



1 CROWN OFFICE ROW

Shaheen Rahman QC

Call: 1996 QC: 2017



Shaheen Rahman QC has a diverse practice with particular expertise in the areas of Public Law, Human Rights, Civil Liberties, Clinical Negligence and Professional Discipline. She has been recognised by the directories as a leader in these fields for many years.

She undertakes a broad range of public law work with an emphasis on Prisons, Healthcare, Public Consultations and Religious Discrimination. She is also an experienced Special Advocate, appearing in many of the leading terrorism cases.

Shaheen is instructed by Claimants and Defendants in high value, sensitive and complex clinical negligence cases including catastrophic brain injury, severe obstetric and surgical injury cases. She represents families and healthcare providers at inquests, particularly Article 2 and jury inquests concerning detained patients, the elderly and infant deaths.

She has extensive experience of professional disciplinary matters, appearing for doctors, dentists, and other healthcare providers before their regulators and in associated appeals, judicial reviews, internal disciplinary matters and MHPS hearings.

'A special advocate of choice.' 'Clear and concise in advice. Judicial review is clearly an area of knowledge and expertise.'

Legal 500 2018

"Shaheen is incredibly thorough and rigorous." "She really inspires confidence in clients in the most difficult of circumstances."

Chambers & Partners 2019

'She is brilliant tactically, very through and knows her medicine inside out.'

Public Law

Shaheen has appeared in many significant public law challenges with a focus on Prisons, Healthcare, Public Consultations and Religious Discrimination.

'A special advocate of choice.' (Legal 500 2017)

"Very thorough and clear about the client's responsibilities and liabilities. Informative and clear advice." (Chambers & Partners 2017)

"She is bold, aggressive and intellectual – she gets great results." (Chambers & Partners 2016)

"Handles a range of public law matters arising from national security and healthcare judicial reviews. She often acts in closed material proceedings and is commended for the results she obtains as a special advocate." (Legal 500 2014)

Selected Cases

- **Belhaj & Boudchar v Jack Straw & Others [2017] EWHC 1861**: Special Advocate in ongoing claim alleging complicity in extraordinary rendition and torture.
- **R (Black) v SSJ [2017]; [2016] 3 WLR 28, [2015] 1 WLR 2963**: For Claimant in case considering whether Crown Immunity applies to the smoking ban introduced by the Health Act 2006.
- **SSHD v LG, IM & JM [2017] EWHC 1529**: Special Advocate in challenges to TPIMs by three alleged members of the proscribed organisation ALM.
- **Bushell v MMHSCT [2016]**: For the Trust in challenge to a decision to withdraw services after a public consultation exercise with arguments based on the public sector equality duty.
- **R (MR) v SSHD [2016] EWHC 1622**: Special Advocate in challenge to the removal of the Claimant's passport under the Royal Prerogative on grounds of suspected terrorist activity.
- **M2 v SSHD [2015] SC/124/2014**: Special Advocate in deportation case before the Special Immigration Appeals Commission.
- **CF v SSHD [2014] 1 WLR 4240**: Special Advocate in Control Order/TPIM case with allegations of abuse of process. SSHD granted permission to appeal to the Supreme Court.
- **R (Serdar Mohammed) v MOD [2014] 1 WLR 1071**: Special Advocate in proceedings seeking extended moratorium on transfer of UK detainees to Afghan authorities in view of risk of torture.
- **R (Hussain) v MOJ [2013] EWHC 4706**: For Muslim prisoner in human rights challenge of refusal to provide methadone outside daylight hours during Ramadan.
- **B2 v SSHD [2013] EWCA Civ 616**: Special Advocate in deportation case concerning statelessness.
- **AT v SSHD [2012] EWCA Civ 42**: Special Advocate in Control Order case remitted due to insufficient

disclosure under Article 6.

- **AM v SSHD [2011] EWCA Civ 710**: Special Advocate in long running Control Order case involving consideration of standard of disclosure and what constitutes fresh TRA.
- **R (Bhutta) v HM Treasury [2011] EWHC 1789**: Special Advocate in Asset Freeze case with consideration of standard of disclosure.
- **SSHD v Al Saadi [2009] EWHC 3390**: Special Advocate in Control Order case where the order was revoked.
- **R (Brooks) v SSJ & Ors [2010] 1 Prison LR 266**: For Claimant in challenge concerning failure to make arrangements for prisoners to attend hospital appointments.
- **SSHD v AF, AM, AN & AE [2009] 2 WLR**: Special Advocate in Control Order case where the Court of Appeal considered whether a minimum level of disclosure was required.
- **R (Ullah) v Special Adjudicator [2004] UKHL 26**: For Intervener, Justice, in case concerning extraterritorial effect of Convention rights.
- **R (Hopley) v Liverpool Health Authority NHSLA & DOH [2002] Lloyd's Rep Med 494**: For the Defendant in case where it was determined that a health authority's decision not to pay damages in periodical payments was not amenable to judicial review.

