St.Mary's

Public Law Conference 2026

CLEAVER & WAKE

Thursday 14th May 2026

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Welcome

09:00-09:20
Arrival & pastries

09:20-09:30
Conference welcome | Sara Davis, Head of Public Law Practice

09:30-10:00
Keynote address | Ms Justice Harris (remotely)

10:00-10:45
How to approach Part 25 applications | Anita Thind & Matthew Chipperfield-Taylor

10:45-11:00
Coffee break

11:00-11:45
NAI & Metabolic Bone Disease and Fractures | Professor Stephen Greene

11:45-12:15
Family Law Advice for the Neurodivergent Community (FLANC) | Caroline Croft & Hannah Simpson

12:15-13:15
Lunch

13:15-14:00
Case Law Update | Paula Bloomfield and Eleanor Hull

14:00-14:45
Fabricated & Induced Illness Cases | Dr David Robinson

14:45-15:00
Coffee & cake

15:00-15:45
AI: The Do's & Don'ts | Stephen Williams

15:45-16:00
Conference close

16:00-17:00
Drinks reception

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Guest Speakers

The Honourable Ms Justice Harris

Appointed by His Majesty the King as a High Court Judge in September 2024, Ms Justice Harris was appointed as the Family Presiding Judge for the Midland Circuit in October 2025.

Dr David Robertson

David Robinson is a Consultant Paediatrician and author of Paediatric Forensic Evidence (Springer 2017) which provides guidance to professionals for children who present with injuries, neglect, illness falsification and other forms of child abuse.

Professor Greene

Professor Stephen Greene is a General Paediatrician with a special interest in the overall health of children, growth and development, paediatric endocrinology, including diabetes, hormone and metabolic disorders as well as puberty and obesity.

Caroline Croft

Caroline is a specialist in all areas of the law relating to children, with a wide range of expertise and experience, especially in complex proceedings; cases involving complex medical issues or evidence; and cases with issues of neurodivergence.

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Speakers

Sara Davis

Head of Public Law Practice Group

Sara was called to the Bar in Canada in 1996, where she practised for three years. She moved to England in 1999 and became a solicitor specialising in family law.

Sara transferred to the Bar and joined St. Mary's in 2014. The focus of her practice since joining St. Mary's has been complex public law proceedings representing local authorities, parents and children.

Anita Thind

Anita graduated in 1987 having read Law at Bristol and was admitted to the Inner Temple the same year. She was called to the Bar in 1988 and undertook child protection research in Seattle, Washington from 1988 to 1989.

Anita joined St Mary's in 2014 and has extensive experience in complex public law cases, acting for local authorities, parents, guardians and other family members.

Matthew Chipperfield-Taylor

Matthew was called to the Bar in 2017. He completed his Family Law pupillage in 2018 before joining St Mary's Chambers in 2024.

Initially trained in all areas of Family Law, Matthew now specialises in Public Law Children's work, where he acts for Local Authority's, parents and Guardians.

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Speakers

Hannah Simpson

Hannah joined St. Mary's Chambers in April 2007 and has acted as a representative in complex, high-profile cases. This encompassed conflicting medical opinion, serious sexual/physical abuse of adults and children, involving non-accidental injuries and child death and factitious illness syndrome.

Hannah has expertise in representing Neurodiverse parents and children. Hannah also has a real interest in ensuring such clients are properly supported during the court process.

Paula Bloomfield

Paula specialises in representing parents, children, family members and interveners in all stages of care proceedings including adoption, applications for contact with children in care and applications to discharge/revoke care and placement orders.

She has been involved in many complex cases involving injuries to children, including bone fractures, burns, bruising and sexual abuse.

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Speakers

Eleanor Hull

Eleanor became a tenant after successfully completing her pupillage under the supervision of Joshua Hazelwood, Sara Davis and Charlie Fikry.

Eleanor is regularly instructed in Public Law Proceedings acting for local authorities, parents and children (through their guardian), at all stages of hearings including, contested interim removals, case management, issues resolution hearings, fact finding hearings and final hearings.

Stephen Williams

Stephen is a barrister who specialises in public law care proceedings and financial remedies work. Stephen is known and respected for his detailed knowledge of the law and the relevant facts, together with his robust and dogmatic representation of his clients.

Stephen regularly represents parents and local authorities at complex fact-finding hearings involving the most serious allegations and injuries, together with final hearings where significant lifelong issues are in dispute.

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Welcome

Sara Davis

Head of Public Law Practice Group

Speaker

Public Law Conference 2026

Keynote Address

Ms Justice Harris

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How to Approach Part 25 Applications

Speakers

Anita Thind

Matthew Chipperfield-Taylor

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Family Procedure Rules 2010, Part 25

What is it – a formal application to the Court to instruct an Expert

Application – all family proceedings (Children, Finance, other family proceedings)

Purpose – bridge a knowledge gap between the Court and the evidence in the proceedings by applying for specialist knowledge the Judge needs to determine the issues in the proceedings.

Court's Gatekeeping – the requirement for the Family Judge to grant a Part 25 application is part of the courts gate-keeping role preventing against delay , excessive costs and maintaining proportionality.

Comparison of Part 25 in CA proceedings

The Criminal Procedure Rules 2025, Part 19

- Court's permission not required
- Legal test - whether the evidence is relevant & admissible
- Separate instructions rather than SJE
- No statutory time limit (no 26 weeks timetable)

Proceedings to which CPR Part 35 applies

- 'Reasonably required' test

Section 13 Children & Families Act 2014

(1)A person may not without the permission of the court instruct a person to provide expert evidence for use in children proceedings.

(3)A person may not without the permission of the court cause a child to be medically or psychiatrically examined or otherwise assessed for the purposes of the provision of expert evidence in children's proceedings

(5)In children's proceedings, a person may not without the permission of the court put expert evidence (in any form) before the court.

The ' necessity test' – Ss 13(6) & 13(7) – statutory framework

Section 13(6) Children & Families Act 2014 '…Only if expert evidence is necessary to assist the court to resolve the proceedings justly'

Section 13(7) Children & Families Act 2014

(7)When deciding whether to give permission as mentioned in subsection (1), (3) or (5) the court is to have regard in particular to—

a. any impact which giving permission would be likely to have on the welfare of the children concerned, including in the case of permission as mentioned in subsection (3) any impact which any examination or other assessment would be likely to have on the welfare of the child who would be examined or otherwise assessed,

b. the issues to which the expert evidence would relate,

c. the questions which the court would require the expert to answer,

d. what other expert evidence is available (whether obtained before or after the start of proceedings),

e. whether evidence could be given by another person on the matters on which the expert would give evidence,

f. the impact which giving permission would be likely to have on the timetable for, and duration and conduct of, the proceedings,

g. the cost of the expert evidence, and

h. any matters prescribed by Family Procedure Rules.

'President's Memorandum: Experts in the Family Court', *11 October 2021, where the test of necessity is explained as follows:*

'Such expert evidence will only be "necessary" where it is demanded by the contested issues rather than being merely reasonable, desirable or of assistance (Re H-L (A Child) [2013] EWCA Civ 655). This requirement sets a higher threshold than the standard of "assisting the court" …'

'The Family Court adopts a rigorous approach to the admission of expert evidence. As the references in this memorandum make plain, pseudo-science, which is not based on any established body of knowledge, will be inadmissible in the Family Court.'

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The' necessity test' –

Re A&B (Children : Expert's Reports 2024 EWHC 948 Fam

- The judge does provide any other explanation as to why the input of a psychologist would be necessary to enable a just conclusion to the proceedings.
- He does not identify what necessary issues any psychological assessment of the mother would now address.
- The identification of certain issues about which expert evidence is required.
- Has not in his judgment identified any proper basis upon which the appointment of Dr Hardiman can now be considered a necessity in the context of these proceedings.

