

Amy Clarke

Call 2010



clerks@5essex.co.uk



+44 (0)20 7410 2000

Amy Clarke is recognised as a leading junior in all of her principal practice areas by Chambers UK: police law, inquests and inquiries and professional discipline.

This year's Legal 500 recognises Amy as having, "Forensic attention to detail and compelling advocacy... her grasp of the facts, evidence and issues is absolutely outstanding." The latest edition of Chambers UK says, "she is really measured and sensible; very comfortable with big cases... Amy is an outstanding advocate. She displays sensitivity and tact during difficult matters, whilst providing robust advice to the client and in court where necessary. She is a pleasure to work with."

Amy is instructed in Module 3 of the Covid Inquiry on behalf of the Royal College of Anaesthetists and two other professional bodies. She has also been instructed on the Grenfell Tower Inquiry since 2017.

Amy represents police forces across the country in misconduct proceedings and in the PAT, and has particular expertise in cases involving sexual impropriety and abuse of position.

Before joining 5 Essex Court, Amy worked as a parliamentary researcher focussing on Home Affairs and Justice and was responsible for drafting restorative justice policy.

Expertise

Police Law

Amy acts in high profile litigation involving the police and has expertise in a wide range of police law issues. She is recommended by Chambers UK for Police Law (Band 3).

Amy advises and represents police forces in a range of areas including firearms licensing, retention of seized property, Human Rights Act claims, including claims alleging breach of Article 2 ECHR, Article 3 ECHR claims alleging a failure to investigate, trafficking/modern slavery cases, claims under Article 5 ECHR for unlawful detention, false imprisonment, assault, malicious prosecution, misfeasance, negligence claims, stop and search, public order, assorted police powers under PACE 1984, data and information retention/disclosure misuse of private information, and Article 8 ECHR.

Amy's recent advisory work has included the following:

- The lawfulness of seizure and retention of thousands of automatic weapons, (Amy is being led by Peter Glenser QC)
- The use of s135 and s136 of the Mental Health Act 1983
- Human trafficking/Article 4 ECHR claims

- Challenges to a police decision to take no further action
- The legality of search warrants
- The settlement of a claim brought under Article 3 of the Human Rights Act arising from significant failings in a rape investigation, following mediation
- The settlement of a claim alleging false imprisonment and misfeasance, following mediation
- The settlement of a claim brought under Article 3 of the Human Rights Act following a wholly avoidable but serious physical assault

Notable Police Law cases

R (YZ) v Chief Constable of South Wales Police [2021] EWHC 1060 (Admin)

judicial review challenge to the retention of acquittal information held on the PNC

R (AV) v Chief Constable of South Wales Police

judicial review challenge to a caution administered to a teacher for assaulting a student

Kawa v Commissioner of Police of the Metropolis

judicial review challenge to a caution for assault

The civil litigation arising from Operation Midland

defence and settlement of claims brought against the Metropolitan Police by a number of public figures, arising from Operation Midland and Operation Yewtree, led by Anne Studd QC

Green v British Transport Police

defence of a claim for false imprisonment and misfeasance

Hotchkiss v Chief Constable of Nottinghamshire Police

defence of a claim for false imprisonment and malicious prosecution

Chisadza v Commissioner of Police of Metropolis

defence of a claim for discrimination on the grounds of race, negligence and malicious prosecution following on from the seizure of the Claimant's car during a routine traffic stop

EFG v (1) Chief Constable of Sussex Police (2) Sussex County Council

defence of a claim for breach of Articles 3 and 8 of the Human Rights Act and of the GDPR arising from the disclosure of information by the police to the local authority for the purpose of child protection proceedings.

O'Cathail v (1) Chief Constable of Sussex Police (2) Crown Prosecution Service

defence of a claim for false imprisonment, malicious prosecution and personal injury

Dunn v Commissioner of Police of the Metropolis

defence of a claim for false imprisonment and assault brought by a blind member of the public who was detained and arrested after a violent confrontation with police officers

Inquests

Amy has particular expertise in inquest law and is recommended by Chambers UK for Inquests and Public Inquiries (Band 3).

