Farrah Mauladad QC

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Farrah Mauladad QC

Call 1999 • QC 2021

"An unflappable barrister who manages difficult clients, witnesses and opposing counsel exceptionally well."
(Legal 500, 2021)

+44 (0)20 7797 8100

mauladad@crownofficechambers.com

Farrah Mauladad QC specialises in clinical negligence, personal injury, healthcare regulatory law and product liability matters. She has extensive experience in Court and is often instructed in cases that are likely to fight to trial.

Clinical Negligence

Farrah has undertaken extensive work in all areas of clinical negligence. This includes claims involving general surgery, general medicine, physiotherapy, psychiatry, oncology (in particular, delayed diagnosis of breast cancer and negligent treatment of such cancers), osteopathy, ophthalmology, dentistry, reproductive medicine and orthopaedics. She has been involved in defending a number of consent cases, particularly in the field of cosmetic surgery (breast implants). She is regularly instructed by NHS Resolution, MDOs, private insurers and families. Farrah has considerable experience in court and ADR and some experience in the Court of Protection.

Selected Cases

- CS v Essex Partnership NHS Trust (2022) – Acted for the Defendant mental health trust in a claim where the Claimant, having been discharged from a mental health unit, jumped off a building sustaining serious injuries. The claim was discontinued on day 5 of the trial in the High Court in June 2022.
- CY v A Private Psychologist (2022) – Acting for a private psychologist in a claim brought by a patient who suffered from severe bipolar disorder, who after a consultation, jumped out of the window of the toilets.
- JH v (1) University Hospital Southampton NHS Foundation Trust & (2) Mr Brooke (2022) – Acted for the Second Defendant in this claim arising out of spinal surgery where breach of duty was admitted. The Claim was limited to damages caused by unnecessary surgery. The Claimant failed to recover damages for his longstanding and ongoing back condition.
- VFE v A Private Hospital (2022) – Acting for the owners of one of many private hospitals where the Claimant underwent surgery. In addition to a claim against the surgeon, a claim against the private

hospital is brought on the grounds that it is: i) vicariously liable for the surgeon; and/or ii) owes the Claimant a non-delegable duty of care.

