

Maya Sikand KC



Call: 1997

Silk: 2021

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Profile

Maya stands out because she is a fearless and highly experienced jury advocate, a natural and accomplished appellate advocate but is also well-known for her excellent and detailed written advocacy. She is a leader in the field of police law as well as Human Rights Act ('HRA'), discrimination, and tortious/personal injury claims against a range of public bodies. She has forged a niche practice on behalf of victims of trafficking and modern slavery charged with criminal offences, overturning their convictions as well as securing both HRA and statutory compensation on their behalf. Maya is ranked in the legal directories for her expertise in Police Law, Civil Liberties and Human Rights and Inquests/Inquiries. She was shortlisted for Civil Liberties and Human Rights Junior of the Year by Legal 500 UK Awards 2020 and Public Law Silk of the Year in the Legal 500 UK Awards 2023.

Background

Maya has established her career across both public and private law claims with a commitment to providing a voice to the marginalised. She started her working life as an advocate and campaigner for women and girls fleeing domestic violence, sexual abuse, forced marriages and other exploitation in the NGO sector. She began her legal career as a

paralegal in a leading firm of solicitors before embarking on crime and human rights pupillages at Two Garden Court and Doughty Street Chambers. In her previous criminal practise, she focussed mainly on representing children in the criminal justice system, particularly those with neurodevelopmental conditions, alongside **Just for Kids Law**. This invaluable experience means that she brings an intersectional approach to her legal work.

She is an editor of the leading criminal textbook *Archbold* and a contributor to **Human Trafficking and Modern Slavery: Law and Practice** (Bloomsbury Professional, Second Edition, 2020) (see publications below). She sits as a Recorder (a part-time judge in the Crown Court).

What the directories say

"Maya is an expert in her field who consistently provides advice and advocacy of the highest quality. She is excellent with clients, robust, tenacious and a superb advocate." - Chambers and Partners 2024

"She is an all-round excellent counsel; she is a safe pair of hands and her strategic mindset is exceptional." - Chambers and Partners 2024

"Maya's advocacy style is very polished, planned, and tactical. She is a huge strength and support to her bereaved clients." - Legal 500 2024

"Maya is not afraid to take on challenging cases or explore novel arguments of law to achieve the best results. She is fearless in her approach, but sensitive to her clients' needs." - Chambers and Partners 2023

"Great for her meticulous attention to detail and the level of work and effort she puts into every matter, no matter how complex and low value the case. She has amazing client-care skills and extraordinary client care and humility." - Legal 500 2023

"She is highly committed, sharp, utterly determined and not afraid to take on challenging cases." "She is really engaged and is involved in every aspect of the case." - Chambers and Partners 2022

"Maya is great on her feet, her written submissions are strong and her knowledge of the law is superb." "She is brilliant on complex detail and she leaves no stone unturned." - Chambers and Partners 2022

"She really cares about her clients, which shines through. She is dedicated to her cases and brilliant with clients." "She is a very fair and even-handed advocate who takes good points." - Chambers and Partners 2022

"Very bright, exceptionally hard working, has a forensic attention to detail and is a pleasure to work with. She isn't afraid to speak her mind, and can hold her own powerfully in any setting. She provides detailed and nuanced advices, and you can totally trust her analysis." - Legal 500 2022

"She gets into all the detail and pre-empts everything, even the tricky points. She is knowledgeable and brings a wealth of experience to any case. She is also direct, realistic and empathetic with clients." "She gives pragmatic, straightforward advice and is extremely sound strategically." - Chambers and Partners 2021

"An extremely persuasive advocate." "Her written advocacy is absolutely superb and she has fantastic knowledge of the area." "She's easy to work with, gives clear practical advice and produces very good pleadings." - Chambers and Partners 2021

"Formidable advocate. She is very articulate and persuasive, forcefully putting her client's case, whilst at the same time getting the judge on her side." - Legal 500 2021

Education

BA (Hons) (Oxon)

MSc (London)

