



GARDEN COURT CHAMBERS

# Bethan Harris

YEAR OF CALL: 1990



Bethan Harris is an experienced barrister specialising in community care law, social housing, Court of Protection and related areas of public law. Bethan was shortlisted for Court of Protection and Community Care Law Barrister of the Year at the Legal 500 Bar Awards 2023.

Bethan brings her wealth of expertise to complex cases which often include consideration of public law principles, equality and discrimination law. She is currently representing Welsh bereaved families in the Covid-19 Inquiry.

Bethan is consistently recommended in legal directories in all three of her main areas of practice. Bethan graduated in law at Oxford and has an LLM from the LSE. She comes from South Wales and speaks Welsh.

"Bethan Harris' cross practice in housing, community care and COP work means that working with her on some of the most complex housing cases

is invaluable due to the knowledge she brings with her."

CHAMBERS UK, 2024 (SOCIAL HOUSING, BAND 2)

"Bethan is knowledgeable, approachable and great with clients. She is always on hand to share her knowledge and experience...she is a delight to work with."

LEGAL 500, 2024 (COURT OF PROTECTION & COMMUNITY CARE, TIER 1)

"Bethan Harris is very easy to work with and brilliant with clients - very thorough, excellent written work and very good on her feet."

CHAMBERS UK, 2024 (SOCIAL HOUSING, BAND 2)

"Bethan is very thorough and provides practical and detailed advice. She is very approachable and compassionate."

CHAMBERS UK, 2024 (COMMUNITY CARE, BAND 2)

"Bethan is a very experienced CoP barrister with a strong analytical eye and excellent drafting skills."

CHAMBERS UK, 2024 (COURT OF PROTECTION: HEALTH & WELFARE, BAND 3)

"Bethan's ability to identify the core issues in a case and provide nuanced, detailed advice is exceptional."

CHAMBERS UK, 2023

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

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## HOUSING LAW

Bethan's housing work includes homelessness appeals, judicial review, Children Act 1989, housing benefits, Equality Act 2010 issues, mental capacity and housing, and cases involving both housing and community care

law. She recently appeared for the Equality and Human Rights Commission to obtain an injunction against a landlord's unlawful lettings policy (*EHRC v Wilson*).

## NOTABLE CASES

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

**Equality and Human Rights Commission v Wilson, HHJ Polden 8 November 2017** represented the Commission to obtain an injunction to restrain a landlord from having a policy not to let to certain racial groups.

**Hillsden v Epping Forest District Council[2015] EWHC 98 (Admin)**: whether local authorities have a residual discretion to allocate social housing outside their normal rules

***Toynbee Housing Association v Choudhury, Clerkenwell County Court, 2 February 2011, Legal Action, May 2011, 35***: successful appeal against a court order for eviction of a disabled tenant and her family due to the drug related behaviour of her son

**Stephens v Kerr[2006] HLR 21 CA**: tenant with Rent Act 1977 security retained her protected status despite prolonged absence from dwelling

**Southwark LBC v Long[2002] HLR 56 CA**: council's obligations to maintain common parts of council estate

**Lambeth LBC v Howard[2001] 33 HLR 58 CA**: case on the relevance of Art 8 in possession proceedings brought by local authority on grounds of anti-social behaviour

**Hammersmith & Fulham v Clarke** [2001] 33 HLR 77 CA: elderly tenant retained security of her council tenancy after moving into residential care

## COMMUNITY CARE LAW

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Bethan's work in community care includes assessments and service delivery issues such as direct payments; personal budgets, and eligibility criteria; accommodation issues; delivery of services to people who lack mental capacity; charging; children in need; carers' assessments; Equality Act issues, disability adaptations, safeguarding and human rights duties of public bodies to vulnerable adults.

She wrote and appears in the webinar, *Care Act 2014 Part 1: What practitioners need to know*, produced by *Practical Law*. She is an editor of the Community Care Law Reports.

## NOTABLE CASES

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***Re AM (Residence) [2020]***: represented family member in Court of Protection proceedings seeking the return of a brain-injured man to live at home after 10 years' in nursing care; case considers resource limitations on health and social services in the community; sets out the principles on weight to be attached to her person's wishes, feelings, beliefs and values when considering best interests.

