



Human Rights Brochure

Legal support

Leigh Day



Introduction

We have long been recognised as one of the leading human rights law firms practising in England and Wales, having been one of the first law firms to set up a dedicated department over two decades ago.

Leigh Day now has one of the largest human rights legal teams in the country. Human rights are at the core of what Leigh Day is as a firm.

With a department that brings together public law, civil liberties, discrimination, health and social care expertise, we fearlessly challenge the lawfulness of decisions, acts, omissions, and policies of public and private bodies. We are ready to take on the most powerful of opponents and are also willing to act for the most vulnerable and marginalised in our society, however unpopular.

We are dedicated to ensuring access to justice for individuals, we do not believe it is right that people should be priced out of a justice system and we do all that we can to seek ways to protect our clients from costs and fund legal challenges.

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Abuse and exploitation

Our specialist abuse team has a track record of fighting for abuse survivors successfully for over three decades and we understand how to handle such sensitive cases.

Our experience includes representing survivors subjected to abuse at home, in a healthcare setting, in the workplace, and at school.

Challenging the use of restraints in schools

Daniel's family instructed us to bring a claim against a private specialist school for the use of physical interventions including mechanical restraint with a "spit-hood" on their son.

A spit-hood is a mesh hood that is placed over someone's head. There was evidence that Daniel had also been placed in seclusion in rooms at the school, one of which was a windowless room the size of a cupboard with a peephole in the door and a lock and key. Since leaving the School, Daniel had told his father that he was restrained practically every day.

We alleged on Daniel's behalf that the restrictive physical interventions used on him were negligent and amounted to a violation of Daniel's human rights. Whilst not admitting liability, the Defendant agreed to settle Daniel's claim for a significant sum of compensation. We continue to bring other cases for the unlawful use of restraints in schools and other settings. We are members of the Reducing Restrictive Interventions - Safeguarding Children and Young People campaign group.



CLIENT STORIES

Jonathan

Securing compensation to help Jonathan rebuild his life following child sexual abuse

The abuse team acted for Jonathan, a survivor of child sexual abuse at a state-run boarding school, claiming damages against the school more than 30 years later. Jonathan was repeatedly sexually abused by a housemaster.

After Jonathan left the school, he never spoke about the abuse again, until the police contacted him in 2013. This brought memories flooding back; Jonathan suffered a breakdown in his mental health.

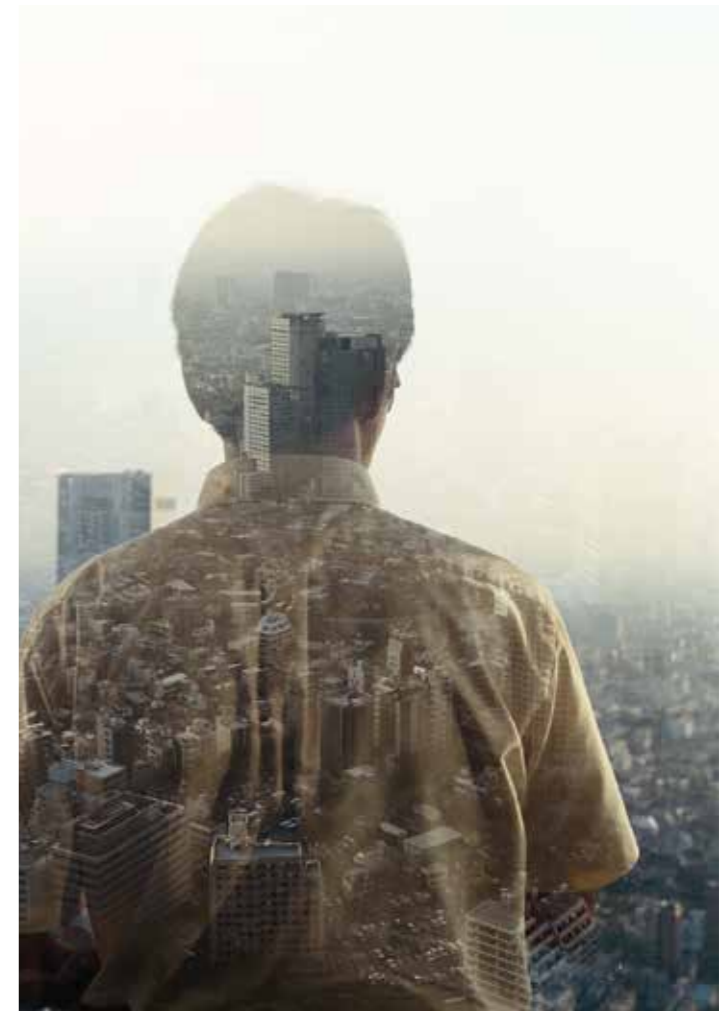
In 2016, Jonathan's abuser was convicted of child sexual offences against him and other pupils. By this point, Jonathan was unable to work and struggling with Post-Traumatic Stress Disorder.

Leigh Day gathered evidence from a psychiatrist, an educational psychologist, and an employment expert to show that the abuse had caused Jonathan serious psychological harm and financial losses.

The school admitted liability for Jonathan's case and agreed to pay him £540,000 in compensation. They also offered Jonathan a letter of apology for the failures to protect him as a child. Jonathan has used his compensation to move house and rebuild his life with his partner.

"I would like to say how much respect I have for the whole team at Leigh Day who have given me support while dealing with all aspects of my civil claim.

It is through the team's very hard work that I have come away from the complications of this civil case feeling so much stronger and empowered to move on with my life. Now I am finally beginning to form closure. The team at Leigh Day have made the future look a lot brighter."



Actions against the Police

We act for individuals in claims against the Police, and other public bodies, for assault & battery, false imprisonment, misfeasance in public office, malicious prosecution, and claims under the Human Rights Act, the Equality Act and breaches of the Data Protection Act. We also represent families at Inquests.

We assist individuals in seeking compensation in claims arising out of arrests and detention. This can include claims brought for breaches of the Equality Act, breaches of the Human Rights Act, assault and battery and false imprisonment.

This might include cases relating to failures to investigate, claims based on race and/or religious discrimination and assaults perpetrated on an individual.

We also represent bereaved families at all stages of inquests arising out of deaths either following contact with or the involvement of the Police. This might include deaths arising from a failure to communicate effectively with other agencies and deaths arising from suicide where Police were made aware of that risk.

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CLIENT STORIES

Leigh Day client

Our client reported to the Police that they had been abused as a child. As a result, the alleged perpetrator was arrested and charged.

The officer in charge of the investigation failed to interview witnesses, failed to pursue several obvious lines of inquiry, failed to record conversations with witnesses and contacted witnesses during the criminal trial.

It was discovered that one of the witnesses died before being spoken to about the case and another was able to provide further lines of enquiry which the officer had missed.

The officer had failed to follow up other lines of enquiry which would have given him the opportunity to refer other sexual abuse cases for investigation and identify risks to children.

