

## Robin Kitching

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Education	Professional Associations	Appointments
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BA (Hons) History; Victoria University of  
Manchester

Inns of Court School of Law

Northern Circuit  
Criminal Bar Associations

CPS Advocates Panel - Cat 4  
GMC Panel of Advocates

### Areas of Specialism

General Crime

General Medical Counsel (Prosecution)

Inquests

Professional Discipline

Drug Importation and Supply

Firearms

Fraud

Homicide

Money Laundering and Confiscation

Sexual Offences

Regulatory

Police

Trading Standards

Contempt & Private Prosecutions

Licensing

Robin Kitching specialises primarily in Professional Discipline as well as Inquests and General Crime.

### Professional Discipline work

Robin is head of Deans Court Chambers Professional discipline team. Robin is a member of ARDL.

## Defence work

His defence practice encompasses a wide range of regulators, principally in the healthcare field. He regularly act for registrants appearing before:

- the HCPC,
- the General Dental Council,
- the General Optical Council,
- the General Osteopathic Council,
- the General Chiropractic Council.

Robin believes the experience accumulated from both defending and prosecuting cases (see below) in the Professional discipline arena has given him an exceptionally valuable depth of knowledge which he is able to utilise in many different types of cases. Robin's criminal experience is also invaluable given the adversarial nature of this type of work.

All regulators have their own rules and guidance, but there are consistent themes which run through the field of Professional discipline, such that the experience gained in front of one regulator is often transferable to others.

Robin's defence practice encompasses both interim orders and fitness to practise work of significant complexity. He has provided seminars to defence solicitors in this field dealing with all aspects of case preparation and presentation.

Robin is acutely conscious that the role of defence advocate in this field encompasses case preparation as well as presentation and, crucially, that one of his roles is to assist the accused registrant to deal with the stress of appearing in front of their regulator. Gaining the trust and confidence of the lay client is, in Robin's opinion, the only basis for ensuring the advocate, solicitor and registrant work effectively as a team to achieve the best possible outcome. Sometimes that means giving unpalatable advice which he is not afraid to do but he understands that even the worst news should be dealt with in an appropriately sympathetic manner.

Good communication is key to all forms of work.

## Prosecution work

Robin's prosecution work consists exclusively of Fitness to Practise cases presented on behalf of the General Medical Council before the MPTS. He has been a GMC instructed advocate since 2004 and have conducted a very large number of cases of all types including lengthy hearings of great complexity.

He has also been instructed to advise the GMC in cases of significant public interest when consideration is being given to whether action ought to be taken against a particular registrant (or group of registrants) and, if it ought to be, what form that might take.

Robin regularly provides lectures to the GMC on a variety of topics and a recently gave a seminar to ARDL, on the issue of Tribunals drawing inferences from a registrant's failure to give evidence before them.

He also conducts section 40 appeals for the GMC.

## Inquests

Robin regularly appears in inquests on behalf of Interested Persons. He acts for local authorities in a wide variety of cases including deaths in care homes or following local authority involvement with the deceased via social and/or mental health services. He has also been instructed on behalf of private companies and doctors and other healthcare professionals who have become interested persons in inquests.

Many of the inquests he appears in are potentially, therefore, Article 2 inquests which involves the drafting of written submissions in respect of the applicability of Article 2 and the question of whether a jury inquest is required.

Robin believes the experience he has gained from his Professional discipline and criminal work, stands him in good stead when it comes to dealing with Coroners and the issues raised in inquests.

For an individual or an organisation to be named as in Interested Person can be a traumatic experience. Often a number of employees of an organisation with IP status will be required to give evidence and many will have little or no experience of the Coronial process. He believes that part of his role as an instructed advocate is to assist generally in case preparation, but also to try to reassure those who are to be called as witnesses. Obviously, their role as a witness is to assist the Coroner, but often their concerns about the process and what to expect are misplaced. Once they understand more about what is likely to happen at the hearing, they are able to give their evidence in a far more meaningful and coherent way Robin approaches his role as an advocate as being part of a team.

## Crime

Robin began his career at the Bar in 1990 conducting only criminal cases and that part of his practice continues to constitute a very significant proportion of his caseload. His many years of experience enables him to be robust in dealing with witnesses in cross

examination, defendants and, where necessary, the judiciary.

Like all members of the bar who conduct criminal cases he undertake a wide range of work from murder (led by KCs) to serious sexual and physical assaults to large scale drugs conspiracies and other forms of serious crime.

Robin's practice in crime is predominantly defence work, that being a historical strength of Deans Court Chambers, but he is also a Level 4 and RASSO approved CPS prosecutor.

Robin defends police officers accused of criminal offences via the Police Federation and undertake prosecutions on behalf of local authorities dealing with, in particular, trading standards cases involving breaches of consumer protection laws and regulations.

## Licensing

Robin acts both for local authorities and individuals in licensing cases including private hire and Hackney carriage licensing cases. He conduct cases before Licensing committees and the Magistrates' and Crown Courts.

