

Kate Brunner QC

**Degree:**

MA (Hons) First Class (Edinburgh) Psychology, Diploma in Law (City University)

Year of call and Inn:

1997; Inner Temple

Professional Membership:

Western Circuit; South Eastern Circuit; Criminal Bar Association, Inquest Lawyers' Group

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Appointments:

Leader of the Western Circuit; QC 2015; Recorder 2012 (Crown Court); Part-time Judge of the Upper Tribunal (Administrative Appeals Chamber) 2014

Specialist Areas:

Child Law
Court of Protection
Crime, including Courts Martial
Inquest
Regulatory, including Health and Safety

Practice Overview:

Kate Brunner QC has a busy practice in crime, fraud, regulatory work and inquests. She is recognised for her detailed case preparation and effective advocacy and is recommended as being a leader in her fields by leading legal directories: 'she is the exemplary criminal barrister' (Chambers and Partners 2016). Kate acts in gross negligence cases in criminal courts, and accepts instructions in civil clinical negligence cases. Kate is instructed in family fact finding hearings where sexual abuse or serious injury is alleged.

Kate is Leader of the Western Circuit.

Kate set up the Western Circuit Women's Forum in 2015 with others to address lack of diversity at the Bar ([click here for further information](#)).

Kate is also an associate tenant of the 36 Group, London.

Public Access:

Kate Brunner is licensed to accept work under the Public Access rules and undertakes such work in the regulatory, disciplinary, inquest and court of protection areas of her practice.

Areas of Practice

Regulatory

Kate's expertise in regulatory work was recognised by her appointment, when a junior, to a national panel of 30 advocates selected to prosecute the most complex health and safety cases (HSE Specialist Panel, List A). Since taking silk she has been recognised as a leading silk in regulatory and health and safety in national directories in every year.

She has represented directors, companies and the HSE in health and safety and environmental cases, providing advice from pre-interview stage through to representation at court. Cases regularly include complex fatalities at work and cases with significant expert evidence.

Kate's regulatory work includes healthcare (see separate section), consumer protection, fire safety, and food safety in which she has dealt with a number of high-profile companies. Kate's expertise in food law extends to the handling of allergen information, advertising, and has included cases where fatalities are linked to unsafe food practices.

She has experience in judicial review and administrative law, and has advised public bodies on a number of confidential matters relating to national policy and statutory construction. Kate has expertise in high-value proceeds of crime proceedings which may follow criminal regulatory cases (such as *Harvey [2013] EWCA Crim 1104*, a case which reached the Supreme Court relating to whether VAT should be discounted from benefit figure to be confiscated).

A senior solicitor who instructed Kate in a heavy weight environmental case comments: 'Ms Brunner exhibited a detailed knowledge of the extremely complex law with which the case was concerned. She was able to discuss the law and factual background with the client (who was a technically competent person) and also, more importantly, with the very experienced expert witness whom we instructed over the course of many meetings and conferences.'

Her ability to deal with expert evidence was also manifested in the way in which she dealt with expert evidence called by the prosecution in relation to a number of different areas of expertise, where her extremely thorough case preparation and detailed knowledge of the issues in the case came to the fore in effective and sustained criminal advocacy.'

Kate's environmental law expertise includes:

- enforcement and interpretation of environmental permits
- water pollution
- waste including hazardous waste
- legality of remediation processes, and creation of products

Examples of Regulatory cases include:

R (HSE) v Jones Bros 2019: Kate led the defence representing a company charged with health and safety offences relating to the death of an employee on a building site. Through marshalling expert evidence and detailed written submissions Kate persuaded HSE that the accident had been caused

by careless driving rather than any procedural failing. In a highly unusual step, HSE offered no evidence a month before the trial was due to start.

R (EA) v Churngold and others: representing director in case described by the EA as the largest ever hazardous waste prosecution. Amounts involved over £10m, complex expert evidence relating to remediation of hazardous waste and creation of product, consideration of heavy metal treatment processes [click here to read](#);

R (HSE) v Western Power Distribution: health and safety case involving a fatality to an employee working on overhead power line [click here to read](#);

R (CQC) v AH: representing care home company in prosecution for regulatory breaches linked to death of service user who fell from window;

R (HSE) v BW: representing HSE in prosecution of company and individuals for failings causing death of a commercial diver;

R (OFT) v N: defending in multi-handed pyramid selling consumer protection case, involving a £21million scheme. This was the first prosecution under Consumer Protection from Unfair Trading Regulations 2008 relating to pyramid promotional schemes [click here to read](#);

R (HSE) v RR: prosecuting company in relation to death of employee in waste disposal company.

