

Joanne Clement KC

Silk: 2022 Call: 2002

E: Joanne.Clement@11kbw.com

T: +44 (0)20 7632 8500



Joanne took silk in 2022, practicing in all areas of public law and human rights law. Her practice extends from commercial judicial review to claims raising significant constitutional and human rights issues. She is also an expert in local government, and health, community care and mental capacity law, as well as in the field of procurement law and education law. Prior to taking silk, Joanne was a highly rated junior, and was top ranked by the legal directories in six practice areas (Administrative & Public Law, Civil Liberties & Human Rights, Local Government, Education, Community Care and Court of Protection).

She was the Chambers and Partners Public Law and Human Rights Junior of the Year in 2018/19. Recent cases include *R (Article 39) v Secretary of State for Education* [2022] EWHC 589 (Admin) (challenge to statutory instrument banning use of unregulated accommodation for young children); *R (A) v Secretary of State for the Home Department* [2022] EWHC 360 (Admin) (Parliamentary privilege and public law challenges to decisions resulting in primary legislation) and *In Re T* [2021] UKSC 35; [2021] 3 WLR 643 (Article 5, secure accommodation and deprivation of liberty of children).



Although a junior, she is of silk quality and has great knowledge of the law – particularly Welsh law. She's pleasant, very able, and very respected by the courts.

CHAMBERS AND PARTNERS

Prior to taking silk, Joanne was a member of the Attorney General's Panel of Counsel for 15 years, having most recently been a member of the "A" Panel of Counsel. Joanne was also a member of the Welsh Government's Panel of Junior Counsel, and has now been appointed to the Welsh Government's KC Panel. Joanne has led teams in the Supreme Court, and has regularly appeared as leading or sole counsel in the Court of Appeal, the Administrative Court, the Family Division/Court of Protection and various tribunals.

Joanne sits as a Recorder in the Crown Court (South Eastern Circuit)

Expertise

Health, Community Care & Court of Protection

Joanne was ranked in the top tier of community care juniors by Chambers & Partners and Band 2 for Court of Protection work.

Joanne deals with the full range of health and community care matters, including challenges to the provision of services for adults and children, age assessment cases, needs assessments and funding issues, services for those subject to immigration control, human rights disputes, challenges to the setting of care home fees, advise on top-up fees and deferred payment agreements, re-organisation of NHS services and commissioning, and inter-authority disputes. Joanne regularly advises local authorities on ordinary residence disputes; and acts for families, local authorities and CCGs on disputes over eligibility for continuing healthcare.

Joanne also has extensive experience in Court of Protection matters, appearing in cases raising capacity issues, best interest decisions and deprivation of liberty.

Joanne is fully familiar with the Welsh devolution settlement and Welsh health and social services legislation.



She is approachable and a pleasure to work with, and her drafting skills are of the highest calibre.

CHAMBERS & PARTNERS

R (Good Law Project) v Secretary of State for Education and others

N/A

High profile challenge, alleging that local authorities were failing to secure sufficient in-area accommodation for vulnerable looked after children and that the Secretary of State had failed to exercise his default powers to ensure that they complied with their duties. Acted for the Secretary of State for Education

R (Article 39) v Secretary of State for Education

[2022] EWHC 589 (ADMIN), ADMIN CT, MARCH 16 2022, [2022] 25 CCLR 271

Acted for the Secretary of State in a challenge to regulations which prohibited placements for looked after children under the age of 16 in unregulated accommodation, but did not alter the position in relation to 16 and 17 year olds.

