

Cicely Hayward

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Cicely Hayward has a civil and public law practice.

Cicely specialises in inquests and inquiries, police law, public law, human rights, personal injury and data protection law.

She is recognised as a leading junior in the legal directories: *“Cicely’s meticulous case preparation and formidable skills as an advocate make her very effective in cross examination. She has great client handling skills, and excellent judgement”* (Legal 500 – Tier 3 Police Law and Tier 4 Inquests and Inquiries); *“She presents well-researched arguments and her written advice regarding litigation matters is always realistic, with excellent guidance”*; *“Cicely is sensible, and able to deal with the most complex cases”* (Chambers UK – Band 2 Inquests and Inquiries and Police Law)

Cicely acts regularly for central government departments, police forces and public bodies in public and private law matters, and in inquisitorial proceedings.

Cicely’s notable inquisitorial work includes acting in the Covid Inquiry for the Cabinet Office, the Inquests into the deaths arising from the Forbury Gardens terrorist attack for the Ministry of Justice, the Manchester Arena Inquiry for the Home Office, the Undercover Policing Inquiry for a former NPOIU officer, the East London Inquests (concerning the deaths of the four victims of Stephen Port) as a member of the Counsel to the Inquests team, the Inquest into the death of Geoff Gray at Deepcut Barracks, the Inquest into the death of Sean Cunningham (Red Arrows fatal ejection accident) and IICSA (Child Migration Programmes Case Study) for the Department of Health.

Cicely’s civil law work includes advising on and acting in the full breadth of claims faced by the police, CPS and other prosecutorial authorities including false imprisonment, malicious prosecution and misfeasance in public office claims, Human Rights Act claims, discrimination claims and liability and quantum for inadvertent data breach claims. Cicely frequently advises on liability and quantification in Fatal Accident Act claims, high value personal injury and clinical negligence claims, and mesothelioma claims.

Cicely’s public law work has included challenges to the police, central government departments and Coroner’s decisions.

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

Expertise

Police Law

Cicely’s practice encompasses all areas of civil and public law relevant to policing.

She has extensive experience in advising on and acting in claims alleging negligence, breaches of the Human Rights Act, malicious prosecution, misfeasance in public office, assault (including following discharge of taser), false imprisonment and breach of the Data Protection Act. She has dealt with numerous cases which raise issues of mental health law and capacity. Cicely also acts for police forces in employment law claims and disciplinary matters, and has experience of working for the IOPC.

Notable Police Law cases

Klarius & Ors v Department for Transport (ongoing)

Multi-million pound claim for malicious prosecution and misfeasance in public office brought against DfT following the collapse of a multi-handed fraud prosecution. Led by Charlotte Ventham KC.

Inquest into the death of Andrew Gwynne and related civil proceedings

Inquest into the death of a suicidal driver who crashed into a stationary vehicle on the M4 during a police pursuit, and resultant Article 2 and FAA claims.

Higgins v Chief Constable of Thames Valley Police

Claim for damages for false imprisonment including application of *R (Lumba) v Secretary of State for the Home Department* [2011] UKSC 12 where necessity criteria available but not in arresting officer's mind.

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 Harboured'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

Inquests

Cicely has particular experience in inquest work. She is recommended by Chambers and Partners for Inquests and Inquiries (Band 2) She frequently represents police, central government departments, local authorities and families in inquests, and often advises on and appears in any resultant civil actions.

She has particular expertise in inquests with a national security element (including those that convert into a public inquiry), deaths in custody, deaths following restraint, firearms deaths, MOD deaths and deaths where there are concerns about healthcare failures, social care failures and multi-agency failures. She has also advised on inquests concerning deaths in university settings.

Notable Inquests cases

Inquests into the deaths arising from the Forbury Gardens terrorist attack [2023/4]

Instructed by the Ministry of Justice (NPS and HMPPS) in the inquests into the deaths of the three victims of the terrorist attack in Reading June 2020. Led by Beatrice Collier.

Inquest into the death of Connor Clark [2024]

Instructed by the Ministry of Defence into death of a Royal Marines recruit at CRCRM Lympstone.

Inquest into the death of Ben Maslin [2023]

Instructed by the Ministry of Justice in 3 week inquest into a death in custody following an overdose of spice.