The officer had failed in his legal responsibilities for disclosure in the case by causing and/or permitting evidence to be destroyed or not otherwise be made available.

We brought a legal claim for breaches of Article 3 of the Human Rights Act for a failure to investigate and for malfeasance in public office. We successfully settled the case and compensation was awarded to our client as well as an unequivocal apology. It was acknowledged that the investigation into our client's allegations fell below the expected standard.



Data breach and privacy claims

We have experience of acting for individuals in cases where organisations have failed to keep their personal information safe and, either by accident or deliberately, this information has been disclosed to others without their permission.

Organisations that hold personal information about individuals have a responsibility to keep this information safe.

If an organisation discloses this information to someone else, either deliberately or by accident, without the person's permission, this is known as a **data breach** and represents a misuse of the person's private information.

Data breaches can also occur as a result of criminals hacking into the IT systems of organisations as a result of inadequate security. These types of breaches can affect thousands or even millions of people.

If you have been the victim of a data breach, you may have a claim for compensation against the organisation that failed to keep your information safe. You can claim for any financial losses suffered as a result of the breach as well as anxiety and distress caused.

Leigh Day has over 20 years' experience of successfully bringing data breach claims on behalf of affected individuals and groups against various organisations, including private companies, doctors and hospitals, local authorities, the Police, the Courts and the Government.

CLIENT STORIES

Leigh Day client

We are investigating a claim by affected patients against The Transform Hospital Group (THG), after criminals successfully hacked their IT system in December 2020.

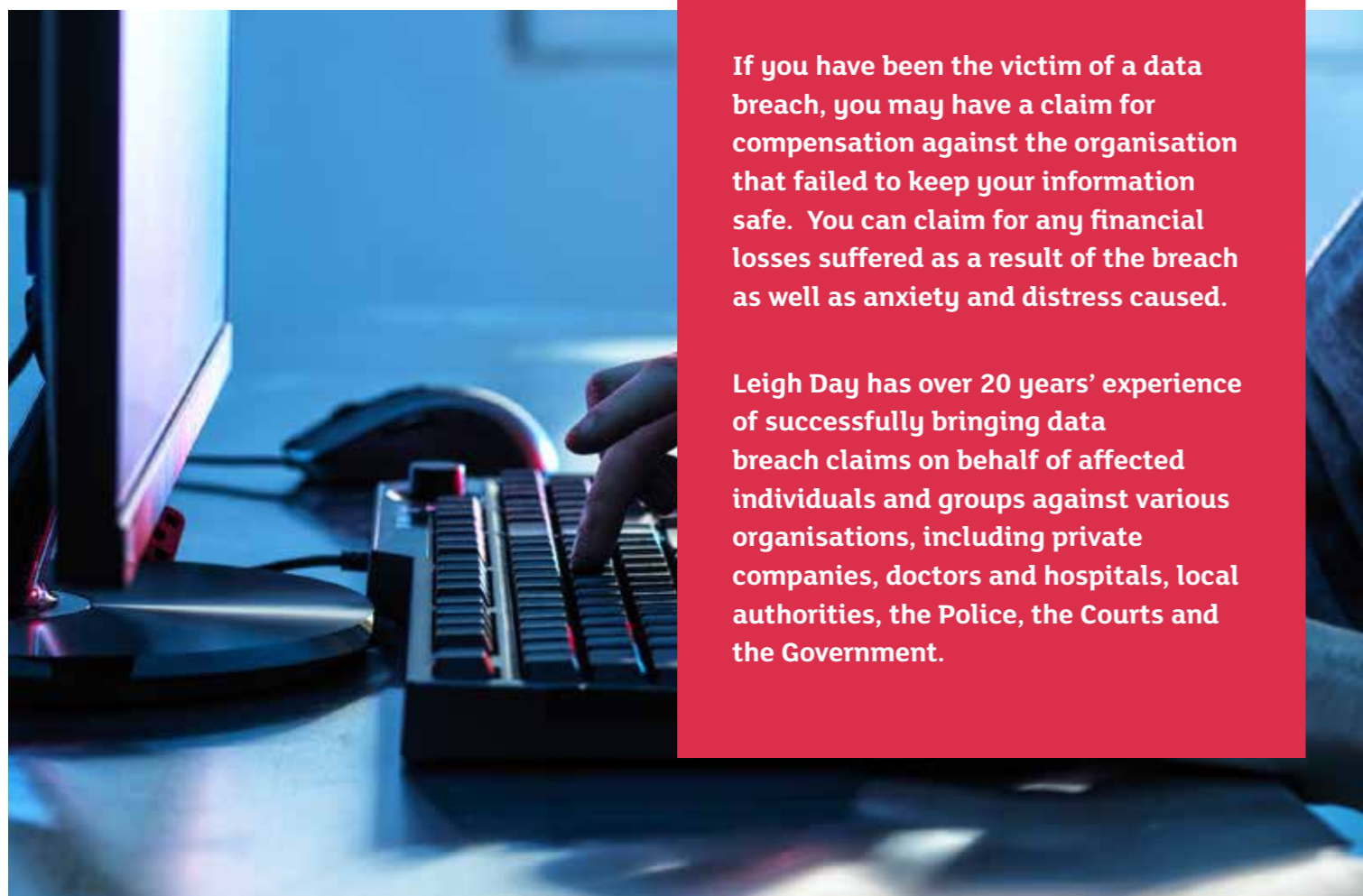
THG operate 11 private clinics across the UK specialising in a range of cosmetic surgery treatments.

According to THG, the hacked Information may have included the names, addresses, email addresses, telephone numbers, ethnicity and dates of birth of patients and their medical records Including photographs.

Reports in the media suggest that THG suffered a ransomware attack, which typically involves criminals gaining access to an IT system, stealing data and threatening to release it unless a ransom is paid.

In this case, it is reported that REvil, also known as Sodinokibi, one of the most prolific ransomware groups, is responsible. Its darknet web page posted screen shots of directories from the THG IT system and said it had personal data, including "intimate photos" of patients.

Given that the data breach seems to include very sensitive medical information of patients, it is likely that any compensation claims will be substantial.



Discrimination

Leigh Day act for people who have suffered discrimination because of unlawful practices or policies, or public body decision making, on the basis of a protected characteristic which include: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership or pregnancy and maternity.

Upholding equality law is core to the work of the human rights department. Leigh Day's leading discrimination team acts in many successful and high-profile discrimination claims against public and private bodies. Some cases concern one off acts of discrimination, such as racist behaviour by service providers, and others involve unlawful policies affecting many thousands of people, such as discriminatory social welfare provision.

The team's discrimination work spans a wide range of areas including disability rights, benefits, policing, prisons, central and local government policies, social care, and the provision of goods and services. We are successful in using the Equality Act 2010 and the Human Rights Act 1998 to achieve outcomes for clients that secure wider change, alongside claims for compensation.

