



## Arianna Kelly

Year of call: 2013

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*"Arianna is just superb. Her advocacy is engaging and thorough and her drafting is excellent and to the point... a brilliant advocate who can pick complex things up very quickly and understand all the nuances."* Chambers and Partners 2025

Arianna is a leading public law barrister with particular expertise in community care, mental capacity, serious medical treatment, mental health law, and inquests. She is ranked as a leading junior in the Court of Protection (Chambers and Partners and Legal 500), Community Care (Chambers and Partners), and Administrative and Public Law (Legal 500).

Arianna works extensively in community care, advising local authorities, NHS bodies, and national public bodies on both policy and individual matters relating to health, social care, and mental health. She frequently undertakes judicial reviews in areas including eligibility and care planning, community care charging, safeguarding investigations, and provider de-registration. She is the author of *Social Care Charging*, the leading text in this area, and is noted by Legal 500 for her *"Outstanding knowledge of the Care Act."*

Her Court of Protection practice spans a wide range of complex welfare and serious medical treatment cases, often involving the overlap between public law, mental health, and mental capacity. She is regularly instructed in cross-jurisdictional matters involving personal injury and the Court of Protection. Arianna also acts in cases under the inherent jurisdiction of the High Court, including those concerning the deprivation of liberty of children and young people, and has been involved in a number of leading cases in this field. Arianna is a contributing author to *Court of Protection Practice* (Lexis Nexis) and a contributing editor to the 39 Essex Chambers Mental Capacity Reports. She is also a member of the National Committee of the Court of Protection Practitioners Association.

She sits as a Family Recorder, First-tier Tribunal Judge (Mental Health), and Court of Protection Judge, and is a member of both the Attorney General's Regional B Panel and the EHRC B Panel of counsel.

# Areas of expertise

Court of Protection and Medical Treatment

Mediation Service

Court of Protection - Property and Affairs

Urgent Applications

Court of Protection - Welfare

Medical Treatment Cases

Administrative and Public

Healthcare

Community Care and Mental Health

Inquests

Mediators

## Mediation Service

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Arianna is a qualified mediator with a keen interest in the use of mediation in Court of Protection health and welfare and property and affairs contexts.

## Recommendations

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- *"Arianna is just superb. Her advocacy is engaging and thorough and her drafting is excellent and to the point."* Chambers and Partners 2025
- *"Arianna is a brilliant advocate who can pick complex things up very quickly and understand all the nuances."* Chambers and Partners 2025
- *"A junior who is well respected by judges, and has phenomenal attention to detail."* Legal 500 2025
- *"Arianna has a pragmatic and sensible approach. Her ability to liaise with clients is fantastic."* Legal 500 2025
- *"Arianna is very approachable and easy to work with and gives clear, helpful advice." "She is very proactive and helpful. She has a good way with clients. She takes a very commercial and pragmatic approach and cuts through issues quickly."* Chambers and Partners 2024
- *"Arianna has an incredible eye for detail and her passion for the law is evident. She is confident, trustworthy and thorough."* Chambers and Partners 2024
- *"Arianna is an absolute delight to work with."* Chambers and Partners 2024
- *"She is responsive, thoughtful, practical, empathetic, academic and meticulously well prepared. She is brave on her feet, argues difficult points elegantly and works tirelessly hard for her vulnerable clients."* Legal 500 2023
- *"Arianna is a superb advocate. She is methodical in her reasoning and makes complex concepts straightforward to understand. She works really hard and is always someone you want fighting your corner. She has star quality about her."* Legal 500 2022
- *"She is extremely reliable and has excellent knowledge of the Care Act and community matters." "She is extremely intelligent while also being refreshingly approachable and practical in her advice."* Chambers and Partners 2022
- *"Friendly and approachable counsel with first-rate Court of Protection knowledge."* Legal 500 2022
- *"She has a brilliant understanding of public law duties under the Care Act and can bring different perspectives." "Arianna is well prepared and goes the extra mile to ensure she receives the best results for her clients." "She is sympathetic and patient with clients, and firm and persuasive in court."* Chambers and Partners 2021
- *"Excellent attention to detail. Outstanding knowledge of the Care Act. Pragmatic in approach. Very quick at picking up the key issues and facts."* Legal 500 2020
- *"Arianna is brilliant at thinking outside of the box."* Legal 500 2020
- *"She's extremely thorough in her approach and has great attention to detail. She's totally on top of the facts and is a very good advocate." "An excellent cross-examiner."* Chambers and Partners 2020
- *"Talented public law junior, regularly appearing in the Court of Protection in cases concerning mental health, residence and welfare. She is also well regarded for her handling of property and affairs matters"* Chambers and Partners 2018
- *"She has an incredible knowledge of the academics of the law, excellent drafting skills, and she can convey very complex points in a simple and easy to understand way."* Chambers and Partners 2018

