

ELEANOR SANDERSON



Expert regulatory and corporate defence barrister

Eleanor Sanderson has featured in Chambers and Partners and the Legal 500 for many years as a leader at the Bar for her expertise in the field of regulatory crime. Her specialist practice focuses around complex and high-profile proceedings in the fields of regulatory investigation and prosecution, inquests and inquiries, and professional disciplinary law. She is renowned for her subject matter expertise, straightforward advice, effective advocacy and client care skills.

If the field of regulatory criminal defence, Eleanor is instructed by both companies and individuals to defend prosecutions brought by the Crown Prosecution Service, by the Health and Safety Executive, Environment Agency, Fire Authorities, Care Quality Commission, Civil Aviation Authority, and Local Authorities and the Crown Prosecution Service. She has huge experience in cases that attract public, press, and political interest. She acts from the pre-charge stage to the conclusion of proceedings and any appeal, and is able to advise in respect of how related civil or public law proceedings will impact upon criminal allegations.

She is similarly expert in proceedings before the Coroner's court and in public inquiries. Her inquest experience includes acting for a wide range of interested persons, individuals, companies and public bodies, in hearings lasting from one day to several years, and draws upon her regulatory specialisms. She is instructed to act in public inquiries where their subject matter intersects with her regulatory practice.

Eleanor also specialises in the defence of professionals subject to disciplinary proceedings by their regulatory bodies, including those brought by the General Medical Council, General Dental Council, Royal College of Veterinary Surgeons, General Optical Council and Nursing and Midwifery Council. Her specialism brings with it an understanding of medical practice across a range of disciplines, with exceptional expertise in understanding and challenging expert evidence.

Recorder of the Crown Court: 2023

Education: New College, University of Oxford

PRACTICE AREAS

Health & Safety

Gross Negligence Manslaughter & Corporate Manslaughter

Environmental Law

Inquests & Inquiries

Healthcare Regulatory Law

Professional Discipline

Corporate Governance, Financial Regulation & Fraud

Eleanor has a brilliant intellect, and has the ability to clearly explain legal concepts to the lay client

– LEGAL 500 2023

HEALTH & SAFETY

Eleanor specialises in the defence of regulatory criminal proceedings and the most serious prosecutions brought under health and safety and fire safety law. She is ranked by Chambers and Partners legal directory as a “Band 1” leader in the field.

She acts on behalf of companies and directors in relation to allegations of gross negligence and corporate manslaughter, fatal breaches of sections 2 and 3 of the Health and Safety at Work Act and in prosecutions for breaches of Health and Safety Regulations. Her clients extend from family-run businesses to publicly listed global companies and household names and her huge experience spans the full spectrum of regulated sectors. Eleanor acts in challenges to improvement and prohibition notices, throughout trial and on appeal to the Court of Appeal, but is often instructed at the very earliest stage of an investigation, having an expert understanding of the approach likely to be taken by both prosecutors and independent industry investigators.

In respect of the healthcare sector, Eleanor has a wealth of experience within the and represents NHS Trusts and private healthcare providers, as well as individual managers and clinicians subject to health and safety enforcement by their regulators.

FIRE SAFETY

Eleanor has similar expertise in the field of fire safety regulation and prosecutions under the Fire Safety Order, and frequently acts in technical cases concerning matters such as causation and spread of fire, building construction and the Building Regulations, manufacture and storage of explosives, emergency response, fire prevention and means of escape, and the polluting effects of fire. One of the foremost practitioners in this field, her experience includes claims for Judicial Review in relation to enforcement activity by Fire Authorities, the referral of technical disputes to the Secretary of State for determination, and parallel litigation arising from alleged failings in the emergency response. Eleanor acted in the

public inquiry into the Grenfell Tower fire, and the lengthy inquest into the deaths at Lakanal tower block, Peckham.

Notable Cases

HSE -v- CGT

- Instructed for the joint venture CGT accused of fatal health and safety breaches in the construction of the M1 smart motorway. The joint venture was acquitted of all charges.

R -v- C&W DTL Ltd

- Acted for global commercial real estate company prosecuted for section 3 HSWA offence arising from a fatality during Storm Doris. Roof structures became detached from a shopping centre managed by the company, causing the death of a young woman in the street below.

HSE v B Care Homes (BNH) Limited

- Instructed for nationwide care home provider prosecuted for a legionnaires fatality at a care home. Following a successful appeal against sentence the fine imposed was reduced by £1.5 million.

CAA v A (UK) Limited

- Acting for the world’s largest online retailer in proceedings brought by the Civil Aviation Authority for contraventions of Dangerous Goods regulations.

