



“She’s always on top of her cases and is a super-calm presence in any situation. She’s always the most prepared person in the room, and for that reason she’s just a dream to work with.”

Chambers & Partners 2021

Eliza specialises in all fields of Court of Protection work, including property and affairs, health and welfare, serious medical treatment, and associated human rights matters. Eliza also specialises in cases that involve safeguarding vulnerable adults within the inherent jurisdiction of the High Court.

She regularly acts on behalf of the Official Solicitor for protected parties, as well as acting for local authorities, NHS bodies, Clinical Commissioning Groups and individuals/family members.

Eliza also undertakes inquest work and judicial review work with a particular interest in cases involving the extent of local authority duties towards young people and their families.

PRACTICE AREAS

- Court of Protection
- Inquests
- Judicial Review

SECTORS

- Health and Social Care

PRACTICE AREAS

COURT OF PROTECTION

COURT OF PROTECTION: HEALTH & WELFARE

Eliza regularly represents individuals lacking capacity (either through the Official Solicitor or alternative litigation friends), family members, Local Authorities and health bodies in Court of Protection health and welfare cases, which range from disputes over capacity, residence and care, deprivation of liberty, to serious medical treatment cases and cases where there is an overlap between the Family Court and the Court of Protection. Eliza advises and acts in associated civil and Human Rights Act claims arising out of the above, including failure to remove, unlawful removal and other abuse claims relating to children. In addition, Eliza also undertakes property and affairs work which is informed by a background in matrimonial finance and cohabitation law.

Eliza is also a qualified mediator (ADR Group) and is a participating mediator in the Court of Protection Mediation Pilot Scheme.

Significant Reported Cases:

PC & NC v A Local Authority [2013] EWCA Civ 478 (Court of Appeal)

BH v London Borough of Enfield [2019] EWHC (COP)

COURT OF PROTECTION: PROPERTY & AFFAIRS

Eliza undertakes all aspects of property and affairs work, from retrospective capacity hearings to applications for statutory wills, contested deputyship applications, and applications to object to or revoke lasting and enduring powers of attorney. She has experience in cases involving the International Protection of Adults in cross-border property and affairs disputes, which engage section 63 and Schedule 3 Mental Capacity Act 2005.

Eliza is a Court of Protection specialist and undertakes a substantial amount of work where there are mixed welfare and property and affairs issues. She also has specialist public law expertise in the Care Act 2014 (and associated regulations) which is invaluable in many cases, where there are issues relating to social care charging, and deprivation of assets, that fall to be considered as part of the proceedings.

Eliza regularly accepts instructions from the Office of the Public Guardian, the Official Solicitor, local authorities whose safeguarding duties are engaged, as well as deputies, attorneys and family members of the protected party.

INQUESTS

Eliza undertakes inquest work where individuals have died whilst in state custody either under the Mental Health Act 1983, or when detained under the Deprivation of Liberty Safeguards. She also acts in cases where there are issues regarding the safeguarding of vulnerable children and adults, and where there are claims that breaches of statutory obligations towards a child/adult with social care needs has caused or contributed to that person's death

JUDICIAL REVIEW

Eliza undertakes Judicial Review work in relation to mental health matters, as well as cases involving ordinary residence disputes, breach of community care law duties, and the statutory duty of local authorities towards young people and their families. In particular, she regularly advises on and acts in Judicial Review matters regarding the payment of allowances for Child Arrangement Orders, Special Guardianship Orders and Fostering

Allowances, and has provided detailed guidance regarding such matters in Chapter 5 of the 3rd Edition of the *Community Care Law and Local Authority Handbook*.

Eliza also recently contributed to *Patterson & Karim on Judicial Review* (Third Edition, 2019): contributed as an author to Chapter 1 – Grounds of Judicial Review.

Eliza has a background in public law proceedings under the Children Act 1989, and acts in civil /Human Rights Act claims relating to children (for example, failure to remove/delay in issuing care proceedings/unlawful use of section 20 Children Act 1989).

SECTORS

HEALTH AND SOCIAL CARE

Eliza regularly advises and acts in community care law matters with a focus on health and social care and Local Authority obligations towards young people. She has a background in public law children work and has a detailed knowledge of Local Authority obligations towards disabled children, children at risk and young people leaving care.

Eliza recently contributed to the publication of the 3rd Edition of the widely used *Community Care Law and Local Authority Handbook*, namely, Chapter 5 (which provides a comprehensive guide to Local Authority obligations towards young people and disabled children) in light of the changes brought in by the Care Act 2014.

RECOMMENDATIONS

"She's good on the law, knows her subject and she gives practical advice."

"She's always on top of her cases and is a super-calm presence in any situation. She's always the most prepared person in the room, and for that reason she's just a dream to work with." "Her advice is very thorough, she is incredibly knowledgeable and she thinks outside of the box to solve problems. She spots issues before they arise." Knows the law inside out and has a great manner in court – she is the full package."

Chambers & Partners 2021

"Eliza is a fantastically safe pair of hands. She knows her stuff, procedurally, practically, legally and she has a calm and sensible court manner than instills confidence and aids negotiation and compromise."

"One of the finest advocates working in the Court of Protection."

The Legal 500 2020

"She's just super, and she's always the most organised person in the room. She gets to the heart of the matter and puts the case on track, and she's super responsive and very proactive." "She is very clever, very forthright and is unflappable and sympathetic when dealing with vulnerable people."

"An excellent barrister."

Chambers & Partners 2020

"She is outstanding in every way and knows the law inside out. She's a very organised, calm and measured presence"

in court. She is completely unflappable. She has this sort of zen aura about her, which comes from being super-prepared and working very hard."

Chambers & Partners 2018

"Recommended for adult welfare cases."

The Legal 500 2018

"She is very thorough, capable in court and popular with solicitors." "She works incredibly hard, turns work around quickly, is very well prepared and equally at home acting for claimants as public authorities."

Chambers & Partners 2017

"A very approachable, calm and thorough advocate."

The Legal 500 2016

"She is sensible and calm, and her advice is always sound."

The Legal 500 2016

"Able to skilfully manage the more challenging judges."

The Legal 500 2015

APPOINTMENTS

Crown Counsel – Falkland Islands 2010

Junior of the Northern Circuit 2013

Called to the Bar of the Cayman Islands [2013]

MEMBERSHIPS

Northern Circuit

Court of Protection Practitioners Association (COPPA)

The Honourable Society of the Inner Temple

QUALIFICATIONS

Bristol University –BA (Hons) in English Literature (First)

University of West England – Graduate Diploma in Law (Distinction)

University of West England – B.V.C.

ADDITIONAL INFORMATION

PUBLICATIONS

Community Care Law and Local Authority Handbook (Third Edition, 2015): Chapter 5 – Provisions for Older Children (Leaving Care), Disabled

Children and Financial Obligations of Local Authorities Towards Families

The Provision of Secure Mental Health Facilities Across and Outside Wales: Lexis®PSL 21/01/016

Patterson & Karim on Judicial Review (Third Edition, 2019): contributed as an author to Chapter 1 – Grounds of Judicial Review

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