

Year called 2013

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Arianna has a specialist practice in mental capacity, community care and mental health law and inquests. She is ranked as a leading junior in the Court of Protection by Chambers and Partners, which describes her as a *'Talented public law junior regularly appearing in the Court of Protection in cases concerning mental health, residence and welfare. She offers expertise in matters concerning capacity to consent to sexual relations and contact. "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."*

Arianna acts in a range Court of Protection matters including welfare, property and affairs, serious medical treatment. Arianna also regularly acts and advises in matters relating to the inherent jurisdiction of the High Court.

Arianna is on both the Attorney General's Regional Panel and the Equality and Human Rights Commission Panel of counsel. Arianna is a member of the National Committee for the Court of Protection Practitioners Association.

Arianna works extensively in the field of community care. She frequently advises in and undertakes judicial review work in relation to eligibility and care planning decisions, community care charging and debt recovery, safeguarding investigations and decisions to de-register approved providers, age assessments and allowances to special guardians. She also advises public authorities on policies relating to health and social care.

Arianna qualified as an attorney in the United States, graduating from Harvard Law School in 2008 and practiced the Massachusetts bar between 2008 and 2012; she has worked in public policy in both the United States and the United Kingdom.

Arianna is a qualified mediator.

PRACTICE AREAS

- Court of Protection
- Administrative & Public Law
- Inquests & Inquiries

- Medical Treatment
 - Alternative Dispute Resolution
-

SECTORS

- Health & Social Care
-

PRACTICE AREAS

COURT OF PROTECTION

COURT OF PROTECTION: HEALTH & WELFARE

Arianna acts in a range of Court of Protection matters including those relating to welfare, deprivations of liberty, property and affairs, and serious medical treatment, acting for local authorities, health authorities, family members, and on behalf of the Official Solicitor. Arianna is ranked as a Leading Junior in Chambers & Partners UK in Court of Protection: Health & Welfare, and as a 'Rising Star' on the Northern Circuit by Legal 500.

Arianna is the Treasurer of the National Committee for the Court of Protection Practitioners Association.

Chambers and Partners describe her as a *'Talented public law junior, regularly appearing in the Court of Protection in cases concerning mental health, residence, and welfare....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." Legal 500 writes that *"Arianna is brilliant at thinking outside of the box and excellent if you have a family member who has a difficult to case to run.'*

Arianna regularly acts in and advises on complex matters relating to:

- sexual capacity and contact with others;
- the intersection of the Mental Capacity Act and the Mental Health Act;
- potential Human Rights Act claims arising out of deprivations of liberty;

Arianna has a significant public law and community care practice and regularly advises and acts in public law matters arising out of Court of Protection matters.

She also regularly acts and advises in matters relating to the inherent jurisdiction of the High Court. Arianna is available for urgent or out-of-hours applications in both Court of Protection and inherent jurisdiction applications.

Arianna frequently lectures and trains on issues relating to mental capacity law and the Court of Protection, including trainings for best interests and mental capacity assessors.

COURT OF PROTECTION: PROPERTY & AFFAIRS

Arianna acts and advises in all areas of property and affairs work, acting regularly for the Office of the Public Guardian, deputies and private individuals. Arianna is particularly experienced in issues of financial abuse,

contested issues relating to capacity, the removal of holders of lasting powers of attorney and statutory wills applications. Arianna regularly advises deputies on applications to the Court of Protection relating to the recovery of funds on behalf of people lacking capacity, including on complex questions of best interests in relation to pursuing recovery from family members.

Arianna is ranked in Chambers & Partners UK 2018 and 2019 as an 'Up & Coming' Junior in Court of Protection: Health & Welfare: All Circuits; the guide notes that 'She is also well regarded for her handling of property and affairs matters.' Arianna is a member of the National Committee for the Court of Protection Practitioners Association.

Arianna is an experienced Court of Protection Health and Welfare and Community care barrister and is adept at issues relating to the intersection between property and affairs and adult social care charging, and property and affairs and welfare issues. Arianna is available to support applications to the Court of Protection by deputies arising out of personal injury awards relating to issues of both property and affairs and health and welfare.

Arianna has considerable experience on issues relating to adult social care charging, including on matters relating to double recovery for people with personal injury awards, deprivations of assets, and direct payments. Arianna also regularly advises on applications for public funding from local authorities and NHS Continuing Healthcare eligibility. Arianna also regularly acts in applications for community care debt recovery for local authorities and private individuals. Arianna has authored a book chapter on charging in adult social care (Community Care Law and Local Authority Handbook (Third Edition, 2015): Chapter 6 – Finance and Charging) and trained on the issue.

Some of Arianna's recent property and affairs work includes:

Removal of an LPA: Arianna acted on behalf of the Office of the Public Guardian (OPG) in an application to remove holders of a lasting power of attorney and appoint a panel deputy, on the basis of the donor's making substantial transfers of assets while the donor had capacity. The OPG argued that these transfers had been obtained by undue influence; the case involved complex issues relating to the interaction of a lasting power of attorney and ordinary power of attorney. The application was granted following a contested hearing.

Access to P: Arianna acted on behalf of a property and affairs deputy to secure access to a vulnerable person. Arianna supported the deputy in making an emergency application to the Court of Protection to ensure the deputy had access to P in order to discharge her duties.

