



Eleanor Grey KC

Year of call: 1990 | Silk: 2011

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"She is a star - so calm and professional." Chambers and Partners, 2022

"Very forensic and impressive in her grip of complex medical matters. She sees the issues that matter and the strategic dangers of a case incredibly well. A real force in any inquiry involving health-related issues." The Legal 500, 2022

Eleanor Grey KC took silk in 2011. She has a thorough understanding of public authorities, especially within the health and social care sector, and of disciplinary and regulatory proceedings. Clients include the Department of Health and Social Care, NHS England, the Professional Standards Authority and the General Medical Council, as well as numerous other public bodies.

Eleanor is one of the most experienced practitioners at the Bar in the field of inquiries, reviews and investigations. She is currently leading the Department of Health and Social Care's response to the Infected Blood Public Inquiry, as well as acting for NHS England in the Covid-19 Inquiry. She represented the Labour Party in the Independent Inquiry into Child Sexual Abuse.

In 2014, Eleanor was appointed as a Visiting Judge of the Upper Tribunal (Administrative Appeals Chamber). She has also been appointed a Deputy High Court Judge.

Areas of expertise

Inquiries and Investigations
Administrative and Public
Regulatory and Disciplinary
Healthcare

Administrative and Public

As a long-standing member of the Attorney-General's "A" Panel before taking silk in 2011, Eleanor has a thorough grounding in all aspects of public law.

In recent years, her career has usually focussed on cases involving the healthcare sector. In 2022, she represented NHS England in a challenge brought reviewing the Government and NHS England's handling of the Covid-19 pandemic in care homes, one of the leading cases of the year. The case against her clients was dismissed by the Divisional Court.

She is currently acting in a challenge to NHS England's commissioning of gender identity services.

Cases of note:

- ***Gardner v SofS Health and Social Care, NHSE* [2022] EWHC 967 (Admin)** - A high-profile challenge to the adequacy of the Government and NHSE's measures to protect care home residents in the early stages of the Covid-19 pandemic. The Claimants alleged that insufficient care had been taken to protect residents against the risks of asymptomatic transmission of the virus. The claim was partially successful against the DHSC, but the claims against Eleanor's clients were dismissed.
- ***AA v NHSE (forthcoming)*** - A judicial review challenge to NHSE's commissioning policies in respect of specialised gender identity services.
- ***Nettleship v NHS South Tyneside Clinical Commissioning Group* [2020] EWCA Civ 46** - Court of Appeal decision on the requirements of lawful consultations exercises under the NHS Act 2006, and undue delays in handing down judgments.
- ***R(CXF) v Central Bedfordshire Council* [2018] EWCA Civ 2852, [2019] 1 WLR 1862** - Court of Appeal decision: the aftercare provisions of s117, Mental Health Act 1983 do not apply to a patient on escorted leave from hospital.
- ***R(Jutta) v Hertfordshire Valleys Clinical Commissioning Group* [2018] EWHC 267 (Admin)** - Consultation duties in the context of respite services, and their status as "health" services.
- ***R(Clinton) v General Medical Council* [2017] EWHC 3304 (Admin)** - Improper disclosure of a case examiner's decision to complainants did not represent an abuse of process warranting a stay of disciplinary proceedings.
- ***Re G (Human Fertilisation and Embryology Act 2008)* [2016] EWHC 729, [2016] 4 WLR 65** - The biological mother of twins born as a result of IVF treatment provided by a clinic was entitled to rely on the principle of rectification where, as a result of forms being mixed up, she had been denied her intended status as a legal parent of the children

Recommendations

- *"Very persuasive in her presentation to the court."*(The Legal 500, 2020)
- *"Eleanor offers a consistently great service. She offers good tactical advice as well being technically excellent on the law."* (The Legal 500, 2022).
- *"Demonstrates notable skill in regulatory and disciplinary matters concerning the health and social care sectors. Her experience in public law makes her adept at disciplinary appeals in the High Court. She often acts for regulators such as the PSA and the GMC in high-profile cases, including those where their decisions are challenged."*(Chambers & Partners, 2020)
- *"Eleanor is a class act. She is very calm and clear in her advice, and very measured. She has been working on very sensitive subject matters and does it in a very thoughtful and considered way."* (Chambers and Partners, 2022)
- *"Eleanor is an amazing human being, and one of the nicest people at the Bar."*(Chambers & Partners, 2020)
- *"...She's a solid silk with a lot of government experience, and she does a lot of freedom of information work."*(Chambers & Partners, 2020)
- *"Responsive and approachable. She has a deep understanding of both the legal principles involved in*

the cases we have worked on, and the healthcare policy and political context in which the decisions challenged were made. An impressive advocate who inspires confidence with her mastery of the brief and her ability to present arguments in a highly persuasive way.”(Chambers & Partners, 2020)

Memberships

- Administrative Law Bar Association

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