Newsletters:

Challenging CQC Inspection Reports: The Third Way
Binning the law: environmental legislation after Brexit
Challenging Care Quality Commission warning notices
Regulating the regulators: The Tribunal system
Preparing for interview in Health and Safety cases

Regulatory Clerk:

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Criminal Work

Kate is well-recognised for the thoroughness of her preparation coupled with persuasive court room skills. She appears regularly in the Court of Appeal as well as the Crown Court. Kate has a particular expertise in cases which are technically complex such as serious fraud and medical manslaughter. These cases require Kate's close analysis of detailed evidence, her ability to gain a thorough understanding of medical, financial and mechanical data, and comprehensive cross-examination of expert witnesses. Kate is instructed by both prosecution and defence, predominantly in the South West, but also in the Midlands, Wales and London.

Kate is a standout criminal practitioner: recent reviews include "A notable silk regularly instructed in serious violent crime, fraud and regulatory offences" and "She is a very classy, clinical and robust performer" (*Chambers & Partners 2018*).

Kate frequently represents clients who have been charged with the most serious of offences including murder, multiple rape and large-scale fraud. She combines a sensitive approach to clients and their families with robust advocacy in court. On the prosecution side, Kate has secured a strong reputation for presenting complex cases including multi-handed murder and frauds in a compelling and jury-friendly manner. She works constructively with large teams to prepare cases well in

advance of trial, and applies her eye for detail to case preparation: as a result she is regularly sought as a case leader by senior officers.

Recent and notable cases include:

R v Yanpolsky (2019): Leading counsel in cybercrime prosecution. Complex cyberattack on processing system for card payments, resulting in system overload and crash, and multi-million pound loss. Issues relating to IP addresses, malware, hacking, remote access, and expert evidence on causation and method.

R v Joginder Chall [2019]: EWCA Crim 865 Court of Appeal Guideline authority relating to the use of Victim Personal Statements: Kate represented a defendant in this important case addressing the proper test for severe psychological harm.

R v C-A N: Kate led a team defending a nurse charged with gross-negligence manslaughter. The Crown alleged that she had caused the death of a 10-year old by failing to identify the signs of a misplaced feeding tube. The lengthy trial involved expert witnesses and highly technical evidence in the arenas of nursing practice, gastroenterology and pathology. [Click here to view the BBC news report.](#)

R v W: Kate successfully prosecuted the manslaughter of a 100-year-old woman, in a case involving complex CCTV evidence and issues relating to causative link between injuries sustained in the attack and the pneumonia which directly caused death - [click here to read](#);

R v CH: In a high-profile and legally unusual case Kate represented a mother with undiagnosed schizophrenia has drowned her daughter and burned the body in a ritualistic 'sacrifice', believing that she was acting under divine instruction and that her daughter would be returned to her by angels. Two psychiatrists agreed that she did not know what she was doing was wrong: indeed she believed she was saving the world. The judge accepted legal argument that the jury should not be permitted to convict of murder as there was no reason put forward by the Crown upon which the jury could reject the psychiatric evidence in its entirety. The jury were left with potent verdicts of not guilty by reason of insanity, and guilty of manslaughter by reason of diminished responsibility. They acquitted and the defendant was given a hospital order - [click here to read](#);

R v RG: Kate represented a woman charged with laundering the proceeds of her husband's £5million international arms dealing programme. Following legal argument during the case the trial judge directed the jury to acquit her - [click here to read](#);

R v DB: defence of man charged with murdering neighbour by blocking gas flue, plea to manslaughter accepted, Court of Appeal upheld sentence after Attorney-General's reference - [click here to read](#);

R v HN: Prosecutors dropped all charges against Kate's client, a senior NHS manager accused of fraud, part-way through the trial. Kate successfully submitted that the case should be discontinued after she cross-examined prosecution witnesses to demonstrate that the dishonest financial transactions and illegal commissioning had not been carried out by her client, but by the Trust's Chief executive, who subsequently admitted her guilt [click here to read](#);

R v CN: Kate secured acquittal for a young nurse accused of gross negligence manslaughter in a case involving complex medical evidence and experts from four different disciplines - [click here to read](#);

R v CH: Kate led the prosecution team in the high-profile case of the murder and sexual assault of 17-year-old Melanie Road in Bath in 1984. She had been stabbed to death and sexually assaulted as she returned home from a night out. A DNA sample provided by the defendant's older daughter

in 2014 following her arrest for a minor matter provided a familial match to DNA from the crime scene. The defendant voluntarily provided an elimination sample which led to his eventual arrest and charge - [click here to read](#);

