

Fiona Barton KC

Call 1986

Silk 2011



clerks@5essex.co.uk



020 7410 2000

Fiona Barton KC is recognised as a leading silk, specialising in all aspects of police law, and is rated as “one of the finest police law barristers in the country” (Chambers UK).

She has represented most of the 43 police forces in England and Wales and appears regularly in high profile, sensitive and ground-breaking cases up to Supreme Court level.

Fiona’s practice encompasses judicial review proceedings, civil claims, misconduct proceedings and advisory work. She also appears in high profile public inquiries and inquests. Fiona is adept at handling complex and sensitive cases and has an in-depth understanding of the impact of legal principles on practical policing. According to her clients she has “*gravitas and commands confidence*” and is commended for having “*a fantastic approach to sensitive cases which require sympathy and empathy but a robust defence*” and an “*innate sense of the right solutions to issues raised by new emerging principles*” (Chambers UK).

Current and recent examples of her high profile work include:

- **Manchester Arena Inquiry**
- **Fishmongers Hall Terror Attack Inquest**
- **Guildford Pub Bombings Inquests**
- **R (Bridges) v The Chief Constable of South Wales & others** – appeal concerning the use of automatic facial recognition technology
- **BES Commercial Energy v Chester West and Chester Trading Standards** – civil claim arising out of regulatory investigations into a commercial energy company
- **R (Short) v Police Misconduct Tribunal & others** – judicial review considering the effect of tribunal members – reading inadmissible or irrelevant material in the context of the Police (Conduct) Regulations

Fiona was Head of Chambers 2010-2017.

Expertise

Police Law

Fiona is one of the country’s leading KCs specialising in police law.

She represents the police in public inquiries, inquests, judicial reviews and civil jury actions. Fiona advises on all aspects of police powers including both policy and

operational issues. She is regularly instructed to represent Appropriate Authorities in police misconduct proceedings. Details of cases in the respective disciplines are set out below.

Fiona has particular expertise in dealing with high profile or highly sensitive cases involving substantial quantities of documents and public interest immunity issues.

Fiona has almost 30 years' experience in civil actions involving the police including CHIS and witness protection claims and issues arising in the family courts.

Notable Police Law cases

[2017] Coghlan v Chief Constable of Greater Manchester Police and others

Acted for the Chief Constable of Greater Manchester in the civil claim arising out of the arrest of Arran Coghlan on suspicion of murder of Stephen Akinyemi.

[2017] Chatwani v NCA

Acted for the NCA in this high value civil claim arising out of the execution of warrants.

[2017] Bourne v Taylor

Acted for the PCC of Sussex in proceedings brought by her in the High Court pursuant to the Protection from Harassment Act 1997

[2016] Boyd v Chief Constable of Cleveland

Acted for the Chief Constable of Cleveland in a sensitive civil claim arising from disclosure issues in a bad on bad kidnap trial.

[2016] Child X v Chief Constable of Sussex

Acting for the Chief Constable in a civil claim for damages arising out of a high profile case involving multiple arrests of a child suffering from a genetic condition causing behavioural issues.

[2016] McGoldrick and Turnbull v Chief Constable of Northumbria Police

Acting for the Chief Constable regarding the civil claims arising from a high profile shooting by Michael Atherton on New Year's Day 2012.

[2015] Powell v Chief Constable of West Midlands

Acted for the Chief Constable of West Midlands defending the claim brought by the family of 'Mikey Powell' following his death in police custody. The death led to racial tensions and high profile public campaign for justice.

Public Inquiries

"She's a brilliant inquests and inquiries practitioner." (Inquests & Public Inquiries) – Chambers UK 2022

"Exceptional in all respects." (Inquests and Inquiries) – Legal 500 2022

"She is really brilliant: she can get to grips with the central issues quickly... Her drafting and attention to detail is really excellent and clients adore her." (Inquests and Inquiries) – Chambers UK 2021

Over the last 15 years Fiona has appeared in some of the most high profile public inquiries involving the police service.

Notable Public Inquiries cases

The Manchester Arena Inquiry

Acting for Greater Manchester Police

The Undercover Policing Inquiry

Acting for individual anonymized officers

The Grainger Inquiry

Acting for the NCA in the public inquiry into the shooting of Anthony Grainger by GMP officers

The Independent Inquiry into Child Sexual Abuse

Acting for Surrey Police in the investigation into alleged abuse by members of the Anglican Church.

The Billy Wright Inquiry

Represented the former Chief Constable of the RUC regarding the murder of Billy Wright in HMP Maze.