- LH v MOD & SSAFA (2021) – Acted for SSFA, a charity providing nursing personnel in a GP surgery on a military base, where it is alleged nurse failed to record the deceased's smear test and/or negligently undertook a smear test outside the 3-year national screening programme.
- SS v University Hospitals Birmingham NHS Foundation Trust (2021) – Acting for the Defendant Trust in a claim alleging the negligent interpretation of a cytology slide.
- TF v Newcastle Upon Tyne NHS Foundation Trust (2021) – Settled the quantum only shoulder dystocia case, instructed by the Defendant.
- DK v Chelsea & Westminster Hospital NHS Foundation Trust (2021) – Currently instructed by the Defendant in the multi-million-pound claim brain damage case arising out of admittedly negligent treatment.
- AB v Chelsea & Westminster Hospital NHS Foundation Trust (2021) – Currently instructed by the Claimant, who suffered from Body Dysmorphic Disorder, in a case against a plastic surgeon for proceeding with cosmetic surgery without a psychiatric assessment.
- JR v Various General Practitioners (2021) – Settled a case on behalf of GP Defendants for a failure to monitor the Claimant who developed chronic kidney disease. Causation and quantum in issue.
- RB v Dr H (2021) – Defending a claim brought against a GP for allegedly negligently administering a steroid injection.
- OB v University College London Hospitals NHS Trust (2021) – Defending a claim for a failure to diagnose the Claimant's congenital hip dysplasia. Issues as to the scope of the radiologist's duty when reviewing imaging.
- CR v Dr A & Mr H (2021) – Acted for a physiotherapist who allegedly failure to refer the Claimant to the A & E department. Issues as to difference between urgent and emergency referrals in Cauda Equina cases.
- JF v North Cumbria University Hospitals NHS Trust (2021) – Settled a multi-million pound claim where the Claimant was rendered blind as a result of the Defendant's negligence.
- SK v Barking & Havering NHS Trust (2021) – Acted for the Defendant Trust in a claim where it was alleged that the deceased care in A & E was negligent. Claim discontinued.
- SS v Mr S (2021) – Acted for the Defendant Anaesthetist where the Claimant alleged she had suffered an injury to her upper limb following a transfer during surgery. Claim discontinued.
- FS v A Fertility Clinic (2020) – Acted for the clinic in a mediation in a claim for a failure to achieve a live birth and consequential losses allegedly as a result of a flawed oocyte vitrification process.
- DS v King's College Hospital NHS Trust (2020) – Acted for the Defendant in a delayed diagnosis of Cauda Equina Syndrome. Claim compromised following a settlement meeting.
- Marshall v Schembri [2020] EWCA Civ 358 – Acted for the Appellant on appeal (led by Alexander Antelme QC). The Judge's findings at first instance were confined to the facts of the case. No new general principle of causation.
- Taylor v Chesterfield Royal Hospital NHS Foundation Trust [2019] EWHC 1048 (QB) – Claim for damages for shoulder dystocia arising from the allegedly negligent management of the Claimant's birth 26 years ago. Claim dismissed.
- Marshall v Schembri [2019] EWHC 283 (QB) – Acted for the Defendant where the deceased died as a result of the admitted failure to refer her to hospital. On causation it was found Claimant had to prove no more than that his wife probably would have survived her pulmonary embolism had she been referred directly to hospital by the defendant GP when she presented with chest pain and breathlessness. He did not need to prove the precise mechanism by which her survival would have been achieved.
- SE v George Elliot Hospital NHS Trust [2018] – Acted for the Defendant Trust in a claim for the

allegedly negligent reporting of a cytology slide. Claim dismissed.

- Rathore v Bedford Hospitals NHS Trust [2017] EWHC 863 (QB) – Acted for the Defendant Trust in a claim where the Claimant, who developed a Somatoform Disorder and Chronic Widespread Claim allegedly as a result of the Defendant's admitted negligence, claimed over £3,000,000. She was awarded £68,000 and 35% of her costs.
- Smith v Barking, Havering & Redbridge NHS Trust [2017] EWHC 943 (QB) – Acted for the Defendant Trust in a claim where the Claimant alleged a failure to carry out colorectal investigations. Claim dismissed.
- Syson v South Tees Hospital NHS Foundation Trust [2017] – Acted for the Defendant Trust in a claim where the Claimant alleged there was a failure to diagnose attic retractions and/or cholesteatoma in the Claimant's middle ear. Claim dismissed.
- Still v Maidstone & Tunbridge Wells NHS Trust [2017] – Acted for the Defendant Trust in a claim for the allegedly negligent post-operative care and discharge following colorectal surgery. Claim dismissed.
- Marshall (by her Litigation Friend Brian Marshall) v Hull & East Yorkshire Hospitals NHS Trust [2014] EWHC 4326 (QB)

Personal Injury

Farrah has almost twenty years experience in general personal injury litigation. She now has three main areas of specialism in which she is regularly instructed:

- Catastrophic injury claims
- Stress at work claims
- Abuse claims

Selected Cases

- Williams v Securitas Ltd (2021) – Alleged bullying and harassment and conspiracy claim. Acting for the Defendant in a trial due to be heard in August 2021.
- Armstrong v Cook (2020) – Acting for the Defendant insurer in a road traffic case where the Claimant was subsequently discharged from hospital without adequate anti-coagulation. The Claimant subsequently developed a pulmonary embolism leading to a heart attack and brain damage.
- Various Claimants v Leicestershire Police (2020) – Acted on behalf of the Defendant forces in settlement meetings involving Claimants who had allegedly suffered psychiatric injury as a result of working in the Child Sexual Exploitation Unit.
- JC v Staffordshire County Council (2020) – Acted for the Defendant Council in the claim brought by the deceased's dependents for damages caused by her suicide allegedly caused by stress at work. Claim compromised.
- KL v North Yorkshire Fire & Rescue Service (2020) – Acted for the Defendant in a case brought by the Claimant fire fighter alleged bullying and harassment. Claim compromised.
- KM v Durham County Council (2019) – Acted for the Defendant Council in a stress at work case.
- AA v Birmingham City Council (2018) – Claim for damages in excess of £1 million for psychiatric injury allegedly caused by occupational stress, bullying and harassment. The Claimant only recovered about £10,000 for an exacerbation of a pre-existing condition. All allegations of bullying and harassment were dismissed.

- Easton v B&Q PLC [2015] EWHC Civ 880 (QB) – Claim for damages in the region of £1 million for psychiatric injury caused by occupational stress.
- Hodges v Aegis Defence Services (BVI) Ltd [2014] EWCA Civ 1449 – Construction of insuring provisions within contract of engagement following the death of the claimant's husband whilst providing security services in Iraq.
- Davidson v Aegis Defence Services (BVI) Ltd [2013] EWCA Civ 1586 – Important appellate authority on s.33 of the Limitation Act 1980 and its application to a personal injury claim arising from the conflict in Iraq.
- Clark v Havering London Borough Council & Anor [2007] EWHC 3427 (QB)

Professional Discipline

Farrah has considerable experience in representing health professionals in professional regulatory hearings. In particular, she has acted for doctors in the General Medical Council, psychologists before the Health and Care Professions Council (HCPC), counsellors and psychotherapists before the British Association of Counselling and Psychotherapy, the Association for Child Psychotherapists, the United Kingdom Council for Psychotherapy, nurses before the Nursing and Midwifery Council and osteopaths before the General Osteopathic Council. She is regularly instructed in cases where sexual misconduct is alleged and has considerable experience in cross-examining vulnerable witnesses.

Selected Cases

- GDC v Dr I (2021) – Acted for the Registrant dentist who was accused of dishonesty. The charges were all dismissed following a lengthy hearing.
- GOsC v TM (2020) – Acted for the Registrant osteopath where the main allegation of dishonesty was dismissed. A finding of lack of integrity resulted in the sanction of admonishment.
- UCP v KB (2020) – Acted for the Registrant where some findings of sexually motivated conduct were admitted. There was no finding of current impairment.
- HCPC v WA (2019) – Acted for a Registrant in a case involving allegations of sexual misconduct.
- HCPC v CR (2019) – Acted for a Registrant in a case involving serious allegations arising out of her conduct in her personal life. All allegations struck out at half time on the basis the allegations, even if proved, did not amount to misconduct.
- GOsC v TM (2019) – Acted for the Registrant where finding of sexual conduct were made. The sanction was an 18-month suspension.

Inquests & Public Inquiries

Farrah regularly appears for insurers, NHS Trusts, Clinicians and families in inquests where issues of unlawful killing, suicide, neglect and the application of Article 2 of the ECHR have arisen.

Selected Cases

- Zion XXX (2022) – Represented the ambulance trust in an inquest where the deceased who had presented with severe headaches died as a result of VITT caused by the AZ Covid Vaccination.

