

Iain Daniels

"Absolutely brilliant in court, and he has judgement you can trust when it comes to making the really difficult calls."
Chambers UK 2021



Year of Call: 1992

02073535324

Iain is a senior junior practicing in health and safety matters, including prosecutions under the HSWA and other health and safety related legislation, inquests, personal injury and clinical negligence. In addition, he acts on behalf of and against police forces and private custody providers in respect of a variety of claims relating to arrests, detention and prosecution as well as misfeasance and judicial review in respect of prosecutions, prisons and the actions of the police. He has represented a variety of organisations, with particular emphasis on claims involving police forces, arising out of allegations of stress, harassment and bullying at work and online.

Iain has particular experience in matters arising out of the provision of healthcare, including advising and representing NHS Trusts, healthcare professionals, private prison healthcare providers and both local authority and privately-run care homes. This includes defending prosecutions, advising and representing in respect of civil and judicial review claims and those brought under the HRA as well as representing PIPs in inquests. In addition, he advises Coroners in respect of legal issues arising during and from inquests.

His practice includes responding to the investigations into and prosecutions arising out of deaths in hospital and mental health units both concerning the standard of care and the condition of the buildings and equipment used.

In addition, Iain represents companies in the construction, utilities, energy and manufacturing sectors. He undertakes lengthy civil and criminal trials and inquests relating to deaths arising out of construction and maintenance processes as well as personal injury cases on behalf of insurers and claimants following accidents in the workplace and work accidents involving members of the public. He was instructed and appeared in the Grenfell Inquiry on behalf of one of the core participants.

Iain has advised and represented in public law matters on behalf individuals and organisations arising from inquests, criminal investigations, prosecutions, and the actions of prison providers and the police.

As Iain's experience encompasses both criminal prosecutions and civil claims arising out of health and safety legislation, he is able to advise upon both those aspects and upon the impact of matters arising in one aspect upon the other.

Iain accepts **Direct Access** instructions.

Location

2 Hare Court
Temple
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EC4Y 7BH

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What others say:

“Iain is fantastic on his feet, has a great eye for detail and an excellent manner with clients.” – Legal 500 2021

“He is very bright, meticulous in his preparation and not afraid of hard work.” – Chambers and Partners UK 2020

“He is very good on his feet.” – Legal 500 2020

“He has achieved cracking results. He’s technical and incredibly hard-working. Strong in relation to personal injury litigation, in particular bullying, stress and harassment. He also very good in relation to inquests and regulatory work.” – Chambers and Partners UK 2019

“A technical expert in health and safety and inquests and a strong advocate.” – Legal 500 2018

“He has an excellent manner with clients and witnesses alike.” – Legal 500 2018

“He’s a well-respected advocate and a great tactician. He has a methodical approach to litigation.” – Chambers and Partners UK 2018

“He is very pleasant, hospitable and accommodating.” “His advocacy skills are excellent” and “his attention to detail and willingness to work in a team are plain for all to see.” – Chambers and Partners UK 2017

“He’s very measured and very reasonable.’ ‘Put simply, he’s brilliant. He’s one of the best and most instructed barristers that we use.” – Chambers and Partners UK 2016

Criminal Regulatory

Iain appears in cases involving all aspects of health and safety and fire safety legislation covering both criminal and civil claims.

He advises corporations and public bodies in the context of on-going litigation and also as to the development of health and safety policy, compliance with regulations and how best to approach enforcement agencies with a view to avoiding prosecution.

He has been instructed in cases arising from the Lakanal House fire, Bradford City fire and prosecutions in cases including those working at height, window security, asbestos, manufacturing, farming and construction safety. He has advised and appeared on behalf of healthcare and care providers in cases involving legionella and water systems, estate management functions, water temperature, medication procedures, bed sores, window restrictors and safe food preparation.

In addition, he represents companies in proceedings brought by the fire service and appeals in the Employment Tribunal against improvement and prohibition notices.

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Iain also advises on media strategies and dealing with media enquiries following serious incidents and court judgments.

Notable cases:

Re. NHS Trust

Advising and assisting in responding to an investigation into a number of fatalities in an NHS Trust.

Newham v B

Representing a utility company charged with offences relating to street works in the context of the death of a pedestrian.

Millmore v Environment Agency [2019] EWHC 443

Acting on behalf of an employee of a water company charged with obstructing an EA search of its premises.

R. (on the application of Torpey) v DPP [2019] EWHC 1804

Judicial review of the decision not to prosecute a police officer in respect of the fatality of a moped rider killed during a police pursuit. He is currently instructed to appear on behalf of the family in the inquest.

HSE v NHS Trust B

Instructed on behalf of an NHS Trust in respect of a prosecution involving the death of a patient from legionnaires' disease which it was argued on behalf of the HSE he contracted whilst an inpatient in hospital.

P v East Sussex Fire and Rescue

Challenge in the Employment Tribunal and Divisional Court to the issuing of improvement notices in respect of petrol stations.