CPE

Related practice areas

Administrative & Public Law

Actions Against the Police and Public Authorities

Inquests and Public Inquiries

Criminal Appeals

Children's Rights Group

Immigration Detention Group

Anti-Trafficking

Investigations

Clinical Negligence, Personal Injury & Product Liability

Discrimination

Administrative and Public Law

Maya is particularly experienced in the context of criminal justice related judicial review: for e.g., challenges to youth court jurisdiction, Crown Court bail decisions, court refusals to appoint an intermediary, police failures to caution, CPS decisions to prosecute, CPS failures to prosecute rape and sexual offences, the Secretary of State's failure to provide statutory compensation for miscarriages of justice, compensation refusals by the Criminal Injuries Compensation Authority (CICA), CCRC refusals to refer a case back to the Court of Appeal, decisions of the Independent Office for Police Conduct (IOPC) and decisions of the Single Competent Authority in relation to victims of trafficking. Her judicial review work in relation to prisoners' rights is set out below.

She has advised various NGOs on various public law challenges in wider contexts for e.g the terms of Windrush Compensation Scheme and the new Voter ID requirements.

Private Law Claims Against the Police and Public Authorities

With over a decade of experience of criminal jury advocacy and an in-depth knowledge of the criminal justice system, Maya is well suited to appearing in contested trials in this area. She regularly advises and appears in relation to civil damages claims against the police and public authorities, such as the Home Office and the prison service/Ministry of Justice (as well as G4S, Serco, Sodexo and other third-party contractors), in relation to the full range of torts, data protection breaches, discrimination (Equality Act 2010 and Article 14 ECHR) and HRA claims. She has also successfully settled claims in discrimination and breach of contract against a university on behalf of black, female junior doctor.

She has particular expertise in statutory compensation claims via CICA and the Miscarriage of Justice Application Scheme and has advised a number of claimants in relation to the Windrush Compensation Scheme. She successfully brought the first Miscarriage of Justice compensation claim for a victim of trafficking under the amended miscarriage definition.

Maya has significant experience in the complex area of negligence claims against public bodies, including post-*CN v Poole* "failure to remove" cases, as well as in post-*DSD* HRA claims for failures to investigate serious sexual offences, as well as failures to identify victims of modern slavery. She has a particular interest in how the HRA can fill the gap where public authority negligence fails to provide a remedy and has published articles on this issue.

Inquests and Inquiries

Maya has appeared on behalf of bereaved families in numerous death-in-custody inquests and inquests into deaths following police contact and police chases in which Article 2 of the ECHR is engaged. She has acted in many inquests where self-inflicted death has sadly occurred following a person's admission to an acute mental health ward, as well as in a lengthy police shooting inquest. Two of her prison inquests are included in the recent INQUEST publication, 'Deaths in prison: A national scandal', as examples of inquests that have exposed dangerous failures in the prison system. Most recently, she acted for the mother of Aisha Cleary, who gave birth alone in a prison cell in HMP Bronzefield in the inquest into the baby's death. For further details see [here](#) and [here](#).

Maya acts for **Peter Francis**, the whistle-blower and former undercover police officer who exposed activities of the Special Demonstration Squad (including in relation to the Lawrence family) in the long-running **Undercover Policing Inquiry**. The inquiry is scrutinising the actions of undercover police officers that permeated hundreds of political groups during the past five decades. Further details: **Undercover Policing Inquiry**.

Her first involvement in a public inquiry was as junior counsel for the Commission for Racial Equality (CRE) in the 1998 Macpherson Inquiry (the landmark inquiry into the racist murder of Stephen Lawrence). In particular, she wrote the closing submissions on the issue of institutional racism.

She was sole junior counsel in the controversial inquest into the murder of Russian dissident **Alexander Litvinenko**, on behalf of his widow Marina Litvinenko and their son, for over a year and a half, and before it was converted into a public inquiry, and acted for Marina Litvinenko in Strasbourg.

She was instructed in the **Jacintha Saldanha** inquest, on behalf of Southern Cross Media Group, who own the radio station that made the now infamous "prank" call impersonating the Queen to the hospital in which the Duchess of Cambridge was a patient.

