



“She is really approachable. She’s a very good advocate, who has dealt with some monster cases.”

Chambers UK

“Absolutely phenomenal.”

Chambers UK

Alexis Hearnden is an experienced advocate with a successful regulatory and public law practice. She acts for regulators and those they regulate across a range of professions including solicitors, doctors, dentists, fertility clinics, vets, and osteopaths before tribunals, in judicial review proceedings and statutory appeals. She has a growing practice in professional discipline in sport and advises Sports National Governing bodies, particularly around safeguarding investigations.

Alexis regularly represents family members, local authorities, health authorities and the Official Solicitor in the Court of Protection, which complements her work in the areas of mental health, community care and broader healthcare disputes.

She is recommended as a leading junior by Chambers UK in the areas of Professional Discipline and in the Court of Protection, and by The Legal 500 for Professional Discipline. Alexis was nominated for Professional Discipline Junior of the Year at the Chambers UK Bar Awards 2020.

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## PRACTICE AREAS

- Regulatory and Professional Discipline
- Court of Protection

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## SECTORS

- Local Government
  - Sport
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## PRACTICE AREAS

### REGULATORY AND PROFESSIONAL DISCIPLINE

#### LEGAL

Alexis has extensive experience of the regulation of the legal profession. Her work includes:

- **Neumans v SRA [2018] EWCA Civ 325** – as junior counsel to Fenella Morris QC acting for a firm appealing against a decision of the High Court not to withdraw a notice of intervention, where procedural unfairness was alleged against the SRA.
- **Virdi v Law Society & Solicitors Disciplinary Tribunal, 18 February 2010 [2010] EWCA Civ 100, [2010] 3 All ER 653** – as junior counsel to Andrew Hopper QC acting for the Solicitors Disciplinary Tribunal in the Court of Appeal. An appeal based on the apparent bias of the Tribunal clerk was dismissed.
- Advising with regards to the professional conduct implications of Non Disclosure Agreements.
- Advising in relation to misconduct connected to social media and sexual misconduct.
- Advising (as junior to Gregory Treverton-Jones QC) a major insurer in relation to a whistle blower who alleged that a dishonest firm pursued inflated personal injury claims.
- Acting for a solicitor after an SRA intervention, seeking an injunction to prevent publication of the intervention until after the general election.
- Acting as junior counsel to Gregory Treverton-Jones QC before the Solicitors Disciplinary Tribunal defending a practitioner in a ten day case brought by the Law Society.
- Advising a private equity house as to its obligations under the Legal Services Act 2007 when becoming an owner of an ABS.
- Advising and acting for law students in relation to student membership, the suitability test and admission to the profession; as well as trainee solicitors and s.43 orders.
- Advising upon AML and POCA obligations, including reporting requirements.
- Acting as a legal advisor to the ILEX appeal panel and appearing before the ILEX fitness to practise committee.
- Acting for barristers before the BSB Conduct Committee (complaint made by a litigant in person about the barrister’s conduct outside court; allegations of dishonesty where a barrister acted as a lay witness in civil proceedings).

Alexis is a member of the editorial board of the Law Society’s “Legal Compliance Bulletin”.

In the healthcare field Alexis' work includes a range of professional regulators including the General Medical Council, the Professional Standard Authority for Health and Social Care, the Nursing and Midwifery Council, the General Osteopathic Council, the Health and Care Professions Council and the Royal College of Veterinary Surgeons. Administrative Court work includes the following:

- **Newley v General Medical Council [2021] EWHC 1538 (Admin)** – statutory appeal against the decision of review MPT in long running fitness to practise proceedings.
- **Sastry v General Medical Council [2021] EWCA Civ 623 (Admin)** – led by Ivan Hare QC, Alexis acted for the GMC in the Court of Appeal in a decision giving important clarity on the nature of appeals under s40 and s40A of the Medical Act 1983.
- **Towuaghantse v General Medical Council [2021] EWHC 539 (Admin)** – judgment considering the significance of a factual denial when later assessing insight and sanction.
- **Garaffa v General Medical Council [2021] EWHC 539 (Admin)** – statutory appeal where a consultant had performed an irreversible procedure on a patient who was undergoing gender re-assignment surgery, which he had not consented to.
- **Khan v General Medical Council [2021] EWHC 374 (Admin)** – statutory appeal against an order for erasure where findings of sexual misconduct.
- **Kefala v General Medical Council [2020] EWHC 2480 (Admin)** – statutory appeal against failure to declare a conviction by a Greek court for a road traffic offence. The tribunal was justified in finding dishonesty.
- **Simawi v General Medical Council [2020] EWHC 2168 (Admin)** – statutory appeal against a suspension. Judgment of Julian Knowles J included consideration as to whether or not a review direction was an “appealable decision” for the purposes of section 40.
- **R(Dutta) v General Medical Council [2020] EWHC 1974 (Admin)** – a judicial review claim heard with a statutory appeal. Warby J gave a significant judgment addressing the principles which apply to a challenge to primary findings of fact, as well as the requirements of procedural fairness as they apply to Rule 4(5).
- **Ogunsanya v General Medical Council [2020] EWHC 1500 (QB)** – Part 8 proceedings where the court found that the GMC has the power to investigate a dual-registered medical/legal practitioner for actions undertaken in his capacity as a solicitor.
- **Agoe v General Medical Council [2020] EWHC 39 (Admin)** – challenge to an interim order suspending registration for 12 months.
- **Arowojolu v General Medical Council [2019] EWHC 3155 (Admin)** – appeal against a finding of erasure where the court found that the Tribunal failed to make a finding about historic allegations of sexual abuse against a family member, made by the patient, and the extent to which that impacted on the credibility of the patient when alleging sexual misconduct by the doctor.
- **Olatigbe v General Medical Council [2019] EWHC 3282 (Admin)** – appeal against a decision to erase a GP from the register after admitted dishonesty over a two-year period.
- **Professional Standards Authority for Health and Social Care v Health and Care Professions Council [2019] EWHC 2819 (Admin)** – acting for the PSA in a challenge to a decision of the HCPC in a case

where a paramedic had sent messages of a sexual nature to a patient. The court, allowing the appeal, found that the charges as drafted had failed to properly put the gravity of the misconduct to the Committee.

- **Okpara v General Medical Council [2019] EWHC 2624 (Admin)** – the court upheld findings of sexually motivated misconduct by an accident and emergency doctor towards a nurse over a two-year period. The doctor has been given permission to appeal, on the extent to which the degree of defence due to a tribunal on sanction is reduced in a case of sexual misconduct (compared to a clinical case).
- **Ahmed v General Medical Council [2019] EWHC 2173 (Admin)** – appeal against an order for erasure.
- **Jain v General Medical Council [2019] EWHC 1841 (Admin)** – appeal against imposition of conditions.
- **Sanusi v General Medical Council [2019] EWCA Civ 1172** – appeal against an erasure. The doctor (who did not attend the fitness to practise proceedings) argued that the Tribunal should have adjourned after the fact stage to allow him to attend and make submissions in mitigation. The Court of Appeal dismissed the doctor’s appeal.
- **Blakely v General Medical Council [2019] EWHC 905 (Admin)** – an earlier tribunal had found that the doctor acted dishonestly when she told patients that her covert recordings of their sessions with a colleague had been sanctioned by the GMC/CQC. It imposed a suspension. Upon review, that suspension was extended for a further nine months on the basis that she showed a continued lack of insight. On appeal, the court held that whilst a registrant is entitled to continue to deny original allegations, in order to satisfy a tribunal that the public interest did not require further sanction some level of insight was required.
- **Rak-Latos v General Dental Council [2018] EWHC 3503 (Admin)** – a dentist had been convicted of aiding and abetting prescription fraud in her native Poland. She did not report her conviction to the UK regulator and was subsequently erased from the register. On appeal her argument that the circumstances of the conviction should be viewed sympathetically (to the point that she should not have been convicted) was ultimately rejected: the tribunal could not go behind the fact of the conviction and as such, the sanction was not wrong.
- **Aliu v General Medical Council [2018] EWHC 3659 (Admin)** – appeal against an interim suspension order where complaints about the doctor had prompted a performance assessment, which concluded that the doctor was unfit to practise.
- **Doherty v Nursing and Midwifery Council [2017] EWCA Civ 1344** – as junior counsel to Fenella Morris QC Alexis acted for the Nursing and Midwifery Council in the Court of Appeal in a case concerning the correct interpretation of the test applied by the Registrar when a nurse or midwife applies to renew her registration (“capable of safe and effective practice”) where a conviction was declared at renewal.
- **General Medical Council v Nooh [2017] EWHC 2948 (Admin)** – appeal brought by the GMC against a decision to restore the doctor’s name to the register following a previous erasure.
- **Professional Standards Authority v (1) Health and Care Professions Council, (2) Doree [2015] EWHC 822 (Admin)** – appeal alleging under-prosecution and leniency in a case concerning allegations of bullying and sexual harassment.

Before the Tribunals Alexis has:

- Presented cases on behalf of the Royal College of Veterinary Surgeons (RCVS) involving dishonesty

and animal welfare allegations;

- Defended the registrant in a 5 day fitness to practise hearing before the General Osteopathic Council (allegations of inappropriate sexual touching).
- Acted for the General Optical Council in fitness to practise cases involving record keeping, glaucoma detection and paediatric ophthalmology.
- Represented a member before the British Association for Counselling and Psychotherapy conduct committee.

