



“She is incredibly meticulous, judicious and direct in her dealings. She’s also intellectually very powerful.”

Chambers and Partners

Eleanor Grey QC took silk in 2011. She has a thorough understanding of public authorities, especially 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. As a long-standing member of the Attorney General’s ‘A’ Panel prior to taking silk, she possesses great experience in the field of administrative and public law. With exposure to contentious cases dating back to when she represented the House of Commons in the MPs’ expenses challenges before the Information Rights Tribunal, she has developed extensive expertise in the law relating to freedom of information and data protection; she advises both public and private bodies in this area.

Eleanor is one of the most experienced practitioners at the Bar in the field of inquiries, reviews and investigations. She has acted as senior Counsel in a number of major public inquiries. She is currently leading the Department of Health and Social Care’s response to the Infected Blood Public Inquiry, as well acting for the Labour Party in the Independent Inquiry into Child Sexual Abuse. Since taking silk, she has chaired an Independent Review of paediatric cardiac services in Bristol and a review of the Disclosure and Barring Service (DBS)’s barring function. She has represented clients in high-profile and sensitive hearings such as the 8-day public hearing of Ian Brady’s application to the Mental Health Tribunal for discharge from hospital. Eleanor sits as a Tribunal Judge in the First-Tier Tribunal (Mental Health). In 2014, she was also appointed as a Visiting Judge of the Upper Tribunal (Administrative Appeals Chamber).

PRACTICE AREAS

- Administrative & Public
- Freedom of Information & Data Protection
- Regulatory & Disciplinary

PRACTICE AREAS

ADMINISTRATIVE & PUBLIC

"Very persuasive in her presentation to the court." (The Legal 500, 2020)

Eleanor has extensive experience of complex judicial review applications, having spent 8 years on the Attorney-General's "A" Panel (Public Law) before taking silk. Cases include a high-profile challenge to the detention of a man on hunger-strike, the British Pregnancy Advisory Service's attempt to overthrow the Department of Health's interpretation of the Abortion Act, and challenges to consultation exercises by public bodies. She has conducted contentious hearings before the Mental Health Tribunal for hospital authorities or for the Secretary of State for Health in Broadmoor, Rampton and Ashworth Special Hospitals. Her work for the Ashworth Hospital authority includes the 8-day public hearing of Ian Brady's application for discharge from hospital, when she cross-examined Ian Brady in his first public appearance since his trial in 1966. According to the BBC coverage: 'Despite ... trying to command the room, he did not like being put on the back foot during cross-examination.'

INQUIRIES & INVESTIGATIONS

"She is a high-quality and compassionate advocate who influences the court with her reasonableness" (The Legal 500, 2020)

Current Work

- Leading a team of barristers for the Department of Health and Social Care in the Infected Blood Public Inquiry, chaired by Sir Brian Langstaff. The work involves representing Ministers of State and civil servants working within the Department from the 1970s to date;
- Representing the Labour Party in the Independent Inquiry into Child Sexual Abuse (the Jay Inquiry).

Past Work

- Chair of the Independent Review commissioned by NHS England to examine paediatric cardiac services at the University Hospitals Bristol NHS Foundation Trust (2014 – 2016);
- Chair of a Review commissioned by the Disclosure and Barring Service (DBS) of its barring functions, looking at the effectiveness of the DBS's processes for protecting vulnerable children and adults;
- Counsel for the Healthcare Commission, Mid-Staffordshire NHS Foundation Trust Public Inquiry (2010 – 2012);
- Chair of two working parties for the General Medical Council (GMC), regarding case management and the drafting of charges (2008);
- Legal Assistant to Sir Peter Scott QC in his independent investigation into the Crown's conduct of a Northern Irish judicial review, *R(Downes) v Secretary of State for Northern Ireland* (2007);
- Counsel to the Ayling and Kerr/Haslam Inquiries (2002 – 2004): independent inquiries established by the Secretary of State for Health to investigate failures on the part of the NHS to respond to patient concerns about doctors' conduct;
- Junior Counsel for the House of Commons Authorities in the Hutton Inquiry (2003);

- Junior Counsel to the Bristol Royal Infirmary Inquiry (1999 – 2000), a major healthcare public inquiry.

