

Varsha Jagadesham

Call: 2014

"Varsha is extremely thorough and leaves no stone unturned."

Legal 500 2025



Varsha Jagadesham is a specialist public law barrister, with a particular emphasis in mental capacity, mental health law, and community care.

She is a member of the Attorney General's London C Panel of Junior Counsel.

Expertise

Court of Protection

Varsha has a very busy Court of Protection practice, acting primarily in complex health and welfare matters, and property and affairs cases.

Notable Cases

University Hospitals Bristol NHS Foundation Trust v ED (1) FD (2) [2020] EWCOP 18 [Tier 3]

Instructed by P's mother in a serious medical treatment case concerning the withholding of life-sustaining treatment from P (led by Victoria Butler-Cole QC).

The London Borough of Hillingdon v JV and Ors [2019] EWCOP 61

Instructed by the Official Solicitor on behalf of P in proceedings to consider P's future residence and care. This was a judgment by Senior Judge Hilder, given during the course of the proceedings, on the appointment of RPRs in the context of an attorneyship for health and welfare.

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Re CH

Instructed by the Official Solicitor on behalf of P in proceedings concerning whether P had capacity to consent to COVID-19 vaccination and if not, whether it was in their best interests to receive the vaccine.

Re C

[Tier 3] Instructed by the local authority in proceedings concerning the residence and care of P who had diagnoses of mild learning disability and paedophilia; was detained under the Mental Health Act, a restricted patient, and subject to a Sexual Offences Prevention Order; and was likely to be conditionally discharged into the community. The issues were P's capacity to make decisions about what care he needs, his contact with children, and his use of the internet and social media. The CCG/ Trust instructed leading counsel.

Re N

Instructed by the Official Solicitor on behalf of P, who had a mild learning disability, and where there were concerns regarding hoarding and inappropriate sexual behaviour with female relatives whilst living in the family home. The issues included P's risk of sexual abuse, the care and support he required, and his capacity to make decisions about residence, care, contact, and sexual relations.

Re PL

Instructed by the Official Solicitor on behalf of P, against whom there have been allegations of stalking. The issues centre on P's care arrangements.

Re I

Instructed by the Official Solicitor on behalf of P who has an organic personality disorder, and has been detained under the Mental Health Act during proceedings following escalating physical assaults, threats of extreme violence, placement breakdown, and concerns of sexual exploitation. The issues are P's capacity to make decisions about her residence, care, contact with others, social media and internet use, and sexual relations.

Re JB

[Tier 3] Instructed by P's mother in proceedings regarding P's capacity to make relevant decisions and the authorisation of P's deprivation of liberty. The issue is P's capacity with regards to sexual relations.

Re MA

[Tier 3] Instructed by P's father in a local authority's application regarding P's residence, care, contact with others, marriage, and foreign travel, as well as for the continuation of a Forced Marriage Protection Order against P's father. P had moderate-to-severe learning disabilities, and the local authority was concerned that P's father intended to take P imminently to Somalia to be married.

Re YS

[Tier 3] Instructed by the local authority in a welfare application regarding the management of P's epilepsy whilst overseas, and whether or not it was in his best interests to travel abroad.

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Re V

Instructed by the Official Solicitor on behalf of P in proceedings concerning potential financial abuse and other safeguarding concerns. The local authority has instructed leading counsel.

Re BJ

Instructed by the Official Solicitor on behalf of P in proceedings concerning P's capacity to make decisions about contact with others, and the application of the inherent jurisdiction of the High Court.

Re JB

Instructed by the Official Solicitor on behalf of P who has organic personality disorder and has repeatedly gone on hunger strike at multiple placements, leading to their breakdown. The proceedings concern P's future residence and care.

Re D

Instructed by P's mother in a welfare application regarding P who had diagnoses of quadriplegia and cerebral palsy, and who lived with her mother and required intensive 24/7 care. The issue was the minimum number of hours of professional care required for P to reside at home. The Official Solicitor instructed leading counsel.

Re PL

Instructed by the RPR on behalf of P, who had diagnoses of autism and severe learning disability. The issue was whether a bespoke placement was in P's best interests given the complexity and severity of his needs. The CCG instructed leading counsel.

Re KP

Instructed by P's mother as junior counsel (led by Keri Tayler) in a welfare application regarding the future placement of P. P was a teenage girl with significant care and support needs arising from her emotionally unstable personality disorder. She had experienced a series of placement breakdowns, with escalating risk to herself and others, leading to her eventual detention under the Mental Health Act.

Re G

Instructed by the local authority in a welfare application regarding the residence, care, and contact of P. P was a man with moderate learning disabilities and Down's Syndrome, where there were concerns regarding physical abuse and coercion by family members, and repeated suicide attempts by P.

Re ML

Instructed by the RPR on behalf of P, who was a 70-year-old woman with a history of alcohol abuse and alcohol-related brain damage. The proceedings concerned P's future residence and care.

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Re PG

Instructed by the local authority in proceedings concerning whether it was in P's best interests to return home with a package of care. P had a complex combination of physical and cognitive diagnoses, including alcoholic dependence syndrome, opioid dependence syndrome, vascular dementia, Korsakoff's syndrome, and unstable type 1 diabetes. The case required extensive MDT input.

Re JL

Instructed by the local authority in proceedings concerning the residence and care of P, who was a 60-year-old woman with Huntington's disease. The matter involved urgent applications to remove P from her home. The Official Solicitor instructed leading counsel.

