

## Michael Spencer



Call: 2017 (2008 – Solicitor, England and Wales)

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### Profile

With a background as an experienced solicitor, Michael's expertise covers public law and human rights, immigration, inquests and personal injury. He is regularly instructed in tribunal appeals and judicial review claims, including in urgent applications for interim relief. He is particularly strong on the intersection between immigration law and social welfare issues and has appeared in a number of significant test cases in the higher courts.

Michael also has a busy civil law damages practice, specialising in personal injury and actions against public authorities. He is an effective trial advocate and represents clients in fast track and multi-track proceedings, as well as in damages claims transferred from the Administrative Court.

Michael is the Chair of the Asylum Support Appeals Project and is a former judicial assistant to Lord Kerr at the Supreme Court.

### What the directories say

(Leading Juniors) Ranked: Tier 4

*- 'Michael is very thorough. He brings new insight and thoughtful points to cases, and is very considered in his approach. He has a great manner with clients, who easily put their trust in*

*him.*' - Legal 500 2024.

## **Education**

Legal Practice Course (Nottingham Law School) – Distinction

Graduate Diploma in Law (BPP Law School) – Commendation

MA(Hons) in History (Warburg Institute) - Merit

BA(Hons) in Modern History (Oxford University) – First Class

## **Related practice areas**

Immigration

Administrative & Public Law

Housing, Social Welfare and Property

Clinical Negligence, Personal Injury & Product Liability

Inquests and Public Inquiries

Court of Protection & Mental Health

Community Care and Health

Immigration Detention Group

## **Administrative and Public Law**

Michael's public law practice covers immigration, discrimination, children's rights, social security and community care law. He has a particular expertise in issues involving the intersection between immigration and social welfare law, including asylum support, age assessment and retained EU law.

Prior to coming to the bar, Michael was the legal officer for the Child Poverty Action Group, where he conducted test case challenges to cuts to welfare entitlement, including in C507-12

**Saint Prix v United Kingdom; R(Rutherford) v Secretary of State for Work and Pensions** [2016] UKSC 58; **SG and Others v Secretary of State for Work and Pensions** [2015] UKSC 16 and **R(Winder) v Sandwell Borough Council** [2014] EWHC 2617 (Admin).

## **Selected Cases**

- **R(CB) v Secretary of State for the Home Department** [2022] EWHC 3329 (Admin): Challenge to the rate of asylum support
- **R(BZ) v HM Revenue and Customs** [2022] UKUT 264 (AAC): Appeal on entitlement to child benefit for refugees.
- **R(Akinsanya) v SSHD** [2022] EWCA Civ 37: Court of Appeal test case on the rules for Zambrano carers under the EU Settlement Scheme.
- **R(DK) v HMRC** [2022] EWCA Civ 120: judicial review challenge to the rules on backdating tax credits for newly recognised refugees.
- **R(Blundell) v SSWP** [2021] EWHC 608 (Admin): challenge to the DWP's policy on deducting Court fines from Universal Credit.
- **SK and LL v SSWP** [2020] UKUT 145 (AAC): Discrimination challenge to the rules on maternity grants for refugees and kinship carers under Article 14 ECHR and EU law.
- **KC and MC v SSWP** [2017] UKUT 94 (AAC): Appeal on the meaning of "substantial risk" in the conditions for employment and support allowance.
- **MM and SI v SSWP** [2016] UKUT 149 (AAC): Discrimination challenge resulting in an exemption for refugees from the past presence test for disability living allowance.
- **MB v SSWP** [2016] UKUT 372 (AAC): Appeal concerning the free movement rights of EEA national job seekers.
- **LS v SSWP** [2014] UKUT 0298 (AAC): Challenge to maternity grant cuts under the public sector equality duty.

## Immigration

Michael's immigration practice covers all areas of asylum and immigration law, including tribunal and judicial review proceedings. He is particularly valued for his expertise in human rights and EEA and derivative rights, including under the EU Settlement Scheme. Michael was junior counsel in **R(Akinsanya) v SSHD** [2022] EWCA Civ 37, a Court of Appeal test case on the rules for Zambrano carers under the EU Settlement Scheme.

Michael represents appellants before the First-tier Tribunal (Asylum Support) and is the Chair of the Asylum Support Appeals Project, a pro bono advocacy charity for destitute asylum seekers.

## Personal Injury and Clinical Negligence

Michael regularly acts for claimants and defendants in personal injury claims, including clinical negligence, industrial disease and employer's liability cases. He has appeared in fast-track and multi-track proceedings up to and including trial. He is frequently instructed to draft pleadings and to advise in conference on liability and quantum. Michael was seconded to a leading claimant clinical negligence firm, where he gained experience in high value catastrophic injury claims.

## Actions Against the Police and Public Authorities

Michael accepts instructions in claims against public authorities, including actions for damages against the police and unlawful detention claims. He is an author for the most recent edition of the Legal Action Group Police Law Handbook (publication due in 2022).

## Professional Negligence (Immigration)

Combining his immigration and civil law expertise, Michael acts in professional negligence claims involving sub-standard immigration advice, including claims for loss of earnings as a result of losing immigration status. Successes including a successful judicial review challenge against a decision of the Legal Ombudsman concerning negligent OISC regulated advice and representing a claimant in a high value claim for damages for loss of earnings against a solicitor's firm.

## Inquests and Inquiries

Michael is an experienced inquests practitioner, having represented families and other interested persons in a variety of inquests, particularly in cases involving prison deaths, healthcare issues and police failures.

## **Selected cases**

- Counsel to the Coroner in the inquest touching upon the death of Peter Dray: Article 2 jury inquest concerning a death in a care home.
- Counsel for the family in the inquest touching upon the death of Matthew Mackell, in which the Coroner found there had been a 'systemic failure' in the police response to a teenager's call for help before his suicide.
- Counsel for the family in an inquest involving a death in a care home, in which the Coroner recorded a finding of 'neglect'.
- 'Junior junior' for counsel to the inquiry in the Grenfell Tower Inquiry.