

# Saara Idelbi

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Saara is recognised by Legal 500 as a leading junior in Administrative Law and Human Rights, Court of Protection and Community Care, and Inquests and Inquiries.

Saara is certified by the International Association of Privacy Professionals as an Information Privacy Professional in European Data Law (CIPP/E).

Saara holds substantial experience in equality and human rights law, health and social care, data and information law, and the criminal justice system (policing, prosecution, prisons, and offender management). She regularly appears, and advises on matters, in the Tribunals, County Courts, Coroners' Courts, Court of Protection, High Court, and Court of Appeal.

Saara is known for being as intellectually tenacious as she is humanly approachable and devotes as much attention to client care as she does to legal analysis and advocacy.

Saara advises a wide range of clients, including government departments, public and quasi-public authorities, companies, and individuals. She can explain complex legal concepts in clear and simple terms, conscientious of the variety of clients' legal knowledge.

Having worked in-house at the Treasury Solicitor's Office and HMRC, and at a leading firm in healthcare law, prior to coming to the Bar, she has a thorough understanding of organisational infrastructures and operational realities to provide practical legal advice.

Prior to qualification, she worked as a Judicial Assistant in Constitutional Court of South Africa, dealing with cases concerning the burgeoning development of constitutional and human rights law in South Africa. Saara also served as a Judicial Assistant in the Civil Division of the Court of Appeal, during which time she researched and wrote opinions on several high-profile civil appeals.

Saara sits as a fee-paid First Tier Tribunal Judge in the Health, Education and Social Care Chamber.

Saara published the book 'A Practical Guide to Non-Pecuniary Damages in Human Rights Act Claims' with co-author Paige Jones in November 2024.

## Expertise

### Public & Administrative

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Saara is recognised by the Legal 500 as a leading junior in Administrative and Human Rights. She is highly experienced in all aspects of judicial review claims, other public law proceedings across statutory tribunals, and cases that raises public law elements. She is instructed by both claimants and public authorities in judicial review

actions, and to advise on operational policy.

Her work encompasses a wide range of fields including equality law, community care including healthcare provision and the provision of accommodation, criminal justice (policing, prosecution, prisons, and offender management), immigration information, and human rights law.

Saara is a member of the Attorney General's B Panel of Counsel.

Saara authored the Judicial Review updates for the Solicitors' Journal for three years.

Memberships:

- Constitutional & Administrative Law Bar Association
- Human Rights Lawyers Association

## Notable Public & Administrative cases

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R (on the application of Osman) v Department for Work and Pensions

concluded in July 2023, and concerned whether the provision of hard print letters or unreadable PDFs, sent to registered blind claimants of Employment Support Allowance and Personal Independence Payments, amounted to a failure to make reasonable adjustment.

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R (on the application of Suleiman & UNJUST) v Commissioner of Police of the Metropolis

concluded in November 2022, and concerned the operation of the Gangs Violence Matrix.

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R (on the application of Ginn) v HM Senior Coroner for Inner London [2022] EWHC 28 (Admin)

concerning the directions given to the jury in summing up, and the ambit of Tainton admissions.

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R (on the application of JM) v Secretary of State for the Home Department [2021] EWHC 2514 (Admin)

lead case concerning the provision of essential living needs to asylum seekers living in full-board hotel accommodation during the early stages of the COVID-19 pandemic.

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R (on the application of FF) v Secretary of State for the Home Department [2021] EWHC 2566 (Admin)

concerning the extent to which the Secretary of State was required to consider material submitted by a third party to exclude a person from the UK.

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R (on the application of Secretary of State for the Home Department) v First-Tier Tribunal [2021] EWHC 1690 (Admin)

lead case on whether the Secretary of state was obliged to accommodate failed asylum seekers during the COVID-19 pandemic by reference to Articles 2, 3 and 8 rights of the individuals and the public at large.

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R (on the application of ZA) v Secretary of State for the Home Department [2020] EWCA Civ 146

judicial review challenge and onward appeal concerning the lawfulness of detaining individuals making a claim on the basis of their sexual orientation and ensuring medical examination of an individual on detention.

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R (on the application of Good Law Project Ltd) v Secretary of State for Health and Social Care [2019] EWCA Civ 1211

junior counsel in a case concerning a challenge to the Human Medicines Regulations permitting pharmacists to sell or supply prescription-only medicines under a serious shortage protocol.

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R (on the application of SS) v Secretary of State for the Home Department [2017] 1 WLR 3641

age assessment case dealing with the analysis of Article 28 of the Dublin III Regulations in light of the CJEU's decision in Al Chodor [2017] 4 WLR 125.

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R (on the application of Molina) v Secretary of State for the Home Department [2017] EWHC 1730 (Admin)

case concerning the definition of marriage of convenience within the Immigration (European Economic Area) Regulations 2006.

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## Civil Liberties and Human Rights

Saara is recognised by Legal 500 as a leading junior in Administrative Law and Human Rights. She is experienced in all aspects of civil liberties, human rights and equality law in judicial review, civil claims, [inquests](#), and public law proceedings across statutory tribunals.

