

# Rob Harland

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## **Rob Harland is known for his work in inquests and inquiries with a specialism in healthcare.**

He has acted for Claimants and Defendants in a number of cases including obstetric negligence, wrong or delayed diagnosis, orthopedic and surgical negligence. He also acts in death in custody cases and has extensive experience working on inquiries including the Mid Stafford Public Inquiry and the Grenfell Tower Inquiry.

Rob is a member of the Attorney General's A panel and regularly acts on behalf of the government in judicial reviews at the Upper Tribunal, High Court and Court of Appeal.

As well as his exemplary work in inquests and inquiries, Rob is experienced in public law, personal injury and product liability.

## Expertise

### Healthcare

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### Inquests

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Rob acts on behalf of families and other Interested Persons at Article 2 inquests, predominantly into prison and immigration detention deaths but also into healthcare

and product liability deaths. Rob regularly appears in high profile and particularly complex Inquests.

## Notable Inquests cases

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### Inquest into the death of Prince Fosu

Acted on behalf of the lead IP, the Home Office, in relation to a death in Harmondsworth Detention Centre. The inquest lasted between 3 February 2020 and 3 March 2020. There were more than 10 IPs, and complex issues relating to pathology. I took the lead role in questioning witnesses. Instructed by the Government Legal Department.

### Kevin Smith, Richard Branton, the Cook family

Inquest into the deaths of five individuals who had been killed by faulty gas cookers. Rob acted on behalf of Kevin Smith and Richard Branton to obtain a fiat quashing a previous inquest (reported in front of the Divisional Court as *Smith v HM Coroner for Cornwall* [2015] EWHC 3475 (Admin)). This inquest involved considerations of unlawful killing and Article 2 in a situation where a company had failed to take prompt action in relation to a defect that they knew about and which had gone on to cause the deaths of these individuals and a number of others. Instructed by Leigh Day solicitors.

### Inquest into the death of Patrick Morreau

Acted on behalf of the family following a death in UCLH where the family were able to show that the trust policy in relation to NEWS scores for elderly patients did not comply with the national guidelines. Coroner adjourned the inquest after my questioning and required the Trust to reattend with further witness statements. Complex cross examination of senior consultants and the head of nursing. Instructed by Hodge Jones & Allen.

### Inquest into the death of Donna Williamson

Acting for CPS in inquest relating to the murder of a woman by her ex-partner. There was an extensive history of domestic violence and the inquest considered whether the actions of the police and CPS in prosecuting the ex-partner in the run up to the death. The inquest raise particular issues for the CPS in relation to the reach of Article 2 and disclosure. Lengthy PFD report issued (though not in relation to CPS). Inquest found systemic failings by the Met in relation to the protection of those who are victims of domestic violence

### Inquest into the death of John Tuff

Inquest into the death of a prisoner in HMP Hewell from psychoactive substances after it was the Prison and Probation Ombudsman's conclusion that there had been systemic failings in the provision of healthcare. Rob was acting for one of the healthcare bodies. No prevention of further death reports were made. Instructed by Capsticks Solicitors

## Public Inquiries

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Rob has extensive experience working on inquiries including the Mid Stafford Public Inquiry and the Grenfell Tower Inquiry. Rob is a member of the Attorney General's A panel and regularly acts on behalf of the government in judicial reviews at the Upper Tribunal, High Court and Court of Appeal.

## Notable Public Inquiries cases

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### Grenfell Tower Inquiry

Acting as junior counsel on behalf of the Secretary of State for the Home Departments. Involved in disclosure, reviews of expert evidence, preparation of witness statements, attending and speaking at inquiry.

### Mid Staffordshire Public Inquiry

A Public Inquiry into the causes of poor care and unusually high death rates at Mid Staffordshire NHS. 'Mid Staffs scandal' is often described as the worst hospital care

scandal of recent times.

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## Immigration

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Rob acts predominantly on behalf of the Home Office in cases from the Upper Tribunal up to the Supreme Court. Rob has had a leading role in the 'ETS' litigation. Rob has special expertise in cases which involve both immigration and family law. He has appeared in particularly significant country guidance cases (relating to Eritrea, Afghanistan and Libya) and in a number of Dublin cases (relating to return to Italy, Spain, France, Cyprus and Hungary).

### Notable Immigration cases

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*Pathan v Secretary of State for the Home Department* [2020] UKSC 41

Leading case on procedural and substantive fairness, heard by the Supreme Court. It involved complex legal issues which divided the Court. I have subsequently advised extensively on Pathan-type cases and the consequences across other fields of law. Instructed by The Government Legal Department.

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*Waseem and Arachchige v Secretary of State for the Home Department*

Leading case on interpretation of the government's long residence policy. 2 days hearing before a Presidential panel in the Upper Tribunal. Involved complex consideration of the development of the long residence policy and its interaction with Article 8. Initially involved acting against three teams of counsel, including a QC. Instructed by The Government Legal Department.

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*K (a child)*

Family/immigration case considering the interaction between Hague Convention proceedings and immigration, involving multiple lengthy 'closed' and 'open' hearings regarding the disclosure of asylum documents. This case is covering many new issues of law and was recently considered by the Supreme Court in its judgment in *G v G* [2021] UKSC 9

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*AB v AN v SSHD*

Family/immigration case considering whether an FGM Protection Order should be made in proceedings where an asylum appeal had found no risk of FGM. Covered new legal principles including the need for expert evidence in such proceedings and the role of the SSHD as intervenor

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## Court of Protection

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Rob's areas of expertise in Court of Protection include:

- Capacity
- Deprivation of liberty
- Best interests decisions
- Deputyship matters
- Lasting Powers of Attorney and Enduring Powers of Attorney
- Medical treatment
- Welfare matters including contact, residence and care decisions
- Forced marriage
- Safeguarding of vulnerable adults

## Awards