Derby City Council v BA, OM, CK

[2021] EWCA CIV 1867; [2021] EWHC 2931 (FAM), FAM DIV, NOVEMBER 3 2021, (2022) 25 CCLR 31

The High Court will not ordinarily countenance the exercise of its inherent jurisdiction to authorise the deprivation of liberty of a child in circumstances where an unregistered placement either would not or could not comply with the requirement in practice guidance to apply expeditiously for registration. Joanne appeared for Ofsted (in the Court of Appeal and High Court)

In Re D (by his litigation friend, the Official Solicitor) v Birmingham City Council (the EHRC and the Secretary of State for Education/Justice intervening)

N/A

appeared before the Supreme Court in this test case determining the circumstances in which a child is deprived of liberty for the purposes of Article 5 ECHR and the role of parental consent

R (BUPA Care Homes Ltd) v Care Quality Commission

N/A

claim for judicial review challenging the rating awarded to a care home following a CKC inspection

Briggs v Briggs by his litigation friend the Official Solicitor) and others

[2018] FAM 63

scope of the Court of Protection's powers under s21A of the Mental Capacity Act 2005 and eligibility for non means tested legal aid

In re T (a child)

[2021] UKSC 35, SC JULY 30 2021, [2021] 3 WLR 643; (2021) 24 CCLR 339

Placement of child in unapproved children's home outside statutory scheme – Whether court to make order under inherent jurisdiction authorising placement. Joanne appeared for the Secretary of State for Education, intervening

R (Hinsull) v NHS Dorset Clinical Commissioning Group

[2018] EWHC 2331 (ADMIN)

challenge to NHS reorganisation in Dorset, including the closure of A&E beds

R (CWR) v Flintshire County Council

N/A

acted for the claimant in one of the first judicial review challenges under the Social Services and Well-being (Wales) Act 2014 – challenge to a local authority's assessment of need for a young adult with autism, to the care package provided and to the support provided to her parents as carers

R (Dyer) v Welsh Ministers and Abertawe Bro Morgannwg University Health Board

(2016) 19 CCLREP 84

nature of obligations on NHS bodies to assess need for particular health services

Achievements

Appointments

2012 – Welsh Government's A Panel of Junior Counsel

2015 – Attorney General's A Panel of Counsel

2018 – Recorder (Crime), South Eastern Circuit

2022 Appointed to silk (and appointed to Welsh Government's Silk Panel)

News, Articles & Publications

International Law in Domestic Courts: the Developing Framework [2008] 124 LQR 388 (with Philip Sales KC)

Contributor to Halsburys Laws of England: Judicial Review title

Information Rights: Law and Practice (Coppel ed.)

Supperstone, Goudie & Walker on Judicial Review (4 th and 5th ed)

Supperstone & Knapman – Administrative Court Practice

Education Law Handbook (contributor, 1st ed. 2021).

Education

Somerville College, Oxford – BA (Jurisprudence), 1 st class

Somerville College, Oxford – BCL, Distinction

Oxford University Eldon Law Scholar (2002)

Gray's Inn Reid Senior Scholarship

Gray's Inn Beddingfield Junior Scholarship

Other

Prior to starting practice, Joanne spent a year as a Judicial Assistant to the Law Lords (working for Lord Hope and Baroness Hale).

In 2006, Joanne was awarded a Pegasus Scholarship and worked in Wellington, New Zealand.

“

She is one of the best public law juniors at the bar.

CHAMBERS AND PARTNERS

“

absolutely outstanding, she has an extremely impressive style of advocacy

CHAMBERS AND PARTNERS

“

A great junior who is immensely confident and has an incredibly good brain

CHAMBERS AND PARTNERS

“

She's a really excellent advocate who impresses with her speed and diligence

CHAMBERS AND PARTNERS

“

I'm surprised she's not a silk already, she's brilliant.

CHAMBERS AND PARTNERS

“

Although a junior, she is of silk quality and has great knowledge of the law – particularly Welsh law. She's pleasant, very able, and very respected by the courts.

CHAMBERS AND PARTNERS

“

She is down-to-earth but eminently capable of dealing with complex esoteric issues. She exudes confidence and good humour.

CHAMBERS AND PARTNERS

“

She's approachable, very knowledgeable and pragmatic in her advice.

CHAMBERS AND PARTNERS

“

very clear in her oral advocacy.

CHAMBERS AND PARTNERS