



SARAH HANNETT

MAIN AREAS OF PRACTICE:

Commercial and Corporate Law
Community Care Law
Competition and Regulation
Discrimination and equality
Education Law
Election Law
Employment Law
Healthcare, Mental Health and
Mental Capacity
Human Rights
Immigration Law
Local Government Law
Prison law
Public Law
Tax Law

Called to the Bar 2003

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Sarah practises in all areas of public law, equality law and human rights. She is ranked in Chambers & Partners in six practice areas: education, administrative and public law, civil liberties and human rights, local government, community care and elections. Legal 500 ranks Sarah in education law and in public and administrative law. In 2019 Sarah was shortlisted for the Public Law Junior of the Year in the Legal 500 UK Awards.

Sarah was appointed to the Attorney-General's A Panel of Counsel in 2017 (having been on the B and C Panel since 2007), and to the A-Panel of the Equality and Human Rights Commission's Panel of Preferred Counsel in April 2019.

PUBLIC LAW/HUMAN RIGHTS

Sarah appears regularly on behalf of claimants (including individuals and commercial organisations), local authorities, the Secretary of State and regulators. She has particular expertise in claims under the Human Rights Act 1998 and under the Equality Act 2010.

Current work includes acting as junior counsel to the EHRC in its investigation into complaints of antisemitism in the Labour Party, and as counsel to the Investigatory Powers Tribunal in *Wilson v. Commissioner for Police of the Metropolis* (a claim under the Human Rights Act 1998 concerning a sexual relationship conducted by a police officer whilst undercover).

Recent cases include:

- **R (McConnell) v. Registrar General** [2020] EWCA Civ 559: the requirement for a trans man to register as the mother of the child he gave birth to was not contrary to the Gender Recognition Act 2004 or Articles 8 and 14 of the ECHR (junior counsel for the Registrar General and the Secretaries of State).
- **R (Elan-Cane) v. Secretary of State for the Home Department** [2020] EWCA Civ 363: the policy precluding the issue of passports with an X sex marker did not breach the ECHR rights of the non-binary claimant (junior counsel for the Secretary of State).

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DIRECTORIES' RECOMMENDATIONS

HERE'S WHAT THEY SAY:

Chambers and Partners 2020 (recommended in six areas):

"An extremely impressive junior and a rising star" "Conscientious, thorough and very good at putting clients at ease" "Bright, personable, hard-working and clever"
(Administrative and Public Law).

"An excellent barrister; very thorough" (Civil Liberties and Human Rights).

"She is really excellent and knows the law thoroughly. Her written submissions are very clear and concise, and she has a good manner in court" "She is very bright" "She is sharp, innovative and has a good breadth of knowledge" (Local Government).

"She's very straightforward, extremely hard-working and very good at communicating. She has an excellent manner with clients." "She's very client-friendly and gives really practical advice." "She's responsive and incisive. She really has a grasp of the issues affecting the sector and provides clear and concise opinions, pleadings and advocacy." (Education).

"She is really outstanding, and her ability to both bring and defend claims with equal effectiveness is rare." "She's very experienced and has the trust of the court." "An impressive advocate." (Community Care).

"An experienced public lawyer with involvement in many election cases, who is bright and good with clients." (Election Law).