Application tips

Necessity –

- The knowledge is specialist knowledge (the expertise of the expert).
- Identify the issues that specialist knowledge will address.
- Identify why the case cannot be resolved/ fairly resolved without the issues you have identified being addressed.

Alternative evidence

- Identify the alternative evidence e.g. CG assessment, Judges own evaluation of the issues.
- Demonstrate why that is inadequate to address the issues in the case.

The impact on the proceedings

- Timetable
- In the context of the overall complexity of the case

Proportionality of the cost

- Gravity of the issues in the case
- Overall cost of the case

Welfare

- Relate each of your arguments where possible to welfare

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Topics to cover from the updating case law

- Applications to call experts to give oral evidence
- Appropriate Experts - Psychologists
- Relying on treating clinicians or requiring experts – The dividing line

Applying for an Expert to give Oral Evidence

Starting Point:

Family Procedure Rules FPR r25.9

(1) Expert evidence is to be given in a written report unless the court directs otherwise.

(2) The court will not direct an expert to attend a hearing unless it is necessary to do so in the interests of justice.

As was made clear by the Court of Appeal in Re M (Intermediaries), where a test of necessity is set out in the rules, there is "no warrant for overlaying the test of necessity with concepts of rarity or exceptionality". – as applied in *A Local Authority v X (Attendance of Experts) [2025] EWFC 137*

Also worth remembering that any such decision, is a Case Management Decision and therefore:

- The child's welfare is not the paramount consideration
- The overriding objective in FPR r.1(1) is the Court's guiding principle - *R v A Local Authority and Others [2012] 1 FLR 1302*
- Any appeal of such a decision has a much tighter timeframe, your appellant's notice must be filed within 7 days starting on the date the decision was made (FPR r.30.4(3)(a))

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A Local Authority v X (Attendance of Experts) [2025] EWFC 137

Basic Facts

An application by the parents, supported by the Guardian, to call 6 experts to give evidence, in a case where a young child of 5 weeks had presented to hospital with a constellation of injuries including brain bleeds and abdominal trauma. The Judge concluded that it was necessary for all 6 experts to give evidence.

Is a C2 Application required?

One of the questions in the case was whether a party must formally make a C2 Application when applying for an expert to give oral evidence.

"I am satisfied that it is proper to require a C2 application form where a direction for expert attendance is sought, setting out reasons why it is said that such attendance is necessary in the interests of justice. Such an application puts the court and parties on notice that a direction is sought and the reasons why it is sought. "

What arguments didn't work?

- Counsel sought to argue, by submitting some 68 reported cases where experts had given oral evidence and it had 'changed' the outcome of the case, that the attendance of experts was crucial for the interests of justice. The Judge was not moved or persuaded by that submission, as decisions are fact specific and there was no weight in what had happened in other fact specific cases.
- The Court was further not particularly persuaded by arguments about the serious consequences of proceedings, the gravity of the allegations or the potential outcomes for the family.

"When deciding whether it is necessary in the interests of justice for the expert to attend the hearing, the nature of the proceedings, the seriousness and potential consequences of those proceedings or the rights engaged therein will not be without relevance. However, whilst these may be factors to be taken into account depending on the facts of an individual case, the question of whether it is necessary in the interests of justice for the experts to attend the hearing will turn, primarily, on the content of expert evidence in question, considered in the context of the Overriding Objective in FPR Part 1 and the provisions of FPR Part 25, the importance in certain cases of the role of challenging evidence to ensuring the overall fairness of the hearing and the nature and extent of the task of the court in assessing the evidence before it, rather than on general considerations of the nature of the proceedings, the seriousness and potential consequences of those proceedings or the rights engaged therein per se."

Written Questions in advance

- The argument was made that FPR 2010 r.25.10(2)(d) only allowed for written questions to be sent for clarification of the report, which was significantly different to written cross-examination. Of course, the parties do not require the Court's permission to send such questions.
- The Judge's view was that the Court *could*, per FPR 2010 r25.10(2), provide for written questions which would amount to cross-examination, where to do so would be in compliance with the overriding objective and reduce the need for experts to attend.
- The Court will also need to consider experts meetings, as being a way to prevent the need for oral evidence to be given, and indeed any decision about the necessity of experts attending to give evidence can only be taken following an experts meeting.

Right to Cross-Examine?

The Judge referenced the view of Mrs Justice Lieven in *X v Y [2023] EWHC 3170 (Fam)* that there is no 'right' to cross-examine a witness.

However!

- Re S-W (Children) [2014] EWCA Civ 27 [58] | Parents should not be "denied the right to put the essence of their case to witnesses on those parts of their evidence that may have a significant impact on the outcome".
- Re B (A Child) [2018] EWCA Civ 2127 [18] | *"In general, a party is required to challenge in cross-examination the evidence of any witness of the opposing party if he wishes to submit to the court that the evidence should not be accepted on that point; if a party has decided not to cross-examine on a particular important point, he will be in difficulty in submitting the evidence should be rejected... However, the rule is not an absolute one, and there will be cases in which it will be pointless to put formal challenges to a witness who knows perfectly well that his or her evidence is disputed, and where the challenge could in reality go no further than "I put it to you that you are lying"".*
- Tui UK Ltd v Griffiths [2023] UKSC 48 | We will come back to!

Parents want to feel heard, and like they have had a fair trial

In circumstances where the test for the attendance of an expert at the hearing is whether it is necessary in the interests of justice, and where the role of challenging evidence is in some cases central to ensuring the fairness of the hearing, I am satisfied that a parent's wish for the expert to be cross-examined in the face of their denial of culpability may be a factor supporting the necessity of the expert's attendance in the interests of justice, depending on the facts of the case.

Mr Justice McDonald's conclusion was that:

"the general rule that a party is required to challenge by cross-examination the evidence of any witness on a material point which that party wishes to submit should not be accepted by the court is not a rigid one. The overarching question remains whether, viewed overall, the hearing is fair. FPR r.25.9(2) reflects this position in providing that the question of whether an expert attends the hearing falls to be decided by reference to the test of whether such attendance is necessary in the interests of justice".

The Judge wants to know what I am going to ask the expert!

Mr Momtaz submits that it would defeat the efficient case management of proceedings if the court was required to examine the expert evidence in "granular detail" before deciding whether it is necessary in the interests of justice for the expert to attend the hearing. I agree. Plainly, the case management decision as to whether it is necessary in the interests of justice for the expert to attend cannot be allowed to become a dress rehearsal of the forensic examination of the expert evidence at the hearing. Evaluating whether it is necessary in the interests of justice for the expert to attend the hearing will not require, for example, a question-by-question analysis of a party's intended cross-examination

However, parties should be ready to provide details of the general issues in the case, and how the expert's evidence will inform those issues, such as:

- Are there issues with the factual matters upon which the expert has relied, or how heavily those factors have weighed into their opinion?
- Are there concerns as to whether the expert has gone outside of their remit?
- Is there a tension in aspects of different expert evidence which have not been properly been resolved by an experts meeting?