Recovery of assets: Arianna advised a deputy on what steps could be taken to restore P's estate following the removal of her former attorneys; the advice was written both to advise the deputy and support an application to the Court of Protection for permission to bring litigation. The attorney had pleaded guilty of theft in relation to P's assets and repaid some of the amount taken, but a far lesser amount than had been identified by the deputy as having been lost. Arianna provided analysis of the risks and benefits of different claims which could be brought to recover the outstanding amounts.

Double recovery: Arianna provided detailed advice in proposed judicial review proceedings relating to eligibility for local authority funding where P had significant periodical payments. The matter considered questions of eligibility relating to both the relevant disregards for different sources of funds arising out of a personal injury award and the assessment of P's eligibility for public funding on the basis of his needs for care and support.

Personal injury awards: Arianna acted on behalf of a person who had a property and affairs deputy appointed following a brain injury, but had regained capacity and sought the discharge of his deputy. She advised on complex issues relating to the transfer of assets held by a deputy into a personal injury trust. The case involved

consideration of how the transfer could be structured, including on implications for social care charging and benefits.

Safeguarding: Arianna acted on behalf of a local authority in an application by a family member of P to remove his court-appointed professional deputy and appoint the family member as deputy. The case involved allegations of serious misconduct between the family and deputy. Case involved consideration of overlap between property and affairs issues and local authority safeguarding.

Scope of authority: Arianna advised a local authority on what steps can be taken to authorise signed agreements for tenancies or licenses without an application to the Court of Protection, so that relevant benefits can be obtained.

ADMINISTRATIVE & PUBLIC LAW

Arianna accepts instructions in a range of public law judicial review matters. She works extensively in the field of community care. Arianna frequently advises in and undertakes judicial review work in relation to eligibility and care planning decisions, as well as on issues relating to community care charging and debt recovery. She also advises public authorities on policies relating to health and social care. Arianna has been published on community care finances and offered extensive trainings in these areas.

She is ranked in the Legal 500 as a 'Rising Star' in Administrative and Public Law on the Northern and North Eastern Circuits, described as having:

'Excellent attention to detail. Outstanding knowledge of the Care Act. Pragmatic in approach. Very quick at picking up the key issues and facts.'

'Sensitive to the clients' needs.'

INQUESTS & INQUIRIES

Arianna accepts instructions on inquest matters, particularly those relating to detention under the Mental Capacity Act or Mental Health Act, or deaths in care homes. Arianna recently appeared in a high-profile inquest relating to the death of a person who had been detained under s.136 Mental Health Act.

MEDICAL TREATMENT

Arianna has acted in Serious Medical Treatment cases for the Official Solicitor and public bodies; she is available for urgent, out-of-hour work in this field.

ALTERNATIVE DISPUTE RESOLUTION

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.

SECTORS

HEALTH & SOCIAL CARE

Arianna works extensively in the field of community care, regularly acting for local authorities, health authorities, and private individuals in community care and healthcare matters. Arianna has been involved in a range of judicial reviews of community care assessment and eligibility decisions and advises on matters relating to ordinary residence, charging, deferred payment agreements, and debt recovery. She is ranked in the Legal 500 as a 'Rising

Star' in Administrative and Public Law on the Northern and North Eastern Circuits, described as having: *'Excellent attention to detail. Outstanding knowledge of the Care Act. Pragmatic in approach. Very quick at picking up the key issues and facts. Sensitive to the clients' needs.'*

She frequently advises in and undertakes judicial review work in relation to eligibility and care planning decisions, community care charging and debt recovery, safeguarding investigations and decisions to de-register approved providers, age assessments and allowances to special guardians.

She also advises public authorities on policies relating to health and social care.

Arianna writes for LexisNexis, Westlaw, Sweet & Maxwell and Local Government Lawyer on community care, and has authored a chapter on community care in *Judicial Review: Law & Practice* (3rd Edition) and a chapter on community care charging in *Community Care Law and Local Authority Handbook* (3rd Edition). She worked with many local authorities on the implementation of the Care Act 2014 and regularly trains on issues of community care law.

Arianna has given dozens of lectures and trainings on community care, and is happy to speak to large or small groups and a range of professional audiences.

RECOMMENDATIONS

*"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.

Sensitive to the clients needs.' Legal 500, 2020

"Arianna is brilliant at thinking outside of the box and excellent if you have a family member who has a difficult to case to run." 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 & Partners UK 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 & Partners UK 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 & Partners UK 2018

"Arianna has an impressive and wide knowledge of the law applicable to Court of Protection matters, including an in-depth knowledge of mental health and community care law." – Chambers & Partners UK 2018

MEMBERSHIPS

- Court of Protection Practitioners' Association, National Executive Committee Member (2017-2020);
- Treasurer of the National Executive Committee (2020-)
- Member of the Honourable Society of the Inner Temple, 2013
- Member of the Northern Circuit, 2014

QUALIFICATIONS

Harvard College, A.B., Government, cum laude 2005

Harvard Law School, J.D., cum laude 2008

London School of Economics, LLM, with distinction 2013

Admitted to the Massachusetts Bar, 2008

ADDITIONAL INFORMATION

PUBLICATIONS

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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