

## Sophy Miles



Call: 2015 (1989 - Solicitor, England and Wales)

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### Profile

Sophy practices in all aspects of mental health and disability law, with a focus on cases in the Court of Protection and the inherent jurisdiction, inquests and inquiries.

Called to the Bar in March 2015, Sophy qualified as a solicitor in 1989. She was a founding partner at award-winning firm Miles and Partners LLP where she led the mental health and capacity team for 16 years, before becoming a consultant in 2012.

Sophy's busy Court of Protection practice includes personal welfare, international adult protection, medical treatment and property cases, as well as challenges against deprivation of liberty authorisations. She acts for vulnerable adults, children, their families, local authorities and NHS bodies. She has appeared in inherent jurisdiction cases involving medical treatment, forced marriage and FGM. Sophy appeared in *N v ACCG* [2017] UKSC 22 (led by Doughty Street's Aswini Weeraratne QC), where the Supreme Court considered the role and powers of the Court of Protection.

Sophy advises in all areas of mental health law, where her long experience as a mental health solicitor gives her a practical understanding of the issues. She acts in appeals to the Upper Tribunal, and displacement of nearest relative applications. In *Welsh Minsters v PJ* [2018] UKSC 66: Sophy was led by DSC's Aswini Weeraratne QC alongside Gemma Daly,

appearing for Mind as intervenor. Mind supported PJ's successful argument that conditions attached to a community treatment order ("CTO") cannot lawfully deprive a person of his or her liberty

Sophy regularly advises on public law challenges to decision-making under the Care Act, particularly in cases concerning vulnerable prisoners as well as disputes on entitlement to aftercare.

Sophy undertakes civil actions under the Human Rights Act, and has acted for NGOs in interventions in Strasbourg applications in relation to Article 5.

Sophy represents bereaved families in inquests, often those which arise from deaths in psychiatric or social care settings, and advises in related civil claims.

She is an accredited mediator (Regent's University London)

## **What the directories say**

*"Sophy is a leader in her field. She has extensive experience in mental health and court of protection matters. She is highly compassionate towards those with complex mental health issues and their families. She provides pragmatic advice to clients and helps them to navigate the most complex and emotive legal proceedings."* - Legal 500 2024

*"Sophy is highly approachable and able to cut through complex fact patterns to narrow the issues."* - Chambers and Partners 2023

*"Sophy is an outstanding barrister. The depth of her knowledge is difficult to rival and her calm approach to cases placed both professional and lay client's at this ease. She is star practitioner in mental capacity and mental health law cases."* - Legal 500 2023

*"An exceptional barrister who is incredibly experienced in supporting vulnerable clients." "She has been able to negotiate some very difficult relationships with clients and come to a really good conclusion."* - Chambers and Partners 2022

*"She is unbelievably good at seeing things from all the different angles, and her depth of knowledge is excellent."* - Chambers and Partners 2020

*"Her personable nature means that she can expertly liaise with all parties and defuse potentially volatile situations involving unrepresented parties. This skill allows the court process to continue and progress as smoothly as possible. She is professional and courteous, she has a sharp eye for legal detail, and her advice is considered, thorough and timely."* - Chambers and Partners 2020

*"Has a very good eye for detail."* - Legal 500 2020

## Appointments

Fee-paid Judge of the First Tier Tribunal (Mental Health) (appointed 2005).

Deputy District Judge of the Court of Protection (nominated 2020).

## Publications

Sophy writes regularly for our Legal Insights series - **click here** to read her posts; topics considered by other authors can be found **by clicking here**.

Co-author: Court of Protection Handbook, published by Legal Action Group in April 2014, 4th edition July 2019.

Co-author: Mental Health Tribunal Handbook, published by Legal Action Group in April 2015.

Contributed to Lewis and Buchan: Clinical Negligence- A Practical Guide, Bloomsbury Professional Publications, September 2019.

Regular writer for Legal Action magazine.

## Related practice areas

Mediation

Court of Protection & Mental Health

Inquests and Public Inquiries

Children's Rights Group

Discrimination

## Court of Protection, Mental Health and Inherent Jurisdiction

- *Esper v NHS NW London ICB* (Appeal : Anonymity in Committal Proceedings), Re (Rev1) [2023] EWCOP 29 – Sophy acted for the Official Solicitor in this case where Poole J gave guidance as to when a party who is in contempt of court should be publicly named.
- *JE v DE and others* [2006] EWHC 3459 (Fam): Sophy was the solicitor for the applicant in this seminal case about the article 5 rights of an incapacitated man in a nursing home.

