

**Joanne Clement**  
**Call: 2002, Gray's Inn**

## **PROFESSIONAL EXPERIENCE**

Joanne's practice covers the full range of Chambers' work:

- **Public Law & Human Rights**
- **Local Government Law**
- **Education Law**
- **Information Law**

## **Areas of Practice**

Joanne was appointed to the Attorney General's "B" Panel of Counsel to the Crown in 2010, after 3 years on the "C" Panel. She has been a member of the Welsh Assembly Government's Junior Counsel Panel since 2009, and is also a member of the Information Commissioner's Panel of Counsel. In October 2007, she was named by *The Times On-Line* as one of ten "Future Stars of the Bar", being described as 'at the head of the pack of up-and-coming public and employment law specialists'. Joanne is recommended as a leading junior in the field of civil liberties and human rights in the Legal 500.

Joanne regularly represents clients for and against central and local government in judicial review proceedings in the High Court, in the Court of Appeal and before the House of Lords. She has experience of judicial review claims in respect of prisons, Parole Board decisions, immigration and asylum, extradition, health and mental health, and social security. She also has extensive experience in dealing with claims under the Human Rights Act 1998.

Joanne undertakes a wide range of local government work, including local government finance, community care (both adult and children), housing, public procurement, Code of Conduct matters and general vires issues. Joanne has a particular interest in the interaction between housing duties and those under the Children Act 1989 and has appeared in a number of cases in this area. Joanne has experience of representing local authorities at coroners' inquests, particularly where human rights points are relevant. She regularly appears in the Court of Protection and has experience of deprivation of liberty issues, and mental capacity matters, including welfare and finance applications.

Joanne is a member of the Information Commissioner's Panel of Counsel and is regularly instructed by the Information Commissioner and other public authorities in freedom of information and data protection matters. She recently represented the Information Commissioner in the first statutory appeal from the Information Tribunal to the High Court of Northern Ireland.

In the education field, Joanne frequently represents clients before what was the SENDIST (now the First-tier Tribunal for Special Educational Needs and Disability) in both special needs and disability discrimination cases, and before admissions and exclusions Independent Appeal Panels. Joanne undertakes a wide variety of education work in the Upper Tribunal and in the Administrative Court. She has a particular interest in academies and was instructed in recent challenges to the establishment of academies in Lewisham and Camden.

## RECENT NOTABLE CASES

### Public Law

#### **R (Medical Justice) v Secretary of State for the Home Department**

[2011] EWCA Civ 269

Application to vary/appeal against conditions imposed by trial judge on the grant of permission to appeal to the Court of Appeal.

#### **R (MN (Tanzania) v Secretary of State for the Home Department**

[2011] EWCA 193

Test case on the test to be applied by a judge on an application for judicial review of a refusal of the Secretary of State to treat further representations by an asylum seeker as a fresh claim under paragraph 353 of the Immigration Rules.

#### **R (Joint Council for the Welfare of Immigrants) v Secretary of State for the Home Department**

[2010] EWHC 3524 (Admin)

Judicial review of the Secretary of State's interim immigration cap.

#### **R (Petsafe) v Welsh Ministers**

[2010] EWHC 2908 (Admin)

Challenge to the Animal Welfare (Electronic Collars) (Wales) Regulations 2010 which prohibited in Wales the use on cats and dogs of any electronic collar designed to administer an electronic shock.

#### **R (Medical Justice) v Secretary of State for the Home Department [2010] EWHC 1925 (Admin); [2010] EWHC 1425 (Admin)**

Junior counsel to Jonathan Swift QC in a challenge to the Secretary of State's policy allowing the removal of certain classes of individuals who had made unsuccessful claims to enter or remain in the United Kingdom on less than the standard 72 hours' notice. Instructed by the Secretary of State in the forthcoming appeal.

#### **R (Ghai) v Newcastle City Council and Secretary of State for Justice [2010] EWCA Civ 59**

[2010] 3 All ER 380

Junior Counsel for the Secretary of State in a claim brought by religious groups challenging the ban on open air funeral pyres as being contrary to Articles 8, 9 and 14 of the ECHR.

