



Katie Ayres



---

# Contents

---

Abuse/Neglect .....	1
Selected Cases .....	2
Psychiatric Injury .....	3
Selected Cases .....	3
Inquests & Public Inquiries .....	4
Professional Liability .....	4
Selected Cases .....	5
Clinical Negligence .....	6
Product Liability .....	7
Selected Cases .....	7
Insurance & Reinsurance .....	7
Selected Cases .....	7
Property Damage .....	8
Selected Cases .....	8



Katie practices in the areas of local authority liability, abuse law, clinical and professional negligence, insurance, product liability and property damage. She is recognised as a Rising Star in the Legal 500 and has twice been instructed in the Supreme Court by the defendants in two of the seminal tort cases of the past decade (CN v Poole Borough Council [2019] UKSC 25; Barclays Bank v Various Claimants [2020] UKSC 13).

Katie has a particular interest and expertise in claims involving niche and developing areas of tort law which often overlap with parallel claims under the Human Rights Act 1998 when public bodies are involved. She has significant experience of appealing such cases to the highest courts and is able to advise on prospects of success and procedure for appeals to the Supreme Court. She was the author of the Supreme Court Yearbook 2019 chapter on Tortious Liability.

Katie has vast experience in claims involving questions around the existence or scope of a duty of care as a result of her instruction in CN v Poole. She was recently instructed by GLD (led by James Eadie QC) in a claim involving novel duty of care arguments. Her niche experience in this area spans right across her work in abuse law, professional negligence, product liability, insurance and property damage.

Katie is regularly instructed on behalf of local authorities and other public bodies, including the NHS.

She is an expert in claims involving arguments of vicarious liability, having been instructed in Barclays Bank, and is interested in the law relating to secondary victim claims.

Katie is also regularly instructed in Inquests and has experience dealing with judicial review of coronial decisions and CICA decisions. Likewise, her experience of Immigration law through her work on the Government Legal Department C-Panel has provided opportunities for appearances in the Administrative Court.

## Abuse/Neglect

Katie's experience of abuse / neglect law is unparalleled for someone of her Call. She was instructed in the seminal case of CN v Poole BC and is regularly instructed on difficult points of law arising out of the

ongoing interpretation of this case.

Katie undertakes work for:

- Local authorities: often in ‘failure to remove’ claims, claims involving breaches of Articles 2, 3, 4, 5, 6 and 8 ECHR and, in relation to claims against foster-carers, on the issue of vicarious liability. She has also been instructed in several claims under Article 4 ECHR which concern human trafficking and drug running through county lines arrangements.
- Sports clubs and other unincorporated organisations: predominantly to advise in cases where there are difficult issues of vicarious liability and limitation. Katie has been instructed by national football clubs, the scouts and is currently instructed by a Karate organisation.
- Religious institutions: predominantly to advise on vicarious liability considerations. Katie is currently instructed by a worldwide Pentecostal organisation in several ongoing claims relating to abuse perpetrated by ministers.
- Private companies: predominantly to advise on vicarious liability considerations in an employment or quasi-employment context. Katie represented Barclays Bank in the important Supreme Court case on vicarious liability.
- Claimants: on all aspects of their claim. Katie feels that balancing both Claimant and Defendant work in this area is beneficial.

She is well-versed in assessing the strength of limitation arguments and with the challenging issue of consent. Katie also regularly grapples with issues around the causation of psychiatric injury and has an interest in psychiatric disorders and mental health. She has a vast amount of experience valuing abuse cases and is able to draw on her significant experience of previous cases for comparison of awards.

Katie is very experienced in dealing with claims brought under the Human Rights Act 1998 and is currently advising on the correct test for the application of Article 3 claims to ‘failure to remove’ claims.

## Selected Cases

---

Local authorities:

- CN v Poole Borough Council [2019] UKSC 25: Represented the defendant in this claim concerning duty of care arguments for omissions.
  - a claim against a borough council for failing to remove 4 siblings from the care of their birth parents following allegations of abuse by a neighbour.
  - a claim relating to the defence of ex turpi causa and raising duty of care issues where the claimant killed three men but was acquitted of murder by reason of insanity.
  - a claim for the negligent provision of educational and psychiatric support following the removal of a child into care.
  - a HRA 1998 claim under Article 4 ECHR for failing to prevent a Child in Need from engaging in County Lines drugs running.
-

### Sport clubs:

- a claim against a national football club in relation to allegations of abuse by a scout whilst on a trip to New Zealand.
- a claim against a national Karate Organisation for grooming and abuse by a coach of the national team.

### Religious institutions:

- claims against the Catholic Church.
- claims against various Pentecostal denominations in which the issue of vicarious liability is contested due to the lack of meaningful control over congregations (other than doctrinal guidance).

