



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

Administrative and Public

Rosie has a broad and growing public and administrative law practice, ranging across local government, education, community care and mental health, immigration and rights of way.

She has advised local authorities and individuals on challenges to care packages under the Care Act 2014 in a variety of situations.

Rosie’s written advocacy has assisted local authorities in successfully defeating premature challenges to care packages under review at the permission stage, and assisted individual claims at the pre-action stage to persuade local authorities to remake decisions to reduce care packages.

Rosie has also successfully applied for urgent interim relief for homeless children under the Children Act 1989, where the local authority had wrongly failed to consider them and their mother to have a “priority need” for accommodation.

Rosie’s experience of mental health work includes representing applicant patients and respondent hospital

trusts before Mental Health Tribunal at appeals against detention under s.2 and s.3 MHA 1983. Rosie recently assisted a First Tier Mental Health Tribunal panel with a “very skilfully drafted” skeleton argument on the impact of *Secretary of State for Justice v MM* [2017] EWCA CIV 194 on a Mental Health Tribunal’s power to conditionally discharge a patient under s.73 MHA 1983. She has also advised on the potential for damages following the High Court’s decision *Devon Partnership NHS Trust v SSHSC* [2021] EWHC 101 (Admin) on the interpretation of ss.11 and 12 MHA 1983.

Cases of note:

- *East Bergholt Parish Council v Babergh District Council & Ors* [2018] EWHC 3400 (Admin) - Rosie appeared successfully with Richard Wald KC on behalf of an Interested Party in the judicial review of a grant of planning permission. The challenge involved complex issues relating to the calculation of 5YHLS, the proper interpretation of the St Modwen test and its practical application to identifying “deliverable sites”, and whether challenging the 5YHLS calculations amounted to an impermissible collateral attack on the Annual Monitoring Report.

Memberships

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

Qualifications

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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