

Hayley Douglas



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Profile

Hayley combines a criminal defence and appellate practice with work in related areas including prison law, crime-related public law, and civil actions against the police. Within these areas, she has particular expertise in defending and upholding the rights of vulnerable individuals, including victims of modern slavery, those with poor mental health and children.

Hayley also acts in public inquiries. She is currently instructed as junior counsel to a core participant in Module 4 of the UK Covid-19 Inquiry.

Hayley is Assistant Editor to “Human Rights Practice” (Sweet & Maxwell, Looseleaf) and a contributing author to “Taylor on Criminal Appeals” (3rd edition, OUP, 2022) and “Police Misconduct: Legal Remedies” (5th edition, LAG, 2022).

Before joining Doughty Street, Hayley was judicial assistant to Sir Brian Leveson, then President of the Queen’s Bench Division, where she assisted on a number of high-profile criminal and public law appeals as well as applications in the Administrative Court.

From 2009-2013 Hayley was Legal Officer at the law reform and human rights charity, JUSTICE, the UK branch of the International Commission of Jurists, with a focus on human rights, criminal justice and access to justice. Her work included briefing Parliament on new

legislation and working on JUSTICE's public interest interventions in the Court of Appeal and Supreme Court.

Education

BA (Hons), Law, Somerville College, University of Oxford

LLM, Human Rights and Public International Law, University College London

Bar Professional Training Course, City Law School, City University

Related practice areas

Criminal Appeals

Criminal Law

Business Crime & Investigations

Actions Against the Police and Public Authorities

Administrative & Public Law

Children's Rights

Data Protection and Information Law

Inquests and Public Inquiries

Criminal Appeals

Hayley is an experienced appellate barrister, acting in both conviction and sentence matters in the Court of Appeal. She is frequently instructed as fresh counsel to advise on the merits of appeal and has a particular expertise in challenging the convictions of victims of trafficking. Her appellate practice also includes applications to the High Court and to the Criminal Cases Review Commission. Hayley accepts direct access instructions and is experienced in working with the families of convicted individuals.

Hayley's practice in this field is informed by the invaluable insights she gained as a Judicial Assistant in the Criminal Division of the Court of Appeal. Hayley is a contributing author to chapters 9 and 11 of the 3rd edition of "Taylor on Criminal Appeals" (OUP, 2022) and Doughty Street's **Criminal Appeals Bulletin**.

Recent cases include:

R v Williams [2024] TBC. Court of Appeal granted a 15-year extension of time and quashed an IPP sentence for a s.18 offence committed when the appellant was 19 years old.

R v Garbutt [2024] TBC. Appeal against sentence for separate offences of intentional strangulation (s.70 Domestic Abuse Act 2021) and unlawful wounding.

R v JL [2024] Appeal against conviction and sentence for drugs offences on behalf of victim of modern slavery.

R v LH [2023] EWCA Crim 109 (led by Issy Forshall KC). Court of Appeal reduced the appellant's term from 20 years to 15 years following her conviction of the gross negligence manslaughter of her 7-year-old son.

R v BM [2022] EWCA 199. Appeal against sentence on the grounds that the sentencing judge failed to take account of the appellant's mental disorder as a mitigating factor.

R v JS [2018] EWCA Crim 2946 (assisted Liam Walker KC). Court of Appeal reduced the extended licence period of a 17-year-old convicted of s.18 GBH following successful written and oral submissions on the proportionality of the extended sentence.

R v Grant-Murray [2017] EWCA Crim 1228 (assisted Tim Moloney KC and Jude Bunting). In joined applications for permission to appeal against convictions for murder, the Court of Appeal gave guidance on the legality of the mandatory life sentence for murder for child defendants and on the participation of vulnerable defendants in criminal trials.

Crime

Hayley's criminal practice encompasses serious and organised crime, including financial crime, conspiracy to supply drugs, high-value conspiracy to burgle, people trafficking, violent offences, and cases involving modern slavery.

She uses her interdisciplinary expertise across crime and actions against police to provide comprehensive pre-charge advice to individuals who are known to be under investigation or face the threat of prosecution. Hayley also has substantial experience in Proceeds of Crime Act 2002 proceedings, well as advancing legal challenges to investigative orders such as search warrants and Production Orders.

Hayley is passionate about protecting the rights of vulnerable individuals. Having completed specialist youth justice training, she applies an in-depth knowledge of youth justice law to her representation of children and young people.

Hayley has recently been seconded with the Enforcement and Litigation Division of the Bank of England as part of its investigation of an international insurer. She also acts as

independent counsel for the Serious Fraud Office to advise on whether material meets the test for disclosure in an ongoing bribery investigation.

Recent cases include:

R v WA [2022] (led by Benjamin Narain) Represented one of 8 defendants in a long-running cross-border conspiracy to breach of UK immigration laws by smuggling foreign nationals into the UK from France.

R v KD [2022] Successfully represented a defendant who was acquitted of possession of a bladed article: the court was persuaded he had good reason for possession of a knife in a public place.

