



## 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

## Community Care

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*"Sian has a very good understanding of the overlap of local authorities and housing." "She offers reliable, robust advice and professionalism throughout. Her client care is excellent. She responds to requests promptly and maintains an air of calm despite being confronted with the last-minute regular twists and turns of judicial review litigation."* Chambers and Partners 2022

## Cases of note

**McDonald v Royal Borough of Kensington and Chelsea [2011] UKSC 33** - Sian appeared for RBKC in this leading case on the relevance of resources in relation to local authority decisions as to the provision of care and support, as to the positive obligations imposed by article 8 of the European Convention on Human Rights (ECHR) in relation to those with care and support needs, the extent to which an obligation to "have regard" requires express consideration, and as to the approach to be taken to the

construction of social work assessments

Judgment

**R(AY) v LB Barnet JR/5284/2019** (22 April 2020) - Sian appeared for the claimant in this age assessment fact finding dispute, in which the court identified deficiencies in the local authority assessment, and gave guidance as to the use of social media evidence, finding the claimant to be his claimed age.

Judgment

**R(Ncube) v Brighton and Hove City Council** ([2021] 1 WLR 4762, [2021] EWHC 578 (Admin), [2021] WLR 4762 - Determination of local authority powers and duties to provide accommodation to an unlawfully present failed asylum seeker during the Covid-19 pandemic and currency of "Everyone In" police by reference to local authority emergency, public health and Localism Act 2011 powers.

Judgment

**R(HBTN) v Sunderland CC and Others** ([2019] EWHC 3221 (Admin) - Dispute as to which local authority responsible for meeting *the needs of an age-disputed asylum seeker*.

Judgment

**R(Juttla) v Hertfordshire Valleys CCG & Others** [2018] EWHC 267 (Admin) (21 February 2018) - Concerned the lawfulness of a decision to close a children's respite facility by reference to consultation and Equality Act 2010 obligations.

Judgment

**R(OA) v LB Bexley** ([2020] EWHC 1107 (Admin), [2020] PTSR 1654, [2020] WLR(D) 294 - This was a challenge to Bexley's decision not to provide financial support to the adult sibling of a child who was recognised as "child in need" for the purposes of s17 Children Act 1989 because of his family's no recourse to public funds status. Sian acted for LB Bexley, whose decision was upheld.

Judgment

**C, T, M and U v London Borough of Southwark** [2016] EWCA Civ 707 (12 July 2016) ([2016] EWCA Civ 707, [2016] HLR 3 - The court of appeal held that a local authority "bespoke" approach to the provision of financial support under the Children Act 1989 to a family without recourse to public funds was lawful, holding that reference to other statutory support was not required, and that this category of children in need were not to be assessed differently to others under the 1989 Act.

Judgment

**R(O) v LB Lambeth** ([2016] EWHC 937 (Admin) - Sian appeared for Lambeth in this case which set subsequently followed guidance on the approach to assessment of those seeking support on the basis of a child in need, in particular addressing the procedural requirements for an inference to be drawn that the family has undisclosed support.

Judgment

## 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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