Human Rights

Shaheen has appeared in a number of significant human rights challenges in the context of her prisoner rights and Special Advocate work. She also acts in HRA claims arising from deaths in custody and detention.

"Shaheen is incredibly thorough and rigorous." "She really inspires confidence in clients in the most difficult of circumstances." (Chambers & Partners 2018)

'Clear and concise in advice. Judicial review is clearly an area of knowledge and expertise.' (Legal 500 2017)

"She was really impressive on her feet." (Chambers & Partners 2017)

"A strong human rights advocate with specific specialist knowledge of prisoners' rights, specifically in relation to their right to religious freedom and healthcare. She is often instructed as a Special Advocate in highly complex and confidential cases." (Chambers & Partners 2016)

"She is incredibly efficient and a fighter – when the chips are down she really sticks up for her client." (Chambers & Partners 2015)

"Incredibly hardworking and a real asset in any case." (Legal 500 2014)

Selected Cases

- **Belhaj & Boudchar v Jack Straw & others [2017] EWHC 1861**: Special Advocate in ongoing claim alleging complicity in extraordinary rendition and torture.
- **AA v MOJ [2017]**: For prisoner alleging discrimination in the arrangements made for Muslim prisoners, in particular during Ramadan.

- **DO v An NHSFT [2015]**: Acting for the mother of a woman discharged from mental health services who took her own life and that of her young son. HRA claim settled.
- **R (Serdar Mohammed) v MOD [2014] 1 WLR 1071**: Special Advocate in proceedings seeking extended moratorium on transfer of UK detainees to Afghan authorities in view of risk of torture.
- **AP v An NHSFT [2014]**: Acting for family of a patient who took his own life in a mental health unit. HRA and estate claim settled.)
- **BP v An NHSFT [2012]**: Acting for the partner of a woman who absconded from an acute mental health unit and took her own life. HRA, estate and dependency claims settled.
- **R (Hussain) v MOJ [2013] EWHC 4706**: For Muslim prisoner in human rights challenge to decision to provide methadone outside daylight hours during Ramadan. Case settled following grant of permission.
- **AT v SSHD [2012] EWCA Civ 42**: Special Advocate in Control Order case remitted due to insufficient disclosure under Article 6.
- **AM v SSHD [2011] EWCA Civ 710**: Special Advocate in long running Control Order case involving consideration of standard of disclosure and what constitutes fresh TRA.
- **R (Bhutta) v HM Treasury [2011] EWHC 1789**: Special Advocate in Asset Freeze case with consideration of standard of disclosure.
- **SSHD v AF, AM, AN & AE [2009] 2 WLR**: Special Advocate in Control Order case where the Court of Appeal considered whether a minimum level of disclosure was required.
- **R (Ullah) v Special Adjudicator [2004] UKHL 26**: For Intervener, Justice, in case concerning extraterritorial effect of Convention rights.

Clinical Negligence

Shaheen is instructed by the leading firms on behalf of Claimants and Defendants in high value, complex and sensitive clinical negligence matters including catastrophic brain injury and severe obstetric injury claims, stillbirths and infant deaths, TVT/mesh claims, claims arising from death in custody/detention, delayed diagnosis of cancer and nervous shock claims.

Shaheen is instructed in a number of ongoing cases concerning catastrophic brain and birth injuries where liability and quantum are in dispute and in which trials are listed for 2018-9.

