



1 CROWN OFFICE ROW

Shaheen Rahman KC

Call: 1996 KC: 2017



Shaheen Rahman KC has a diverse practice with particular expertise in the areas of Clinical Negligence, Inquests and Inquiries, Public Law, Human Rights and Professional Discipline.

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 been appointed as Counsel to the Inquest touching the death of Joe Pooley and represented a core participant at the Infected Blood Inquiry. She is Chair of the Birthrights' Inquiry on Racial Injustice in UK Maternity Services. In May 2022 Shaheen was appointed to join the UK Covid-19 Inquiry legal team.

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

She also 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.

In addition, Shaheen is on the Editorial Team for the 1COR Quarterly Medical Law Review (QMLR), has written for Judicial Review and contributed a chapter in the UK Supreme Court Yearbook Volume 9 (2019). Listen to Shaheen discuss Samira Ahmed's case concerning BBC Pay Discrimination on our podcast Law Pod UK [here](#).

She has been recognised by the directories as a leader in multiple practice areas for many years and has recently been described as follows:

"Highly skilled, knowledgeable, always well prepared and able to get to grips with highly complex matters in no

time at all." Legal 500 2022

"She's incredible in court and leaves no stone unturned. She is a real fighter and a delight to work with." "A very clever and detailed barrister." Chambers & Partners 2022

"She goes above and beyond to turn things around quickly and is an excellent leading counsel." Chambers & Partners 2022

"Seamlessly switches from being very calm and reassuring with clients to extremely powerful in court. She is a brilliant and extremely committed advocate." Chambers & Partners 2021

"I cannot praise her highly enough. She is brilliant and clever, and her skill as an advocate is inspiring to watch." Legal 500 2021

"What stands out about Shaheen is her incredible thoroughness as an advocate." "She is fearless on her feet and she has an incredible ability to deal with experts."

Chambers & Partners 2023

"Shaheen is very responsive and will go above and beyond to try to accommodate urgent requests. She is thorough and analytical with close attention-to-detail and very impressive in round table settlement meetings."

Legal 500 2023

"An intelligent and detailed practitioner who provides very helpful advice."

Chambers & Partners 2023

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. Currently instructed in a large number of ongoing cerebral palsy and catastrophic injury claims, for both Claimants and Defendants.

"An excellent advocate. She is very, very effective in court and is fearless on her feet. She's incredibly impressive." "She's firm but fair and completely on top of her cases – she knows them inside out." (Chambers & Partners 2021)

'Always adaptable and understanding of the aims of the client.' (Legal 500 2021)

"She has quality in spades." "Provides very sensible advice." (Chambers & Partners 2020)

'An excellent advocate who is extremely effective in court.' (Legal 500 2019-20)

"Very personable and easy to work with. She's always on top of things; you know you can rely on her."

(Chambers & Partners 2018)

'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

- **DS v A Health Trust & A GP [2019-2022]**: For Claimant who contracted TB meningitis in prison.
- **JK & SC 7 ors v A surgeon and A private hospital [2018-2022]**: Acting for Claimants in ongoing litigation against surgeon regarding informed consent for rectopexy surgery. Inquest in JK concluded in 2021.
- **JR v A Health Board [2020-2022]**: Acting for Defendant in claim for delay in treating epidural abscess leading to tetraplegia.
- **AJ v A Health Trust [2020-2022]**: Acting for Defendant in claim for delayed treatment of stroke.
- **JXY [2019-2022]**: Liability settlement in cerebral palsy case in child with pre-existing cystic fibrosis for Defendant. Settled at 72.5% of full value.
- **IB & MB v A Health Trust [2018-2022]**: Acting for Defendant in ongoing claim concerning failure to diagnose HIV. Liability compromised 2021.
- **A, B & C v A Health Trust [2019-2022]**: Acting for parents of a child who died of sepsis in ongoing secondary victim claim.
- **KL v A Health Board [2018-2021]**: Acting for Defendant in liability settlement in cerebral palsy claim at 40% of full value.
- **KR v A Health Trust [2021]**: Settlement of claim concerning factitious disorder for Defendant.
- **TB v A Health Trust [2019-2021]**: Acting for Claimant in claim concerning surgical error following Article 2 inquest.
- **RO [2019]**: Quantum settlement in cerebral palsy case for Defendant.
- **ZT [2019]**: Quantum settlement in cerebral palsy cases for Defendant.
- **JI [2019]**: Mediation in fatal adult brain injury case, liability in dispute with alleged failure to diagnose Sub-Arachnoid haemorrhage.
- **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.

