

Henry Witcomb KC

Call: 1989 KC: 2016



Henry Witcomb KC has a practice specialising in clinical negligence, personal injury, public authority liability and inquest representation. He has been involved in several of the leading cases in these fields and is highly recommended by Chambers & Partners and Legal 500.

A significant amount of the work in both the clinical negligence and personal injury fields has involved participation in several multi-party actions, a number of which have involved claimants residing abroad. Principally these actions have involved the abuse and care of children but also involving other classes of personal injury and clinical negligence claimants.

"Henry's grasp and understanding of the subtle medical intricacies of extremely complex medical negligence and personal injury cases is impressive."

Chambers & Partners 2023

"An extremely impressive heavyweight in the profession, who is beyond hardworking – with brilliant attention-to-detail and total dedication to the client and the outcome."

Legal 500 2023

"Henry shows great compassion in really challenging circumstances. His attention to detail is meticulous." "He is hugely intelligent."

Chambers & Partners 2023

Clinical Negligence

In the clinical negligence field, Henry has particular expertise in dealing with cases involving birth-related

catastrophic injury, and claims involving wrongful death and wrongful birth.

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Selected Cases

- **ABA v University Hospitals Coventry & Warwickshire NHS Trust (2020)**: Acted for Claimant in catastrophic brain injury case with contested liability.
- **ABC v Basildon & Thurrock University (2020)**: Acted for Claimant in catastrophic birth injury claim.
- **Hospitals NHS Trust PDR v Guy's and St Thomas' NHS Foundation Trust (2020)**: Represented Claimant in catastrophic brain injury sustain at birth case settled for just under £37m.
- **Settlement for Herpes Simplex virus (2018)**: Record £37m clinical negligence settlement for catastrophic brain injury.
- **ABC v St George's Healthcare NHS Foundation Trust [2017] EWCA Civ 336.**
- **JXMX v Dartford & Gravesham NHS Trust [2015] EWCA Civ 96.**
- **P (by his litigation friend the Official Solicitor) v Cheshire West and Chester Council & Anor [2014] UKSC 19.**
- **XYZ v Portsmouth Hospital NHS Trust [2011] EWHC 243 (QB).**
- **Ndiki Mutua & others v The Foreign and Commonwealth Office [2012] EWHC 2678 (QB).**
- **X, Y & Z v UK [2011] ECHR 1199.**
- **X & Y v London Borough of Hounslow [2008] EWHC 1168, EWCA Civ 286.**
- **A v Iorworth Hoare [2008] UKHL 6.**
- **Rowe v Dolman [2008] EWCA Civ 1040.**
- **H v Thomson Holidays Ltd [2007] EWHC 850 (QBD).**
- **A (by C) v B [2006] EWHC 1178 (QB).**
- **Kotke v Saffarini [2005] EWCA Civ 221.**
- **Sowden v Lodge and Crookdake v Drury [2004] EWCA Civ 1320.**
- **Slater v Buckinghamshire County Council and anr [2004] EWCA Civ 1478.**
- **McDonnell v Congregation of Christian Brothers Trustees (Formerly Irish Christian Brothers) & Anor [2004] 1 A.C. 1101.**
- **Royal Victoria Infirmary & Associated Hospitals NHS Trust v B (A child) [2002] Lloyd's Rep Med 282.**
- **R v Criminal Injuries Compensation Panel ex parte Soper, Lawtel 12.12.02.**
- **Heil v Rankin [2000] 2 W.L.R. 1173.**
- **Britland v East Midland Motor Services Ltd 01.04.98 unreported CA.**
- Multi-party Actions
- **Finsbury Park Mosque Group Claim.**
- **Various Claimants v Estate of Lord Greville Janner**
- **Various Kenyan, Ugandan & UK Claimants v Estate of Simon Wood & British Airways Plc**
- **Various Claimants v Estate of Sir James Savile**
- **Various Claimants v Ian Paterson, Spire Hospital, Heart of England Foundation Trust**
- **Various Kenyan & UK Claimants v Simon Harris & Shebbear College**
- **Various Kenyan Claimants v The Foreign and Commonwealth Office** (first 'Mau Mau' group claim.)
- **JMC/Airtours litigation** (acted on behalf of 3 groups of claimants numbering 764 in total, who have

suffered injury whilst on holiday abroad)

- **Forde Park School** (80 cases)
- **Barlavington Manor** (15 cases)
- **South Wales NCH litigation** (35 cases)
- **Ivydale Children's Home** (15 cases)
- **Badgeworth Court School** (14 cases)
- **St Leonard's Children's Home** (25 cases)
- **Sunderland Homes Group litigation** (56 cases)
- **Longcare Homes litigation** (55 cases)
- **Staffordshire Homes I** (150 cases)
- **Birmingham Homes Group litigation** (101 cases)
- **Pitt House litigation** (15 cases)
- **Olands litigation** (10 cases)
- **Wessington School** (30 cases)
- **Green Field House School** (9 cases)

Personal Injury

Henry's work has focused in particular on catastrophic spinal and brain injuries. He has been frequently instructed to act on behalf of the Official Solicitor to represent the interests of claimants who lack capacity. This work has increasingly involved exploration of the overlapping obligations of tortfeasors and state bodies, health, social services and education authorities, to claimants. He also has wide-ranging experience in other sub-fields including many years' experience of all types of case including those involving employer's liability, road accident and criminal injuries.

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Multi-party Actions

- **Finsbury Park Mosque Group Claim.**
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Inquests

Henry also has extensive experience representing families and other interested parties in inquest proceedings, including health professionals. Most recently he represented the family of Horatio Chapple, who died during an expedition to Svalbard; and Grace Roseman, who died due to a defect in her bedside sleeper cot.

Selected Cases

- **Inquest into the death of Robert Entenman**: city banker who died at London Bridge Hospital due to neglect.
- **Mager Inquest**
- **Roseman Inquest**
- **Horatio Chapple Inquest**
- **Ndiki Mutua & Others v The Foreign & Commonwealth Office [2012] EWHC 2678 (QB)**
- **A v Iorworth Hoare [2008] UKHL 6**
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Awards

- Chambers & Partners Personal Injury / Clinical Negligence Junior of the Year (2015)

Education

- BA (Hons) Law

Memberships

- AVMA
- PNBA