'She is brilliant tactically, very thorough and knows her medicine inside out.' (Legal 500 2017)

"She's bold and tenacious and she stands her ground." (Chambers & Partners 2017)

"Shaheen is very good with clients. She is a tenacious advocate at court and gets results." (Chambers & Partners 2016)

"Extremely good with clients and expert professionals alike." (Legal 500 2014)

"Always strikes the right balance." (Chambers & Partners 2012)

Selected Cases

- **CC v An NHSFT [2017]**: Instructed for the Defendant in a quantum only matter arising from the failure to diagnose a perineal tear sustained in childbirth. Schedule approaching £3 million with claims for loss of bonus, pension and share options. Negotiated substantial discount at RTM.
- **CE v An NHSFT [2017]**: Instructed for parents of an infant who died as a result of a misdiagnosed brain tumour. Liability for estate claim accepted. Claim for mother advanced on a primary victim basis due to her participation in unnecessary treatment causing her psychiatric injury, settled at RTM.
- **Garbutt v DB NHSFT [2017] EWHC 222**: Successfully defended the Trust at trial in a fatal claim arising from alleged failure to diagnose constrictive pericarditis.
- **F v S [2017]**: Successful settlement of fatal accident claim arising from GP's failure to recognise complications of the oral contraceptive pill.
- **Spencer v UHMB NHST [2016]**: Successfully defended the Trust at trial in a fatal claim arising from the death of an insulin dependent diabetic following discharge from hospital.
- **D v An NHSFT [2016]**: Successful settlement of estate and secondary victim claims for the parents of a baby who died as a result of negligent management of labour.
- **RS v A Private Hospital [2015]**: Successful settlement of high value estate, dependency and secondary victim claims on behalf of family of mental health patient who took his own life in hospital.
- **AP v An NHSFT [2014]**: Acting for family of a patient who took his own life in a mental health unit. HRA and estate claim settled.
- **Fellows v DG NHSFT [2013]**: Successfully defended the Trust in a claim for PTSD by a patient who self-delivered her child whilst waiting to be taken to the labour room. Claim withdrawn on first day of trial.
- **BP v SLM NHSFT [2012]**: Acting for the partner of a woman who absconded from an acute mental health unit and took her own life. Following the inquest the HRA, estate and dependency claims were successfully settled.
- **G v CNWL MNHST [2008] MHLR 24**: Successfully defended the Trust at trial in case alleging negligence in the decision to grant unescorted leave to a mental health patient who attempted to take her own life.

Professional Discipline & Regulation

Shaheen has extensive experience acting for healthcare professionals before their regulators and in associated appeals, judicial reviews, internal disciplinary and MHPS proceedings including applications for injunctive relief. She has been instructed in many cases involving the most serious allegations of dishonesty and sexual impropriety.

"She has the ability to command a room and nearly always manages to pull a result out of the bag, even in cases that initially appear to be unwinnable." "She has a wonderfully precise approach to regulatory matters, and is extremely well prepared, tenacious and thorough." (Chambers & Partners 2017)

"Her results speak for themselves." (Legal 500 2016)

"A true professional." (Legal 500 2015)

Selected Cases

- **JC v GOSC [2017]**: Appearing for an osteopath charged with serious allegations of performing inappropriate treatment upon a patient, failing to make appropriate referral to other healthcare professionals and continuing with treatment when asked to stop. Charges dismissed following cross-examination of patient and successful half time submission.
- **DR MB v GMC [2017]**: Representing a medical director charged with failure to action large numbers of urgent laboratory results and poor performance in his director role. Half time submissions succeeded in relation to a number of the charges, the remainder led to no finding of misconduct and the panel declined to issue any warning.
- **RR v GDC [2017]**: Representing a student dentist charged with multiple incidents of dishonesty including repeatedly lying, plagiarism and falsely claiming to be at lectures, which the Council contended were sufficiently serious to mandate erasure, but which resulted in a 3 month suspension.
- **DR O v UB NHSFT [2017]**: Representing a colorectal surgeon at MHPS proceedings where it was alleged that his surgical complication rate was unacceptably high and that he had lost the trust of his colleagues.
- **HM v GDC [2016]**: Representing a dentist convicted of causing the death of a child by careless driving. Panel satisfied that his fitness to practice was not impaired as a result of his conviction.
- **CB v GDC [2016]**: Representing a dentist facing multiple allegations of misconduct and poor clinical care arising from a consultation when a patient suffered a severe allergic reaction. Panel found that the dentist's actions did not amount to misconduct and her fitness to practice was not impaired.
- **Dr M v GMC [2015]**: Advising a doctor drawn into proceedings involving her partner who was alleged to have engaged in dishonest financial dealings and to have lied in previous GMC proceedings. Case withdrawn.
- **DR FA v GMC [2015]**: Representing 76 year old GP facing allegations of serious professional conduct in relation to out of date practices and poor care provided to multiple patients. Permitted to continue to practice under conditions.
- **R (CRHP) v (1) GMC (2) Khanna [2010] Med LR 157**: For doctor found guilty of sexual misconduct and suspended for 12 months. CHRP appeal on grounds of leniency of sentence successfully resisted.
- **Yanah v GMC [2007] LS Law Medical 143**: Acting for doctor in successful appeal against FTP's decision to depart from specialist health advisor's advice as to whether he suffered from dementia.

