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## Elizabeth Prochaska

Elizabeth Prochaska is a public lawyer, specialising in equality and human rights law.

Before joining 11KBW, Elizabeth was Legal Director of the Equality and Human Rights Commission where she oversaw high-profile public interest litigation and investigations.

Working collaboratively with clients, Elizabeth ensures that she delivers high quality advice that is sensitive to her clients' needs. She has a keen interest in institutional effectiveness and good governance. She is chair of the Public Law Project and a non-executive member of the Bar Standards Board.

Elizabeth has particular expertise in reproductive justice. She founded the charity Birthrights in 2013 and regularly advises women and health professionals in this area. She writes and lectures internationally on childbirth rights.

Elizabeth is a co-author of leading legal textbooks, Blackstone Guide to Human Rights Act (2015) and LAG Guide to Special Educational Needs and Disability in Schools (2017). She has also contributed to books on prison law, human rights and criminal justice.



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### Professional Summary

Called 2007

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### Contact Details

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**Clerk** Tom Street

**Clerk** Christopher Smith

[Contact Clerks](#)

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## Public Law and Human Rights

Elizabeth's broad public law work includes litigation arising from complex constitutional and human rights issues, regulatory decision-making, healthcare and education.

Examples of her cases include:

- R (Beety) v Nursing and Midwifery Council (High Court, 2017, led): Represented claimant midwives in a complex JR of NMC's insurance requirements.
- Dubska v Czech Republic (ECtHR, 2016): Instructed by Royal College of Midwives in their intervention in Grand Chamber case on the state's obligations to respect women's birth choices.
- Strata Ltd v Governor of Turks and Caicos Islands (Turks and Caicos Supreme Court, 2016, led): Represented developers in challenge to changes to planning law.
- R (United Sikh Association) v Bradford MDC (High Court, 2013, led): Represented claimants in planning JR raising equality and human rights issues.
- R (J) v Calderdale Borough Council (High Court, 2012, led): Represented claimant in successful challenge to local authority social care procurement practices.
- R (Catt) v Association of Chief Police Officers (Court of Appeal, 2013): Represented EHRC in challenge to ACPO guidance on data retention.
- R (McKenzie) v Parole Board (High Court, 2012): Represented claimant in successful challenge to the Parole Board's assessment of a prisoner who had received an orchidectomy.
- R (RMC) v Metropolitan Police (High Court, 2012, led): Represented EHRC in challenge to retention of data by police.
- AM v Secretary of State for the Home Department (High Court, 2012, led): Represented AM in challenge to the imposition of a Terrorism Prevention and Investigation Measure.
- Kiobel v Royal Dutch Petroleum (2012, US Supreme Court, led): Drafted amicus brief on behalf of English law practitioners on application of Alien Tort Statute to human rights abuse abroad.

- R (PA) v Governor of HM Prison Lewes (High Court, 2011): Represented prisoner in challenge to rules on home detention curfew.
- R (JM and NT) v Isle of Wight Council (High Court, 2011, led): Represented claimant in successful challenge to cuts in the Isle of Wight's social care budget.
- Milner v South Central Strategic Health Authority (High Court, 2011, led): Represented claimant in JR of an SHA decision on water fluoridation.
- Arash Shipping v Groupama Transport (Court of Appeal, 2011, led): Represented claimant in challenge to Iranian sanctions regime which prevented renewal of an insurance contract.
- Ben Hoare Bell and ors v Secretary of State for Justice (High Court, 2011, led): Represented solicitors firms challenging introduction of telephone gateway for civil legal aid.

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## Education

Elizabeth is an experienced education lawyer. She acts for parents, schools and universities on admissions, exclusions, discrimination and SEN cases, regularly appearing in the High Court, tribunals and governor appeals. She is the co-author of the LAG Guide to Special Educational Needs and Disability Discrimination in Schools. At the Equality and Human Rights Commission, she was responsible for overseeing the production of the guidance on transgender pupils.

Cases include:

- R (K) v Secretary of State for Business, Innovation and Skills (High Court, 2015): Represented claimant challenging policy on loans for students acquiring settled status during their degree.
- R (M) v Department for Education (High Court, 2013): Represented daughter of refused asylum seeker challenging DfE rules on entitlement to free school meals.
- A v St Cyprian's Greek Orthodox Primary Academy Trust (High Court, 2013): Represented 9 year old girl challenging school uniform policy which banned girls from wearing the headscarf.
- R (Bibi) v University of Central Lancashire (High Court, 2012) Represented claimant challenging university's refusal to permit student to wear the niqab.
- AW v UK (ECtHR, 2012, led): Represented child in application challenging UK law on provision of education to children with SEN.

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## Inquiries

Elizabeth is an experienced independent investigator who has undertaken investigations into workplace discrimination, school safeguarding and financial misconduct. Elizabeth is popular with her clients for her pragmatic and decisive approach, dealing with complex issues with sensitivity.

At the Equality and Human Rights Commission, Elizabeth was responsible for overseeing high-profile investigations, including into equal pay at the BBC. In 2015-2016, she was First Junior Counsel to the Independent Inquiry into Child Sexual Abuse.

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## Commercial

Elizabeth advises commercial clients on their regulatory, public law and equality duties. She particularly specialises in the intersection of public law and equality in the commercial context. At the Equality and Human Rights Commission, Elizabeth oversaw corporate legal services with responsibility for advising on procurement, data protection and freedom of information law.

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## Appointments

Non-executive member, Bar Standards Board

Chair, Public Law Project

Chair, Birthrights

Judicial assistant to Baroness Hale and Lord Brown (2006-2007)

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## Recommendations

Elizabeth has been ranked in Chambers and Partners for Civil Liberties and Human Rights and the Legal 500 for Education.

*'very strong, both as an advocate and in terms of her written advice – she clearly has a stellar*

*future ahead of her. ... She is technically very good, and displays keen attention to detail.'* (C&P 2015)

*'named as "one to watch" by sources, who highlight her for having "a confidence well beyond her years."'* (C&P 2013)

*'tells it like it is'* (Legal 500, 2013)

*'making waves in the market. A lawyer who drafts beautifully.'* (C&P 2012)

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## Education

BCL, Oxford University (2006–2007)

LLB, City University (2004–2005)

Henry Fellow, Yale University (2002–2003)

BA, History, Cambridge University (1999–2002)

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