The Bichard Inquiry

Represented the Chief Constable of Humberside during the public inquiry into the Soham Murders of Holly Wells and Jessica Chapman.

Inquests

Fiona appears in complex, high profile inquests in both police and regulatory contexts.

In the policing context, she has extensive experience in inquests involving operational policing issues including witness protection, covert human intelligence sources, intelligence and firearms issues.

Notable Inquests cases

[2020] The Fishmongers Hall Terror Attack Inquests

Acting for City of London Police

[2019] The Manchester Arena Inquests

Acting for Greater Manchester Police

[2019] The London Bridge Terror Attack Inquests

Acting for the City of London Police

[2017] The Perepilichnyy Inquest

Acting for Surrey Police in the inquests concerning the death of a Russian in circumstances alleged to give rise to suspicion that he had been poisoned by the Russian

authorities.

[2017] Akinyemi Inquest

Acting for Greater Manchester Police in the inquest concerning the death of Mr Akinyemi at the hands of Arran Coghlan.

[2013] – [2016] Hillsborough Inquests

Leading Matthew Holdcroft acting for South Yorkshire Police in the inquests into the deaths of 96 Liverpool fans at the Hillsborough Stadium in 1989.

[2013] Saldanha

Acting for the King Edward VII Hospital in the inquest into the death of the nurse who was victim of a prank call from an Australian radio station concerning the Duchess of Cambridge.

[2013] Atherton and Mc Goldrick Inquests

Acting for Northumbria Police in the inquests into the high profile deaths of several members of the same family arising from a shooting on New Year's Day. The inquest involved consideration of firearms licensing issues from a police perspective.

[2011] Cumbria Shootings Inquests

Acted for the Cumbria Police in the inquests into the deaths of Derrick Bird and his many victims. It involved close examination of the police preparedness and response to a rampaging gunman.

Public & Administrative

Fiona regularly appears in high profile public law cases, including at Supreme Court level.

Notable Public & Administrative cases

[2020] R (Bridges) v The Chief Constable of South Wales & others

Acting for the Police and Crime Commissioner of South Wales Police in the Court of Appeal in an appeal concerning the use of automatic facial recognition technology

[2020] R (Short & others) v The Police Misconduct Tribunal and others

Acting for the IOPC in this case concerning whether the fact the tribunal have read allegedly inadmissible or prejudicial material gives rise to apparent bias and a requirement to recuse.

[2018] Re Beale

Acted for the Chief Constable of West Midlands Police in the expedited judicial review (including injunctive proceedings) concerning apparent bias in misconduct proceedings involving ACC Beale.

[2017]

Acted for the Chief Constable of Greater Manchester Police in the judicial review concerning determinations made by the IPCC re disclosure issues arising out of the investigation into involvement of Arran Coghlan in the death of Stephen Akinyemi.

[2016]

Acted for the Chief Constable of Nottinghamshire Police in a proposed judicial review by Nottingham City Council of the decision to change the policing delivery model.

[2014] Nunn (Supreme Court) [2014] UKSC 37

Acting for Suffolk Constabulary in a test case concerning the disclosure obligations of the police post-conviction and appeal.

[2013] A v B Constabulary

Acting for B Constabulary in the Administrative Court in the leading case concerning the vetting of police contractors and their entitlement to reasons for rejection and the impact of public interest immunity considerations.

[2012] Icelandic Bank Collapse (Tchenguiz)

Acting for the City of London Police in a judicial review arising out of the arrest and bail of Robert Tchenguiz in connection with his dealings with the collapsed bank.

Civil Actions

Fiona has almost 30 years' experience in civil actions involving the police including CHIS and witness protection claims and issues arising in the family courts.

Fiona has extensive experience of civil claims arising from regulatory investigations including Ofgem, Ofcom and Trading Standards.

Notable Civil Actions cases

[2020] BES Commercial Energy v Chester West and Chester Trading Standards

Acting for Trading Standards in a high value civil claim arising from regulatory investigations into a commercial energy company involving Ofgem and Ofcom.

[2018] Swinton Lock Investigation

Representing the report authors in connection with the Maxwellisation process and threatened civil claims arising out of the alleged misuse of personal information by a registered charity.

[2017] Miller v Oldham Metropolitan Borough Council

Representing the Council in a civil claim arising from a regulatory investigation into the activities of a fraudulently operated kitchen company.

[2016] Rotherham Taxi Licensing Investigation

Representing the independent investigators in connection with proposed civil claims arising from the report into failures of the licensing process leading to sexual abuse of minors

[2020] BES Commercial Energy v Chester West and Chester Trading Standards

Multi million pound civil claim arising out of regulatory investigations into a commercial energy company involving applications for and execution of search warrants by Lancashire Constabulary and allegations of misfeasance and breach of Art. 8 and A1P1 by trading standards officers.

