



Nicola Talbot Hadley

Year of Call: 2007

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Overview

Nicola Talbot Hadley has returned to the independent Bar following 2 years working as inhouse Counsel for the Environment Agency and 3 years working as advisory lawyer for the Government Legal Department attached to the Department for Work and Pensions. Prior to that she undertook pupillage at a leading criminal set of chambers in London and the South East and Western Circuits, and spent 5 years as a criminal practitioner, working for both Prosecution and Defence in all criminal courts. Nicola has experience in all areas of crime, including as a led junior in cases involving the historic and serious sexual offences, conspiracies to supply drugs and complex fraud. She practises on both the Western and South Eastern Circuits and is a Grade 2 Prosecutor.

Before coming to the Bar, Nicola worked as a teacher and in political consultancy. Her experience as a teacher has given her particular empathy with young people which she is able to put to good use in the youth court as well as questioning young and vulnerable witnesses. She sits as a community volunteer on referral order panels for young people who have committed a first offence and have been referred to the youth offending service.

Nicola is keen to use her skills and knowledge from working for the Environment Agency and one of the largest of Government departments. She has experience of regulatory cases in environmental protection, health and safety and trading standards. She is willing to assist claimants in social security appeals at the First Tier and Upper Tribunals, and as Trustee of Disability Law Service, helps with policy change and legal assistance for disabled people.

Nicola sits as a legally qualified chair for police misconduct hearings for 5 police authorities in the south east and accepts instructions for either party in hearings for other police authorities. She is keen to expand her practice into other regulated professions.

Nicola has also recently started a family practice and is looking to develop her experience in this area.

Academic qualifications

- Christ Church, Oxford, BA/MA Hons Modern History (Upper Second Class Honours)
- Bath University, Post-Graduate Certificate in Education (Secondary History)
- London School of Economics, MSc International Relations (Distinction)
- College of Law (York), Graduate Diploma in Law (Distinction)
 - Winner of end-of-year prizes in EU Law and Public Law, and 'Best Student at York'
 - Winner (jointly with mooting partner) of York College of Law GDL Mooting Competition
- College of Law (London) (now The University of Law), Bar Vocational Course (Very Competent)

Scholarships

- Lincoln's Inn Lord Haldane Scholarship for Graduate Diploma in Law
- Lincoln's Inn Hardwicke Scholarship
- Lincoln's Inn Sir Thomas More Bursary for Bar Vocational Course
- Pegasus Scholar to European Court of Human Rights in Strasbourg (May to July 2011)

Professional qualifications & appointments

- Trustee of Disability Law Service (since February 2018)
- Member of the panel of Chairmen of the Valuation Tribunal for England (since June 2017)
- Legally Qualified Chair for Police Misconduct Hearings (since January 2016), for the Police Crime Commissioners and Authorities of Thames Valley, Sussex, Kent, Hampshire and Surrey
- Volunteer Panel Member for Youth Offending Service, Referral Orders (since 2009); formerly at Southwark and now for Tri-borough YOS (Westminster, Hammersmith and Fulham, Kensington and Chelsea); trained in Youth Rehabilitation Orders and Restorative Justice

Professional bodies

- Lincoln's Inn
- South Eastern Circuit
- Criminal Bar Association
- Family Law Bar Association
- Education Law Association
- National Association of Legally Qualified Chairs for Police Misconduct Panels

Expertise

Crime

Nicola has defended and prosecuted in serious cases both as junior alone and led junior. She is able to establish a rapport with and gain the confidence of the most difficult and vulnerable of clients and has particular experience of the youth court and defendants with anxiety and mental health difficulties. She is valued by those who instruct her for her empathy, client handling, diligent preparation and dogged perseverance to ensure the best outcome. She is able to deal with extremely sensitive cases with compassion and care.

