



“Superb – she’s a very good advocate with really good delivery, who is clear, extremely thorough, efficient and hard-working. She inspires complete confidence.”

Chambers UK

PRACTICE AREAS

- Administrative & Public
- Regulatory & Disciplinary

PRACTICE AREAS

ADMINISTRATIVE & PUBLIC

Victoria is regularly instructed to advise claimants and defendants on diverse matters including community care, healthcare, mental health, and education.

She regularly represents family members, local authorities, health authorities and the Official Solicitor in the Court of Protection and is an editor of the Court of Protection Law Reports (Jordans) and the 39 Essex Mental Capacity report. She has appeared in hundreds of cases in the Court of Protection, including capacity disputes, challenges to DOLS authorisations, welfare matters, medical treatment disputes and financial cases. She is also instructed in medical treatment cases concerning babies and children.

Victoria is also instructed in human rights claims arising from the care and treatment of mentally impaired children and adults. She was instructed by Liberty in cases arising from the Winterbourne View scandal and by the Equality and Human Rights Commission in the case of a young adult kept in prolonged seclusion at St Andrew’s Hospital.

Victoria represents bereaved families in inquests with a mental health element.

Before coming to the Bar, Victoria worked in the field of medical ethics and public policy, and has a particular interest in all areas of healthcare law and medical ethics.

REGULATORY & DISCIPLINARY

Victoria has experience of regulatory and disciplinary work in a range of areas. She frequently represents the Health and Care Professions Council in judicial review proceedings, statutory appeals and PSA appeals. She has represented health professionals including nurses and counsellors in disciplinary proceedings, and has presented cases to the General Dental Council.

CASES

REPORTED CASES:

Administrative & Public Law

Re D (forthcoming from the Supreme Court)

Deprivation of liberty for people aged 16/17

R (Maguire) v United Response and ors [2019] EWHC 1232 (Admin)

Application of article 2 in relation to the death of a learning disabled adult resident in a care home

NHS Trust v Y [2018] UKSC 46

Whether applications for withdrawal of CANH have to be made to the Court of Protection

R (Davey) v Oxfordshire CC [2017] EWCA Civ 1308; [2018] P.T.S.R. 281

Reduction of care package following withdrawal of ILF

Re Briggs [2017] EWCA Civ 1169; [2018] Fam. 63; [2018] 2 W.L.R. 152

Scope of jurisdiction of Court of Protection in deprivation of liberty appeals

R (Ferreira) v Senior Coroner for Inner London [2017] EWCA Civ 31; [2018] Q.B. 487; [2017] 3 W.L.R. 382

Article 5, deprivation of liberty and the Coroners and Justice Act 2009

R (O) v Peterborough City Council [2016] EWHC 2717 (Admin); (2016) 19 C.C.L. Rep. 548

Unlawful imposition of child protection plan for autistic child with eating difficulties

R (Gordon-Jones) v SS for Justice [2014] EWHC 3997

Successful pro bono challenge to the ban on sending books to prisoners

R (Worcestershire County Council) v Essex County Council [2014] EWHC 3557 (Admin)

Determining residence under s.117(3) MHA 1983

R (LH) v Shropshire Council [2014] EWCA Civ 404

Duty to consult in respect of closure of day centres

R (JF) v NHS Sheffield Clinical Commissioning Group [2014] EWHC 1345 (Admin)

Whether the CCG owed duties to provide healthcare to a mentally disabled patient while in hospital receiving treatment for physical illness

Tracey, R (on the application of) v Cambridge University Hospitals NHS Foundation Trust & Ors [2014] EWCA Civ 822

Whether the Resuscitation Council guidance on Do Not Attempt Resuscitation decisions complies with Article 8 of the European Convention, or whether there is an obligation to consult the patient before deciding not to offer resuscitation.