In summary:
The questions and factors which the Court will be considering, and that you will have to address in your application, are likely to be at least the following, depending on the facts of the case:

- The extent to which the expert evidence is relied upon
- The extent to which the expert evidence is disputed
- Are the parts of the expert evidence, which are disputed, central to the determination of the issues in the case?
- How much experts agree or disagree with each other
- Is it possible to fairly deal with the issues in writing
- Does the expert evidence address a novel or controversial area
- Does the written evidence suggest the expert has taken a dogmatic approach
- What other evidence is available on the issues in dispute
- The position of the party who disputes the evidence
- Is challenging the expert necessary to ensure overall fairness in the hearing

Re S (Care and Placement: Schedule of Findings of Fact) [2026] EWCA Civ 85

We return to the case of Tui UK Ltd v Griffiths [2023] UKSC 48

This was a civil case by a holidaymaker who fell ill on holiday and relied upon expert evidence to prove that it was caused by the food/drink provided by the resort. The claim was refused on the basis that the expert report was insufficient in its reasoning/explanation, despite the respondent not having sought for the expert to be called to give oral evidence. The decision was appealed all the way up to the Supreme Court who were tasked with determining three issues, but the first of them was:

"what is the scope of the rule, based on fairness, that a party should challenge by cross-examination evidence that it wishes to impugn in its submissions at the end of the trial?"

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The Supreme Court decided, in brief, that:

- The general rule in civil cases is that a party is required to challenge by cross-examination the evidence of any witness of the opposing party on a material point which he or she wishes to submit to the court should not be accepted. That rule extends to both witnesses as to fact and expert witnesses.
- In an adversarial system of justice, the purpose of the rule is to make sure that the trial is fair.
- Maintaining the fairness of the trial includes fairness to the witness whose evidence is being impugned, whether on the basis of dishonesty, inaccuracy or other inadequacy. An expert witness, in particular, may have a strong professional interest in maintaining his or her reputation from a challenge of inaccuracy or inadequacy as well as from a challenge to the expert's honesty.
- Maintaining such fairness also includes enabling the Judge to make a proper assessment of all the evidence to achieve justice in the cause. The rule is directed to the integrity of the court process itself.
- Cross-examination gives the witness the opportunity to explain or clarify his or her evidence. That opportunity is particularly important when the opposing party intends to accuse the witness of dishonesty, but there is no principled basis for confining the rule to cases of dishonesty.
- The rule should not be applied rigidly. It is not an inflexible rule and there is bound to be some relaxation of the rule.
- There are also circumstances in which the rule may not apply: see paras 61-68 of the case.

So where does Re S come into this?

- The principles from Tui were discussed in a civil context and there were inevitable questions about whether they were applicable in a family law context.
- Mr Justice McDonald discussed the case in *A Local Authority v X*. He set out a number of distinguishing features between that case, and the circumstances of Public Law Proceedings. He relied upon Tui, in conjunction with a number of other cases, to determine that fair trial rights were a factor to consider when determining whether an expert should be called to give oral evidence. It is also, of course, of specific note that this case was heard in the High Court.
- The Court of Appeal then handed down *Re S [2026] EWCA Civ 85* on the 12th February 2026.

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Re S and Tui

- This was an appeal against findings of fact made in Care Proceedings as against an Intervenor (Paternal Aunt) on a number of issues. The factual pattern is most unusual but related to the Paternal Aunt being complicit in attempting to undertake an unlawful abortion.
- A finding was made that the Intervenor was in the pool of people who could have put a tablet into the Mother's vagina. On appeal, the Local Authority did not oppose the appeal against that finding. The Court of Appeal considered that the appeal against that finding was successful and listed a number of reasons as to why that appeal would be granted. Chief among them was the fact that the allegation had not been put to the Intervenor during her evidence, and within that they considered the case of Tui.
- Specifically, the Court of Appeal said:

"As the Supreme Court observed in Griffiths v Tui (UK) Ltd…it is a general rule in civil cases – in order to safeguard fairness of the process – that a party is "required to challenge by cross-examination the evidence of any witness of the opposing party on a material point which he or she wishes to submit to the court should not be accepted".

- They noted some of the reasons for that general rule given in Tui:

– Maintaining such fairness also includes enabling the judge to make a proper assessment of all the evidence to achieve justice in the cause. The rule is directed to the integrity of the court process itself.

– Cross-examination gives the witness the opportunity to explain or clarify his or her evidence. That opportunity is particularly important when the opposing party intends to accuse the witness of dishonesty, but there is no principled basis for confining the rule to cases of dishonesty" (Emphasis by underlining added).

- Having considered those, the Court of Appeal stated:

"These points apply equally in family cases. Thus, in this case, if the Judge were minded to include the aunt in a 'pool' of perpetrators responsible for the act of procuring an unlawful abortion, she should have given the aunt the chance to give full answers to a particularised charge, and/or to refute any accusation of dishonesty in this respect. The aunt was deprived of that chance, and the Judge was correspondingly denied the opportunity to make "a proper assessment" of this assertion "to achieve justice in the cause". There is, perhaps unsurprisingly in the circumstances, no judicial analysis to support this finding, which would in my view have been necessary; the Judge needed, among other things, to address the inherent improbability of the aunt performing this extraordinarily invasive act on someone she did not know well, and with whom she was found to have an 'indifferent' relationship."

- As such, there is now clear Court of Appeal authority which endorses the general rule from Tui as being applicable in the Family Court and thus can form a branch of any application to require an Expert Witness. However, the specific endorsement was of two particular justifications and in the context of a lay witness not being asked about findings made against them, and thus those seeking to defend such applications may consider attempting to distinguish this rationale from that of Expert Witnesses being required.

Appropriate Experts – Psychology

Re Y (Experts and Alienating Behaviour: The Modern Approach) [2026] EWFC 38

This case is the latest in a series of cases in which questions have been raised about whether specifically appointed experts are giving opinions that are within their qualified remit. Most often, this arises in the context of psychologists, and the terminology can be confusing in respect of them, but the principles are applicable to all experts. Moreover, this case is in the context of a Private Law Children case, but again the cross-application is clear.

Factual Context

This case has a long complex history. In initial Private Law proceedings in 2019, findings were made of alienating behaviours being perpetrated against the Father, by the Mother, predicated significantly on the evidence of a psychologist. Mother appealed but, before that appeal was determined, the Court ordered a change of residence. From 2019 to 2025, the children resided with their Father and had no contact with the Mother. In April 2025, the Mother issued an application to set aside those previous findings of fact. The hearing substantively took place in January 2026, and the conclusion was that the findings would be set aside on the basis of the procedure followed, but also the inappropriate expert instructed and relied upon.

Re Y (Experts and Alienating Behaviour: The Modern Approach) [2026] EWFC 38

The case discusses at length the appropriate, modern, approach to issues of Alienating Behaviour, but also discusses the need for appropriately qualified psychologists to be instructed to complete Expert Reports in the Family Courts.

The starting point is to refer to *"Psychologists as Expert Witnesses in the Family Courts in England and Wales: Standards, Competencies and Expectations' (2023)* as issued by the FJC and BPS, and Sir Andrew McFarlane then went on to say:

"These assessments should not be undertaken by academic psychologists or psychological researchers in the field of alienation. The guidance from the BPS is that only HCPC registered psychologists have the relevant clinical experience and training to conduct psychological assessments of people and make clinical diagnoses and recommendations for treatment or interventions, whereas, academic psychologists, who should be Chartered, but who are not registered with the HCPC, would not normally have the clinical experience and training in order to complete psychological assessments or make clinical diagnoses.

…it is likely that assessments which will assist the court in determining welfare outcomes are those offered by HCPC regulated Practitioner Psychologists with competence in assessing adults and children, e.g., Clinical Psychologists/Counselling Psychologists.

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What type of Psychologist do I need?

Surprisingly, "Psychologist" is not a protected term by itself, and thus people can report to be working as a Psychologist without meeting specific criteria. There are 7 protected titles, but beyond those differing terms mean little to nothing. The protected title indicates that the individual is registered with the Health and Care Professionals Council, and beyond that they may also be registered with the British Psychology Society.

