Richard Cole

Call: 2000

Richard is GLD's go to barrister for prison deaths

Legal 500

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Richard has a public law practice, acting on behalf of Government departments both Westminster and Welsh Government. He appears on their 'A' Panels. He is well known for his work in relation to high profile inquests and more recently in relation to Public Inquiries.

Between 2023 and 2025 he was one of the lead counsel for the Cabinet Office and No 10 at the Covid Inquiry (Modules 1,2,4,7,9), where he assisted two former Prime Ministers, a Deputy Prime Minister, Secretaries of State, Permanent Secretaries, Senior Civil Servants, and SpAds, including Boris Johnson's Chief of Staff. He has worked with a large number of Government solicitors and led a number of other counsel in this role.

He is currently assisting the Royal Military Police at the Afghanistan Inquiry, as well as undertaking numerous inquests and litigation on behalf of Government departments.

Having a strong background in advising disciplinary panels he chairs disciplinary hearings involving senior doctors for all of the Health Boards in Wales.

He maintains a healthy personal Injury practice, largely acting for Defendants.

Richard is well known for his thoroughness in preparing his cases and for his attention to detail.

Expertise

Government

Richard was appointed to the Regional Panel of Crown Counsel in 2010 and was re-appointed in 2015 and 2021. In 2018

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following a realignment of the Panel he was appointed to the "A" Panel. Since his appointment, he has represented a number of Government departments on a very regular basis in a variety of cases. The departments include Her Majesty's Revenue and Customs, the Home Department, the Department of Transport, the Foreign Office, the Ministry of Justice, the Lord Chancellor's Department, the Cabinet Office and the Ministry of Defence. Cases have ranged from defending officials at the Inland Revenue in a libel/slander claim; representing the Department of Transport in noise pollution/trespass claims and data protection matters; advising and representing the Home Department in various statutory appeals, unlawful detention claims and issues arising in Calais; and representing the Secretary of State for Business Innovation and Skills in numerous director disqualification proceedings. Richard has been recommended by the Legal Directories since 2014 for his work on behalf of the Government. From 2022-2025, he was instructed to assist the Cabinet Office and No.10 at the Covid Inquiry. The role has involved leading a team of counsel and solicitors and analysing millions of pages of documents.

In 2012 Richard was appointed as Junior Counsel to the Welsh Government and was re-appointed to the A Panel in 2021. He has advised the Welsh Ministers on a number of matters. In 2020-21 he advised the Care Inspectorate Wales in advance of and during the "Jasmine Inquests" (owned by Dr Das) into deaths in care homes in the early 2000s. There were over 100,000 pages of documents. He was led by Toby Riley-Smith QC and was assisted by Lucy King from Civitas.

He has dealt with claims emanating from road flooding, the construction of a railway upon the highway in North Wales, in relation to the trespass of grazing land in Swansea, and industrial deafness claims of former employees.

He also has vast experience of advising Welsh Water PLC in relation to claims emanating from flooding and accidents involving their apparatus, and the Forestry Commission in relation to a number of matters. In 2018/19 he was involved in successfully defending a very high value agricultural claim being brought against, amongst others, the Welsh Ministers, whom he represented.

Richard was Junior Counsel to the Pennington Inquiry (engaged 2007-2009) into the E Coli O157 outbreak in South Wales in 2005, which led to widespread illness and a fatality. He was led by Sir James Eadie KC (First Treasury Counsel). Richard was instructed by the Treasury Solicitor Public Inquiries Team. In the foreword to his report, Professor Pennington thanked Richard for his help and for his "visible contribution to the elicitation of evidence at the oral hearings".

- The Afghanistan Inquiry [2025] Assisting the Royal Military Police and their witnesses in relation to the Inquiry's investigation into Operations in Afghanistan.
- The Cranston Inquiry [2024] Assisted the MOD (Royal Navy) in relation to their Corporate Statement for the Inquiry into deaths in the English Channel.
- Covid Inquiry [2023-2025] Since January 2023 Richard has acted for No 10 and the Cabinet Office at the Covid Inquiry. He has led teams of counsel and solicitors in assisting witnesses and the Cabinet Office, more generally, in their preparations for the Inquiry hearings. Richard has assisted two former Prime Minister, Secretaries of State, Ministers, Senior Civil Servants and SpAds.

