

Ian Clarke

**Call: 2005**

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Ian Clarke's experience spans a range of high profile, sensitive and complicated claims relating to the obligations of public bodies.

Ian regularly acts for local authorities, police forces and the NHS in cases concerning complex arguments about the existence and scope of duties of care, vicarious liability and claims concerning the Human Rights Act 1998 and the Equality Act 2010.

Ian is recognised as a leading junior in the field of police law and represents all the major police forces in claims of assault, wrongful arrest and false imprisonment and also in judicial review proceedings. Ian also has significant experience of dealing with claims under data protection legislation, misuse of private information and breach of confidence for police forces, local authorities, and other public and private bodies.

Ian has experience acting in professional negligence claims (including clinical) and for many years was a prosecutor for the Bar Standards Board and has appeared before a variety of other regulatory tribunals.

## Areas of Expertise

### Personal Injury

Ian's experience spans claims of historic sexual and physical abuse, stress and bullying as well as claims arising out of physical assaults of employees by patients, children or prisoners. Ian has a particular expertise on claims raising arguments about the existence and scope of duties of care and vicarious liability as well cases concerning psychiatric injury.

In addition, Ian is often instructed to deal with complicated public and employers' liability claims, claims of catastrophic injury, as well as claims concerning the potential dishonesty of claimants.

### Notable Personal Injury cases

Wilson and another v Nottingham City Council (2022)

Ongoing case concerning whether the Defendant has a duty of care to prevent or mitigate the alleged harassment of the Claimant by his neighbour. The case raises challenging arguments about duty of care and vicarious liability.

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Miles v Parkwood (2022)

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Ian represents the Defendant in this case about the Defendant's liability for the actions of a third party who posted footage of a prank on social media that resulted in a psychiatric injury to the Claimant.

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Greenwood v Ealing and others (2022)

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Ian is representing a local authority in a complicated claim following the claimant's assault at the hands of a child for whom the local authority provided care and support. Important and complicated issues relate to whether the defendant owed a duty of care.

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AM AND KG v Nottingham County Council (2022)

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Ian is representing the Defendant local authority in a high value claim resulting from the assault of two care workers.

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O'Connor v Luton BC [2021] EWHC 1691 (QB)

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Successful defence of a significant claim brought pursuant to s.41 of the Highways Act 1980.

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A Claimant v Sodexo (2021)

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Acting for the Defendant in a claim concerning vicarious liability in a workplace sexual abuse case.

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Clarke v Nottingham City Council (2019)

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Successfully defended a personal injury claim involving novel and important arguments about the rescuer principle.

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Brightonhouse v Tazegul [2016] EWHC 2277(QB)

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Successfully representing the Defendant in an application seeking to set aside a judgment obtained by fraud.

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## Police Law

Ian is ranked as a leading junior in Police Law and has acted for many forces in a range of complicated and sensitive cases. Ian's experience spans cases of misfeasance in public office, wrongful arrest, allegations of assault as well as claims for Judicial Review.

Ian is also recognised for his work in the field of data protection and privacy in the policing sphere.

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## Notable Police Law cases

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R (KMO) v The Commissioner of Police of the Metropolis (2022)

Judicial Review of the Commissioner's decision to retain a weapons warning marker against the Claimant's name on the PNC.

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Connolly v The Commissioner of Police of the Metropolis (2022)

A claim for the allegedly wrongful arrest of the Claimant on suspicion of rape. A complicating factor is the arrest was carried out by officers of another force. In addition, there is an argument about the Defendant's liability in common law negligence.

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Corp and Another v The Chief Constable of Essex (2021)

Defence of a claim for wrongful arrest and detention.

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Bairfelt v The Chief Constable of Essex (2021)

Liability of the Chief Constable for injuries sustained by the Claimant when he attempted to escape from his cell.

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Smith v The Chief Constable of Northumbria (2020)

Acting for the Defendant in a data breach claim which raised question of vicarious liability in the context of GDPR/DPA claims.

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McClelland v The Chief Constable of Sussex (wasted costs) (2019)

Successful application in the High Court seeking costs directly from the Claimant's solicitors.

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McClelland v The Chief Constable of Sussex

Successful defence of a High Court claim for assault and breach of the HRA following the Claimant having been tasered by the Defendant's officers.

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## Public Sector & Human Rights

Ian's Public Sector practice focuses on claims brought against local authorities and police forces. In particular Ian has experience of claims alleging historic abuse, breaches of the Human Rights Act 1998 and/or the Equality Act 2010 as well as a niche practice concerning the liability of public bodies for data breaches and breaches of privacy.

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## Notable Public Sector & Human Rights cases

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Smith v London Borough of Camden and others (2022) unreported.

Successfully represented the Defendant in an application under section 139 of the Mental Health 1984 before Foster J.

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Montague v Heavers Park Primary School (2022)

A significant, sensitive and important case concerning the lawfulness of the teaching of LGBT issues in school.

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Thompson v Peterlee Town Council (2021)

Represented the defendant local authority in a complex data protection claim. The claim concerned the overlap between data protection legislation, Article 8 of the HRA and local government legislation about the rights of elected council officials to attend committee meetings held in private.

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MS v A local authority (2021)

Acted for the local authority in a sensitive claim concerning the disclosure of the address of a victim of domestic violence.

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Sarkar and others v London Borough of Newham (2021)

Represented the defendant in a data breach claim relating to the security of social services records

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Smith v The Chief Constable of Northumbria (2020)

Acted for the Defendant in a data breach claim which raised question of vicarious liability in the context of GDPR/DPA claims

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MS v Nottingham City Council (2019)

Successful defence of a claim for defamation, misuse of private information and negligent misstatement relating to the provision of an employment reference and a disclosure to the DBS.

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## Clinical Negligence & Healthcare

Ian represents both Claimants and Defendants in a range of clinical negligence claims as well as dealing with inquests, inquiries and regulatory matters.

## Education

- MA (Oxon)

## Awards

- Graham Turnbull Human Rights Award

## Accreditation Logos