- **R (Heathrow Hub) v. Secretary of State for Transport** [2020] EWCA Civ 213: judicial review of the Airports NPS proposing a third runway at Heathrow Airport (counsel for the Speaker of the House of Commons).
- **Re K (Forced Marriage: Passport Order)** [2020] 1 FLR 904: the Court of Appeal gave guidance on the approach to Articles 3 and 8 of the ECHR when considering making forced marriage protection orders for adult women with capacity (counsel for the Secretary of State).
- **R (Ouselice) v. Secretary of State for Defence**: successful challenge to the refusal by the Ministry of Defence to return the claimant's medals after his discriminatory dismissal from the Royal Navy (junior counsel to the claimant).
- **Privacy International & Ors v. Secretary of State for Foreign and Commonwealth Affairs** [2019] UKIPTrib IPT_17_186_CH: the IPT held that MI5's policy of "authorising" its agents to participate in criminality was not unlawful (junior counsel to the Tribunal).
- **P (Transgender Application for Declaration of Valid Marriage)** [2020] 1 FLR 807: the Family Court held that a marriage entered into between a trans man without a gender recognition certificate and a woman before same sex marriages were lawful was void (advocate to the Court).
- **First Protocol 16 Advisory Opinion by the European Court of Human Rights** (2019): the recognition in domestic law of a legal parent-child relationship between a child born through a surrogacy arrangement abroad and the intended mother (counsel for the United Kingdom Government).
- **R (H) v. Secretary of State for Health** [2019] EWHC 2095 (Admin): statutory bar on the genetic father of a child born pursuant to a surrogacy agreement being named as the father on her birth certificate did not breach Articles 8 or 14 of the ECHR (counsel for the Secretary of State).
- **R (AB) v. Secretary of State for Justice** [2019] 4 WLR 42 (CA): whether the segregation of a child detained in a Young Offender Institution constituted a breach of Article 3 of the ECHR (junior counsel for the Secretary of State; appeal pending before the Supreme Court).
- **R (Steinfeld and Keidan) v. Secretary of State for International Development** [2020] AC 1 (SC): the exclusion of heterosexual couples from civil partnerships constituted an unlawful interference with Articles 8 and 14 of the ECHR (junior counsel for the appellants).
- **R (DSD and NBV) v. Parole Board of England and Wales** [2018] 3 WLR 829: the decision to release the convicted rapist John Worboys was unlawful (junior counsel for the Mayor of London).
- **Big Brother Watch v. United Kingdom** (2018) ECHR 58170/13: the European Court of Human Rights held that the regime for bulk interception of communications and for acquisition of communications data violated Articles 8 and 10 ECHR (junior counsel for the intervener, Human Rights Watch).
- **In the Matter of M (Children)** [2018] 4 WLR 60 (CA): whether the decision of the Family Court that a trans father could not have direct

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contact with her children complied with the Equality Act 2010 and the Human Rights Act 1998 (junior counsel for Stonewall, the intervener).

EDUCATION LAW

Sarah has particular expertise in all aspects of education law. She acts on behalf of a wide range of clients (including local authorities, parents, schools, higher education institutions, the Schools Adjudicator, Ofsted, the Education Funding Agency, and the Secretary of State for Education). Sarah acted as junior counsel to *Just for Kids in R (Tigere) v. Secretary of State for Business, Innovation and Skills* [2015] 1 WLR 82 (SC). She is currently instructed by Ofsted in the Independent Inquiry into Child Sex Abuse, and has advised the EHRC on its inquiry into racial harassment in higher education institutions. Sarah acted on behalf of the successful claimants in the St Olave “off-rolling” case.

Sarah was awarded the Bar Pro Bono award in 2013 for her work on the School Exclusion Project, an organisation that provides pro-bono representation to parents appealing against the permanent exclusion of their child from school. She is the author (with Aileen McColgan and Elizabeth Prochaska) of *Special Educational Needs and the Law* (LAG, 2017) and wrote the chapter on Special Educational Needs in *Richard McManus QC, Education and the Courts* (Jordan’s, 2012). She is currently co-authoring the chapter on education in *National Security: Law, Practice and Procedure* (Jones, Ward and Stone). Sarah was a member of the Justice working party on school exclusions, and is a parent governor of a primary school in the London Borough of Tower Hamlets.

Recent education cases include:

- **R (Ngole) v. University of Sheffield** [2019] ELR 443 (CA): whether the removal of a student social worker from his course for comments about LGBT people on Facebook breached Article 10 ECHR (counsel for the University).
- **R (Simone) v. Chancellor of the Exchequer** [2019] EWHC 2609 (Admin): approach taken to funding special educational needs at the Budget was not unlawful (junior counsel for the Chancellor and Secretary of State for Education).
- **R (NHS West Berkshire CCG) v. First-tier Tribunal** [2019] UKUT 44 (AAC): judicial review of the FTT’s refusal to grant the CCG the status of a party in a SEN appeal (counsel for the CCG).
- **Reilly v. Sandwell MBC** [2018] ELR 435 (SC): the governing body of a School did not unlawfully dismiss/breach the Article 8 rights of a headteacher who failed to disclose her relationship with a convicted sex offender (counsel for the local authority and the governing body).
- **R (Al-Hijrah School) v. Ofsted** [2018] 1 WLR 1471 (CA): the segregation of girls from Year 5 in a mixed sex school constituted direct discrimination contrary to the Equality Act 2010 (junior counsel for Ofsted).
- **C & C v. The Governing Body of a School** [2018] ELR 552 (UT): regulation 4(1)(c) of the Equality Act 2010 (Disability) Regulations

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2010 (tendency to physical abuse) breached Article 14 of the ECHR (counsel for the Secretary of State for Education).

- **R (Larkhall Primary School) v. Secretary of State for Education** [2018] ELR 582 (UT): the Secretary of State's approach to progress and attainment data for primary schools is lawful (counsel for the Secretary of State for Education).

HEALTH AND SOCIAL CARE

Sarah has a wide ranging health and social care practice. She acts for claimants, doctors, local authorities, NHS bodies and the Secretary of State for Health and Social Care. She is ranked as a leading junior in community care and local government law, and acted on behalf of South Gloucestershire Council in *R (Cornwall Council) v. Secretary of State for Health* [2016] AC 137 (SC) (test for determining the ordinary residence of a person who lacks capacity).

Recent cases include:

- **R (A) v. Secretary of State for Health and Social Care** [2019] 1 WLR 2979 (CA): whether the directions prioritising transplanted organs to patients who are ordinarily resident in the United Kingdom are ultra vires the National Health Service Act 2006 (junior counsel for the Appellant).
- **R (Bawa-Garba) v. General Medical Council** [2018] 163 BMLR 43 (CA): in deciding to strike off Dr Bawa-Garba, the Divisional Court erred in law (junior counsel for Dr Bawa-Garba).
- **R (Migrant Rights Network) v. Secretary of State for the Home Department (Administrative Court, 2018)**: judicial review that led to the withdrawal of the memorandum of understanding between the SSHD and the Secretary of State for Health that permitted the sharing of non-sensitive GP data of migrants without leave to remain with the SSHD (junior counsel for MRN, instructed by Liberty).
- **R (Buxton) v. Secretary of State for Work and Pensions** [2018] EWHC 2196: cap on Access to Work payments to disabled workers held not to breach the Equality Act 2010 (counsel for the claimant).

ELECTION LAW

Sarah has significant election law experience. She has advised and acted for a number of political parties. Recent cases include:

- **R v. Mackinlay** [2018] 3 WLR 556 (SC): correct approach to declaring notional election expenses (junior counsel for Marion Little).
- **Foster v. McNichol and Corbyn** [2016] EWHC 1966 (QB): whether the Labour Party Rules 2016 require an incumbent leader to obtain nominations from 20% of the MPs in order to appear on the ballot (counsel for Mr Foster, led by Gavin Millar QC).
- **Erlam v. Rahman** [2015] 1 WLR 231: application by the Mayor of Tower Hamlets to strike out an election petition (junior counsel to the Mayor of Tower Hamlets).

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OTHER EXPERIENCE

In 2008 Sarah was a Fellow at the Center for Constitutional Rights in New York, funded by a Pegasus Scholarship awarded by Inner Temple where she undertook work relating to Guantanamo detainees. Prior to coming to the Bar, Sarah was a lecturer in law at King's College London from 2000 until 2005. She has taught at University College London, Queen Mary University of London and the University of New South Wales in Australia, and has been a visiting professor at McGill University.

Sarah has acted as an independent reviewer of complaints for the Institute of Chartered Accountants, and between 2011 and 2013 Sarah was a member of the Bar Standards Board Complaints Committee.

Sarah graduated from the University of Nottingham in 1998 with a LLB (Hons) (First Class). She has a LLM in Human Rights and Comparative Law from McGill University (for which she was awarded a Commonwealth Scholarship).