[2019] Young v Chief Constable of Warwickshire & others

Acting for the Chief Constable in a claim arising out of a complex murder investigation and prosecution which failed following disclosure issues arising in the course of the criminal trial.

[2017] Coghlan v Chief Constable of Greater Manchester Police and others

Acted for the Chief Constable of Greater Manchester in the civil claim arising out of the arrest of Arran Coghlan on suspicion of murder of Stephen Akinyemi.

[2017] Chatwani v NCA

Acted for the NCA in this high value civil claim arising out of the execution of warrants

[2017] Bourne v Taylor

Acted for the PCC of Sussex in proceedings brought by her in the High Court pursuant to the Protection from Harassment Act 1997

[2016] Boyd v Chief Constable of Cleveland

Acted for the Chief Constable of Cleveland in a sensitive civil claim arising from disclosure issues in a bad on bad kidnap trial.

[2016] Child X v Chief Constable of Sussex

Acted for the Chief Constable in a civil claim for damages arising out of a high profile case involving multiple arrests of a child suffering from a genetic condition causing behavioural issues.

[2016] McGoldrick and Turnbull v Chief Constable of Northumbria Police

Acted for the Chief Constable regarding the civil claims arising from a high profile shooting by Michael Atherton on New Year's Day 2012.

[2015] Powell v Chief Constable of West Midlands

Acted for the Chief Constable of West Midlands defending the claim brought by the family of 'Mikey Powell' following his death in police custody. The death led to racial tensions and high profile public campaign for justice.

Professional Discipline & Regulatory

Fiona has extensive experience in regulatory proceedings in various fields including the IPT, police misconduct, Ofgem, Ofcom and Trading Standards investigations. She is well aware of the need for a more nuanced inquisitorial approach to such proceedings.

She has almost unrivalled experience in the police misconduct arena having over 30 years' experience in this field. Her practice encompasses the most high profile cases of recent years including:

[2020] Misconduct proceedings arising from the death of Leon Briggs – Acted for IOPC in multi-handed misconduct proceedings against officers involved in the death in custody of Leon Briggs. Linked Judicial Review (Short & others).

[2018] Misconduct proceedings arising from the death of Kingsley Burrell – Presented, multi-handed misconduct proceedings against officers involved in the restraint of Mr Burrell in a mental health unit.

[2018] ACC Beale – Presenting the fast track misconduct proceedings arising from the conviction of a Chief Officer under the Official Secrets Act for loss of sensitive papers.

[2017] ACC Sutcliffe – Presenting the misconduct proceedings against a Chief Officer arising from her conduct towards a colleague at a professional event.

[2014]-[2016] Operation Kalmia – The misconduct investigation into the activities of a number of Chief Officers in connection with their handling of a criminal

prosecution involving a CHIS.

In other regulatory contexts, Fiona has appeared for various organisations in many forums, recent examples include:

[2018] Chatwani v NCA – Representing the NCA in Investigatory Powers Tribunal regulatory proceedings arising from a criminal investigation.

[2018] BES Commercial Energy v Chester West and Chester Trading Standards – Acting for Trading Standards in a high value civil claim arising from regulatory investigations into a commercial energy company involving Ofgem and Ofcom.

[2018] Swinton Lock Investigation – Representing the report authors in connection with the Maxwellisation process and threatened civil claims arising out of the alleged misuse of personal information by a registered charity.

[2017] Miller v Oldham Metropolitan Borough Council – Representing the Council in a civil claim arising from a regulatory investigation into the activities of a fraudulently operated kitchen company.

[2016] Rotherham Taxi Licensing Investigation – Representing the independent investigators in connection with proposed civil claims arising from the report into failures of the licensing process leading to sexual abuse of minors.

Notable Professional Discipline & Regulatory cases

[2020] Misconduct proceedings arising from the death of Leon Briggs

Acted for IOPC in multi-handed misconduct proceedings against officers involved in the death in custody of Leon Briggs. Linked Judicial Review (Short & others).

[2018] Misconduct proceedings arising from the death of Kingsley Burrell

Presented, multi-handed misconduct proceedings against officers involved in the restraint of Mr Burrell in a mental health unit.

[2018] ACC Beale

Presenting the fast track misconduct proceedings arising from the conviction of a Chief Officer under the Official Secrets Act for loss of sensitive papers.

