

# Claire Palmer

Call 2003



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## Claire Palmer specialises in employment, public / administrative, inquests, inquiries and civil claims.

She is regularly instructed by Government departments and public bodies in inquests and public inquiries and has significant experience across a broad range of civil cases.

Claire is considered to be “personable and engaging as well as excellent with clients”. She is rated by clients for representing “the best of barrister qualities – she’s clear and articulate about the big picture, but in preparation her attention to detail is excellent”.

Claire regularly appears in the Employment Tribunal, County Court and High Court. She frequently represents the Government in relation to cases with a national security element and has particular experience of the issues that arise in such cases. She appears for individuals and private bodies particularly in fact-sensitive or high-profile whistleblowing and discrimination claims.

Recent examples of her work include: senior junior counsel on the Undercover Policing Inquiry for the Designated Lawyers team (representing a significant number of former SDS officers); representing the Crown Prosecution Service in a substantial malicious prosecution, misfeasance in public office, and conspiracy to injure case; and a number of substantial inquests on behalf of HMPPS arising out of deaths in prison custody.

Claire was appointed to the Attorney-General’s A Panel of Junior Counsel in 2019 and has over 10 years’ experience in Government cases.

Claire practised for nine years at a common law chambers before joining 5 Essex Chambers in 2014. In her early years of practice, Claire appeared regularly in criminal cases and was on the CPS Prosecution list.

Claire is a Liveryman in the Worshipful Company of Security Professionals, and a Chairman of the WCOSP Charitable Trust. She was a member of the London Board of Crimestoppers working alongside the Metropolitan Police and chaired her local Police SNT Ward Panel. She is a Lead Tutor for Advocacy at Lincoln’s Inn for 10 years.

In May 2020, Claire was appointed a Deputy District Judge (Civil) on the South Eastern Circuit.

## Expertise

## Employment

Claire has a wide experience of drafting and advocacy in employment matters. She has appeared as an advocate in the County Court, High Court, Employment Tribunals

and EAT.

Claire undertakes both Claimant and Respondent work in the Employment Tribunal, ranging from small family employers to large Government organisations (including police forces). Her practice covers all areas of employment law, and she accepts instructions in Tribunals across the country. Since her appointment to the Attorney General's Panel, she has represented many Government departments including Her Majesty's Prison and Probation Service, the Ministry of Justice, the Department of Health, the Home Office, GCHQ and the Ministry of Defence. Since 2014, she has been regularly instructed by several police forces including Kent, Thames Valley, West Midlands as well as the National Crime Agency. She also represents individuals (both on a direct access basis and instructed by solicitors) as well as a range of Respondents from including large employers such as Channel 4 and Ladbrokes.

Claire is regularly instructed in fact-sensitive discrimination and whistleblowing complaints and has considerable experience of disability discrimination claims. She has a strong record of striking out claims at the earliest opportunity, obtaining costs orders in unmeritorious claims, and is regularly called upon to act in cases involving senior Government employees.

Claire's clients have particularly commented on her pragmatic approach to the underlying issues that often arise in employment relationships and her understanding approach to witnesses and clients.

Claire is a member of ELBA and the Employment Lawyers Association.

## Notable Employment cases

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Successfully represented a company who engaged a pilot as Chief Captain of a private plane in a 3-day hearing for unfair dismissal, whistleblowing, and breach of contract, including issues of employment status.

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Represented a former finance director of an AIM listed company in a 5-day Tribunal hearing for equal pay, sex discrimination, unfair dismissal, wrongful dismissal etc. The case was settled for an undisclosed sum on day 3 after Claire had cross-examined the Chief Executive of the Respondents.

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Successfully represented Millwall Football Club in a 2-day hearing involving unfair and wrongful dismissal from a former employee.

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Successfully represented a Government department in a 10-day disability discrimination case.

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Claire also appears in the Employment Appeal Tribunal. Reported cases include GCHQ v Bacchus [2012] Eq.

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L.R. 1002 and Jennings v Barts and the East London Trust [2013] Eq. L.R. 326 both dealing with disability discrimination.

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In March 2014, Claire appeared for the MOD in the first ever full merits hearing in the Industrial Disputes Tribunal in the Sovereign Base Area, Cyprus. She was called to the SBA Bar, and successfully defended the claim dealing with issues of TUPE, contract, unfair dismissal and redundancy.

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## Police Law

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Claire is regularly instructed by Police forces in a variety of employment claims, inquests, judicial reviews and general civil claims. Claire has also been instructed in inquiries involving the police. In 2017 she was instructed in the Grainger Inquiry (on behalf of the IPCC as it then was) which considered issues relating to the use of firearms, surveillance and intelligence gathering as well as the post incident procedures. The report was published in July 2019. In 2017, she was instructed as a senior junior on the Undercover Policing Inquiry for the Designated Lawyers team on behalf of over 100 former SDS officers, cover officers and managers. In 2019 she appeared for Thames Valley Police in a 3-week Inquest into the death of Leroy Medford who had concealed drugs on his person when arrested, and subsequently swallowed the drugs whilst in police custody.

