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## \*Kirsten Heaven

Called: 2007 (Solicitor 2001 - 2006)

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### Practice Overview

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Kirsten is recognised in Chambers and Partners and Legal 500 as a leading junior in Police Actions claimant work, Claims against Public Authorities, Civil Liberties and Human Rights, and Inquests and Public Inquiries. Kirsten specialises in these areas and Public and Administrative law, with an emphasis on Civil Liberties and Discrimination. Kirsten also has a specific interest in deprivation of liberty and represents vulnerable individuals in a range of proceedings before the Court of Protection. Kirsten is a Fee Paid Judge in the First Tier Tribunal. Kirsten is instructed on behalf of the non police, non state core participants in the Undercover Policing Inquiry. The next tranche of hearings will commence in April 2021.

#### Background

Kirsten qualified as a solicitor at Slaughter and May in 2001 having trained in commercial, employment and EU law in London and Brussels. She 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. 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.

#### **Notable and Reported cases**

- Inquests & Inquiries

Kirsten is currently instructed in a wide range of complex and controversial deaths cases involving the police, mental health facilities, facilities for children with autism and learning difficulties, and deaths involving the military.

##### **Shoreham Airshow Disaster**

Kirsten Heaven is currently representing a majority of the bereaved families at the inquest into the deaths arising from the Shoreham Airshow disaster in 2015, led by Gerard Forlin QC. The inquest will look at the



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Civil Aviation Authority, police, Highway Agency and the pilot. The case involves complex issues of disclosure surrounding airshow investigations and prosecutions. The pre-inquest review proceedings have been widely reported in the media including the [BBC here](#) and [here](#) and please also see [this press release by the solicitors Stewarts](#).

#### **Claire Lilley Inquest**

The inquest into the death of Claire Lilley concluded on 30 November 2020 with the jury finding there was a lack of consistent communication with her family and insufficient management of risk.

#### **Inquests into the death of Dean George and Inquest into the death of Oliver Huxter**

Both cases involved looking at systemic failure around the management of risks of suicide in HMP Swansea and the lack of equitable detoxification regimes for opiod addiction prisoners in certain Welsh prisons.

#### **Conner Marshall Inquest**

The inquest into the death of Conner Marshall concluded on 17 January 2020 with the coroner finding Conner's death was 'unlawful killing', and identifying major failings in probation services in an extensive fifty page document setting out his findings.

#### **Jaqueline Oakes inquest involving West Midlands Police and other state agents**

#### **Janet Müller inquest**

Article 2 psychiatric detention unlawful killing death with critical narrative.

#### **Hillsborough inquest**

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. Kirsten was led by Patrick Roche on the police planning phase of the inquest and Peter Wilcock QC on the "evidence gathering" phase relating to the alleged cover up.

#### **Welsh Ambulance service inquest**

#### **Imran Douglas: self-inflicted death of a young person/Harris Review issues**

#### **Anne - Marie Element 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**

#### **Suicide of Chinese national suspected of overstaying: narrative verdict critical of MET**



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**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**

**Clinical negligence related death of cancer patient: critical narrative**

**Suicide of old person in hospital setting: critical narrative**

**Prison suicide: neglect verdict**

**Death of person detained under Mental Health Act 1983: critical narrative and neglect verdict**

**Suicide recalled prisoner: critical narrative of Prison, the Probation Service and Mental Health Inreach Team**

- **Actions Against the Police and Public Authorities**

**Andrew Gwynne v Chief Constable of South Wales Police**

**Seymour Young v. Chief Constable of Warwickshire and Director of Public Prosecutions [2020] EWHC 308 (QB)**

**Marcia James v Chief Constable of South Wales Police**

**Jaqueline Oakes inquest and subsequent civil claim against West Midlands Police**

**Hillsborough inquest**

**Police death in Plumstead Police Station London, "excited delirium" related death: critical narrative**

**Inquest into death of Nadeen Khan in Leeds – Police and “excited delirium” restraint death.**

**Restraint death in Cefn Coed psychiatric hospital: Kurt Howard - “excited delirium” related restraint death.**

- **Administrative Law**

**R (on the application of Lisa Vincent & Ors) v Secretary of State for Work & Pensions: R (on the application of JD, a protected party, by his father and litigation friend JM) v Secretary of State for Work & Pensions (2020)**

**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 & Inquiries**

Kirsten is passionate about fighting for truth and justice on behalf of bereaved families in inquest proceedings. Kirsten is recognised in Chambers and Partners as one of the leading barristers in Inquests and Public Inquiries.



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 is currently instructed in a wide range of complex and controversial deaths cases involving the police, mental health facilities, facilities for children with autism and learning difficulties, and deaths involving the military. Kirsten is instructed on behalf of the non police, non state core participants in the Undercover Policing Inquiry. The next tranche of hearings will commence in April 2021.

