



GARDEN COURT CHAMBERS

# Helen Curtis

YEAR OF CALL: 1992



Helen Curtis' legal practice concentrates on areas where the liberty of the subject is at stake, particularly in areas of mental health, prisoners and the Court of Protection. She appears before Tribunals, Parole Boards and courts through to the Court of Appeal. Helen was an approved mediator on the [Court of Protection Mediation Panel](#).

Helen currently writes for the [Garden Court Chambers Social Welfare Updates and Mediation Blog](#).

"Helen is an exceptional barrister with the ability to cut through the chaff and thereby able to advise clients. An exceptional advocate in court who can be relied upon to argue client positions strongly and persuasively."

LEGAL 500, 2024 (COP & COMMUNITY CARE)

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"Helen is extremely effective in dealing with clients."

"Helen is extremely knowledgeable, efficient, and an excellent advocate."

CHAMBERS UK, 2023

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She is very committed, excellent with clients and good at taking the heat out of a situation."

CHAMBERS UK, 2023

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"Helen's background in mediation is a real asset to Court of Protection cases. She also has a great deal of experience in mental health law."

LEGAL 500, 2022 (COURT OF PROTECTION & COMMUNITY CARE)

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"Attention to detail, calmness under pressure, articulate, commanding presence."

LEGAL 500, 2021 (COURT OF PROTECTION & COMMUNITY CARE)

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If you would like to get in touch with Helen please contact the clerking team:

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You can also contact Helen directly:

+44 (0)20 7993 7713

## COURT OF PROTECTION

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Helen is regularly instructed to represent P or P's family member in Court of Protection proceedings in matters of health and welfare or property and affairs. Instructions are variously for P or a member of P's family where P is instructed via a litigation friend of either the Official Solicitor, Relevant Person's Representative (Paid or unpaid) or Accredited Legal Representative.

A feature of Helen's practice is judicial review of decisions that impact on a person's mental health or the quality of life for P and appeals.

## NOTABLE CASES

***Rotherham, Doncaster & South Humber NHS Foundation Trust (RDASH), (2) NHS Barnsley CCG v C (by his litigation friend, TG), Barnsley Metropolitan Borough Council (24 March 2021)***

Helen was instructed by TG to represent the patient, C, in this case before Theis J where C was a restricted patient. The First-tier Tribunal had considered whether it could conditionally discharge C to a residential placement but C's Responsible Clinician assessed C as lacking mental capacity to choose where to live and C could not consent to a deprivation of liberty. The matter was listed before the Court of Protection as initially, the Council contended that C did not lack capacity and this needed urgent resolution prior to C's forthcoming FfT.

***The Health Service Executive of Ireland v PA & Ors [2015] EWCOP 38***

This case involved the consideration of the court's power to recognise and enforce a foreign order made in the High Court in Ireland in respect of a young adult in a psychiatric hospital in England. Helen appeared on behalf of PA who had been in an English hospital for more than three years and wanted to return home. The court explored the scope and interpretation of its powers under Schedule 3 of the Mental Capacity Act 2005.

***London Borough of Redbridge v G & others [2014] EWCOP 17***

In this fact-finding case, Helen appeared on behalf of AC who, with her partner FC, was caring for G at G's home and living there. The local authority argued that it was in G's best interests to remain at home with a package of care and that AC and FC ought to be removed. A schedule of facts alleged that AC and FC benefited commercially from caring for G and also bullied and manipulated her. Given that G expressed her wish for AC and FC to remain as her carers, the facts alleged by the local authority had to be determined before the court reached a best interests decision.

## MEDIATION

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Helen is an accredited mediator and restorative justice facilitator whose mediation skills are incorporated into her legal practice. Her calm, compassionate manner makes her an engaging, effective mediator and advocate. This is particularly appreciated when dealing with vulnerable clients and sensitive issues which frequently

arise in her practice.

Helen completed training on the use of Zoom, specifically for mediation and now mediates multi-party disputes on Zoom. She arranges technical checks in advance to ensure the parties are comfortable with the technology.

Further details can be found on the [Garden Court Chambers Mediation website](#).

## MENTAL HEALTH LAW

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Helen's mental health work covers restricted patients whether being transferred between hospital and prison or seeking discharge as well as patients detained under ss 2 and 3. Additionally, Helen represents patients or their Nearest Relative in proceedings where displacement of the Nearest Relative is sought.

### NOTABLE CASES

Past notable cases can be viewed below. [Click here to see a list of recent notable cases](#).

#### ***~~TW v London Borough of Enfield [2014] EWCA Civ 362~~***

Helen appeared on behalf of the Appellant who challenged the High Court's refusal of s.139(2) leave to bring civil proceedings. The Court of Appeal granted leave and considered what is practicable for an AMHP to comply with the s.11(4) duty to consult the patient's Nearest Relative.

#### ***~~Health Service Executive of Ireland v PA and others [2015] EWCOP 38; [2015] WLR (D) 243~~***

Helen appeared on behalf of PA in a case concerning Schedule 3 of the Mental Capacity Act 2005.

#### ***~~South Staffordshire and Shropshire Healthcare NHS Foundation Trust and Another v The Hospital Managers of St George's Hospital and AU [2016] EWHC 1196 (Admin)~~***

Helen appeared on behalf of the patient AU who sought to resist the Trust's review of the Hospital Manager's discharge decision.

#### ***~~DA v Central and North West London NHS Foundation Trust [2021] UKUT 1010 (AAC)~~***

Helen represented DA in his successful appeal from the First-tier Tribunal's decision not to absolutely discharge him but to remove all conditions of his conditional discharge. The Upper Tribunal found the reasons for this decision failed to meet the legal standard of adequacy.

## PUBLICATIONS

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Helen writes regularly for the [Garden Court Chambers Social Welfare Updates Blog](#).

*Family Mediation: For Better or Worse* - co-author with Kate Aubrey-Johnson, LAG, April 2011

*Making mediation work for you* - Kate Aubrey-Johnson with Helen Curtis, LAG, June 2012

## EDUCATION

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LLB (Hons)

## PROFESSIONAL MEMBERSHIP

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Civil Mediation Council

JUSTICE

Restorative Justice Council

## LANGUAGES

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French (basic)

Italian (basic)

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