She regularly deals with civil claims against public authorities, including claims with a human rights, equality, and/or information rights [\[link to data page\]](#) element. She acts for both claimants and defendants, and regularly appears in the county courts and the High Court. Whilst she is a keen and effective trial advocate, Saara also provides pragmatic strategic advice to achieve the best outcome for a client.

Her human rights expertise extends to cases concerning:

- Abuse and failure to remove cases;
- The provision of adult social care;
- Data collection, retention, and processing;
- Public and private prison conditions;
- Offender management;
- Alleged failures to investigate crime;
- Alleged operational failures in the prevention and detection of crime; and
- Military claims by civilians and personnel.

Memberships:

- Human Rights Lawyers Association
- Discrimination Lawyers' Association

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## Notable Civil Liberties and Human Rights cases

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Alseran v Ministry of Defence [2017] EWHC 3289 (QB)

Civil human rights claims for damages by Iraqi civilians arising from the 2003 to 2009 Iraq War.

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A test case concerning prison conditions during the early stages of the COVID-19 pandemic.

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A claim concerning the provision of reasonable adjustments for disabled court users.

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A claim concerning the transfer of a transgender prisoner to open conditions during the early stages of the COVID-19 pandemic.

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## Court of Protection

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Saara is recognised by Legal 500 as a leading junior in Court of Protection and Community Care. She has an established practice in all aspects of health and welfare proceedings before the Court of Protection and in the High Court, exercising the inherent jurisdiction. She has acted on behalf of the Official Solicitor, family members, local authorities, NHS trusts, and integrated care boards.

She regularly deals with applications challenging authorisations under the Deprivation of Liberty Safeguards (DOLS) regime or other deprivations of liberty, medical treatment cases, and challenges to the appointment of attorneys and/or deputies.

She has a thorough knowledge of the care for individuals, who lack capacity, and associated service provision. Her deep understanding, of organisational and delivery infrastructures, competing operational priorities, and person-centred care, enables her to provide practical legal advice.

Saara is passionate and robust in representing her clients. She takes a proactive approach to progressing proceedings. She is particularly interested in the intersection between the law on mental capacity and mental health.

Her work includes cases concerning:

- Medical treatment.
- The removal of individuals from unsuitable placements, such as hospital wards or hotels.
- Detention in police custody.
- A local authority challenging the validity of a lasting power of attorney.
- The removal of an individual's contraception intrauterine device.
- The use of physical force in the movement between placement.
- Lasting Power of Attorney and Deputy appointments.

Membership:

- Court of Protection Bar Association.

## Inquests

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Saara is recommended as a leading junior for Inquests and Inquiries in the Legal 500 (2023) for her “carefully considered and effective advocacy.”

She acts for a variety of interested persons in jury and non-jury inquests, including families, local authorities, health authorities, quasi-public authorities, central government departments, and police forces. She has experience in both Article 2 and non-Article 2 inquests.

Saara is able to have difficult and reassuring conversations with clients to put them at ease during the inquest process. She will anticipate potential issues that may not be immediately obvious, and provide strategic advice to address them. Her previous experience in government legal departments and at a leading firm in healthcare law has provided her with a comprehensive understanding of organisational structures and operational realities in order to identify relevant information for an inquest or to address regulation 28 concerns.

Saara communicates sensitively with witnesses and is able to ask challenging questions in a delicate manner, whilst also being assiduous in maintaining her clients' position.

Prior to coming to the Bar, Saara assisted on inquest proceedings on behalf of doctors, and dealt with an inquest investigating the use of experimental medical treatment for heart disease.

Her cases have included inquests that concerned:

- The use of tramadol in patients with COPD, sleep apnoea and suffering from obesity.
- A bilateral lung transplant.
- Alleged failures to provide medical treatment for bedsores.
- Alleged failures by care providers and commissioners to apply to the Court of Protection for the treatment of a service user.
- Resuscitation efforts following choking and implementation of DNAR.
- Alleged failures in the provision of support to prevent suicide.
- Alleged failures to utilise section 136 of the Mental Health Act 1983 to detain a person.

Saara also has experience in dealing with civil claims following from [inquests](#) and judicial review claims related to inquest proceedings.

## Public Inquiries

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Saara is recommended as a leading junior for Inquests and Inquiries in the Legal 500.

Saara has acted for Core Participants and advised organisations without core participant status in the Independent Inquiry into Child Sexual Abuse and the UK Covid-19 Inquiry.

She anticipates potential issues and provides strategic advice to address any potential concerns that may arise during the process. Saara takes a conscientious approach, cognisant of the subject matter of each Inquiry. She is able to engage with large volumes of complex information and documentation. Her previous experience in government legal departments and at a leading firm in healthcare law has provided her with a comprehensive understanding of organisational structures and operational realities to identify relevant evidence and assist in the preparation of statements in response to Rule 9 letters.

Saara has drafted several Rule 14 responses and has been successful in contextualising intimated potential criticisms raised to reassure Inquiry teams that her clients could not be appropriately criticised in concluding reports.

## Information Law

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Saara is certified by the International Association of Privacy Professionals as an Information Privacy Professional in European Data Law (CIPP/E).