#### **R (Friends of the Earth and Help the Aged) v Secretary of State for Energy and Climate Change [2009] EWCA Civ 810;**

Acted for the Secretary of State in successfully defending a challenge to the Government's Fuel Poverty Strategy and the alleged breach of its duty to eradicate fuel poverty.

#### **R (Al-Sweady) v Secretary of State for Defence [2009] EWHC 1687 (Admin); [2009] EWHC 2387 (Admin)**

Junior Counsel for the Secretary of State in claim for breach of Articles 2, 3 and 5 of the ECHR in relation to the activities of British forces in Iraq.

#### **R (Birmingham and Solihull Taxi Association) v Birmingham International Airport [2009] EWHC 1462 (Admin); [2009] EWHC 1913 (Admin)**

Acted for the Claimant taxi association in challenging a decision to terminate a contract to provide taxi services at the airport and to award contract to competitor without a further tender process.

#### **AS (Somalia) v Secretary of State for the Home Department [2009] UKHL 32; [2009] 1 WLR 1385**

Junior Counsel for the Secretary of State in an appeal concerning the evidence which could be considered by the AIT in an entry clearance case concerning family reunion and whether s.85(2) of the Nationality, Immigration and Asylum Act 2002 was incompatible with Article 8.

**R (Hillingdon London Borough Council, Leeds City Council, Norfolk County Council and Liverpool City Council) v Secretary of State for Justice and Secretary of State for Communities and Local Government**

[2008] EWHC 2683 (Admin);

Acted for the Claimant local authorities in a claim before a 3 judge Divisional Court, challenging the 2,500% increase to court fees for public law family cases, on grounds of lack of consultation, irrationality and breach of human rights.

**Louca v Germany; R(Louca) v Serious Organised Crime Agency [2008] EWHC 2907 (Admin); (2009) 2 All ER 719**

Acted for SOCA in claim for judicial review of decision to issue a warrant under Part 1 of the Extradition Act 2003 in respect of a European Arrest Warrant.

**R (Ignaoua, Khemiri, Chehidi) v Judicial Authority of the Courts of Milan, the Serious and Organised Crime Agency and the Secretary of State for the Home Department [2008] EWHC 2619 (Admin)**

Acted for the Secretary of State in a claim for habeas corpus on human rights grounds after the conclusion of the statutory appeal process under Part I of the Extradition Act 2003. The Claimant's petition to appeal to the House of Lords was successfully resisted.

**R (M) v Hammersmith and Fulham London Borough Council [2008] UKHL 14 ; [2008] 1 WLR 535**

Junior counsel for the local authority (led by Clive Lewis QC) in a community care case considering whether a 17 year old child accommodated under the Housing Act 1996 is entitled to benefits under the leaving care regime

**Van Colle v Chief Constable of Hertfordshire Police; Smith v Chief Constable of Sussex Police [2008] UKHL 50; [2009] 1 AC**

Junior Counsel for the Secretary of State for the Home Department (led by Nigel Giffin QC) intervening before the House of Lords in two important cases, concerning the impact of Art. 2 of the ECHR on policing and whether the police owe duties of care in negligence in the conduct of an investigation.

**In Re Officer L [2007] 1 WLR 2135; [2007] UKHL 36**

Junior Counsel for the Secretary of State for Northern Ireland (led by Philip Sales QC) intervening before the House of Lords. The appeal concerned the approach to be taken under Article 2 of the ECHR and at common law to requests by witnesses for anonymity in public inquiries.

**R (Swami Suryananda (as a representative of the Community of the Many Names of God)) v The Welsh Ministers [2007] EWCA Civ**

Junior Counsel (led by Clive Lewis QC and Jonathan Crow QC) for the Welsh Ministers in relation to the decision to slaughter Shambo the 'sacred bullock' owned by the Community of the Many Names of God. The Court of Appeal allowed the Welsh Ministers' appeal and held that the decision to slaughter the sacred bullock was lawful and justified under Art. 9(2) of the ECHR.