R v RR: defence of man accused of sadistic murder of landlord: acquittal on judge's direction after defence case, following legal argument - [click here to read](#);

R v DW: representing man accused of historical rape of fourteen women and girls - [click here to read](#);

R v NB: Kate represented chief executive of large council charged with misconduct in public office relating to the process of salary increases for senior employees including himself. Kate cross-examined experts in accountancy and auditing to demonstrate that the Crown Prosecution Service had failed to follow required procedures in relation to expert evidence and unused material. Kate successfully argued that the expert evidence should be excluded, and as a result the judge dismissed all charges against the defendants - [click here to read](#). The episode concluded with compensation being paid to the defendants along with a full pension and a public acknowledgement by the council that there had been no wrongdoing.
<https://www.bbc.co.uk/news/uk-wales-south-east-wales-34583463>

R v LMcC: prosecution of complex circumstantial murder prosecution, involving piecing together CCTV, telephone data and expert drug evidence to prove defendant's guilt - [click here to read the BBC News article](#) and [click here to read the Gloucester Constabulary article](#);

R v AK: prosecution of man for murdering his wife, psychiatric evidence relating to fitness to plead and loss of control manslaughter - [click here to read](#);

R v SP: prosecution billed by HMRC as 'Cornwall's largest tax fraud'; an accountant alleged to have cheated the Revenue of over £2 million. The 12-week trial involved expert accountancy evidence, expert taxation evidence (including corporation tax, income tax, CGT) and 60 lay witnesses, and required detailed analysis of dozens of bank accounts to show patterns of money movement - [click here to read](#).

Newsletters:

Misconduct in Public Office: clarity after 800 years
Mary, Mary, quite contrary
We pray to be let alone
When do I get out

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Inquests

Kate Brunner has significant experience in inquests both with and without juries. Her clients have included families of the deceased (who often instruct on a public access basis), police forces, NHS mental health and ambulance trusts, and the Health and Safety Executive. She often advises at an early stage, in relation to obtaining expert evidence, and preparing witnesses and documents for the hearing. Kate puts her extensive advocacy skills to effective use at inquests to explore issues of causation and neglect.

Kate's expertise in the healthcare arena (see separate section) has led to regular instruction in inquests involving care homes, mental health issues and medical procedures.

Kate is a member of the Inquest Lawyers' Group, writes for the Inquest Lawyers' Journal, and has provided assistance to the Chief Coroner in relation to national guidance for coroners and national training for coroners.

Inquest cases of note include:

Re: CL: complex Article 2 case relating to death following discharge from secure mental health detention - [click here to read](#);

Re: KB: advising police in relation to disclosure re. death of man in health unit following restraint by police and medics - [click here to read](#);

Re: FC: representing family of a man who took his own life after mental health services failed to act on family's concerns - [click here to read](#);

Re: IJ: representing family, successful appeal to the High Court with Attorney-General's authority (under section 13 Coroners Act) – suicide verdict quashed and fresh inquest ordered;

Re: DM: represented the family of a child who died when a hospital carried out an incorrect procedure. The case involved expert evidence about neurological interventions;

Re: Orchid View: Advising in relation to a high-profile case involving multiple death at the same care home - [click here to read](#).

Newsletters:

Reining in the scope of inquests

Identifying the virtues of virtual autopsies

Virtues of virtual autopsy

Pre Inquest Reviews: National guidance

Case Law Update 2013

Change at last: the draft coroners' rules and regulations

What is the point?: Article 2 inquests in 2013

Preventing Rule 43 Reports at inquests

Inquest Clerk:

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Healthcare including Court of Protection

Kate Brunner QC has a long-standing interest in healthcare work, particularly cases involving mental health issues and/or care homes. Healthcare work forms a substantial part of Kate's

practice. In the first quarter of 2019, as an example, Kate dealt with:

- Representing a national care home multi-location provider in a challenge to CQC's decision to remove a location (close a home): CQC withdrew before tribunal hearing;
- Advising a national care home multi-location provider in relation to judicial review of CQC's failure to follow its enforcement policy and special measures policy;
- Advising a number of providers in relation to challenging inspection reports and ratings, and whether CQC's position was lawful;
- Representing a Trust providing a secure psychiatric unit in a health and safety prosecution following a fatal accident;
- Representing a company and its directors prosecuted by CCQ for providing domiciliary care services without registration;
- Preparation for three inquests representing a large healthcare trust in relation to deaths of patients.

