



Mark Shaw KC

Mediator since 2008

Specialist areas: healthcare, professional negligence, professional regulation and discipline, public procurement, personnel, data protection & human rights

Mark was promoted to the *Legal 500 Hall of Fame* as a mediator in 2022, after featuring in the top tier (band 1) for several previous years. He is also recognised as a leading silk in professional discipline & regulation (top tier), administrative and public law & environmental law.

Mark regularly appears in the High (Administrative) Court and the appellate courts (usually on behalf of public bodies facing judicial review claims and statutory appeals, often in cases with a prominent human rights element) as well as in a range of disciplinary and regulatory tribunals. His particular areas of expertise (including advisory work) cover central government, regulatory agencies (especially regulators in the health and care sectors but also legal, financial, pensions, teacher and police regulators), utilities, immigration control, local government, freedom of information and data protection, environmental, media organisations and licensing bodies.

Although Mark now has a broad client base, his experience and expertise are rooted in ten years' service as Junior Counsel to the Crown from 1992 to 2002 (when he took silk and had to relinquish those appointments). Previously, Mark worked in a large firm of solicitors (Mallesons Stephen Jaques, now King & Wood Mallesons, in Melbourne), in the Legal Department of a local authority (Bournemouth Borough Council) and in the European Parliament's Human Rights Unit (in Luxembourg, Strasbourg and Brussels). From 2005 until 2015 he held appointment and acted as a senior Special Advocate, approved by the Attorney General and cleared to a high level by the Security Services, to appear in terrorist cases.

As regards mediation, Mark was accredited in October 2008 through CEDR. ADR is very much a growing part of his practice, now accounting for about a quarter of his time. Increasingly, he deals with the more complex and intractable disputes (both in the UK and in various overseas jurisdictions): high value, high profile, high temperature, knotty, sensitive & lengthy mediations. They often demand advanced mediation skills, cover multiple parties & areas of law, and demand creative solutions.

Consequently, Mark is now the most active mediator within Blackstone Chambers, and he leads its Mediation Group. His mediation practice has also expanded through membership of Trust Mediation, IPOS Mediation, CEDR and the CMC; so that his experience now spans all manner of disputes and is by no means limited to his main areas of practice as a barrister. It includes commercial, personal injury, health (NHS & private), professional negligence, (re)insurance, corporate & partnership, neighbours/boundaries/land, landlord & tenant, costs, immigration, employment/workplace, industrial relations & trade unions, misconduct & misfeasance, family, pensions, care, social services, educational institutions and clubs (sporting and social), charities, student discipline, religious institutions, media, financial services (commercial and regulatory/enforcement), health & safety, police, utilities, EU, discrimination and harassment, property development, public sector and public procurement (both private law and public law claims) and public/private partnerships & joint ventures. Some take just a few hours, most last a day (and occasionally much of the night). Some weighty, sensitive, complex and/or high profile mediations have lasted multiple days or multiple sessions over weeks or months.

Mark's strong background in public sector, public law, civil liberties and human rights work gives him an unusual depth of insight into the legal, presentational, financial, personnel and policy issues which often tax public and regulatory bodies. In terms of clients and parties, he is very familiar with NHS Trusts and NHS strategic/managerial bodies, central & local government bodies, professional disciplinary & regulatory agencies, police authorities, pension funds, utilities and media organisations.

Allied to mediation, Mark has also conducted some (mostly public sector) adjudications and inquiries, both internal/confidential and public, which involve mediation skills in dealing with both parties and witnesses. Recently, for example, he acted as an independent investigator for a major UK professional regulator, reporting on a complaint made by a registrant against the organisation's head.

Previously, he acted as a hybrid mediator/adjudicator/visitor for Exeter University dealing with a challenge by the Christian Union to (1) its suspension from the Students' Union for refusing to allow non-Christian members to become members or leaders and (2) the requirement for it to be renamed the Evangelical Christian Union. A judicial review claim by the Christian Union under the Human Rights Act 1998 (articles 9, 10 & 11 of the ECHR), against the underlying decision and the adjudication, was stayed pending the mediation/adjudication, then revived and dismissed by the Administrative Court.

Mediation experience

Healthcare

- Mediation over two separate days concerning the alleged mistreatment of a vulnerable adult, voluntarily attending a secure NHS healthcare facility: alleged clinical negligence, personal injury, human rights violations, discrimination/equality claims and safeguarding issues.

Education

- Various mediations involving academic discipline, of students and staff; as well as university and college staff/employment/personnel disputes.