**R (Legal Remedy UK Ltd) v Secretary of State for Health [2007] EWHC 1252 (Admin); *The Times*, June 29, 2007**

Junior Counsel (led by Jason Coppel) for the successful defendant, the Secretary of State for Health, in resisting the challenge by Remedy UK to the MTAS recruitment process for junior doctors

**R(S) v Halton Borough Council and the Parole Board [2008] EWHC 1982 (Admin)**

Acted for the local authority in a case concerning the release of a young offender from detention

**Information Law**

**Anderson v Information Commissioner**

Appeal under s.59 of the Freedom of Information Act 2000 from the decision of the Information Tribunal refusing to order disclosure of information held by the Parades Commission under s.41 of FOIA.

**Magherafelt District Council v Information Commissioner [EA/2009/0047]**

Acted for the Information Commissioner in appeal considering whether summarised information about disciplinary offences constituted personal data under s.40(2) of FOIA

**Department of Health v Information Commissioner and Pro-Life Alliance**

Currently instructed by the Information Commissioner in appeal to the High Court in case concerning the disclosure of abortion statistics held by the Department of Health

**Education Law**

**R (O) v Independent Appeal Panel for London Borough of Tower Hamlets [2007] EWHC 1455 (Admin); [2007] ELR 499**

Exclusions judicial review – conduct of appeals where two or more children were permanently excluded following involvement in the same incident – general duties of independent appeal panel and clerks

**R (S) v London Borough of Lewisham (2008)**

Acted for local authority in challenge to decision to close primary school and open an Academy. Case withdrawn before hearing

**R (S) v CEA Islington**

Special educational needs – application for urgent interim relief before the Administrative Court

**S v London Borough of Waltham Forest and EduAction (Waltham Forest) Ltd**

6 day disability discrimination claim before the SENDIST

**OTHER EXPERIENCE**

Prior to joining Chambers, Joanne spent a year as a judicial assistant to the Law Lords, working for Lord Hope of Craighead and Baroness Hale of Richmond. In 2006, Joanne was awarded a Pegasus Scholarship by Inner Temple to work for three months in Wellington, New Zealand with Kensington Swan lawyers, Crown Law and as a judicial assistant at the Supreme Court of New Zealand.

**TRAINING, EDUCATION AND QUALIFICATIONS**

2001-2002	Inns of Court School of Law – Very Competent in Bar Vocational Course (finishing 13 <sup>th</sup> in the year)
2000-2001	Somerville College, Oxford University Distinction in the BCL (Comparative Human Rights, European Employment Law and Evidence)
1997-2000	Somerville College, Oxford University BA Jurisprudence (First Class Honours)
1990-1997	Ferndale Comprehensive School, Rhondda-Cynon-Taff

**PRIZES AND SCHOLARSHIPS**

Oxford University Eldon Law Scholar (2002)  
Gray's Inn Reid Senior Scholarship (2002)  
Gray's Inn Bird & Bird Senior Award (2002)  
Gray's Inn Beddingfield Junior Scholarship (2001)  
Full AHRB award for study on the BCL (2000)  
Oxford University Martin Wronker Prize (2000)  
Mary Somerville Prize (2000)  
Somerville College Coombs Scholarship (1997-2000)

**PUBLICATIONS**

*International Law in Domestic Courts: the Developing Framework* (2008) 124 LQR 388 (with Philip Sales QC)

Tottel's Local Government Encyclopaedia, Chapter on Housing Law

Contributor to Halsburys Laws of England, Judicial Review title

Contributor to Supperstone, Goudie and Walker on Judicial Review (4<sup>th</sup> edition, forthcoming)

Halsburys Laws of England, Centenary Edition (Essay on 25 Years of Judicial Review) (with Michael Supperstone QC)

Supperstone and Knapman - Administrative Court Practice (2008 ed.)

Joanne regularly produces papers and lectures and has led workshops on various aspects of public and employment law.

**MEMBERSHIP**

Member of the Administrative Law Bar Association and the Employment Law Bar Association