Our team has a genuine commitment to equality law, and we fight hard to achieve results which change the way private and public bodies treat protected groups.

We work closely alongside NGOs and the Equality and Human Rights Commissions to identify systemic issues which affect a large number of people and offer advice and training to grass roots organisations.



CLIENT STORIES

Sarah

Leigh Day acted for Sarah Leadbetter to secure promises from the government regarding how critical Covid-related information is provided to disabled people in an accessible format.

Sarah is registered blind and categorised as clinically extremely vulnerable. She challenged the government's ongoing failure to send her Covid-19 shielding letters in an accessible format. She alleged a failure to make reasonable adjustments under the Equality Act 2010, a failure to comply with the Accessible Information Standard (a key piece of statutory guidance concerning healthcare communications), and a breach of her human rights.

On Sarah's behalf, we suggested several reasonable adjustments that could be made, including extracting accessibility preferences from GP records. Her claim was supported by the RNIB and the Equality and Human Rights Commission.

The government contested the claim up until the final hearing. However, the day before the hearing, the government informed Sarah that it had commissioned work to address the problem of inaccessible shielding communications, that it would commit to begin working on any solution within four months, and that it would provide an update to Sarah on progress.

The government confirmed that the same work would inform how Covid-19 vaccination communications could be sent accessibly and that it would work with GPs and hospitals to ensure better compliance with the Accessible Information Standard.

Sarah has achieved promises that should fundamentally change how disabled people receive health-related information from public bodies through her case.



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Health and social care

Leigh Day has a wealth of experience in acting for individuals to secure the treatment and services they or their loved ones need. We also act for individuals, charities, and campaign groups challenging public service cuts.

We challenge refusals to provide NHS funded treatment, bringing successful challenges to secure, for example, NHS funded fertility treatment. We challenge commissioning policies and individual funding decisions that have left our clients without the treatment they need or fail to respect patients choices.

We often assist vulnerable individuals and their families to secure appropriate social care packages where local authorities have offered an inadequate level of community care, poor quality community care or have failed to provide any support at all.

Some of our clients or their family members have suffered injuries as a result of poor treatment and care provided to them by health or social care providers. We assist them to bring a claim for compensation, including when the injured individual has sadly passed away.

We also contest public bodies' decisions, policies, and practices in a wide range of fields including challenging proposed closures of children's centres and hospital departments.

The cases in which we act often raise novel legal issues requiring a high level of expertise. Our human rights solicitors, who have a wide range of experience in public law, community care law, discrimination law, human rights law, and acting before the Court of Protection are uniquely well placed to assist with legal issues arising in the health and social care sectors.

CLIENT STORIES

Billy

We act for a young child, Billy. Tragically, Billy's father, Jake, died suddenly shortly after Billy was born.

Billy's doctors believe that Jake's death may have had a genetic cause. If this is the case, then there is a 50% chance that Billy inherited this gene meaning he is also at risk. If Billy has inherited the gene, then there are steps which Billy's doctors can take to protect him. If he has not, then Billy and his family will have the reassurance of knowing he is not at risk from dying suddenly like his father and he will no longer have to have frequent medical tests.

Before he died Jake stored some sperm. Billy's doctors would like to test this sperm for genetic abnormalities. Unfortunately, the law does not currently allow the Trust which is storing Jake's sperm to release it to Billy's doctors for testing.

We are bringing a case arguing that the Court should order that Jake's sperm should be released to Billy's doctors for testing. There is no legal precedent for this case and so our case, on behalf of Billy, is that the Court should exercise its powers under the inherent jurisdiction to fill the gap in the law and order the release of the sperm to Billy's doctors.

Names changed to protect client confidentiality.



Immigration detention and migrant rights claims

We represent individuals who have been detained, mistreated or had their human rights breached by the Home Office.

A main focus of our work is immigration detention, but we also act in a broad range of related matters. Our clients include asylum seekers, people with criminal convictions or deportation orders, people with physical or mental health illnesses, trafficking and torture survivors.

Our clients are mainly immigration detainees. We aim to secure their release from detention by bringing public law claims for judicial review. We also bring private law claims for compensation for those who were previously detained. Most of our cases are brought for individuals but can also be brought for groups when appropriate. We regularly obtain substantial amounts of compensation for our clients.

We also act in a broad range of cases that arise from immigration detention. These include challenges relating to asylum support and accommodation, in particular delays in the provision of appropriate bail accommodation; challenges to the imposition of curfew and electronic monitoring conditions; and challenges involving assault or mistreatment by escorts during removal. We also act in challenges to decisions on nationality and SIAC cases where the Home Office seeks to exclude people from the UK for national security reasons.



CLIENT STORIES

Mr N

Mr N was a Foreign National Prisoner. He had been convicted of a criminal offence and after serving his sentence, was detained under immigration powers.

By the time he came to us Mr N had spent a total of more than 5 years in immigration detention. Unlike a prison sentence, immigration detention is indefinite, so detainees don't have a release date to work towards, adding to the psychological impact.

While in detention, Mr N had wanted to apply for bail. However, he had been unable to make any meaningful bail application as he did not have an address to be released to. Mr N had applied for Home Office accommodation, but even though his application was nearly a year old, no accommodation had been found.

We wrote to the Home Office challenging Mr N's continued detention and the delay in providing him with bail accommodation. Following our letter Mr N was granted bail accommodation. Shortly after, he made a bail application and was released from detention.

Mr N's bail conditions required him to wear a tag and adhere to a strict curfew from 10pm to 8am every day. The curfew prevented Mr N from seeing friends and caused great anxiety when leaving the house, as any breaches could result in his re-detention. We challenged the legality of the curfew. As a result, the curfew condition and tag were removed. He also received compensation for the time spent on curfew.

We also brought a claim against the Home Office for the false imprisonment of Mr N under immigration powers. We were able to settle the matter and obtain substantial compensation for him.