OTHER NOTABLE CASES:

Supreme Court:

- **Taiwo v. Olaigbe** [2016] 1 WLR 2653: the Supreme Court held that mistreatment of workers because of their positions as vulnerable migrant domestic workers dependent on their employers did not constitute race discrimination contrary to the Equality Act 2010 (junior counsel for the respondent).

Court of Appeal:

- **Re K and H (Children) (Lord Chancellor Intervening)** [2015] 1 WLR 3801: the Family Court had no jurisdiction to order the Lord Chancellor to provide funding for legal representation outside of the legal aid scheme and the lack of legal aid did not breach Articles 6 and 8 of the ECHR (junior counsel for the Lord Chancellor).
- **R (Ali and others) v. Secretary of State for Justice** [2014] 1 WLR 2743: test cases on the meaning of miscarriage of justice in section 133 of the Criminal Justice Act 1988 (junior counsel for the Secretary of State).
- **R (Arogundade) v. Secretary of State for Business, Innovation and Skills** [2014] ELR 466: whether "ordinary residence" in the student finance regulations requires lawful residence (junior counsel for the claimant).
- **R (Cala Homes (South) Limited (II)) v. SSCLG** [2011] 2 EGLR 75: whether intention to revoke regional strategies by forthcoming legislation constituted a material planning consideration; in the High Court [2011] EWHC 97 (Admin); [2011] P & CR 451 (junior counsel for the claimant).
- **R (Khalaf) v. SSHD** [2011] EWCA 242; (2011) Times, 11 March: relevance of appeals to reasonableness of length of immigration detention (junior counsel for the Secretary of State).
- **R (Seabrook Warehousing) v. Her Majesty's Customs and Excise** [2010] STC 996: VAT, Carltona principle (junior counsel for HMRC).

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- **Malekout v. Secretary of State for Work and Pensions** [2010] EWCA Civ 162: income support (counsel for the Secretary of State).
- **Wild v. DEFRA** [2009] EWCA Civ 1406: rights of way at common law (counsel for the respondent local authority).
- **MM (Iran) v SSHD** [2009] EWCA 1167: immigration, Article 3 of the ECHR (counsel for the Secretary of State).
- **Lee-Lawrence v. Penwith District Council** [2006] EWCA Civ 1672: homelessness (counsel for the claimant).
- **S v. Customs and Excise** [2004] EWCA Crim 2374: proceeds of crim and Article 6 of the ECHR (junior counsel for S).

Administrative Court/High Court:

- **R (Learndirect) v. Ofsted** [2017]: application for judicial review of an Ofsted report that graded Learndirect's provision to be inadequate dismissed (counsel for Ofsted).
- **R (Richards) v. Investigatory Powers Tribunal** [2017] EWHC 560 (QB): whether an extended civil restraint order breached Article 6 of the ECHR (counsel for the IPT).
- **R (PA) v. London Borough of Lewisham and Secretary of State for Education** [2016] EWHC 2368 (Admin): whether the Secretary of State's policy on home to school transport is unlawful in failing to make particular provision for children who wish to attend specialist free schools (counsel for the Secretary of State). Appeal dismissed by the Court of Appeal, [2018] EWCA Civ 1721.
- **R (A & B) v. Oxfordshire County Council** [2016] EWHC 2419 (Admin) (Appellants' appeal dismissed by the Court of Appeal after a substantive hearing in December 2016): whether the closure of children's centres in Oxfordshire breached the public sector equality duty or the duty to consult (junior counsel for the appellants).
- **R (Bolton and Cooper) v. HMRC** [2016]: whether the Finance (No 2) Act 2015, which removes the ability of individual residential landlords to set off the costs of their mortgage from their income, breaches Article 1 of Protocol 1 and/or Article 14 of the ECHR and/or amounts to unlawful state aid (appeared on behalf of the claimants, led by Cherie Booth QC and Conor Quigley QC).
- **R (Dennehy) v. Secretary of State for Justice** [2016] EWHC 1219 (Admin): whether the segregation in prison of the serial killer Joanna Dennehy was lawful, including whether it breached her rights under Article 8 of the ECHR (appeared on behalf of the Secretary of State for Justice, led by Tom Weissenberg QC).
- **R (TH) v. Chapter and Bishop of Worcester Cathedral** [2016] EWHC 1117 (Admin): whether the decision to place limits on a bellringer ringing in the Cathedral and other churches in the Diocese was unlawful, and in particular, whether it breached his rights under Article 8 of the ECHR (counsel for the Charter and Bishop of Worcester Cathedral).
- **R (the IEB of X School) v. Ofsted** [2016] ELR 519: Stuart-Smith J granted an injunction restraining the publication of an Ofsted report (junior counsel for Ofsted).