Inquests

Shaheen acts for families and healthcare professionals at inquests with extensive experience of Article 2 and jury inquests concerning detained patients, the elderly and infant deaths.

Shaheen is currently instructed by healthcare providers in a number of ongoing cases involving the deaths of mental health patients, with Article 2 jury inquests listed in 2018.

Selected Cases

- **Muriel Gentry [2017]**: Representing the family of an elderly woman who died following an overdose of insulin medication. Nurse referred to NMC.
- **Margaret Astill [2017]**: Representing the family of a mental health inpatient who was assaulted during her admission and subsequently suffered a fatal fall. Article 2 jury inquest. Coroner issued a Regulation 28 report to prevent future deaths.
- **Emily Radavicius [2016]**: Instructed by hospital in stillbirth case.
- **Charlotte Foster [2016]**: Acting for the family of a young woman who died from unrecognised complications of the oral contraceptive pill. Coroner referred the treating GP to the GMC.
- **Freya Wells [2015]**: Instructed by treating clinician at inquest concerning the death of a 5 year old child and in subsequent GMC proceedings.
- **DO v An NHSFT [2015]**: Acting for the mother of a woman discharged from mental health services who took her own life and that of her young son. HRA claim settled.
- **Dalhaug v LG NHSFT [2015]**: Acting for the parents of twins, one of whom died as a result of negligent application of forceps during labour. Representation at inquest resulting in Regulation 28 report with criticism of the Trust's inadequate investigation.
- **RS v A Private Hospital [2015]**: Acting for the family of a mental health patient who took his own life in hospital. Neglect verdict. Following the inquest a high value claim on behalf of the estate, dependents and family as secondary victims was successfully settled.
- **AP [2014]**: Acting for family of a mental health patient who took his own life in a mental health unit. Following the inquest the HRA and estate claim were successfully settled.
- **BP [2012]**: Acting for the partner of a young woman who absconded from an acute mental health unit and took her own life. Following the inquest the HRA, estate and dependency claims were successfully settled.

Employment & Equality

Shaheen has acted for Claimants and Defendants in discrimination claims under the Equality Act and HRA and challenges invoking the public sector equality duty. She also represents healthcare professionals at internal disciplinary hearings and in MHPS proceedings with associated applications for injunctive relief.

Selected Cases

- **AA v MOJ [2017]**: For prisoner alleging discrimination in the arrangements made for Muslim prisoners, in particular during Ramadan.
- **DR O v UB NHSFT [2017]**: Representing a colorectal surgeon at MHPS proceedings where it was alleged that his surgical complication rate was unacceptably high and that he had lost the trust of his colleagues.
- **Bushell v MMHSCT Trust [2016]**: For the Trust in challenge to a decision to withdraw services after a public consultation exercise with arguments based on the public sector equality duty.

- **Dr C v YTH NHSFT [2013]**: Representing a doctor at a disciplinary hearing who had taken hospital drugs for personal use.
- **R (Hussain) v MOJ [2013] EWHC 4706**: For Muslim prisoner in human rights challenge of decision to refusal to provide methadone outside daylight hours during Ramadan. Settled after grant of permission.
- **Adedeji v A GP practice [2013]**: Advised a GP practice in relation to claim by a patient alleging race discrimination in the provision of services, case struck out.
- **MH v M&N Dental Practice [2013]**: For HIV patient alleging discrimination in provision of services by his dental practice, case settled.
- **R (Curran) v SSHD [2011]**: Acting for prisoner in claim arising from refusal to provide appropriate hearing aid, case settled.
- **R (Treacher) v SSHD [2008]**: Judicial review on behalf of disabled prisoner with related claims for damages under the Human Rights Act and Disability Discrimination Act. Case settled.
- **R(Watson) v SSHD [2005]**: Judicial review challenging prison's failure to act in accordance with gender dysphoria policy, settled after grant of permission.

Health Law

Shaheen has been instructed in a number of Court of Protection and best interest cases concerning the withdrawal and refusal of treatment, mental health cases and challenges to reconfiguration of NHS services.