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Inquests

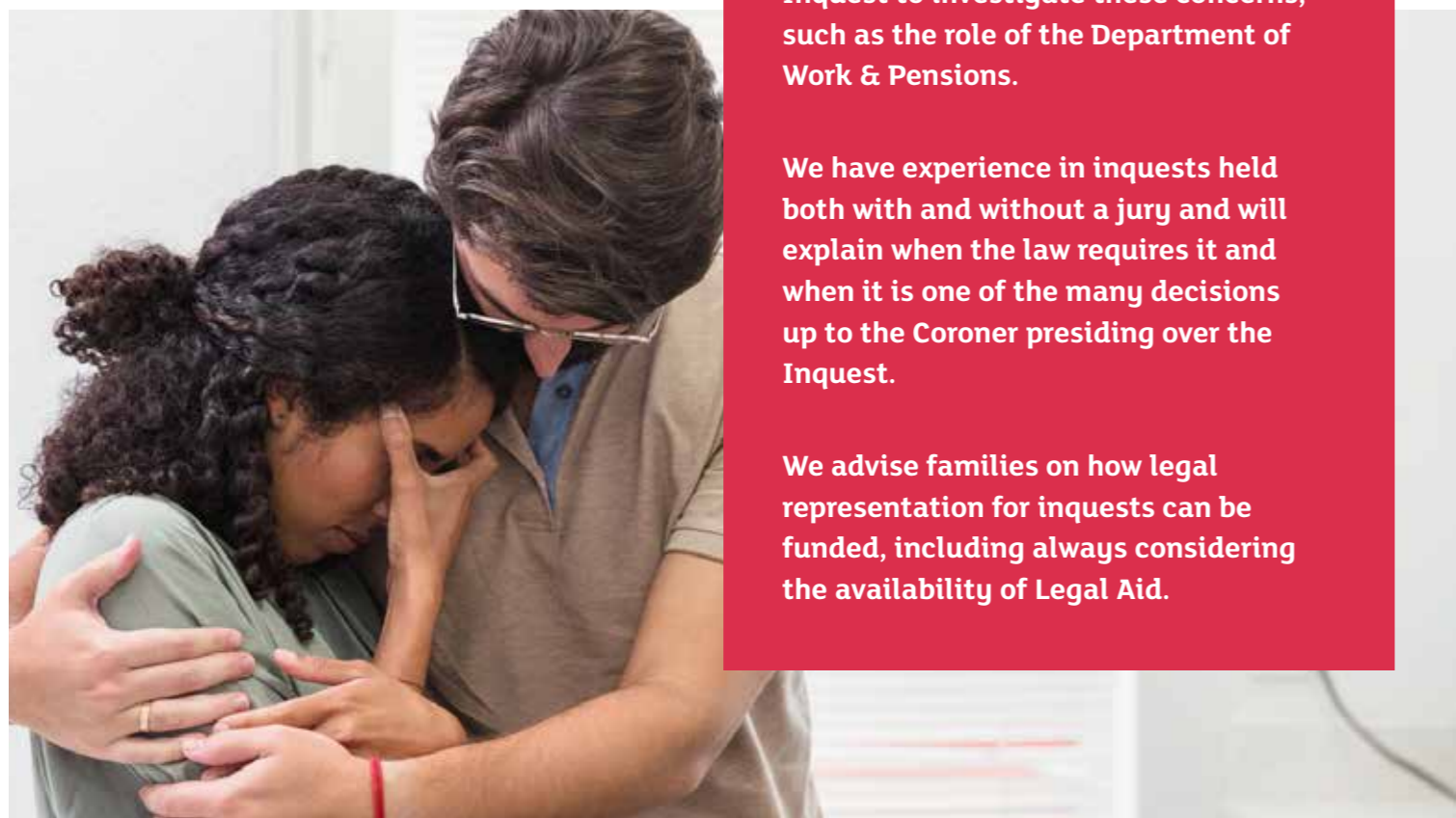
We have extensive experience of acting for bereaved families in inquests, many of which engage Article 2 (the right to life). Inquests play an important role in providing accountability and a public investigation into deaths not due to natural causes. We work with bereaved families to advise them throughout the process.

The Human Rights team at Leigh Day act in inquests for bereaved families who have lost loved ones in many different circumstances, all with concerns that their loved one's death could have been prevented or avoided, and keen to ensure no other family suffer the way they have.

The team regularly act for bereaved families with concerns about the mental health treatment or community care their loved one received prior to their death and for families of those who have died while in the care of a public body, such as in prison, in police custody, in immigration detention or a psychiatric hospital. We also act for bereaved families who believe public or Governmental bodies played a role in their loved one's death and want the Inquest to investigate these concerns, such as the role of the Department of Work & Pensions.

We have experience in inquests held both with and without a jury and will explain when the law requires it and when it is one of the many decisions up to the Coroner presiding over the Inquest.

We advise families on how legal representation for inquests can be funded, including always considering the availability of Legal Aid.



CLIENT STORIES

Philippa

In January 2021 Leigh Day represented the family of Philippa Day in the Inquest into her death held by the Assistant Coroner in Nottingham.

Philippa died in October 2019 having taken the act which ended her life in August, after a long battle with the Department of Work & Pensions and Capita in relation to her disability benefits.

The Inquest was held over three weeks allowing Philippa's family an opportunity to hear from those involved in and responsible for the cancellation of Philippa's disability benefits and the decision to require her, despite what was known about her mental ill health, to attend an assessment centre in relation to her PIP application.

The Coroner reached a damning conclusion citing 28 failings by the DWP and Capita in the administration of Philippa's benefits and found that these were the predominant factors that led to Philippa taking the act that ended her life. He found also that had these problems not occurred, it is unlikely Philippa would have taken that act. These public findings of the Coroner reflected Philippa's family's views on what had caused the death of their loved one giving them some sense of accountability.

Additionally, the Coroner issued a Prevention of Future Deaths report highlighting three matters of concern which gave rise to risks to future lives, including the lack of early training provided to call handlers regarding speaking to people with mental ill health.

The report is published online and together with the changes the DWP and Capita committed to throughout the inquest process, this has helped our clients feel others may not have to go through what they and their beloved Philippa did.



Judicial review and public body decision making

In judicial review (JR), the judge's role is to assess whether the way the decision was taken was lawful and complied with public law principles, rather than to reconsider the substantive merits of the decision.

If a JR succeeds, the result is often that the decision is "quashed" and the public body has to take it again – but this time lawfully and following proper procedure. Often, in practice a better - and sometimes a substantively different - decision results. JR is usually the last mechanism available for people to challenge decisions of public bodies. It therefore has a vital role in upholding the rule of law. We act for a wide variety of individuals, local groups, charities and NGOs challenging the lawfulness of decisions by public bodies.

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CLIENT STORIES

Single mums take on the DWP

We represented Danielle Johnson in her JR against the Secretary of State for Work and Pensions. Danielle worked as a school dinner lady and claimed Universal Credit (UC) to supplement her low income. Her salary went into her account on the last working day of each month. As not every day is a banking day, she would receive her salary in her bank account on different dates each month. Consequently, the UC system would record two monthly salary payments in some months and none in others, with huge ramifications for the amount of UC she was awarded each month. She estimated that she was approximately £500 a year worse off as a result, causing her significant financial hardship.

Danielle brought her case in the High Court with three other single mums represented by CPAG. They argued that the failure to take into account these monthly payment date variations was irrational and therefore unlawful. The High Court agreed, stating that the way that the relevant regulations applied was "odd in the extreme". The Secretary of State's appeal to the Court of Appeal was unanimously dismissed, with Lady Justice Rose saying: "The threshold for establishing irrationality is very high, but it is not insuperable. This case is, in my judgment, one of the rare instances where the Secretary of State's refusal to put in place a solution to this very specific problem is so irrational that I have concluded that the threshold is met because no reasonable Secretary of State would have struck the balance in that way."