Public Sector

- Settling dispute between a local highway authority and a group of businesses over local road use designation and signage.

Public procurement

- Resolving several disputes arising from the award of large/long public service contracts and joint ventures under the public procurement regulations: including in the healthcare and educational sectors.

Financial Services/Regulatory

- Judicial review of regulatory reports criticising and sanctioning financial services providers for alleged breaches of anti-money laundering legislation.

Local Authority/NHS Social Care

- Ongoing mediation of a judicial review claim involving four local authorities and one NHS care commissioning group contesting the allocation of past, present and future adult social care costs.
- Similar claim between different local authorities for reimbursement of historic care costs in relation to a vulnerable child.

Student/University Discipline

- Private and public law challenge to the process followed and sanctions applied by a university against a student, after an investigation triggered by complaints from other students and teachers. Several other mediations involving claims of discrimination, harassment and bullying within educational establishments and private clubs.

Workplace Dispute within Financial Institution

- Employment claim arising from alleged workplace discrimination and victimisation within investment bank.

Contaminated Land: Breach of Contract, Negligence and Nuisance

- Mediating to settlement a claim brought by a large multinational company against a waste transport and landscaping company for alleged contamination of a decommissioned industrial site.

Human Rights & Damages Claim against a Local Authority & The Metropolitan Police

- Mediating a High Court claim for damages and HRA declarations brought by individuals/groups the scope of whose public meeting had been limited. Alleged breaches of the right of free assembly, freedom to impart information and misfeasance.

Solicitor's Negligence

- Mediating to a settlement a claim brought by a client against a firm of solicitors for failing properly/promptly to pursue a damages action against the police.

Public Sector Pension Disputes

- Successfully mediating two allied long-running industrial relations disputes arising from changes to the pension arrangements of 1000s of public sector workers.

NHS Procurement Dispute

- Mediating a multi-million pound dispute under the Public Contracts Regulations 2015, arising from the decision of an NHS Trust to abandon a public procurement process after selection of a strategic estates partner for a large hospital redevelopment scheme but just before the award of any contract.

Police Dog & Handler Misconduct

- Successfully mediating a claim for damages brought by the victim of an attack by a police dog. The dog handler had responded to a domestic burglary 999 call but the dog attacked the homeowner instead of the burglar.

African Chemical Dumping

- With Lord Woolf, former Lord Chief Justice, mediating a commercial dispute regarding the assessment (taxation) of a costs bill running to many millions of pounds after the settlement of massive group litigation arising from dumping of chemicals in Africa. Said to be the largest costs bill in English legal history, at the time.

Immigration Sponsor Licences

- Mediating High Court claims for substantial damages under the Human Rights Act 1998 and for misfeasance and negligence arising from withdrawal by the Home Office of sponsor licences issued under the Immigration Act and Rules to education and training colleges serving foreign students.

Development Land

- Mediating a High Court commercial dispute regarding the sale, servicing and development of land in Virginia Water, Surrey.

Healthcare cases as Counsel

Saeed v General Dental Council CO/2694/2021

- Representing and advising the General Dental Council in the Administrative Court in a CPR Part 8 claim by a registrant against an 18-month interim suspension order.

General Dental Council 2024

- Representing the GDC in disciplinary proceedings regarding the length and legality of an interim suspension.

General Dental Council 2020–2021

- Advising the GDC on the effect of an appeal on the duration of a sanction imposed after a review hearing.

General Chiropractic Council [2019]

- Advising the General Chiropractic Council on the most efficient way lawfully to restructure and streamline the initial stages of its entire fitness to practise investigatory and decision-making process, without the need for primary and secondary legislation.

Beard v General Osteopathic Council [2019] EWHC 1561 (Admin) & [2019] All ER (D) 124 (Jun)

- Representing and advising the General Osteopathic Council in the Administrative Court in a statutory appeal claiming that its Professional Conduct Committee (Chair and one lay panellist) rendered the registrant's disciplinary hearing unfair by questioning her for too long in an unduly hostile, irrelevant and distressing manner akin to that of a prosecutor.

General Osteopathic Council – fitness to practise panellist’s failure to disclose grounds for disqualification

- Advising the General Osteopathic Council on the proper treatment of a fitness to practise panellist who failed to disclose to the GOSC a suspension from work after a disciplinary complaint, thereby rendering her ineligible to sit as a panellist; and advising on the status/validity of decisions in which the panellist participated before the disqualification was revealed.

