

## Karen Steyn

Call: 1995

Appointed to the Attorney General's A Panel: 2009

### Education & Qualifications

- Diploma in Law (CPE), City University, Distinction (1<sup>st</sup> in year) (1994)
- Bar Vocational Course, ICSSL, Very Competent (1995)
- Postgraduate Diploma in European Community Law, King's College London, (2<sup>nd</sup> in year), 2001
- B.A. Honours Degree, Liverpool University, History, Class 2.1 (1992)

### Areas of Practice - Public Law

Karen Steyn has frequently been instructed in claims for judicial review, and statutory appeals to the Administrative Court, in matters relating to education, prisoners, mental health, human rights, data protection, financial services and regulation, planning and licensing, community care, social security and housing.

She has appeared before the House of Lords, Privy Council, Court of Appeal, Divisional Court, High Court, Mental Health Review Tribunal, Social Security Commissioners, Immigration Appeal Adjudicators, Special Educational Needs and Disability Tribunal, Planning Inspectors, Crown Court, County Court and Magistrates' Court on public law matters.

Karen has frequently been involved in advising and drafting documents in relation to a whole range of judicial review claims. She has also written published articles and given lectures on administrative law and human rights.

Recent public law cases include:

- *R (Corner House Research and CAAT) v Director of the Serious Fraud Office (and BAE plc)* [2008] UKHL 60 (Rule of law – separation of powers – national security – threat – unincorporated treaty)
- *R (Binyam Mohamed) v Secretary of State for Foreign and Commonwealth Affairs* [2008] EWHC 2048 (Admin) and [2008] EWHC 2100 (Admin) (Guantanamo detainee – allegations of torture/CIDT – request for disclosure – Norwich Pharmacal – UN Convention Against Torture)
- *R (N) v Secretary of State for Health* [2008] EWHC 1096 (Admin) (Smoking ban – mental health patient – Articles 8 and 14 of the ECHR)

### Human Rights and Civil Liberties

Karen has advised and appeared in a wide variety of human rights cases, including:

- *R (Binyam Mohamed) v Secretary of State for Foreign and Commonwealth Affairs* [2008] EWHC 2048 (Admin) and [2008] EWHC 2100 (Admin) (Guantanamo detainee – allegations of torture/CIDT – request for disclosure – Norwich Pharmacal – UN Convention Against Torture)
- *R (N) v Secretary of State for Health* [2008] EWHC 1096 (Admin) (Smoking ban – mental health patient – Articles 8 and 14 of the ECHR)

- *R (Association of British Civilian Internees – Far East Region) v Secretary of State for Defence* [2003] QB 1397 (alleged discrimination against WWII captives who had no link to the UK)
- *Britax International GmbH v IRC* [2002] UKHRR 929 (retrospective effect of the HRA)
- *R (Pearson) v Secretary of State for the Home Department* [2001] HRLR 39 (prisoners' right to vote case)
- *R v Midlands Police Authority, ex p LM* [2000] UKHRR 143, HC (declaration to prevent the local authority and police authority disclosing allegations that the applicant had sexually abused children)
- *Selvanathan v GMC* [2001] Lloyd's Rep Med 1, PC PC (duty of Professional Conduct Committee of the GMC to give reasons)
- *Abadeh v British Telecommunications plc* [2001] ICR 156, [2001] IRLR 23, EAT (disability discrimination)

## Freedom of Information and Data Protection

Karen is a member both of the Information Commissioner's panel of counsel and the Attorney General's specialist Information Law panel of counsel

Karen has advised and appeared in numerous freedom of information and data protection cases, before the Information Tribunal, the High Court, the Divisional Court and the Court of Appeal, including:

- *Home Office v British Union for the Abolition of Vivisection and Information Commissioner* [2008] EWCA Civ 870; [2008] EWHC 892 (QB) (Freedom of information – statutory prohibition on disclosure – statutory construction – law of confidence)
- *Corporate Officer of the House of Commons v ICO and others* [2008] EWHC 1084 (Admin) (Freedom of information – data protection – reasonable expectations – disclosure of addresses)
- *Gowers v ICO and LB of Camden* (EA/2007/0114) (vexatious requests)
- *Pugh MP v ICO and Ministry of Defence* (EA/2007/0055) (legal professional privilege)
- *Foreign and Commonwealth Office v ICO* (EA/2007/0092) (legal professional privilege – waiver)
- *Adlam v ICO and HM Treasury* (EA/2006/0079) (legal professional privilege)
- *R (Lord) v Secretary of State for the Home Department* [2003] EWHC 2073 (Admin) (Data Protection Act – prisoner sought disclosure of prison reports)
- *R v Midlands Police Authority, ex p LM* [2000] UKHRR 143 (Acting for the claimant (led by Michael Beloff QC) in a claim to prevent the local authority and police authority disclosing allegations that the claimant had sexually abused children.)