As a result of the judgment, the Secretary of State has modified its computer programme to take into account the effect that non-banking days can have on individuals' salary payment dates and therefore UC award. It was estimated that the judgment would affect up to 85,000 UC claimants.

CLIENT STORIES

Unlawful killing of Afghan civilians

Leigh Day represents two Afghan families whose civilian family members were killed by British Forces in Helmand in 2011 and 2012 respectively. The legal claims, which are brought as JRs, seek full investigations into the circumstances of the killings and allege that the limited investigations to date carried out by the British Government have not met the requirements of Article 2 of the European Convention on Human Rights. The cases raise issues of serious concern about the conduct of British Forces carrying out lethal night raids in Afghanistan and the failure of systems to ensure adequate oversight. Both families have been granted permission to proceed with their JRs and a final multi-day trial is expected to take place in late 2022.



CLIENT STORIES

Challenging care home isolations rules during the Covid-19 Pandemic

John's Campaign (founded by Nicci Gerrard and Julia Jones) is an organisation that campaigns for the rights of people with dementia to be supported by their family carers.

In October 2020, John's Campaign issued a JR challenge of the then extant policy on visiting arrangements in care homes which effectively imposed a blanket ban on visits to care home residents in areas designated "high" or "very high" risk for Covid-19 with no provision for individualised risk assessments. We argued that individualised risk assessments were required pursuant to the Equality Act 2010, Human Rights Act 1998 and Care Act 2014.

Following the decision of the Department for Health and Social Care (DHSC) to amend the guidance clarifying that blanket bans on visits are not allowed and individualised risk assessments must inform decisions on allowing visits into care homes, John's Campaign withdrew their legal challenge. Soon after, the guidance was further improved to provide for family members to be designated as essential care-givers, allowing them meaningful access to support and care for their loved ones in care homes.

John's Campaign maintained correspondence with the DHSC on subsequent iterations of the guidance for care homes, which continued to overlook and misrepresent the obligations on care providers towards their residents. With problems persisting, in May 2021 John's Campaign issued a second JR challenging guidance on visits out of, and

admissions to, care homes. The guidance in effect imposed mandatory 14-day periods of isolation on care home residents, unlawfully and without any proper legal basis. The legal challenge was withdrawn when the DHSC amended guidance to remove the mandatory requirement to isolate for 14 days in most situations. That change meant care home residents could connect meaningfully with the outside world – going to the park with a loved one or to the dentist - without facing 14 days of isolation.

Through their legal challenges and campaigning, John's Campaign have significantly improved the situation of many care home residents and loved ones during the pandemic.

CLIENT STORIES

the3million and Open Rights Group

Open Rights Group is a UK-based digital campaigning organisation working to protect rights to privacy and free speech online. the3million is an organisation for and of immigrants and is the largest campaign organisation for EU citizens in the UK, working to protect the rights of people who have made the UK their home. The two organisations came together to bring JR proceedings against the Home Secretary and the Secretary of State for Digital, Culture, Media and Sports challenging a carve-out in the Data Protection Act 2018, known as the Immigration Exemption.

The case centred on concerns that allowing public and private bodies to circumvent data rights protected by the GDPR would prevent individuals from knowing whether or not information held about them was accurate. The potentially catastrophic consequences of inaccurate data for individuals was brought into sharp relief in the context of the Government's 'hostile environment' and the Windrush scandal – it puts individuals at risk of

harm including erroneous deportation or being wrongly disqualified from holding a bank account. It was argued before the High Court that under EU law, derogations from fundamental rights require evidence of 'strict necessity' and that this narrow condition was not met with the Immigration Exemption, despite the Government's argument it was necessary to maintain effective immigration control in the UK. Further, the3million and ORG argued that contrary to GDPR requirements no adequate safeguards existed within the Immigration Exemption.

While the case was lost at the High Court in 2019, the claimants succeeded on appeal to the Court of Appeal in early 2021. The appeal was won on the basis that the Government has acted unlawfully in creating the exemption without adequate safeguards in writing. A hearing in October 2021 will determine the timeframe within which the Government must enact new legislation to fix the legal deficiencies with the exemption.

CLIENT STORIES

Campaign Against Arms Trade

CAAT is a UK not-for-profit organisation working to end the international arms trade and promote progressive demilitarisation. Following the breakout of hostilities in Yemen in 2015 and increasing evidence of Saudi-led coalition forces violating international humanitarian law (IHL), CAAT challenged the UK's refusal to suspend extant licences for the export of military equipment and technology to Saudi Arabia (KSA) for possible use in Yemen. JR proceedings were issued in March 2016 on the basis that the failure to suspend licences was a breach of an EU Common Position given effect in domestic law through the Consolidated EU and National Arms Export Licensing Criteria. These criteria required the Secretary of State to suspend export licences and refuse new licences in circumstances where there was a clear risk the items might be used in the commission of a serious violation of IHL.

Following a hearing in February 2017, the Divisional Court ruled that the Secretary of State had rationally concluded there was no such clear risk. CAAT appeal to the Court of Appeal including on the grounds that the Secretary of State was required to assess a historic pattern of breaches of IHL on the part of the coalition, and KSA in particular, when estimating the risk of future violations. The Court of Appeal agreed and found for CAAT on that ground. A Court of Appeal order in June 2019 ordered the Secretary of State (then of the Department for International Trade) to retake their decision on export licences to KSA on the correct legal basis. New licences were to be suspended in the interim.

A new decision was taken in early 2020 and communicated to CAAT and to Parliament in July 2020. Despite evidence documenting hundreds of attacks on residential areas, schools, hospitals, civilian gatherings, and agricultural land and facilities, the Secretary of State concluded exports could resume and licences could once again be granted. This new decision is the subject of fresh JR proceedings brought by CAAT, currently pending before the High Court.

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Mental capacity / best interests

Leigh Day acts for individuals in proceedings in front of the Court of Protection when they or their loved ones are unable to make decisions themselves.

These decisions can cover a variety of important matters including where someone should live, who they should have contact with and whether they should undergo a particular medical procedure or treatment including having life-sustaining treatment withdrawn.

If a person lacks capacity to make certain decisions, then the decision has to be taken by someone else on their behalf in their best interests.

Generally this is done informally by individuals who are involved in the person's care (for example family members, care staff and/or medical professionals). However, if there is a dispute or a decision is particularly complex, the matter can be referred to the Court of Protection.

The Court of Protection has the power to make decisions about a person's health and welfare if they do not have the capacity to make decisions themselves.

If you disagree with a decision being made about a family member or friend, you may want to seek your own legal representation in front of the Court of Protection.

Clients often seek our help because they are confused about who can make decisions for them or their loved one. Sometimes they do not know how to challenge a decision they do not agree with.

When these decisions are about a person's 'health and welfare' - where they should live, who they should have contact with and what care they should receive, we can help.

This can be a difficult time for the person at the centre of the decision and for their family members. Our specialist solicitors have experience in acting for vulnerable individuals and their family members. We offer sympathetic and practical advice and can guide you through this difficult time.