Inquest into the death of Andrew Gwynne and related civil proceedings [2022/3]

Inquest into the death of a suicidal driver who crashed into a stationary vehicle on the M4 during a police pursuit, and resultant Article 2 and FAA claims.

Inquest into the death of Katie Locke [2021]

Instructed by the Ministry of Justice (NPS) in the inquest into the death of woman brutally assaulted and murdered by Carl Langdell on a first date. Langdell was serving a suspended sentence order at the time, was known to two police forces, two mental health trusts and the probation service.

East London Inquests [2019-2021]

Instructed for Sarah Munro KC as junior counsel to the inquests (until a period of maternity leave) in the inquests into the deaths of the victims of Stephen Port (the “Grindr Killer”). Led by Andrew O’Connor KC.

Inquest into the death of Alexander Tostevin [2021]

Instructed by the Ministry of Defence (until period of maternity leave) in the inquest into the death of Cpl Alex Tostevin of the SBS.

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 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 Inquiries

Cicely has extensive experience of public inquiries and is recommended by Chambers UK for Inquests and Public Inquiries (Band 2).

She has acted in some of the most high profile public inquiries in recent years for the lead government departments involved. Cicely's Inquiry experience includes handling national security sensitive material.

Notable Public Inquiries cases

Covid Inquiry [2022 – present]

Instructed as junior counsel to the Cabinet Office in the ongoing Inquiry into the Covid response. Led by Anne Studd KC, James Strachan KC and Peter Skelton KC.

Undercover Policing Inquiry [2022 – present]

Instructed to act for a former NPOIU officer (Module 2 of the Inquiry)

Manchester Arena Inquiry [2019-2021]

Instructed as junior counsel to the Home Office in the Inquiry into the terrorist attack at Manchester Arena on 22 May 2017. Led by Cathy McGahey KC and Neil Sheldon KC.

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 KC.

Information Law

Cicely's practice frequently involves advising on data breaches, and in particular quantifying losses arising from data breaches including consideration of claims involving re-location. She regularly advises clients on information law matters.

Personal Injury and Clinical Negligence

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 has experience of mesothelioma claims both as to liability investigations 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, and is experienced in preparing complex Counter-Schedules of Loss including responding to loss of pension claims and accommodation claims.

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 has appeared in numerous inquests where central issues have included the appropriateness of clinical treatment (both for physical and mental health conditions and substance misuse issues), the prescription and administration of medication and emergency care, the delivery of community and hospital setting nursing care and social care.

In her civil practice Cicely has experience in delayed diagnosis claims, mesothelioma claims, bedsore cases and care home cases.

Cicely has particular experience of dealing with inquests and claims where there is an interplay between failings of public bodies including mental health services and the need to consider the adequacy of multi-agency liaison.

Cicely practice frequently entails questioning and advising upon the expert evidence of clinicians.

Notable Healthcare cases

Inquest into the death of Connor Clark

MOD inquest engaging questions as to clinical response to self harm risk.

Inquest into the death of Alexander Tostevin

MOD inquest engaging questions as to clinical response to self-harm risk.

Pass v MOD

High value claim for delayed diagnosis of spinal tumour including issues around need for new accommodation and pension loss.

Zawiasa v MOD

High value claim for delayed diagnosis of hand injury.

Whitehurst v MOD

Claim for delayed diagnosis of shoulder injury.

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.

Notable Employment cases

Gregory v MOD [2022-2024]

Instructed by MoD in age discrimination claim concerning, inter alia, the lawfulness of the provisions of the Equality Act 2010 that disapply the provisions of Part 5 of the Act, insofar as they relate to age and disability, to service in the armed forces.

Mohammed v CPS [2017 / 2023]

instructed by the CPS in three claims brought by a Senior Crown Prosecutor 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.

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 Public & Administrative cases

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 Harboured's Warnings).

R (Khosla) 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.

Education & Qualifications

- 2009 – Called to the Bar of Lincoln’s Inn
- 2009 – Hardwicke and Hubert Greenland Scholarships (Lincoln’s Inn)
- 2009 – BPP, BVC
- 2008 – GDL, Oxford Brookes
- 2007 – Pembroke College, Oxon BA (Oxon), English Literature

Appointments

- 2013 – Appointed to the Attorney General’s C Panel of Counsel
- 2018 – Appointed to the Attorney General’s B Panel of Counsel

Awards

