

## Sam Jacobs



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### Profile

Sam has significant experience in both private and public law matters, primarily arising out of interactions of individuals with police, prisons, mental health care, and social care. He is regularly instructed in inquests, civil trials, and in High Court matters. He has acted in the Al-Sweady Public Inquiry, the Independent Inquiry into Child Sexual Abuse, and the Undercover Policing Inquiry. He acted for the family of Phillipa Day in the inquest which found that her death had been caused by 28 errors and systemic problems within the Department of Work and Pensions and Capita. He has acted in a number of significant public law matters including *SG v SSWP* (lawfulness of the benefit cap), *Moseley v Haringey* (on public consultation), *JfK v SSHD* (provisions for child spies), and *AR v Waltham Forest* (provision of secure accommodation).

In 2019 Sam was shortlisted for Legal Aid Barrister of the Year by the Legal Aid Lawyers Practitioners Group.

Sam is the co-editor with Stephen Cragg QC of the forthcoming edition of LAPG's book, 'Police misconduct – legal remedies'.

### What the directories say

Sam is ranked as a leading junior by Chambers and Partners in the fields of Inquests and Public Inquiries, Police Law (mainly claimant) and Community Care.

*"He is confident in his advocacy: persuasive and incredibly smart, which is a devastating combination."* - Chambers and Partners 2024

*"His spread of knowledge is very impressive and he is always thoroughly prepared."* - Chambers and Partners 2024

*"Sam has an excellent ability to carefully review and assimilate complex facts and provide legal analysis. Clients like his common sense approach, and he is an excellent communicator. A confident and serene advocate."* - Legal 500 2024

*"Sam is one of the go-to barristers for some of the most complex mental health inquests and civil actions against the police. He is really knowledgeable in these areas of law and extremely intelligent."* - Chambers and Partners 2023

*"Sam is brilliant, hugely in demand. Realistic and pragmatic. A strong intellect and he is pragmatic."* - Legal 500 2023

*"Brilliant with clients and keeps ahead of legal developments. He is a really hard-working and committed barrister, and it's nice to work with someone who is passionate and enthusiastic and can bring state authority to account."* - Chambers and Partners 2022

*"Sam is a very experienced inquest practitioner. He has an in-depth knowledge of the law and takes a tactical view on cases. He is also approachable and offers ongoing support throughout a case, which is invaluable when dealing with complex cases and vulnerable clients."* - Legal 500 2022

## **Education**

LLB, University of Birmingham

MA (English Literature), Butler University, Indianapolis

## **Related practice areas**

Actions Against the Police and Public Authorities

Business Crime

Inquests and Public Inquiries

Community Care and Health

Data Protection and Information Law

Children's Rights Group

## Administrative and Public Law

Sam is an expert in judicial review. He regularly appears in the administrative court both as sole and junior counsel. His recent and ongoing work includes:

- R(AR) v Waltham Forest [2021] EWCA Civ 1185 – provision of local authority secure accommodation for children remanded in police custody
- R (Just for Kids) v Home Secretary (2018) – relating to safeguards for children used as covert human intelligence sources
- A v R [2018] UKPC 4 (Privy Council) – whether there exists customary law on the island of Sark in the bailiwick of Guernsey
- R (SG) v Haringey LBC [2017] EWCA Civ 322 (Court of Appeal) – regarding the provision of accommodation under the Care Act 2014
- R (D) v DPP [2017] EWHC 1768 (Admin) (Divisional Court) – decision not to prosecute historic sex offence
- R (CO and KO) v LB of Lewisham [2017] EWHC 1676 (Admin) – provision of support to destitute family under section 17 Children Act 1989
- R (BC) v Birmingham CC [2016] EWHC 3156 (Admin) – provision of support to destitute family under section 17 Children Act 1989
- R (Fullick) v HM Senior Coroner for Inner North London [2015] EWHC 3522 (Admin) – challenge to Coroner's refusal to call jury
- R (Hurley) v SSWP [2015] EWHC 3382 (Admin) – lawfulness of the 'benefit cap' as it applied to carers
- R (JS) v SSWP [2015] UKSC 16 (Supreme Court) - challenge to the 'benefit cap.'
- R (F) v Barking and Dagenham LBC [2015] EWHC 2838 (Admin) – positive obligations under Article 8 and provision of accommodation
- R (Moseley) v Haringey LBC [2014] UKSC 56 (Supreme Court) – consultation and increase in council tax
- Aintree University Hospitals NHS Foundation Trust v James [2013] UKSC 67 (Supreme Court) – withdrawal of life-sustaining treatment

## Community Care and Health

Sam regularly acts in both child and adult social care matters. He is described in Chambers and Partners as a “rising star” in the field of community care.