[2017] ACC Sutcliffe

Presenting the misconduct proceedings against a Chief Officer arising from her conduct towards a colleague at a professional event.

[2014]-[2016] Operation Kalmia

The misconduct investigation into the activities of a number of Chief Officers in connection with their handling of a criminal prosecution involving a CHIS.

Information Law

Fiona's depth of knowledge in this field is illustrated by the fact that she has appeared in leading cases on the topic to Supreme Court level. She has a thorough understanding of how the law works in practice.

Supreme Court

Nunn (Supreme Court) [2014] UKSC 37 – Acting for Suffolk Constabulary in a test case concerning the handling of information in the context of disclosure obligations of the police post-conviction and appeal.

L v Commissioner of Police of the Metropolis (Supreme Court) [2009] UKSC 3 – A test case on behalf of the Commissioner concerning personal information in the context of disclosure within the teaching profession.

Notable Information Law cases

[2020] R (Bridges) v The Chief Constable of South Wales & others

Acting for the Police and Crime Commissioner of South Wales Police in the Court of Appeal in an appeal concerning the use of automatic facial recognition technology

[2019] BES Commercial Energy v Chester West and Chester Trading Standards

Acting for Trading Standards in a high value civil claim arising from regulatory investigations into a commercial energy company involving Ofgem and Ofcom. The claim involves allegations of Art 8 and A1P1 breaches

[2018] Swinton Lock Investigation

Representing the report authors in connection with the Maxwellisation process and threatened civil claims arising out of the alleged misuse of personal information by a registered charity helping victims of sexual abuse.

[2018] ACC Beale

Presenting the fast track misconduct proceedings arising from the conviction of a Chief Officer under the Official Secrets Act for loss of sensitive data.

[2016] Rotherham Taxi Licensing Investigation

Representing the independent investigators in connection with the compilation of a report into the failure of information management in the taxi licensing process leading to sexual abuse of minors.

[2014] MG1 v PF1

Information management issues in the context of art. 2, art. 8 and family proceedings, concerning a family in witness protection.

[2013] A v B Constabulary

Acting for B Constabulary in the Administrative Court in the leading case concerning the vetting of police contractors and their entitlement to reasons for rejection and the impact of public interest immunity considerations.

[2008] Madeleine McCann investigation

Acted for the Chief Constable of Leicestershire, ACPO and Crimestoppers in legal proceedings in the UK and Portugal in connection with information sharing both in the domestic and international context in respect of the Madeleine McCann investigation.

Civil Liberties and Human Rights

The rights enshrined in the Convention are a constant thread running through the entirety of Fiona's practice. As she regularly represents parties to whom Convention obligations attach she is very familiar with all types of such claims up to Supreme Court level including the cases of L and Nunn.

Notable Civil Liberties and Human Rights cases

[2020] R (Bridges) v The Chief Constable of South Wales & others

Acting for the Police and Crime Commissioner of South Wales Police in the Court of Appeal in an appeal concerning the use of automatic facial recognition technology

[2018] BES Commercial Energy v Chester West and Chester Trading Standards

Acting for Trading Standards in a high value civil claim arising from regulatory investigations into a commercial energy company involving Ofgem and Ofcom. The claim involves allegations of Art 8 and A1P1 breaches.

[2018] Swinton Lock Investigation

Representing the report authors in connection with the Maxwellisation process and threatened civil claims arising out of the alleged misuse of personal information by a registered charity helping victims of sexual abuse. Articles 3, 8 and 10 issues under consideration.

[2018] London Bridge Attack Inquests

Court considering anonymity and special measures applications in respect of firearms officers in the context of Articles 2, 8 and 10.

[2018] Kingsley Burrell

Acting for West Midlands Police in connection with proceedings arising from a death in hospital following police contact and use of force. Article 2 and 3 under consideration.

[2017] – [2018] Grainger Inquiry

Ongoing public inquiry into the death of a suspected armed robber. Inquiry is considering Public interest immunity issues engaged the interaction of articles 8 and 10 and the force used involved consideration of articles 2 and 3..

[2016] Child X v Chief Constable of Sussex

Civil claim for damages arising out of a high profile case involving multiple arrests of a child upon whom a spit hood was used. Articles 3 and 5 in play..

[2014] MG1 v PF1

Information management issues in the context of art. 2, art. 8 and family proceedings, concerning a family in witness protection

[2013] Al Hilli Alps Murders

Family court proceedings concerning the arrangements for care of the All Hilli children following the murder of their parents. Articles 2 and 3 engaged.

