



## Sian Davies

Year of call: 1999

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*'Clear, committed, reliable, very knowledgeable and very easy to work with.'* The Legal 500 2022

Sian Davies has experience across the range of legal issues encountered by local authorities, health bodies and individuals with care and support, housing and health needs falling to be dealt with under the legislative schemes applicable to adult social services. This includes mental capacity and deprivation of liberty both in the Court of Protection and High Court under the inherent jurisdiction in relation to adults and children, the role of health bodies, children's services and housing departments. She is experienced at dealing with funding disputes between public bodies and the related issues of ordinary and habitual residence. She is particularly skilled at dealing with cases at the interface of those areas. That interface includes local and central government support for persons from abroad, including in the areas of age disputed asylum seekers, support for adults and children from abroad, and disputes between local government and the Home Office as regards responsibility for support. In addition to advice and representation in court, Sian frequently provides training in relation to these issues.

## Areas of expertise

Community Care

Court of Protection

Social Housing

## Court of Protection

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### Cases of note

***Wigan BC v Y (Refusal to Authorise Deprivation of Liberty)*** [2021] EWHC 1982 (Fam) (14 July 2021)

[2021] EWHC 1982 (Fam) - Sian acted for the NHS trust in which a looked after child was being deprived of his liberty in a manner which the court declined to authorise on the basis that the child did not have a clinical need to be in hospital, and the only reason for his presence there was the lack of suitable accommodation elsewhere.

### Judgment

***ZK, R (On the Application Of) v Norfolk County Council & Anor*** [2021] EWHC 1249 (Admin) (12 May 2021)

## Judgment

**NZ, Re (Mental Capacity Act 2005) [2021] EWCOP 16 (23 February 2021)** - Sian acted for the NHS trust seeking authority for the cessation of treatment which it considered to be in the best interests of a Covid-19 patient.

**AB, Re [2020] EWCOP 47 (25 September 2020)** - Decision on habitual residence and jurisdiction of the Court of Protection in the case of a young woman who had been removed from the USA by her mother.

## Judgment

**BP v The London Borough of Harrow (Costs) [2019] EWCOP 20 (14 June 2019)** - Application for costs in a case where a trial of care at home was resisted by the local authority up to the door of the court.

## Judgment

**RD & Ors (Duties and Powers of Relevant Person's Representatives and Section 39D IMCAS) (Rev 1) [2016] EWCOP 49 ([2016] EWCOP 49, [2017] 1 WLR 1723, [2017] COPLR 87, [2017] WLR(D) 15** - Key decision addressing the circumstances in which a s21A Mental Capacity Act 2005 application should be made.

## Judgment

**R(ZK) v Norfolk CC ZK, R (On the Application Of) v Norfolk County Council & Anor [2021] EWHC 1249 (Admin) (12 May 2021) ([2021] EWHC 1249 (Admin)** - Judicial review challenge to the suitability of accommodation provided by way of discharge of duty under s117 Mental Health Act 1983 (after-care) in the case of a person with complex mental health needs and lacking capacity to make decisions regarding her residence and care.

## Recommendations

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*"A very clear-thinking and effective barrister."* Chambers and Partners 2022

*"Clear, committed, reliable, very knowledgeable and very easy to work with."* The Legal 500 2022

*"Her practice operates at the interface between housing and immigration, as well as welfare assistance."* The Legal 500 2021

*"A first port of call for crossover matters."* The Legal 500

*"A very skilful and knowledgeable barrister."* Chambers and Partners 2020

*"She is an all-rounder and very able to talk about the interplay between different areas of law and apply them in a way that gives the best service for clients."* Chambers and Partners 2020

## Memberships

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- Administrative Law Bar Association
- Court of Protection Bar Association

## Qualifications

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### Education

- 1994 – 1997 St Hilda's College, University of Oxford, BA Jurisprudence
- 1997 – 1998 London School of Economics LLM

## Additional information

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## Appointments

- Fee paid judge of the First-tier tribunal (mental health)

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