



“5 Essex Court’s barristers are at the cutting edge of everything”

Chambers UK

Top-tier civil law set of chambers recognised for our exemplary client service, depth and breadth of experience in our specialist areas and the outstanding quality of our counsel

5 Essex Court
Temple, London
EC4Y 9AH

T: 020 7410 2000
E: clerks@5essexcourt.co.uk
W: 5essexcourt.co.uk



Saara Idelbi

Call: 2008

Saara is known for her work in public and human rights law, equality, healthcare information and personal injury. She regularly appears and advises on matters in the Tribunals, Coroners' Court, Court of Protection, High Court and Court of Appeal.

Saara advises a wide spectrum of clients including government departments, public and quasi-public authorities, companies and individuals. Having worked in-house in government legal departments and a leading firm in healthcare law, she is well placed to advise on judicial review proceedings and litigation concerning the provision of healthcare. Saara is a member of the Attorney General's B Panel of Counsel. She is qualified for public access.

Prior to qualification, she worked as a Judicial Assistant in Constitutional Court of South Africa, and dealt with litigation at the cutting edge of constitutional and human rights law in South Africa. Saara also spent six months serving as a Judicial Assistant in the Civil Division of the Court of Appeal during which time she researched and wrote opinions on a large number of high-profile civil appeals.

Public / Administrative

Saara's work encompasses a wide range of fields including community care, legal aid provision, housing, prison law, education, public procurement and human rights law. She is regularly instructed by both claimants and public authorities in judicial review actions.

She has a strong foundation in public law having represented both claimants and the Home Office in the First-tier and Upper Tribunals, and Administrative Court.

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

Examples of her work include:

- *R (on the application of ZA) v Secretary of State for the Home Department* [2018] EWHC 183 (Admin) – judicial review challenge 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.
- *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.
- *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.
- *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.
- Advised on a challenge concerning printing charges to prisoners.

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

Memberships

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

Court of Protection

Saara represents both protected parties and local authorities in proceedings before the Court of Protection. She regularly deals with applications challenging authorisations under the Deprivation of Liberty Safeguards (DOLS) regime, welfare applications, and challenges to the appointment of attorneys and/or deputies.

Examples of Saara's work include:

- Representing a local authority challenging the validity of a lasting power of attorney
- Represented the mother of P in an application by a local authority to prevent the removal of P's intrauterine device
- Represented a local authority in a section 21A challenge concerning P's capacity to consent to sexual relations and use of social media
- Represented a CCG in proceedings to authorise the possible use of force in effecting the transfer of P from hospital to their long-term placement.
- Represented P whose hoarding behaviours caused her eviction from various placements.

Data Protection & Information Law

Saara represents claimants and defendants in all areas of information, including claims relating to privacy, confidence, data protection, freedom of information, harassment and reporting restrictions. She is a certified Information Privacy Professional in European Data Law by the International Association of Privacy Professionals (CIPP/E).

She has advised in relation to the Data Protection Act (both 1998 and 2018), Freedom of Information Act and appeals against the decision of the Information Commissioner before the First tier-Tribunal (General Regulatory Chamber). She advises on all aspects of data protection and is well-versed in all aspects of GDPR, the Law Enforcement Directive and the ePrivacy Directive, and the interaction between them.

Privacy and data issues arise frequently through Saara's practice, and she regularly advises on data protection issues when dealing with cases concerning sensitive data concerning children and vulnerable adults.

Examples of Saara's work include:

- Represented the Secretary of State for the Home Department in which it was argued disclosing a third party's immigration history to another person would breach the Data Protection Act 2018 – *FF v Secretary of State for the Home Department* [2021] EWHC 2566 (Admin)
- Advised on the lawfulness of disclosure of an individual's convictions on an enhanced DBS certificate.
- Represented a former councillor about the unlawful disclosure of their sensitive data in a public meeting.
- Negotiated a settlement for the disclosure of an individual's conviction in the prison setting.
- Struck out a claim for alleged inaccuracies and opinions contained in a probation reports.
- Represented a protected party in the Court of Protection concerning their ability to consent to the sharing of their personal data.