Selected Cases

- **Bushell v MMHSCT [2016]**: For the Trust in challenge to a decision to withdraw services after a public consultation exercise with arguments based on the public sector equality duty.
- **X & Others v A PCT [2011]**: Acting for the Trust in a contested hearing in the Court of Protection where multiple parties were in dispute as to whether the patient should be accommodated in a care home or with family members.
- **X v A Local Authority [2010]**: Directly instructed by local authority in a difficult Court of Protection case where a patient's relative was representing himself and making threats against a social worker.
- **Re XX [2009]**: Instructed to represent a Defendant Health Trust at an urgent out of hours hearing in the High Court Family Division concerning a Jehovah's Witness who had recently given birth and was refusing a blood transfusion to save her life.
- **M v SWLSG MNHST [2008] MHLR 306**: Successfully represented the Trust at the MHRT and in the Court of Appeal where it was held that the statutory preconditions for the Claimant's detention had been complied with.
- **Re DP [2008]**: Instructed to represent a Defendant Health Trust in a case where the relationship with a young patient with Hodgkins Lymphoma had broken down and she was refusing all treatment.
- **Re Terry Rodgers [2005]**: Instructed in a high profile case to represent the interests of a remanded prisoner charged with the murder of his daughter who sought to starve himself to death. Experts disagreed as to whether he had capacity but following a contested hearing he was permitted to die.

Court of Protection

Shaheen has been instructed in a number of Court of Protection and best interest cases concerning the withdrawal and refusal of treatment.

Selected Cases

- **X & Others v A PCT [2011]**: Acting for the Trust in a contested hearing in the Court of Protection where multiple parties were in dispute as to whether the patient should be accommodated in a care home or with family members.
- **X v A Local Authority [2010]**: Directly instructed by local authority in a difficult Court of Protection case where a patient's relative was representing himself and making threats against a social worker.
- **Re XX [2009]**: Instructed to represent a Defendant Health Trust at an urgent out of hours hearing in the High Court Family Division concerning a Jehovah's Witness who had recently given birth and was refusing a blood transfusion to save her life.
- **M v SWLSG MNHST [2008] MHLR 306**: Successfully represented the Trust at the MHRT and in the Court of Appeal where it was held that the statutory preconditions for the Claimant's detention had been complied with.
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- **Re Terry Rodgers [2005]**: Instructed in a high profile case to represent the interests of a remanded prisoner charged with the murder of his daughter who sought to starve himself to death. Experts disagreed as to whether he had capacity but following a contested hearing he was permitted to die.

Personal Injury

Shaheen acts in personal injury matters, often linked to her other practice areas of clinical negligence and prison law.

Selected Cases

- **FG v MOJ [2017]**: Acting for a prisoner with a known peanut allergy who was given food containing peanuts and suffered a stroke. Settlement was reached prior to trial.
- **Whalley v (1) Erico Emea Corporation (2) MT NHST [2017]**: For the Health Trust in a high value claim with complex causation issues. The Claimant suffered burns and blast injuries at work as a result of his employer's negligence and a subsequent bowel perforation as a result of delayed surgery. Case settled at RTM.
- **Fulton v (1) Brand Energy & Infrastructure Services UK Limited (2) Guy's & St Thomas NHS Foundation Trust (3) Balfour Beatty Major Projects [2016]**: For First Defendant, the direct employer of a scaffolder injured when working at a hospital where multiple contractors had access to the site. Case settled prior

to trial.

- **KE v MOJ [2010]**: For former female prisoner who brought an action alleging assault by a fellow prisoner and sexual assault by prison officers, settled at mediation.

Public Inquiries

Shaheen has gained experience of public inquiry work as a result of her involvement in the Mid Staffordshire NHS Foundation Trust Public Inquiry. She was jointly instructed to advise the Patients Association and AVMA and to represent them at the opening hearing of the Inquiry.

Appointments

- Special Advocate, Northern Ireland (2016)
- Called to the Bar of Northern Ireland (2016)
- Special Advocate, England & Wales (2005)
- Former member of Attorney General's C Panel of counsel

Memberships

- PIBA

Publications

- *The tension between disclosure and safe space and what this could mean for clinical negligence litigation* Lecture delivered to AVMA Specialist Clinical Negligence Panel Meeting (2017)
- *Secondary Victim Claims* Lecture delivered to APIL Special Interest Meeting (2017)
- *Fees Costs and Access to Justice: Judicial Review Update 2017* for Justice Human Rights Law Conference (2017)
- Co-writer of Chapter on Settlement in Powers & Harris on Clinical Negligence 4th Edition (2008)
- Split Costs Orders [2001] Judicial Review 149