



# Richard Borrett

Year of call 2009

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Richard acts for all parties in a wide range of matters relating to healthcare and social care.

Most of Richard's work is now in the Court of Protection/Inherent Jurisdiction but he also regularly advises and acts in:

- Clinical negligence (mostly Defendant)
- Claims against local authorities in tort and for breach of the HRA (Claimant and Defendant)
- Claims arising from historic abuse (Claimant and Defendant)
- Inquests, particularly those with a social care element

Richard has particular experience of:

- Inquests involving social care, deprivation of liberty, and multi-agency deaths (including domestic homicide reviews)
- Litigation around psychiatric treatment (inquests and negligence claims), in particular regarding risk assessment, ground leave, s.17 leave, etc.
- Inherent Jurisdiction applications in relation to vulnerable children and adults
- Secondary victim claims
- Failure to remove claims
- Claims for unlawful deprivation of liberty

## Expertise

### Abuse and Human Rights Claims

Recent and historic sexual abuse claims against a perpetrator or their employer, failure to remove claims involving local authority children's services, failure to safeguard, and Human Rights Act claims by vulnerable adults, children in care, etc.

Richard is regularly instructed to act for children and vulnerable adults via the official solicitor, in claims against local authorities, including 'failure to remove' and HRA claims.

Many of the cases Richard is instructed in are Failure to Remove claims, and he has delivered a seminar to the Official Solicitor on the effect of GN v Poole in such cases.

Richard is one of only 7 barristers outside of London ranked in Chambers & Partners for Civil Liberties and Human Rights (2024 edition): "Richard Borrett has a well-regarded human rights practice. He has excellent knowledge of issues under the Human Rights Act 1998, with a particular focus on matters involving children and those

*lacking capacity."*

## Notable Abuse and Human Rights Claims cases

Breach of Art.8 by local authority in failing to facilitate contact between C and his wife

Various art.5 breach claims for failures to authorise deprivation of liberty, or failure to bring s.21A proceedings;

6 and 8 claims arising from misuse of s.20 accommodation

Historic sexual abuse by serving police officer (led by Satinder Hunjan KC)

Vicarious liability claim from violent assault by door staff at a casino

Death of care-home resident who suffered from Korsakoff's dementia and lacked the capacity to make decisions about care and treatment. He was permitted to decline all personal care, and over many weeks developed a skin infection which developed into sepsis—acting for family/estate in a claim in tort / for breach of Art. 2 and Art.3.

Advising on aggravated and exemplary damages for Claimants unlawfully imprisoned and tortured during the Cyprus Emergency

Historic sexual abuse by a football coach.

Grooming and sexual abuse by Catholic Priest

HRA claim for breach of Article 2 Protocol 1 right to education.

Alleged failure to adequately safeguard vulnerable adult in supported living who tended to bang her head and died when she suffered a TBI in her room.

Breach of Data Protection Act by local authority in disclosing sensitive personal information about domestic violence.

## Clinical Negligence and Healthcare

Richard acts for both Claimants and Defendants in Clinical Negligence matters of substantial complexity and severity, both alone and as a junior.

Richard is ranked in both Legal 500 and Chambers & Partners for his Clinical Negligence work.

*"Richard is approachable and he has an excellent rapport with clients and experts. He is contactable which is vital in this area of law where involvement of counsel is crucial and time sensitive. Richard works very hard to get the best outcome for a client and has a very detailed knowledge of law and the medicine that our cases require". Legal 500 2023*

*"A popular junior who practises across a diverse caseload including surgical negligence and secondary victim claims. He possesses considerable experience in matters of consent and cases relating to the Mental Health Act. Strengths: "He is approachable, easy to work with and thorough". "He is friendly, enthusiastic, very good with clients and his advice is always well thought through"". Chambers UK 2021*

### Particular Areas of Expertise:

- Consent
- Cancer diagnosis, especially issues of causation
- Negligent treatment in psychiatry, including suicide and Art.2 issues
- Secondary victim claims

## Notable Clinical Negligence and Healthcare cases

Negligent whole-brain radiation causing diffuse white matter brain injury, combined with negligent post-surgical drain removal causing necrotising pancreatitis, valued at £3,500,000.

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Negligent delay in returning to theatre to treat duodenal perforation, materially contributing to post-operative disability.

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Negligent management of labour, resulting in stillbirth. Claim on behalf of mother who suffered very severe PTSD and had not returned to work at 3 years. Settled at mediation for £300,000.

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Fetal developmental defects caused by chemotherapy in utero during first trimester (as junior to Satinder Hunjan KC).

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Delayed diagnosis of soft tissue sarcoma in the knee, value £500,000

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Failure by GP to diagnose breast cancer, C required mastectomy and developed chronic post-surgical pain. Value £800,000

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Secondary victim claims by various family members of child who collapsed at home and died from undiagnosed sepsis

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Failure to diagnose nasal carcinoma leading to total rhinectomy, significant facial disfigurement, loss of smell and taste, etc. Value £300K. Settled at mediation.

