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*Kirsten Heaven

Called: 2007 (Solicitor 2001 - 2006)

Practice Overview

Kirsten specialises in police actions, claims against public authorities and public and administrative law with an emphasis on civil liberties. Kirsten also has a specific interest in deprivation of liberty matters and represents vulnerable individuals and local authorities in a range of proceedings before the Court of Protection.

Background

Kirsten qualified as a solicitor at Slaughter and May in 2001 having trained in commercial, employment and EU law in London and Brussels. Kirsten has an interest in domestic and international refugee protection and international human rights law. After leaving private practice Kirsten spent a year running a refugee legal aid programme in Cairo, providing legal assistance to refugees seeking protection from UNHCR, working specifically with former child soldiers from Liberia and Sierra Leone, survivors of the Rwandan Genocide and victims of torture. In 2003/4 Kirsten was seconded to the OSCE Mission to Serbia and Montenegro rule of law / human rights department for one year and worked on war and organised crime trials, minority rights, legal reform, the Serbian draft law on asylum and training Serbian lawyers on ECHR litigation. Kirsten subsequently worked as a government legal adviser for three years in public and administrative law, international law (including public international law), war crimes, extradition law and EU law. This included frequently advising / briefing cabinet ministers, drafting and taking legislation through Parliament and advising on Court of Appeal and House of Lords litigation. Kirsten undertakes pro bono work for the Bar Pro Bono unit, FRU and the College of Law and has helped set up a school for street children in Guatemala City.

Notable and Reported cases

- - Hillsborough inquest
 - Welsh Ambulance service inquest
 - Imran Douglas: self-inflicted death of a young person/Harris Review issues
 - Anne – Marie Ellement Inquest: military / rape / bullying
 - Neglect contributed to death of 19-year-old Nicholas Wheller at HMYOI Aylesbury
 - HMP Leeds bullying related self-inflicted death could have been prevented
 - System failure in prison healthcare at HMP Moorland results in death of seriously ill prisoner
 - Anti-gun campaigner stabbed to death by mentally ill grandson: death could have been prevented



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- Suicide of Chinese national suspected of overstaying: narrative verdict critical of MET
 - Death of patient detained under Mental Health Act contributed to by neglect
 - Death in Oakington immigration detention centre
 - Police and ambulance related death: critical narrative
 - Death of a former relevant child / former unaccompanied asylum seeking child in prison custody (extensive investigation of failure to comply with duties under the Children Acts): critical narrative verdict
 - Article 2 inquest into death of child in care of the state
 - Death of person detained under Mental Health Act 1983: critical narrative and neglect verdict
 - Restraint death of person detained under Mental Health Act 1983
 - Clinical negligence related death of cancer patient: critical narrative
 - Suicide of old person in hospital setting: critical narrative
 - Prison suicide: neglect verdict
 - Suicide recalled prisoner: critical narrative of Prison, the
 - Probation Service and Mental Health Inreach Team
 - Police death in Plumstead Police Station London, “excited delirium” related death: critical narrative
 - Police restraint “excited delirium” related police death
 - R (on the application of Equality & Human Rights Commission) v SS for Justice & SSHD [2010] EWHC 147 (Admin) – NOMS failure to conduct equality impact assessment

Inquests

Kirsten is passionate about fighting for truth and justice on behalf of bereaved families in inquest proceedings. Kirsten has extensive experience representing bereaved families in complex inquest proceedings and specialises in prison and police related deaths, deaths involving the emergency services, restraint deaths and police shootings, deaths of persons detained under the Mental Health Act 1983 (including by restraint), deaths of children in the care of the state, deaths of foreign nationals both detained and non-detained, clinical negligence related hospital deaths and controversial military deaths. Kirsten frequently acts in public law challenges arising in coronial proceedings and in post-inquest civil actions. Kirsten was instructed on the Hillsborough inquest by Birnberg Peirce and Partners, as part of a team representing family members of 74 of the 96 victims.

Public and Administrative Law

Kirsten specialises in human rights and equality law related judicial review challenges across her practice areas.

Claims Against the Police and Public Authorities

Kirsten advises on causes of action against the police and police related litigation, including, claims for false imprisonment, malicious prosecution, trespass to property/person, misfeasance in public office, claims under the Human Rights Act 1998 and judicial review challenges to the IPCC. Kirsten advises extensively on postinquest civil actions under the Fatal Accidents Act 1976, Human Rights Act 1998 and Law Reform (Miscellaneous Provisions) Act 1934.