R (W) v Dr Larkin [2012] EWHC 556 (Admin)

Judicial review of a decision to transfer to prison under s.47 MHA 1983

R (on the application of TA) v North East London NHS [2011] EWCA Civ 1529

Judicial review concerning NHS complaints and disclosure of medical records

R (BM) v Lancashire County Council [2011] EWHC 2931

Judicial review of a personal budget for a disabled adult

R (B) v Islington Borough Council [2010] EWHC 2539 (Admin)

Judicial review concerning SEN provision for young adults

Court of Protection, Medical Treatment and Mental Health

Re D (forthcoming from the Supreme Court)

Deprivation of liberty for people aged 16/17

Re AB (termination of pregnancy) [2019] EWCA Civ 1215

Successful appeal against order permitting termination

Re Lawson, Mottram and Hopton [2019] EWCOP 22

Test for appointment of a welfare deputy

Re B (capacity: social media) [2019] EWCOP 3

Assessment of capacity to use social media

EXB v FDZ & Ors [2018] EWHC 3456 (QB)

Whether to inform P of the value of his personal injury claim

A London NHS Foundation Trust v E [2018] EWHC 3367 (Fam)

Amputation - best interests

SE (Serious Medical Treatment) [2018] EWCOP 45

University College London Hospitals v KG [2018] EWCOP 29

Provision of novel therapy to patient with CJD

NHS Windsor and Maidenhead Clinical Commissioning Group v SP [2018] EWCOP 11;
[2018] Med. L.R. 320

First authorisation of withdrawal of CANH made without an oral hearing

NHS Trust v S [2017] EWHC 3619 (Fam)

Limitation of treatment involving a child

Salford Royal NHS Foundation Trust v P [2017] EWCOP 23

Withdrawal of CANH

Re M [2017] EWCOP 19; [2018] 1 W.L.R. 465; [2018] 2 All E.R. 551

First decision that withdrawal of CANH decisions do not require court applications

PL v Sutton CCG [2017] EWCOP 22; [2018] C.O.P.L.R. 100

Withdrawal of CANH from a stroke patient

GOSH v Yates [2017] EWHC 1909 (Fam); [2017] 4 W.L.R. 131; [2018] 1 All E.R. 623

Experimental treatment for a child/withdrawal of treatment

Briggs v Briggs [2016] EWCOP 53

Withdrawal of CANH from brain-injured patient in minimally conscious state

Re RD [2016] EWCOP 49

Guidance on bringing s.21A appeals

Cumbria CC v S [2016] EWCOP 32

Withdrawal of CANH in PVS case

Re C (deceased) [2016] EWCOP 21; [2016] C.O.P.L.R. 236

Reporting restrictions in the Court of Protection after P's death

Re CS (termination of pregnancy) [2016] EWCOP 10; [2016] C.O.P.L.R. 187; [2016] Fam. Law 437

Best interests regarding termination of pregnancy

Re PA and others [2015] EWCOP 38

International protection of adults under Schedule 3 MCA 2005 in cases involving deprivation of liberty.

AJ v A Local Authority [2015] EWCOP 5

Article 5(4) challenge concerning the Deprivation of Liberty safeguards

DL-H v Partnerships in Care [2013] UKUT 500 (AAC)

Refusal to engage with treatment for personality disorder under MHA 1983

Aintree University Hospitals NHS Foundation Trust (Respondent) v James (Appellant) [2013] UKSC 67

Definition of "futile" within MHA Code Of Practice.

An NHS Trust v DE [2013] EWHC 2562 (Fam)

Whether vasectomy in best interests of learning disabled man

An NHS Trust v SR [2012] EWHC 3842 (Fam)

Whether radiotherapy in best interests of child with brain tumour

Re AW (Permanent Vegetative State); The NHS Trust v AW (2013) EWHC 78 (COP)

Withdrawal of life-sustaining treatment from a patient in a vegetative state

Re AK [2012] EWHC B29

Capacity to consent to marriage

Re SK [2012] EWHC 1990 (Fam)

Interplay between Court of Protection welfare decisions and personal injury proceedings

An NHS Trust v D [2012] EWHC 885 (COP) and [2012] EWHC 885 (COP)

Withdrawal of life-sustaining treatment from a patient in a vegetative state; Official Solicitor's costs in such applications

K v LBX & Ors [2012] EWCA Civ 79

Correct approach to 'family life' under the MCA 2005

W v M [2011] EWHC 2443 (Fam); WLR (D) 283

Withdrawal of life-sustaining treatment from a patient in a minimally conscious state

A v A Local Authority [2011] EWHC 727 (Fam)