Protected Terms	Unprotected Terms
Clinical Psychologist	Psychologist
Health Psychologist	Child Psychologist
Counselling Psychologist	Consultant Psychologist
Educational Psychologist	Assessment Psychologist
Occupational Psychologist	Developmental Psychologist
Sport and Exercise Psychologist	Attachment Psychologist
Forensic Psychologist	
Registered Psychologist (General)	

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What type of Psychologist do I need?

Therefore, the following glossary of titles may be of assistance when selecting your appropriate expert. Further information is found here. The key takeaway, however, is that you must only instruct those who are registered with the HCPC. Being chartered with the BPS alone is not sufficient.

Title	Definition
Clinical Psychologist	Qualified to work with adults and children. They specialise in psychological treatment (CBT, Psychotherapy etc) and many will regularly see patients. They are not necessarily trained to assist patients with learning difficulties and Psychopathy.
Educational Psychologist	Qualified to diagnose concerns impacting psychological/emotional development and learning for people aged 0-25. They work with professionals/parents to help them understand what is impacting on the child's development/learning. Not necessarily trained to deal with substance misuse, capacity, offending, or to offer therapy.
Forensic Psychologist	Work with all aspects of the criminal justice system. They may undertake risk assessments, particularly on the risk of re-offending. This can include violence, sexual risk and substance misuse. Working exclusively with adults (some specialists work with young offenders). Training does not ordinarily cover emotional disorders, severe mental health, learning difficulties and neurodiversity

What type of Psychologist do I need?

Word of Warning

[86] Although Melanie Gill has featured to a significant degree in this judgment, and in the three previous cases to which I have made reference, she has done so as the representative of a category of expert, rather than as an individual. I have said that this judgment is not 'about Ms Gill', and that is right. It is about those individuals who hold themselves out as 'psychologists' and are willing to be instructed in Family Court cases, but who are neither registered, nor chartered as psychologists.

As such, when considering CVs, I would suggest the following checklist:

1. HCPC Registered – you can search the register here.
2. BPS Chartered – desired but not mandatory, does not guarantee HCPC registration and thus ability to diagnose.
3. Correct speciality for the instruction - are they working within their area of expertise?
4. Can they, or do they regularly, work with clients of this age?

What about treating clinicians?

There has been a growing trend of Local Authorities relying on the evidence of only a CP medical, or the treating paediatrician, to seek to prove elements of threshold, particularly where the allegation is of inflicting minor injuries, bruising or of excessive physical chastisement. What then is the position of relying on treating clinician evidence? Is it Expert Evidence? Does there have to be a separately instructed Expert?

Re H-L (A Child) [2013] EWCA Civ 655

"Returning to the facts of the present case, McFarlane LJ has referred to the fact that the only medical evidence that had been filed came from various treating clinicians and that no outside expert had been formally instructed in the proceedings. This is not a matter that featured large in argument, but it is worth reminding practitioners of the vital need to avoid blurring the important distinction between treating clinicians and experts: *Oxfordshire County Council v DP, RS & BS [2005] EWHC 2156 (Fam), [2008] 2 FLR 1708, and Oldham Metropolitan Borough Council v GW and PW [2007] EWHC 136 (Fam), [2007] 2 FLR 597.*

What about treating clinicians? – Subjectivity, and impartiality

Oldham Metropolitan Borough Council v GW and PW [2007] EWHC 136 (Fam), [2007] 2 FLR 597.

96. Finally, this court has heard a deal about the supposed distinction between treating (i.e. clinical) and forensic experts….the court has been asked to give guidance that might lead to the evidence of witnesses of fact and opinion who were and/or are the treating clinicians being dissuaded from giving expert evidence in family proceedings. The conventional argument in support of this proposition can be found in the report of Baroness Kennedy of the Shaws on 'Sudden Unexpected Death in Infancy' (September 2004):

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"it is our view that paediatricians involved in the acute management of patients should not be expected to give expert testimony in cases involving those patients. It is a sine qua non that doctors treating patients must develop partnerships with them and with the immediate family to ensure the best medical outcome. This will inevitably result in a degree of intimacy and therefore subjectivity when evaluating the case as a whole. This is the opposite of what is required of the expert witness, who should be objective, impartial and detached"

...It is what Booth J. used to describe as the inevitable partiality of social and health care witnesses towards a child who is in their professional care. Their partiality is not a matter for criticism; it is simply a factor that has to be considered when assessing the cogency of their materials. A function that is hardly new to judges of this Division and is not a reason for the exclusion of treating experts.

What about treating clinicians?

Oldham Metropolitan Borough Council v GW and PW [2007] EWHC 136 (Fam), [2007] 2 FLR 597.

"While acknowledging that the court should have in mind the distinct roles of treating expert and forensic expert (particularly in the field of mental health where the doctor / patient relationship may be more complex: see Re B (Sexual Abuse: Expert's report) [2000] 1 FLR 871 CA) and should be careful to scrutinise the purpose for which each expert's report is provided, this court should not do anything to dissuade experts from providing the assistance that the court needs. Both forensic and treating experts will be subject to the same duties to the court: treating experts of fact and opinion often provide the most valuable of original materials including the immediate examination, recorded history and tests that may be difficult or impossible for a forensic expert to replicate. They are and should be the first port of call for the local authority when it needs to commission specialist assessments and reports to inform its knowledge of the background and precipitating circumstances and its core assessment.

…the proposition that treating experts should not be expected to give evidence in cases involving their patients does not apply nor should it apply to the family justice system save in the terms explained in Re B (supra) i.e. that their role is distinct, is recognised to be so and should not be confused with the forensic expert's role

Mr Justice Ryder ultimately concluded that it was important to allow treating clinicians to give evidence, that often their evidence could be very valuable to the Court, including their opinion evidence, but it had to be considered in the context of their position, as a treating clinician and not a forensic expert and the limitations of their role.

Points to consider include:

- They may not have all of the information that a Court appointed expert will have
- Their opinion will have been formed at an early stage, within a clinical setting, likely under more pressure
- They are impacted by safeguarding/child protection duties, distinct from the responsibilities on the Court appointed expert
- They will likely have some level of bias/subjective attachment to the child, who is their patient
- They are unlikely to have done the same research, or have the same knowledge base, as the instructed expert
- Their qualification, experience and expertise may not be known or akin to the instructed expert

The Court will have to scrutinise their opinion and their reasons for it, in the context of the factors above, to determine the reliability of their opinion and the weight to be afforded to it. It forms one part of the jigsaw, but it can be a part.

What about treating clinicians? – RCPCH

Mr Justice Ryder's conclusions remained seminal on the topic for many years, and indeed were repeated by Sir James Munby, President of the Family Division, in *Re H-L [2013].*

The Royal College of Paediatrics and Child Health, in conjunction with the Family Justice Council, published *"Paediatricians as expert witnesses in the Family Courts in England and Wales:* Standards, competencies and expectations" in August 2018, within it they stated their view of treating paediatricians giving evidence [emphasis added]:

"4.1 Treating paediatricians may be called as a professional witness to give evidence in relation to their role in the case. This is distinct from being instructed as an expert to provide an opinion on the medical issues. In the event that a treating doctor is called to give evidence, this is confined to the factual evidence that they can give on their role in the case, and where appropriate, the clinical opinion that they came to with the facts available to them at the time.

4.2 If the doctor is concerned that they are being drawn into a debate outside of their role they should not hesitate to raise this in court. Ultimately, the treating doctor is a witness of fact and is not called to give an expert opinion beyond an explanation of their diagnosis and treatment and generally the work they have done in the case and reasons why they have come to the diagnosis.

