



## Steve Broach KC

Year of call: 2008 | Silk: 2024

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*"He works incredibly hard and works with the most challenging and complex cases. He is a very strong advocate for disabled and vulnerable people."* Chambers and Partners 2024

Steve is a public lawyer with particular expertise in health, education and social care and disability and children's rights cases. He is a discrimination specialist and has acted in many of the leading public law discrimination cases.

Steve is instructed in the High Court and above in applications for judicial review, the Court of Protection for cases involving the Mental Capacity Act 2005 and the First-tier and Upper Tribunals in education and other appeals. He frequently advises clients on safeguarding issues. He is also regularly instructed in civil claims raising human rights and discrimination issues.

Prior to taking Silk in 2024, Steve had already developed a significant leading practice; he was frequently instructed as 'leading junior' in high profile judicial review cases, including challenges to central government policies and decisions.

As a junior, Steve was ranked in four categories by Chambers and Partners, including as a 'Star Individual' for Education and in Band 1 for Administrative and Public Law and Community Care. He was described as 'the Godfather of education law' and 'undoubtedly the go-to barrister for education cases' in Chambers and Partners 2024. He has appeared in many reported cases, including leading Supreme Court cases on disability issues. Steve was named Young Barrister of the Year at the Legal Aid Lawyer of the Year Awards 2011 and 'Future Leader: Diversity & Inclusion' at the Chambers UK Bar Awards 2021.

Steve is co-author of Disabled Children: A Legal Handbook (Legal Action Group) and is an editor of the Community Care Law Reports. He previously worked in the voluntary sector in senior roles relating to disability and children's rights.

## Areas of expertise

Community Care and Mental Health

Consultation

Education

## Community Care and Mental Health

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Steve has acted in many of the leading community care cases of the past decade, including the Supreme Court cases of *McDonald v Kensington and Chelsea* and *KM v Cambridgeshire*. He is ranked in Band 1 in Chambers and Partners in this area, where he is described as “a go-to barrister for community care work”. Steve both acts for claimants, generally disabled children or disabled adults but also businesses and charities, and advises public authorities, particularly in relation to policy development. Steve co-edits the leading practitioner text on disabled children and young people (*Disabled Children: A Legal Handbook*).

#### Cases of note:

- ***R (KM) v Cambridgeshire CC [2012] UKSC 23*** - KM is the leading case on the use of ‘Resource Allocation Systems’ in the social care context. Steve was junior counsel for the claimant.
- ***R (McDonald) v RB Kensington and Chelsea [2011] UKSC 33*** - McDonald was a high profile and controversial case involving a disabled woman who was forced to use incontinence pads to meet her night-time toileting needs, although she was not in fact incontinent. Steve was junior counsel for Mrs McDonald. The appeal failed in the Supreme Court by a 4-1 majority, but the Article 8 claim succeeded in part in the European Court of Human Rights (*McDonald v UK*).
- ***Cheshire West and Chester Council v P [2014] UKSC 19*** - Cheshire West is the leading authority on the approach to ‘deprivation of liberty’ where disabled people’s freedom of movement is restricted by reference to their care needs. Steve was instructed by the National Autistic Society and Mind as interveners.
- ***R (Article 39) v Secretary of State for Education [2020] EWCA Civ 1577*** - Steve was first junior counsel in this successful challenge to the process by which statutory protections for looked after children were removed by amending regulations in response to the Covid-19 pandemic. To date this remains the only successful challenge to secondary legislation introduced in response to Covid-19.

#### Recommendations

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- *“He works incredibly hard and works with the most challenging and complex cases. He is a very strong advocate for disabled and vulnerable people.”* Chambers and Partners 2024
- *“He’s creative, clever and passionate as well as being a delight to work with.”* Chambers and Partners, 2022
- *“He’s very accessible to lawyers and the public, and he really feels like part of the team when you’re working with him.”* Chambers and Partners, 2022
- *“A very talented barrister and one of the hardest-working people at the Bar, full stop.”* Chambers and Partners, 2022
- *“He has excellent knowledge of law relating to special educational needs, public law and issues affecting young people generally. He also provides very clear advice and is a good advocate. He’s very approachable and excellent at reassuring nervous clients.”* Chambers and Partners, 2022
- *“Steve is incredibly good at understanding disability issues.”* Chambers and Partners, 2022
- *“Very strong academically and a very good advocate, he’s a go-to junior.”* Chambers and Partners, 2021
- *“His advice is excellent. He’s forceful and his submissions carry weight. He’s also good at dealing with clients – he understands their needs and translates them into good outcomes.”* Chambers and Partners, 2021
- *“Unbelievably committed and conscientious. Very knowledgeable about special educational needs and the rights of disabled children.”* Chambers and Partners, 2021
- *“An excellent advocate, able to clearly present the case to the judge in a measured way and respond to judicial questioning calmly, maintaining a high standard of presentation of the case.”* The Legal

## Memberships

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- Administrative Law Bar Association (ALBA)
- Human Rights Lawyers Association (HRLA)
- Equality and Human Rights Commission A Panel of counsel
- Education Law Association (ELAS)
- Barristers with Lived Experience of Mental Illness (BLEMI)

## Qualifications

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### Education

- 2006, University of London, MA Politics
- 2001, University of Edinburgh, MA History

### Scholarships and Prizes

- Future Leader: Diversity & Inclusion, Chambers UK Bar Awards 2021
- Young Legal Aid Barrister, Legal Aid Lawyer of the Year Awards 2011
- Diplock Scholar and Queen Mother's Scholar, Middle Temple.

## Appointments

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- 2019-2023 – Part time judge of the Mental Health Tribunal
- 2021-2023 – Part time judge of the Court of Protection (Deputy District Judge)

## Languages

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- French (Conversational)

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