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Failure by dentist to refer to suspicious lesion, leading to delay in diagnosis of oral carcinoma, jaw resection, extensive reconstructive surgery.

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## Court of Protection

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Richard acts for all interested parties in Court of Protection cases (and related matters in the High Court) in relation to deprivation of liberty, health/welfare, and medical treatment.

Richard has particular experience of inherent jurisdiction cases, in relation to both children and vulnerable adults. He has been instructed in a number of cases involving children who are deprived of their liberty in acute hospital settings, due to a lack of available therapeutic placements.

Richard is available to give urgent advice on serious medical treatment cases where necessary.

Richard is ranked Tier 2 in the Legal 500 for Court of Protection (2024).

### Notable Court of Protection cases

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Application to commit parents of P for contempt when they contacted P in breach of an injunction.

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Application in relation to prisoner with diabetic foot disease who was declining treatment.

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Representing the local authority where P, an autistic adult, was refusing diabetic treatment/management and had a co-dependent relationship with his main carer.

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Advising NHS trust where patient refusing life-saving surgery for internal bleeding.

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Acting for mother of autistic adults where LA alleging that they are subject to coercion and unable to make their own decisions.

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Acting for the local authority, seeking a declaration of non-recognition of a marriage under inherent jurisdiction, because P did not have capacity to marry.

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Acting for mother of P, opposing COVID vaccination.

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Acting for hospital trust in inherent jurisdiction proceedings concerning welfare of a child who was detained in a hospital MAU due to a lack of secure accommodation.

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Acting for local authority, seeking order that P (adult with learning disabilities) should no longer live with her mother, due to the uninhabitable state of the property.

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Advising NHS trust who were seeking to discharge a young person who was medically fit but where the clinical view was that the support package proposed by the local authority was inadequate to keep her safe.

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## Inquests

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Richard acts for families and other interested parties, primarily state bodies, in all kinds of inquests. He has extensive expertise in the application of Article 2 in both medical and non-medical spheres.

Richard is ranked in Band 2 of Legal 500 for inquests in 2024:

*"Richard is excellent with clients in an inquest situation. Managing very emotive situations is one of Richard's great strengths, and his detailed and pragmatic advice on complex human rights matters is also impressive."* Legal 500 2024

*"Richard always gets up to speed very quickly on cases with significant documentation. He has an excellent manner with clients, particularly those finding the inquest process stressful. He provides practical and thoroughly thought through advice."* Legal 500 2023

### Particular areas of expertise

- Self-inflicted deaths
- Psychiatric treatment, particularly decisions as to discharge/s.117/ground leave
- Medical/hospital deaths
- Military deaths (in the UK and abroad)
- 'Safeguarding' / Mental Capacity Act issues
- Social care / multi-agency inquests

Richard is ranked both in Chambers & Partners and Legal 500 for his inquests work.

### Social Care

Richard has particular experience in inquests involving social care/safeguarding/local authorities, examples include:

- 4-week Jury inquest into the death of TR, an autistic care-home resident, following a series of chest infections (for Local Authority)
- Death of DOLS resident who suffered from Korsakoff's dementia who was permitted to decline all personal care, and over a period of many weeks developed a skin infection which developed into sepsis. Counsel to the Inquest instructed; Jury inquest; 15 interested parties. Various issues as to capacity/use of the MCA. (For Family.)
- Unexplained death of man with learning difficulties, who had been locked in his flat by his nephew, where there had been safeguarding referrals to the local authority in the weeks prior to death. (For local authority)
- Article 2, Jury inquest into domestic homicide by a schizophrenic perpetrator, where the family of the victim had sought help from the LA via the duty social worker in the weeks prior to death (<https://www.manchestereveningnews.co.uk/news/greater-manchester-news/paranoid-schizophrenic-discharged-mental-health-17319377>). (For Local Authority)
- Death of supported living resident from head injuries potentially caused by headbanging, raising issues of supervision and/or whether padding/helmet should have been provided. (For LA.)
- Death of looked after child who was accommodated in a nursing home, raising issues of suitability of the placement. (For LA.)

### Notable Inquests cases

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[Inquest touching the death of Alison Doyle, a cyclist killed when she hit a pothole and lost control of her bicycle:](#)

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[Inquest into the Castlemartin tank incident \(led by Michael Rawlinson KC\)](#)

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See media coverage here

(<https://www.theguardian.com/uk-news/2018/jul/02/corporals-died-in-tank-blast-after-officer-given-guest-experience-walesinquest-hears>)

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Suicide of community patient where CAMHS had not communicated to her mother that the deceased would not be visited and so she was left alone and took her life

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Inquest into death of Jamie-Lee Sawyer on a kayaking exercise in Cyprus, when local weather warnings were not heeded

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Acting for hospital in 2-week Jury inquest into death of a detained psychiatric patient who absconded whilst on ground leave.

