

Heather Williams QC



Call: 1985

Silk: 2006

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Profile

She is particularly known for her involvement in actions against the police and other prosecuting and detaining authorities, both civil compensation claims and public law challenges. In recognition of her standing in these areas, she is ranked in the 2019 Chambers & Partners Directory as a “Star Individual” in the Police Law: Mainly Claimant category and as a Band 1 Leading Silk for her Civil Liberties and Human Rights work. She is also a ranked Silk in the Inquests & Inquiries and Employment Law sections and in the equivalent categories in the Legal 500 Directory. Heather led a team acting for a bereaved family at the Hillsborough Inquests and is now lead counsel for the Hillsborough claimants in their misfeasance claims against the police. Heather has a particular speciality in discrimination claims, both in the employment and public law context.

She sits as a Deputy High Court Judge (Queen’s Bench Division, Administrative Court and Employment Appeal Tribunal) and as a Recorder in both Crime and Civil on the Northern Circuit. She has previously sat as a part-time Employment Judge, an Assistant Coroner and as a QC Member of the Bar Tribunals and Adjudication Service’s Disciplinary Pool. She is a former Chair of the Royal Mail’s National Appeals Panel and Chair of the Legal Aid Agency’s

Special Controls Review Panel. Heather is a London School of Mediation trained commercial mediator and has experience as a judicial mediator in the Employment Tribunal.

She is the leader of the Doughty Street Chambers' Actions Against the Police & other Public Authorities Team and the Employment & Discrimination Team.

What the Directories Say

"A legend. One of the best claimant lawyers in the country for police actions, if not the best. She is brilliant in court and on paper" (Chambers & Partners Directory 2019, Police Law, Mainly Claimant category)

"She is hugely knowledgeable, calm, hard-working and a go-to person for complex cases" (Chambers & Partners Directory 2019, Civil Liberties and Human Rights category)

"Phenomenal. Very good on her feet and has an encyclopaedic knowledge of police law" (Chambers & Partners Directory 2019, Police Law, Mainly Claimant category)

"Fiercely intelligent, unfailingly reliable and is effortlessly fast-thinking." (Legal 500 Directory 2019, Civil Liberties and Human Rights category)

"She is capable of reducing the most complex arguments into absolute common sense and is hugely persuasive both on paper and on her feet" (Chambers & Partners Directory 2019, Inquests & Inquiries category)

"She does excellent work in the sphere. She has a real presence and the ear of the court. She is extremely dedicated" (Chambers & Partners Directory 2019, Employment Law category).

Publications/Seminar

Heather is the co-author of the textbook *"Police Misconduct: Legal Remedies"* (4th ed) published by the Legal Action Group. She is a co contributor to the regular updates on police law published in the Legal Action magazine and she is a co-presenter of the popular annual Actions Against the Police advanced course run by the Legal Action Group.

She also writes and speaks on discrimination law. Recent examples include a presentation on pregnancy, maternity and parental leave at the 22QCs Hot Issues in Employment Law 2018 Conference; and talks delivered to the Industrial Law Society and to Employment Judges on indirect discrimination.

Education

LLB Hons (First Class)

Scarman Scholar (awarded for first place in Bar Finals)

Related practice areas

Employment, Discrimination and Equality Law

Actions Against the Police and Public Authorities

Administrative & Public Law

Inquests and Public Inquiries

Mediation

Data Protection and Information Law

Actions Against the Police and Public Authorities

Although having a wider civil liberties practice, Heather is particularly known for her actions against the police work. Over the last decade she has been consistently ranked as one of the leading practitioners in the country for Police Law claimant-based work in the Chambers & Partners Directory and she is currently one of only two Silks rated as a “*Star Individual*”.

Over the years, she has appeared in a number of the leading appellate cases in this area including: **Copeland v Commissioner of Police of the Metropolis** (when a police officer can be a ‘prosecutor’ for the tort of malicious prosecution); **Smith v Chief Constable of Sussex** (police’s duty to victims of crime); **Austin v Commissioner of Police of the Metropolis** (legality of the police tactic of “kettling”); and **ZH v Commissioner of Police of the Metropolis** (first successful disability discrimination claim and first successful breach of Article 3 ECHR claim by a member of the public against the police).