Prisoner's Rights

Maya has a wealth of experience in the prison law context bringing judicial review challenges (often combined with HRA damages claims) to:

- unlawful detention, recall, sentence (mis)calculation, licence conditions, prison conditions, security (re)categorisation, searches, discipline, HDC refusal, the treatment of foreign national prisoners, refusal of a place in a prison Mother & Baby Unit.

- parole board decisions as well as other human rights and discrimination challenges.

Maya regularly advises on civil damages claims for unlawful detention arising out of sentence miscalculation or wrongful recall. She also advises on repatriation.

Criminal Appeals

In the past, Maya had a busy and challenging Crown Court practice. She has, for example, been a junior in over 20 murder trials, as well as been sole counsel in numerous, serious and complex cases, dealing in particular with child defendants and child witnesses. She has also had a long history of representing protestors and those charged with public order offences as well as children and young people charged with serious crime.

Maya's criminal practice is limited appellate challenges, in particular CCRC appeals and victims of trafficking cases.

Advisory work

In the past, Maya has been instructed as the UK expert to advise on the reform of the Russian criminal and civil appeals system as part of a comparative law project funded by the Council of Europe/EU. More recently, she has advised MOPAC on the new National Operating Model (NOM) (July 2023) which sets out an approach to rape and serious sexual offences (RASSO) investigations that is victim-centred, suspect-focused and context-led. She has recently (2022/23) served as member of the Independent Academic Advisory Panel on Race disproportionality in Taser use (TASERD) led by the NPCC and the College of Policing and chaired by Junior Smart.

Investigations

Maya has a long-established commitment to equality, inclusion and non-discrimination which led her to complete an MSc in Race & Ethnic relations, after completing her first degree, whilst also working in refuges for women and children fleeing domestic violence and sexual abuse, before joining the Bar.

Recently, she served as a member of the JUSTICE Working Group on 'BAME disproportionality in the Youth Justice System', chairing the sub-group on 'Biased Perceptions' and contributing to the overall findings (report can be found [here](#)). She has also published a report on pregnant women's access to prison Mother and Baby Units (MBUs) (March 2017, available [here](#)) which saw her gain permission from the Ministry of Justice to interview a range of incredibly vulnerable stakeholders.

Maya has experience of conducting highly sensitive, and usually confidential, investigations. Her work includes: investigating allegations of discriminatory use of Twitter; an inquiry into the treatment of female tenants in a barristers' Chambers (co-authoring a report on alleged differential treatment and making recommendations for change); and investigating employee grievances. More broadly she brings discrimination claims as part of her every day practice which means she understands the importance of how investigations and findings are investigated and framed, and the importance of ensuring that a report is capable of being a tool which engenders confidence. She is able to understand the sorts of litigation which could arise from the issues being investigated and to conduct a comprehensive review which brings with it effective change, where necessary.

Notable and Reported Cases

More Recent Cases

R(RN) v First-tier Tribunal [2023] EWCA Civ 882 - Maya was lead counsel for the Intervener, ATLEU, in this successful challenge to the meaning of 'crime of violence' in the Criminal Injuries Compensation Scheme.

R v AZE [2022], CACD ([2022] EWCA Crim 1008 - The CACD quashed a conviction, nearly three years out of time, of an age disputed Vietnamese minor found in a cannabis factory. The appellant had a trial, relying on the s.45 Modern Slavery Act defence and the fact that he was a minor. A flawed age assessment asserting he was over 18 and a negative conclusive grounds decision were put before the jury. The judge failed to direct the jury on the under 18 provisions in s.45, which did not require the jury to be satisfied of compulsion. Furthermore, fresh evidence showed that he was in fact under 18 and was now accepted to be a victim of trafficking by the Single Competent Authority. Maya used the retrograde case of *Brecani* [2021] EWCA Crim 731 to the appellant's advantage to argue that the negative SCA decision should never have been before the jury.