GROSS NEGLIGENCE & CORPORATE MANSLAUGHTER

Eleanor is highly experienced in defending allegations of gross negligence and corporate manslaughter. In the course of her corporate defence practice Eleanor has acted for companies and individuals spanning the full spectrum of industries and benefits from significant technical expertise across a range of disciplines, where her manslaughter practice intersects with her expertise

in the fields of health and safety and fire safety. She is also able to offer huge depth of experience in respect of the healthcare sector and allegations of clinical negligence that give rise to manslaughter investigations and prosecutions. She is expert in both the civil law of negligence upon which gross negligence allegations are made, and the Corporate Manslaughter and Corporate Homicide Act 2007.

Eleanor's expertise in this field incorporates pre-charge advisory work, and she has advised numerous corporate and public bodies and their directors regarding investigations and potential liability for the offences. She additionally provides advice and acts at inquest when manslaughter allegations have been or are likely to be made, and the possibility of an unlawful killing conclusion exists.

Notable Cases

R -v- VAL

- Instructed for homebuilding company charged with corporate manslaughter and breaches of the Construction Design and Management Regulations in relation to a fatality during the construction of new apartment blocks. Following legal argument at trial, the prosecution offered no evidence against the defendant company and Not Guilty verdicts were entered.

R v PML

- Acted for leisure equipment manufacturer charged with corporate manslaughter and offences against the Supply of Machinery Regulations arising from a death in a moulding oven.

R v DD

- Acted for the Home Office at inquest and advised in relation to the prosecution of individuals for gross negligence manslaughter arising out of the deaths of 97 football fans at Hillsborough Stadium in 1989.

"Eleanor has superb judgment. She is also adept in what points to make, super smart and very good on the law"

– CHAMBERS AND PARTNERS 2024

ENVIRONMENTAL LAW

Eleanor is an experienced Environmental Law practitioner and defends Environment Agency and local authorities prosecutions in relation to matters such as breaches of permit conditions, handling of waste, use of land and response to investigations. Her clients span a range of industries and vary from individual land owners to global corporates and public utility companies. Her expertise extends to matters pre-charge, including the effect and required responses to section 108 notices, at interview under caution, providing advice on the approach to enforcement undertakings, and defending in prosecutions and any subsequent appeal.

She has acted in cases engaging the Environmental Permitting Regulations 2016, Environmental Protection Act 1990, the Water Resources Act 1991, and has defended allegations in respect of breach of permitting conditions, breach of duty of care in respect of waste transfer and at the intersection of the Permitting Regulations and the Radioactive Substances Act 1993. She also acts for landowners issued with notices to clear controlled waste. Eleanor provides advice as to the extent of the Environment Agency's investigative powers and recently acted for one of five water company employees charged together with their employer, with obstruction of Environment Agency officers at visits to Waste Water Treatment Works, both at trial and subsequently on appeal before the High Court.

Notable Cases

Millmore and others v Environment Agency [2019] EWHC 443 (Admin)

- Appeal by way of case stated appeal arising from the prosecution of five water company employees, charged with obstruction of Environment Agency Officers in relation to an investigation into their employers operation of storm tanks.

Hillingdon Borough Council v X

- Instructed for airline in respect of an appeal under the Environmental Protection Act against

enforcement notice relating to waste removal within land owned by the company

EA v Murfitts Industries Limited

- Successful defence of a company charged with offences relating to the storage of tyre fines, following a fire at their recycling facility which burned over weeks. Legal argument concerned the significance of a series of inspections undertaken by the EA prior to the fire and prosecution, and the admissibility of non-expert evidence of cause and spread of fire.

EA v Sellafeld [2014] EWCA Crim 49

- Acted for company prosecuted by the Environment Agency following disposal of nuclear waste for their nuclear decommissioning operation contrary to the terms of the permit. Leading pre-guideline sentencing authority.

INQUESTS & INQUIRIES

Eleanor is an expert inquest advocate and has acted for individuals, companies, public authorities and investigating authorities in inquests and inquiries lasting from a single day's hearing, to those stretching over a number of years.

In the context of workplace deaths, she is frequently instructed on behalf of companies, directors and employees where an inquest follows a regulators' investigation, and where it is anticipated that criminal charges may be brought after the inquest. Her experience in the fields of health and safety and fire safety provide her with particular insight as to the potential ramifications of inquest conclusions, and any proceedings that are likely to follow thereafter.

Eleanor also has significant expertise in inquests touching upon the deaths in health and social care settings and has represented the interests of many doctors, nurses, managers, care home and health care providers at inquest and thereafter in response to ongoing investigations.