Kensington & Chelsea v A

Instructed on behalf of a utility company to oppose an attempt by a local authority to impose Health and Safety sentencing guidelines on 'street works' cases.

Inquests & Public Inquiries

Iain acts on behalf of NHS Trusts, local authorities, police forces, companies and individuals in respect of inquests involving deaths in hospitals, care homes, community care, police custody and those arising in a wide variety of workplaces.

The inquests involving clinical work range from the particularly tragic deaths of new-born infants to those within the context of detention in psychiatric hospitals or prisons.

He receives instructions on behalf of police and healthcare providers in relation to deaths occurring when in police custody or where there has been involvement with the police, in particular deaths where there has been medical

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input, including cases where individuals are detained within or have absconded from psychiatric hospitals and care homes, or are under the care of the local authority or Community Mental Health Trust.

Inquests in respect of workplace deaths including falls from height, fatalities involving machinery, work-related suicides and the deaths of third parties alleged to be the result of unsafe working practices.

Additionally, he advises coroners on aspects of coronial law and on judicial review applications.

Notable cases:

Grenfell Tower Public Inquiry

Acting on behalf of one of the corporate core participants in the Grenfell Tower Inquiry.

Re ZH

Iain is instructed in respect of an inquest into the death of a mother and 6-year-old daughter following a fire in a block of flats in Stoke on Trent.

Re IT

Acting on behalf of a local authority in respect of the death of an elderly woman as a result of an infected bedsore, for whom it commissioned care.

Re IP

Iain acted on behalf of a specialist recruitment agency which supplied an engineer to work on the maintenance of trains. The engineer subsequently died when crushed by a train traction engine.

Re JB

Representing the family of a serving police officer who took his own life whilst suspended from duty.

Re Alexander Monson

Iain has been advising and assisting on a pro bono basis the family of Alexander Monson, a young man beaten to death in a police station in Kenya. This inquest, conducted at Mombasa High Court, finished after being heard over a period of 4.5 years with Iain attending most of the hearings. The verdict was one of unlawful killing and four police officers are now being prosecuted. Iain continues to assist the family and their Kenyan lawyers.

Re B

Instructed on behalf of a Hospital Trust in respect of an inquest involving the death of a very young baby who had been under the care of doctors, health visitors and midwives at a large London Hospital.

Re AH

Appeared in an inquest concerning a patient who died having developed choking whilst attempting to swallow inappropriate food.

McDonnell v HM Assistant Coroner for West London [2016] EWHC 3078 (Admin)

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Appearing in an application brought with the *fiat* of the Attorney-General in respect of an inquest concerning a medication related death.

Civil Litigation

Iain represents defendants in large value personal injury claims which arise out of accidents, many of which have been investigated and prosecuted by the HSE and others, as well as in claims brought by on an EL/PL basis. He has a particular interest in claims involving allegations of stress at work, bullying and harassment, as well as claims by those detained in police stations, prisons or other detention centres.

He acts on behalf of claimants and police forces in respect of claims involving personal injury, assault, false imprisonment, malicious prosecution and misfeasance in public office. He appears in cases where police officers are injured in the course of duty, including training injuries, those incurred whilst arresting suspects and stress at work claims.

Most recently he has been instructed in HRA claims relating to breaches of Articles 9, 10, 11 and 14 of the ECHR, particularly those involving the alleged suppression of the right to freedom of expression.

He has been recommended in Chambers and Partners in relation to police claims for many years, being noted to be one of the few practitioners who act both for and against police forces.

Iain has extensive experience in acting in FAA, LR(MP)A and clinical negligence claims and advises and represents in such claims arising from inquests and more generally.

Notable cases:

Muhammad v LB of Lambeth & MPS

Instructed on behalf of 34 claimants in an HRA claim relating to allegations that the defendants prevented the claimants from speaking on the topic of reparations for slavery.

C v A Police Force

Instructed on behalf of a police force in respect of a claim that the claimant, a serving police officer, suffered PTSD as a result of watching graphic footage as part of an investigation into child sex abuse.

Sherratt v Chief Constable of Greater Manchester [2018] EWHC 1746

Instructed on behalf of the claimant in respect of a preliminary issue and later appeal as to whether the police had a duty of care to a woman, not in its custody, who intended to take her own life.

B v O & D

Representing a corporate defendant in a large value claim for injuries sustained in a fall between exposed joists by an engineer undertaking the restaurant refurbishment. The claim had been issued following a pleas of guilty by both defendants in an HSE prosecution.

O & Others v A Police Force

Representing Christian street preachers in claims involving false imprisonment, assault and injury as well as HRA

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claims under ECHR Articles 9, 10 and 11 following their arrest, prosecution, conviction and acquittal on appeal in relation to town centre preaching.

Hopkins v Chief Constable of Cleveland Police

Representing the police in a claim where a senior civilian employee claimed he was harassed and the victim of misfeasance. The claim was set against the background of largest ever investigation into alleged police corruption.

Accreditations



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Appointments & Memberships

- Criminal Bar Association
- Personal Injury Bar Association

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