She regularly appears on behalf of the police, local authorities, NHS Trusts, private healthcare providers and charities. Amy is regularly instructed on jury inquests and cases engaging Article 2 of the ECHR. She has a particular experience in inquests involving deaths in custody, death following restraint, missing person investigations, complex mental health issues and multi-agency care and treatment.

Amy also has extensive experience acting in inquests involving healthcare and alleged clinical negligence. She has acted for NHS Trusts, local authorities and private healthcare providers in inquests involving post-surgical care, absconson from hospital whilst detained under the Mental Health Act 1983, neonatal death, risk assessment of patients and geriatric care, among others. 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 is junior counsel for the Metropolitan Police at the Grenfell Tower Inquiry, and has been instructed since 2017. She also acted as junior counsel for British Transport Police at the Inquests following the London Bridge and Borough Market terrorist attack.

Notable Inquests cases

Inquest into the death of Jason Lennon

acting for the Metropolitan Police; [Mr. Lennon](#) died after being restrained during an episode of acute behavioural disturbance.

Inquest into the death of Gaia Pope

acting as junior counsel for Dorset Police (led by [Beatrice Collier](#)). The inquest will examine evidence relating to complex mental health needs, the treatment of epilepsy and the efficacy of a missing person investigation.

Inquest into the death of Jack Ritchie

acting for Gamcare UK. The inquest will examine whether gambling caused or contributed to [Mr. Ritchie's death](#).

Inquest into the death of John Cooney

acted for Transport for London; Mr. Cooney died after falling and sustaining a serious head injury whilst attempting to board a train.

Inquest into the death of Melissa van der Klugt

acted for Ms. Van der Klugt's family; Ms. Van der Klugt died after being struck by a motorcycle whilst crossing the road. A conclusion of unlawful killing was secured, which is highly unusual in cases involving dangerous driving.

Inquest into the death of Shane Gilmer

acted for Humberside Police; Mr. Gilmer died after being [shot with a crossbow](#).

Inquest into the death of Natasha Crabb

acted for Surrey Police; Ms. Crabb died after consuming butane gas, and had had frequent contact with the police and other agencies in the weeks and years leading to her death.

Inquest into the death of James Lockett

acted for North Wales Police; the inquest examined the complex nature of management of medication prescribed to treat schizophrenia and treatment for the condition, as well as the training relied upon when dealing with individuals diagnosed with schizophrenia and decisions to arrest and detain such individuals.

Inquest into the death of Edna O'Connor

acted for BMI Healthcare; Ms. O'Connor died following complications from gallbladder surgery.

Inquest into the death of Sebastian Hibberd

acted for NHS Digital; this case involved the death of a six year old child, caused by bowel intussusception and a fatal delay in access to medical treatment. The inquest examined the clinical basis upon which algorithms are generated for use by the NHS 111 service, for which NHS Digital is responsible, and also addressed the operation of the NHS 111 service itself, the adequacy of training of call handlers and the adequacy of local GP services.

Inquest into the death of Susan Stansbie

acted for the Mental Health Trust responsible for the care of Ms. Stansbie, who suffered catastrophic injuries sustained as a result of being struck by a train shortly after her release from hospital.

Public Inquiries

Amy is junior counsel for the Metropolitan Police at the Grenfell Tower Inquiry, and has been instructed since 2017.

Amy's extensive public law and inquest experience make her well-suited to advise and represent clients involved in public inquiries.

Professional Discipline and Regulatory

Amy has a wide-ranging practice acting on behalf of the Appropriate Authority in proceedings brought under the Police (Conduct) Regulations and Police Appeals Tribunals Rules. She has been involved in a number of high profile cases throughout her career, including the misconduct proceedings arising from the policing of the student loan protests in 2012 and the murder of Bijan Ibrahim in 2013. In recent years, Amy has developed a particular specialism in sexual misconduct matters.

Notable Professional Discipline and Regulatory cases

PS H (Wiltshire Police)

allegations that a male officer had pursued an improper relationship with a junior, female colleague and had engaged in unwanted sexual touching of her.

