

# Matthew Wyard

**Year of Call:** 2014

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## Overview

Matthew Wyard provides advice and representation on public law matters concerning education, health and social care, as well as private client matters, predominantly (but not exclusively) in the Court of Protection. He is described in the directories as *"meticulous in his preparation and has a great way with clients, putting them at ease"*, *"is very detailed and will go that extra step in order to present the strongest possible case"* and whose *"advocacy is well beyond his year of call"* (Legal 500).

For more information on Matthew's specialist practice areas please see his area specific profiles below.

Matthew prides himself on *"excellent, comprehensive and practical"* advice as well as his *"exemplar"* client care (Chambers UK).

Matthew is a widely published legal author. He is a contributing author to the Education Law Handbook, the leading text for education law practitioners and a contributing editor to Clarke Hall and Morrison on Children. He regularly writes for Lexis PSL and Practical Law and has also been published in The Times Higher Education, the Education Law Monitor and the Solicitors Journal.

Matthew is committed to protecting and respecting your privacy. Please contact him for a copy of his privacy notice which sets out the basis upon which any personal data he may receive will be protected.

## Court of Protection

Matthew is a Leading Junior in Court of Protection and is described as *"an excellent advocate"* (Legal 500, 2022) whose *"encyclopaedic knowledge of both English and Welsh social care law is an advantage"* (Legal 500, 2021).

He undertakes the entire range of instructions in the Court of Protection in both the health & welfare and property & affairs jurisdictions and represents all parties to proceedings. More detail on each area is set out below.

In 2023, Matthew started 3PB's Court of Protection and Community Care Podcast: *CopComm*.

### Property and Affairs

Much of Matthew's Court of Protection practise falls under its property and affairs jurisdiction. Matthew regularly represents the Office of the Public Guardian, local authorities, individuals, the Official Solicitor, professional deputies and trustees. He is familiar with issues such as elder abuse, inheritance tax, capital gains tax, statutory Wills, gifting, powers of attorney, deputyships, personal injury trusts.

Representative examples of Matthew's work include:

- OPG v SH & Ors – representing the successful applicant in an application for declarations as to P’s capacity to execute lasting powers of attorney. Involved detailed legal arguments around the different relevant information for managing property and affairs/executing an LPA
- ZG v ED – advising the respondent in a contested deputyship application. Issues arising include a property sale and the capital gains implications for P’s estate
- (1) A (2) G v A professional deputy – Successfully defending a professional deputy in an application to discharge their deputyship. Issues included whether the applicant had brought the application on the correct legal basis
- OPG v RL – Successfully representing the Applicant in proceedings seeking an order to cancel the registration of an LPA due to P lacking capacity at the time it was made
- OPG v SLH & Ors – Representing the OPG in proceedings seeking to cancel the registration of an LPA and secure the granting of a professional deputy to protect P from financial abuse
- OPG v JMG – Representing the OPG in proceedings seeking to cancel the registration of an LPA due to the attorney financially abusing P.
- OPG v G – Representing the OPG in proceedings seeking to cancel a deputyship order due to financial abuse on the part of the deputy
- KSC v S Council – Defending an application which proceeded to a contested final hearing seeking to discharge a deputyship order. Involved the cross examination of an incapacitated individual on their wishes and feelings which was described as “skillful” and “sensitive” by the judge.
- Office of the Public Guardian v CE – Advising and representing the defendant attorney in proceedings brought by the OPG to cancel Lasting Powers of Attorney for both property/affairs and health/welfare on the ground that P had capacity at the point of execution
- Office of the Public Guardian v MS – Advising and representing the defendant attorney in proceedings brought by the OPG to cancel registration of a Lasting Power of Attorney for health and welfare on the basis that P had capacity at the point of execution
- G v G – Advising and representing a family member opposed to her siblings application for property and affairs deputyship over their mother due to concerns about financial abuse
- Office of the Public Guardian v LK – Advising and representing the defendant attorney on an application for removal sought by the OPG
- Re: AA – Advising a HNW client in conference and in writing on the options for protecting the assets of an incapacitated family member, including considering the appropriateness of a deputyship order or the settlement of a trust structure
- Re: JS – Advising professional deputies on the proper construction of an indemnity clause within a PPO arising from a £1.7m clinical negligence settlement and on their obligations pursuant to the same
- Re: DS – Advising an attorney on the legalities and procedure surrounding the transfer of property at an undervalue within civil proceedings where the defendant had lost capacity
- GB v SW – Advising and representing the defendant family member contesting a property and affairs deputyship application on the basis of alleged historic financial abuse
- S City Council v KSC – Advising and representing a local authority in a contested application for a deputyship order over P’s property and affairs following his falling victim to online fraud. Involved issues of online romance scamming and international money laundering.
- Re: LCD – Advising a national law firm’s private client department on the risks arising out of the transfer of property from a PI trust and the appropriate method of making the transfer.