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.

Shaheen is instructed on behalf of a Professor of Haematology in the Infected Blood Inquiry.

She also acts as Chair of the charity Birthrights' private Inquiry on Racial Injustice in UK Maternity Services.

In May 2022 Shaheen was appointed to join the UK Covid-19 Inquiry legal team.

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.

She is instructed by healthcare providers in a number of cases involving the deaths of mental health patients.

'I cannot praise her highly enough. She is brilliant and clever, and her skill as an advocate is inspiring to watch.'
(Legal 500 2021)

'Fearless on her feet, diligent and really impressive all round.' (Legal 500 2020)

Selected Cases

- **Joe Pooley inquest [2022]**: Instructed as Counsel to the Inquest.
- **Re AG [2022]**: Article 2 jury inquest for the family of a woman who died whilst detained under the MHA.
- **JK [2021]**: For family of woman who died as a result of complications of rectopexy surgery performed by surgeon facing GMC proceedings.
- **Re A [2019-20]**: For the family of a child who died of sepsis with associated civil claim.
- **Re TB [2018-20]**: For the family of a woman who died following surgery. Claim settled with article 2 damages.
- **Re JT [2018]**: For a Mental Health Trust at Article 2 jury inquest.
- **Muriel Gentry [2017]**: For the family of an elderly woman who died following an overdose of insulin

medication. Nurse referred to NMC.

- **Margaret Astill [2017]:** For 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]:** 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]:** 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]:** 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]:** 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]:** 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]:** 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.

Public Law

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

"Seamlessly switches from being very calm and reassuring with clients to extremely powerful in court. She is a brilliant and extremely committed advocate." "She has the tactical skill and strategic ability to work in a very difficult system and maintain everyone's trust." (Chambers & Partners 2021)

'She is incredibly experienced, always a step ahead.' (Legal 500 2021)

"A particularly savvy operator and tough person to be against." "An excellent public lawyer who specialises in issues of government secrecy, and in representing people in difficult circumstances." "She's incredibly effective and utterly charming." (Chambers & Partners 2020)

'A special advocate of choice.' (Legal 500 2018)

"Always on top of the paperwork and tenacious in court." "Shaheen is very good on her feet – she doesn't bang on but just fights for her clients." (Chambers & Partners 2018)

'A superb advocate, who is utterly formidable on her feet.' (Legal 500 2018)

"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

- **C8 [2021-2022]**: Ongoing SIAC deprivation case linked to *Begum*.
- **QX v SSHD [2020-2022] EWHC 1221 (Admin)**: Special Advocate in ongoing challenge to reporting obligations under a temporary exclusion order.
- **Z3 v SSHD [2018-2022]**: Special Advocate in ongoing SIAC case and JR concerning deprivation of citizenship, bail and habeas corpus.
- **C6 [2021]**: First example of strike out of SSHD's case in SICA due to non-compliance.
- **Infected Blood Inquiry [2020]**: Instructed on behalf of a Professor of Haematology.
- **North Tyneside Council v North Tyneside CCG [2018]**: For the CCG in challenge under s256 of the NHS Act 2006, also alleging failure to comply with duty of inquiry and the PSED.
- **Rahmatullah & Ali v MOD & Ors [2019] EWHC 3849 (QB)**: Special advocate in civil claim alleging mistreatment and unlawful transfer to US custody by UK state.
- **Belhaj & Boudchar v Jack Straw & Others [2017] EWHC 1861**: Special Advocate in settled claim alleging complicity in extraordinary rendition and torture.
- **R (Black) v SSJ [2017]; [2016] 3 WLR 28, [2015] 1 WLR 2963**: For Claimant in Supreme Court 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.

