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Saara Idelbi

Call: 2008

Saara is known for her work in public and human rights law, equality, healthcare 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 C 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.

Information Law

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

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.

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

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. To this end, 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

- Employment Lawyers' Association
- Discrimination Lawyers' Association

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 drafted advices, grounds in support of judicial review and grounds of defence in judicial review claims. Saara has also dealt with human rights claims.

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 was appointed to the Attorney General's C Panel of Counsel, effective from February 2016.

Selected Cases

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.

Saara writes on public law issues and authored the Judicial Review updates for the Solicitors' Journal for three years.

Memberships

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

Regulatory

Saara has extensive experience of regulatory and disciplinary proceedings for healthcare professionals, having completed a secondment with the Nursing and Midwifery Council. She presented a number of cases against

nurses and midwives accused of misconduct, from incompetence or from suffering a health condition that impairs their fitness to practice. She is familiar with interim order and substantive order review hearings as well as having represented the NMC in a number of multi-day substantive hearings. She has also appeared in the Health and Care Professions Council. She is qualified to accept instructions on a direct access basis.

Saara has a wealth of experience dealing with matters before the General Medical Council and General Dental Council; assisting in the representation of doctors and dentists in her time at a leading healthcare law firm prior to coming to the Bar. In that role, Saara 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.

She represents registrants and is public access qualified.

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.

Commercial

Saara is experienced at dealing with commercial cases concerning the provision of healthcare and other public services. She has advised on insurance coverage and claims for private healthcare. She is familiar with dealing with challenges arising out of public sector contracting.

She worked as a part of a large disclosure exercise in a multi-million construction dispute on behalf of a central government department and has dealt with cases concerning disputes over the tender awards.

Further, Saara has a growing practice in information privacy and data.

Personal Injury

Saara's practice relates to the full scope of personal injury work. She concentrates on actions against local authorities or quasi-public bodies, and consequently is experienced in dealing with Human Rights Act claims and claims pursuant to the Equality Act. 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. Most notably, Saara was instructed as junior counsel in the first two waves 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 has developed her expertise in abuse claims since her pupillage. She regularly represents defendants in court and is well versed in advising on the complicated development of the law in this area. She represented a local authority in a five day multi-track trial, with twenty-six bundles of documentary evidence, and succeeded in arguing that employees of a children's home had acted with reasonable care and skill in safeguarding a child in their care.

Saara accepts instructions in claims against the police and she has dealt with an extensive disclosure exercise in a civil claim arising out of the alleged use of kettling at a protest.

Healthcare

Saara is known for her work in public and human rights law, equality, healthcare 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 C Panel of Counsel. She is qualified for public access.

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