

Michael Spencer



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

Profile

Prior to coming to the bar, Michael was the solicitor for the Asylum Support Appeals Project and then the Child Poverty Action Group, where he pursued strategic litigation challenging Government policy towards some of the most vulnerable in society. He brings a similar strategic focus to his work as a barrister. Michael also spent 2016-2017 as the judicial assistant to Lord Kerr at the UK Supreme Court. Michael is a member of the Equality and Human Rights Commission's C Panel of Counsel, the Chair of the Asylum Support Appeals Project and an author for the LAG Disabled Children's Handbook.

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

Immigration: Asylum and Human Rights

Michael is an experienced immigration practitioner, having appeared in numerous asylum and immigration proceedings before the First Tier Tribunal and Upper Tribunal, as well as in applications for permission to appeal to the Court of Appeal. He takes instructions on all matters including asylum, human rights, EEA and derivative rights, and business immigration.

Michael also regularly 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.

Administrative and Public Law

Michael is developing a broad public law practice, building on his prior experience as a solicitor-advocate pursuing test case litigation. He has a particular interest in judicial reviews involving issues relating to social security, immigration, discrimination, children's rights, environmental and healthcare.

Selected Cases

- ***R(Blundell) v SSWP* [2021] EWHC 608 (Admin)**: successful challenge to the DWP's policy on deducting Court fines from Universal Credit.
- ***R(Akinsanya) v SSHD* [2021] EWHC 1535 (Admin)**: successful challenge to the treatment of Zambrano carers under the EU Settlement Scheme.
- ***R(DK) v HMRC* [2021] EWHC 1845 (Admin)**: successful judicial review on backdating tax credits for newly recognised refugees.
- ***SK and LL v SSWP* [2020] UKUT 145 (AAC)**: Successful discrimination challenge to

the rules on maternity grants for refugees and kinship carers under Article 14 ECHR and EU law.

- ***Repsol Sinopec Resources UK Ltd v Secretary of State for BEIS*** [2019] UKFTT GGE_2019_0001 (GRC): Test case on the impact of the EU Withdrawal Agreement on the Carbon Emissions Trading Scheme.

Social Welfare / Community Care

Michael represents Claimants in social welfare and community care proceedings, including judicial review challenges to asylum support, local authority community care and social security decisions.

Michael has a particular expertise in asylum support and social security law. As the solicitor for the Asylum Support Appeals Project, he pursued strategic litigation on behalf of destitute migrants. As the legal officer for the Child Poverty Action Group, 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

- ***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): Successful discrimination challenge obtaining an exemption for refugees from the past presence test for disability living allowance.
- ***MB v SSWP*** [2016] UKUT 372 (AAC): Free movement rights of EEA national job seekers.
- ***LS v Secretary of State for Work and Pensions*** [2014] UKUT 0298 (AAC): Challenge to maternity grant cuts under the public sector equality duty.

Clinical Negligence and Personal Injury

Michael has broad experience of acting for claimants and defendants in personal injury and clinical negligence claims. He has appeared in small claims, 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 significant experience in high value claims.

Inquests and Inquiries

Michael has appeared in a variety of inquests, particularly in the healthcare context. He is currently instructed as junior counsel to the Coroner in an Article 2 jury inquest touching on a death in a care home.

Michael was also instructed as a 'junior junior' in the Grenfell Tower and Brook House Inquiries.

Michael recently appeared for the family in an **Article 2 inquest**, 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.

Court of Protection

Michael has experience of appearing in Court of Protection proceedings. He accepts instructions from all parties, including local authorities, NHS Trusts, the Official Solicitor and professional litigation friends.

Regulatory

Michael has experience of advising and representing clients in regulatory proceedings and related judicial review proceedings against legal services professionals. Michael is also able to draw on his experience in the healthcare context to advise and represent clinicians in regulatory proceedings.