## Health and Welfare

Matthew regularly represents the Official Solicitor, family members, RPRs and local authorities in the range of health and welfare matters coming before the Court of Protection. His background in public law and education law, means that he can offer consistency of representation across all areas where the protected party is an adolescent. As such, he is regularly sought after by local authorities to advise on cross over cases where social care and education responsibilities are at the

fore.

Representative examples of Matthew's health and welfare work includes:

- TQ v (1) A Health Board (2) A Local Authority – representing the LA in a complex s21A matter where P absconded from multiple care homes and travelled between England and Wales.
- H Council v JB – Advising and representing a local authority in respect of a section 16 challenge concerning P's capacity to engage in sexual relations and make decisions concerning his education.
- B CCG v HJ & Ors – Advising and representing P, through the Official Solicitor, in a section 21A challenge concerning a Third Party Personal Health Budget, as well as an urgent issue regarding international travel.
- County Council v JAS – Advising and representing a local authority in a section 21A application within which there were issues concerning P's habitual residence.
- B Council v PM – Advising and representing a local authority in respect of a DoLS challenge where P resides at an independent specialist college and the interplay between the education and DoLS schemes.
- Re: SB – Advising a family member and corresponding with a local authority on their behalf concerning allegations that the local authority was unlawfully preventing them from seeing their adult children.
- Re: MR – Advising and representing P in a dispute over a ward change following the Covid-19 pandemic.
- KH v S County Council – Advising a local authority on the interplay between the different regimes under the Mental Health Act 1983, s21A Mental Capacity Act and s39 Children and Families Act 2014.
- S City Council v JDC & Ors – Advising and representing a family member in this long running s21A and contact challenge.
- CEM – Representing P in a dispute over her end of life arrangements.

### **Inherent jurisdiction of the High Court/Safeguarding of vulnerable adults and children**

Much of Matthew's work involves safeguarding. Where appropriate, Matthew is happy to represent parties before the Family Division of the High Court in proceedings under the Inherent Jurisdiction. Recent examples include:

- Re: C – Advising a professional deputy as to safeguarding an incapacitated 16 year old from family members refusing to allow him access to court approved therapeutic support.
- E County Council v CM & Ors – Advising and representing the applicant local authority in Tier 3 proceedings concerning international abduction of an incapacitous adult.
- Re: DN – representing an independent school in emergency proceedings issued under the Inherent Jurisdiction to authorize a child's deprivation of liberty in an unregulated placement. Matthew also advised on the concurrent threatened Administrative Court proceedings against the school.
- Re: AA – representing a family member in proceedings issued under the Inherent Jurisdiction concerning International Child Abduction.

### **Medical treatment**

Matthew is developing a medical treatment focus to his practise and is happy to advise parties to medical treatment proceedings on an out of hours/emergency basis. To date, medical treatment matters he has been involved with include:

- NT v An NHS Trust and Ors – representing a respondent in a dispute concerning P's mental health treatment.
- Re: JC – representing the family members in a dispute concerning whether or not P should receive dental treatment.

## **Articles**

3PB's specialist Court of Protection barrister [Matthew Wyard](#) explores the recent Court of Protection property and affairs case of *Irwin Mitchell Trust Corporation v (1) PW (2) the Public Guardian* [2024] EWCOP 16.

[View Article](#)

Matthew Wyard on the recent Court of Protection property & affairs decisions of PSG Trust Corporation Ltd v CK & Re: P (Statutory Will).

