achieved a very favourable settlement on this by pursuing a causation argument about discharge.

*Carey v MOD* - this was actually a PI quantum case but it involved 7 expert disciplines and a lot of work with the experts to ascertain causation. I attended several CMCs and interim hearings. This was ongoing when I left for maternity leave, but due to go to trial (6 days in the High Court in June). But for mat leave the solicitor intended me to do the trial on my own. Damages likely to be in excess of £1million.

Inquests - Cicely has acted in a number of natural causes prison death cases where medical causation was in issue. Through her prison work in particular, she has a firm understanding of emergency procedures and personnel.

Cicely also acted for the MOD in an inquest concerning prescription of Lariam (anti-malarial) to an officer with PTSD. The issue at the Pre-Inquest Review was whether there was sufficient evidence of causation for the issue

to be included within the scope of the inquest. Cicely successfully argued there was not.