## Education

Karen has appeared and advised in a broad range of education cases, covering special educational needs, negligence, school admissions and transport policies, school exclusions, discrimination, university grant cases and criminal offences under the 1996 Act. Cases include:

- *R (Elphinstone) v City of Westminster* [2008] EWHC 1287 (Admin) (consultation on school closure and re-opening as Academy)
- *Keating v London Borough of Bromley* [2003] ELR 590 (negligence)

- *Meherali v Hampshire County Council* [2003] ELR 338 (negligence – successful strike-out)
- *S v SENT* [2003] ELR 85, HC (time limit, reasons)
- *Oxfordshire County Council v GB* [2002] LGR, 279, [2002] ELR 8, CA (s.9 EA 1996, costs comparison)
- *E v Oxfordshire County Council* [2002] ELR 256 (review by Tribunal, reasons)
- *Phelps v London Borough of Hillingdon* [2001] 2 AC 619, HL (negligence)
- *R v Secretary of State for Education, ex p Bandtock* [2001] ELR 333, HC (school reorganisation – consultation)
- *S v London Borough of Hounslow* [2001] ELR 88, HC (adjournment)
- *R v Governors of W School and T Education Authority ex p H* [2001] ELR 192, HC (failure to reinstate – industrial action)
- *Bath and North East Somerset DC v Warman* [1999] ELR 81, QBD DC (s.444 EA 1996 – school non-attendance – meaning of ‘unavoidable cause’)
- *Re F* [1999] ELR 251, HC (time limit)
- *R v West Sussex County Council ex p S* [1999] ELR 40, HC (Tribunal naming type of school, LEA amendment to name school, s.9 EA 1996)
- *Christmas v Hampshire County Council* [1998] ELR 1, HC (negligence)

## Prisoners

Karen has been instructed to appear and advise in numerous cases relating to prisoners’ rights, including security categorisation, Parole Board decisions, data protection and the right to vote in parliamentary elections. Cases include:

- *R (Sim) v Parole Board* [2004] QB 1288, [2004] HRLR 15, CA (extended sentences – Art.5 ECHR)
- *R (Jarvis) v Parole Board* [2004] EWHC 872 (Admin) (assessment of risk of re-offending - s.44A CJA 1991 and Art.5 ECHR)
- *R (Henry) v Parole Board* [2004] EWHC 784 (Admin) (burden of proof – s.28(6) Crime (Sentences) Act 1997)
- *R (Lord) v Secretary of State for the Home Department* [2003] EWHC 2073 (Admin) (prison reports – Data Protection Act 1998)
- *R (Williams) v SSHD* [2002] 1 WLR 2264, CA (prison reports, oral hearing – Art.5 ECHR)
- *R (Pearson) v Secretary of State for the Home Department* [2001] HRLR 39 (prisoners’ right to vote case)

## Local Government

Karen has advised and appeared in a broad range of local government cases. Cases include:

- *H, Barhanu, B. v. Wandsworth London Borough Council, Hackney London Borough Council, Islington London Borough Council* [2007] 2 FCR 378; (2007) 10 CCLR 439 (s.17 Children Act 1989 - Duty to provide accommodation to lone child under section 20(1) Children Act 1989)
- *Roe v Sheffield County Council* (“Supertram case”) [2004] QB 653
- *R v East Sussex County Council ex p Reprotect* [2003] 1 WLR 348, HL
- *Oxford Diocesan Board of Finance v West Oxfordshire District Council* [1998] PLCR 370
- *R v Aylesbury Vale DC ex p Chaplin* [1997] 3 PLR 55, (1998) 76 P & CR 207, CA
- *R v Mid Bedfordshire DC ex p Grimes* (2000) 80 P & CR 311, HC

## **Asylum and Immigration**

Karen has appeared in judicial review claims in this field, as well as before the Special Adjudicators and advised on various matters of immigration and asylum law, including spending three months working at the Integrated Casework Directorate of the Home Office, advising in relation to asylum applications.

## **Mental Health**

Karen has advised and drafted acknowledgments of service in this area and appeared before the Mental Health Review Tribunal.

## **Publications**

- Legitimate Expectations in English Law: An Analysis, Public Law, Autumn 2004, with Philip Sales
- Contributor to Halsbury’s Laws of England, Vol 29(1), Local Government, 4<sup>th</sup> ed. Reissue (2001)
- “Substantive Legitimate Expectations” [2001] JR 244
- “Judicial Review and the Human Rights Act: Some Practical Considerations” (with David Wolfe) [1999] EHRLR 614
- “Consistency: A Principle of Public Law?” [1997] JR 22
- “Legitimate Expectation in 1996 – Where Now?” (with Rabinder Singh) [1996] JR 17
- “Legitimate Expectation Update 1997” (with Rabinder Singh) [1997] JR 33

## **Scholarships and Awards**

- BACFI Prize for the best performance in the Commercial Practice Module (1995)
- The Worshipful Company of Arbitrators’ Award for best performance at City University (1994)
- Harmsworth Scholarship from Middle Temple (1994)

## **Professional Associations**

- Constitutional and Administrative Law Bar Association (ALBA)
- Bar European Group