*The role of an instructed advocate has changed significantly since he was called to the Bar. Although my principal role remains to conduct the trial it is crucial to work as a team. The advocate, solicitor and, if defending, the lay client need to work together to ensure timely decisions are made and the case is prepared for trial as carefully as possible.*

Robin believes he plays an effective part in such an approach in the cases in which he is instructed.

## Notable Cases

### R v W - Dangerous Dogs Act case.

#### Practice Area:

Instructed on behalf of the owner of a retired police dog (S) who had become involved in a fight with another dog (C) and then bitten C's owner badly (several days in hospital skin graft operations necessary).

There were factual issues between the parties such as which dog was the initial aggressor but the complainant's dog, C, had not bitten anyone (nor had he bitten S). The offence is one of strict liability so required no fault on the part of W.

Not guilty verdict in front of a District Judge who was not sure of the account of the complainant. The main basis for the acquittal, however, was a legal submission that there was no act or omission on the part of the defendant which had a sufficiently causative effect on the incident for criminal liability to arise. Case of R v Pierre-Robinson relied upon.

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### GDC V Dr PS

#### Practice Area:

#### Registration Appeal

The case involved a dentist who had qualified in a non-EU country and after qualification had practised for a number of years both abroad and in the UK.

He ceased practice approximately 10 years ago in order to qualify as a doctor which he has done. He wished to progress in his chosen field of oral and maxillofacial surgery but found that dual registration with the GDC was necessary so he reapplied for GDC registration. He has no intention of practising again as a dentist. His application was refused on the basis of the age of his dental qualifications and lack of recent experience. The GDC's position was that that meant he could not demonstrate the "*requisite skills and knowledge*" demanded by the Dentists Act. The GDC did, however, acknowledge that his qualification was a "*recognised overseas diploma*" for the purposes of the Act. The case centred on consideration of the arcane complexities and legal interpretation of Article 34 of "*Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications*" and sections 15 and 16(2) (2A) and (2B) of the Dentists Act.

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### Inquest Re: CT

#### Practice Area: Inquests

Represented a care home (Warrington coroner's court).

Resident with MS refused food and treatment but was deemed by a psychiatrist to have sufficient mental capacity to make his own decisions and admission to a psychiatric unit was not appropriate because he didn't have sufficiently significant mental health issues. He died in a very poor physical state.

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### Inquest touching upon the death of Levi Smith.

#### Practice Area: Inquests

Representing a prison officer in an Article 2 jury inquest. The officer had care of the deceased (LS) overnight in the segregation unit of HMP Elmley. LS was on hourly observations (following the opening of an ACCT) but was later found hanging in his cell. The evidence from CCTV footage showed the observations of the deceased which should have been conducted by the officer in question had not been carried out adequately (and in some cases not at all). The coroner was persuaded that the failings of the officer were not such as could be said to have contributed more than minimally etc to the death.

The inquest ran for 3 weeks.

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#### **L. NHS teaching hospitals v Dr B**

##### **Practice Area: Professional Discipline**

Represented a Dr at a disciplinary hearing in which it was alleged that he sexually abused a patient during the course of 2 hospital consultations. Dr B was exonerated of any wrongdoing.

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#### **Inquest touching upon the death of BK**

##### **Practice Area: Inquests**

A two week article 2 jury inquest following a death in custody (suicide) at HMP Leeds. Acting for GeoAmey who had been responsible for the transportation of BK to and from Leeds Magistrates' Court and whilst in the cells there. The inquest focused on whether GeoAmey and HMP Leeds (including healthcare) had adequately responded to warnings about BK's risk factors. Ultimately no criticisms were made of GeoAmey or any of their employees who were found to have followed correct procedures and had passed on the information in their possession to the prison.

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#### **GMC v Dr S Robinson**

##### **Practice Area: Professional Discipline**

Sexual relationship with a patient. Involving issues of abuse of process/admissibility of covert tape recordings.

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#### **GMC v Sharief**

##### **Practice Area: Professional Discipline**

Research fraud during significant trials relating to MS.

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#### **R v P**

##### **Practice Area: Crime**

Represented the elder of 2 brothers charged with sexually abusing a foster sister over a period of 2 years in the early 1990s. The defendant was aged 18 – 20 at the time of the alleged offences and the complainant aged 12 – 14. The defendant's father had kept meticulous farming diaries of the years in question and by careful cross referencing of the diaries against the allegations it was possible to demonstrate that the complainant's account could not be true. Defendant was acquitted.

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#### **R v C**

##### **Practice Area: Crime**

Represented a defendant who was charged with the rape of a woman with whom he lodged. He claimed that he had been drugged by her and could recall nothing of the evening in question but denied rape. He accepted taking drugs and alcohol himself before the incident. Despite legal arguments, the defendant's previous conviction for rape (on a different complainant) was adduced and he was convicted but did not receive a life sentence. Appeal currently in progress.