- Jason Lennon (2022) – Represented the ExCel Centre in a claim where the deceased had been restrained resulting in a fatal cardiac arrest.
- Ila Scheckter (2021) – Represented the therapist who last had contact with the deceased before her death.
- Elizabeth Forbes (2021) – Represented the Counselling Practice that the deceased had attended immediately prior to jumping of a bridge.
- David Sparrow (2020) – Represented the NHS Trust responsible for mental health services in the prison where the deceased committed suicide.
- Iris Day (2018) – Represented the family of baby ID who died as a result of the failure to refer her to a specialist children's hospital who were familiar with her cardiac condition. Failings on behalf the NHS Trust were established.
- William Goldbourn (2014) – Represented the ambulance trust in a death involving the NHS 111 and 999 systems.
- David Hagan (2014) – Represented the NHS mental health Trust in a case where the deceased absconded from hospital and killed himself.
- Elisha Langley (2013) – Represented the deceased, EL, who was born with severe learning disabilities, dysmorphic syndrome and scoliosis and died following minor surgery to remove a cyst. Failings on behalf the NHS Trust were established.
- Andrew Hall (2013) – Represented the NHS Trust responsible for mental health services in the prison where the deceased committed suicide.
- Iris Alison Pearson (2013) – Represented the NHS Trust responsible for the clinicians who prescribed the deceased ten times the dose of intravenous heparin required.
- Christy Ruddell (2012) – CR, aged 2, was killed by his mother during a psychotic episode. Represented two of the NHS Trusts the mother had contact with prior to the death.
- Naomi Bryant (2011) – A prisoner released on license murdered NB soon after released. Represented one of the forensic psychologists involved in the prisoner's release.
- Georgia Hollick (2006) – GH, who was nine months, choked at nursery. Represented the family of GH.

Product Liability

- Farrah has experience of acting in group litigation in relation to claims made in respect of allegedly defective:
    - Pharmaceutical products (which are confidential and cannot be set out on this CV).
    - Non-consumer products (metalworking fluids) used in manufacturing processes.

Civil/Insurance Fraud

Farrah has considerable experience of handling fraud and exaggerated claims. She has been instructed by insurers on numerous road traffic claims involving phantom passengers, no injuries and exaggerated injuries and / or losses throughout the country. In addition, she has an in depth knowledge of chronic pain and somatoform disorders which frequently involve questions of credibility.

She successfully reduced c. £3,200,000.00 claim to c.£60,000 in *Rathore v Bedford Hospitals NHS Trust* 2017 All ER (D) 142 (Apr) (2017) EWHC 863 (QB).

She recently successfully secured a discontinue in a claim in excess of £1m involving a Claimant allegedly developed paralysis of her arm following a routine nerve block on the basis that no such injury had been sustained.

Farrah regularly advises the NHS on fundamental dishonesty claims. In addition, Farrah represents clinicians and various other practitioners before their disciplinary bodies and has successfully defended them in cases where a number of allegations have been made by dishonest complainants. She is an experienced tactician and widely instructed for her cross-examination skills.

Qualifications

- R G Lawson Prize for highest mark in Public International Law
- LLB, University of Manchester

Memberships

- Professional Negligence Bar Association
- Personal Injury Bar Association
- London Common Law and Commercial Bar Association

Recommendations

"She takes a forensic approach when dealing with complex medical matters and in cross-examination at trial." "She's great on her feet."
Chambers & Partners, 2022

"She gets to the crux of a matter with minimal fuss. Excellent on her feet, tenacious and articulate."
Legal 500, 2022

"An unflappable barrister who manages difficult clients, witnesses and opposing counsel exceptionally well."
Legal 500, 2021

"She has a very calm and collected demeanour which she uses to her advantage at hearings and in mediations."; "Her attention to detail is impeccable. She's also strong on her feet, really reassuring with clients and always well prepared."
Chambers & Partners, 2021

"An excellent barrister who is very approachable."
Chambers & Partners, 2020

“Very impressive in conference with clients and clearly experienced in this field."
Chambers & Partners, 2018

"A strong advocate who knows her stuff."
Chambers & Partners, 2018

"Excellent."
Legal 500, 2017

'Utilises facts to the client's best advantage'
Legal 500, 2016

"She is a very calm and clear advocate who has excellent vision."
Chambers & Partners, 2016

"She is extremely clever and well organised."
Chambers & Partners, 2016

"She's uber-organised, exceptionally efficient, and always has the facts at her fingertips. She's really good with clients - they trust her implicitly."
Chambers & Partners, 2015