Kirsten has a particular interest in protester related civil actions, claims arising from unlawful immigration detention and injuries sustained during removal from the UK (such as in the case reported in The Independent) and post-



inquest civil actions.

Mental health / Court of Protection

Kirsten provides advice and representation before mental health review tribunals and advises on appeals to the Upper Tribunal. She also provides advice and representation to vulnerable adults and their families and local authorities on matters before the Court of Protection. Kirsten has a specific interest in refusal of medical treatment cases and capacity issues around personal welfare, care and the deprivation of liberty but she also advises on financial applications and deputies.

Asylum and Immigration

Kirsten has experience of advising and representing applicants in the Tribunal and the Administrative Court in a wide range of immigration, asylum and deportation cases involving victims of trafficking, unaccompanied children, spouses and other family members and of advising on appeals to the Court of Appeal. She also acts for clients in civil claims for unlawful detention in the Administrative Court and claims arising from assaults during the course of removal from the UK and specialises in inquests into deaths of foreign nationals both detained and non-detained (see police custody case).

Kirsten is well-versed in international refugee law and practice, after having taught international refugee law in Cairo and run a refugee legal aid project, advised on EU asylum law in Serbia and focused on UK asylum law and practice in her LLM.

Recommendations

- 'A hugely experienced inquest practitioner who strikes fear into the hearts of state bodies.' (Legal 500, 2018)
- 'She's very thorough, committed and always well prepared.' 'She fights fantastically hard for her clients.' (Chambers and Partners, 2018)
- 'She is very knowledgeable and able to cut through to the key points very quickly.' (Chambers UK, 2018)
- 'She combines robust advocacy with compassionate client skills'. - Legal 500, 2016 (Civil Liberties and Human Rights)
- 'An incredible jury advocate. She has a really good style which gets the jury on board.' "Really creative in her approach and a thoughtful tactician." - Chambers UK 2017 (Inquests and Public Inquiries)
- 'A phenomenal lawyer with expertise in cases concerning deaths in state care.' - Legal 500 2016 (Civil Liberties and Human Rights)
- 'She fights harder than anyone else. She is incredibly good with clients, very down-to-earth and good at explaining points in context.' - Chambers UK 2016 (Inquests and Public Inquiries)
- 'Impressive.' - Legal 500 2015 (Civil Liberties and Human Rights)
- 'She is relentless and completely comprehensive in her approach to matters. A fantastic and fearless advocate, she is appreciated by the bereaved families for whom she acts. A brilliant inquest advocate who is exceptionally good with clients and at advancing the concerns of the family.' - Chambers UK 2015 (Inquests and Public Inquiries, and Police Law)
- 'She is very fast on her feet and is on top of the detail. Her drafting is great and her analysis is impressive. She is very friendly and approachable and this is why the clients like and trust her.' - Chambers UK 2014 (Police Law)
- 'An exceptional jury advocate, who has perfect judgement in terms of presenting a case to a jury.' - Legal 500 2014 (Civil liberties and Human Rights)

Academic



Prior to coming to the bar Kirsten completed an LLM in International Human Rights Law at Essex University with a particular research focus on the extra-territorialisation of asylum procedures in international, European and UK law. Kirsten was awarded the SNELS Human Rights Prize by Anne Owers for the highest distinction.

1997- BA Modern History University of Oxford. 2:1.

1998 CPE College of Law - commendation

1999 LPC college of law - commendation

1999-2001 - Articles Slaughter and May, London

Publications

- "Neglect and multiple failures contributed to death of a 19- year-old in HMYOI Aylesbury", Inquest Law, September 2013
- "HMP Leeds bullying related self-inflicted death could have been prevented", Inquest Law, September 2013
- "Heathrow death preventable?", Institute of Race Relations News, 28 April 2011
- "Darfuri asylum seeker failed by the system", Institute of Race Relations, June 2010
- "Inadequate inquiry into natural causes death in Oakington immigration detention centre", Inquest Law, October 2010
- "Death of patient detained under mental health act from postural asphyxia, airway obstruction and acute alcohol intoxication contributed to by neglect", Inquest Law, October 2010
- "Jury highlight failings by east midlands ambulance service and derbyshire constabulary that contributed to the death of a vulnerable male in their custody", Inquest Law, October 2010
- "Suicide of recalled prisoner in HMP Leeds", Inquest Law June 2010
- "Suicide of care leaver", Inquest Law June 2010
- "Excited delirium" related death in police custody : failures by MET Police and a FME, INquest Law June 2010