Eleanor has acted in many Article 2 inquests and

inquiries: she was instructed for Whirlpool UK in the Public Inquiry into the deaths of 72 residents at Grenfell Tower, for the Home Office investigation Operation Resolve in the Hillsborough Inquests into the death of 96 (now 97) football supporters in 1989, and for Southwark Borough Council in the super-inquest into the 6 deaths at Lakanal tower block, Peckham. She acts in public inquiries where its subject matter intersects with her specialist regulatory practice and/or when issues of causation of death arise. She is currently instructed for a healthcare provider in the inquests touching upon the deaths of 54 patients treated by the breast cancer surgeon Ian Paterson.

Notable Cases

Re SJW, Reading Coroners Court

- Inquest into the death of a patient in a psychiatric hospital diagnosed with schizophrenia and BPD. The patient died after setting light to her room, following which staff and the fire brigade were unable to effect a rescue.

The Grenfell Tower Inquiry, Phase One

- Instructed for Whirlpool UK, the manufacturers of the fridge freezer found to have been the starting point of the fire. Having heard complex expert electrical evidence the Report determined that no manufacturing fault was present.

Re GH, Blackpool Coroners Court

- Inquest into the death of a patient who died subsequent to oesophageal intubation. Instructed for consultant anaesthetist. Five expert witnesses were called and cross-examined, following submissions the Coroner found that although she was satisfied OI had occurred, the anaesthetic event could not be concluded to have been causative of death.

“Eleanor is first-class. She is all over the detail, empathetic and razor-sharp”

– LEGAL 500 2024

HEALTHCARE REGULATORY LAW

Eleanor's extensive experience in the healthcare regulation and medico-legal fields incorporates:

- Acting for healthcare and social care providers in prosecutions brought by regulators including the Health and Safety Executive, the Care Quality Commission, the Fire and Rescue Services and enforcing Local Authorities,
- Acting in inquiries and inquiry-style inquests for doctors, healthcare providers and local authorities where medical causation of death and alleged clinical and/or health and safety failings are in issue, including where Article 2 ECHR is engaged;
- Acting for doctors, dentists, nurses, optometrists and other healthcare professionals in disciplinary proceedings including where death is alleged to have resulted from deficient care;
- Defence of allegations of gross negligence and corporate manslaughter.

Eleanor has defended in cases where deaths have arisen from a variety of causes including post-surgical complications, anaesthetic events, undiagnosed cancers, respiratory failure and medication errors, and often where difficult clinical decisions have been required that later become subject to criticism.

She is familiar with the challenges facing healthcare and social care providers and has defended in prosecutions focusing both on the provision of safe care and treatment, and more diverse issues relating to health and safety policy and procedure and the safety of healthcare premises.

Her inquest practice has provided her with extensive experience of pathology evidence including where multiple experts have given evidence and cause of death has remained in dispute. Her expertise in the field of health and safety and fire safety brings a detailed understanding of the complexities of their interaction with the Health and Social Care (Regulated Activities) Regulations and the division of investigative responsibilities.

Notable cases

LFC v BCH (ANS) Ltd [2022] EWCA Crim 1508

- Complex appeal against sentence concerning the interaction between the Health and Social Care (Regulated Activities) Regulations and the Fire Safety Order, and where measures undertaken as part of a resident's "care and treatment" become subsumed within the meaning of "general fire precautions"

CQC v Rotherham NHS Foundation Trust

- Acted for the Trust in a prosecution by the CQC for failure to provide safe care and treatment, which exposed very young children to a significant risk of avoidable harm. The breach arose from the Trust's failures to implement safeguarding processes and make appropriate referrals when children presented at the Emergency Department with possible Non Accidental Injuries.

HSE v Kettering General Hospital NHS Foundation Trust

- Acted for the Trust in a prosecution by the HSE for breaches of lone working and COSHH policy and procedure after a maintenance worker entered a drain in the hospital, collapsed due to noxious fumes and suffered traumatic brain injury.

PROFESSIONAL DISCIPLINE

Eleanor has a wealth of experience in the field of professional disciplinary law. Her practice includes those most serious cases where death is alleged to have resulted from misconduct, and she is also able to act at inquest and in any subsequent criminal proceedings that may arise. She is frequently instructed in cases where practitioners face suspension or erasure from their register, or significant fines. Her practice in the field of criminal law also provides her with expertise in respect of fraud and conviction cases.

Eleanor is skilled at mastering the detail of professional standards and guidance across the array of disciplines

and is highly experienced in calling and challenging expert evidence. In the medical field, she has acted in cases concerning a wide range of specialisms including oncology, geriatrics, paediatrics, emergency medicine, anaesthesia, complex surgical procedures and in the territory of “never” events, and is also experienced in the field of veterinary medicine.

Eleanor regularly appears before a range of tribunals including proceedings brought by the General Medical Council, General Dental Council, Royal College of Veterinary Surgeons, General Optical Council, Nursing and Midwifery Council, PLDPs, First Tier Tribunal, and in unusual high profile proceedings defending a large company before the Royal Institute of Chartered Surveyors. More diverse regulatory experience includes appearances before the Security Industry Association licensing appeals panel, the UK Council for Psychotherapy and before the Traffic Commissioner in relation to Vehicle Operator licences.

