



Tom Hughes

Email: sheffield.clerk@stjohnsbuildings.co.uk

Phone: 0114 273 8951

Year of Call: 2017

Tom read Law and French at Cardiff University and was called to the Bar by Gray's Inn in 2017, having initially qualified as a Solicitor in 2014. He specialises in all areas of mental capacity law, and is keen to develop a practice in family and public law, with a particular interest in representing vulnerable clients.

Before qualifying as a Solicitor, Tom undertook legal internships at the International Criminal Tribunal for the former Yugoslavia, in The Hague and at Pro Public, a Human Rights NGO in Kathmandu, Nepal, advocating on behalf of victims of enforced disappearance. Tom's human rights experience is underpinned with an academic grounding, having completed an LLM in International Criminal Justice and Human Rights Law, where he achieved a Distinction.

In 2013 Tom won three out of the four awards at Derby Law Society's Legal Skills Triathlon, including 'Outstanding Individual in Advocacy', 'Outstanding Individual in Interviewing' and 'Best Overall Team'.

Memberships

- Court of Protection Practitioners Association
- Secretary of the Sheffield Court of Protection Users' Group

EXPERTISE

Court of Protection

Tom is a Mental Capacity (Health and Welfare) specialist. As a Solicitor Tom acted for vulnerable adults in the Court of Protection on instruction from the Official Solicitor as well as concerned family members. Tom's transition to the Bar, is under the guidance and supervision of Joseph O'Brien and Jonathan Bellamy. Areas of dispute which Tom regularly advises on involve issues of deprivation of

liberty, capacity, residence, contact and care packages. Tom also has experience of running cases on behalf of vulnerable adults and children within the inherent jurisdiction of the High Court. Tom is happy to travel to assist clients, having litigated several complicated matters on the Isle of Wight and the south coast.

Well placed to advise on property and affairs matters too, Tom previously worked at City of London firm, Anthony Gold, where he gained experience supporting individuals who, by reason of catastrophic brain injury, dementia, and other mental impairments, were unable to properly manage their finances. Working in this arena allowed Tom to develop an understanding of the role of property and affairs deputies. As such, Tom is well equipped to advise professional and lay deputies on contested property and affairs applications before the Court of Protection; such as statutory will applications, lifetime gifts, the sale of property and the appointment and discharge of deputies.

Tom is currently Secretary for the Sheffield Court of Protection Users' Group.

Tom also has a complementary interest in community care matters and applications to displace nearest relatives under s.29 Mental Health Act 1983.

As a former Solicitor, Tom's client care is one of his main qualities and his former role gives him an awareness of wider practical issues such as public funding considerations.

CASES

B Local Authority v KA and XY (2017): Tom represented the father of a vulnerable young adult unable to communicate other than by gestures and nascent Makaton. The client's daughter was removed from the family home by the local authority and placed in foster care on the basis that they found her to have capacity and considered there to be safeguarding concerns. In complex proceedings issued under the inherent jurisdiction of the High Court and then transferred to the Court of Protection, Tom's client successfully challenged both the capacity findings and then the contact prohibition, ultimately securing best interests declarations that the daughter return to the family home.

OM v A Local Authority and others (2016): Tom, represented an 18-year-old boy with autism, epilepsy and challenging behaviour who had been deprived of his liberty by a local authority, over 150 miles away from his family, on the basis of a lack of suitable care provision in the local area. It was argued that this was a disproportionate interference with the client's right to family life and by obtaining evidence from an independent social worker, the relevant clinical commissioning group were persuaded to commission a bespoke package of care and subsequent best interests declarations were granted in favour of a return to the client's home locality.

JB v A Local Authority (2016): Tom represented a lady with recently diagnosed early onset dementia who despite maintaining that she had capacity, was deprived of her liberty subject to a DoLS standard authorisation, away from her family, in a care home. Psychiatric evidence in the case found the client to lack capacity, yet the reliability of this evidence was successfully challenged, satisfying the court that the client had the requisite capacity to make her own decision to return home to her family.

PAC v A Local Authority and others (2016): Tom represented a young man with an acquired brain injury by his litigation friend, the Official Solicitor in a s.21A MCA 2005 challenge to P's deprivation of liberty. Having argued for independent psychiatric evidence, the clinician found P to have capacity and as such the DoLS standard authorisation was removed and P was able to decide for himself where he wished to reside and what form of care package he wanted, in a case that restored the individual's

autonomy.

Family - Children

Tom is currently looking to develop his family practice, in both public and private law proceedings under the guidance and supervision of Penelope Stanistreet and Jonathan Bellamy. As a former Court of Protection Solicitor, Tom is well placed to accept instructions on behalf of vulnerable clients especially where there is a concern in respect of litigation capacity. Tom's experience in mental capacity law also makes him an appropriate choice of advocate for matters that cross the jurisdiction of the Family Court and the Court of Protection.

Crime

Tom is currently looking to develop his criminal practice. Formerly a Police Station Accredited Representative, Tom has a solid grasp of criminal law and is no stranger to representing challenging clients. As a Trainee Solicitor Tom undertook a 10-month seat in Criminal Defence, obtaining experience in the preparation of both Magistrates' Court and Crown Court cases. Tom also undertook a seat in Professional Discipline, representing Police Officers in both criminal and disciplinary proceedings.

Tom secured his Criminal Higher Rights, whilst still a Trainee Solicitor, highlighting his aptitude for Criminal Advocacy from the outset of his legal career. As a former Court of Protection Solicitor, Tom is well placed to accept instructions from vulnerable clients, especially where there is a concern as to their fitness to plead.