CLIENT STORIES

Case examples

We helped Sue* whose son, John*, was living in accommodation that she thought was unsuitable for him. Sue asked us to represent her at court. We asked the Court of Protection to order that John should be moved to somewhere closer to his parents. The Court agreed and John was moved to a more suitable home where he can see his parents every week.

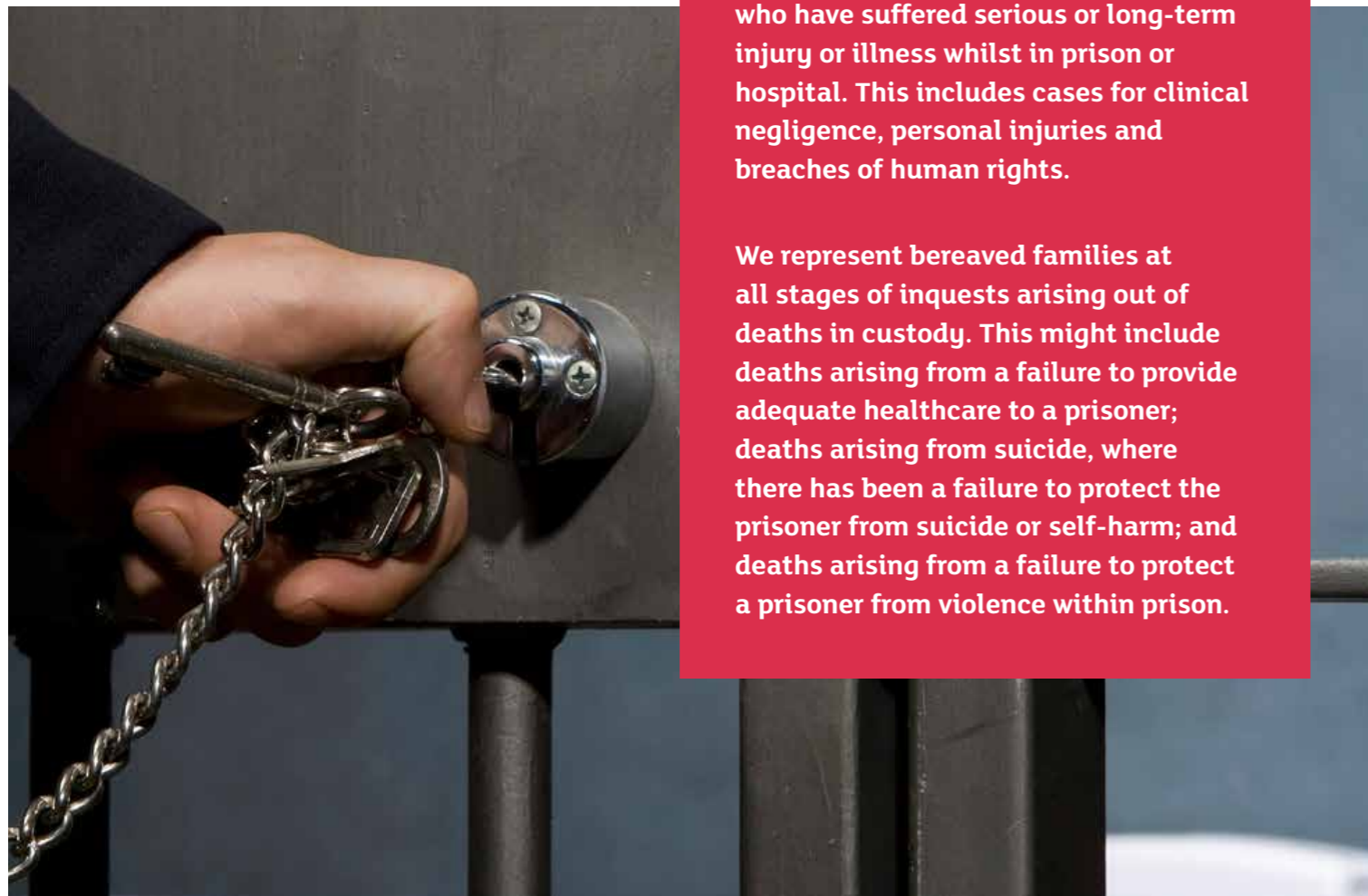
We asked the Court of Protection to determine whether Mark* had the capacity to start a sexual relationship with his girlfriend. We asked a medical professional to assess his capacity. The doctor concluded that Mark had the capacity to make this decision for himself.

Sabrina* wanted more independence and felt that she was being restricted in the activities she was able to do where she lived. We explained her concerns and the court agreed she should be allowed to go out on her own sometimes, even though the Local Authority thought this might be a bit risky.



Prisons

We act exclusively for people who are in prison or who have been in prison. Our work includes private law claims for compensation, public law claims for judicial review and inquests. We cover a broad range of cases, with a focus on discrimination, healthcare and inquests.



We use the law to fight to ensure that prisoners are treated fairly and kept safe whilst in prison.

We act in claims on behalf of prisoners who have suffered any form of discrimination whilst in prison. This might include cases relating to delays or failures in meeting a prisoner's mobility or personal care needs; decisions to operate a policy or practice which treat a prisoner unfairly because of their protected characteristic(s); and failures to take a prisoner's protected characteristic(s) into account when putting a policy or practice in place.

We act in claims on behalf of prisoners who have suffered serious or long-term injury or illness whilst in prison or hospital. This includes cases for clinical negligence, personal injuries and breaches of human rights.

We represent bereaved families at all stages of inquests arising out of deaths in custody. This might include deaths arising from a failure to provide adequate healthcare to a prisoner; deaths arising from suicide, where there has been a failure to protect the prisoner from suicide or self-harm; and deaths arising from a failure to protect a prisoner from violence within prison.

CLIENT STORIES

Mr H

Mr H was severely disabled. He had suffered a serious stroke whilst imprisoned.

As a result of the stroke, Mr H was unable to walk or move one side of his body and was dependent on a wheelchair. He was moved to the healthcare wing at his prison for recovery. However, despite recovering, Mr H then remained on that healthcare wing for almost three years. As a result of this, he became completely isolated; spending all of his time on the wing, and, as such, only with those who were sick or dying.

When Mr H was eventually moved back to a residential wing at the prison, the cell he was given was wholly unsuitable for his disability needs. He was unable to fit his wheelchair through the door, he could not use the shower without fear of falling over and he had to go to the toilet using a cardboard box. Unfortunately, the effect of such circumstances left Mr H wanting to end his own life.

We successfully settled a claim for disability discrimination on Mr H's behalf against the Ministry of Justice. Part of the settlement included transferring him to a newly built, specialist unit at another prison, which had been specifically designed for severely disabled prisoners. Regrettably, cases such as Mr H's are all too common and show the importance of ensuring that prisoners are treated fairly.