*"Really experienced and astute inquest barrister; she's got very good judgement and identifies key issues quickly."*  
*"Kirsten is a very formidable advocate, who is very strong when questioning witnesses. I would instruct her in those particularly difficult cases where you know you have to go the extra mile to make your point."* *"She is a powerhouse - she has encyclopaedic knowledge of the law and is very tenacious and a formidable presence in court, particularly in cross-examination. Represented parties at the inquests into the deaths of 11 people, who died when a vintage fighter jet crashed at Shoreham Airport in 2015"* - Chambers and Partners 2021

## **Actions Against the Police and Public Authorities**

Kirsten is recognised in Chambers and Partners as a leading junior barrister in the area of Police Law, Claimant (Band 2). Kirsten has particular expertise in claims arising out of police contact involving death or serious harm and is recognised for providing skilful advocacy in civil claims involving deaths in police custody. Kirsten has extensive experience in claims against the police and public authorities on behalf of children and vulnerable adults, including those with mental health issues and learning difficulties, autism, and female victims of domestic violence and femicide, particularly in failure to protect cases involving the police and national probation service. Kirsten also specialises in protester-related civil actions, claims arising from unlawful immigration detention and injuries sustained during removal from the UK and all post-inquest civil actions. Kirsten has a particular interest in misfeasance claims against the police. Kirsten was led by Peter Wilcock QC and represented 76 bereaved families in the phase of the Hillsborough Inquest looking at "evidence gathering" by the police during the aftermath of the tragedy – commonly called the cover – up.

Kirsten's parallel expertise in inquests that arise following deaths in police or state custody means that she also frequently advises on civil claims under Article 2, 3 and 8 ECHR.

*"Recognised for providing skilful advocacy in civil claims involving deaths in police custody. She is also experienced in sensitive cases including false imprisonment claims, which often have a mental health aspect."*  
*"She's a fierce cross-examiner who is able to cut through to the key issues and save the waffle."* *"She is hardworking, dedicated, intelligent and enthusiastic. Instructed in Marcia James v Chief Constable of South Wales, a claim concerning failure to protect and investigate allegations against a man who subsequently raped and assaulted a young girl"* - Chambers and Partners 2021

## **Administrative Law**

Kirsten specialises in human rights and equality law-related judicial review challenges across her practice areas. Kirsten is recognised as a leading junior in Legal 500 under Civil Liberties and Human Rights (Including Actions Against the Police). Kirsten is currently instructed on a public law and discrimination challenge against the DWP in relation to the removal of certain benefits to vulnerable disabled individuals. Kirsten is being led by Ian Wise QC.

*'Excellent with clients. Understands the strengths and weaknesses of a case quickly and has an excellent understanding of the law.'* - Legal 500, 2021

## **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. She also specialises in inquests into deaths of foreign nationals both detained and non-detained. Kirsten focused on UK asylum law and practice in her LLM.

## Pro Bono Work

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](#).

## Recommendations

- "She has an excellent manner with clients and works tirelessly to achieve as positive an outcome as possible." "She is a safe pair of hands and is able to extract key points from complex and voluminous information." "She is really committed to improving the law and taking strategic points." (Chambers UK, 2022 - Police Law: Mainly Claimant)
- "She is highly intelligent, cuts straight to the core issues and is a formidable and fearless advocate, as well as being a pleasure to work with." (Chambers UK, 2022 - Inquests & Public Inquiries)
- "Recognised for providing skilful advocacy in civil claims involving deaths in police custody. She is also experienced in sensitive cases including false imprisonment claims, which often have a mental health aspect. "She's a fierce cross-examiner who is able to cut through to the key issues and save the waffle." "She is hard-working, dedicated, intelligent and enthusiastic. Instructed in *Marcia James v Chief Constable of South Wales*, a claim concerning failure to protect and investigate allegations against a man who subsequently raped and assaulted a young girl" - Chambers and Partners, 2021
- 'Excellent with clients. Understands the strengths and weaknesses of a case quickly and has an excellent understanding of the law.' (Legal 500 2021)
- "Really experienced and astute inquest barrister; she's got very good judgement and identifies key issues quickly." "Kirsten is a very formidable advocate, who is very strong when questioning witnesses. I would instruct her in those particularly difficult cases where you know you have to go the extra mile to make your point." "She is a powerhouse - she has encyclopaedic knowledge of the law and is very tenacious and a formidable presence in court, particularly in cross-examination. Represented parties at the inquests into the deaths of 11 people, who died when a vintage fighter jet crashed at Shoreham Airport in 2015" - Chambers and Partners 2021
- '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



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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

## Memberships

- INQUEST Lawyers Group
- Police Action Lawyers Group
- Liberty

## 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



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