- Hillingdon v Neary [2011] EWHC 1377(COP): Sophy was the solicitor for the Official Solicitor who successfully argued for findings that Steven Neary's Article 5 and 8 rights were violated by the local authority.
- P v A Local Authority [2015] EWCOP 89: Sophy acted in a successful challenge to a standard authorization .
- R (C ) v (1) First Tier Tribunal, (2) Tribunal Procedure Committee and (3) The Lord Chancellor [2016] EWHC 707 (Admin): Sophy established that the First Tier Tribunal (Immigration and Asylum) had the power to appoint a litigation friend for C, who lacked capacity to conduct his case before the Tribunal as a result of severe mental illness.
- N v ACCG [2017] UKSC 22: Sophy was led by DSC's Aswini Weeraratne QC, acting for the mother of a young man with severe physical and learning disabilities, where the Supreme Court considered the role and powers of the Court of Protection.
- E (A Child) [2018] EWCA Civ 550: Sophy was led by Stephen Knafler QC alongside Leon Glenister, acting for the parents of a severely ill toddler in an appeal against declarations that continued life-sustaining treatment was not in the child's best interests.
- Welsh Minsters v PJ [2018] UKSC 66: Sophy was led by DSC's Aswini Weeraratne alongside Gemma Daly, appearing for Mind as intervenor. Mind supported PJ's successful argument that conditions attached to a community treatment order ("CTO") cannot lawfully deprive a person of his or her liberty.
- VS v St Andrews Healthcare [2018] UKUT 250 (AAC): Sophy acted for the appellant in an Upper Tribunal case which gave guidance on the test for capacity to apply to the Mental Health Tribunal.
- Re D (A Young Man) [2020] EWCOP 1- Sophy acted for the mother of D, in one of the few reported cases on the test for permission in the Court of Protection
- AR v West London NHS Trust and the Secretary of State for Justice: [2020] UKUT 273 AAC- Sophy acted for AR in his successful appeal against a decision that a person lacking capacity cannot be permitted a public hearing in the Mental Health Tribunal.

## Inquests

Inquest touching upon the death of Heddwyn Hughes, Milford Haven Coroners Court 2018: Heddwyn Hughes had severe learning disabilities and died after his neck was broken in the care home where he lived. Sophy acted for his family at the inquest where the jury found failings in his care.

Inquest touching upon the death of Emily Inglis, Milford Haven Coroners Court 2019: Sophy acted for the family of Emily Inglis, who took her own life whilst detained under the Mental Health Act. The jury's conclusion was misadventure and the Coroner issued a report for the prevention of future deaths

Inquest touching upon the death of Sasha Forster, Winchester Coroners Court 2019: Sophy acted for the family of Sasha Forster in a four-week inquest involving three NHS bodies and two police forces. The jury's conclusion was suicide and the Coroner issued three separate reports for the prevention of future deaths.

Inquest touching upon the death of Shannon Quinn, Black Country Coroners Court, 2019: Shannon Quinn took her own life in a care home run by Camino Healthcare. Sophy represented her family at an inquest where the Coroner reached a conclusion of misadventure, contributed to by neglect.

Inquest touching on the death of Gaia Pope, Bournemouth Coroners Court 2022: Sophy was led by Caoilfhionn Gallagher KC acting for the family of Gaia Pope. A jury found that failings by mental health services possibly contributed to the death of Gaia Pope who died at the age of 19.

Inquest touching on the death of Donna Neill, Walthamstow Coroners Court 2022: Sophy acted for the family of Donna Neill. The Coroner found failings on behalf of the local authority and Mental Health Trust and that neglect contributed to Donna's death. A civil claim has been settled.

Inquest touching on the death of Jake Baker, Woking Coroner's Court 2023: Sophy acted for the family of Jake Baker who died at the age of 18. The Coroner found that failings by the local authority and the residential college where Jake lived caused Jake's death which was contributed to by neglect.

## Mediation

After qualifying as a solicitor in 1989 Sophy was called to the Bar in 2015. She was founding and managing partner at award-winning firm Miles and Partners LLP for nearly 20 years. As a

former partner in a busy legal aid firm, she has a keen understanding of the importance of early resolution of conflicts.

Sophy was accredited as a mediator by Regents University, London in 2014. She is an Associate Mediator with the Civil Mediation Council. She finds her mediation skills invaluable in many aspects of her work. She has a busy practice in the Court of Protection where Mediation and other forms of Alternative Dispute Resolution are increasingly encouraged. She has mediated in cases arising from judicial review and Court of Protection litigation. She also regularly facilitates Court of Protection round table meetings on behalf of the Official Solicitor, in cases where dynamics between the parties often become complex, and participants can feel mistrustful of each other.

Sophy was pleased to be one of the mediators taking part in the Court of Protection Pilot Mediation Scheme (<https://www.courtprotectionmediation.uk>).

Sophy's approach to ADR is to ensure that all participants are truly listened to, and her experience is that there is often the possibility of finding common ground in the most intractable cases.

Since 2004 Sophy has been a legal member of the First Tier Tribunal (Mental Health) and in 2020 she was nominated as a Deputy District Judge in the Court of Protection. Her skills as a neutral stand her in good stead, particularly in conducting Dispute Resolution Hearings. She also has extensive experience in chairing meetings including the Law Society's Mental Health and Disability Committee, which she chaired for three years.