

## Rajkiran Barhey

Call: 2017



Rajkiran (Kiran) accepts instructions in all areas of Chambers' work and has a broad practice, particularly in clinical negligence, inquests, personal injury, public law, tax, immigration, environmental and planning, criminal injuries compensation and public inquiries.

Kiran acts for both Claimants and Defendants and is a member of the Attorney General's Panel of Counsel ('C' Panel).

She has a wide range of advocacy experience, both led and unled, having appeared in the County Court, in the Coroners' Courts, in the First-tier and Upper Tribunals, in a planning inquiry, and in the Employment Tribunal. She has also been instructed by the Grenfell Tower Inquiry for several years.

From January to April 2022 Kiran worked as a Judicial Assistant in the Administrative Court, gaining invaluable experience which informs her practice.

Before coming to the Bar, Kiran worked for NGOs in Italy and Bangladesh and volunteered at Southall Black Sisters, assisting BAME survivors of domestic violence. She has a first class degree in law from Oxford University and studied for an LLM at New York University, obtaining scholarships from NYU and through the prestigious Fulbright exchange programme. She was awarded Gray's Inn's highest scholarship, the Beddingfield, to finance the BPTC.

Kiran is **Editor-in-Chief** of the **1COR Quarterly Medical Law Review (QMLR)**.

Ranked in Legal 500 2023 as a Rising Star in Clinical Negligence: *'Undoubtedly one to watch and heading for a stratospheric career despite her low-key manner'* and in Chambers and Partners 2023 as Up and Coming in Inquests and Public Inquiries: *'She is a junior to watch. Very clever and a good advocate, with mature judgement.'*

*"A thorough and detail-orientated junior."*

*"Undoubtedly one to watch and heading for a stratospheric career despite her low-key manner."*

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## Clinical Negligence

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Kiran has experience acting for both Claimants and Defendants in a range of clinical negligence matters. While seconded to a partner at a leading Claimant clinical negligence firm for a year, she gained significant experience in high value claims, particularly brain injury.

She has appeared in CCMCs, approval hearings and application hearings. She also regularly prepares pleadings and conducts conferences. She has particular expertise in quantum in high value cases such as wrongful birth or brain injuries, having acted as a junior to several silks in chambers. Kiran also edits the Quarterly Medical Law Review and therefore has an excellent knowledge of recent developments in the case law.

Kiran was ranked in the Legal 500 2023 as a 'Rising Star' in Clinical Negligence: *'Undoubtedly one to watch and heading for a stratospheric career despite her low-key manner.'*

## Selected Cases

- Secured a multi-million pound settlement for a Claimant in wrongful birth claim, led by Angus McCullough KC.
- Acted for a Defendant in an RTM and successfully settled a case concerning alleged inadequate consent for hip surgery and alleged failures in conduct of the surgery.
- Instructed by a Claimant in a complex ongoing claim concerning a misdiagnosis of vasculitis as cancer leading to unnecessary surgery and death.
- Recently settled another wrongful birth claim for the Claimant, led by Angus McCullough KC, for £11 million.
- Instructed by a Defendant in a claim arising out of the suicide of a man with serious mental health issues. There are alleged failures in assessment of the Deceased and the case is listed for trial in 2023.
- Instructed by a Claimant who developed a rare eye condition leading him to lose sight in his right eye. It was alleged that there were two missed opportunities to diagnose and treat the condition. The claim settled soon after service of expert evidence.

# Inquests

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Kiran has significant inquest experience and accepts instructions on behalf of families, Trusts, GPs and government bodies. She has experience of inquests which engage Article 2 and/or jury inquests as well as inquests concerning prisons, mental health hospitals, and medical treatment.

Kiran is ranked in Chambers and Partners 2023 as Up and Coming in Inquests and Public Inquiries: *'She is a junior to watch. Very clever and a good advocate, with mature judgement.'*

Listen to Kiran discuss the developments in inquest law that practitioners will need to know about on [episode 175](#) of our podcast, Law Pod UK.

## Selected Cases

- Re: TS (2022): Represented a private healthcare company which provided healthcare services in a prison in a 2-week Article 2 jury inquest following the death of a prisoner from HIV/AIDs-related complications. No criticisms were made of the company.
- Re: CR (2022): Represented family in a 4-day inquest concerning the death of a young man with schizophrenia by suicide. The Coroner concluded that the clinician should have offered CR a trial of the anti-psychotic clozapine and that the failure to do so contributed to the death.
- Re: AS (2022): Represented family in a 2-day inquest concerning the sudden death of a man following surgery for bowel cancer. The clinicians presumed the death had a cardiac cause but the post-mortem concluded it was caused by peritonitis. Following submissions from the family, the Coroner instructed a colorectal expert who identified a number of clinical failings and the Coroner concluded that the death could have been avoided. The claim is ongoing.
- Re: W (2021): Represented family in a 7-day Article 2 jury inquest concerning significant clinical failings in treatment of a detained man with a spinal injury which concluded with a finding of neglect. Kiran also acted in the claim after the inquest and secured a settlement for the family.
- Re: GS (2021): Represented family in a 1-week Article 2 jury inquest concerning the death of an informal patient whilst on home leave from a mental health hospital. The jury made criticisms of Social Services in their conclusion. The Trust made admissions of failures in care prior to the inquest.
- Re: ER (2021): Represented family in an inquest into a neonatal death following induction. The Coroner concluded that the mother should have been offered a C-section earlier in the pregnancy and that she would have had a C-section and the death would have been avoided.