Danny Mansfield v DPP [2021] EWHC 2938 (Admin); [2021] 11 WLUK 20 - Maya was instructed as leading counsel in this important appeal by way of case stated on the issue of the magistrates' court's jurisdiction in Category 2 abuse of process cases. The Divisional Court found that the judgment in *R. v Horseferry Road Magistrates Court Ex p. Bennett (No.1)* [1994] 1 A.C. 42 did not exclude the magistrates' jurisdiction to stay proceedings for abuse of process in all cases falling within the second category of abuse which it identified (where all the circumstances together offended the court's sense of propriety and justice). Instead, it excluded the magistrates' jurisdiction in cases within a sub-set of that category. The exception which Bennett contemplated was a very narrow one and it was clear that the magistrates' jurisdiction would encompass instances where the police had given an assurance which was then withdrawn. The Court departed from the two cases the relied upon by the DPP (*Nembhard v DPP* [2009] EWHC 194 (Admin) and *Woolfs v North Somerset Council* [2016] EWHC 1410 (Admin)) and found they were wrong and should not be followed on this point.

R v JXP [2019] EWCA Crim 1280 - In this case, the CACD once again considered the UK's international obligations to victims of trafficking (VoTs), this time in the context of an adult Vietnamese male arrested in a cannabis factory. In quashing his conviction six years out of time, the Court accepted that the post-conviction decision of the NRM that he was a VoT was one that it would give weight to, notwithstanding the Respondent's criticism of that decision. The CACD said "We take account of the fact that the Competent Authority is a specialist authority with particular expertise and knowledge in this area of trafficking. The Minute sets out in considerable detail the applicant's account. It clearly analysed whether that account met the requirements of trafficking and concluded that it did. We accord weight to the decision of this specialist authority".

R v N [2019] EWCA Crim 191 - In this case, the CACD again considered the UK's international obligations to victims of trafficking (VoTs), and found that that a Vietnamese boy arrested in a cannabis farm was entitled to the protection of Article 26 of the Trafficking Convention and Article 8 of the Trafficking Directive. His conviction was quashed three years out of time.

R v L; R. v N [2017] EWCA Crim 2129, unreported, 23 November 2017, CA - In this case, the Vice President of the CACD considered the UK's international obligations to victims of trafficking (VoTs) who are forced to commit crimes integral to their trafficked status and set aside the convictions of two young Vietnamese men convicted of cannabis cultivation. The particular importance of this decision is that it is the first time the question of anonymity and the position of VOTs who have been granted anonymity in concurrent immigration

proceedings, has been fully considered.

PD (by her mother and LF, ZD) v Chief Constable of Merseyside Police and Just For Kids Law & CRAE (Interveners) [2015] EWCA Civ 114 - Although the failure to apply it on the particular facts was found not to be a breach of Article 8, Maya successfully argued that Annex A of Code C of PACE (strip searches) applies to the (forcible or otherwise) removal of clothing of suspects in police custody pursuant to s. 54 of PACE (clothes removed for own safety). The police argued that such a removal was not a strip search and thus the protections of Annex A did not apply - in this case to a 14-year-old girl in their custody with documented mental health needs. More information can be found in **this post on the UK Human Rights Blog**.

R v Y [2015] EWCA Crim 123 -The Court of Appeal, in setting aside her conviction many years out of time, accepted that this young woman was a trafficked victim who should have had the protection of Article 26 (non-punishment provisions) of the Council of Europe Convention Against Trafficking in Human Beings 2005. Y was assisted by the **Poppy Project**, the **Helen Bamber Foundation** and **Africans Unite Against Child Abuse (AFRUCA)**. One expert wrote "*Ms Y is one of the most traumatised young women I have assessed at the Helen Bamber Foundation*". Maya also represented Ms Y in a claim for compensation to the Miscarriage of Justice Application Service and in 2017 successfully secured the first award to a victim of trafficking under the amended Section 133 of the Criminal Justice Act 1988 that we are aware of.

R (on the application of WB) (2) W (A Child By His Litigation Friend the OS) v SSJ [2014] EWHC 1696 (Admin) - Successful judicial review of a prison's refusal of a place in a Mother and Baby Unit (MBU) to a pregnant prisoner. The baby was taken from her at birth. Her challenge was brought on three bases, the main one being that her procedural rights under Article 8 ECHR had been breached. The High Court made a declaratory order that her and W's Article 8 rights had been breached and a mandatory order that the MBU Board retake the decision. The fresh Board offered WB a place and ultimately the MOJ paid out significant HRA damages.