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What about treating clinicians? – January 2019

Re H (Children) v (Appeal – Case Management – Part 25 Expert of Treatment) [2019] EWHC 237 (Fam)

Mr Justice Williams considered an appeal in a private law case, where HHJ Levy had determined that the family psychotherapist's written evidence could be filed as evidence of fact but not of opinion, and they were not an expert. One ground of appeal was that the Court was wrong to treat the Psychotherapist as a witness of fact, and not an Expert. The facts of this case made the decision nuanced, as the psychotherapist had been directed to provide reports to the Court, (albeit there is a clear conclusion that any report/document written not at the direction of the Court, could not be 'Expert Evidence') however there was more general commentary on the status of treating clinicians within proceedings.

Mr Justice Williams stated:

"Where evidence is filed from a treating clinician almost inevitably it will contain matters of pure fact and matters of opinion. A GP who takes a patient's temperature, examines their throat and sees redness and swelling and diagnoses a cold is recording matters of pure fact but also a diagnosis which is an opinion. That does not mean that the court cannot read or consider the opinion. The difference is that it is not the opinion of a court appointed independent expert but rather the opinion of a treating clinician. That of course has consequences in terms of the weight that the evidence will be given by the court. The purpose of the part 25 process, including the court authorising the expert, identifying the questions and imposing obligations pursuant to part 25 gives the part 25 expert evidence greater weight and authority (subject to challenge) than that of a treating clinician who is not subject to the same rigours of that process."

Re F (A Child) (Fact-Finding Appeal) [2019] EWCA Civ 1244

Following on shortly thereafter was the case of Re F, in which a Father appealed against findings that he had inflicted an injury on his child based on the opinion of a treating clinician, in circumstances where the instructed experts did not support a conclusion of inflicted injury.

The trial Court has specifically grappled with the status of the 'treating clinician' and the Local Authority applied, pursuant to s.13 C&FA 2014. The treating clinician had confirmed to the Court that they did not undertake work as an Expert Witness and had not completed the RCPCH recommended specific training but was content to give evidence as a 'witness with expertise'. At a PTR, the Court directed that the treating clinician should be given further Court papers and, more extraordinarily, be permitted to attend the experts meeting.

At the Final Hearing, the Court did duly make, with the agreement of the parties, a direction under s.13 C&FA 2014, permitting the treating clinician to give evidence as an 'Expert Witness'.

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The appeal was ultimately allowed, on the facts, but several interesting points are raised, considered and determined by Lord Justice Moylan:

- It is permissible for the Court to grant permission for a treating clinician's evidence to be considered as 'Expert Evidence', as long as a direction pursuant to s.13(5) was made. In this case, he considered that there was good reason for the statute being applied with a 'light touch', because although she was not initially instructed as an expert, her role became quasi-expert when she was invited to the expert's meeting.
- He was clear that it is open to a Judge to make a finding based on the evidence of a treating clinician in preference to that of experts instructed in proceedings [126]
- Lord Justice Moylan was *"hesitant about giving guidance about the manner in which section 13 and Part 25 should be applied when treating medical witnesses give expert evidence. All counsel agreed that in their experience such witnesses more frequently give expert evidence than they used to and more frequently theirs is the only expert evidence. In part this may be the result of the lack of experts available to give expert evidence for the purposes of proceedings as well as for the reason given by Ms Woolrich, namely that in some cases, particularly those involving more minor injuries, the only expert evidence required for the proper determination of the proceedings is that given by treating doctors or other professionals. Those professionals may be unwilling or unable (because, possibly, of the terms of their employment) to give what might be termed formal expert evidence."*

"It is, of course, important that the court and the parties recognise the difference between treating professionals and those instructed for the purposes of providing expert evidence for the purposes of proceedings. As I have said, a treating professional will self-evidently have a very different focus to an expert witness. However, as Mr Stonor submitted, it would not support the proper and expeditious determination of cases if unnecessary and/or disproportionate obstacles were placed in the way of expert medical evidence being available to the court. In that context, it seems to me that a treating professional who is also an expert will in some cases be able to give expert evidence without all or even any of the requirements of Part 25 being applied. However, again as referred to above, this is a matter which requires broader analysis than can be undertaken in a single decision"

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Will the treating clinicians help? – PLWG

The President of the Family Division: Working Group on Medical Experts [2020]

In the context of a wholescale national review on medical experts, the working group canvassed with medical and legal professionals their experience of trying to get treating clinicians to report, and give evidence, in proceedings.

Over half said they were aware of medical specialists who were unwilling to become expert witnesses or provide expert witness opinion evidence. Paediatricians specifically were noted as being reluctant, and often the response was that the professionals weren't appropriately insured.

When asked if treating clinicians would participate in expert's meetings, or give oral evidence on the factual matters, 38% were aware of medical professionals refusing to do even that, of being reluctant for their initial reports to be disclosed into proceedings and saying it impacted too significantly on their NHS commitments.

A Tale of Caution

Bracknell Forest Council v Mother & Ors [2024] EWFC 68 (B)

This was a case before HHJ Case who was considering the welfare of a child who, at three weeks old, presented to hospital with 6 marks across her body. HHJ Case had statements from no less than 5 treating clinicians including 2 consultant paediatricians and a consultant dermatologist. Many of such treating clinicians formed the view that the marks on the child were bruises and, in the absence of an explanation, were a possible non-accidental injury.

The Court appointed Dr Rylance, a paediatrician, to complete a report and he gave evidence at the final hearing. In his oral evidence, he stated on balance he could not agree that the marks were bruises and instead looked like cutis marmorata. He had relied upon the treating clinician's characterisation of the marks as bruises but, having considered it further, noted that the tests used would not have excluded cutis marmorata as a possible cause, and there were many consistent features of the child's presentation, with that alternative diagnosis. There was no evidence the treating clinicians had considered cutis marmorata, prior to concluding the marks were bruises.

Ultimately, the Court found the Local Authority could not discharge its burden of proof, and threshold was not met.

This case stands as a caution, that even in what may be more 'simple' injury cases, relying solely on treating clinicians, even some 5 of them of great experience, may not be an ample substitute for the instruction of an expert, and their attendance for cross-examination, to explore the matter in-depth.

Public Law Conference 2026

NAI & Metabolic Bone Disease and Fractures

Professor Stephen Greene

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Family Law Advice for the Neurodivergent Community (FLANC)

Speakers

Caroline Croft

Hannah Simpson

All About Me Documents

- Tool used to draw together information about someone and their neurodivergence and how it impacts them. Aim is to better understand someone and how to work with them.
- Adult and Child/ Young Person AAMD can be found here https://flanc.org.uk/resources-and-training
- Can be used where there is confirmed neurodivergence or suspected neurodivergence.
- Covers all key areas: communication; sensory needs; strengths and special interests; specific help needed. Can include other needs, not related to neurodivergence.
- Can be reviewed as and when necessary.
- Can be shared with consent.

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Professionals meeting toolkit

- Early professionals meetings in cases where children have complex neurodivergent profiles can have a transformative effect.
- https://flanc.org.uk/wp-content/uploads/2026/04/FLANC-Professionals-Meeting-Toolkit-1.pdf
- Encourages interagency communication.
- Progresses care planning and case management, maintaining momentum.
- Sets out key professionals.
- Provides an example agenda.
- HHJ Lazarus: [the court] "*fully appreciates the value of this type of professionals' meeting, it has clearly been of great help to everyone and the court*" .