Claire has an excellent grasp of the issues facing police forces, from a practical and working perspective as well as experience of the legal issues. Her parents are both former police officers, she chaired her local Ward Panel Safer Neighbourhood Team for over 10 years, and was previously a member of the London Board of Crimestoppers. Combined with Claire's previous experience as a criminal advocate (both prosecuting and defending) in the early stage of her career, she understands the particular challenges currently facing police forces and police officers. Claire's clients comment favourably on her "down to earth approach" and ability to win the trust of police clients at all levels.

Claire has built upon her experience acting for Government departments defending claims brought by ex- employees and prisoners for negligence, interference with property rights, personal injury, harassment, misfeasance in public office and breaches of human rights. As a member of the Attorney-General's Panel, Claire is regularly instructed by the Crown Prosecution Service co-defending with police forces in claims for malicious prosecution, of misfeasance in public office, Zenati claims, and claims relating to the misuse of information and connected claims. She undertook a number of claims arising out of Operation Elvedon in respect of the misuse of private information and breach of confidence claims. Claire was instructed by the Defendant in *Rudall v CPS*, a 2 week High Court trial heard in the High Court sitting at Cardiff, and successfully defended allegations of malicious prosecution brought against it.

Claire has an excellent knowledge of the specific issues affecting police forces in the Employment Tribunals particularly discrimination claims, claims arising from attachments to other organisations and forces, and whistleblowing. Recent employment cases include acting for the National Crime Agency in whistleblowing claims brought by 3 former attached officers, acting for Kent Police in a disability discrimination claim, and a sensitive sex discrimination claim for another police force which was successfully settled on favourable terms. She is regularly instructed in cases with sensitivities and has considerable experience of rule 94 and rule 50 Orders. Claire also has experience of Equality Act claims in the County and High Court and has advised on equality impact assessments on behalf of the MOJ.

Claire also undertakes advisory work for Police forces and Police and Crime Commissioners. She has recently advised on topics such as the availability of police allowances, the complex issues involved for police officers dealing with cloud computing in the context of searches of suspects' premises, and in respect of actual and threatened judicial review proceedings.

## Inquests

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Claire is regularly instructed in inquests with particular experience of dealing with deaths in or on release from custody (including police and prison custody and immigration detention) and after contact with police. She has an excellent relationship with clients who comment favourably on her pragmatic and straightforward approach to the process. Claire is also instructed in a number of civil claims arising out of cases connected to inquests.

Claire's experience in inquests regularly includes the involvement of healthcare providers both within custody and in the community, evidence from healthcare experts, and consideration of the issue of neglect. Her experience of disability discrimination cases in the Employment Tribunal and civil courts is valuable in addressing cases involving issues relating to mental health. She is a member of the Faculty of Forensic and Legal Medicine.

## Notable Inquests cases

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Instructed by Thames Valley Police force in respect of a death in police custody of Leroy Medford relating to the care of a detainee who had plugged and then subsequently swallowed drugs including consideration of intimate searches, interaction with hospital care including viability of CT scans, and the implementation of the drugs SOP;

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Inquest for the Ministry of Justice in relation to a prisoner who confessed to the murder he had previously denied in the face of a high-profile innocence campaign and consideration of personality disorder;

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Inquest for a Police force including detailed consideration of the Prisoner Escort Record forms and information communication;

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Three-week inquest for the MOJ relating to a death in custody involving complex mental health issues;

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Inquest for GCHQ in respect of the death of one of their employees.

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Claire's employment experience has been particularly invaluable in cases where the (deceased) individuals were employed by state agencies.

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## Public Inquiries

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Claire was instructed by the IPCC (now the IPOC) in the public inquiry into the death of Anthony Grainger. The Inquiry heard evidence over a 3-month period in 2017 and the report was published in July 2019.

Claire also has experience of inspections under the Local Government Act 1999 having advised in respect of the Inspection into Avon Fire and Rescue Authority in 2017.

In August 2017, Claire was instructed as senior junior counsel to the Designated Lawyers team representing a significant number of former Special Demonstration Squad officers in the Undercover Policing Inquiry. Claire works as part of a team of 10 barristers (led by a silk) and liaising with other core participants in the UCPI and the Inquiry itself. Claire is involved in all aspects of the UCPI relating to her clients including the restrictions order process (anonymity) and consequential redactions, rule 9 statements, and applications for special measures including appearing at hearings before the Chairman and liaising with clients, interested parties and the Inquiry.

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## Public & Administrative

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Claire undertakes judicial reviews in wide range of forums including the High Court, but also has considerable experience of the Special Immigration Appeals Commission (SIAC) and in the Sovereign Base Area Cyprus. Recent cases include representing the Service Complaints Ombudsman in judicial reviews relating to the Armed Forces, advising the Metropolitan Police in relation to a threatened judicial review relating to a former undercover officer and the payment of sick pay, representing the MOJ in a judicial review against the refusal to transfer a prisoner to open conditions which included a policy challenge.

