

James Presland

Call: 1985

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Specialist in:

- Housing & Community Care
- Civil Law
- Inquests & Public Inquiries Team
- Court of Protection
- Civil Actions Against Public Authorities
- Family Law – Public

Experience

Jamie is an experienced member both of One Pump Court's Family Group, and of our Housing and Community Care Team.

His family practice embraces all aspects of children's public law, acting in care and adoption proceedings for parents, children and kinship carers, as well as cases involving the inherent jurisdiction.

His civil practice primarily involves facets of social services law.

His judicial review work embraces adult community care services and support for children in need and their families, looked after children and care leavers. He is experienced in no recourse to public funds and asylum support cases, and in broader housing and homelessness law. He has also dealt with age disputes and unlawful detention, and civil claims against local authorities and others in respect of past service provision.

He has regularly advised as to the responsibilities of health and social services for the continuing health and care needs of both children and adults.

Jamie has also undertaken substantial welfare cases in the Court of Protection.

His past local authority practice included acting as junior counsel for Haringey (with Liz Lawson QC) in the Victoria Climbié Inquiry, community care, and many care, adoption and wardship cases.

He regularly lectures on social welfare law issues, regularly presenting training seminars with Chambers, and he has spoken at HLPAs and Shelter conferences.

Representative cases

R (AR) v Hammersmith and Fulham LBC [2018] EWHC 3453 (Admin) Local authority powers and duties towards homeless EU national Housing & Community Care Public Law Civil Law

R (C, T, M & U) v Southwark LBC [2014] EWHC 3983 (Admin) Family with no recourse to public funds – whether support rates and accommodation lawful

R (SJ & LJ) v Surrey CC [2014] EWHC 449 (Admin) Children in need – adequacy of assessments, whether additional support due for kinship carer

R (TG) v Lambeth LBC, Shelter Intervening [2011] EWCA Civ 256 Successful appeal against the refusal of eligibility for leaving care services of a young adult

R (Khazai & ors.) v Birmingham CC [2010] EWHC 2576 (Admin) For claimant Azizi, successfully challenging “same day” finding not in priority need and refusal of interim accommodation

R (MM) v Lewisham LBC [2009] EWHC 416 (Admin) Where children’s services were fixed with leaving care duties towards a 17 year old left in a Women’s Refuge

R (N) v Coventry City Council [2008] EWHC 2786 (Admin) Social services’ community care powers and duties towards failed asylum seeker

R (MG) v Tower Hamlets LBC (HRC intervening) [2008] EWHC 1577 (Admin), [2008] ELR 523 Local authority’s compliance with Special Educational Needs and Disability Tribunal requirement for assessment of child in care made at parent’s request.



R (C) v Lambeth LBC [2008] EWHC 1230 (Admin) Successfully challenging the contents of a leaving care package, and extending it beyond 21

Re M (a Child) [2007] EWCA Civ 1550, [2008] 2 FLR 404 Lawfulness of CA 1989 s.91(14) order restricting parent's application for further assessment where child subject to care order

R (T, D & B) v Haringey LBC, R (D) v Haringey Teaching PCT [2005] EWHC 2235 (Admin) Whether health or social services is responsible for a child's continuing care needs, Children Act 1989 ss.17 and 27

LB Haringey v C, E & Anr Intervening [2004] EWHC 2580 (Fam) Care threshold: 'miracle birth' claim where child unrelated to supposed parents and allegations of trafficking through church

Re H Re G (Adoption – Consultation of Unmarried Fathers) [2001] 1 FLR 646 Article 8

R (Ben-Abdelaziz) v Haringey LBC [2001] EWCA Civ 803, [2001] 1 WLR 1485 Human Rights damages not available for period before implementation of 1998 Act

R v Newham LBC ex p Medical Foundation for the Care of Victims of Torture (1998) 30 HLR 955, (1997-98) 1 CCLRep 227 Meaning of "residential accommodation" in community care law; lawfulness of provision of accommodation outside local authority area.

R v Haringey LBC ex p Norton (1997-98) 1 CCLRep 168 Assessment of adult community care needs

Education

BA (Hons) History UEA; Dip Law PCL

Memberships

FLBA

ALBA

HLPA

CPBA

Cases

Re A (Children) [2021] EWCA Civ 451.

Successful appeal against findings of fact against father as to his protection of his step daughter, which would have affected his potential assessment to care for his own children.

A, B And C (Children), Re (Rev 1) [2021] EWCA Civ 451 (01 April 2021) (bailii.org)

R (CTM&U) v Southwark LBC

[2014] EWHC 3983 (Admin)

Family with no recourse to public funds – whether support rates and accommodation lawful (Appeal pending).

Resources

Read the judgement.

R (SJ & LJ) v Surrey CC

[2014] EWHC 449 (Admin)

Children in need – adequacy of assessments, whether additional support due for kinship carer.

Resources

Read the judgement.

R (TG) v Lambeth, Shelter Intervening

[2011] EWCA Civ 256

Successful appeal against the refusal of eligibility for leaving care services of a young adult who had been referred by a youth offending team social worker to housing rather than children's services for support.

Resources

Read the judgement.



R (Khazai) v Birmingham

[2010] EWHC 2576 (Admin)

For claimant Azizi, successfully challenging “same day” finding not in priority need and refusal of interim accommodation

Resources

Read the judgement.

R (MM) v Lewisham

[2009] EWHC 416 (Admin)

Where children’s services were fixed with leaving care duties towards a 17 year old left in a Women’s Refuge.

Resources

Read the judgement.

R (C) v Lambeth

[2008] EWHC 1230 (Admin)

Successfully challenging the contents of a leaving care package, and extending it beyond 21.

Resources

Read the judgement.

T, D & B (R on the application of) v LB of Haringey, D (R on the application of) v Haringey Teaching Primary Care Trust

[2005] EWHC 2235 (Admin)

Whether PCT or social services is responsible for a child’s care needs, Children Act 1989 ss.17 and 27

Resources

Read the judgement.



LB Haringey v C, E & Anr Intervening

[2004] EWHC 2580 (Fam)

Care threshold : ‘miracle birth’ claim where child unrelated to supposed parents and allegations of trafficking through church.

Resources

Read the judgement.

Re H Re G (Adoption – Consultation of Unmarried Fathers)

[2001] 1 FLR 646

Article 8

