

Joanne Clement KC

Silk: 2022 Call: 2002

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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).



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

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

Public Law & Human Rights

Joanne is a public law specialist. She was Chambers & Partners Public Law and Human Rights Junior of the Year and prior to taking silk, was top ranked by the directories as a leading junior in Administrative & Public law and Civil Liberties & Human Rights. She practices in all areas of judicial review and public law, including human rights cases and commercial judicial review. Joanne acts for central and local government, other public bodies, third sector organisations, companies and individuals. She appears frequently in the Administrative Court, the Court of Appeal and Supreme Court (including as leading counsel).

Joanne has experience of judicial review claims in a wide range of contexts, ranging from a £5 billion challenge to the PIP regime, a challenge to NHS hospital closures, challenge to the much criticised reforms to criminal legal aid services, various challenges to the legal framework governing the deprivation of liberty of children, and challenges to forced Academy conversions.

Joanne has particular expertise in devolution issues (having appeared before the Supreme Court in two devolution references) and in local government law (see Local Government details below)

Joanne has an extensive advisory and litigation practice in the human rights field. She has experience of dealing with cases raising human rights issues across a wide range of areas from the state's obligation to investigate deaths in detention, to religious freedoms and privacy rights. She has particular expertise in Article 14 and discrimination issues, and Article 5 and deprivation of liberty.



Joanne is extremely experienced at a range of judicial review challenges, particularly in respect of education, health and central and local government vires.

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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.

R (A) v Secretary of State for the Home Department

[2022] EWHC 360 (ADMIN), ADMIN CT, FEBRUARY 18 2022, [2022] ACD 65

Acted for the Secretary of State in a challenge to the consultation leading up to the Nationality and Borders Bill, raising important issues about Parliamentary privilege and non-justiciability

R (Kays) v Secretary of State for Work and Pensions

[2022] EWHC 167 (ADMIN)

Acted for the Secretary of State in challenge to the regime governing disabled students' access to universal credit

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)

R (Enterprise Managed Service) v Secretary of State for Housing, Communities and Local Government

[2021] EWHC 1436 (ADMIN), ADMIN CT, MAY 27 2021, [2021] 1 WLR 5062

Guidance regarding discretion of administering authorities under Local Government Pension Scheme Regulations to award exit credits to contractor employers

R (Yew Tree Primary School) v Secretary of State for Education

[2021] EWHC 2084 (ADMIN), ADMIN CT, JULY 23 2021, [2021] ACD 104

Secretary of State's refusal to revoke academy order made in relation to a maintained school had been irrational

MOC v Secretary of State for Work and Pensions

[2022] EWCA CIV 1, CA, JANUARY 11 2022, (2022) 25 CCLR 63

Challenge dismissed to the rule that payments of disability living allowance to an adult are suspended after 28 days in hospital

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 (Blundell) v Secretary of State for Work and Pensions

[2021] EWHC 608 (ADMIN), ADMIN CT, MARCH 17 2021, [2021] PTSR 1342

Secretary of State's policy on making deductions from universal credit to pay fines imposed under the criminal law was unlawful

Mazhar v Lord Chancellor

[2021] FAM 103

Appeal examining the circumstances in which a claim in respect of judicial acts is permissible under section 9 of the Human Rights Act 1998. Joanne acted for the Lord Chancellor

Barnet LBC v AG

[2021] EWHC 1253 (FAM)

Claim for declaration of incompatibility contending that the diplomatic immunity provisions in the Vienna Convention on Diplomatic Relations and the Diplomatic Privileges Act 1964 are incompatible with Article 3 of the ECHR to the extent that they prevented a court from hearing and deciding an application for child protection measures in respect of children of diplomats. Joanne appeared for the Secretary of State for Foreign and Commonwealth Affairs (appeal to CA outstanding)

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)

[2019] 2 WLR 5403

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 (Ferreira) v HM Senior Coroner for Inner South London and others

[2018] QB 487

whether an individual is deprived of their liberty under Article 5 ECHR in an intensive care setting

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

Re ACC

[2020] EWCOP 9, CP, FEBRUARY 27 2020, [2020] COPLR 406

Court of Protection clarified the scope of ordinary authority granted to a property and affairs deputy on their appointment. Joanne appeared for the Public Guardian

R (Crompton) v Police and Crime Commissioner for South Yorkshire

[2018] 1 WLR 131

whether decision by Commissioner to require Chief Constable to resign as a result of comments he made after the Hillsborough inquest verdicts were announced was unlawful; case raised important issues under Article 8 ECHR and the impact on the Chief Constable's reputation

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.

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absolutely outstanding, she has an extremely impressive style of advocacy

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

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

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

CHAMBERS AND PARTNERS

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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.

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

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

CHAMBERS AND PARTNERS

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very clear in her oral advocacy.

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