Alexis' regulatory practice overlaps – at times – with her Court of Protection practice, for example:

- Advising regulators on guidance concerning consent for treatment and capacity to consent to sex (with reference to the Mental Capacity Act 2005).
- Advising a regulator where it was alleged that a registrant lacked capacity to litigate fitness to practise proceedings.

## COURT OF PROTECTION

Alexis regularly represents local authorities, the Official Solicitor and families in health and welfare as well as property and affairs cases in the High Court and in the Court of Protection, including urgent applications. As a result, she has experience of working with vulnerable clients and witnesses. Alexis' background in personal injury litigation has been valuable in recent cases where Court of Protection proceedings are litigated alongside civil proceedings.

Cases include a range of issues:

- **Livewell Southwest CIC v MD [2020] EWHCOP 57** – application for orders permitting sedation, transfer by ambulance to hospital, general anaesthesia and complete extraction of all teeth.
- **Re SJF [2019] EWCOP 8** – capacity and best interests dispute concerning the residence and care for P, a woman with complex health problems. Alexis acted for her son who himself had learning difficulties and anger management problems.
- **Luton Borough Council v (1) SB, (2) RS (by his litigation friend the Official Solicitor) [2015] EWHC 3534 (Fam), [2017] 4 WLR 61** – acting for the local authority in a forced marriage case where a young man with autism underwent a marriage ceremony in Pakistan and the court declared that – by virtue of his incapacity – the marriage was not recognised in England and Wales.
- **SCC v MSA [2017] EWCOP 18** – acting for a local authority in a case concerning Rule 3A representatives.
- **Miles v Public Guardian [2015] EWHC 2960 (Ch)** – acting for the Public Guardian in an appeal concerning the interpretation and effect of a lasting power of attorney.
- Cases concerning the COVID-19 vaccine.
- Acting for the NHS Trust in a mother's application to sterilise her adult daughter.
- Serious medical treatment cases, e.g. acting for P in a medical treatment case concerning whether or not blood transfusions should continue to be given when P's atypical eating disorder was not being properly treated.

- Capacity to consent to sexual relations or marriage.
- Article 5 cases, including claims for damages and declaratory relief.
- Residence (including where P wishes to move abroad), contact, and alleged abuse.
- Fact finding hearings in cases of alleged sexual and physical abuse.
- Proceedings in the High Court under the inherent jurisdiction in cases where P's capacity fluctuates and/or there has been undue influence.
- Applications to depose a property and affairs deputy.
- Challenges to the validity of EPAs and LPAs.

In related proceedings, Alexis acted for the wife in **Croydon LBC v KR, ST [2019] EWHC 2498 (Fam)** where Lieven J held that an application brought by the local authority under the inherent jurisdiction of the High Court – to ensure that husband and wife lived separately – was a “colossal interference” with their Article 8 rights and was neither necessary nor proportionate.

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## SECTORS

### LOCAL GOVERNMENT MENTAL HEALTH

In the field of Mental Health, Alexis has represented patients and local authorities in applications to displace the nearest relative and in habeas corpus proceedings. Her Tribunal experience focuses on high security patients.

Work includes:

- Section 117 cases: for local authorities where responsibility is disputed or where there is an ordinary residence dispute; for the NHS Trust in a challenge to the discharge of s.117 duties; and in claims for damages for alleged negligence in discharging the duty under s.117.
- Advising a patient on a challenge to a decision not to make a community treatment order.
- Advising a hospital where a conditionally discharged patient alleged that she was de facto detained and therefore deprived of her liberty contrary to Article 5.
- Acting for a patient in a judicial review of a hospital decision to refuse an application for family visiting rights in a high security mental health hospital.

### COMMUNITY CARE

Alexis regularly undertakes work for and against local government with particular emphasis on community care.

Work includes:

- **R(Whapples) v Birmingham East and North PCT [2013] EWCA Civ 258** – as junior counsel to Fenella Morris QC acting for a Primary Care Trust in an application for permission to appeal against a refusal of permission to proceeding for a judicial review in a claim where it is alleged that the PCT is under a duty to provide ‘ordinary’ suitable accommodation pursuant to section 3(1) of the National Health

Service Act 2006.

- Acting for a healthcare organisation providing healthcare services in a prison, where a prisoner sought to judicially review the decision to delay elective surgery until after his release.
- Judicial review claims concerning obligations under the Care Act 2014.
- Advising the claimant in judicial review proceedings where breach of section 6 of the Childcare Act 2006 (duty to secure sufficient childcare for working parents) was alleged.
- Advising in respect of the ordinary residence test and obligations under the Children Act 1989, the National Assistance Act 1948 and the Care Act 2014 – including where the service user lacks capacity.

