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Peter Taheri

Call: 2007

Peter's practice is mainly focused on Inquests and on work across the broad range of Police law.

Peter also practises in Employment law, where he has the benefit of experience dating back from before he was called to the Bar. Peter regularly appears in hearings in the County Court and the High Court in general civil matters on all tracks.

Peter is security cleared to SC level.

Peter sits (part-time) as an Assistant Coroner for the county of Suffolk.

Inquests

Peter is regularly instructed to represent the interests of public bodies, including NHS Trusts and many Police forces, as well as other healthcare providers within prisons, in inquests, including high-profile cases with the potential to affect organisational reputations. Peter has been appointed to the part-time position of Assistant Coroner for Suffolk. Peter has extensive experience of multi-week Article 2 inquests including inquests with juries and he is frequently entrusted with front-line briefs from parties whom are the main focus of the inquest. Peter is instructed on behalf of HM Senior Coroner for Suffolk as Counsel to the Inquest in the Inquest touching the death of Corrie McKeague, listed for a four-week inquest before a jury.

Other cases have involved matters including (but not limited to):

- unescorted leave, or unauthorised absconding, from psychiatric hospitals;
- the search for a missing person or 'concern for welfare' checks;
- issues around restraint, including Acute Behavioural Disturbance and / or positional asphyxia and / or restraint of those in mental health crisis;
- the use of powers under the Mental Health Act, including detention under s.136;
- unexpected deaths in hospital (e.g., due to surgical complications) or in the course of medical treatment or of professional care;
- issues around risk management and the analysis and prioritisation of risks;
- death in prison;
- high-speed Police vehicle pursuits;
- death resulting from road traffic collisions in association with Emergency Response driving;
- the scrutiny of responses to 999 calls and the use of the pre-existing information available to emergency services;
- a fall off a landmark bridge immediately after escape from detention in an ambulance;
- a fall off a balcony while handcuffed and about to be taken to hospital by Police;
- a death a few hours after release from Police custody;
- death by pneumonia (contributed to by alcohol abuse) metres away from a Police station;
- a shooting by gang members in the vicinity of a funeral;
- a suicide in a children's home, alleged neglect by a hospital;
- a late-night collision with a car while hitch-hiking home from hospital.

Police Law

Peter's practice is centred on both advising and acting on behalf of police forces. He regularly appears in Inquests as well as in a wide range of County Court and High Court matters, including in relation to claims of unlawful arrest and false imprisonment, assault, negligence, conversion, misfeasance, malicious prosecution, judicial reviews, and human rights claims.

Peter also frequently acts for police forces at misconduct hearings, including the Police Appeals Tribunal.

Peter has considerable experience of advising and acting in matters concerning Legal Professional Privilege or special procedure material. He has often acted as independent counsel conducting the LPP sift. He also appears in applications under Schedule 1 of PACE and for Production Orders. Peter has drafted a guidance note for operational officers to brief them on the law around LPP.

Healthcare

Peter is regularly instructed to represent the interests of various public bodies, including NHS Trusts and other healthcare providers within prisons, in high-profile cases with the potential to affect organisational reputations. He has considerable experience of multi-week Article 2 Inquests and is frequently entrusted with front-line briefs from IPs whom are the main focus of the inquest.

Peter is also experienced in both a wide range of employment law – from discrimination to unfair or constructive dismissal to contract or wages claims – and in general civil law – appearing regularly in High Court and County Court hearings on all tracks.

Examples of cases in the healthcare realm in which Peter has been instructed include:

- *Inquest touching the death of Joseph Phuong*: A 4-week Article 2 Inquest with jury, in which Peter represented the NHS Trust responsible for the psychiatric hospital in which the deceased patient lost consciousness before passing away. A complex set of issues was covered, including community mental health provision, Mental Health Act ('MHA') assessments, s.136 MHA detention procedures, restraint of patients in crisis, inter-agency information sharing, and seclusion and emergency response in in-patient mental healthcare. The medical cause of death was found to be unascertained and a narrative conclusion was returned and PFD report made.
- *Inquest touching the death of Ateeq Rafiq*
: A 5 day Article 2 Inquest with jury, in which Peter represented an NHS Trust providing healthcare in a prison. The deceased had complained of first a panic attack, then chest pains, prior to his death owing to a heart attack. It was in dispute as to whether healthcare staff were informed of the chest pains and whether the observations and medical assessments carried out on the prisoner were sufficient. Peter's client faced a very difficult set of facts, with witnesses of questionable reliability, requiring careful handling, in a case with intense conflicts of fact with other parties.
- *Inquest touching the death of Ben Rich*: A 2 week Article 2 Inquest with Jury, into a case in which the deceased had absconded from an acute psychiatric hospital ward while sectioned under s.136 Mental Health Act, then was pursued by car by Police. This complex inquest looked at numerous sensitive matters pertaining to the care of those acutely mentally unwell admitted to hospital under section, including: admission procedures, risk assessment, availability of space in s.136 units, 'step-down' decisions in relation to patients detained under s.136 to move them to less secure units and to free up space in s.136 units, and the security of units in psychiatric hospitals (including the locking of doors so that detained patients cannot abscond). The Jury concluded that the death arose from a road traffic collision associated with failings on the part of the hospital and defects in the information flow to Police officers on the ground.
- *Inquest touching the death of Catherine Horton*: A 2 week Article 2 Inquest with Jury, into a case in which a hospital was assisted by Police with the execution of a s.135 Mental Health Act warrant, but the deceased was found dead at home, 14 days after she absconded from the secure hospital ward. Four mental health nurses and two Police officers were separately represented. Issues arising included risk grading, adequacy of observations, search, and delay in executing the warrant. In this case, the difficulties faced in returning patients whom have absconded from secure psychiatric hospital wards interacted with the police missing person search, which raised questions of actual and perceived risk, priorities and resources. There were also questions over information sharing and communication, as well as over how the patient came to abscond from the secure ward in the first place. The Jury concluded the death was a suicide to which neglect contributed. Despite making extensive criticism of others, the Jury did not criticise Peter's client.
- *Inquest touching the death of Peter Winterflood*: A one-week Article 2 Inquest with Jury, into a case in which emergency services were called for assistance by the deceased hours before his death caused by cocaine toxicity in the context of paranoid schizophrenia. By the time that emergency services attended, the deceased had passed away. This case highlighted in stark terms the pressures on both Ambulance and Police control rooms owing to severe resource constraints. Intense scrutiny was given to the actions and working practices of call handlers and radio dispatch officers: whether they handled the incoming information correctly or competently, whether they assessed risk, graded and triaged correctly, whether they passed information on correctly and in a timely manner, whether their supervision was adequate and indeed whether the computer software available was fit for purpose. The case also highlighted the difficulties in assessing over the telephone conditions that may be drug-related, may be a mental health crisis, and/or may be

regarded as dangerous to property or to oneself – and assessing the available lawful powers to deal with complex calls of this nature. The Jury found that it was a drug-related death and appended a narrative that did not find any missed opportunities or defects that contributed to the death on the part of Peter's client.

- *Inquest touching the death of Richard Walsh*: A 4 day Article 2 Inquest with jury, considering a prison suicide. The jury found neglect on the part of the medical practitioners who assessed the deceased, while he was at the Police station post-arrest. The Jury found that the deceased should have been detained in a hospital rather than conveyed to prison. No criticism was made of Peter's client.

Public / Administrative

Peter accepts instructions from public bodies in claims for judicial review in a wide range of contexts. Past instructions have included both paper advocacy and attendance at both permission and substantive hearings, dealing with human rights claims and matters of public importance, from cautions and Police National Computer entries to Police licensing functions.

Employment

Peter has extensive experience in both Employment Tribunal and EAT cases, representing claimants and respondents, including police forces and public bodies, across a broad range of employment law, including all types of discrimination, harassment, victimisation, unfair and constructive dismissal, redundancy, employment status issues, breach of contract, holiday pay and wages claims.

Peter has experienced a wide range of cases – from cases heard in private on grounds of national security to an unfair dismissal subsequent to allegations of gross misconduct on social media. Peter has also assisted clients with drafting of employment contracts and policies for staff handbooks.

Licensing

Peter appears, on behalf of Police forces and licensing authorities, before Licensing Sub-committees as well as the Crown Court. Peter is experienced in both firearms and alcohol licensing. His licensing experience has been enriched by his service on, and chairing of, a Licensing Panel during his time as an elected Councillor of the London Borough of Camden.

Peter has taken part in the delivery of training on behalf of the Institute of Licensing on the law and practice of licensing hearings.

Peter has also appeared in Private Hire Vehicle Driver and Operator Licence appeals and accepts instructions in respect of Hackney Carriage matters.