FREEDOM OF INFORMATION & DATA PROTECTION

"She always takes a well-balanced approach and is very knowledgeable." (The Legal 500, 2020)

"Deeply immersed in the domain of information law, with a hand in many significant moments in the development of the Freedom of Information Act. She draws upon extensive experience in responding to ICO investigations, on behalf of both private organisations, public authorities and individuals such as members of Parliament." (Chambers & Partners, 2020)

Clients include central government departments, local authorities, healthcare trusts, private bodies and the House of Commons Authorities. She represented the House of Commons throughout the MPs' Expenses cases. She acted for local authorities in a case concerning fees and charges under the Environmental Information Regulations which established, through looking at the EU drafting history, that local authorities had the right to recover the costs of staff time. She has appeared extensively before the Information Rights Tribunal in matters relating to freedom of information and data protection, including on issues such as the confidentiality attached to statements taken for the purpose of investigating serious untoward incidents. She has advised regulators upon matters such as their publication schemes and private clients on the handling of sensitive or other personal information.

REGULATORY & DISCIPLINARY

"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 acts for regulators such as the Professional Standards Authority, the General Medical Council, the General Dental Council and the Royal Pharmaceutical Society in relation to disciplinary matters. She often represents regulators in appeals to the High Court and Court of Appeal. She has represented former Primary Care Trusts in hearings before the Family Health Services Appeal Unit (FHSAU). She has acted for pharmaceutical managers in 'control of entry' cases concerning the right to set up new pharmacies. Her advisory practice includes advice on issues such as the division between health and social care. She has acted as a legal advisor to bodies such as the Association of Chartered Certified Accountants, the General Social Care Council and the British Psychoanalytical Council. She chaired two Working Parties for the GMC in 2008, looking at its case management procedures. She is trusted to handle high-profile cases, representing the hospital doctors in the very public Neon Roberts brain cancer treatment case of late 2012, as well as Ian Brady's application for discharge from hospital.

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CASES

Public Law

R(Nettleship) v NHS South Tyneside Clinical Commissioning Group [2020] EWCA Civ 46, [2010] 1WLUK 216

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.

R (Sailesh Patel) v the General Medical Council (CA) [2013] 1 W.L.R. 2801

Legitimate expectations and alterations to the qualifications needed by overseas students.

R(AB) v London Borough of Haringey [2013] EWHC 416 (Admin); [2013] Fam. Law 965

The conditions required before a lawful child protection investigation could commence.

Flasz & Ors (Claimants) v Havering Primary Care Trust (Defendant) & Secretary of State for Health (Interested Party) [2011] EWHC 1487 (Admin)

Representing a primary care trust in a challenge to the means by which contracts for personal medical services could be terminated by a PCT.

British Pregnancy Advisory Service v Secretary of State for Health [2011] EWHC 235 (Admin)

Representing the Secretary of State for Health in a challenge concerning the proper interpretation of the Abortion Act 1967

Regulatory & Disciplinary

R(Kuzmin) v General Medical Council [2019] EWHC 2129 (Admin)

Divisional Court judgment: the Medical Tribunal is entitled to draw adverse inferences from a practitioner's silence.

R(Husband) v General Dental Council [2019] EWHC 2210 (Admin)

Interpretation of the GDC's Rules on 'no case to answer' submissions

General Medical Council v Chandra [2019] EWCA Civ 236 [2019] 2 WLUK 381

The Medical Tribunal's proper approach to applications for restoration to the Medical Register.

General Optical Council v Clarke [2018] EWCA Civ 1463

Court of Appeal decision on the relevance of retirement to fitness to practise proceedings.

General Medical Council v Lamming [2017] EWHC 3309 (Admin)

GMC's successful challenge to the decision of its independent Tribunal to restore a doctor to the Register.

General Medical Council v Somuah-Boateng [2017] EWHC 3565 (Admin)

GMC's successful challenge to the decision of its independent Tribunal to suspend, rather than to erase, a doctor from the Register.

General Medical Council v Chaudhury [2017] EWHC 2561 (Admin)

GMC's successful challenge to the decision of its independent Tribunal that a doctor's fitness to practise was not impaired.

Inayatullah v General Medical Council [2015] A.C.D. 34 (charges of dishonesty in Fitness to Practise proceedings).

Professional Standards Authority v General Medical Council [2014] EWHC 1903 (Admin); [2014] Med. L.R. 311 ("online" psychiatric practice and duties owed to patients).

R(Sharaf) v General Medical Council [2013] EWHC 3332 (Admin)

Inappropriate nature of a challenge to part-heard fitness to practice proceedings.