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Other Resources

- **FLANC Website**: https://flanc.org.uk/resources-and-training/
- FLANC x FLiP dispute resolution tool kit https://www.flanctoolkit.org
- https://events.ourfamilywizard.com/recording-resources-neurodivergence-in-family-law-november-2025
- **Neurodivergence and family law: an introduction, assessments and adjustments [2024] Fam Law 1250**
- **Supporting and Questioning Neurodivergent Parties in Family Court Proceedings [2025] Fam Law 513**

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Flanc.org.uk

LinkedIn: Family Law Advice for the Neurodivergent Community

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Case Law Update

Speakers

Paula Bloomfield

Eleanor Hull

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Prospective Adopters v Lincolnshire County Council & Ors (Good practice: supporting post-adoption contact) [2026] EWFC 47

This was a case heard in February 2026 where the court considered post adoption contact under Section 51A of the Adoption and Children Act 2002. Mrs Justice Harris provided helpful guidance at the end of the judgment and there you can find a 'Post Adoption Contact Framework Document' which was agreed between the local authority, the mother and the prospective adopters.

The Facts

The child, AB, was a little boy who was had been placed with prospective adopters after a care and placement order had been made on 6th June 2024. AB had an older brother, aged 5 and a half. who had already been adopted by those prospective adopters.

The mother was a care leaver and the concerns in the care proceedings centred around domestic abuse in the parental relationship, substance misuse, poor mental health and poor engagement with professionals. However, following the conclusion of the care proceedings, that mother began to make significant changes in her life. She had another baby, D, and because of those changes, D remained in her care.

The prospective adopters lodged their application to adopt AB, and parents made an application for permission to oppose the adoption and for contact orders under Section 26 and Section 51A of the Adoption and Children Act 2002. The application for permission to oppose was successful and the case was listed for a final hearing.

At the outset of the final hearing, mother opposed the making of the Adoption Order and sought the return of AB to her care. In the alternative, she sought post adoption direct contact in respect of both children in respect of herself and for her youngest child. The prospective adopters opposed being bound by an order but indicated that they were not opposed to considering direct contact in the future. Their position was supported by the local authority and the children's guardian.

Mother ultimately accepted that AB was settled and thriving with the prospective adopters and that it was not in his best interests to return to her care. The court noted that in recent years, there has been a lot of debate about the merits of post adoption contact and the shifts in attitude around more open adoption. The court was referred to the Public Law Working Group: adoption sub-group 'Recommendations for best practice in respect of adoption', November 2024. The Working Group recommend at paragraph 71:

"There needs to be a sea change in the approach to the question of face-to-face contact between the adopted child and the birth family or other significant individuals. Greater consideration needs to be given, throughout the child's minority, as to whether they should have face to face contact with those who were significant to them before they were adopted. It is recognised that this will not be safe for all adopted children, but the current system whereby face-to-face contact is the exception rather than the rule is outdated."

The court also referred to the cases of:

Oxfordshire County Council v X, Y & J [2010] EWCA Civ 581

Re B (A Child: Post-Adoption Contact) [2019] EWCA Civ 29

Nevertheless, despite mother's progress, insight and the child focussed decisions she had made, the court declined to make an order for post adoption contact under Section 51A. Although the court recognised the importance of maintaining sibling relationships, the immediate priority was allowing the two children to settle securely within their adoptive family. The court accepted evidence that introducing direct contact at that stage could be confusing and emotionally destabilising for the children.

Conclusion

Post adoption contact must always be determined on the individual facts of the case, with the child's welfare and the stability of the adoptive placement remaining the paramount consideration.

A three-stage post adoption contact framework was suggested, and the plan was annexed to the final adoption order. This included:

A meeting between the birth mother and the adoptive parents.

Twice-yearly letterbox contact between the birth mother and the children.

The exchange of photographs and videos through the adoption support team. At any stage, the adopters may propose live video calls between the siblings, and these may include the mother.

Upon the adoptive parents considering that therapeutic life story work had been successfully completed or reached a stage when progression could be achieved, the Adoption Support Team would meet with birth mother and the adoptive parents with a view to agreeing future direct contact.

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Re H (Children: Expertise of Witness) [2026] EWCA Civ 249

This was an appeal by the mother against the making of care orders on the grounds that the expert psychologist, upon whose evidence the judge relied, had been acting outside the limits of his expertise. Sir Andrew McFarlane, Lord Justice Lewison and Lord Justice Peter Jackson were the Court of Appeal judges involved with judgment being handed down on 12th March 2026.

The Court of Appeal gave guidance on the appropriate procedure where concerns arise about an expert's qualifications.

The Facts

The case involved three children, A (born 2011) and twins, B and C (born 2017). The father of the twins had an extensive criminal record. There were concerns around poor home conditions, domestic abuse and the challenging behaviour of the eldest child, A. The local authority, Lincolnshire County Council, issued care proceedings in February 2022 when the children were removed into foster care.

At the Case Management Hearing in March 2022, an order was made for the instruction of an expert to undertake a psychological assessment of the mother and the children. At the time, no formal Part 25 application had been made, and no expert had been identified. There was some subsequent correspondence between the local authority and the children's guardian about the identity of the expert, and the instruction of Graham Flatman was agreed. It appears that the parents' representatives were not involved in these communications.

On 7th March 2022, an e mail was sent by Graham Flatman confirming that a complaint had been made against him to the Health and Care Professional Council (HCPC) and there was to be a tribunal hearing with regard to his fitness to practice. Neither the local authority nor the guardian made any further inquiries, and the court was not informed about this e mail prior to a draft order approving his instruction being submitted.

Mr Flatman produced his report in July 2022, and the case was listed for a final hearing before Her Honour Judge Gillespie. The mother sought the return of the twins to her care and the placement of A with her maternal grandmother. Over the course of five days, the court heard evidence from Mr Flatman, an independent social worker, the allocated social worker, the mother, the father of the twins and the children's guardian. The Judge handed down a 20-page written judgment on in April 2023 and made final care orders in respect of all three children based on a plan of long-term foster care.

During her judgment, Her Honour Judge Gillespie indicated that she found the evidence of Mr Flatman to be measured and helpful and she indicated that she fully accepted his professional views in respect of the mother and the children.

The complaint against Mr Flatman was subsequently considered by the HCPC. It was alleged that he had accepted instructions in a case where the court had directed that a clinical psychologist be instructed. He was registered as an Educational Psychologist, and it was said that he had worked beyond the scope of his practice. The Panel found that he had accepted instructions as a clinical psychologist when he was not registered or qualified to do so. The Panel found that this amounted to misconduct but made it clear that it did not seek to broaden this to other instructions that Mr Flatman had received.

The mother appealed. There was one ground of appeal that the Judge's decision was plainly wrong and unjust as it heavily relied upon the assessment undertaken by Mr Flatman when he was not qualified to undertake the assessment of the mother.

The appeal was dismissed. The Court of Appeal did not consider there had been a serious procedural irregularity in the instruction of Mr Flatman and it had not been demonstrated that there was any irregularity arising from his work on the case. However, even if there was, the Judge's decision was based on the whole of the evidence and Mr Flatman's opinion was but a part.

Conclusion

It was highlighted that there were a number of shortcomings in the process that led to the instruction of Mr Flatman. There was no formal application accompanied by a draft order and the court approved the instruction of a psychologist without giving thought to the type of expertise required. The court did not see a CV before it approved the order. However, these did not amount to a serious procedural irregularity. But it seems the Court of Appeal are sending the message that there needs to be properly pleaded Part 25 application when the instruction of an expert is sought.

The Court of Appeal gave helpful guidance on how any party wishing to challenge an expert's qualifications or expertise should do so. Rather than bringing an appeal, the most likely application to make would be to apply to discharge the care order under Section 39 of the Children Act 1989 or make an application for contact under Section 34. It may also be possible to apply for a re-opening of the previous findings as described in the case of Re J (Children: Reopening Findings of Fact [2023 EWCA Civ 465.

