



## Rosie Eleanor Scott

Year of call: 2013

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Rosie practises public and human rights law in its broadest sense, with a particular interest in Court of Protection, health and social care, education and judicial review work. She is a robust and thorough advocate, meticulous in preparation.

Rosie graduated at the top of her year from Magdalen College, Oxford in Ancient and Modern History. She then converted to law, with a "Distinction" on the GDL and "Outstanding" on the BPTC from City Law School.

Since commencing practice in September 2016, Rosie has appeared as sole counsel in the High Court, Court of Protection, County Courts, Crown and Magistrates' Courts, and before the First-Tier Tribunal (Special Educational Needs and Disability), Mental Health Tribunals and Planning Inspectorate for England (PINS) Inspectors.

## Areas of expertise

Court of Protection - Welfare

Court of Protection - Property and Affairs

Medical Treatment Cases

Administrative and Public

Education

## Court of Protection - Welfare

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Rosie is a skilled and experienced Court of Protection advocate, with a thorough and careful approach. She has an extensive health and welfare practice appearing for the full range of clients, including "P", local authorities, health bodies, private providers, and P's family and friends. She has acted and advised on the gamut of health and welfare issues (residence and care, community access, contact, hoarding, sexual relations, education, telephone and internet usage).

Rosie's creative, flexible negotiation skills have contributed to practical solutions acceptable to all parties, and her efficient chairing of round-table meetings facilitates progress on the thorniest of problems.

### Cases of note:

- **SE (2020-2022)** - Rosie appeared on behalf of an ICB in 12 hearings across two years in a lengthy matter centred on a young person with autism and learning disability. Issues included P's care during the Covid-19 lockdowns, residence (eventually resulting in a successful transition to a new

property), diet and weight, the sustainability of the care package, and contact with family members. With Rosie's representation, the ICB succeeded on its applications for P to have his main and booster Covid-19 vaccinations and in relation to other strenuously contested health issues for P. She also successfully advised and represented the ICB in its fact-finding application, arising from allegations of a family member's inappropriate sexual conduct and repeated breaches of court orders.

On her final appearance for the ICB, the judge thanked Rosie for her "helpful submissions and advice and absolutely professional behaviour in the course of these proceedings".

- **TM (2022)** - Acting for P through the Official Solicitor, as Litigation Friend, Rosie persuaded the judge to authorise in principle a trial of residence and care at home as being in P's best interests, contrary to the local authority's case.  
Rosie's cross-examination of the local authority's social worker on whether residence at home had been properly considered was sufficiently effective for the judge to halt the evidence part-heard. The judge determined that she did not need further oral evidence from the social worker or P's family: she was satisfied that she could not make the best interests decisions sought by the local authority and required the parties to consider practical arrangements for a trial at home.
- **NT (2022)** - On behalf of the CCG, Rosie assisted the court to conclude that a highly vulnerable P, with multiple interlocking diagnoses, should remain subject to a highly restrictive residential regime to manage those diagnoses and facilitate work seeking to address them and reduce restrictions, rather than live with a family member who did not accept that P had the relevant conditions.
- **CW v (1) NW (by her LF, the OS) (2) G CCG (3) G County Council (2021) (unreported)** - HHJ Tindal was persuaded by Rosie, acting for the CCG, to find that it was in P's best interests to remain at a highly specialised care home and not return to her mother's care (which was the case of the Official Solicitor and P's mother). The judge adopted passages from her position statement for the CCG in his final judgment, in relation to the progress made by P, the benefits she enjoyed at the home, and the analysis of what was in P's best interests.
- **MT (2021)** - Rosie represented P through the Official Solicitor, ensuring that P remained at home in the final months of her life with appropriate care and a nuanced and detailed contact schedule to facilitate contact with each of her adult children in the face of poor relationships between the children. The judge commented that she had been assisted by the Official Solicitor's robust and careful presentation of the case.
- **NN (2021-2022)** - In a long-running and complex matter, Rosie has represented P in challenging the public bodies' failures to investigate fully or consider a return home for P, or to evidence sufficiently assertions that P could not manage at home. Rosie's robust presentation of the failings in the public bodies' analysis persuaded the judge to refuse their applications to tackle P's alleged hoarding, attend all P's medical appointments with her and open her correspondence.
- **Schedule A1 challenges** - Rosie has acted in numerous s.21A challenges, assisting P to move to a more suitable residential placement, to return home on a permanent or trial basis, or to have a richer and improved care package at their current suitable placement.  
During round-table meetings she has negotiated enhanced care packages and support for individuals in care homes, including greater community access, more appropriate and interesting activities tailored to P's interests, greater one-to-one support, improved family visiting conditions, and assisted families with understanding and engaging in the decision-making and litigation process.
- Rosie has effectively assisted local authorities to make urgent applications to move P into residential care from the community, which then continue as s.21A challenges.

## Memberships

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- Court of Protection Bar Association (COPBA)

- Administrative Law Bar Association (ALBA)
- The Honourable Society of the Middle Temple

## Qualifications

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### Education

- 2012-2013 – The City Law School – Bar Professional Training Course, Outstanding
- 2011-2012 – The City Law School – Graduate Diploma in Law, Distinction
- 2007-2010 – Magdalen College, University of Oxford – Ancient & Modern History, First Class BA Hons. – first in year
- 2002-2007 – Lancing College – 4 As at A level; 11 A\*s at GCSE

### Scholarships and prizes

- 2012-13 – Middle Temple Queen Mother Scholarship, “Outstanding BPTC candidate”
- 2012-13 – Certificate of Honour, Middle Temple, for “Outstanding” BPTC grade
- 2012-13 – Caroline Lester Prize – Finalist in Rosamund Smith Mooting Competition, Middle Temple
- 2012-13 – Finalist, Graham Turnbull Human Rights Essay Prize, The Law Society
- 2011-12 – Middle Temple Queen Mother Scholarship, “Outstanding GDL candidate”
- 2011-12 – The City Law School, Santander Mobility Scholarship, “for Academic Merit”

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