



HUMAN RIGHTS LAWYERS' ASSOCIATION
HUMAN RIGHTS JUDICIAL REVIEW COMPETITION 2017

Fight for Freedom Solicitors

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BRIEF TO COUNSEL

Instructing solicitors act on behalf of the Claimant, the Public and Commercial Services Union. The Defendant is "Prisons4U", a private company operating a group of UK prisons under contract with the Ministry of Justice, the government department with responsibility for the administration of courts, legal services, prisons and probation services.

On 21 October 2016, the Defendant wrote to all of its employees stating that it had harboured concerns as to employee productivity for some time. The Defendant stated that it planned to introduce a pilot "productivity management" scheme. This scheme involved the monitoring and review of all employee emails and web browsing, and specific review of all email accounts used for professional purposes, in order to ensure that email and internet facilities provided by the Defendant were not used for any personal communications whatsoever. The Defendant stated that taking such a step was necessary to improve employee productivity and ensure that taxpayers' money was put to best use.

The Claimant is the largest trade union representing civil service and outsourced public service employees. It represents the majority of unionised Prisons4U employees. The Defendant's decision came to its attention on 24 October 2016, when several employees contacted their union representatives about it.

Counsel is instructed to draft an application for permission to apply for judicial review of the Defendant's decision on the basis that, as a public authority, its decision contravenes section 6 of the Human Rights Act 1998 in that it is incompatible with rights protected under the European Convention on Human Rights, in particular Article 8. Counsel may also wish to

pursue grounds based on the EU Privacy Framework or common law principles of judicial review, but is instructed to use his or her judgment as to which grounds to pursue.

The Defendant has conceded that the Claimant has standing to bring the claim but does not accept that it is a public authority pursuant to section 6 of the Human Rights Act 1998. Counsel should proceed on the basis that no issues of limitation arise in this claim.

Thank you for your help with this important case.

William Blake

Rules

1. Applications must be made in teams of two.
2. A person is eligible if he or she is studying for (whether on a full-time or part-time basis); a law undergraduate degree, postgraduate studies in law, the GDL, BPTC or LPC. Those who have already been called to the Bar or admitted as a solicitors are ineligible.
3. Written Submissions must be made in the form of a Judicial Review Claim Form N461. A blank N461 can be found [here](#). An example of a completed N461 can be viewed [here](#).
4. Applicants' statement of facts and grounds must not exceed 1000 words in total. NB as there may be insufficient space for your statement of grounds Claimants are permitted to attach grounds with their Claim Form.
5. All forms and any attached grounds must be submitted to the HRLA Administrator by email (administrator@hrla.org.uk). NB if you are using Adobe Reader you will not be able to save an electronic copy of your Form N461. If do not have access to a program allowing you to save information into PDF forms, Foxit Reader can be downloaded [here](#) and used for this purpose.
6. Oral submissions for the permission stage are limited to 7.5 minutes per advocate (15 minutes in toto). Further time may be provided at the discretion of the Court for answers to judicial questions.
7. Oral submissions for the substantive stage are limited to 10 minutes per team member (20 minutes in toto)
8. Judicial interruptions may occur during as opposed to at the end of submissions. This is entirely at the discretion of the Court.
9. Each team is limited to referring to 6 authorities as well as to the White Book, Supplements and legislation.
10. If counsel is unable to attend the oral hearing his or her team will be disqualified from the competition. The team with the next highest score will take their place.
11. All written submissions and preparation for the oral hearings must be the work of the team only.
12. The teams for the final will be randomly assigned to either pursue the application or defend it.
13. The decision of the Judges and the Committee shall be final.

Timetable

3 February 2017

Written submissions for permission to apply for judicial review are to be submitted by each team by way of Judicial Review Claim Form N461. NB Claimants are permitted to attach grounds with their Claim Form if they wish.

17 February 2017

The successful teams granted leave to apply for permission orally will be notified by email.

w/c 20 February 2017

Oral hearings for permission for judicial review will take place in the evening in London (venue tba). The two teams progressing to the final will be informed on the night, and will also be informed of whether they will be acting as the Claimant or Defendant in the final.

10 March 2017

Claimant to submit their grounds and skeleton argument.

17 March 2017

Defendant to submit their grounds of defence and skeleton.

24 March 2017

Parties to submit their agreed bundle by email to administrator@hrla.org.uk. Parties citing case law should include the best report of the case in full. Parties citing legislation should include only the relevant section(s) of the legislation, not the entire Act/SI.

30 March 2014

The Final: The substantive application for judicial review will be heard before dinner at Middle Temple, before a panel of distinguished human rights judges and practitioners. The winning team will be announced that evening.

Prizes – to be confirmed