Kate is one of a few barristers who has significant nationwide experience in the Health, Education and Social Care Tribunal, having frequently appeared for the Care Quality Commission (CQC) and for care homes in cases involving refusal to register, and cancellation of registration.

Kate has been instructed by both the CQC and the Commission for Older People in Northern Ireland: advice has included matters of national policy and procedure. Kate is frequently instructed by care homes and health trusts in relation to challenging inspection reports, judicial reviews of enforcement decisions, and appeals to the Upper Tribunal. Her familiarity with how care homes operate is combined with a detailed knowledge of CQC procedures and policies and case law, and she is praised by clients for giving swift, practical advice.

Kate's experience in both civil and criminal cases involving healthcare means that she is regularly instructed to advise on matters crossing both disciplines, such as advising a large national care home company in relation to disclosure of internal investigation material to the police. Kate has been involved in a number of high-profile criminal cases involving care homes, including Winterborne View and Atlas; and involving allegations of NHS fraud.

Kate is identified as a leading silk in regulatory work in Legal 500 and Chambers and Partners: "Her razor-sharp eye can easily detect the key issues in a case." Legal 500 2019

Kate accepts instructions on behalf of family members, local authorities and care homes in Court of Protection matters arising out of issues of deprivation of liberty and mental capacity. She advises relatives of those in care homes as to the legality of their position and what steps can be taken to improve care or move relatives elsewhere. She has considerable understanding of issues of mental health and capacity from her training in psychology, from representing vulnerable clients in court, and dealing with psychiatric defences. Court of Protection work is a natural addition to Kate's existing healthcare practice which has included many cases involving deprivation of liberty issues.

Newsletters:

Challenging Care Quality Commission warning notices

DoLS and Inquests

Civil Clerk:

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Child Law

Fact-finding

Kate has significant experience in cases where serious sexual abuse of children or deliberate serious injury is alleged, and there are parallel criminal and family proceedings. Her expertise in cross-examining experts about non-accidental injuries, signs of sexual abuse and DNA is highly effective in both jurisdictions. Kate is entirely familiar with social services records and medical records, having analysed voluminous sets of both in many cases to identify inconsistencies and themes. Kate's practice prosecuting and defending the most complex criminal trials including numerous murder cases means she is accustomed to representing mentally-ill, vulnerable and learning-disabled individuals, marshalling large volumes of material, making complex tactical decisions and identifying weaknesses in opponents' cases. Kate is familiar with paediatric radiology and linked disciplines, and as a result of her expertise is regularly instructed to advise prosecutors about charges where there is evidence that non-accidental injury such as multiple fractures have been caused by a parent.

'She has a keen eye for detail and is able to understand the facts of a case extremely quickly regardless of the complexity. I have personally had experiences with Ms Brunner leading up to a major fact finding hearing and her understanding of ABE interviews, police conduct and her general knowledge about the processes not only in criminal law but family law were invaluable.'

'She is extremely easy to get along and is very attentive with clients. I would have no hesitation in instructing Ms Brunner in family matters'

(partner in law firm specialising in family law)

Recent cases include:

Re S: Complex five-week fact-finding involving inter-generational sexual abuse over a decade, including allegations of rape of children, and grooming. Issues relating to best practice of ABE interviews with children and adults, and substantial arguments relating to disclosure of criminal investigation documentation, and *Re W* applications.

Re B: Representing parent in three-week High Court fact-finding. Contentious expert evidence from paediatrician, histopathologist, radiologists. Issues relating to timing and mechanism of metaphyseal fractures in baby, Sudden Infant Death (SIDS) and causation of death.

Re H: representing father in High Court fact-finding proceedings, accusations of sexual assault and neglect against background of multi-generational abuse over decades. Over 60,000 pages of material. Complexities included disputes over ambit of disclosure from criminal investigation into family proceedings.

R v JM: representing mother accused of failing to protect children from long-term sexual abuse by husband. Complex issues of use of transcripts of evidence from family proceedings in criminal trial, and disclosure of material from family court proceedings into criminal trial, including third-party summons applications.

R v JK: representing father who admitted in family proceedings causing injury to his child, and, following cross-examination of three experts about subdural haemorrhages, retinal haemorrhages and brain swelling, negotiating guilty plea to section 20 (causing serious harm without intent) in subsequent criminal proceedings.