Sam has a particular interest in public law issues arising under the Children Act 1989 and often appears in the administrative court in cases concerning the assessment of and provision of services to children in need, the accommodation of children under section 20, and the provision of services to care leavers. He has appeared in a number of cases relating to the provision of support to destitute families (such as *R (F) v Barking and Dagenham LBC* [2015] EWHC 2838 (Admin); *R (BC) v Birmingham CC* [2016] EWHC 3156 (Admin); and *R (CO and KO) v LB of Lewisham* [2017] EWHC 1676 (Admin)).

Sam frequently acts for children in damages claims against local authorities, including claims arising out of delays by local authorities in issuing care proceedings, or failures to protect children at risk of harm.

Sam’s work in adult social care spans an array of issues under the Care Act 2014, including the assessment of and provision of services to meet need, and in relation to charging for care and support. He was junior counsel in *R (SG) v Haringey LBC* [2017] EWCA Civ 322 (Court of Appeal) regarding the provision of accommodation under the Care Act. He has acted in cases concerning individuals with autism and failures by local authorities to act consistently with the strategy made under the Autism Act 2009. Sam was one of the presenters in Doughty Street’s seminar series concerning the Care Act 2014.

Sam has some experience in associated healthcare matters and was junior counsel in *James v Aintree NHS Trust* [2013] UKSC 67, a Supreme Court case concerning decisions to withdraw life-sustaining treatment.

## Inquiries and Inquests

Sam has extensive public inquiry experience. In the Al-Sweady Public Inquiry Sam represented the Iraqi core participants. In the Independent Inquiry into Child Sexual Abuse Sam acted in the Lambeth Strand on behalf of the whistle-blower Anna Tapsell. In the ongoing Undercover Policing Inquiry Sam is representing those justice campaigners who are represented by Bhatt Murphy, and who were the subject of covert surveillance whilst

campaigning for justice in respect of deaths caused by police conduct.

His inquest work is varied but generally relates to deaths in prison custody, deaths following contact with police, or deaths following contact with mental health services. He acted for the family of Phillipa Day in the inquest which found that her death had been caused by 28 errors and systemic problems within the Department of Work and Pensions and Capita.

He regularly advises on judicial reviews of coronial decisions and acted in *R (Fullick) v HM Senior Coroner for Inner North London* [2015] EWHC 3522 (Admin) which is often cited in relation to a coroner's discretionary power to call a jury. Sam acted for the family in relation to the decision to refuse anonymity to the police officers in the inquest concerning the shooting of Dean Joseph.

Sam also acts in related compensation claims.

## Actions Against the Police and Public Authorities

A significant part of Sam's practice concerns police conduct. He is regularly instructed to advise and act in claims concerning police assault, false imprisonment, powers of search and seizure, misfeasance, malicious prosecution and failures to investigate. He acted for the Claimant in *Marshall v Chief Constable of Nottinghamshire Police* in which it was held by HHJ Owen that the police owed a duty of care in the conduct of 'field tests' for cocaine. Sam is a contributor to the forthcoming edition of the LAG book on police misconduct.

Sam is frequently instructed in civil trials concerning actions against the police, such as:

- *Piotr Czapski v Chief Constable of Avon and Somerset* (2018) – care of a man in police custody with excited delirium
- *Danny Cook v Chief Constable of Sussex Police* (2018) – lawfulness of forced entry into home
- *Hill v Chief Constable of Cambridgeshire Police* (2016) – lawfulness of arrest
- *Monelle v Chief Constable of Avon and Somerset Police* (2016) – lawfulness of forced entry and arrest
- *Kirkwood v Chief Constable of Northumbria Police* (2016) – Article 6 and provision of appropriate adult

Sam also acts in related judicial reviews (such as *R (D) v DPP* [2017] EWHC 1768 (Admin) regarding the prosecution of an historic sex offence) and in inquests touching upon the deaths of persons following contact with the police.

## Equality and Discrimination

Sam has expertise in the area of equality and discrimination law. He was junior Counsel in the Court of Appeal and the Supreme Court in *R(JS) v SSWP* [2015] UKSC 16 concerning the alleged discriminatory and unlawful effect upon women of the Coalition Government's so-called 'benefit cap'. His civil claims against the police and public authorities frequently include claims made under the Equality Act 2010.

## Freedom of Information and Data Protection

Sam has experience of Freedom of Information Act work in the Information Tribunal, of issues arising under the Data Protection Act 1998, and of claims in breach of confidence.

Recent and ongoing work includes:

- *Cole v Information Commissioner and Ministry of Defence* EA/2013/0042 - relating to information concerning use of armed drones in Afghanistan, including the first public questioning of a British drones pilot
- *Jones v Information Commissioner* EA/2014/0259 - relating to FCO correspondence in 1970s regarding the Bahrain ruling family
- *R v CC* (2015) - breach of confidence by police in revealing details of informant to violent defendant in criminal proceedings
- *H v Gloucestershire County Council* (2014) - breaches of Data Protection Act and breach of confidence in disclosure of sensitive report to a third party