Case experience includes sexual offences and indecent images, violent assaults, drug supply, dishonesty and fraud, road traffic law, extradition law, proceeds of crime/civil forfeiture, local authority regulatory work, mental health disposals and cases under Dangerous Dogs and Animal Welfare legislation. She has been instructed as led Junior in cases of particular complexity involving historic sexual abuse and multi-handed frauds running to millions of pounds.

Her experience of working for the Department of Work and Pensions makes her particularly adept in both the prosecution and defence of benefit fraud.

Nicola is also a Vulnerable Witness Advocacy Facilitator (training established practitioners in the new form of questioning vulnerable witnesses).

Notable cases include:

- R v Hyett, Portsmouth Crown Court, successful defence of male in domestic violence allegations involving a stabbing
- R v Hunter, Portsmouth Crown Court, successful defence of male in domestic violence allegations
- R v Moyo, Aylesbury Crown Court, prosecuting a wife who had stabbed her husband
- R v Polak, Isleworth Crown Court, successful defence of a Polish man accused of domestic physical and sexual assaults
- R v Ahmad and others, Basildon Crown Court, defending alone in ten-handed conspiracy to defraud involving numerous elderly victims
- R v Brock and others, Cambridge Crown Court, defending in multi-handed conspiracy to burgle, which involved a wide-ranging and lengthy undercover police operation in Cambridge
- R v Agbomabini, Basildon Crown Court, defending a father accused of assaults causing ABH upon his children
- R v Opayemi, Barking Magistrates' Court, defending a mother accused of assaults upon her children
- R v Armstrong, Cambridge Crown Court, defending young man in s.20 GBH allegation, secured three psychiatric reports which ultimately led to hospital order
- R v John Roberts Circus Ltd, Holyhead Magistrates' Court, defending a circus in allegation involving failure to hold operators' licence and use of tachograph equipment
- R v Driver, Cambridge Crown Court, defending in arson involving several teenage defendants
- R v Johnston, St Albans Crown Court, defending in sexual assault upon 14 year old girl
- R v Foreman, Snaresbrook Crown Court, defending in incitement of a child to engage in sexual activity

Led cases:

Junior defence counsel in R v Roberts, Norwich Crown Court; 3-month fraud trial defending one of six defendants in a case that concerned a fraudulent investment programme worth several million pounds (led by Karim Khalil QC)

Junior defence counsel in R v Slade, Ipswich Crown Court; historic sexual and physical abuse dating back to the 1980s by headmaster of boarding schools in Norfolk and Suffolk, involving buggery and sadistic physical punishment of young boys (led by Gregory Perrins)

Junior defence counsel in R v Mackay and others, Cambridge Crown Court; six-handed conspiracy to defraud, involving the defrauding of an elderly lady to the value of around £1 million. Subsequently handled confiscation proceedings alone (led by William Carter)

Sexual offences

Nicola has defended and prosecuted in serious cases both as junior alone and led junior. She is able to establish a rapport with and gain the confidence of the most difficult and vulnerable of clients and has particular experience of the youth court and defendants with anxiety and mental health difficulties. She is valued by those who instruct her for her empathy, client handling, diligent preparation and dogged perseverance to ensure the best outcome. She is able to deal with extremely sensitive cases with compassion and care.

Case experience includes sexual offences (serious sexual assaults, grooming/incitement through social media and indecent images) and sexual harm prevention orders, violence, drug supply, dishonesty and fraud, road traffic law, extradition law, proceeds of crime/civil forfeiture, local authority regulatory work, mental health disposals and cases under Dangerous Dogs and Animal Welfare legislation. She has been instructed as led Junior in cases of particular complexity involving historic sexual abuse of children and multi-handed frauds running to millions of pounds.

Nicola is also a Vulnerable Witness Advocacy Facilitator (training established practitioners in the new form of questioning vulnerable witnesses), which has been of real value in cases involving sexual abuse of children and vulnerable witnesses.