She has dealt with information law arising in judicial review claims, in civil claims, and in appeals before the Tribunals. Her cases concern the processing of information in a wide range of industries including the criminal justice system (by police, prisons, probation service and disclosure and barring service), local government, healthcare, and commercial enterprises.

Saara represents claimants and defendants, in all areas of information law, including claims relating to privacy, confidence, data protection, freedom of information, harassment, and in relation to reporting restrictions.

She is well-versed in all aspects of UKGDPR, Data Protection Act 2018 and the Freedom of Information Act 2000. This knowledge, alongside her practical knowledge of operational realities of organisations, enables her to apply amorphous data protection principles to real-world data processing and provide comprehensive advice.

Saara is particularly interested in the challenges to privacy and impact on equality arising from rapid technological and digital developments.

Memberships: International Association of Privacy Professionals

## Notable Information Law cases

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R (on the application of S) v Chief Constable of Greater Manchester Police [2023] EWCA Civ 240

concerning a challenge to the accuracy of police records following a welfare visit.

R (on the application of Suleiman & UNJUST) v Commissioner of Police of the Metropolis

concluded in November 2022, and concerned the data protection implications of the operation of the Gangs Violence Matrix.

Compliance orders seeking data following subject access requests for personal data exchanged between domestic and international law enforcement agencies.

Disclosure of third-party data in decisions concerning Disclosure and Barring Service certificates.

Compensation claims concerning alleged failures to comply subject access requests for personal data collected for law enforcement purposes.

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The unlawful disclosure of healthcare data by a town council in a public meeting.

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The unlawful disclosure of an inaccurate summary of the individual's conviction in a Parole Board report in the prison setting.

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Advising a police force about the use of open-source social media and data protection implications.

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Advising organisations on privacy policies.

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## Personal Injury

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Saara has extensive experience in personal injury claims arising from the delivery of public services and functions, including where there are additional human rights and/or equality law claims.

She regularly represents public authorities in claims arising out physical and sexual abuse, failure to remove, and adult social care cases. She is able to cross-examine witnesses, including vulnerable claimants, sensitively, whilst also assiduous in defending her clients' cases. Her knowledge of health and social care through her [Court of Protection](#) work and has deepened her understanding of the practicalities of social work. She is well versed in advising on the continued development of the law in this area.

Whilst she is a keen and effective trial advocate, Saara also provides pragmatic strategic advice to achieve the best outcome for a client. She works collaboratively with her clients.

Her work includes cases concerning:

- Prison conditions. She has been instructing in cases concerning private prison conditions and conditions during the early stages of the COVID-19 pandemic.
- The liability of public authorities for the acts of private citizens, including abuse claims: arising out of the placement of a sexual offender in the vicinity of a children's home; by biological, foster or adoptive parents; and by other employees.
- Military operations. Saara has represented both claimants and the Ministry of Defence, in civil actions by servicemen/women and affected civilians. Saara was instructed as junior counsel in the first two schedules of claims brought by Iraqi Civilians arising out of the UK's involvement in the Iraq War (*Alseran and others v Ministry of Defence* [2018] 3 WLR 95).

Memberships: Personal Injury Bar Association

## Employment

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Saara is experienced at handling complex, multi-day cases in the Employment Tribunals, and appeals in the Employment Appeal Tribunal, as well as in the county court on employment contract issues.

She advises employees and employers from a wide range of industries, including public sector, finance, healthcare, retail, and security. Her expertise includes all aspects of equality and discrimination, employee status, and unfair/wrongful dismissal claims.

Saara is passionate and robust in representing her clients. Whilst she is a keen and effective trial advocate, Saara also provides pragmatic strategic advice to achieve the best outcomes for a client.

Prior to qualification, Saara worked as a case manager at HM Revenue and Customs where she specialised in the niche area of national minimum wage appeals claims. She has since represented HMRC in recovering minimum wage for employees whilst in practice.

Her cases have concerned:

- Discriminatory unfair dismissal claims because of pregnancy in the hospitality, finance and public sectors.

- Discriminatory unfair dismissal claims because of race in the retail, hospitality, security, aviation and public sectors.
- Discriminatory unfair dismissal claims because of age in the security and public sectors.
- Discriminatory unfair dismissal claims because of disability in the retail, healthcare, finance, public relations, legal and public sectors.
- Failures to make reasonable adjustments for individuals who live with orthopaedic injuries, chronic pain, and psychiatric conditions, significant sight impairment, including obtaining an order for exemplary damages against a council for failing to provide a reading aid.
- Redundancy dismissals in the education and technology sectors.
- Employee status in the retail sector.

#### Memberships

- Employment Lawyers Association
- Discrimination Lawyers Association

## Education & Qualifications

LLB Law, University of Warwick

LLM in Public Law and Human Rights, University College London

## Memberships

- Attorney General's B Panel of Counsel
- Administrative Law Bar Association
- Human Rights Lawyers Association
- Court of Protection Bar Association
- International Association of Privacy Professionals
- Personal Injury Bar Association
- Employment Lawyers Association
- Discrimination Lawyers' Association
- She has Security Check clearance

## Awards