Heather led a small team of lawyers acting for a bereaved family at the **Hillsborough Inquest**. Her clients were particularly focused on establishing the full extent of police responsibility for the disaster and in this context she questioned all of the senior police officers who gave evidence and made legal submissions on multiple issues. She now acts as lead counsel in the group litigation misfeasance damages claims brought by over 500 claimants in relation to the cover-up after the disaster.

Heather represents a number of core participants in the ongoing **Undercover Policing Inquiry**, including: (1) Neville Lawrence, father of Stephen, who she has acted for and advised over many years; (2) victims of deceptive sexual relationships initiated by undercover officers; and (3) families who fear that the identities of their deceased children were misappropriated for use as fake identities for undercover officers. She acts in related

civil litigation, including: **AJA v Commissioner of Police of the Metropolis**, a compensation claim brought by women who were deceived by undercover police officers into having sexual relationships; for a woman who was left to bring up a child after the undercover officer who fathered him disappeared, whose claim settled for £425,000; and in successfully resisting the police's attempt to strike out her son's High Court claim: **TBS v Commissioner of Police of the Metropolis**.

Heather also acts for Sam Hallam, who spent over seven years in prison before his murder conviction was quashed. She recently argued in the Supreme Court that the restrictive definition of a "miscarriage of justice" used for statutory compensation purposes, offends the presumption of innocence contained in the European Convention on Human Rights: **R (Hallam & Nealon) v Secretary of State for Justice**. She is now involved in an application to the European Court of Human Rights, pursuing this issue.

She has brought judicial review proceedings challenging refusals to suspend police officers to prevent them from retiring and rendering disciplinary proceedings impossible: **R (L) v Commissioner of Police of the Metropolis** and **R (AB) v Commissioner of Police of the Metropolis**.

She was lead counsel for the claimants in the first case to establish that police owed a duty under Article 2 of the European Convention on Human Rights to take reasonable care to protect life in relation to real and immediate risks arising from a police pursuit: **Seddon v Chief Constable of Thames Valley Police**.

Heather's ongoing work includes civil claims arising from police shootings, from wrongful prosecutions for serious offences, from sexual misconduct by police officers and from disability discrimination towards members of the public. She also represents anti-fracking protestor, Joe Boyd, in his challenges to injunctive relief obtained by INEOS (**Boyd v INEOS Upstream Ltd**)

She also acts in relation to tort claims against the Ministry of Defence brought by service personnel and immigration detention cases.

She is the co-author of a leading textbook in the area, *Police Misconduct: Legal Remedies* (4th edition) published by the Legal Action Group. She co-presents their annual police actions advanced course for practitioners.

Administrative and Public Law

Heather's judicial review work focuses upon unlawful detention, official misconduct, discrimination and policing and prosecutorial decisions.

She acts for Sam Hallam, who spent over seven years in prison before his murder conviction was quashed. She recently argued in judicial review proceedings in the Supreme Court that the restrictive definition of a "miscarriage of justice" used for statutory compensation purposes, offends the presumption of innocence contained in the European Convention on Human Rights: **R (Hallam & Nealon) v Secretary of State for Justice**. She is now involved in an application to the European Court of Human Rights, pursuing this issue.

Heather led the legal team acting for anti-fracking protestor Joe Boyd in his successful Court of Appeal challenge to the wide-sweeping injunction granted by the High Court (**Boyd v INEOS Upstream Ltd**). This is now the leading case on when pre-trial injunctive relief can be granted against 'persons unknown'.

She acted as leading counsel for interveners, Humanists UK in **R (A & B) v Secretary of State for Health**, the Supreme Court appeal concerning the lack of free abortions on the NHS to women and girls who travel from Northern Ireland because of the very restrictive abortion laws that operate there.

Heather has acted as leading counsel in judicial review applications concerning failures to suspend police officers to prevent them from retiring and rendering disciplinary proceedings impossible: **R (L) v Commissioner of Police of the Metropolis** and **R (AB) v Commissioner of Police of the Metropolis**.

She represented the claimants in their judicial review challenge to failures to take effective action in response to the high number of prisoner suicides at HMP Woodhill: **R (Scarfe) v Governor of HMP Woodhill** and acted for INQUEST in their intervention in **SSHD v HM Senior Coroner for Surrey** (use of public interest immunity powers in relation to inquests). She also acted for Liberty in its intervention in judicial review proceedings challenging the conditions for detainees at Brook House IRC: **R (Hussein) v SSHD**.