## Memberships

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- Court of Protection Practitioners' Association, National Executive Committee Member (2017-present); Treasurer of the National Executive Committee (2020-2023)
- Administrative Law Bar Association
- Court of Protection Bar Association
- Member of the Honourable Society of the Inner Temple, 2013
- Member of the Northern Circuit and North Eastern Circuit

# Qualifications

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## Education

- Harvard College, A.B., Government, cum laude 2005
- Harvard Law School, J.D., cum laude 2008
- London School of Economics, LLM, with distinction 2013

## Additional information

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### Appointments

- Recorder (Family)(2024-present)
- Fee-paid Judge of the First Tier Tribunal, (2021-present)
- Fee-paid Court of Protection Judge (2022-present)
- Admitted to the Massachusetts Bar, 2008 (currently non-practising)

### Publications

- Sole author of "Social Care Charging" (Law Society, 2023)
- Judicial Review: Law & Practice, Patterson & Karim (Third Edition, 2019): Chapter 6 – Community Care
- Community Care Law and Local Authority Handbook (Third Edition, 2015): Chapter 6 – Finance and Charging
- LexisNexis: Articles: Entitlement to remain at home; Alternative care and funding; Care homes—placement options and fees; Ordinary residence
- Westlaw Insight: Articles: Local government functions (promotion of well-being); Social care: duty to promote well-being (Wales)
- "Consideration of private evidence and carer's needs under the Care Act 2014" Local Government Lawyer, 7 August 2020
- "Local authority deputies: when is discharge appropriate?" Encyclopaedia of Local Government Law Bulletin, August 2020
- "Requests for care pending assessment" Local Government Lawyer, 19 June 2020
- "Article 8 breaches and local authority statutory duties" Local Government Lawyer, 7 May 2020,
- "Articles 3 and 8 in the time of Coronavirus" Local Government Lawyer, 14 April 2020
- "Coronavirus Act 2020: Implications For Local Authority Obligations To Meet Care Needs", Encyclopaedia of Local Government Law Bulletin, April 2020
- "In the matter of D (A Child) [2019] UKSC 42: Case Comment", Encyclopaedia of Local Government Law Bulletin, November 2019
- "Court of Protection Update: Capacity to make decisions about residence, social media and sexual relations; Personal Welfare Deputies"
- Encyclopaedia of Local Government Law Bulletin, August 2019
- "Community Deprivations of Liberty under the Mental Health Act 1983: MM and PJ" Encyclopaedia of Local Government Law Bulletin, April 2019
- "Social care assessments: Reducing care packages and the well-being principle" Encyclopaedia of Local Government Law Bulletin, November 2018
- "Forge Care Homes Ltd, R. (on the application of) v Cardiff and Vale University Health Board [2017] UKSC 56: Case Comment"
- Encyclopaedia of Local Government Law Bulletin, April 2018
- Arianna has written for Jordan's Public Law Online in the areas of community care, healthcare, education and immigration.

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