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Re B, C and D (Children) (Sexual Abuse and Selective Mute Complainant), [2025] EWFC 386 (14 November 2025)

This was a case heard by the Honourable Mr Justice McKendrick in November 2025 where findings of sexual abuse were sought against the father in respect of his daughter, A. The welfare arrangements for the children had already been agreed but the court took the view that it was still proportionate and necessary to proceed with a full fact-finding exercise.

The Facts

The child A was born in February 2007. She had a diagnosis of a rare genetic disorder and features of autism. She had an Education Health and Care Plan. She was functioning at an age much lower than her chronological years. She was not described as a selective mute in her EHCP, but it stated that she was reluctant to talk.

A made allegations of sexual abuse against her father in August 2024. A and her siblings were placed in the care of their mother with a safety plan in place which involved them having no contact with their father. Care proceedings were issued in September 2025 and at that time, A was over the age of 17. A became the subject of proceedings before the Court of Protection. She was assessed by a psychologist who concluded that she lacked capacity to provide instructions, engage in sexual relations and make decisions about her own care. There was a further capacity assessment in October 2025, and the psychologist concluded that A lacked the capacity to understand the meaning of the oath and her responsibility to tell the truth.

The police instructed a forensic scientist, and he carried out testing of swabs and clothing provided to him by the police. Vaginal and anal swabs were taken from A, and penile swabs were taken from the father. The DNA testing of the penile swabs demonstrated the presence of A's DNA. It was father's case that this must have taken place by transfer to him via use of the same towels or the sponge and soap in the shower. However, his mobile phone internet search history revealed that he had looked up how long a woman's DNA stayed on his penis after having sex.

There was an assessment undertaken by an intermediary in respect of A who noted that it was not clear if A understood all her questions. She showed a significant difficulty in understanding language, and she was likely to find an ABE interview to be extremely anxiety-provoking.

There were four clear occasions when A made her allegations: to her advocate; to her social worker and advocate; to a detective constable and her social worker; and to a police officer and her intermediary during her ABE interview. Those individuals were cross examined by the KC instructed on behalf of father and it was put to them that the way A had been questioned was flawed and there had been many breaches of the ABE guidance to the extent it rendered A's allegations as unreliable and insufficient to prove the case against the father.

It was put on behalf of the children's guardian that even if there were breaches of the ABE process, this does not automatically mean the accounts given by A were unreliable. Father's internet search history was revealing and the forensic evidence supported sexual activity between A and her father.

The judge found that the existence of A's additional needs could not lead the court to automatically discount her allegations from the overall evaluation of the evidence. Although there was some doubt that A understood the difference between truth and lies, she was able to demonstrate a rudimentary understanding with support. There had been an earlier Re W application which had been refused, and it was accepted by the judge that he must accord less weight to A's evidence as father had not been permitted to directly challenge it.

It was accepted by the court that the ABE Guidance had not been universally applied to A's allegations. But the court determined that some weight could be placed on A's evidence despite the criticisms made about the way it was obtained.

Considering all the evidence as a whole, the court found that father had sexually abused his daughter as pleaded.

Conclusion

At paragraphs 11-16 of the judgment, Mr Justice McKendrick sets out a useful summary of the legal principles when considering allegations made by children and the Achieving Best Evidence Guidance. There is an extract of the ABE Guidance at paragraph 16 which father's team relied upon in the case.

There is reference to the judgment of Mr Justice MacDonald in the case of Re P (Sexual Abuse: Finding of Fact) [2019] EWFC 27 which is worth reading if you have a case where the local authority is relying on allegations which have been made by a child. Paragraph 577 reads: "that said, and considering the authorities set out above, the Report of the Inquiry into child abuse in Cleveland 1987 Cm 412 and Report of the Inquiry into the Removal of Children from Orkney in February 1991 among others and the contents of the current ABE Guidance, I am satisfied that this court can take judicial notice of the following matters:

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- Children, and especially young children, are suggestible.
- Memory is prone to error and easily influenced by the environment in which recall is invited.
- Memories can be confabulated from imagined experiences; it is possible to induce false memories and children can speak sincerely and emotionally about events that did not in fact occur.
- Allegations made by children may emerge in a piecemeal fashion, with children often not reporting events in a linear history, reporting them in a partial way and revisiting topics.
- The wider circumstances of the child's life may influence, explain or colour what the child is saying.
- Factors affecting when a child says something will include their capacity to understand their world and their role within it, requiring caution when interpreting children's references to behaviour or parts of the body through the prism of adult learning or reading.
- Accounts given by children are susceptible to influence by leading or otherwise suggestive questions, repetition, pressure, threats, negative stereotyping and encouragement, reward or praise.
- Accounts given by children are susceptible to influence as the result of bias or preconceived ideas on the part of the interlocutor.
- Accounts given by children are susceptible to contamination by the statements of others, which contamination may influence a child's responses.
- Children may embellish or overlay a general theme with apparently convincing detail which can appear highly credible and be very difficult to detect, even for those who are experienced in dealing with children.
- Delay between an event recounted and the allegation made with respect to that event may influence the accuracy of the account given.
- Within this context, the way, and the stage at which a child is asked questions / interviewed will have a profound effect on the accuracy of the child's testimony."

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Re X [2025] EWFC 479 (27 November 2025)

Re A, B, & C [2026] EWFC 27

Both cases relate to the release of findings made by the Family Court to the Disclosure and Barring Service. The DBS processes criminal record checks and maintains barred lists of individuals who are unsuitable to undertake "regulated activity" with children and vulnerable adults.

The case of Re X was heard by Mrs Justice Arbuthnot DEB with judgment being handed down in November 2025.

The Facts

In 2024, the DBS received information that X had been convicted of an offence and that individual had applied to work in a role in early years which amounted to "regulated activity". As a result, the DBS issued X with an "intention to bar" letter enabling them to make representations as to whether they should be barred. X did make representations. The DBS therefore sought to gather further information about the conviction and about the family proceedings which the DBS had been told by the police had taken place. The local authority informed the DBS that there had been a finding of fact hearing in public law family proceedings and that X had been found to have inflicted injuries to a child and their partner had failed to protect the children. The DBS asked for a copy of the judgment, but the local authority responded to say that it was not entitled to disclose this.

The court determined that the local authority should disclosure the information to the DBS and that it should be made clear to local authorities that, if asked, information should be disclosed to the DBS concerning family proceedings.

The case of Re A, B and C was heard by The Honourable Mrs Justice Judd with judgment being handed down in February 2026.

The Facts

The court had made findings about the death of a child who was in the care of the first and second respondents. The first respondent was her childminder, and findings were made that the child died as a result of injuries that were inflicted on her by one or other of the first and second respondents. The court was not able to say which one. It was also found that each must have known what happened, but both lied and covered up what happened.

Following the judgment, the first respondent sought employment in a care home, and the local authority was concerned that the respondents might seek to work with vulnerable people. The local authority therefore made an application to allow them to disclose findings of fact made by the court to the DBS. This was opposed by the first and second respondents. The DBS applied to become intervenors, which was granted by the court.

The court determined that it would be wrong to make any order which would prevent the local authority from sharing information from the proceedings with the DBS and provision of information must include the judgment. The findings made in the case were of the utmost gravity and should be properly considered by the DBS. The interference with the rights of the first and second respondent that this entailed were necessary and proportionate in order to protect the rights and freedoms of others.

Conclusion

The law was helpfully set out in the two judgments and can be summarised as follows:

Section 40 of the Safeguarding Vulnerable Groups Act 2006 says as follows:

"Local authorities: duty to provide information on request.

1. This section applies if DBS is considering -

a) Whether to include any person in a barred list

b)Whether to remove any person from a barred list

2. If DBS thinks that a local authority hold any prescribed information relating to the person, it may require the authority to provide it with that information.