R (Colefax) v the First Tier Tribunal & CICA [2014] EWCA Civ 945 - This case involved the novel question of the circumstances in which time limits can be waived in relation to latent injuries inflicted at the same time as patent injuries, where no in-time claim was made for the patent injuries.

White v Governor of Brixton Prison [2015] EWHC 1886 (Admin) - A successful habeas corpus application; the Claimant was transferred to hospital from the cells despite being

remanded in custody by the court; the issue was whether the remand time counted against his eventual sentence; the Sentence Calculation Policy Lead at the MOJ insisted it did not, the High Court found that this administrative transfer without legal sanction did not have the effect of taking the Claimant out of the scope of section 240ZA as interpreted by the section 242 of the CJA 2003 Act and the time did count.

R (Hoffman) v Parole Board & SSJ [2015] EWHC 2519 (Admin) - A successful judicial review of Parole Board's decision to refuse to recommend open conditions for a recalled, tariff expired indeterminate sentenced prisoner; the High Court found that there was a failure to carry out the correct balancing exercise; decision quashed and sent back to the Parole Board for reconsideration).

Older Cases

- **R v Horseferry Road Magistrates' Court ex p. Ruggless** [2000] 1 Cr. App. R. (S.) 484, DC (successful judicial review: committal for sentence, breach of legitimate expectation)
- **Jonathan Brady v Customs & Excise** [2001] EWHC Admin 422 7/6/01 (habeas corpus: alleged drug "swallower", legality of continued detention by C & E, compatibility with Art. 5 and Art.3 of the ECHR)
- **Information Commissioner v Islington Borough Council** [2002] EWHC 1036 Admin (case stated: requisite *mens rea* in the Data Protection Act) (led by Owen Davies QC)
- **Daly v Governor HM Brixton Prison & Anor**[2003], EWHC 1838 Admin (successful habeas corpus: extradition, delay)
- **R (B) v Balham Youth Court** [2004] EWHC 421 Admin (judicial review; successful challenge to youth court mode of trial procedure and decision)
- **R (W) v Brent Youth Court** [2006] EWHC 95 (Admin) (judicial review; successful challenge to mode of trial decision)
- **Keegan v UK (Application no. 28867/03)** [2007] 44 EHRR 33 (Violations of Art. 8 and Art. 13 during a police search of a family home; just satisfaction awarded)
- **R v Jones and Others** [2006] EWCA Crim 2942 (successful appeal against 10 demonstrators' ASBOs)
- **Rabess v The Commissioner for Police for the Metropolis** [2007] EWHC 208 (Admin) (case stated: challenge to the terms of an ASBO imposed on a warring couple)

- **Leeds City Council v RG** (2007) 4 All ER 652; (2007) 1 WLR 3025; [2007] EWHC 1612(Admin) (case stated; whether the power to vary an ASBO includes the power to extend its duration)
- **Steele v DPP** [2008] EWHC 438 (Admin) (case stated; animal rights protestor who posted an image of a security guard on a website and later removed it; the question for the court was whether it was legitimate to prosecute him for causing intentional harassment, alarm or distress in the circumstances)
- **R (D) v Sheffield Youth Court** [2008] EWHC 601 (Admin) (successful judicial review of a youth court's decision to re-open the question of jurisdiction; the failure of the adult magistrates' court to consider venue before the entering of a plea did not render its subsequent decision to remit the case for summary trial in a youth court invalid; s142 of the MCA 1980 could not be used to vacate an unequivocal guilty plea)
- **R v Altaf Hussain** [2008] EWCA Crim 1518 (CCRC referral to the C of A in which a 1988 conviction for conspiracy to import heroin from Pakistan was quashed; this was the first conviction obtained by the [now controversial] use by British Customs of Pakistani participating informants in the late 80's and throughout the 90's)
- **R (Smith) v Snaresbrook Crown Court** [2008] EWHC 1282 (Admin); (2009) 1 All ER 547; (2009) 1 WLR 2024 (judicial review; challenge to the statutory interpretation of the test for the extension of "crack house" closure orders)
- **Birmingham City Council v Shafi & Ellis** [2008] EWCA Civ 1186; (2009) 1 WLR 1961; (2009) 3 All ER 127; (2009) HLR 25; (2009) BLGR 367 (successfully defended appeal to Court of Appeal (Civ Division) on behalf of the First Respondent Shafi, arguing that the Council should not use s 222 of the Local Government Act 1972 to obtain injunctions against alleged gang members when there was an alternative statutory route available under the ASBO legislation.
- **R v Sultan Shah** [2010] EWCA Crim 2326 (the last in a series of CCRC referrals involving both non-disclosure of material evidence and malpractice by British Customs Officers in their deployment of participating informants in Pakistan to infiltrate the drugs trade between Britain and Pakistan in the late 80s and early 90s - see **R v Altaf Hussain** above. Shah's 1994 conviction was quashed on the basis of gross prosecutorial misconduct).
- **R (Sands) v Chief Constable of Merseyside Police** [2010] EWHC 2698 (Admin) (judicial review; successful challenge to a police decision to prevent the Claimant