Clerks:

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Training

Kate has extensive experience and expertise in designing and presenting training sessions for private-, and public-sector clients. Public-sector organisations include the Avon and Somerset Constabulary, the Care Quality Commission, Health and Safety Executive lawyers and inspectors, and the National Association of Police Lawyers. She has been a speaker at numerous public seminars on criminal evidence, inquests and advocacy. Kate has also provided training and seminars in relation to competency-based application processes, including at the Bar Conference 2017.

Kate is an accredited senior advocacy trainer, and trains others to teach advocacy. She designed and runs the New Practitioner training on the Western Circuit.

She has trained practitioners in advocacy in the UK, in the US, and at the International Criminal Court.

Recommendations

"A notable silk regularly instructed in serious violent crime, fraud and regulatory offences. She has a noted expertise in homicides, and acts for both the prosecution and the defence." "She has a real eye for seeing the gaps in cases and where research is needed. Very detail-oriented."

Chambers and Partners 2021

Leading Silk in Crime (General and Fraud)

"Kate is a tour de force. She exudes confidence and is able to live up to her reputation because she is phenomenally hard working and smart."

Leading Silk in Business and Regulatory Crime (Including Health and Safety)

"Her expertise, versatility and elegant approach to advocacy makes her stand apart from others in the field."

Legal 500 2021

"A notable silk regularly instructed in serious violent crime, fraud and regulatory offences" "Kate comes across as effortless in court. She is always thoroughly prepared and very quick-thinking."

Chambers and Partners 2020

"She is very incisive, she deals with complex issues very well and she is very determined."

Chambers and Partners 2019

Leading silk in Crime

"She has a keen eye for the essential details of a case."

Leading silk in Regulatory, health and safety, and licensing

"Her razor-sharp eye can easily detect the key issues in a case."

Legal 500 2019

"She is a very classy, clinical and robust performer."

Chambers and Partners 2018

Leading silk in Crime

"Highly experienced in cases of serious fraud and medical manslaughter."

Leading silk in Regulatory, health and safety, and licensing

"Very experienced in cases of complex work fatalities."

Legal 500 2017

Leading silk in Crime:

"Highly regarded criminal silk"

"She welcomes difficult and novel cases, and is prepared to take the challenge."

"Recommended as a leading silk on the Western Circuit in serious violent crime, regulatory and fraud."

Chambers and Partners 2017

Leading silk in Regulatory, health and safety:

"well versed in inquests and professional discipline cases."

"she has a professional yet approachable manner."

Legal 500 2016

Top ranking in criminal law:

"A new silk who has already established a name for herself on the Western Circuit. Her practice consists of defending and prosecuting technical cases relating to heavyweight crimes, such as fraud, murder and kidnapping offences."

"She is the exemplary criminal barrister. She is fiercely intelligent and a highly effective advocate. She is also a brilliant communicator out of court as well as in."

Chambers and Partners 2016

"Highly regarded for prosecuting and defending in cases involving the most serious offences."

Leading silk in Regulatory, health and safety, and licensing "Represents directors and the HSE in health and safety matter, and undertakes inquest work."

Legal 500 2015

Top ranking in criminal law:

"She's just extremely efficient, and she's a tough practitioner - you don't want to be against her if you can help it."

Chambers and Partners 2015

"A Leading junior in serious crime including white-collar frauds."

"A Leading junior in Health and Safety, and Regulatory" "Prosecutes the most complex health and safety cases."

Legal 500 2014

“She has a terrific eye for detail and a great presence in court.”

“Commentators are fulsome in their praise for her dedication, impressive case management and advocacy skills. Her expertise encompasses serious crime, regulatory crime and fraud.”

Chambers and Partners 2014

“first-class brain, and very good court manner.”

“handles complex health and safety cases for the HSE.”

Legal 500 2013

“her “breadth of intellect” marks her out from her peers.”

Chambers and Partners 2013

“an exceptionally able advocate with an excellent understanding of inquests and psychology.”

Legal 500 2012

“outstanding and fearless advocate.”

“has the ability to make well-informed legal and tactical judgements.”

“has a notable regulatory practice.”

Legal 500 2011

Recommendations from public access clients:

‘It was a huge relief to be able to entrust the inquest case to you. Your advice before the hearing was very helpful and we couldn’t have asked for more at the inquest itself’. (2014)

‘We were very pleased that you were able to explore areas that seemed unlikely to be allowed given what the Coroner had been saying beforehand, and that his conclusions recorded so much of what we had hoped for but feared might not be achievable. We are all very grateful to you.’ (2013)

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