



Practice

Bethan practises in housing, community care and Court of Protection work.

She is ranked in **Chambers UK 2012 and 2011, and praised for her "meticulous and accurate approach" and her "fantastic rapport with clients"**.

Her housing work includes homelessness and allocations judicial review and appeals; public law claims for housing and assistance under the National Assistance Act 1948 and the Children Act 1989 or relying on articles 3/8 ECHR; housing benefit; defending claims for possession, using the Equality Act 2010 and mental capacity issues in housing, cases involving an overlap of housing and community care.

Her community care work includes community care assessments and service delivery issues such as direct payments, personal budgets and the RAS, decisions on application of eligibility criteria, decision-making in relation to residential care and independent living, delivery of services to persons lacking mental capacity, charging issues, children in need assessments and services, carers' assessments, the public sector equality duty.

Her Court of Protection work includes emergency applications including applications involving deprivation of liberty and section 21A MCA 2005, advising on local authority safeguarding duties, personal welfare applications concerning residence, care and contact and contested appointments of financial/health and welfare deputies.

In 2011 she became a member of the panel of preferred counsel of the Equality and Human Rights Commission.

She has been instructed in test cases to act for the *Child Poverty Action Group*.

She has advised on and drafted local authority housing allocations policy and has been instructed as an expert witness on housing law in children's care proceedings.

In 2011 Bethan provided training on Court of Protection work, the Equality Act 2010 and housing, charging issues in community care law and using Article 8 to defend possession proceedings. In past years she has conducted seminars and training sessions at relevant practitioner organisations (e.g. the *Housing Law Practitioners' Association; Liberty; Shelter; the Public Law Project and the Legal Action Group*). She was a speaker at the 2010 Annual Conference of the *Community Care Law Reports* on "*Personalisation - the reform of adult social care*".

She was a panel member of the former Social Security Appeal Tribunal.

Publications

She is an editor of the *Community Care Law Reports*.

She co-authors the regular up-date on Housing Benefit Law in the *Legal Action Magazine*.

Notable Cases

Year of Call

1990

Email Address

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Telephone

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Education

BA (Oxon), LLM (LSE)

Languages

Welsh

Practice Areas:

Bethan Harris is a member of the following Practice Areas:

- Community Care
- Court of Protection
- Housing
- Public & Administrative Law
- Welfare Benefits

Garden Court Chambers

57 - 60 Lincoln's Inn Fields
London WC2A 3LJ
Tel 020 7993 7600
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Toynbee Housing Association v Choudhury, Clerkenwell County Court, 2 February 2011, **Legal Action, May 2011, 35**: a successful appeal against a decision to evict a disabled tenant and her family due to the drug related behaviour of the son, involving arguments under Article 8 and an argument that the court has full jurisdiction to hear the case when the lower court granted permission to appeal.

Stephens v Kerr [2006] HLR 21 CA : tenant with Rent Act 1977 security retaining her protected status despite prolonged absence from dwelling. *Kerr v Stephens* [2006] EWCA Civ 187 (15 February 2006)

Southwark LBC v Long [2002] HLR 56 CA: council's obligation to maintain common parts of council estate. *London Borough of Southwark v Long* [2002] EWCA Civ 403 (27th March, 2002)

Lambeth LBC v Howard [2001] 33 HLR 58 CA: relevance of Article 8 in possession proceedings brought by local authority on grounds of anti-social behaviour. *London Borough Of Lambeth v Howard* [2001] EWCA Civ 468 (6 March 2001)

Hammersmith & Fulham v Clarke [2001] 33 HLR 77 CA: elderly tenant retaining security of her council tenancy after moving into residential care. *London Borough of Hammersmith and Fulham v Clarke & Anor* [2000] EWCA Civ 3032 (20 November 2000)

R (G) v LB Barnet [2001] EWHC Admin 5: availability of assistance under s 17 Children Act 1989 for child in need and its mother who was not habitually resident in the UK). *Guleed, R (on the application of) v London Borough Of Barnet* [2000] EWHC Admin 5 (9 October 2000)

CIS 3325/00: social security commissioner appeal on entitlement of people with severe learning disabilities to income support after transfer from hospital care to nursing home care. [2001] UKSSCSC CIS_3325_2000 (03 August 2001)

De Silva v Social Security Commissioner[2001] EWCA Civ 539: Social Security Appeal Tribunal's duty to make accurate record of proceedings. *De Silva v Social Security Commissioner* [2001] EWCA Civ 539 (05 April 2001)

R (Patrick) v Newham LBC (2000) 4 CCLR 48: local authority's duty to conduct community care assessment for person with mental illness living rough: when duty triggered and requirements of a lawful assessment.

LB Haringey v Jowett [2000] 32 HLR 308: Environmental Protection Act 1990 and noise nuisance caused by traffic. *London Borough Of Haringey v Jowett* [1999] EWHC Admin 365 (27th April, 1999)

Bate v Chief Adjudication Officer [1996] 1 WLR 814 HL: anti-test case rules in social security law. *Chief Adjudication Officer v. Bate* [1996] UKSSCSC CIS_787_1991 (16 May 1996)

Background

Bethan has been involved in briefing MPs and drafting amendments on behalf of pressure groups in relation to housing and social security legislation.



Barrister profile

Bethan Harris



She has worked in Kosovo and Macedonia documenting human rights violations on behalf of Physicians for Human Rights and visited Montenegro to speak to lawyers on behalf of the Bar Human Rights Committee.

Bethan comes from South Wales and speaks Welsh. She has appeared on Welsh TV and radio on many occasions commenting on current legal affairs.

Societies

Housing Law Practitioners' Association; Administrative Law Bar Association; founding member of the Social Security Law Practitioners' Association; Liberty; Child Poverty Action Group.

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