Module 1 – Preparedness

- The Director of the Civil Contingencies Secretariat
- The Permanent Secretary at the Department for Exiting the European Union
- Sir Oliver Dowden, the Deputy Prime Minister
- Lord David Cameron, the former Prime Minister (led by Anne Studd KC)

Module 2 – Government Response to the Pandemic

- The Director of the Civil Contingencies Secretariat
- James Slack and Lee Cain, No 10 Directors of Communication
- Penny Mordaunt MP, the Paymaster General

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- Sir Michael Ellis MP, the Paymaster General and Attorney General
- Munira Mirza, Special Advisor to Boris Johnson MP
- Lord Edward Lister, the Prime Minister's Chief of Staff
- Justin Tomlinson MP, Minister of State for Social Security and Disability
- Kemi Badenoch MP, Minister for Women and Equalities

Module 4 – Vaccines

- Justin Tomlinson MP, Minister of State for Social Security and Disability
- Kemi Badenoch MP, Minister for Women and Equalities

Module 7 – Test, Track and Trace

- Liz Truss MP, Women's Minister and former Prime Minister
- Justin Tomlinson MP, Minister of State for Social Security and Disability
- Kemi Badenoch MP, Minister for Women and Equalities
- Emran Mian – Senior Civil Servant
- Ollie Munn – Senior Civil Servant

Module 9 – The Economy

- Justin Tomlinson MP, Minister of State for Social Security and Disability in his DWP role.
- Various v The Home Office [2024] Advising the Home Office in relation to decisions to send asylum seekers to Rwanda for their claims to be determined.
- D v Home Office [2022]. Human Rights claim following the death of an asylum seeker pursued by Immigration Officers.
- Various unlawful detention claims against the Secretary of State for the Home Department [2022].
- M v MOJ [2022]. Claim involving delays in providing a prisoner with courses to enable his release.
- A v Sec of State for Home Department [2022]. Interesting claim arising out of delays relating to visa being approved.
- B v Sec of State for Home Department. [2022]. Case involving Border Force procedures in search passengers at Heathrow.
- Various Foreign Companies v Secretary of State for the Home Department [2021] , Nottingham County Court before the DCJ. A series of appeals against the imposition of civil penalty notices for hauliers.
- J v MOJ [2021] Data protection claim against the Ministry in relation to Rule 39 correspondence within the high security prison estate.
- Numerous data protection claims against the Secretary of State for Transport [2021]
- C v MOD [2021] Ongoing high value personal injury claim involving numerous medical experts.
- R (Davies) v the Welsh Ministers and Cardiff Council [2019], High Court. Successfully defended judicial review proceedings concerning specialist education funding for child with special educational needs.
- Lyons Transport v Secretary of State for the Home Department [2019]. Appeal against the imposition of a civil penalty notice for the discovery of illegal immigrants in the rear of lorries at Calais Port. Instructed by the Border Force.
- Secretary of State for BEIS v A [2019]. Complicated director disqualification proceedings brought against the so called "Bonnie and Clyde" of the printing world. Document heavy and crossing a number of jurisdictions across Europe and Asia. Successful in obtaining order sought by the Secretary of State.
- Numerous claims against the Secretary of State for the Home Department [2017-21] for alleged unlawful detention of people subject to immigration control.
- Numerous appeals against the Secretary of State for Transport [2018-22] involving complex medical evidence and the ability of driving licence holders to retain their licences.
- W v The Ministry of Defence [2018] High Court, QBD. High value bullying and discrimination claim against the Ministry.

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- J v The Welsh Ministers [2018/19]. High value claim brought by former employee whilst working in agriculture.
- Arthur v Welsh Ministers [2018] Cardiff and Swansea CCs. Two appeals brought against judgments in favour of the WM's relating to the use of land and construction of tenancies relating to the same land.
- S v Secretary of State for Transport [2018]. Brighton County Court. Allegations of data protection breaches by the DVLA which led to arrest. Ultimately withdrawn by the Claimant following exchange of pleadings.
- The Official Receiver v Done [2018] Newport CC. Rare contested Bankruptcy Restriction Order application, with a number of complicating features. Seven year order obtained.
- The Commissioners for HM Revenue and Customs v Collins [2017], High Court, QBD. Judgment on behalf of the Commissioners for a sum in excess of £440,000 in relation to non-payment of tax, surcharges and interest.
- Ogungbadero v Secretary of State for the Home Department, High Court, QBD [2017]. Successful resistance of an Application for an injunction to prevent the Secretary of State from carrying out her functions in deporting the Claimant who did not have leave to remain in the UK.
- Kirk v Ministry of Justice (1), Parole Board of England and Wales (2), Chief Constable of South Wales Police (3), High Court, QBD [2017]. Successful striking out of claim brought against the Second Defendant on the basis of alleged delays in listing a Parole Board hearing. Detailed consideration of the definition of a 'judicial act' and its application to the Parole Board.
- Secretary of State for Work and Pensions v Benjamin Gray [2016-2017], Bristol County Court. Successfully represented the Secretary of State in obtaining an interim and subsequently an indefinite injunction against Mr Gray, which prevents him from attending at and harassing employees of job centres in the South West of England. The case was interesting given that it included serious allegations against Mr Gray, which were, on their face, anonymous. Application of the Civil Evidence Act 1995 in injunction proceedings of this sort.
- The Secretary of State for Business Innovation and Skills v Frederick Geraint Hawkes and Janis Hawkes [2015] EWHC 1585 (Ch) – Cardiff. Director disqualification proceedings in which Richard successfully acted for the Secretary of State where the deficiency in bankruptcy was in excess of £26m and serious allegations of misconduct in relation to VAT and accounts were established. Currently subject of an appeal to the Court of Appeal.