PC W (North Wales Police)

allegation that a male officer pursued a sexual relationship with a vulnerable victim of crime

PC P (MPS)

allegation that an adverse judicial finding could, in and of itself, amount to a conduct matter

PS M (Staffordshire Police)

allegations abuse of position for sexual gain and dereliction of duty for the purpose of pursuing sexual relationships with junior colleagues, both on and off duty.

PC G (North Wales Police)

allegations of abuse of position for sexual gain by a female officer responsible for the management of the welfare of a vulnerable male, who was the victim of sexual abuse

Inspector L and PS P (Sussex Police)

allegations of dereliction of duty for the purpose of engaging in a sexual relationship and abuse of position for sexual gain

PC T (West Midlands Police)

allegations of discreditable conduct in relation to conduct towards a vulnerable member of the public, and the posting of degrading images on Snapchat

PC BSD (MPS)

allegations of use of excessive force, resulting in dismissal and protracted proceedings in the PAT which ultimately upheld the original decision to dismiss

Public and Administrative

Amy undertakes a range of public law work, with particular specialisms in civil liberties, human rights and policing and criminal justice.

Notable Public and Administrative cases

R (YZ) v Chief Constable of South Wales Police [2021] EWHC 1060 (Admin)

judicial review challenge to the retention of acquittal information held on the PNC

R (AV) v Chief Constable of South Wales Police

judicial review challenge to a caution administered to a teacher for assaulting a student

Kawa v Commissioner of Police of the Metropolis

judicial review challenge to a caution for assault

Healthcare

Amy acts for a range of clients including police forces, local authorities, NHS Trusts and private healthcare providers. Amy undertook a secondment in the clinical inquest team at a leading firm of solicitors in 2016, which has given her invaluable insight into the specific needs of healthcare 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 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
- 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
- Absconson 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
- Frequency and intensity of contact with a Community Mental Health Teams

- 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
- Cardiac arrest following positional asphyxia

In her inquest practice she specialises, in particular, in cases with a mental health or capacity dimension.

Significant Cases

YZ v Chief Constable of South Wales Police [2022] EWCA Civ 68 -

The successful defence of a judicial review relating to retention of acquittal information on PNC following and other intelligence on local Force systems. Amy represented the Chief Constable in both the judicial review and the subsequent appeal in the Court of Appeal.

Omishore v IOPC

Judicial Review of the investigative decisions taken about the circumstances of the police interaction with Mr. Omishore, who jumped from Chelsea Bridge into the Thames after being tasered. Amy acted for the Commissioner of Police of the Metropolis as an Interested Party

Dunne v IOPC

forthcoming Judicial Review about the investigation into contact between firearms officers and Mr. Dunne, resulting him sustaining life changing injuries. Amy is instructed on behalf of the Commissioner of Police of the Metropolis.

Kamara v Commissioner of Police of the Metropolis, Reynolds v Chief Constable of BTP and Smith v Chief Constable of Leicestershire Police

three consecutive false imprisonment trials heard with a jury. Amy was successful on each and secured orders for costs.

Inquest into the death of Hassan Yahya

Mr Yahya was fatally shot by police in March 2020. Amy is instructed on behalf of the Commissioner of Police of the Metropolis

Inquest into the death of Thomas Orchard

this forthcoming inquest will examine the use of an Emergency Response Belt around the face in the course of a restraint. Amy is instructed on behalf of the Chief Constable of Devon and Cornwall Police, and is also advising on related civil proceedings.

Inquest into the death of Gaia Pope-Sutherland

this twelve week inquest examined every aspect of the police response Gaia's disappearance, and the subsequent efforts to locate her. Amy was instructed on behalf of

the Chief Constable of Dorset Police.

Inquest into the death of Jack Ritchie

this was one of the first inquests to examine the role of gambling in an individual's death, and the provision of professional support for gambling addiction. Amy was instructed on behalf of the charity GamCare.

Education & Qualifications

- 2010 – Called to the Bar by Middle Temple
- 2010 – Anglo American Scholar, Middle Temple
- 2010 – BPP, Bar Vocational Course
- 2009 – BPP, Graduate Diploma in Law
- 2007 – Leeds University, BA (Hons) Politics

Awards & Scholarships