In PSG Trust Corporation Ltd v CK [2024] EWCOP 14, the Court considered how a property and affairs deputy should approach the issue of whether to inform P of the value of a civil litigation settlement.

Re: P (Statutory Will) [2024] EWCOP 12 concerned an application to amend a statutory will, for which the Court had to consider if unidentified charity beneficiaries had to be served with the application to amend in accordance with the requirements of paragraph 9 of Practice Direction 9E.

[View Article](#)

3PB's specialist Court of Protection barrister [Matthew Wyard](#) has written on the recent Court of Protection property and affairs decision of TA v the Public Guardian, a case confirming the scope of a certificate provider's duties when executing a LPA.

[View Article](#)

## Recommendations

Matthew Wyard is skilled in handling public law challenges arising from decisions made in relation to education. He is a member of the Attorney General's 'C' panel.

### **Chambers UK 2024**/Administrative and Public Law/Regions

Matthew Wyard acts for a wide range of clients, including several individuals and education institutions. He is particularly well regarded for this work before the SEN Upper Tribunal and offers additional expertise in judicial reviews.

Strengths: "He is very good and knowledgeable in the education law field."

"Matthew is very good at reviewing papers and picking up information and facts very quickly, and he is always on top of things."

### **Chambers UK 2024**/Education/London Bar

Strengths: "He is an outstanding advocate with a fantastic grasp of complex, factual cases and a thorough and detailed knowledge of the legal framework. His client care is exemplary."

"Matthew is capable of dealing with complex matters at a rapid pace."

"Matthew works tirelessly for his clients and puts up quite a performance within the special needs tribunals."

### **Chambers UK 2023**/Education/London Bar

Strengths: "He is proactive, very knowledgeable and good at what he does." "His advice is excellent – comprehensive and very practical as well."

Recent work: Acted for the successful respondent in Nottinghamshire County Council v SF & Others, a challenge to the approach taken by the Upper Tribunal to a 'refusal to issue' appeal.

### **Chambers UK 2022**/Education/London Bar

'His knowledge and expertise make him a natural choice to instruct on judicial review matters. He knows the Welsh legislation inside out. He is tactically very astute in such challenges and delivers advice in a timely and sensitive manner.'

### **Legal 500 2024**/Administrative and Public Law/Leading Juniors/Wales and Chester

'Matthew is quick to get to the crux of a case and exhibits particular expertise in cases involving special educational needs. His ability to look at a case from all sides is a particular strength.'

**Legal 500 2024/Education/Leading Juniors/London Bar**

'He quickly picks the issues in the case and is particularly great in a round table meeting which includes litigants in person. He is able to clearly take the parties through the main issues, which helps to progress the matter and discussion.'

**Legal 500 2024/Court of Protection and Community Care/Leading Juniors/Wales and Chester – Ranked in Tier 1**

'He is calm under pressure, very reassuring with clients and has a keen eye for detail. He is measured in his approach and has particular expertise within the area of special educational needs law within Wales. He is fast becoming the go-to barrister in this area of law, which has seen major changes over the last couple of years. He appropriately adapts his style of advocacy to the relevant forum and is respected by fellow barristers and judges alike.'

**Legal 500 2024/Education/Leading juniors/Wales and Chester – Ranked in Tier 1**

'Matthew is meticulous with his preparation and has a great way with clients, putting them at ease so that they can give clear and cogent evidence. His advocacy is well beyond his year of call.'

**Legal 500 2023/Education/Leading Juniors/London Bar**

'Matthew is very detailed and will go that extra step further in order to present the strongest case possible. He is very approachable and clients like him.'

**Legal 500 2023/Education/Leading juniors/Wales and Chester – Ranked in Tier 1**

'An excellent advocate.'

**Legal 500 2023/Court of Protection and Community Care/Leading Juniors/Wales and Chester – Ranked in Tier 1**

'A junior with good client care skills, and his advice is well-considered, comprehensive and clear.'

**Legal 500 2022/Court of Protection and Community Care/Rising Stars/Wales and Chester – Ranked in Tier 1**

'A strong and detailed advocate who quickly identifies the relevant issues in a case. He has the ear of the Tribunal.'