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#### **R v H**

##### **Practice Area: Crime**

Represented a defendant in a 9 day trial in relation to numerous counts on the indictment, relating to allegations of a 27 year campaign of rape against his wife. Other counts included assault by penetration (and ABH x 3. All charges denied, though many of the acts alleged were admitted. The defence was that his wife had consented to all acts performed upon her, and he was Acquitted on all counts.

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#### **R v JW (and another)**

##### **Practice Area: Crime**

Represented a defendant who was charged (along with co-defendant) with allegation of rape. Both defendant and co-defendant were aged 17 at the time of the incident, the complainant was aged 15. The defendant suffered from autism and ADHD. Both defendants accepted that they had had sexual intercourse with the complainant (within a few minutes of each other) in a tent. The Defence was consent; the prosecution alleged that the complainant was too drunk to consent. He defendant also maintained that he believed the complainant was over 15. A Defence expert was called to give evidence about the defendants various deficiencies and the impact of those matters on issues such as reasonable belief in consent, ability to assess the level of another person's intoxication etc. Defendant was acquitted.

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## R v M

### Practice Area: Crime

Represented a defendant (aged 24 and of good character) who faced allegations of rape of his female cousin on a fortnightly basis over a period of 6 or 7 years from when she was aged 7 to when she was aged 13 (and he was aged 11 - 17). Thereafter it was alleged that the abuse continued until she was 15. In the aftermath of the complaint the defendant had sent text messages which were highly damaging, indeed the prosecution relied upon them as admissions. After a 5 day trial the defendant was acquitted of all 16 counts on the Indictment.

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## R v S

### Practice Area: Crime

Represented a 48 year old defendant who was alleged to have raped his niece 13 years earlier (when she was aged 12). The matter had been reported to the police twice before and investigated but never pursued. All documents relating to those accusations and CPS charging decisions had been lost. The defendant was acquitted.

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## R v MR (and another)

### Practice Area: Crime

Defendant was charged with child cruelty. His 5 week old stepdaughter sustained a badly displaced fracture of the femur. The prosecution expert witnesses said the injury was non accidental but the prosecution could not prove which defendant had caused the injury. The case was therefore put on the basis that the child would have experienced such excruciating pain when the injury occurred and whenever the leg was moved that the defendants must have known she required medical treatment. The defendants accepted knowing that there was something wrong with the child's leg but not that it was seriously injured. There was a delay of at least 7 hours before medical help was sought. R was acquitted.

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## R v Ping Lin and others

### Practice Area: Crime

Serious money laundering (arising out of the production of drugs).

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## R v Automart online Ltd and others

### Practice Area: Trading Standards

Trading Standards case involving several defendants and thousands of allegedly fraudulent transactions involving members of the public (Indictment stayed as an abuse of process).

## What the Directories say

"Robin is thorough in his preparation and meticulous in advising clients. He is a skilful and extremely effective advocate. He is one of the most sought-after counsel on the circuit."

*Chambers and Partners, 2024*

"An absolutely excellent barrister; extremely bright."

*Chambers and Partners, 2024*

"Excellent knowledge and attention to detail."

*Chambers and Partners, 2024*

Incredibly solid.

*Chambers and Partners, 2022*

He is a very able advocate.

He is very good with both tribunals and the High Court bench. A smooth performer who is very knowledgeable.

*Chambers and Partners, 2021*

Known for his work for the GMC on sensitive and high-profile cases, with expertise in handling fitness to practise cases. He handles

professional discipline matters as part of a broader practice that also encompasses criminal law work.

Very well prepared and very thorough.

Succinct and effective.

*Chambers and Partners*

Known for his work for the GMC on sensitive and high-profile cases, with expertise in handling fitness to practise cases. He handles professional discipline matters as part of a broader practice that also encompasses criminal law work.

He is outstanding. A very incisive, sharp advocate.

His knowledge of regulation is just fantastic - encyclopaedic.

*Chambers UK*

Superb.

He impresses with his excellent cross-examination skills.

*Chambers UK*

Known for his work for the GMC on sensitive and high-profile cases, with expertise in handling fitness to practise cases. He handles professional discipline matters as part of a broader practice that also encompasses criminal law work.

He's encyclopaedic when it comes to law and practice. He is impressive.

He has many years' experience and good judgement. He is user-friendly and very persuasive on his feet before the tribunal.

*Chambers and Partners*

Has a great deal of experience in prosecuting fitness to practise cases on behalf of the GMC.

My most feared opponent is Robin Kitching. I call him 'Rapier Robin'. He has done me in a couple of times and there is not a thing you can do to stop him. He is serious business.

*Chambers UK*

He has good judgement and is understated and efficient - he just gets on with things.

*Chambers and Partners*

An imperturbable barrister with razor-sharp advocacy skills.

*Legal 500*

A polished performer.

*Legal 500*

Well-reputed for representing the General Medical Council in disciplinary proceedings. He has represented the organisation in numerous complex fitness to practise cases.

He's just absolutely first class. A good advocate who's well organised and on top of all the issues.

He's a tough cookie who sees the point quickly.

*Chambers UK*

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