## Personal Injury

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Kiran has appeared in a wide range of PI hearings, primarily in the County Court, for both Claimants and Defendants. Kiran is interested in developing her PI practice further.

She has significant experience of quantum in high-value clinical negligence cases, including brain injury cases, which can be transferred to the personal injury context. She also has experience acting for government

bodies, having completed a secondment at HMRC in the personal injury department where she regularly advised on liability and quantum. She has also acted for Claimants who have suffered child abuse/sexual abuse through her criminal injuries compensation work (see below).

## Selected Cases

- Instructed to represent a Claimant in a fast track trial at Central London County Court in a slip and trip at a garden centre, leading to a broken wrist.
- Advised in writing on liability and quantum in a range of claims brought by employees against HMRC, including stress at work, slip and trip, and injuries caused by inadequate equipment.

## Public Law

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Kiran accepts instructions on a range of public law matters. She is currently instructed as a junior to Angus McCullough KC in judicial review proceedings on behalf of a Claimant challenging a decision by a public body to refuse security clearance. Kiran also spent three months in 2022 as a judicial assistant in the Administrative Court, primarily with Swift J, gaining significant experience of judicial review.

She has been instructed a number of times by the Home Office to assist with disclosure matters in large judicial reviews. She has been instructed by the Met to review documents for legal privilege. She has also assisted as a junior in Home Office litigation. She has also been instructed by the Met Police in a number of LPP review exercises.

## Tax

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Kiran is particularly interested in developing her practice in tax law. She is currently instructed as junior to Natasha Barnes in an MTIC fraud case listed for a 1.5 week trial in early 2023. She has also acted for HMRC in an application for summary judgment in the County Court.

## Immigration

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Kiran accepts instructions in immigration law. She has appeared in the First Tier Tribunal in an appeal against a refusal to grant entry clearance for failure to meet the minimum income rules. She has also appeared in the Upper Tribunal in an asylum appeal.

## Environmental Law

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Kiran is keen to develop her practice in environmental and planning law. Kiran was instructed by the

Environmental Law Foundation to represent the Appellant, pro bono, in a complex 4-day planning inquiry. The Appellant sought permission to change the use of a small woodland in a National Park from forestry to a mixed use for field archery, eco-tourism and life-long learning. He was ultimately granted temporary planning permission. The appeal also concerned an Enforcement Notice. More information is [here](#).

She was jointly nominated for Advocate's [Young Pro Bono Barrister of the Year Award 2020](#) for her representation of the Dangstein Conservancy.

## Criminal Injuries Compensation

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Kiran utilizes her personal injury expertise in liability and quantum to represent survivors of abuse. She has appeared a number of times in appeals against decisions by the Criminal Injuries Compensation Authority ("CICA"), particularly on behalf of victims of rape and sexual abuse.

### Selected Cases

- Secured £171,300 on appeal for a young woman who had been raped and was unable to work for the rest of her life. Significant disagreement with CICA over the medical evidence.
- Secured £36,694 on appeal for a young man who had been sexually assaulted and was unable to work for several years.
- Successfully represented an Appellant in her appeal against a decision by the CICA to deny her compensation for being out of time, in circumstances where she had been sexually abused as a child.
- Successfully represented an Appellant in her appeal against a decision by the CICA to refuse compensation on the basis that there was insufficient evidence that a crime of violence had occurred, and failure to co-operate with the police, in circumstances where A had reported the rape to police who had decided not to proceed with a prosecution.

## Public Inquiries

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Kiran has been instructed on the Grenfell Tower Inquiry since 2018, working on the investigation into the performance of the lifts on the night of the fire. She worked with the appointed expert and counsel team. At the hearings in June 2021, Kiran conducted advocacy, questioning the managing director of the lift manufacturer at Grenfell Tower.

Kiran is ranked in Chambers and Partners 2023 as Up and Coming in Inquests and Public Inquiries: *'She is a junior to watch. Very clever and a good advocate, with mature judgement.'*

## Direct Access

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Kiran accepts [direct access](#) instruction from lay clients in any of the areas set out above. For further

information please visit her profile [here](#).

She has represented a client in the Criminal Injuries Compensation Authority on a direct access basis.

## Appointments

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- Attorney General's C Panel of Junior Counsel to the Crown (present)

## Awards

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- Bedingfield Scholarship, Gray's Inn (2016)
- BPP Advocacy Scholarship, BPP Law School (2016)
- Fulbright-Leon Jaworski International Law Award, The Fulbright Commission (2015)
- Half-tuition Dean's Graduate Award, New York University (2015)
- BEST Scholarship, BUNAC Educational Trust (2015)
- The Charnley Award, Hertford College (2014)

## Education

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- Bar Practice Training Course (Outstanding) BPP Law School, London (2016-2017)
- LLM (GPA 3.89/4) New York University (2015-2016)
- BA (Hons) Jurisprudence (First Class Honours) Hertford College, University of Oxford (2011-2014)

## Memberships

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- HRLA (Committee Member)
- PNBA
- PIBA

## Publications

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- Editor-in-Chief for the 1COR Quarterly Medical Law Review (QMLR)
- Co-author with Clodagh Bradley KC of the chapter on 'The Law' in the latest edition Powers & Barton's [Clinical Negligence](#) (Sixth Edition). Bloomsbury Professional, 2023.
- 'Coronavirus lawsuits across Europe, UK and USA', [Wired](#) (2020)
- Contributor to the [UK Human Rights Blog](#)
- [Law Pod UK](#) Episodes 20, 77, 109, 146 & 175.