She has delivered training on data legislation and privacy.

Saara is Direct Access qualified and accepts instructions in this area.

Clinical Negligence

Saara's work encompasses advising, drafting, negotiating and appearing in court in a wide variety of clinical negligence matters. She has represented both claimants and defendants and is instructed in cases concerning the responsibility for healthcare provision in prisons following the High Court decision in Razumas [2018] EWHC 215.

She regularly drafts advices on liability and quantum, and pleadings. Saara has represented both claimants and defendants in court in clinical negligence cases. Saara has been instructed to appear at Coroners' inquests in respect of instances of alleged clinical negligence leading to death including those which involve issues arising from Article 2 of the European Convention on Human Rights

Examples of Saara's work includes:

- Representing families at an inquest concerning the use of tramadol in patients with COPD, sleep apnoea and suffering from obesity
- Represented a family at an inquest concerning a bilateral lung transplant
- Represented a public authority in an inquest concerning resuscitation efforts following choking and implementation of DNAR.
- Represented a claimant in a claim for negligence arising out of a knee replacement

Prior to coming to the Bar, Saara worked at a leading healthcare law firm where she assisted in the preparation of cases on behalf of doctors, dentists and NHS departments in clinical negligence cases and inquests, as well as regulatory proceedings.

Personal Injury

Saara regularly deals with civil claims against public authorities, including claims with a Human Rights Act or Equality Act element. She acts for both claimants and defendants. She appears regularly in the county courts and the High Court in personal injury, and has extensive trial experience.

Her expertise includes dealing with military claims and Saara has represented both claimants and the Ministry of Defence in civil actions by servicemen/women and civilians alike. 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).

Saara regularly deals with claims arising out physical and sexual abuse and failure to remove cases. She regularly represents defendants and is well versed in advising on the complicated development of the law in this area.

Examples of her work include:

- Represented a local authority in an abuse claim arising out of the placement of a sexual offender in the vicinity of a children's home
- Represented a local authority in a human rights claim concerning alleged pre-mature removal of a child from their parents
- Represented a local authority where allegations of abuse were made against employees of a children's home
- Advised on claims concerning the conditions in a private sector prison

Employment

Saara is experienced at handling complex, multi-day cases on behalf of both claimants and respondents. Her expertise includes all forms of discrimination, national minimum wage claims, employee status, unfair/wrongful dismissal and disciplinary proceedings. She appears regularly in the employment tribunals and in the Employment Appeal Tribunal, as well as in the county court.

She is particularly interested in challenges under the Equality Act and experienced in dealing with challenges that do not concern the traditional working relationship. She represented a local councillor in his claim against a parish council for failing to make reasonable adjustment, and succeeded in arguing that the council could be vicariously liable for certain conduct of other councillors. She has expertise in dealing with jurisdictional issues arising in respect of s113 and s120 of the Equality Act.

Saara speaks on equality law and employment matters.

Saara's employment experience began before life at the Bar with her work as a case manager at HM Revenue and Customs where she specialised in the niche area of national minimum wage litigation.

Memberships

- Discrimination Lawyers' Association

Mental Health and Capacity

Saara represents both protected parties and local authorities in proceedings before the Court of Protection. She regularly deals with applications challenging authorisations under the Deprivation of Liberty Safeguards (DOLS) regime, welfare applications, and challenges to the appointment of attorneys and/or deputies.

Healthcare

Having previously worked in the healthcare department of a leading law firm, Saara has extensive expertise in the field of clinical care and welfare provision. She has particular expertise in Clinical Negligence and Personal Injury cases.

Covid-19 Public Inquiry Hub

Saara has advised and acted on behalf of public, quasi-public bodies and private organisations in public inquiries. She has extensive experience of the operational demands of public authorities and businesses, as well as a thorough understanding of public law, which means she is well-placed to advise and represent clients involved in public inquiries.