- **R (JG) v. Kent County Council** [2016] ELR 396: the responsibility of a local authority for the maintenance of a child's statement of SEN after the child has left their area (counsel for the claimant).
- **R (HA) v. Hampstead School** [2016] ELR 125: the lawfulness of a decision to send a child for education "off-site" for behavioural reasons (counsel for the claimant).
- **R (Wiggins and Jones) v. Neath and Port Talbot County Borough Council** [2015] EWHC 2266 (Admin): whether the closure of two primary schools contravened the School Standards and Organisation (Wales) Act 2013 and the relevant code of practice (counsel for the parents).
- **R (Warren Comprehensive School) v. Secretary of State for Education** [2014] ELR 530: grant of interim injunction to prevent the making of an Academy order and judicial review of the decision to enter into Academy arrangements (counsel for the claimant).
- **R (JW) v. London Borough of Hammersmith and Fulham** [2014] EWHC 1207: whether respite care is provided under section 21 or section 29 of the National Assistance Act 1948 (counsel for the LA).
- **R (Whistl UK Limited, formerly TNT Post UK Limited) v. HMRC** [2015] STC 1077: whether the exemption from Value Added Tax conferred by UK legislation on certain services supplied by Royal Mail contravened EU law (junior counsel for HMRC).
- **Erlam v. (1) Rahman, and (2) Williams** [2014] EWHC 2676 (QB); [2014] EWHC 2766 (QB): application by the Mayor of Tower Hamlets to strike out a petition challenging his election in May 2014, and application by petitioners for a protective costs order (junior counsel for the respondent).
- **R (BAPIO Action Limited) v. Royal College of General Practitioners** [2014] EWHC 1416 (Admin): whether the exit examination for GPs was racially discriminatory (junior counsel for the claimant).
- **R (London Borough of Islington and others) v. Mayor of London** [2013] EWHC 4142 (Admin): lawfulness of fire service cuts in London (junior counsel for the intervener, the FBU).
- **R (R) v. London Borough of Tower Hamlets** [2013] EWHC 2802 (Admin): lawfulness of community care provision for offender leaving prison (counsel to the Probation Trust).
- **R (LR) v. First-tier Tribunal** [2013] UKUT 294: costs in judicial review claims in the Upper Tribunal (counsel for the LA).
- **R (Houghton and Wyton Parish Council) v. Huntingdonshire District Council** [2013] EWHC 1476 (Admin): planning guidance issued outside the Planning and Compulsory Purchase Act 2004 ultra vires (counsel for the claimant); and [2012] EWHC 1302, the first protective costs order obtained for a Parish Council.
- **Stevens v. Secretary of State for Communities and Local Government** [2013] EWHC 792 (Admin): approach to Article 8 of the ECHR in town and country planning appeals in the Administrative Court (counsel for the Secretary of State).
- **R (London Borough of Lewisham) v. Assessment and Qualifications Alliance** [2013] ELR 281: challenge to GCSE English

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grades dismissed (junior counsel for Ofqual).