"She has a lot of tactical skill and strategic ability, achieving very beneficial outcomes for her clients."
(Chambers & Partners 2021)

'Persuasive and fearless advocate. The fact that her work straddles both public and private law means that she is able to advise on the best approach for the client when faced with a particular issue.' (Legal 500 2021)

"Hugely confident, very strategic, inspiring and extremely good with clients." "A terrific advocate." (Chambers & Partners 2020)

'Produces an impressive quality of work and is an absolute pleasure to work with.' (Legal 500 2019)

"Shaheen is incredibly thorough and rigorous." "She really inspires confidence in clients in the most difficult of circumstances." (Chambers & Partners 2019)

'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 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

- **C8 [2021-2022]**: Ongoing SIAC deprivation case linked to *Begum*.
- **QX v SSHD [2020-2022]: EWHC 1221 (Admin)**: Special Advocate in ongoing challenge to reporting obligations under a temporary exclusion order.
- **Z3 v SSHD [2018-2022]**: Special Advocate in ongoing SIAC case and JR concerning deprivation of citizenship, bail and habeas corpus.
- **C6 [2021]**: First example of strike out of SSHD's case in SIAC due to non-compliance.
- **TB v A Heath Trust [2019-2020]**: For the Claimant in an ongoing HRA claim arising from an Article 2 inquest.
- **H v SSHD [2017-19]**: For prisoner alleging discrimination in arrangements made for Muslim prisoners during Ramadan, case settled.
- **AA v MOJ [2017-2019]**: For prisoner alleging discrimination in the arrangements made for Muslim prisoners, in particular during Ramadan, case settled.
- **Rahmatullah & Ali v MOD & Ors [2019] EWHC 3849 (QB)**: Special advocate in civil claim alleging mistreatment and unlawful transfer to US custody by UK state.
- **Belhaj & Boudchar v Jack Straw & Others [2017] EWHC 1861**: Special Advocate in settled claim alleging complicity in extraordinary rendition and torture.
- **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]**: 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]**: 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.

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 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

- **Infected Blood Inquiry [2020]**: Shaheen is instructed on behalf of a Professor of Haematology.
- **Dr R v GMC [2020]**: Instructed to represent doctor at IOT proceedings arising from allegations of lack of informed consent for surgery, successfully argued for no interim order.
- **JM v GOSC [2019]**: Advising osteopath regarding response to GOSC proceedings.
- **JC v GOSC [2017]**: Appeared 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]**: Represented 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.

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.

Listen to Shaheen analyse Samira Ahmed's decisive Employment Tribunal victory regarding pay discrimination on Law Pod UK [here](#).

Selected Cases

- **Chair of Birthrights Inquiry on Racial Injustice in UK Maternity Services [2020-2022]**.
- Advised on positive action for large employer [2021].
- **H v SSHD [2017-19]**: For prisoner alleging discrimination in arrangements made for Muslim prisoners during Ramadan, case settled.
- **North Tyneside Council v North Tyneside CCG [2018]**: For the CCG in challenge under s256 of the NHS Act 2006, also alleging failure to comply with duty of inquiry and the PSED.
- **AA v MOJ [2017-2019]**: For prisoner alleging discrimination in the arrangements made for Muslim

prisoners, in particular during Ramadan, case settled.

- **DR O v UB NHSFT [2017]**: Represented 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.

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

- Editorial Team for the 1COR Quarterly Medical Law Review (QMLR)
- Judicial Review, Issue 2, Volume 24 (2019) 'Disclosure in Closed Material Proceedings: What Has to Be Revealed?'
- Chapter on Health and Safety Law in the UK Supreme Court Yearbook Volume 9 (2019)
- *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
- Law Pod UK Ep. 13 & 102