### Private companies / other organisations:

- Barclays Bank v Various Claimants [2020] UKSC 13: Represented the defendant bank in this claim concerning the correct test for vicarious liability.
- a claim against the Scouts for alleged abuse by a janitor associated with the premises that were used but not directly associated with the organisation. The case involved vicarious liability arguments.

## Psychiatric Injury

---

The majority of Katie's personal injury cases involve psychiatric injury. Her background in Psychology and Neurophysiology assists with her understanding of this area. She has significant experience advising in claims where there are complex issues of causation where both pre- and post- life stressors impact a diagnosis in addition to the effects of the alleged negligence.

Katie is interested in secondary victim claims and has advised several NHS Trusts in relation to claims by relatives of patients who witnessed their relative suffering a distressing episode whilst in hospital.

### Selected Cases

---

- advising a local authority in relation to a claim in which the claimant claimed that he had suffered significant substance abuse issues over two decades which had prevented him from sustaining regular employment (he later became a successful investment banker when he achieved sobriety). The claim had the potential to be worth in the region of £4-5,000,000 if made out. Causation was very complex as, prior to the alleged abuse, the claimant had a very turbulent home life and witnessed the death of his father when 8 years old.
  - advising an NHS Trust in a claim by the wife of a man who sadly died due to negligent intubation. His wife witnessed the shocking event of his death.
  - advising an NHS Trust in relation to a claim by a bystander who watched a mentally ill man commit
-



---

suicide by jumping in front of a tram. The claimant argued that, but for the man's negligent discharge from psychiatric hospital, he would not have witnessed the shocking event of his death.

## Inquests & Public Inquiries

---

Katie regularly appears in Inquests and is keen to maintain and grow this area of her practice. She is most regularly instructed by NHS Trusts, local authorities, prisons and private companies but has appeared for families too. Katie is often instructed in Inquests where Article 2 ECHR is engaged and in inquests where there is a risk of a neglect finding or a Prevention of Future Deaths Report.

Recent Inquests include:

- A three week inquest representing the Ministry of Justice following the death of an inmate where Conclusions open to the coroner are suicide and unlawful killing.
- Representing an NHS Trust in the inquest into the death of an elderly lady as a result of sepsis. There were difficult causation questions around whether the sepsis had been caused by a UTI or by an infected pressure sore.
- Representing a local authority in the inquest into the death of a mentally ill man who committed suicide by jumping in front of a tram. The inquest covered wide ranging issues surrounding the mental health support that had been provided.
- Representing a local authority in the inquest into the death of a 22 year old woman who took her own life during the Covid-19 lockdown in 2020. The inquest explored to what extent it was reasonable to move mental health services online and whether this had an impact in her death.
- A two week inquest representing a local authority following a bicycle crash as a result of alleged disrepair in the road.
- A 4 day inquest into the death of a newborn baby following caesarean section.

## Professional Liability

---

Katie has experience of a wide variety of claims against professionals, including solicitors, surveyors, consultants, brokers, and construction professionals. She is particularly interested in duty of care arguments.

Katie accepts instructions in solicitor's negligence claims and is regularly instructed by the internal solicitor's negligence team at a significant nationwide firm. The underlying claims range from simple personal injury actions and conveyancing transactions to complex commercial disputes. Katie also has experience of dealing with the insurance ramifications of such claims.

She has particular experience of claims that relate to the misconduct of litigation and also claims involving residential and commercial conveyancing transactions. She has also been involved in a number of wasted cost claims involving both solicitors and barristers.

Katie also has significant experience of dealing with professional negligence claims against social workers in the context of abuse law. She is adept at analysing significant quantities of social work records and



---

interpreting expert social work evidence on breach of duty. As a result of the developing law in this area Katie has significant expertise in drafting strike out/summary judgment applications on points of law.

Katie is the author of the Professional Negligence chapter in Kemp & Kemp.

## Selected Cases

---

### Accountants & Financial Professionals:

- advising on a claim against an accountant for negligent accounting on the purchase of a business leading to an overvaluation.
- a claim against a financial advisor in respect of negligent retirement tax planning advice.
- appearing at trial in a claim against a financial advisor in respect of cross-border tax advice upon the purchase of a property abroad.
- advising in a claim against an accountant for offering advice in relation to the valuation of a company where to do so exceeded the scope of his retainer and went beyond his expertise.

### Brokers:

- a claim against a broker for failing to procure cover which adequately covered the risk of unnecessary litigation.

### Construction professionals:

- advising a homeowner in relation to the negligent construction of a load-bearing lintel in a converted basement.
- advising a main contractor in relation to a claim for a faulty roof on an extension. It was unclear whether damage to the roof was in fact caused by the neighbouring property.