Examples of Heather's earlier successful judicial review work include: acting for Neville Lawrence in his challenge to the Crown Prosecution Service's earlier conclusion not to prosecute further in relation to his son's murder (before the recent successful re-investigation and prosecution); **R (Miller) v Independent Assessor** (a leading authority on the valuation of compensation for long-term unlawful detention); and **R (Houchin) v Secretary of State for Justice** (unprecedented mandatory relief granted in respect of the Secretary of State's refusal to accept the Parole Board's recommendation to return the claimant to open prison conditions).

Her cases have also included: **R (Miller & Ors) v Secretary of State for the Home Department** (a judicial review challenge which secured an agreement for a further investigation into the collapse of the criminal prosecution against police officers who allegedly brought about her clients wrongful convictions for the murder of Lynette White); **R (Dowsett) v Secretary of State for the Home Department** (legality of rub down searches of male prisoners); and **R (O'Brien) v Director of Public Prosecutions** (a challenge to a CPS' decision not to prosecute an officer for fabricating a confession).

Employment Law and Industrial Relations

In terms of employment law, Heather is particularly known for her discrimination work. She represented television presenter **Miriam O'Reilly** in her successful landmark age discrimination claim against the BBC. She has acted for a number of senior lawyers and City analysts who have attained substantial financial settlements or awards in gender discrimination claims. She acted for the claimant television news producer in **Grisanti v NBC News**, obtaining a significant ruling on the applicable limitation period in contractual claims in Employment Tribunals (before settlement of the case was reached).

She has considerable experience of conducting employment cases at an appellate level. She acted for the successful claimant in **Singh v Governors of Moorlands Primary School** before the Court of Appeal, who ruled that the Employment Tribunal had wrongly applied the scope of judicial proceedings immunity in striking out her claims. She also appeared in the Court of Appeal for the claimant in **Turner v East Midlands Trains** the leading case on the interface between Article 8 ECHR and the conventional approach of Employment Tribunal's to unfair dismissal claims. She recently acted for claimants in **X & M v Y** in their successful appeal to the EAT challenging the imposition of a lengthy stay of their tribunal claims.

Her earlier appellate cases include **Ministry of Defence v Cartner** (sex discrimination in relation to a non sea-going female naval officer), **Oyarce v Cheshire County Council**

(burden of proof in victimisation claims) and **O’Hanlon v Revenue & Customs Commissioners** (sick pay policies and disability discrimination).

Equality and Discrimination

Heather has been described in the Chambers & Partners Directory as “a leader in the field of discrimination” in respect of her ranking for Civil Liberties and Human Rights work. She has extensive experience of bringing discrimination claims both in the employment and in the public law and services contexts.

In terms of her employment work, she represented television presenter **Miriam O’Reilly** in her successful, landmark age discrimination claim against the BBC. She has also acted in a number of significant appellate cases, including **Singh v Governors of Moorlands Primary School** (whether employer’s conduct in defence of discrimination claims was caught by judicial proceedings immunity in respect of a subsequent constructive unfair dismissal claim); **Ministry of Defence v Cartner** (sex discrimination in relation to a non sea-going female naval officer), **Oyarce v Cheshire County Council** (burden of proof in victimisation claims) and **O’Hanlon v Revenue & Customs Commissioners** (sick pay policies and disability discrimination). Over the years, Heather has acted for a number of senior lawyers and City analysts who have attained substantial financial settlements or awards in gender discrimination claims.

Heather’s other discrimination work is in the public law sphere. She acted as leading counsel for interveners, Humanists UK in **R (A & B) v Secretary of State for Health**, the Supreme Court discrimination appeal concerning the lack of free abortions on the NHS to women and girls who travel from Northern Ireland because of the very restrictive abortion laws that operate there.

Much of her public law discrimination work is focused upon the policing and prisons context, where she has brought discrimination claims in respect of failures to protect or support victims of crime, arrests, police stop and search powers and prison conditions. Her cases include: **ZH v Commissioner of Police for the Metropolis** (the first successful claim for disability discrimination in relation to police officers' treatment of a member of the public); and **R (Dowsett) v Secretary of State for the Home Department** (challenge to the Prison Service's policy on rub-down searches of male prisoners as sexually discriminatory). She recently acted in a disability discrimination claim against Nottinghamshire Police for a client with autism and ADHD and in a disability discrimination claim against the Metropolitan Police for a client with depression and psychosis.