As well as appearing as an advocate, Claire has been involved in a number of cases in an advisory capacity and has successfully defended and avoided claims on receipt of a letter before claim, and at the permission stage. She has recently advised the Secretary of State for Education in respect of an application for interim relief in the context of a decision to suspend the course designation of a Higher Education college ultimately leading to the application being withdrawn. . Claire is instructed by the DWP in relation to a challenge to the Universal Credit Regulations and an allegation that they are discriminatory and / or unlawful in relation to the housing allowance calculation.

In the SBA, Claire has acted for the SBA Police force and the Administration in respect of challenges to the local Police Discipline Regulations as well as in other civil and employment claims. The SBA is governed by Ordinances passed by the local administration but subject to UK common law. Her most recent case was appealed to the Privy Council, in which Claire drafted written submissions and the appeal was rejected.

In SIAC, Claire is regularly instructed by the Home Office in respect of challenges to naturalisation and exclusion to the UK. SIAC applies the same JR principles as the High Court but combined with a closed material procedure in relation to any relevant closed material.

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## Human Rights

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Claire is regularly instructed in respect of claims for the Government and police where issues relating to human rights arise.

Most notably, this includes inquests and other consequential claims arising out of deaths in police and prison custody, and inquiries. Other recent cases include claims relating to the disclosure and retention of records by police forces, article 5 (Zenati) claims against the Police or CPS, and civil damages claims brought against HMG including relating to alleged conduct of HMG abroad. Claire is also regularly instructed in judicial reviews involving human rights challenges.

Claire has considerable experience dealing with cases involving a national security element including closed material procedures, and other procedures (including PII, private hearings and the anonymity and protection of witnesses).

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## Professional Discipline & Regulatory

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Claire has significant experience of advising in respect of disciplinary proceedings in an employment context from both the employee and employer position and has a good knowledge of police misconduct procedures. She has experience of judicial review proceedings in the Sovereign Base Area in Cyprus relating to the relevant police misconduct procedures and their application.

Claire was instructed on a direct access basis to defend proceedings brought by the BSB in a prosecution of a barrister for an offence of dishonesty. The case involved issues of disability and mental health and which culminated in the BSB offering no evidence after a Directions Hearing. The BSB were ordered to pay a costs award to the

barrister in excess of £9,000. Claire has also acted on a pro bono basis in a COIC hearing representing a student facing allegations of cheating.

Claire is a member of the Association of Regulatory and Disciplinary Lawyers.

## Personal Injury

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Claire is regularly instructed in cases involving claims for damages for personal injury as part of wider civil and employment claims. Her experience includes claims for general damages, special damages and pension loss (both public sector and private pensions).

## Healthcare

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Claire is regularly instructed in cases within the health sector including inquests, civil claims and employment cases. She is a member of the Faculty of Forensic and Legal Medicine.

Claire's experience in inquests regularly includes the involvement of healthcare providers both within custody and in the community, evidence from healthcare experts, and consideration of the issue of neglect. Her experience of disability discrimination cases in the Employment Tribunal and civil courts is valuable in addressing cases involving issues relating to mental health. Recent cases include:

Instructed by Thames Valley Police force in respect of a death in police custody of Leroy Medford relating to the care of a detainee who had plugged and then subsequently swallowed drugs including consideration of intimate searches, interaction with hospital care including viability of CT scans and the consideration of the issue of neglect.

Inquest for the Ministry of Justice in relation to a prisoner who confessed to the murder he had previously denied in the face of a high-profile innocence campaign and consideration of personality disorder;

Three-week inquest for the MOJ relating to a death in custody involving complex mental health issues;

Claire regularly deals with disability discrimination cases in the employment tribunal particularly in relation to the complex issues of mental health, but also in respect of physical health conditions. She is regularly instructed in whistleblowing cases on behalf of individual healthcare practitioners, as well as for Public Health England and the Medicine and Healthcare products Regulatory Agency. She has recently been instructed in a claim relating to doctor in a whistleblowing case related to breach of GMC guidelines and standard of patient care.

Claire has significant experience of advising in respect of disciplinary proceedings both in an employment context and in regulatory proceedings brought against barristers, and vetting procedures within the security sector. Claire is a member of the Association of Regulatory and Disciplinary Lawyers.

## Education & Qualifications

- 2003 – Called to the Bar by Lincoln's Inn
- 2003 – BPP Law School, Bar Vocational Course
- 2002 – University of Bristol, LLB (Hons)

## Memberships

- Association of Regulatory and Disciplinary Lawyers
- Employment Lawyers Association
- Employment Law Bar Association
- South Eastern Circuit

## Appointments

- 2020 – Appointed a Deputy District Judge on the South Eastern Circuit
- 2014 – Appointed to the Attorney-General’s B Panel of Junior Counsel to the Crown
- 2009 – Appointed to the Attorney-General’s C Panel of Junior Counsel to the Crown

Claire was formerly on the London Board of Crimestoppers working alongside the Metropolitan Police and currently chairs her local Police SNT Ward Panel. She is actively involved in the City of London and a trustee of two charities.

## Lectures / Training

- Claire regularly gives lectures on topics including harassment, tactical approaches to employment litigation and managing performance at work.
- Claire is an accredited advocacy trainer (Lead Tutor) for Lincoln’s Inn and an approved pupil supervisor.

## Awards

