



# Eleanor Sibley

YEAR OF CALL: 2014



Eleanor Sibley specialises in Court of Protection law, and related areas of public and human rights law. She also has expertise in rights under EU free movement and Withdrawal Agreement law.

Eleanor's work focuses in particular on cases concerning mental capacity, deprivation of liberty, social welfare, social care, and fundamental rights under European law.

She is ranked as a leading junior for Court of Protection and Community Care in the Legal 500 (2024).

"She is calm under pressure and a great team player."

LEGAL 500, 2024

"Eleanor is hard-working, has an excellent eye for detail..."

...[a] persuasive advocate.

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

[publiclawclerks@gclaw.co.uk](mailto:publiclawclerks@gclaw.co.uk) | +44 (0)20 7993 7600

## COURT OF PROTECTION

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Eleanor regularly appears in the Court of Protection, instructed by the Official Solicitor, Accredited Legal Representatives and other litigation friends, local authorities, family members, and others.

She has particular expertise in health and welfare and deprivation of liberty applications, including cases concerning residence, care, contact, medical treatment, and disputes about capacity. She also acts in property and affairs matters.

Eleanor was junior counsel for the respondent in the Supreme Court in *Re D* [2019] UKSC 42, a leading case concerning the deprivation of liberty of young people aged 16 or 17.

Eleanor has an interest in the overlap between mental capacity law and other areas, including immigration, and access to social welfare and housing. She led a Strategic Legal Fund-funded project for the AIRE Centre concerning people who lack capacity to apply to the EU Settlement Scheme, and sits on the advisory panel for the [Migrant Mental Capacity Advocacy Project](#).

### NOTABLE CASES

#### *Re D* [2019] UKSC 42

Junior counsel for the respondent in a leading case concerning the deprivation of liberty of 16 and 17 year-olds.

## ADMINISTRATIVE AND PUBLIC LAW

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Eleanor has a diverse public law and human rights practice, with a particular emphasis on cases concerning:

**Mental capacity**

**“Vulnerable adults”**

**Access to social welfare, and social care**

**Rights of EEA citizens and their family members under the UK-EU Withdrawal Agreement.**

She is a contributing author of *European Court of Human Rights and Mental Health* (forthcoming, Bloomsbury Professional), with Anselm Eldergill (lead author) and Matthew Evans.

Eleanor has a background in EU and European human rights law gained through work at the AIRE Centre (a specialist charity), where she worked before qualifying as a barrister and remains as a consultant. There, her work has included work on third party interventions in the Supreme Court, CJEU and Court of Appeal.

## **NOTABLE CASES**

### ***Harrington v SSWP* [2023] EWCA Civ 433**

Pro bono junior counsel for the intervener (led by Tom de la Mare KC and Ravi Mehta) in a successful appeal against refusal of sickness benefits to a disabled child.

## **EU AND WITHDRAWAL AGREEMENT LAW**

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Eleanor has significant experience of cases concerning:

**EU free movement and social security law;**

**Rights of EEA citizens and their family members to free movement, social welfare, and social security, under the UK-EU Withdrawal Agreement and equivalent agreements with the EEA and Switzerland;**

**The EU Settlement Scheme (“EUSS”); and**

**Migrants who lack mental capacity to apply to the EUSS.**

Alongside private practice, Eleanor is a consultant barrister at the AIRE Centre (a charity specializing in fundamental rights under European law), where she has worked on interventions in leading cases concerning the Withdrawal Agreement, and where she also worked before qualifying as a barrister.

Eleanor was a member of JUSTICE's EUSS working party for its report: *Reforming the EU Settlement Scheme: the Way Forward for the EUSS*.

## **NOTABLE CASES**

### ***Harrington v SSWP* [2023] EWCA Civ 433**

Pro bono junior counsel for the intervener (led by Tom de la Mare KC and Ravi Mehta) in successful appeal against refusal of sickness benefits to a disabled child.

### ***NZ v SSWP***

Junior counsel for the appellant (led by Ravi Mehta) in a successful appeal concerning the test for the right of permanent residence under EU law, as it applies to accession-state nationals.

### ***Saint Prix v SSWP* [2012] UKSC 49 and C-07/12 *Jessy Saint Prix***

Work as part of in-house AIRE team on third party intervention concerning a pregnant agency worker's right to social assistance benefits.

## **BACKGROUND**

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Eleanor moved to Garden Court from Field Court Chambers, where she undertook pupillage and took tenancy.

Before qualifying as a barrister, Eleanor worked for the AIRE Centre, a legal charity which specialises in fundamental rights under European law, and she continues to work there as a consultant.

Eleanor's work at AIRE has included leading international projects on fundamental rights under EU law, advising individuals on complex applications and appeals, delivering training, and working on litigation before the Court of Appeal Supreme Court and European courts.

Eleanor is committed to access to justice, including for people affected by mental capacity issues, and those who cannot afford to pay.

She sits on the advisory panel for the Migrant Mental Capacity Project and led SLF-funded research concerning people who lack capacity to apply to the EU Settlement Scheme. She frequently undertakes pro bono work and provides free advice and representation to individuals through her work at the AIRE Centre.

Eleanor has a background in public policy research. She was formerly a trustee and treasurer of ILPA.

## **PUBLICATIONS**

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*European Court of Human Rights and Mental Health* (forthcoming, Bloomsbury), with Anselm Eldergill (lead author) and Matthew Evans.

Moriarty and Sibley (2015) 'Counting the True Costs of s87 of the Criminal Justice and Courts Act 2015'  
*Judicial Review*, Vol 20, No.3, 2015

Contributed to His Honour Geoffrey Rivlin (2015) *First Steps in the Law* (Oxford, OUP)

Sibley and Collins (2014) 'Benefits for EEA Migrants', *Journal of Poverty and Social Justice*, Vol 22, No.2,  
June 2014, p. 165-171

## AWARDS

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**Award for Outstanding BPTC Results, Inner Temple**

**Major Scholarship for Bar Professional Training Course, Inner Temple**

**Exhibition for GDL, Inner Temple**

## EDUCATION

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**Bar Professional Training Course, City Law School: Outstanding**

**GDL, BPP Law School: Distinction**

**MPhil Philosophy, University of Cambridge (King's College)**

**MA Philosophy, Bristol University**

**BA (hons) Law and Philosophy, University of Cambridge (King's College)**

## PROFESSIONAL MEMBERSHIP

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Court of Protection Bar Association

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

[publiclawclerks@gclaw.co.uk](mailto:publiclawclerks@gclaw.co.uk) | +44 (0)20 7993 7600



57-60 Lincoln's Inn Fields, London, WC2A 3LJ

Email: [info@gclaw.co.uk](mailto:info@gclaw.co.uk)  
Tel: +44 (0)20 7993 7600  
DX: 34 Chancery Lane