She also acted for Liberty in its intervention in judicial review proceedings challenging the conditions for detainees at Brook House IRC as discriminatory on religious grounds: **R (Hussein) v SSHD**.

Immigration Detention

Heather has acted in a number of cases relating to unlawful immigration detention, including both judicial review applications and private law claims for damages. She acted for the successful claimant in **R (A Iraq) v Secretary of State for the Home Department**, securing his release from detention on the basis that he could not be deported to Iraq within a reasonable time given the political situation at the time and she then acted in respect of the subsequent resolution of his compensation claim.

She was instructed by Liberty in its recent intervention in judicial review proceedings challenging the conditions for detainees at Brook House IRC as discriminatory on religious grounds: **R (Hussein) v SSHD**.

She advises on quantum in relation to claims concerning unlawful immigration detention, where she is able to deploy her considerable experience of acting for victims of miscarriages of justice who have suffered long periods of wrongful imprisonment. She appeared in **R (Miller) v Independent Assessor**, a leading authority on the valuation of compensation for long-term unlawful detention.

Inquiries and Inquests

Heather has extensive experience of inquests and public inquiries.

She is the only Band 1 ranked Silk in this category in the Legal 500 Bar Directory 2019, who regularly act for bereaved families.

She led a small team of lawyers acting for a bereaved family at the **Hillsborough Inquest**. Her clients were particularly focused on establishing the full extent of police responsibility for the disaster and in this context she questioned all of the senior police officers who gave evidence and made legal submissions on multiple issues. She now acts as lead counsel in the group litigation misfeasance damages claims brought by over 500 claimants in relation to the cover-up after the disaster.

She recently acted for bereaved families in the resumed **1974 Birmingham Pub Bombings Inquest**, where the jury considered the roles played by the police and other agencies and found that the deceased had been unlawfully killed by the IRA.

She has acted for bereaved families at a number of other Inquests where deaths occurred in a policing context. She has particular experience of cases involving deaths following high-speed police pursuits and police shootings (recent examples include inquests into the deaths of **Dean Joseph** and **Richard Davies**). She acted too in related civil claims arising from these incidents.

Heather has secured neglect findings in respect of the failings of Health Trust personnel in inquests concerning the deaths of vulnerable people with mental health problems (**Christopher Brennan** and **Natalie Gray**). She also represented the parents of Elliott Johnson, the young Tory activist who died in 2015 at the high-profile inquest into his death.

Heather acts for a number of core participants in the ongoing **Undercover Policing Inquiry**, including: (1) Neville Lawrence, father of Stephen, who she has acted for and advised over many years; (2) victims of deceptive sexual relationships initiated by undercover officers; and (3) families who fear that the identities of their deceased children were misappropriated for use as fake identities for undercover officers. In relation to these families, Heather successfully argued for the existence of a qualified duty arising under Article 8 ECHR to tell them if their child's identity was used in this way.

Prison Law and Criminal Justice

Heather specialises in claims arising from unlawful detention and other official misconduct, including in the prisons context. Her cases include both applications for judicial review and

private law claims for damages. She acted for the successful claimant in **R (Houchin) v Secretary of State for Justice**, regarding the Secretary of State's refusal to accept the Parole Board's recommendation to return him to open prison conditions and she also represented him in his subsequent misfeasance claim arising from his transfer to closed conditions, successfully persuading the Court of Appeal to overturn the striking out of this claim: **Houchin v Lincolnshire Probation Trust** (the case subsequently settled for a significant sum).

She also acted in relation to damages claims for prisoners who were "ghosted" out of HMP Wandsworth to avoid prison inspectors, in which substantial settlements were secured.

She has undertaken discrimination claims in the prison context including **R (Dowsett) v Secretary of State for Justice** (a challenge to the Prison Service's policy on rub-down searches of male prisoners as sexually discriminatory) and County Court race and religious discrimination claims arising from prison officers' treatment of prisoners.

Heather has been instructed to advise the Crown Prosecution Service in relation to several cases involving prosecutions / potential prosecutions arising from deaths in custody and other alleged police misconduct. She has also acted for claimants in public law challenges to decisions not to prosecute, including for **Neville Lawrence** when he judicially reviewed the CPS' earlier decision not to bring a further prosecution in relation to his son's murder and in **R (O'Brien) v Director of Public Prosecutions** where the CPS decided not to prosecute a senior police officer in respect of alleged fabrication of a confession.