Remote Prescribing and Medical Regulatory Scope

- Advising UK professional health/pharmaceutical regulators on the scope for regulatory control over and disciplinary sanctions for remote (virtual) prescribing.

General Optical Council – laser eye surgery

- Advising the General Optical Council (“GOC”) on the scope of its regulatory and disciplinary jurisdiction over the conduct of laser eye surgery by a high street business: whether better classified as optometry (within the GOC’s jurisdiction) or surgery (a matter for the GMC).

General Medical Council – Disciplinary Proceedings Before The Medical Practitioners’ Tribunal

- Representing and advising a GP, facing being struck-off the Medical Register by the Medical Practitioners’ Tribunal, in disciplinary proceedings brought on the back of a criminal conviction for sexual assault on a patient, while that conviction was still under appeal.

Professional Standards Authority & General Dental Council

- Advising a senior officer of the General Dental Council (“GDC”) on possible challenge to the legality and substance of a draft report to be published by the Professional Standards Authority (“PSA”) criticising the way in which the GDC had operated, investigated and reported on its own compliance with statutory procedures.

General Osteopathic Council 2018

- Compliance with the duty to give reasons for findings. The extent of a panelist’s duty to disclose misconduct to the Council, and to recuse themselves from sitting.

Christy v General Dental Council [2015] CO/3126/2014 (Admin)

- Advised and appeared for the GDC to resist a High Court judicial review challenge to the interpretation and application of the statutory triage test applied to every complaint made to the GDC against a dentist. The Claimant argued that the test was set far too high, and that many more complaints should reach the final disciplinary committee.

Ajala v Nursing & Midwifery Council CO/516/2015 (Admin)

- Advised and appeared for the NMC to resist a High Court appeal concerning the circumstances in which the NMC can review and re-open a complaint once it has been dismissed.

Which? and Disclosure of Fitness to Practise Information (2014)

- Advised the General Optical Council on proceedings under section 13C of the Opticians Act 1989 seeking disclosure from Which? of information about allegedly sub-standard opticians revealed by a mystery shopper investigation and article concerning improper eye tests on the high street.

R (Kinnersley) v GMC & Antoniou [2014] CO/3980/2014 (Admin)

- Advised and successfully appeared for the GMC in resisting a judicial review challenge to the disclosure of expert reports to complainants in medical disciplinary cases under domestic statute and common law and under article 8 of the ECHR (right to private and family life). Also advised and represented the GMC in various similar cases featuring the same issue.

Fajemisin v General Dental Council [2014] 1 WLR 1169 (Admin)

- Advised and appeared successfully for the GDC in a statutory (High Court) appeal regarding the existence and extent of the power of a public body to review and revise its own decisions if based on a fundamental mistake of fact, in particular: to pursue disciplinary proceedings against practitioners who had been erroneously removed from the professional register and then reinstated. Also in 2013 advised and appeared successfully for the GDC before its disciplinary committee in a parallel case: General Dental Council v Donaldson.

General Osteopathic Council – fitness to practise procedures

- Advising the General Osteopathic Council on the proper treatment of vexatious, frivolous and repetitive complaints by the Good Thinking Society, on resisting a threatened judicial review challenge to the application of its statutory fitness to practise procedures to such complaints and on amending those procedures. Allied advice on the drafting and legality of a new regime for continuing professional development, and the status of connected guidance.

Ajala v Nursing & Midwifery Council CO/516/2015 (Admin)

- Advised and appeared for the NMC to resist a High Court appeal concerning the circumstances in which the NMC can review and re-open a complaint once it has been dismissed.

Nursing and Midwifery Council v Okeke and Annon v Nursing and Midwifery Council Disciplinary committee and High Court (respectively, both 2013)

- Advised the NMC in lead cases determining the jurisdiction to review and replace lesser sanctions with a striking-off order in certain types of case.

Francis Mid-Staffs Inquiry (2013)

- Advised various regulators on substantive and procedural aspects of disciplinary proceedings which might arise from the independent report into the inadequate care provided at Mid-Staffs hospital.

Testimonials

"Mark Shaw KC is a tremendous asset." – Chambers UK, 2025

"Mark Shaw KC was excellent. He is very clear and helpful. His style was open and realistic, and he spelt out the reality to us, when necessary, at certain junctures. This was an enormously difficult case and he helped us through it in a subtle and highly skilled way."

"An exceptional performer who has unparalleled expertise in public sector mediations."

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