

Nicholas Bowen QC



Call: 1984

Silk: 2009

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Profile

Nicholas Bowen QC specialises in damages claims in tort and under the Human Rights Act against the police and a range of other public authorities. He is also very well known for his administrative and public law work, particularly in the fields of education, community care and the legal rights of children, the family and vulnerable adults; He public authority liability practice focuses on preventable homicide, serious wrongdoing by public bodies; negligence and misfeasance by the police, psychiatric and health services and social workers.

His private law work has helped to establish many principles in education and tort law which though controversial at the time are now widely accepted. He is one of the few barristers with a genuine expertise in the crossover between private and public law duties on statutory bodies and has numerous reported cases in the specialist and official law reports. He acts mainly for Claimants but is frequently instructed by Defendants. Nicholas joined Doughty Street Chambers in 2005 and took silk in 2009. He is committed to pushing the boundaries of the law in the interests of his clients and his empathy with family battles against public authorities has been informed by his own family's fight to ensure a suitable education for his blind sister and niece who has multiple disabilities; this makes him a very popular choice with parents. His earlier career was in family and general common law work and has conducted

many complex child care cases. He is acknowledged as a powerful, effective and confident advocate.

Nicholas's Practice Manager, Callum Stebbing, can be contacted on 020 7400 9073 or by email: c.stebbing@doughtystreet.co.uk.

Education

Cardiff High School

Sussex University BA

Related practice areas

Actions Against the Police and Public Authorities

Education

Administrative & Public Law

Business Crime and Investigations

Inquests and Public Inquiries

Community Care and Health

Clinical Negligence, Personal Injury & Product Liability

Children's Rights Group

Actions Against the Police and Public Authorities

Current work includes multiple claims of preventable homicide and misfeasance and malicious prosecution claims arising from the prosecution of the "Cardiff 3" in the Lynette White murder, the most recent abortive prosecution in the Gareth Morgan axe killing and the acquittal of the officers believed to have assaulted Babar Ahmed.

Nicholas's police and public authority liability and police practice developed from involvement in numerous landmark duty of care cases in the last 15 years where liability was first imposed in tort law (Phelps: educational professionals, Hall v Simons: barristers and solicitor advocates for their preparation and performance in Court; tax inspectors: Neil Martin v HMRC).

Nicholas is frequently instructed in very difficult fatal and personal injury claims seeking damages for failure to prevent foreseeable murder and/or severe injury involving tortious and human rights arguments that the state should be liable for murders that should have been

prevented by the police and/or other public authorities (see full biography). Preventable homicide cases typically involve victims of domestic violence or those with a psychiatric or dangerous history. Nicholas is also an expert in linked applications to resume inquests and coronial proceedings.

Liability for the crimes of another / liability of police and health defendants for the crime of a third party involve a consideration of direct and vicarious liability, the illegality defence (*ex turpi causa*) and complex policy issues. Typically Defendants are the police, the Crown Prosecution Service, probation services, local authorities, doctors, psychiatric services, mental health trusts, other NHS bodies and multi-agency arrangements such as MAPPA and local partnerships between the responsible public bodies for the protection of victims of domestic violence and serious crime.

Education Law

Nicholas Bowen QC is the head of the education law team at Doughty Street Chambers; he has over 100 reported cases in these and related fields. He has been involved in many of the most important public and private law cases concerning education and community care law in the higher courts in the last 15 years.

Administrative and Public Law

Nicholas has appeared in public law cases at the highest levels; three early appearances in the House of Lords established his reputation as an education / public lawyer. He is very adaptable and has worked in many areas of public law; recent public law work in 2009-2013 has been mainly in the education, social care, children and family life and community care field but his experience covers a breadth of areas of the law. He has acted as both junior and leading counsel in the Court of Appeal and House of Lords / Supreme Court in numerous high profile judicial review cases which have established points of real public importance: *A v Essex* (meaning of Article 2 Protocol 1 of European Convention on Human Rights: obligation of the state to provide an effective education); he was counsel in and devised the argument in the 1st ever age assessment case upon which the subsequent case law was built (*TK v Lambeth LBC*); he acted for the Countryside Alliance in the challenge to the Hunting legislation; was counsel in *International Roth* (an early declaration of incompatibility of the penalty scheme against hauliers for the carriage asylum seekers under the Immigration Act); *B v Harrow* (House of Lords; statutory construction: meaning of "resources" in the

Education Act 1996); L v J (House of Lords; statutory construction: meaning of “reinstatement” in Education Act 1996); was counsel in Wagstaff and devised the legal argument in the successful challenge to the refusal of Government to convene a public inquiry into Harold Shipman’s murders; acted for the 100 plus interveners in Law Society v Legal Services Commission (the challenge to the LSC’s procurement exercise of family and children legal services).

Clinical Negligence & Personal Injury

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Very recently, Nicholas was also instructed in a significant civil claim against the Probation Service Ministry of Justice in a claim for damages. The proposed claim is in negligence and for violation of their human rights following appalling ordeals at the hands of Joseph McCann. The claim will be brought seeking damages in negligence and just satisfaction under the Human Rights Act.

Joseph McCann was found guilty of 37 offences at the Old Bailey on 9th December and sentenced to a minimum of 30 years in prison. He was given 33 life sentences following a string of sex attacks on 11 women and children across England.

Nicholas was also lead counsel in the landmark Supreme Court case of Robinson v Chief Constable of West Yorkshire [2018] UKSC 4 where he and counsel David Lemer successfully argued that the police owe a duty of care to avoid causing foreseeable personal injury to another person in accordance with the general law of tort, and that this extends to a duty to protect an individual from a danger of injury which they have themselves created.

Mrs. Robinson was an innocent bystander when a pre-planned arrest operation of a suspected drug dealer went badly wrong, resulting in personal injury to Mrs Robinson.