R v ZK [2022] Represented a teenager who had pleaded guilty to attempted possession of a firearm and ammunition. Despite the seriousness of the offence, the Youth Court was persuaded to impose a Referral Order.

R v SEG [2021] Professionally planned robbery and handling stolen goods by a defendant with paranoid schizophrenia and PTSD. Sentenced to 2 years' imprisonment resulting in near immediate release from custody.

R v TM [2020] (led by Benjamin Narain) Represented one of 12 defendants in a complex cross-border conspiracy to commit high-value commercial burglaries including the theft of rare and culturally significant books worth over £2 million. A limited basis of plea was accepted. Press coverage here: **Guardian, BBC**.

R v SM [2020] Insurance fraud. Application to dismiss granted.

R v JJ [2020] Exposure and outraging public decency. Prosecution persuaded to offer no evidence on first day of trial.

R v VB [2018] (Led by Francis Fitzgibbon QC and Benjamin Newton) Multiple counts of making / possessing indecent images of children. Following successful submissions on behalf of VB, the indictment was stayed as an abuse of process.

R v AK [2018] (Led by Rebecca Trowler QC) Wilful neglect of a person lacking capacity. Following submissions on behalf of AK in relation to abuse of process, the prosecution offered no evidence.

R v WW [2018] S.20 GBH and possession with intent to supply Class A drugs. Prosecution offered no evidence in relation to GBH and defendant received a suspended sentence in relation to the drugs offences.

R v FM [2018] Multiple offensive weapon offences. Succeeded in avoiding immediate custody and obtaining a suspended sentence.

R v MH [2018] 11 counts of breach of a Sexual Offences Prevention Order (“SOPO”). Following successful written and oral submissions, the court was persuaded not to impose a Sexual Harm Prevention Order or renew existing SOPO.

R v YC [2018] Fraudulent evasion of custom duties.

Business Crime and Investigations

Hayley has experience of ancillary matters associated with criminal investigations including challenging search warrants and production orders.

Most recently Hayley advised a US company and its English subsidiary wishing to challenge a production order made by the Central Criminal Court pursuant to PACE 1984. The case settled in the claimants’ favour following detailed written submissions (led by Rupert Bowers KC).

Hayley has recently been seconded with the Enforcement and Litigation Division of the Bank of England as part of its investigation of an international insurer. She has also acted as independent counsel for the Serious Fraud Office in an ongoing bribery investigation.

Public Inquiries

Hayley is currently instructed as junior counsel for Clinically Vulnerable Families, a core participant in Module 4 of the UK Covid-19 Inquiry.

Prison Law and Criminal Justice

Hayley is frequently instructed to advise and represent prisoners in a number of forums including the Parole Board and adjudication hearings.

She has particular experience of representing female prisoners in their appeals against refusal of admission to prison Mother and Baby Units and has succeeded in securing a place for one of her clients following written representations.

Hayley has advised and drafted pre-action correspondence in judicial review claims arising from decisions concerning prisoners, including the decision to refuse a place on a Mother and Baby Unit and the recall of a prisoner released on licence. She has also acted in a judicial review claim concerning the treatment of a young person detained in a Young Offenders Institution.

Key cases:

R (AB) v Secretary of State for Justice [2017] 4 WLR 153; [2017] EWHC 1694 (Admin). Represented the Equality and Human Rights Commission in its intervention in a case concerning the solitary confinement of a child in a Young Offenders Institution. The High Court found that the 16-year old boy's treatment at HMYOI Feltham was unlawful, in breach of the YOI Rules and Article 8 ECHR (led by Caoilfhionn Gallagher QC)

Administrative and Public Law

Hayley accepts instructions across chambers' administrative and public law practice and has experience of representing both individual claimants and third-party intervenors such as the Equality and Human Rights Commission. Hayley has assisted other members of chambers in a range of judicial review proceedings, including claims arising under the Care Act 2014, challenges to coroners' decisions and decisions concerning prisoners.

Hayley is particularly interested in applying her experience to public law claims in the criminal justice field. She draws upon her policy experience at the human rights charity, JUSTICE, and maintains up-to-date knowledge of current cases through her role as Assistant Editor of Sweet & Maxwell's "Human Rights Practice".

Key cases:

R (AB) v Secretary of State for Justice [2017] 4 WLR 153; [2017] EWHC 1694 (Admin). Represented the Equality and Human Rights Commission in its intervention in a case concerning the solitary confinement of a child in a Young Offenders Institution. The High Court found that the 16-year old boy's treatment at HMYOI Feltham was unlawful, in breach of the YOI Rules and Article 8 ECHR (led by Caoilfhionn Gallagher QC)

Actions Against the Police and Public Authorities

With her cross-disciplinary practice across criminal and human rights law, Hayley is well placed to advise in civil actions against the police.

She is frequently instructed to advise and draft pleadings on matters including assault, false imprisonment, malicious prosecution, misfeasance in public office, breach of the Human Rights Act 1998, and breach of the Equality Act 2010. She has particular experience of advising on settlements involving protected parties and children.

Hayley has a growing expertise in protest cases and has advised in relation to a number of potential civil actions arising out of arrests during anti-fracking demonstrations.