

## Civil

We have experience and expertise in a range of specialist fields and are able to provide advice and representation in courts and tribunals at all levels, up to and including the House of Lords.

### Judicial Review

Members of chambers have very extensive experience in public law disputes relating to the manner in which central and local government and health authorities discharge their functions. Our expertise in this field covers a large number of overlapping areas and we act for both claimants and defendants.

### Community Care

We have in-depth experience in this area, acting for claimants, local authorities and health authorities. Members of chambers have been involved in a significant number of landmark cases.

### Social Services and Health Services

Members of chambers regularly act in cases relating to the provision of services by local authorities and health authorities and are experienced at dealing with the interface between the two and representing all parties in charging and resources disputes.

### Care Standards

The regulation of health, social care and under-eights services came into effect in April 2002 and is continually expanding. We are fully equipped to cover all aspects of this work. Our head of chambers, Roger McCarthy QC, is a leading specialist in the field.

### Mental Health and Mental Incapacity

We have experience and expertise in all areas of law relating to mental health and incapacity. We provide advice and representation at every level of proceedings: before the Mental Health Review Tribunal; in applications for judicial review to the Administrative Court; and in applications to the Court of Protection. Members of chambers have been involved in disputes relating to treatment, displacement of nearest relative, guardianship and restricted cases.

### Medical Treatment

We have considerable experience in the use of the inherent jurisdiction of the High Court in medical treatment cases.

### Social Security

We provide representation at all levels and regularly advise organisations such as law centres on appeals to the Social Security Commissioners.

### Education

We act for parents and LEAs in Special Educational Needs Tribunals. A member of chambers sits as a part time chair of the SENT. We act in exclusion cases and judicial reviews of LEA decisions. We undertake pro bono work for the Independent Panel for Special Education Advice (IPSEA).

### Human Rights

We are alive to the impact of the Human Rights Act 1998 on many of the cases in which we are involved and seek to apply it whenever appropriate.

## Reported Cases

Listed below is a sample of significant cases in which members of chambers have been involved in recent years:

**R (Johnson and others) v Havering LBC (SS for Constitutional Affairs and another intervening)** [2007] 2 WLR 1097 (CA)

Human rights - Public authority - Functions of public nature - Local authority under duty to provide accommodation for claimants - Local authority arranging for accommodation to be provided by private care home - Whether private care home exercising functions of public nature in providing accommodation - Whether transfer of local authority care home to private organisation unlawfully depriving residents of Convention rights

**B Borough Council v S** [2006] EWHC 2584 (Fam) [2007] 1 FCR 574

Local authority seeking without notice relief in respect of husband's hospitalisation in home for elderly mentally infirm - Whether authority correct to issue without notice proceedings

**Birmingham City Council v H and H** [2006] Family Law 227 (Fam)

Test on reconsideration of earlier court findings

**Rachel Gunther v South West Staffs Primary Care Trust** [2005] BMLR 60 (Admin Ct)

PCT powers under the National Health Service Act 1977 to establish IUT

**R (Moore and others) v Care Standards Tribunal and Commission for Social Care Inspection** [2005] 1 WLR 2979 (CA)

Legal test of care home establishment

**Re A Local Authority (Inquiry: Restraint on Publication)** [2004] Fam 96 [2004] 1 All ER 480 [2004] 2 WLR 926 (Fam)

Inherent jurisdiction and restraint on publication of inquiry report

**R(W) v NCSC Bailii** 2004 ACD (Admin Ct)

Statutory appeal to court against decision of Registered Homes Tribunal - Adequacy of reasons

**McKellar v Hounslow LBC** Lawtel 2003 BMLR (QBD)

Registered home closure - Freestanding HRA claims - Interlocutory relief

**R (Dudley) v East Sussex County Council** [2003] CCLR 18 Lawtel TLR (Admin Ct)

Registered home closures - Consultation - Human rights

**Re P (Parental Dispute: Judicial Determination)** [2003] 1 FLR 286 (CA)

Dispute over parental selection of schools

**Cowl v Plymouth City Council** Times Law Report 08/01/02 [2002] 1 WLR 803 (CA)

Judicial review and alternative dispute resolution in social services cases

**Cowl v Plymouth City Council** [2001] 4 CCLR (Admin Ct)

Closure of residential homes - Legitimate expectation - Human rights - Judicial review

**R (NAGALRO) v CAFCASS** [2002] 1 FLR 255 [2001] FL 877 (Admin Ct)

Statutory procedure on introduction of terms and conditions for children's guardians - Judicial review

**R (L), R (R) v Manchester City Council** Times Law Report 29/12/01 [2001] FL 923 [2002] 1 FLR 43 (Admin Ct)

Fostering allowances - Human rights - Judicial review

R v Richmond upon Thames London Borough Council ex p Watson [2001] QB 370 CA  
Judicial review - Local government - Mental health aftercare - Charges for services under s 117 Mental Health Act 1983

R v Local Authority and Police Authority in the Midlands ex p LM [2000] 1 FLR 612 (QBD)  
Judicial review - Local government - Disclosure of criminal allegations - Human rights

R v Bath Mental Healthcare NHS Trust and Others ex p Beck [2000] 3 CCLR 5 (CA)  
Judicial review - NHS and social services

O v Wandsworth London Borough Council: Bhika v Leicester City Council [2000] 4 All ER 590 [2000] 1 WLR 2359 (CA)  
Immigration - Human rights - s 21 National Assistance Act 1948

R v Cumbria County Council ex p Cumbria Professional Care Ltd [2000] 3 CCLR 79 (QBD)  
Judicial review - Mixed economy of community care

A National Health Service Trust v D [2000] 2 FLR 677 (Fam)  
Medical treatment - Resuscitation - Inherent jurisdiction - Human rights

Re F (Adult: Court's jurisdiction) [2000] 2 FLR 512 (CA)  
Mental incapacity - Harm to adult - Inherent jurisdiction - Declarations

R v Chief Adjudication Officer ex p B [1999] 1 WLR 1695  
Welfare benefits - Asylum seekers

In re Whitbread (No.2) [1999] COD 370 (QBD)  
Mental Health - Habeas corpus - ss 2 and 3 Mental Health Act 1983

Singh v Bracknell Forest Borough Council and Another [1999] 1 ELR 51 (QBD)  
Appeal from SENT - Parental preference

R v Westminster City Council ex p Hussain [1999] 31 HLR 645 (QBD)  
Housing - Allocation scheme - Duty to give reasons - Policy

R v Cheshire County Council ex p C [1998] ELR 66 (QBD)  
Education - Provision outside England and Wales - Provision of private funds

Fairpo v Humberside County Council [1997] ELR 12 (QBD)  
Education - Appeals to SENT - Foster parent

Steane v Chief Adjudication Officer and Another [1996] 1 WLR 1195 HL  
Social security - Eligibility for attendance allowance - Local authority accommodation

#### Civil Barristers

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