**Legal 500 2022/Education/Rising Stars/Tier 1/Wales and Chester**

"[...] the addition of Matthew Wyard to the team has given real fire power to their Court of Protection offering in Wales."

'His in-depth knowledge of Welsh social care law is an advantage.'

**Legal 500 2021/Court of Protection and Community Care/Rising Stars/Tier 1/Wales and Chester**

"[...] 3PB's presence in this region comes in the form Matthew Wyard... He specialises in public law challenges in the education sector, civil claims against education institutions and special educational needs appeals."

'One of very few barristers in the Country who has a true grasp of Welsh Education Law.'

**Legal 500 2021/Education/Rising Stars/Tier 1/Wales and Chester**

"Thank you again for the excellent outcome you obtained for us yesterday. This note is also very helpful. I have shared it with our wider team because I am sure that the outcome will assist with the handling of many of the other data protection claims across [the organisation] at the moment.

It was a stroke of luck for us that you were able to assist with this matter at short notice and your work is very much appreciated."

**Instructing Solicitor, Data protection matter**

"I did also want to mention that...we have received some excellent feedback recently for 3PB and thought it would be good to share this with you. I have received excellent reports from [team members] and most importantly of all, my clients, regarding the high quality and standard of the work that we are receiving...specifically in relation to...Matthew...I have worked closely with Matthew on one of my cases recently and I am hugely impressed, as are the clients, over his handline and management of the case. The clients are absolutely delighted with his professionalism, conduct and communication. This is a case where it has gone part-heard and the clients do not seem to mind a bit as Matthew has been just excellent"

**Partner/Head of Education – National Law Firm**

"I instruct Matthew regularly and am never disappointed by the level of professionalism and knowledge he brings to each case he is instructed on. Matthew has a unique way of identifying the key issues of a case and preparing submissions in a clear and persuasive manner, in order to achieve the best result possible. I can trust that he will always provide honest and efficient advice and am happy to have good working relationship with him."

**Instructing Solicitor**

As you can imagine, it is extremely stressful for families to be going through this so I just wanted to say a big thank you for supporting me through [the] tribunal. I would recommend you to anyone going through similar proceedings. We are delighted with the outcome and have not stopped smiling since!

**Client, Education**

Firstly, the client would like for me to pass on their gratitude to Matt for all of his assistance on this matter. They described him as "a really nice guy who fought formidably for them and have nothing but praise for the work he has undertaken".

**Clients feedback to instructing solicitor**

Thank you so much for recommending and introducing us to Matthew. We've effectively been on hold for two years waiting to hear from the Coroner's. It was painful for us to engage again with the legal process. We appreciate that you also experienced difficult emotions. We were on a very long journey that ultimately ended in tragedy, so we'd be lying to say we weren't dreading the meeting at 3PB.

Matthew was so professional, on point and informative. But above all, he was kind and empathetic. We didn't feel pushed into making a decision, but ultimately, his clarity in describing the potential road ahead allowed us to make a pragmatic decision. We did leave the Chambers convinced that pushing forward was the right thing to do. However, as the night wore on, and emotions fluctuated we were able to come to the view that there is little point in pushing for an Inquest to be opened. It's a huge weight off our shoulders and we'd be grateful if you could convey to Matthew just how pivotal he was in helping us reach this point of release.

**Clients feedback to instructing solicitor**

## Academic qualifications

- LL.B (Hons) Law, Upper Second Class, University of Surrey
- Pg Dip (BPTC), Very Competent, City Law School

## Scholarships

- Erasmus Scholarship
- Blackstone Chambers BPTC Mooting Competition, Semi finalist, 2013

## Professional qualifications & appointments

- Chair of the Valuation Tribunal for England
- Attorney General's C Panel of Counsel to the Crown
- Chairman, Court of Protection Practitioners Association (COPPA), Midlands

## **Professional bodies**

- Lincoln's Inn
- Western Circuit
- Education Law Association
- Court of Protection Practitioners Association (COPPA)
- Court of Protection Bar Association
- Constitutional and Administrative Law Bar Association