

Year called 1990

Silk 2011

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“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 Association of Chartered Certified Accountants, the Department of Health, 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, including in areas such as mental health. She has also acted in cases involving vulnerable adults in the Court of Protection.

Eleanor has extensive experience of inquiries, reviews and investigations. She has acted as senior Counsel in a number of major public inquiries, most recently the Mid-Staffordshire NHS Foundation Trust Public Inquiry. She is currently acting for one of the core participants in the Independent Inquiry into Child Sexual Abuse. In the last two years, 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. She has developed extensive expertise in the law relating to freedom of information and data protection.

Eleanor sits as a Tribunal Judge in the First-Tier Tribunal (Mental Health). In 2014, she was also appointed as a part-time Judge of the Upper Tribunal (Administrative Appeals Chamber).

PRACTICE AREAS

- Administrative & Public
- Regulatory & Disciplinary

PRACTICE AREAS

ADMINISTRATIVE & PUBLIC

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 couple's challenge to the initiation of a child protection investigation into their daughter's wellbeing, 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 a challenge to the legality of the Department of Health's compensation scheme for Hepatitis C sufferers. She appears regularly in Tribunals, including the Upper Tribunal (where she acted for the Secretary of State for the Home Department in two lengthy 'country guidance' cases on the return of asylum seekers to Zimbabwe) and the First-tier-Tribunal (the Regulatory Chamber and the Health, Education and Social Care Chamber). She has conducted 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 AND INVESTIGATIONS

"She is extraordinarily good." Chambers & Partners

Current Work

Instructed to represent one of the core participants 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 to 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;

- Has advised interested parties in numerous other inquiries, including the Soham (Bichard) Inquiry.

FREEDOM OF INFORMATION AND DATA PROTECTION

"A super-steady pair of hands, she's measured, calm and really good." Chambers & Partners

Clients include central government departments, local authorities, healthcare trusts 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 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 in the handling of personal information.

REGULATORY & DISCIPLINARY

"She is extremely thorough and has good judgement." Chambers & Partners

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, as well appearing at first-instance disciplinary hearings. 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.

CASES

Public Law

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.

R. (on the application of Tosar) v Milton Keynes Primary Care Trust [2012] EWHC 2334 (Admin)

Interpretation of the word 'neighbourhood' in the Pharmaceutical Services Regulations.

Flasz & Ors (Claimants) v Havering Primary Care Trust (Defendant) & Secretary of State for Health (Interested Party) : K Jan-Mohamed (Claimant) v Greenwich PCT (Defendant) [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

R (Moore) v Skipton Fund Ltd and Secretary of State For Health [2010] EWHC 3070 (Admin) (2010) 117 BMLR 185

Challenge to legality of Hepatitis C compensation scheme, successfully defended for Secretary of State for Health

R (JB) v (1) A Haddock (2) J Rigby (3) Wood (CA) [2006] EWCA Civ 961

Legality of forcible treatment with anti-psychotics to non consenting patient under the MHA.

R (Rogers) v Swindon NHS Primary Care Trust and Secretary of State for Health (CA) [2006] EWCA Civ 392; [2006] 1 WLR 2649

The availability of Herceptin to women suffering breast cancer.

R (Mersey Care NHS Trust) v Mental Health Tribunal and Ian Stuart Brady (QBD) [2004] EWHC 1749 (Admin); [2005] 1 WLR 2469; [2005] 2 All ER 820; [2005] 83 BMLR 1

An early decision on whether a Tribunal hearing concerning the hospital detention of Ian Brady should be heard in public.

Pam Smith v NE Derbyshire PCT and Secretary of State for Health (QBD) [2006] EWCA Civ 392

The first case to consider the duties of a health authority to consult patients and the public under section 11 of the Health & Social Care Act 2001.

R (KB and Others) v Mental Health Tribunal (QBD) 23 April (2002) ACD 85

Commonplace delays in hearings before the Mental Health Review Tribunal breached the patients' rights to speedy hearings under Art.5(4) European Convention on Human Rights.

Regulatory & Disciplinary

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 942; [2005] 4 All ER 1242; [2006] 87 BMLR 34

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).

Immigration

R(Muaza) v Secretary of State for the Home Department (CA) [2014] 1 WLR 1870

The legality of detaining a person at risk of death through hunger-strikes.

R(OM by her Litigation Friend the Official Solicitor) v Secretary of State for the Home Department (CA) [2011] EWCA Civ 909

A complex false imprisonment case concerning the detention of the mentally ill, and the rights of a child.

R (Dbeis) v Secretary of State for the Home Department (CA) 19 May 2005 [2005] EWCA Civ 584; The Times 30 May 2005

The removal of a child to the Lebanon was not contrary to Article 8, ECHR.

Human Rights & Civil Liberties

JM v Secretary of State for the Home Department (CA) 4 October 2006 [2006] EWCA Civ 1402

The circumstances in which a human rights appeal, as well as a refugee appeal, may be made by a claimant.

R v Ashworth Special Hospital Authority, ex parte E (QBD) 19 December 2001 [2001] EWHC Admin 1089; The Times 17 January 2002

This was an application for judicial review of a decision of the Defendant special hospital only to allow the Claimant, a male patient, to wear women's underwear in his own room.

Information Law

Leeds City Council v IC EA/2012/0020-0021

Entitlement to levy fees for staff time answering a request under the Environmental Information Regulations

2004.

JW v IC (FTT)

Protection of medical records belonging to a deceased patient.

Roberts v IC and Dyfed Powys Police Authority EA/2012/0032

Interrelationship between subject access requests under s7, DPA and s40(2) of the Freedom of Information Act 2000.

RECOMMENDATIONS

Eleanor is rated in the categories of Administrative and Public Law (Public Inquiries), Data Protection, Immigration, IT and Telecoms and Professional Discipline by Chambers and Partners and the Legal 500.

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

"Recommended for health and social care matters" (Legal 500, 2016)

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

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

"A persuasive and formidable advocate." (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.' (Legal 500, 2014)

'Fantastic, stand-out performer.' (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)

'I like Eleanor very much; she does great work.' (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)

'thorough and understated as an advocate' (Chambers UK 2009)

'measured and amazingly thorough... [her] subtlety belies her effectiveness' (Chambers UK 2007)

'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

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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