Health & Welfare

Varsha is regularly instructed in complex health and welfare matters by the Official Solicitor, RPRs and lay litigation friends, family members, local authorities, health authorities, and care providers. She frequently acts as sole counsel in cases where other parties are represented by either leading counsel or more senior juniors.

Varsha's expertise is both broad and detailed, spanning capacity disputes, residence, care, contact with others (including where there is a risk of abuse/offending by P, and/or a risk of abuse to P), social media and internet use, sexual relations, marriage and forced marriage, foreign travel, deprivation of liberty (including challenges to DOLS authorisations), COVID-19 vaccination, and financial abuse. Varsha is experienced in matters concerning the interplay between the Mental Capacity Act and Mental Health Act, and has advised on issues relating to the COVID-19 pandemic.

Varsha appears in Tier 3 (High Court) cases as either sole or junior counsel. To date, these cases have involved: serious medical treatment (the withholding of life-sustaining treatment, led by Victoria Butler-Cole QC), foreign travel, marriage and forced marriage, residence, care, contact with others, and sexual relations. Varsha is experienced in acting in urgent applications to the Court of Protection and can advise on the same. She also appears in applications within the inherent jurisdiction of the High Court.

Property & Affairs

Varsha acts most often for the Public Guardian in matters concerning the validity of LPAs, and the operation of LPAs and deputyships. Varsha has considerable experience acting in dispute resolution hearings, directions hearings, and final hearings for the Public Guardian.

In addition, Varsha acts in health and welfare proceedings concerning financial abuse of P.

Inquests, Public Inquiries & Coronial Law

Varsha accepts instructions from families and public authorities.

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She is particularly committed to acting in inquests involving the deaths of vulnerable adults in state settings, and/or which have a mental capacity/mental health element.

Public Law

Varsha has acted as junior counsel in both judicial review and appellate cases. These range from mental health law to prison law (see below for list of cases).

In addition, as sole counsel, Varsha has experience advising on challenges regarding Care Act assessments and bringing HRA claims by prisoners who have experienced delay within the parole system.

Notable Cases

R (on the application of CXF) v Central Bedfordshire Council (1) NHS North Norfolk Clinical Commissioning Group (2) [2018] EWCA Civ 2852

Appeal regarding whether s.117 Mental Health Act 1983 (concerning the provision of after-care services) applies to escorted leave into the community (junior counsel for local authority led by Mike O'Brien QC).

AM (Pakistan) v Secretary of State for the Home Department [2017] EWCA Civ 180

Appeal concerning Art 8 and the reasonableness test in s.117B(6) Nationality, Immigration and Asylum Act 2002 and para 276ADE(1) of the Immigration Rules (junior counsel for AM led by Dr S Chelvan)

R (on the application of Hussain) v The Parole Board [2016] EWHC 288 (Admin)

Substantive judicial review concerning the Parole Board's delay in providing oral hearings; arguing breach of 'James' systems duty and breach of the Art 5 ancillary duty (junior counsel for claimant led by Philip Rule)

Education

Varsha's practice focusses on special educational needs. She acts for parents and local authorities in appeals to the First-Tier Tribunal regarding Education, Health and Care Plans (EHCPs), as well as appeals from the FTT to the Upper Tribunal and above.

Varsha also accepts instructions in respect of school admission and exclusion appeals. She accepts instructions from charities, schools, colleges, and school governing bodies, both from the maintained and the independent sectors.

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Awards



Accreditations

- BPTC Major Scholarship, Inner Temple (2013)
- GDL Exhibition and Duke of Edinburgh Entrance Scholarship, Inner Temple (2012)
- Selected by Harvard Kennedy School of Government, European Molecular Biology Laboratory and European School of Molecular Medicine to attend E4S (postgraduate summer school on science and society) (2008)
- MPhil Studentship, BBSRC (2007)

Memberships

- Advocate
- ALBA
- BHRC
- CoPPA
- CPBA
- YLAL

Appointments

- Attorney General's London C Panel of Junior Counsel
- Court of Protection Bar Association (CPBA) : Elected committee member
- RESPECT counsellor at No5 (providing advice and support to No5 members/staff affected by inappropriate behaviour)

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Qualifications

- BPTC, City Law School: Very Competent
- GDL, City Law School: Commendation
- MPhil Molecular Biology, Pembroke College, Cambridge University
- BA/MSci (Hons) Natural Sciences, Pembroke College, Cambridge University: 2.1

Media

- Health and Welfare Update: Sex, Contact and Covid (2021)
<https://www.youtube.com/watch?v=YZq6oUT4TiY>
- Court of Protection Team Podcast: Ep 3 – Urgent applications to the Court of Protection (2020)
<https://media.no5.com/video/41/no5-court-of-protection-podcast-episode-3/>

Seminars and Training

Varsha regularly presents at seminars and training events on mental capacity law, attended by solicitors, health and social care practitioners, deputies, and case managers. She welcomes invitations to deliver training.

Background

Varsha graduated from Cambridge University with an MA/MSci (Hons) in Natural Sciences (Biochemistry) and an MPhil in Molecular Biology.

She subsequently worked for a number of years in bioethics research and policy at the Nuffield Council on Bioethics. There she researched and prepared major reports on the ethical issues regarding dementia, neurotechnologies that intervene in the brain, and biofuels. She also prepared papers on a range of other ethical issues, including the ethics of paediatric clinical trials and global health inequalities.

Given her background, Varsha has a strong interest in bioethics and healthcare law.

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