Inquests

- Lambe (Pontypridd) [2025] Representing the MOD at an inquest concerning a former soldier's psychiatric condition.
- Bassett (Swansea) (2025) Inquest concerning the reception procedures at HMP Swansea and the transfer of information regarding a reman prisoner from other state agencies, such as the police and transport companies.
- Owens (Pontypridd) (2024) Represented the family of the driver of car which lost control and collided with a bus, with the result that three of the occupants, including the driver, died at the scene and three were left with life long injuries. Significant media interest. Reconstruction evidence and young driver's licensing provisions.
- O'Driscoll (Pontypridd) (2024) Two week inquest into the death of a prisoner but indepth analysis of the transfer of information between health boards, police, probation, transportation services and prisons in South Wales
- Davies (Pontypridd) (2024) Complicated three week inquest into the death of a prisoner with psychiatric illness and refusing food/drink for a number of weeks. Many witnesses heard over the course of the inquest with complex arguments relating to causation following medical expert evidence across a number of specialisms.
- Stanley (Exeter) (2023). Death of a man at HMP Exeter, focussing on his removal from a 'safer style cell'. Complicated as a Prison Governor had been dismissed as a result of his actions/omissions prior to the inquest being heard.
- Hall (Truro) (2022). Instructed to lead the MOJ team (HMP Exeter and Probation Service) following the tragic murder of Mrs Hall following the release into the community of her partner.
- Barnes (Bournemouth) (2022). Death of a young man at HMP Portland who was close to release. Detailed exploration of ACCT processes which attracted extensive media coverage and analysis from legal commentators regarding high level guidance provided to health care staff within prison.
- James (Pontypridd) (2022). Death of a prisoner acting in a bizarre manner, with a history of using Spice. Exploration of issues regarding barricades and liaison between health staff and prison officers.

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- A (Swansea) 2022). Represented the Probation Service following the drugs overdose of a former long-term prisoner in the community.
  Abiaz (Swansea) (2022). Represented the governor of HMP Swansea following death of an asylum seeker with mental health issues. Exploration of 'reception' processes at the prison.
- Lewis (Pontypridd) (2022). Represented the governor of HMP Cardiff following the death of a prisoner.
- T (Swansea) (2021). Representing Swansea Bay UHB (Swansea). Death of a gentleman detained at a psychiatric hospital.
- Dawood (Newport) (2021). Represented the Home Office in a highly publicised inquest involving a Sudanese asylum seeker who fell through a warehouse roof during an immigration enforcement visit.
- Pritchard (Exeter) (2021). Represented the prisoner governor following the very sad death of an 18-year-old man in HMP Exeter.
- Evans (Pontypridd) (2021). Represented the prisoner governor of HMP Cardiff following the death in custody of a prisoner.
- Jasmine Inquests (Newport) (2021). 3 months inquest on Teams representing the Welsh Ministers following deaths in care homes 20 years earlier and following a well-publicised history of police investigation and government review.
- Huxter (2020). Highly publicised prison death (Swansea). Represented the governor and his officers in relation to an inquest involving consideration of the ACCT process.
- O Inquest (Pontypridd) (2019). Instructed by the governor of Cardiff Prison in respect of a death of a prisoner following prescription and hidden condition.
- H Inquest (Exeter) (2018). Acted on behalf of the MOJ in an inquest involving the death of a prisoner at HMP Exeter.
- Lakin inquest (Welshpool) (2015) Acted on behalf of the Chief Constable of Dyfed Powys Police in an inquest, which involved the tragic death of a female motorcyclist. The case received a high level of national press coverage.

Appointments

- Junior Counsel to the Crown A Panel
- Welsh Government's Civil A Panel
- World Rugby Judicial Officer
- ECB Recreational Cricket Disciplinary Chair

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