working on police contracts because of alleged criminality; the Admin Court found the decision to be an unreasonable application of the police's vetting policy).

- ***R (A) v Lewisham Youth Court & DPP*** [2011] EWHC 1193 (Admin.) (successful judicial review of the Youth Court's refusal to apply the CYPA 1969, s.23 remand regime to a 15 year old charged with murder. CAJA 2009, s.115 [removal of bail hearings from the magistrates' court in murder cases] had not impliedly displaced s.23. Case/Issue held to be of general importance and of real concern to youth courts).
- ***Tabeel Lewis (Appellant) v The State (Respondent)*** [2011] UKPC 15. (The PC considered the difficult question of whether the trial judge had been wrong not to leave provocation to the jury in a capital case. In the end the Board did not interfere with that decision but went on to find that fresh psychiatric and psychological evidence should now be considered and the case has been remitted to the Court of Appeal in Trinidad & Tobago who will need to decide if there is now evidence of provocation fit for consideration by the jury - led by Owen Davies QC).
- ***R v Jamie Hope*** [2012] EWCA Crim 1350 (out of time appeal against sentence which involved the passing of unlawful sentences on two occasions by a Recorder faced with what he described as a legislative quagmire)

Pro Bono Work

Maya was a founding board member of the innovative charity **Just for Kids Law**.

She was a member of the JUSTICE Working Group on 'BAME disproportionality in the Youth Justice System', chairing the sub-group on 'Biased Perceptions'. See here for the recently published report (**February 2021**): *Tackling Racial Injustice: Children and the Youth Justice System*. She is currently a member of the JUSTICE Working Group on 'Outsourcing and Administrative Justice', chaired by former Court of Appeal Judge, Sir Gary Hickinbottom.

Publications

"No Better, No Worse: Ineffectual Interventions by Public Authorities Will Not Give Rise to Negligence Liability", co-authored with Laura Profumo, **Journal of Professional Negligence**, Vol 39, No 1, 2023, pp. 53 - 57

"Minding the Gap: Where does tortious liability for public authorities end and human rights liability begin?", co-authored with Laura Profumo, **Journal of Personal Injury Law**, Issue 1, 2019 pp44-50.

Maya is a contributor to **Police Misconduct: Legal Remedies** (LAG, 2022)

She writes the updates on **Police Law** in the LAG magazine, alongside Stephen Cragg KC and Carolynn Gallwey (Bhatt Murphy)

Maya has written a chapter on compensation claims for victims of trafficking in the handbook **Human Trafficking and Modern Slavery: Law and Practice** (Bloomsbury Professional, 2020).

In January 2018 Maya was appointed to the editorial comment board for **Criminal Law Week** by Thompson Reuters.

In 2014 Maya joined the team of editors of the seminal criminal textbook **Archbold: Criminal Pleading, Evidence & Practice** (Sweet & Maxwell) and contributes to three chapters. Prior to that and for many years she was a contributing author to **Blackstone's Criminal Practice** (OUP).

She is the General Editor of **Blackstone's Guide to the Criminal Justice and Immigration Act 2008** (OUP, 2009). She is the author of **ASBOs: A practitioner's guide to defending anti-social behaviour orders** (LAG, 2006).