### Lawyers:

- a high value “lost litigation” claim against a solicitor in relation to negligent handling of a complex underlying personal injury claim concerning shoulder dystocia.
- advising on a claim against a solicitor for failing to accurately reduce a settlement agreement to writing and making an application to rectify the agreement on the grounds of unilateral or common mistake.
- a claim against a barrister for failing to advise on limitation under the Civil Liability Contribution Act 1978.
- a claim against a barrister for under-settling a personal injury action at JSM by failing to take account of an updated CRU Certificate.



---

### Surveyors & Valuers:

- a claim against a surveyor relating to a property purchase in Spain. The claim involved complex issues of jurisdiction and consideration of foreign law.
- a claim against a surveyor for undervaluing a new-build property development by failing to take into account the property's proximity to a main road which would have become operational once the final stage of the development was complete. It was argued that to identify the proximity of road networks that would be constructed in the future was beyond the scope of the duty assumed and that in any event there was no loss.

### Social workers:

- a claim for failure to remove 4 siblings from the care of their birth mother due to abuse suffered at the hands of a neighbour.
- a claim for failing to provide adequate educational provision for a child taken into care.

### Teachers:

- a claim for failing to provide Special Educational provision to a child pursuant to an EHCP.

## Clinical Negligence

---

Katie is regularly instructed by the NHSR in clinical negligence claims. Often such claims will have been foreshadowed in an Inquest as Katie has particular expertise in clinical negligence which results in a death. Katie also has extensive experience of cases involving the non-diagnosis and treatment of mental health disorders.

### Examples of recent work include:

- Representing an AMHP employed by a local authority who failed to arrange for a doctor to assess the claimant (who had just been arrested and was spending the night in a police cell) who went on to kill three people whilst, found at trial, to have been insane.
- Representing a doctor employed by an NHS Trust who failed to section the claimant prior to her committing suicide.
- Representing a GP in a multi-defendant claim against him for delayed diagnosis of cancer. The claim involved particularly difficult issues of causation and analysis of the merits of pathological vs radiological staging of tumours.
- Representing an NHS Trust in relation to the death of a woman who developed Stage 4 pressure ulcers and sepsis. The claim involved interesting arguments around non-delegable duties.
- Representing a Private Hospital in relation to the death of an unborn baby. The claim involved detailed analysis of electrocardiography and cardiotocography and expert evidence on the interpretation of the same.





- 
- Representing an NHS Trust for failing on multiple occasions to diagnose coronary artery disease, which could have been treated by coronary revascularisation, which led to the Claimant suffering a heart attack and dying.
  - Representing an NHS Trust in relation to an investigation into hygiene standards due to higher than average post-surgical levels of infection.

## Product Liability

---

Katie has experience of claims in respect of defective products and the operation of the Sale of Goods Act 1979, the Consumer Rights Act 2015 and the Consumer Protection Act 1987. She is familiar with the issues presented by parties located overseas, both within and outside of the EU.

## Selected Cases

---

- a claim involving a helicopter crash in which it is alleged that the fuel gauge was faulty leading to the helicopter running out of fuel mid-flight. The claim also involved complex issues relating to insurance cover and whether and to what extent the hull of the helicopter was, or ought to have been, insured during flight as well as for taxi, take-off and landing.

## Insurance & Reinsurance

---

Katie has experience of advising on insurance coverage disputes and can provide non-contentious advice on the interpretation of insurance contracts.

She regularly provides advice to insurers about insurance coverage in the context of her abuse law practice.

## Selected Cases

---

- advising on the interpretation of an aggregation clause in the context of a group of solicitor's negligence actions.
  - advising on the issue of apportionment between insurers in relation to historic sex abuse allegations and concerning an apparent period during which the insurance lapsed.
  - advising a local authority on an issue of double insurance where two insurance contracts had erroneously been allowed to run alongside each other.
  - advising a national insurance company on the wording of an insurance policy to determine whether or not it covered sexual abuse.
-



---

## Property Damage

---

Katie has experience of a wide variety of property damage matters, in particular tree root subsidence claims, underground cable strike claims, flooding and fire.

### Selected Cases

---

- advising on the merits of a claim for damage caused by fire at a care home where the cause of the fire was uncertain.
- advising a local authority in relation to tree root damage to a road caused by a tree situated on residential property.
- advising a local authority in relation to an underground water chamber which was damaged by tree roots and water ingress. It was unclear whether the chambers had also been originally negligently constructed.
- advising a homeowner in a claim under the DPA 1972 for negligent installation of a boiler which caused a hot water leak and significant damage to the home.