

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, and statutory 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, displacement of nearest relative applications.

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

Recommended in Legal 500 2015 (Court of Protection): *'fearsomely intelligent, but also wonderfully down to earth, and her quiet comments carry far more weight than any amount of bombast from other lawyers'*.

Chambers and Partners 2017: *"She is extremely thorough, very responsive and very good with clients. Her cases are often reported, so she is at the cutting edge of legal developments ."* *"She's incredibly knowledgeable and respected."*

Legal 500 2018: *"Her knowledge and grasp of case law is difficult to surpass."*

Chambers and Partners 2018: *"Sophy has an encyclopaedic knowledge of the Court of Protection and mental health law. She is kind, approachable and willing to take time to explain her advice in complex matters. She is wonderful with clients and always remains calm in the face of adversity."* *"She is very, very knowledgeable, very good on detail, and very punctual with her drafting."*

Appointments

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

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.

Regular writer for Legal Action magazine.

Contributed to Deprivation of Liberty- A Practical Guide, issued by the Law Society, April 2015.

Related practice areas

Mediation

Court of Protection & Mental Health

Inquests and Public Inquiries

Children's Rights Group

Court of Protection, Mental Health and Inherent Jurisdiction

- 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.

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.

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, and 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 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'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.

She has been involved in a number of significant cases as a solicitor and at the Bar, and her work encompasses both public and private law civil cases. Since 2004 Sophy has been a legal member of the First Tier Tribunal (Mental Health) where her skills as a neutral stand her in good stead. She also has extensive experience in chairing meetings including the Law Society's Mental Health and Disability Committee, which she chaired for three years.

As a member of the mediation team at Doughty Street Chambers, Sophy is developing her mediation and ADR skills in other areas of litigation, including judicial reviews, claims under the Human Rights Act 1998, and in employment and workplace disputes