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Summary:

Laura is a key member of our growing Public Law team, with a busy practice specialising in Court of Protection and mental health law. Laura practises in all areas of Court of Protection and is regularly instructed by the Official Solicitor, public bodies including local authorities, CCGs and NHS Trusts as well as private individuals.

Laura has particular expertise in health and welfare matters, including serious medical treatment cases, best interests disputes, issues around capacity and cases involving MCA/MHA crossovers. She is also regularly instructed in financial Court of Protection matters, with recent cases including contested appointments of deputies and removal of attorneys. Laura provides advice on all aspects of adult social care law, including disputes over ordinary residence and responsible commissioner.

Laura has extensive experience in cases involving children who are deprived of their liberty. She regularly represents both local authorities and family members in matters involving issues under the inherent jurisdiction of the High Court around deprivation of liberty, secure accommodation orders and cases with MHA elements. Laura also advises on the complex issue of consent and Gillick competency, as well as whether care arrangements require court authorisation.

Laura provides training and guidance to local authorities, CCGs and solicitors' firms on the Mental Capacity Act and Court of Protection proceedings.

Endorsements:

Legal 500 2021 - "An exceptional junior barrister and far beyond her years in the field of Court of Protection work."

Legal 500 2020 - "An excellent advocate with genuine skill and specialist knowledge."

Court of Protection - Health & Welfare:

Laura has experience of many aspects of health and welfare law in the Court of Protection, including serious medical treatment, challenges to deprivations of liberty, issues surrounding community care and best interests disputes. Laura has dealt with a number of complex cases, which have included disputes surrounding the correct legal framework for detention of an individual lacking capacity and the interplay between the Mental Health Act and Mental Capacity Act. She also regularly advises public bodies over ordinary residence and/or responsible commissioner disputes.

Recent cases:

A Local Authority v AB (by her litigation friend, the Official Solicitor) [2020] EWCOP 39

This case considered the meaning of deprivation of liberty in the context of adults, one of the few cases to tackle this question since *Cheshire West and Ferreira*. The court was asked to consider the interaction between the two limbs of the acid test set down in *Cheshire West* to determine whether a person is confined.

East Lancashire Hospitals NHS Trust v PW [2019] EWCOP 10

Laura represented the NHS Trust in a case involving a lower limb amputation. The case served as an important reminder of the obligations on treating hospitals where an application may need to be made in relation to medical treatment.

Lincolnshire County Council v Mr AB [2019] EWCOP 43

Laura represented P, through his litigation friend, in one of the first reported cases to tackle the legality of whether a protected party can and should be supported to access sex workers in a jurisdiction where it is legal to do so.

A Local Authority v P and a CCG

Laura represented in the local authority in a case involving a vulnerable 18-year-old, featuring issues regarding eligibility under the DoLS framework, difficulties with identification of suitable placements and best interests.

Court of Protection - Property & Finance:

Laura has extensive experience from her previous practice in the practicalities of day to day property and affairs management. She has been involved in cases where deputies or attorneys have had their appointments revoked for misconduct, financial abuse cases, disputes surrounding P's capacity and advising on the appropriateness of deputyship in individual cases. Laura regularly accepts instructions in financial Court of Protection matters, including contested proceedings involving deputyship appointments and removal of attorneys and deputies.

Recent Cases:

Re P

Contested application to appoint a financial deputy.

Re CC

Contested application to revoke an EPA and execute an LPA in replacement, with complex issues over retrospective capacity.

OPG v CD and PK

Contested case involving the revocation of an LPA for property and affairs and best interests dispute over who should be appointed as P's deputy for property and affairs.

Re MW

Family dispute over who should be appointed as financial deputy.

During her time in private practice, Laura assisted on the case of SAD and ACD v SED (2016) which was a contested capacity case in respect of the revocation of a Lasting Power of Attorney for Property and Affairs. Laura also has experience of assisting on high value personal injury and clinical negligence litigation where expert evidence was required in respect of future deputyship costs. One of the many cases she assisted on was the reported case of Robshaw v United Lincolnshire Hospitals NHS Trust [2015] EWHC 923 (QB).

Children Act 1989 – Deprivation of Liberty & Mental Health Act:

Laura is regularly instructed in cases under the Children Act 1989 which involve complex issues around secure accommodation and deprivations of liberty under the inherent jurisdiction of the High Court. Many of the cases Laura has been involved in have involved an interplay with the Mental Health Act 1983.

Human Rights Act Claims:

Laura has dealt with a number of cases which have contained complex consideration of actual and potential breaches of an individual's rights under the ECHR. She regularly handles cases which require advice on breaches under Articles 5 and 8 of the ECHR and has had involvement in cases during which breaches have been alleged of an individual's Article 3 rights. Laura has acted for both statutory bodies and for protected parties. She has a keen interest in cases which involve potential HRA claims and complement her busy Court of Protection practice.

Prison Law:

Laura is interested in all aspects of Prison Law, having regularly appeared in front of the Parole Board in lifer/IPP and recall cases before joining chambers.

Mental Health:

Laura is regularly instructed on cases under the MHA 1983, with recent cases including a contested application to displace a nearest relative.

Administrative Law:

Laura has an interest in judicial review proceedings and has been instructed to advise on the merits of cases, as well as drafting pleadings. Recent cases included successful dismissal of a judicial review at the application stage at a contested oral hearing and assisting on a matter involving an

educational tribunal claim and connected judicial review, which concerned a teenager with complex care needs.

During her time at Hugh Jones Solicitors, she assisted on the case of *Tinsley v Manchester City Council and Others* [2016] EWCH 2855 (Admin) which was a judicial review of the local authority's refusal to provide aftercare services in accordance with s117 of the Mental Health Act 1983.

Memberships:

Inner Temple
Court of Protection Bar Association
Court of Protection Practitioners Association

Publications:

Laura is a contributor to Spire Barristers' Court of Protection & Public Law Newsletter

Seminar/Training:

Laura provides training on all aspects of the Court of Protection, particularly in relation to property and affairs.

Education:

BSc Psychology (Newcastle University)
LLB (The University of Law)
Bar Professional Training Course (Manchester Metropolitan University)
Legal Practitioners Course (The University of Law)

Interests:

Laura plays tennis competitively and enjoys swimming and scuba diving.

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