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Public inquiries

The public inquiries team at Leigh Day represents a number of core participants in different public Inquiries to ensure they are effectively involved, that their voices are heard and their evidence is laid before the Inquiry team.

What is a public inquiry?

Public inquiries are major investigations – which are called for or convened by a government minister. A public inquiry might be called for where there is a real “public concern” about a particular event or set of events.

What is the purpose of a public inquiry?

Commentators have long considered the purpose of public inquiries. It seems that the main functions of a public inquiry are to answer the following questions:

- What happened?
- Why did it happen and who is to blame?
- What can be done to prevent this happening again?

Inquiries start by considering what actually took place. The Chair and Inquiry team will do this by collecting documents and examining witness testimonies. The Chair might decide that expert evidence is required to assist the Public inquiry to help them form recommendations.

At the end of a Public Inquiry the Chair will publish a report that will contain recommendations that will hopefully prevent anything similar happening again.



CLIENT STORIES

Undercover Policing Inquiry

We represent Peter Francis who is the former police officer and whistle-blower who, despite the Official Secrets Act, exposed the activities of the Special Demonstration Squad (SDS).

In 2015 the then Home Secretary, Theresa May announced that there would be a judge-led inquiry into undercover policing. We believe that Mr Francis was instrumental in leading the Home Secretary to announce such an inquiry. The Inquiry was felt necessary and in the public interest following the independent reviews by Mark Ellison QC, which found “appalling practices in undercover policing”. In a statement that accompanied the publication of the Inquiry’s terms of reference, Theresa May said: “Undercover policing is an essential tactic in the fight against crime but any allegation that the police misused this power must be taken seriously... This inquiry will not only look at historical failings but make recommendations to ensure those unacceptable practices are not repeated in the future.”

The Inquiry will examine the full scope of undercover policing work across England and Wales. Two undercover policing units – the Special Demonstration Squad (SDS) and the National Public Order Intelligence Unit (NPOIU) – have prominence for the Inquiry; however, its work is not restricted to these units.

The Inquiry will seek to investigate the contribution that, over the years and in differing circumstances, undercover policing has made to tackling crime, how it was and is supervised and regulated, and its effect on individuals involved – both police officers and others who met them. Part of the terms of reference of the Inquiry is also to examine whether people may have been wrongly convicted in cases involving undercover police officers and refer any such cases to a separate panel for consideration.

CLIENT STORIES

Infected Blood Inquiry

We act for over 300 core participants in this inquiry. The Infected Blood Inquiry will investigate into how many thousands of patients were provided with contaminated blood by the NHS during the 1970’s and 1980’s and, as a direct result, contracted one or more of the blood-borne viruses, HIV, HCV and HBV.

According to the Department of Health, published data and scientific studies have estimated that around 4,700 people with bleeding disorders (such as haemophilia) and around 28,000 other people were exposed to or infected with HCV in the UK. Over 2000 are thought to have died as a result of the catastrophe.

Lord Robert Winston described it as “the worst treatment disaster in the history of the National Health Service.”

In a letter to Government Minister David Lidington, the Chair of the inquiry Sir Brian Langstaff outlined what he hoped the inquiry would achieve. Sir Brian stated:

“The proposed terms of reference are framed to provide reassurance about the thoroughness of the Inquiry. They reflect the themes that emerged from the consultation responses, though not in the same order, and cover: what happened and why; the impact; the response of Government and others; consent; communication and information-sharing; treatment, care and support; whether there was a cover-up, or the authorities lacked candour; and responsibilities and recommendations.



CLIENT STORIES

Mid Staffordshire Independent Inquiry

Following the publication of the Healthcare Commission report, Leigh Day were instructed by Julie Bailey and Chris Dalziel, supported by Cure the NHS, to write a letter before action challenging the refusal by the Secretary of State for Health to hold a full public inquiry into why things had gone so tragically wrong at Stafford Hospital.

The Secretary of State had announced to Parliament on 18 March 2009 that it would be “wrong to call for a public inquiry” because of the fact that there had already been a “very good Healthcare Commission report”, and further that “to have a public inquiry on top of that would just delay moving forward on the issue”.

Leigh Day advised that Secretary of State’s decision was unlawful under Article 2 and 3 of the Human Rights Act. Article 2 and 3 requires the state to properly investigate, with public involvement, any deaths/ incidents of inhumane or treatment that occur in NHS hospitals such as Stafford.

Following correspondence, the Secretary of State announced on 21 July 2009 that an Independent Inquiry into the appalling standards of care found at Stafford Hospital would take place.

The terms of the first Mid Staffordshire Independent Inquiry were:

1. To investigate any individual case relating to the care provided by Mid Staffordshire NHS Trust between 2005 and March 2008 that, in its opinion, causes concern and to the extent that it considers appropriate;
2. In light of such investigation, to consider whether any additional lessons are to be learned beyond those identified by prior inquiries and if so;
3. To consider what additional action is necessary for the new hospital management to ensure the Trust is delivering a sustainably good service to its local population; and
4. To prepare and deliver to the Secretary of State a report of its findings.

The Inquiry was launched on 15 September 2009, chaired by Robert Francis QC. It asked for both oral and written evidence from former patients and their relatives as well as from staff and management at the Hospital about why such “appalling” standards of care had been found and allowed to continue for so long. Leigh Day was instructed by around 100 individuals and the organisation Cure the NHS to prepare evidence for the Inquiry on their behalf.

Contact us for advice on
+44 (0)800 6895854



The Windrush Generation

The Windrush Scandal first came to the public's attention in 2017, as it emerged that thousands of people had been denied their legal rights and forced into crisis because they were unable to prove their right to live the UK, through no fault of their own.

The scandal was named after the HMT Empire Windrush, a ship which arrived in the UK in June 1948 bringing hundreds of passengers from Jamaica and other Caribbean islands, coming to help re-build post-war Britain. The scandal does not only affect those from the Caribbean who form part of the Windrush generation but many thousands of people and their descendants, from across the Commonwealth, who travelled to the UK between 1948 and the 1970s. You are also eligible to seek redress under the scheme set up to respond to the scandal if you were in the UK before the 31 December 1988, from anywhere in the world.

Many of those affected by the Windrush scandal held CUKC citizenship (citizens of the UK and Colonies) or were settled in the UK and for many years, did not require any specific documents to prove their right to live and work in the UK.



The Windrush scandal first came to the public's attention in the autumn of 2017 when it emerged that due to the tightening of immigration laws since the 1960s, and particularly following the introduction of the "hostile environment" immigration policies of 2012, many members of the Windrush generation were forced into crisis when they lost their jobs, access to benefits and public services and were treated as being in the country illegally; in some cases, people were detained or deported and a number of people have died.

In the spring of 2018, the Government acknowledged the Windrush scandal and made a commitment to right the wrongs, including by compensating those who had suffered harm and financial losses. Despite these clear commitments, many of those affected continue to feel let down and official report after report shows that the Home Office is too slow and that some of the redress falls short of what is acceptable.