Instruction of Court Visitor in DOLS cases

DL-H v Devon Partnership NHS Trust [2010] UKUT 102 AAC

Dorset CC v EH [2009] EWHC 784 (Fam)

KD & Anor v London Borough of Havering [2009] EW Misc 7 (EWCOP)

Regulatory & Disciplinary

Leeks v Health and Care Professions Council [2016] EWHC 826 (Admin)

Davey v General Dental Council [2015] EWHC 3594 (Admin)

David v Health and Care Professions Council [2015] EWHC 4082 (Admin)

R (Ireland and Ma) v Health and Care Professions Council [2015] EWHC 846 (Admin)

Chigoya v Health and Care Professions Council [2015] EWHC 1109 (Admin)

Clery v Health and Care Professions Council [2014] EWHC 951 (Admin)

Professional Standards Authority v HCPC [2014] EWHC 4657 (Admin)

Professional Standards Authority v HCPC [2014] EWHC 2723 (Admin)

Professional Standards Authority v General Chiropractic Council [2014] EWHC 2190 (Admin)

Wisson v Health and Care Professions Council [2013] EWHC 1036 (Admin)

Sokunbi v Health Professions Council [2013] EWHC 672 (Admin)

RECOMMENDATIONS

Recent directory quotes

"Victoria and Alexander Ruck Keene are the King and Queen of Court of Protection work." "It's her ability to get to the crux of the issues that impresses. She produces these amazing submissions and arguments that drill down to the nub of the matter, which is such a skill." Chambers & Partners 2017

"She's very up-to-date with the case law, and is both strategic and practical in her advice." Chambers & Partners 2017

"She cuts to the chase and she's very precise and clear in her presentation." "An impressive junior, she is clear, focused, hard working and diligent." Chambers & Partners 2017

"She is very accessible and flexible in the way she provides advice and is able to cut through the issues very quickly. She is very good with clients." "Very knowledgeable, very approachable and very friendly. She produces wonderful arguments" Chambers & Partners 2017

"She has a great intellect and gains the respect of the court" Legal 500 2016

"A real leader in Court of Protection work." Legal 500 2016

"Destined to be a silk and dominate the Court of Protection world for the next 15 years. She is extremely able, very personable, very articulate and persuasive. The sky is the limit for her." Chambers & Partners 2016

"She is a Court of Protection supremo, and is very sensible, mature and mild-mannered." "She is extraordinarily intelligent." Chambers & Partners 2016

"She is phenomenally good at getting back to me, extraordinarily intelligent and has the ability to reduce everything to a straightforward and understandable set of principles." "She is very knowledgeable, authoritative, calm and straightforward, which is great when you're dealing with such sensitive issues." Chambers & Partners 2016

"Refreshingly creative in her approach to complex public law challenges." Legal 500 2015

"Superb – she's a very good advocate with really good delivery, who is clear, extremely thorough, efficient and hard-working. She inspires complete confidence." Chambers UK 2015

"She's both intellectual and highly approachable." Chambers UK 2015

"A brilliant legal mind." Legal 500 2014

"A safe pair of hands with a towering reputation. She is academic and has in-depth knowledge but is also very personable and easy to deal with." Chambers UK 2014

"Very committed to her cases and impressive in court," Chambers UK 2013

"A star performer and a very persuasive advocate of national renown," Chambers and Partners 2012

“sensible and pragmatic advice,” Legal 500 2009

Victoria was included as one of ten Future Stars of the Bar by The Times in 2008.

APPOINTMENTS

- Recorder (Family Court on the Western Circuit)
 - Equality Human Rights Commission’s Panel of Counsel (B Panel).
 - Member of the Council of JUSTICE.
 - Adviser to the Medical Mediation Foundation.
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MEMBERSHIPS

- ALBA
 - HRLA
 - JUSTICE
 - Inquest Lawyers Group
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QUALIFICATIONS

- 2004-2005 – BPP Professional Education Bar Vocational Course
 - 2003-2004 – City University, CPE
 - 1998-2000 – King’s College London, MA: Medical Ethics & Law
 - 1994-2007 – Pembroke College, Cambridge University, MA: Part I Social & Political Sciences, Part 2 Philosophy
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