***Re W [2019]***: acted for the litigation friend of a person suffering from Alzheimers placed in residential care; claim for damages under Human Rights Act - alleging lack of Art 5 safeguards meant failures in assessment and care planning were left unaddressed.

***R (E) v Walsall Council, Administrative Court, 10 December 2013 (HHJ Plunkett)***: she represented a child, E, in a claim for judicial review which established that E's placement with her grandparents, following child protection concerns, was under s 20 Children Act 1989; the grandparents were therefore entitled to the foster care allowance

***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)

***CIS 3325/00 [2001]*** UKSSCSC CIS\_3325\_2000 (3 August 2001): social security commissioner appeal on entitlement of people with severe learning disabilities to income support after transfer from hospital care to nursing home care

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

***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

***Bate v Chief Adjudication Officer [1996]*** 1 WLR 814 HL: anti-test case rules in social security law

## COURT OF PROTECTION

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Bethan appears frequently in the Court of Protection. Her work includes emergency applications, deprivation of liberty issues, local authority safeguarding duties, personal welfare applications, contested appointments of financial/health and welfare deputies, complex care packages. She covers some property and financial affairs matters. Bethan acts for litigation friends, local authorities and family members.

### NOTABLE CASES

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**Re AM (Residence) [2020]**: represented family member in Court of Protection proceedings seeking the return of a brain-injured man to live at home after 10 years' in nursing care; case considers resource limitations on health and social services in the community; sets out the principles on weight to be attached to her person's wishes, feelings, beliefs and values when considering best interests.

**Re W [2019]**: acted for the litigation friend of a person suffering from Alzheimers placed in residential care; claim for damages under Human Rights Act - alleging lack of Art 5 safeguards meant failures in assessment and care planning were left unaddressed.

**Re X and others (Deprivation of Liberty) [2014] EWCOP 25; and [2014] EWCOP 37**: represented one of the local authorities in this Court of Protection litigation which determined the procedure for court-authorized deprivation of liberty following the expansion of the concept following the UKSC ruling in *Cheshire West*.

**Islington LBC v QR [2014] EWCOP 26**: represented a person challenging an assessment that she lacked capacity and whether in her best interests to move to supported living; establishing that the person retained litigation capacity despite not having subject-matter capacity. Judgment contains detailed guidance on capacity to make decisions to enter a supported living tenancy.

**ACCG and ACC v MN [2013] EWHC 3859 (COP) (Mrs Justice King)**: acted for the Official Solicitor in relation to the care and residence of a young man with autism and severe epilepsy; a central issue was whether there was a choice between "available options" when the local authority refused to provide them. (This is the first instance decision in *ACCG v MN*, UKSC.)

**An NHS Trust v Mrs P and Ms P[2013] EWHC 50 COP(Hedley J)**: represented the mother of a young woman with learning difficulties in an application to determine capacity and best interests in relation to whether the young woman, who was at risk of complications during pregnancy and childbirth, should have a termination or continue with her pregnancy.

## BACKGROUND

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Bethan has briefed MPs and drafted amendments for pressure groups on housing and social security legislation. She has worked in Kosovo and Macedonia, documenting human rights violations for Physicians for Human Rights, and visited Montenegro to speak to lawyers on behalf of the Bar Human Rights Committee. She contributed to submissions to the Law Commission and Parliamentary Select Committee on Human Rights on reform of the law on deprivation of liberty in care settings of people lacking mental capacity.

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

## PUBLICATIONS

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Bethan is an editor of the *Community Care Law Reports*. She co-authors the regular Housing Benefit Update in the *Legal Action Magazine*. She regularly contributes to the [Garden Court Chambers Social Welfare Updates Blog](#).

## TRAINING AND SEMINARS

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Bethan frequently speaks at seminars for practitioners for relevant practitioner organisations or at Garden Court Chambers.

In January 2015 she provided a webinar, [Care Act 2014 Part 1: What practitioners need to know](#) (January 2015), produced by Practical Law.

## AWARDS

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Shortlisted - Court of Protection and Community Care Junior Barrister of the Year - Legal 500 Bar Awards 2023

## EDUCATION

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BA (Oxon), LLM (LSE)

## PROFESSIONAL MEMBERSHIP

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Housing Law Practitioners' Association

Administrative Law Bar Association

Founding member of the Social Security Law Practitioners' Association

Liberty

Court of Protection Practitioners' Association

## LANGUAGES

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Welsh

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

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