Since 2018, Leigh Day has been assisting people affected by the Windrush scandal to obtain justice, particularly in relation to compensation.

We now assist with obtaining immigration status documents, applying for compensation and pursuing appeals.

We have had many successes including:

- Successfully challenging a decision to refuse a client the right to return from Jamaica to the UK, to re-join her family. She has now been granted Indefinite Leave to Remain as a returning resident under the Windrush Scheme.

- Successfully challenging the delay in determining a client's application for Indefinite Leave to Remain under the Windrush Scheme.
- Successfully appealing the refusal of an application to the Windrush Compensation Scheme, resulting in an overturning of the decision and a substantial award of compensation.
- Successfully obtaining substantial interim payments under the Urgent and Exceptional Payment Scheme for clients, including a client who was at risk of eviction having lost his job.
- Successfully obtaining preliminary awards of £10,000 for numerous clients under the Windrush Compensation Scheme after the Home Office had not confirmed eligibility.
- Successfully obtaining substantial final awards of compensation, including impact of life awards at the top level under the scheme, with some clients receiving total offers exceeding £100,000.

As well as our case work, Leigh Day is also committed to holding the Government to account over the Windrush Scandal, including through making detailed submissions to the Government's consultation on the Windrush Compensation Scheme and Windrush Lessons Learned Review, responding to parliamentary calls for evidence and continuing to raise awareness about the issues and how people can access justice.



CLIENT STORIES

Mr A

Mr A was born in a commonwealth country in the early 1940s and came to the UK in the mid-1960s on a British subject passport of his country

Other than some time abroad in the 1980s, Mr A has lived, worked and raised a family in the UK ever since his arrival. Unfortunately, Mr A lost his British passport and birth certificate and his applications for a further passport were refused.

Sadly, through no fault of his own, in 2007 Mr A was sacked from his job due to his inability to provide evidence of his right to work in the UK. He had worked hard in his job for over 20 years and was devastated. The dismissal caused him extreme financial difficulties and he almost lost his home due to his inability to pay his mortgage. The bank tried to repossess his house and he was taken to court several times.

Mr A was also very scared that the Home Office might seek to remove him, and he stopped leaving the house for fear of being stopped by the authorities. Mr A's experiences caused him severe stress and social isolation for many years, and he was unable to travel for over 25 years and missed out on many key family events abroad such as weddings, funerals and other family celebrations.

After the Windrush scandal broke in 2018, Mr A was finally issued with a British passport. He instructed Leigh Day to do his Windrush Compensation Claim and apply for an urgent interim payment so that he could visit an elderly relative abroad. Mr A was granted a £10,000 preliminary payment before he was finally offered over £250,000 in compensation by the Home Office.

Claimant says:

“10/10- brilliant!” “Magnificent in helping me get decent compensation”

Contact us for advice on
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Wildlife and Environmental

Our specialist environment team acts for individuals, concerned local groups and NGOs in strategic and innovative challenges to proposals that threaten to damage and destroy the environment.

Our cases are at the forefront of the environmental movement, pushing the law in radical and ambitious directions, notably in the context of climate change and wildlife protection. Leigh Day is one of the leading law firms specialising in environmental work. We are passionate advocates for access to justice, and we only represent claimants. The scope of our work has included UK and European public law challenges relating to biodiversity, wildlife and nature conservation, chemicals regulation, climate change and air pollution, fossil fuels, and major infrastructure and planning matters.

The team has a wealth of knowledge on the legal, policy and governance framework underlying environmental issues, and leading experience of conducting litigation on environmental issues at all levels of courts in the UK and Europe. At each stage, we tailor our litigation approach to the priorities of our clients, whether they be to prevent local environmental degradation or to use the law as a catalyst for faster adaptation to, and mitigation of, the urgent climate crisis facing the planet. We undertake the full range of cases from planning enquiries and statutory appeals to Judicial Reviews and environmental litigation at all levels of the court system.



CLIENT STORIES

Case Examples

Wildlife and Environmental campaigners

Leigh Day cases on behalf of wildlife and environmental campaigners have led to crucial reforms in the statutory frameworks governing the protection of wildlife. We act for many wildlife groups including Wild Justice, a recently formed group spear-headed by Chris Packham CBE, Dr Ruth Tingay and Dr Mark Avery. Cases have included a challenge to the Department for Environment, Food and Rural Affairs (DEFRA) on the impact of the annual introduction of some 60 million non-native Pheasants and Red-Legged Partridges each year on European protected sites. The case resulted in a major breakthrough in regulating the impacts of non-native birds on England's most valuable wildlife sites.

Wild Justice has also challenged a flaw in the general licences for the killing and taking of wild birds, which allows for the causal killing of millions of birds across the UK. Legal action has highlighted a long-standing legislative issue and cases in England and Wales are now being followed up with action in Northern Ireland. Together these challenges are working to ensure that the system of general licences in the UK provides adequate protection for wild birds.

Other biodiversity cases have been brought to challenge the culling of Badgers, the potential reintroduction of Hen Harriers into Southern England (on the basis that the threat of persecution has not been removed) and the use of Glyphosate by local authorities. Most recently, Wild Justice has challenged new Regulations prohibiting the burning of peat bogs of over 40cm in depth on the

basis that a ban on all blanket bogs is necessary to protect wildlife and help ensure the UK can meet its climate obligations under the 2050 target to reduce Greenhouse Gas Emissions.

We are at the forefront of climate change litigation in the UK, acting in cases to hold the Government to account in respect of the Climate Change Act 2008 and the Paris Agreement, and what is required to meet net zero and carbon budget targets. For example, we have appealed a judgment concerning the UK Government's carbon emissions trading scheme on the basis that its lack of ambition to reduce emissions is ultra vires the Climate Change Act 2008. In addition, on behalf of Friends of the Earth we are taking the Department for International Trade to court for its investment in a gas project off the coast of northern Mozambique on the grounds that it had unlawfully concluded that such support was compatible with obligations under the Paris Agreement.

Recent other climate change and infrastructure cases include challenges to the Airports National Policy Statement (NPS) and the expansion of Heathrow Airport, Phase 1 of the HS2 railway, numerous road schemes, such as the A303 Stonehenge Tunnel, and oil and gas developments such as the proposed "Gatwick Gusher" in Surrey, and the Government's new net zero strategy for oil and gas production in the North Sea.





“

Leigh Day is a really impressive firm providing high-quality representation for their clients.”

Chambers and Partners, 2022

“

Known for the breadth of its practice, Leigh Day has expertise across the field of civil liberties and human rights.”

Legal 500, 2021






Leigh Day

Justice for all

Leigh Day is a specialist law firm with some of the country's leading human rights, international, personal injury, product liability, clinical negligence, employment and discriminations teams.

Unlike other law firms, we act exclusively for claimants who have been injured or treated unlawfully by others.

Contact us for a free, no obligation and confidential discussion

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