Michalak v General Medical Council [2011] EWHC 2307 (Admin)

The GMC had the power to appoint substitute Panel Members to a Fitness Practise Panel when a member was unable to continue sitting.

Yeong v General Medical Council (2009) 110 BMLR 125, (2010) 1 WLR 548

The limits of the importance of remediation when judging current impairment to practice.

Council for the Regulation of Healthcare Professionals v (1) General Medical Council (2) Tarun Kumar Biswas (QBD) 26 January 2006 [2006] EWHC 464 (Admin)

Appeal against GMC decision by the Council for the Regulation of Healthcare Professions.

Giele (Henricus) v General Medical Council (QBD) 14 October 2005 [2005] EWHC 2143 (Admin); [2006] 1 WLR

The sanction to be applied following an improper sexual relationship between Dr G and a patient.

Sengupta v General Medical Council and others (CA) 31 July 2002 [2002] EWCA Civ 1104

Circumstances when a judge should recuse himself for bias (instructed as amicus by the Attorney-General).

RECOMMENDATIONS

Eleanor is rated in the categories of Administrative and Public Law (including local government), Data Protection, Inquest and Inquiries and Professional Discipline by Chambers & Partners or the Legal 500.

"She's a solid silk with a lot of government experience, and she does a lot of freedom of information work."
(Chambers & Partners, 2020)

"Eleanor is an amazing human being, and one of the nicest people at the Bar." (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)

Recommendations from the Directories over the years include:

"A hugely impressive advocate and a delight to deal with." (Chambers & Partners 2017)

"She has an immense knowledge of the law and a great presence in court." (The Legal 500, 2015)

"A great presence in court" (The Legal 500, 2015)

"A persuasive and formidable advocate." (The Legal 500, 2015)

"A super-steady pair of hands, she's measured, calm and really good." "She combines good technical knowledge with a level-headed style of advocacy. She impresses the court by being sensible, pragmatic, balanced, rational and reasonable." (Chambers UK, 2015)

"She is extraordinarily good." "She is extremely thorough and has good judgement." (Chambers UK, 2015)

'A wealth of experience, which is reflected in her focused and measured advice.' (The Legal 500, 2014)

'Fantastic, stand-out performer.' (The Legal 500, 2014)

'She is incredibly meticulous, judicious and direct in her dealings. She's also intellectually very powerful.' (Chambers UK 2014)

'She was a super opponent in terms of the clarity of her submissions and her fair approach to the case.' (Chambers UK 2014)

'She is superb. Just brilliant.' (Chambers UK 2014)

'Fellow practitioners highlight her for her leadership qualities and team working, explaining that she is 'very professional, very knowledgeable, helpful and hard-working.' (Chambers UK 2013)

'A 'superb advocate and extremely effective cross-examiner.' She wins plaudits for her engaging and down-to-earth manner, and is further noted for her excellent analytical skills.' (Chambers UK 2013)

'demonstrates a wide knowledge on information rights' (Legal 500, 2013)

'a wealth of experience' (Legal 500, 2013)

'a natural born advocate' who has 'good judgment and offers spot-on analysis of legal problems' (Chambers UK 2012)

'clear-thinking and thinking and easy to deal with' (Chambers UK 2012)

'an excellent pleader, who is particularly effective at judicial review' (Chambers UK 2012)

'a woman of remarkable intellectual credentials' (Chambers UK 2011)

'skilled practitioner when it comes to public inquiries' (Chambers UK 2010)

Clients report that they are 'impressed with how concise she is and completely calm in all situations.' (Chambers UK 2010)

'a very good style for representing a public authority: very careful, measured and fair-minded' (Legal 500 2009)

'balanced approach' (Chambers UK 2009)

'polished performer' (Chambers UK 2009)

'darned good at what she does' (Chambers UK 2007)

'excellent... [impresses with her] thoroughness and her acuity' (Chambers UK 2006)

APPOINTMENTS

The Attorney General's 'A' Panel, Public Law: 2003 – 2011

The Attorney General's Freedom of Information Act Panel, 2000 – 2011

Silk: 2011

QUALIFICATIONS

London School of Economics. Master of Laws (Merit): 2001

Inns of Court School of Law. Bar Finals (Very Competent): 1989-1990

City University. Dip Law (Distinction): 1989

Oxford University. BA (Hons) (First Class): 1984-1987

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