- **R (Campbell Park Parish Council) v. Milton Keynes Council** [2012] EWHC 1204 (Admin): successful application for judicial review of the defendant's decision to make a parish council reorganisation order (counsel for the claimant).
- **R (London Borough of Lambeth) v. Lambeth Independent Appeals Panel** [2013] ELR 145: successful application for judicial review of IAP's decision to allow an appeal in an infant class size case (and consideration of when relief should be refused) (counsel for the claimant).
- **R (LR) v. First-Tier Tribunal** [2012] ELR 456: approach to consent orders in the FTT (counsel for the local authority).
- **R (Matin) v. University College London** [2012] ELR 487: judicial review by a medical student who complained of procedural unfairness in a decision not to reinstate him (counsel for the defendant).
- **R (Cala Homes (South) Limited (I)) v. SSCLG** [2011] LGR 204: decision to revoke regional strategies quashed as contrary to the principle in Padfield and in breach of the SEA Directive (counsel for the claimant).
- **R (Buckinghamshire County Council) v. The School Admissions Independent Appeal Panel for Buckinghamshire** [2010] ELR 172: the proper approach by IAPs to the equality provisions in the School Admissions Code 2009 (counsel for the claimant).
- **R (S) v. North Somerset Council** [2010] ELR 139: disability discrimination and transport to sixth form college (counsel for the defendant).
- **R (Stop Stansted Expansion) v. Secretary of State for Transport and another** [2009] EWHC 463 (Admin): whether grant of planning permission for the expansion of Stansted Airport was lawful (junior counsel for the claimant).

Tribunal cases (Upper Tribunal/IPT):

- **Wilson v. Commissioner for Police of the Metropolis** [2018] UKIP_Trib 11: proper approach to disclosure in the claimant's claim that the use of the undercover police officer, Mark Kennedy, breached her rights under the Human Rights Act 1998 (counsel to the Investigatory Powers Tribunal).
- **R (LR) v. First-tier Tribunal** [2013] UKUT 294: the Upper Tribunal held: where (i) the application was for judicial review of the First-tier Tribunal's decision, and (ii) it was a claim in which only the Upper Tribunal had jurisdiction under the Tribunals, Courts and Enforcement Act 2007, the general principle is that Upper Tribunal ought not make an order for costs unless the First-tier Tribunal would have had power to do so (counsel for the LA).
- **NC v. Leicestershire County Council** [2012] ELR 365: correct test to apply when refusing to issue a statement of SEN after statutory assessment (counsel for the LA).
- **OR v. London Borough of Ealing** [2012] ELR 436: when the FTT

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should consider secondary transfer in a SEN appeal (counsel for the LA).

- **R (LR) v. (1) First-tier Tribunal and (2) Hertfordshire County Council [2012] ELR 256:** whether a consent order is a 'decision' under the Tribunals, Courts and Enforcement Act 2007 and when the UT has jurisdiction to set a consent order aside (counsel for the LA).
- **R (SC) v. The Learning Trust [2012] ELR 474:** whether the FTT decision on a SEN appeal in respect of an Academy school is enforceable (counsel for the LA).
- **RT v. ISA [2012] UKUT 123 (AAC):** successfully defended an appeal by RT of ISA's decision to place her on the Adults' Barred List (counsel for the ISA, now DBS).
- **S v. Buckinghamshire County Council [2011] ELR 1:** jurisdiction of SENDT to deal with admission appeals (counsel for the LA).
- **R (JW) v. The Learning Trust [2010] ELR 115:** interim relief in SEN appeals (counsel for the LA).

Other:

- **Chilcot Inquiry (2015):** instructed by the families of soldiers killed in Iraq in their proposed application for judicial review of the Chilcot Inquiry for the serious and significant delays to which the report was subject (junior counsel to the families).
- **Winterbourne View Hospital Serious Case Review (2011):** legal adviser to the chair of the Serious Case Review.
- **Stansted Airport Inquiry (G1) (2007):** junior counsel for Stop Stansted Expansion.
- **Coventry Airport Inquiry (2006):** junior counsel for Birmingham International Airport.

PRIVACY NOTICE

Sarah is committed to protecting and respecting your privacy. In order to provide legal services to her clients, including advice and representation services, Sarah needs to collect and hold personal data. This includes her client's personal data and the personal data of others who feature in the matter upon which she is instructed. To read Sarah's privacy notice in full, please see [here](#).

Sarah is regulated by the Bar Standard Boards and accepts instruction under Standard Contractual Terms. To find out more information on the way we work at Matrix, including our fee transparency statement, please see our [service standards](#).