Notable Cases

GMC v X

- Currently instructed to represent obstetrician in relation to alleged failures in theatre in respect of two births including failure to diagnose and treat major obstetric haemorrhage secondary to amniotic fluid embolism, and a failure to manage shoulder dystocia.

RICS v CWDTL Ltd

- Instructed for commercial real estate company facing disciplinary proceedings before the Royal Institute of Chartered Surveyors in respect of their conviction for health and safety offences.

RCVS v L

- Acted for Veterinary Surgeon charged with disgraceful conduct in respect of a dishonest letter prepared for the benefit of a client’s insurers. Whilst dishonesty was admitted, the Committee found substantial mitigating features and took the unusual course of issuing a reprimand.

CORPORATE GOVERNANCE, FINANCIAL REGULATION & FRAUD

For nearly 20 years Eleanor has advised the boards of companies and public bodies spanning the spectrum of industries through the course of investigation and litigation, from the beginning of proceedings until their aftermath. She is familiar with the demands that litigation poses upon directors and managers and the need for clear thought and strategic advice, often on the tightest of timescales. However hard-fought litigation may be, Eleanor also works to her client’s priorities in respect of regulatory, commercial and employee relationships. She is also experienced at representing both companies and individuals before their professional regulators.

Eleanor has wide experience of a range of financial regulatory, fraud, money laundering and other dishonesty proceedings. She acted for Deutsche Bank trader AK, a trader acquitted of “interest rate fixing”, namely conspiring to rig the Euro Interbank Offer Rate (EURIBOR) between 2005-2009 at the conclusion of a three month trial, prosecuted by the Serious Fraud Office. Other high profile cases include “Imperial Consolidated”, an alleged \$250 million offshore Ponzi fraud prosecuted by the SFO in which the defendant was acquitted after two six month trials, and acting for the Liberal Democrat donor Michael Brown, who was alleged to have defrauded the former Manchester United Chairman of over \$12.5 million. Previous instructions include from the Serious Fraud Office to review FBI/Grand Jury material where the UK trial was preceded by convictions in the US Federal Court. In addition to her trial work in this area, Eleanor was a consultant editor of the Lloyds Law Reports on Financial Crime between 2012-2018.

Her experience in corporate and complex crime also includes the “News of the World Trials”, Operations Sacha, Elveden and Weeting, in which Eleanor was instructed for a defendant acquitted of conspiracy to

pervert the course of justice.

Eleanor understands the importance of communication to stakeholders regarding the approach a business or public body will take to litigation and is well used to working closely with communication teams to ensure the legal process is properly understood by all affected.

Notable Cases

R v CP

- Acted for an Iranian exile charged with money laundering of over £10,000,000 through Hawala banking networks in Iran and Dubai. Expert evidence was called to establish the risks faced in the transfer of funds to the families of anti-regime political prisoners.

R v AK

- Acted for Deutsche Bank derivatives trader charged with conspiring with others across the financial networks to rig the Euro Interbank Offer Rate (EURIBOR) between 2005-2009. Acquitted after three month trial.

R v Umerji [2014] EWCA Crim 241

- Instructed on appeal for defendant convicted of conspiracy to cheat the public revenue of £30 million following a trial in absence. Conviction quashed.

INSTRUCTING ELEANOR SANDERSON

Mayfair Place Chambers streamlines the process of instructing counsel, arranging conferences, scheduling hearings, and timely billing. It does so with the assistance of its Practice Manager, Sorcha Duncan, and through the use of state of the art software, provided by LawPage.

For initial enquiries as to counsel's expertise, availability and fees, please contact Sorcha Duncan at sorcha.duncan@lawpage.co.uk or at +44 (0) 203 205 7138. Once instructed, solicitors and those assisting them email counsel directly in order to provide papers and instructions, book conferences, and receive or provide notifications of hearings. Counsel's calendar is immediately updated on receipt of court listings, conference invitations and Teams meetings sent directly to their email address. At the point of instruction, solicitors are invited to provide dates or periods for their preferred billing schedule; additionally fee notes are provided within 24 hours of any request.

For further details and terms please see mayfairplace.com.

“She is very intelligent with a great eye for detail

– CHAMBERS AND PARTNERS

“A classy advocate who is very smart and great to work with”

– LEGAL 500

“She is very persuasive, calm and impresses clients”

– CHAMBERS AND PARTNERS

“She is extremely effective as a barrister, reads the room both as an advocate and in conference, and on every occasion is greatly reassuring to clients”

– CHAMBERS AND PARTNERS