Healthcare

Fiona is recognised as a leading silk and her practice encompasses judicial review proceedings, civil claims, professional misconduct proceedings and advisory work. She has appeared in many high profile inquests and regulatory proceedings relating to healthcare settings, with particular experience in mental health settings. Fiona is adept at handling complex and sensitive cases and has an in-depth understanding of the impact of legal principles. According to her clients she has “*gravitas and commands confidence*” and is commended for having “*a fantastic approach to sensitive cases which require sympathy and empathy but a robust defence*” and an “*innate sense of the right solutions to issues raised by new emerging principles*” (Chambers UK)

Inquests

Fiona appears in complex, high profile inquests Recent cases include:

[2020] Inquest arising from the death of Leon Briggs – taken into custody when suffering a mental health crisis

[2019] The London Bridge Terror Attack Inquests

[2018] Inquest arising from the death of Kingsley Burrell – restrained in a mental health facility

[2017] The Perepilichnyy Inquest – Acting for Surrey Police in the inquests concerning the death of a Russian in circumstances alleged to give rise to suspicion that he had been poisoned by the Russian authorities.

[2016] Akinyemi Inquest – Acting for Greater Manchester Police in the inquest concerning the death of Mr Akinyemi at the hands of Arran Coghlan.

[2013] – [2016] Hillsborough Inquests – Leading Matthew Holdcroft acting for South Yorkshire Police in the inquests into the deaths of 96 Liverpool fans at the Hillsborough Stadium in 1989.

[2013] Saldanha – Acting for the King Edward VII Hospital in the inquest into the death of the nurse who was victim of a prank call from an Australian radio station concerning the Duchess of Cambridge.

[2013] Atherton and Mc Goldrick Inquests – Acting for Northumbria Police in the inquests into the high profile deaths of several members of the same family arising from a shooting on New Year's Day. The inquest involved consideration of firearms licensing issues from a police perspective.

[2011] Cumbria Shootings Inquests – Acted for the Cumbria Police in the inquests into the deaths of Derrick Bird and his many victims. It involved close examination of the police preparedness and response to a rampaging gunman.

Inquiries

Fiona has appeared in some of the most high profile public inquiries, including:

The Manchester Arena Inquiry – Acting for Greater Manchester Police

The Undercover Policing Inquiry – Acting for individual officers

The Grainger Inquiry – Acting for the NCA in the public inquiry into the shooting of Anthony Grainger by GMP officers

The Independent Inquiry into Child Sexual Abuse – Acting for Surrey Police in the investigation into alleged abuse by members of the Anglican Church.

The Billy Wright Inquiry – Represented the former Chief Constable of the RUC regarding the murder of Billy Wright in HMP Maze.

The Bichard Inquiry – Represented the Chief Constable of Humberside during the public inquiry into the Soham Murders of Holly Wells and Jessica Chapman.

Regulatory

Fiona has extensive experience in regulatory proceedings in various fields including the IPT, police misconduct, Ofgem, Ofcom and Trading Standards investigations. She is well aware of the need for a more nuanced inquisitorial approach to such proceedings.

Covid-19 Public Inquiry Hub

Fiona is regularly instructed to represent core participants in the most high profile, complex and sensitive public inquiries. She is one of the country's leading KCs, ranked in Band 1 / Tier 1 for Inquiries in the Chambers and Partners and Legal 500 directories.

She has specialised in public inquiries for over 20 years. High profile cases in which she has been instructed include:

- The Bichard Inquiry into the Soham murders of Holly Wells and Jessica Chapman
- The Billy Wright Inquiry into alleged State collusion in the death of a loyalist paramilitary leader in the Maze Prison
- The Independent Child Sexual Abuse Inquiry
- The Undercover Policing Inquiry
- The Grainger Inquiry into a fatal shooting by police
- The Manchester Arena Inquiry

Education & Qualifications

- 2011 – Appointed Queen’s Counsel
- 1986 – Called to the Bar by Middle Temple
- 1986 – IC SL
- 1985 – University of London, LLB

Lectures & Seminars

Fiona provides CPD lectures to solicitors and officers on all aspects of her practice. She regularly speaks at the Association of Police Lawyers (APL) seminars and the Police Defence Lawyers Association conferences. over the last few years she has presented at the National Police Conference for SPOCs involved in the Undercover Policing inquiry; delivered a session on ‘Interoperability of the emergency services’ at the inaugural conference of the ‘Joint Emergency Services Interoperability Programme’; delivered training on the Gold incident Commanders Course, Bramshill; and delivered training together with Jason Beer KC and Jeremy Johnson KC at the Police Reform Symposia.

Awards