## SPORT

Alexis is an experienced advocate with a successful regulatory and developing sports law practice.

She is on the Sport Resolutions Pro Bono Panel and is involved in the National Safeguarding Pilot with a number of National Governing Bodies. Alexis has been appointed as a Specialist Member to the Sport Resolutions' Arbitration panel.

Recent highlights include:

- Advising a national governing body in relation to safeguarding investigations;
- Drafting charges against coaches and advising on issues concerning confidentiality, disclosure and fairness;
- Being selected to be part of an ad hoc panel providing advice and representation to athletes and officials at the 2019 Doha World Athletics Championships.

As a result of her wider public law experience, Alexis has a particular interest in the issues which arise around safeguarding vulnerable adults and children.

She has written in the Sports Resolution Newsletter about the IAAF Regulations on hyperandrogenism from a human rights perspective (with Fenella Morris QC, November 2018) and on athlete human rights (with Ian Brownhill, November 2020).

In other sectors Alexis acts for regulators and those they regulate across a range of professions including vets, farriers, solicitors, dentists, opticians and osteopaths before tribunals, as well as on appeal and in judicial review proceedings. Alexis acts for the Professional Standards Authority, GMC and GDC on appeal. She is recommended as a leading junior by Chambers UK and The Legal 500 for Professional Discipline.

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## RECOMMENDATIONS

Nominated for Professional Discipline Junior of the Year at the Chambers UK Bar Awards 2020.

### QUOTES

*"Absolutely phenomenal." "She is very good, experienced, committed to this kind of work and she does it well." "A good junior with an excellent eye for detail."* Chambers UK

*"A very sensible and realistic advocate." "She is meticulous in her preparation and she brings a good, pragmatic approach to court. She's very well regarded by peers and solicitors as well as judges."* Chambers UK

*"Alexis is easy to work with and builds a good relationship with our clients. She is also effective in dealing with expert evidence."* Legal 500

*"Alexis is thorough and detailed in her advice. Her drafting is excellent, and she has a reassuring and measured approach to difficult and complex issues."* Legal 500

*"Excellent with clients and extremely quick."* Chambers UK

*"She is fast becoming a go-to barrister for cases where creative thinking is required. She works incredibly hard, and nothing is too much for her."* Chambers UK

*"She's very thorough and straightforward in her approach to cases."* Chambers UK

*"She has an impressively calm advocacy style."* Legal 500

*"She comes across exceptionally well and all of her submissions are incredibly thorough. One of those people who has a fantastic bank of knowledge to call on and is a genuinely nice person to work with."* Chambers UK

*"She is very knowledgeable about COP procedures, and is able to focus very quickly on the main points we need to deal with."* Chambers UK

*"Very approachable and hard-working, with a great manner."* Chambers UK

*"Very knowledgeable about the field and a very competent, very user-friendly advocate."* Chambers UK

*"She can find the faults in judgments necessary for successful appeals."* Legal 500

*"Thorough and very approachable."* Chambers UK

*"Always very well prepared and ready to take on more senior counsel."* Chambers UK

*"Very highly regarded and often instructed by the Official Solicitor."* Chambers UK

*"She has a very good technical brain." "She has got good judgement."* Chambers UK

*"Quickly gets to grips with complex cases and can assimilate vast amounts of information"* Legal 500

*"She gets to grips with complexities very quickly."* Chambers UK

*"Her forte is dealing with lay clients. She is very skilled in this area of work."* Chambers UK

*"a frequent presence in the SDT and is praised for the strength of her written work"* Chambers and Partners

*"Considerable experience of solicitors' disciplinary work"* Legal 500

*"Sensitive to clients' plight in traumatic proceedings"* Legal 500

*"She's very sensible and reasoned – an excellent person to have on board."* Chambers UK

*"She's very confident and has excellent client-handling skills"* Chambers UK

*"she's clever, good on technical points and never misses a trick"* Chambers UK

*'Sought-after by both the regulator and the regulated.'* Legal 500

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## MEMBERSHIPS

- ALBA
  - ARDL
  - COPBA
  - Justice
  - Amnesty
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## QUALIFICATIONS

2004-2005: Inns of Court School of Law. BVC – Very Competent.

2003-2004: City University. CPE – Commendation.

2003-2004: Ashworth Scholarship Award, Inner Temple.

2000-2003: Mansfield College, Oxford. BA (Hons) (Politics, Philosophy, Economics) 2:1 –  
College Exhibition Award for academic excellence.

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