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Suicide by serving soldier who complained of bullying and mistreatment by chain of command.

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Jury inquest into RTA death where pedestrian was walking in inside lane of motorway at night, having recently been stopped by the police.

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Suicide of community psychiatric patient who had been referred to the emergency duty team shortly before his death, but had been 'triaged' by unqualified staff, raising issues of whether there was a 'real and immediate' risk to his life

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High profile inquest into death of Afghanistan veteran on exercise. The vehicle in which he was travelling overturned, and he was ejected:

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Neonatal death reported as a 'stillbirth', but which the coroner found was not.

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Death of a spectator at a mountain-biking event, caused when a competitor left the course and collided with her.

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## Memberships

- Personal Injury Bar Association
- Professional Negligence Bar Association
- Court of Protection Bar Association

## Qualifications

- 2007, University of Liverpool (Chester): BSc Hons, First Class
- 2008, College of Law: Graduate Diploma in Law, Commendation
- 2009, College of Law: Bar Vocational Course, Very Competent
- 2009, College of Law: LLB Hons (2:1)

## Recommendations

Legal 500 2024

Inquests Tier 2 / Clinical Negligence Tier 2 / Court of Protection Tier 2

"Richard is excellent with clients in an inquest situation. Managing very emotive situations is one of Richard's great strengths, and his detailed and pragmatic advice on complex human rights matters is also impressive."

Chambers UK 2024

Inquests (Band 2) / Civil Liberties and Human Rights (Band 2) / Clinical Negligence (Band 3)

"Richard's advice is pragmatic and always bears in mind the client's position".

"Richard Borrett has a well-regarded human rights practice. He has excellent knowledge of issues under the Human Rights Act 1998, with a particular focus on

matters involving children and those lacking capacity”.

Chambers UK 2023

“Richard is approachable and provides solid written advice and pleadings.”

“Excellent with public sector clients in stressful and emotional inquests.”

“Richard is great at supporting witnesses. I like his advocacy style and approach.”

Legal 500 2023

‘Richard is an excellent advocate and his advice in conferences to clients is well reasoned, well thought out and clear. He gets great results for his clients.’

‘Richard is excellent with witnesses at inquests where the situation can be quite emotional. He is very pragmatic, flexible to the demands of the case and analytical. He is also very good on his feet. Highly recommended for complex Article 2 inquests, particularly those involving social care and the vulnerable.’

‘Richard is approachable and he has an excellent rapport with clients and experts. He is contactable which is vital in this area of law where involvement of counsel is crucial and time sensitive. Richard works very hard to get the best outcome for a client and has a very detailed knowledge of law and the medicine that our cases require.’

Chambers UK 2022

“Thorough in his approach to conference with experts and always well prepared. He has a good understanding of the medicine and issues involved.” “He is great in conference and with clients.”

Richard is ranked in Band 2 of Legal 500 for inquests in 2022: *“Richard always gets up to speed very quickly on cases with significant documentation. He has an excellent manner with clients, particularly those finding the inquest process stressful. He provides practical and thoroughly thought through advice.”*

Chambers and Partners 2021 – Clinical Negligence Band 3

*A popular junior who practises across a diverse caseload including surgical negligence and secondary victim claims. He possesses considerable experience in matters of consent and cases relating to the Mental Health Act.*

*Strengths: “He is approachable, easy to work with and thorough.” “He is friendly, enthusiastic, very good with clients and his advice is always well thought through.”*

Chambers and Partners 2020: Clinical negligence band 3

- *A popular junior who practises across a diverse caseload including surgical negligence and delayed diagnosis. He possesses considerable experience in matters of consent and cases relating to the Mental Health Act.*
- *Strengths: “His advocacy is excellent and he is sympathetic in his dealings with clients.”*

Legal 500 2021: Personal Injury band 1, Clinical Negligence band 2, Inquests band 2:

- *Tenacious and committed to client/case – ever ready to advise/assist when requested. Willing to take on difficult claims and to offer excellent advice/service across the board. Thorough attention to detail throughout duration of case.”*
- *“...excellent with our Local Authority clients, cutting through the extraneous matters and getting to the issue at hand. Inquests involving social care input are by their nature document heavy and in many cases complex and Richard has a great aptitude for identifying the salient points quickly.”*

Legal 500 2020:

“Always impeccably prepared, he will know every aspect of the case before starting a conference.”

Chambers and Partners 2020:

*A popular junior who practises across a diverse caseload including surgical negligence and delayed diagnosis. He possesses considerable experience in matters of consent and cases relating to the Mental Health Act.*

*Strengths: “His advocacy is excellent and he is sympathetic in his dealings with clients.”*

## Appointments

Pupillage Recruitment Coordinator 2019 –

## Accreditations

