



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

Social Housing

Cases of note

R(Ncube) v Brighton and Hove CC ([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. The claimant was ineligible for housing assistance under Housing Act 1996, so the issue was whether and under what power he could be accommodated. Sian appeared for the defendant local authority.

Judgment

C, T, M and U, R (on the application of) v London Borough of Southwark [2016] EWCA Civ 707 (12 July 2016) ([2016] EWCA Civ 707, [2016] HLR 36 - The Court of Appeal considered the

extent to which support, including housing, provided to a family under s17 Children Act 1989 required to be tailored to other forms of statutory support and the type of assessment of the needs of a child required.

[Judgment](#)

***R(O) v LB Lambeth* ([2016] EWHC 937 (Admin))** - Sian appeared for Lambeth in this challenge to a decision that a child was homeless and therefore not in need for s17 Children Act 1989 purposes because of undisclosed financial resources of the family. The judgment contains guidance, subsequently followed, as to the procedure to be applied in inferring undisclosed support.

[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 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](#)

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

[Judgment](#)

***Trindade v LB Hackney* ([2017] EWCA Civ 942)** -

An appeal from a s.204 Housing Act 1996 appeal challenging an intentional homelessness decision arising from Hackney's review decision that the applicant, in leaving her settled accommodation abroad, had not made sufficient inquiry into housing in the UK to be unaware of a relevant fact for the purposes of s191 Housing Act 1996. Sian appeared for the successful respondent.

[Judgment](#)

Recommendations

"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

- Administrative Law Bar Association
- Court of Protection Bar Association

Qualifications

Education

- 1994 – 1997 St Hilda's College, University of Oxford, BA Jurisprudence

- 1997 – 1998 London School of Economics LLM

Additional information

Appointments

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

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