Notable cases include:

- R v Rai, Winchester Crown Court, successful prosecution of a vulnerable male who was unfit to plead, but had engaged in sexual touching of vulnerable female work colleague
- R v Polak, Isleworth Crown Court, successful defence of a Polish man accused of physical and sexual assaults upon his partner
- R v Johnston, St Albans Crown Court, defending in sexual touching of a 14 year old girl by another teenager at a festival
- R v Foreman, Snaresbrook Crown Court, defending in incitement of a child to engage in sexual activity, using electronic media
- Junior defence counsel in R v Slade, Ipswich Crown Court; historic sexual and physical abuse dating back to the 1980s by headmaster of boarding schools in Norfolk and Suffolk, involving multiple buggeries and sadistic physical punishment of young boys (led by Gregory Perrins)

Public and Regulatory

Nicola is experienced in the area of professional misconduct, having sat as a Legally Qualified Chair for police gross misconduct hearings since January 2016. She has dealt with complex cases involving various breaches of police standards of professional behaviour for the police authorities in the South East and is keen to use that experience to advise and represent officers facing misconduct proceedings.

Nicola also has experience of and an interest in Environmental Law, Health and Safety Law and Trading Standards cases.

Whilst working for the Environment Agency, Nicola was reviewing lawyer for a multi-handed illegal waste case, which involved complex calculation of the volume of waste, expert evidence, directors' liability issues and analysing a vast amount of unused material. Ultimately, all defendants pleaded guilty. Nicola also has experience of cases involving the transfrontier shipment of waste under the Transfrontier Shipment of Waste Regulations 2007 and European Waste Shipments law, and civil sanctions. She has trained Environment Agency enforcement officers in the conduct of major investigations and disclosure, the handling of waste containers following seizure, and imposition of penalties. Nicola is keen to use her experience to defend and prosecute in environmental cases.

During her time at the Department for Work and Pensions, Nicola advised on disability benefits, including Personal

Independence Payments and Vaccine Damage Payments, and was involved in litigation at the First Tier and Upper Tribunals (Social Entitlement Chamber). She was also lead advisory lawyer in the key case in which the Court of Appeal re-defined the way in which vaccine damage claims should be assessed by DWP, reported as *G (a Minor) v Secretary of State for Work and Pensions* [2017] EWCA Civ 61. She is happy to assist claimants pursuing their claims for benefits and launching appeals, on a pro bono basis or otherwise.

Family

Nicola has recently started a family practice and has been praised for her diligence and sensitivity in handling both clients and opponents. She is passionate and enthusiastic in her approach and is particularly interested in cases involving children.

She has advised and appeared in applications and hearings under section 8 of the Children Act 1989 (prohibited steps and specific issue orders) private children work and public care proceedings. She is pragmatic in managing proceedings and reaching settlements under the Child Arrangements Programme in relation to contact (supervised, unsupervised and supported) and where the child(ren) should live.

Nicola has undertaken a number of pro-bono cases for the Bar Pro Bono Unit, including applications from parents for child arrangements orders. She has recently advised on the prospects of an appeal against a refusal to discharge care orders and orders made under section 34(4) Children Act 1989 permitting the court to authorise the local authority to refuse to allow contact between the child and parent and section 91(14) Children Act 1989 prohibiting a party from making any further applications without leave of the court. The case concerned a Muslim father contesting a care order and placement of his children with a non-Muslim foster family and engaged the principles established in the case of *P (A Minor) (Residence Order: Child's Welfare)*, Re [2000] Fam 15 (also known as *P (Section 91(14) Guidelines: Residence and Religious Heritage)*, Re [1999] 2 F.L.R. 573).

Nicola enjoys using her skills gained in criminal advocacy in the family court and is able to deal with the cross over between criminal and family cases, particularly where the parties may be dealing with simultaneous proceedings and/or criminal allegations such as domestic violence are brought to bear in family proceedings. Her training in questioning vulnerable witnesses is a useful asset in dealing with vulnerable parties in the family courts who may need sensitive handling and special measures.