3. The local authority must comply with a requirement under subsection (2) .

4. "Local authority" has the same meaning as in section 1 of the Local Authorities (Goods and Services) Act 1970."

What is "prescribed" is, under s60 of the SVGA 2006 to be set out in Regulations made by the Secretary of State. The "prescribed information" for the purposes of section 40 is defined in the SVGA 2006 (Prescribed Information) Regulations 2008/3265. Regulation 7 reads :

"Local authorities: duty to provide information on request. The following information is prescribed for the purposes of section 40(2) of the Act

a. The information specified in paragraphs 1 to 3, 5, 6, 9 and 10 of the Schedule;

b. Any information other than that relating to P's conduct which is likely to, or may be, relevant in considering whether P should be included in or removed from a barred list including information contained in reports of and minutes of meetings arising from investigations relating to the protection of children or vulnerable adults."

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The Family Procedure Rules (2010/2955) ("FPR 2010") set out general rules about communication of information from the court or parties to others under Part 12. FPR 12.73 says that :

1. *For the purposes of the law relating to contempt of court, information relating to proceedings to be held in private (whether or not contained in a document filed with the court) may be communicated -*

a) *where the communication is to*

(viii) *a professional acting in furtherance of the protection of children;*

b) *where the court gives permission , including as provided for under rule 12.73A; or*

c) *Subject to any direction of the court, in accordance with rule 12.75 and Practice Direction 12G.*

2. Except as provided for under rule 12.73A, nothing in this Chapter permits the communication to the public at large, or any section of the public, of any information relating to the proceedings.

Rule 2.3 provides an explanation of who is a "professional acting in furtherance of the protection of children". It says as follows:

"professional acting in furtherance of the protection of children" includes -

a) An officer of a local authority exercising child protection functions ;

b) A police officer who is -

(i) *Exercising powers under section 46 of the Act of 1989 or*

(ii) *Serving in a child protection unit or a paedophile unit of a police force*

(c) Any professional person attending a child protection conference or review in relation to a child who is the subject of the proceedings to which the information regarding the proceedings held in private relates:

(d) An officer of the National Society for the Prevention of Cruelty to Children :

(e) A member or employee of the Disclosure and Barring service, being the body established under section 87(1) of the Protection of Freedoms Act 2012"

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Introduction

Placement Orders – will something else do?

1. N (A Child: Placement Order: Proportionality) [2025] EWCA Civ 1541
2. Re S (Foster Care or Placement for Adoption) [2026] EWCA Civ 47

N (A Child: Placement Order: Proportionality) [2025] EWCA Civ 1541

Overview

- Judgment of LJ Peter Jackson handed down on 1 December 2025.
- The CoA set aside care and placement orders and remitted the proceedings for a rehearing.
- The Court found that the plan for adoption was not necessary or proportionate, and the decision was accordingly wrong.

Summary of case facts

- Concerns a two-year-old boy 'L'
- M is a 57 y/o Japanese national. She was a professional who owned her own home. Her husband had died in 2015, and she had L using assisted conception overseas in 2023.
- LA became involved at birth following the hospital raising concerns about M's ability to provide basic care.
- Three placements lasting 21 months. M agreed to the placements under section 20. The LA did not share PR until the day of the final order.
- LA applied for a CO in August 2024, and a PO in March 2025. In April 2025 the LA applied for an ICO with a plan of separation and placement with early permanence prospective adopters. That application was refused on 20 May 2025.
- The FH took place between 11 and 15 August 2025.

Judgment

- M disputed threshold for intervention was crossed. The Recorder found threshold was crossed on the basis of likelihood of future physical and emotional harm. This was not appealed by M.
- The Recorder placed significance on three events when justifying the making of a placement order: assault on SW in February 2024; incident where M pushed L towards FC in February 2025, and an incident in Leicester Square in July 2025 where M moved further away from FC with L and when asked not to do so raised her voice and began screaming.
- The Recorder found M's evidence to be 'striking' and that she 'displayed no insight whatsoever into the LA's concerns.
- Evidence of two psychiatrists and two psychologists found that there were very significant cultural issues at play when it came to assessing M's actions and responses.
- CG supported the LA's plan for placement orders.
- The Recorder acknowledged the complexities in this case regarding cultural elements and M's age/circumstances.

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"176. This case is extremely sad. The mother loves her son very much and desperately wants him to remain in her care. The reasons for the mother's inability to protect L from physical or emotional harm remain unclear after nearly two years of state involvement. But for L, he cannot wait any longer and a decision must be made.

177. This has been a difficult decision; I acknowledge the progress the mother has made in placements. But that progress is limited and cannot keep L physically or emotionally safe.

178. I have asked myself whether there is any less draconian step which might be taken to protect the mother and L's relationship, conscious as I must be that any order made by the Court must be both necessary and proportionate to the risks as required by their respective Article 8 rights. I have sadly concluded that nothing short of care and placement orders can safeguard L's welfare now and in the long-term.

179. I shall make a care order and a placement order. In so doing I dispense with the mother's consent on the basis that L's welfare so requires."

The appeal

1. The Recorders explanation for why separation and adoption were necessary and proportionate, given the findings, was inadequate.
2. There was a failure to consider mitigatory protective measures, such as nursery school and support at home.
3. The Recorder failed to reconcile Dr Fitzsimons' evidence with that of the other professionals.

The CG changed their position during the lunch break and supported the appeal!

The law

"This is therefore a case in which the classic statement of Hedley J in Re L (Care: Threshold Criteria)[2007] 1 FLR 2050;[2006] EWCC 2 (Fam) at [50] is of real importance:

"[S]ociety must be willing to tolerate very diverse standards of parenting, including the eccentric, the barely adequate and the inconsistent. It follows too that children will inevitably have both very different experiences of parenting and very unequal consequences flowing from it. It means that some children will experience disadvantage and harm, while others flourish in atmospheres of loving security and emotional stability. These are the consequences of our fallible humanity, and it is not the provenance of the state to spare children all the consequences of defective parenting. In any event, it simply could not be done."

Analysis/Decision

- Emphasised the need for the Court to keep a view of the bigger picture and maintain a sense of proportionality
- No harm had actually come to L in the care of M over the last two years. The judgment was too generalised and not fact specific. Quoted Re B: “the feared harm has not yet materialised and may never do so”.
- No exploration of the obvious possible benefits of a nanny or childminder, or other forms of support. No consideration was given to the fact that M had abided by considerable restrictions of her freedom for two years.
- The cultural and situational elements were not factored into the Recorders analysis.
- Considering M’s difficulties, it was difficult to see how post-adoption contact could successfully into occur.
- The Recorder had not properly taken matters into account that strongly weighed against separation. Had she done so, she could not have properly concluded that adoption was necessary or proportionate.

Re S (Foster Care or Placement for Adoption) [2026] EWCA Civ 47

Overview

- Judgment of LJ Cobb handed down on 5 February 2026.
- Case deals with the LA’s appeal against the decision of HHJ Tolson KC to refuse their application for a placement order.
- Appeal was dismissed.

Summary of case facts

- Appeal concerning S, a girl, aged 4 years 8 months; in FC under a care order.
- All parties agreed (including the parents) that the only realistic option for S was long-term placement in foster care or placement for adoption.
- Issues regarding M’s care included neglect and alleged NAI in May 2024 (although the LA never pursued a threshold finding in respect of this).
- S was cared for by M in a residential assessment for four months. This ended following negative reports from the care staff. S then went to live with a maternal aunt and uncle before being moved to FC.
- M was having contact twice per week; one visit supervised by FC.

Parties' positions

LA filed a Placement Order application two days before the final hearing with a plan of letterbox only contact with M. After Day One of the final hearing & SW evidence, a revised care plan was filed with a plan of direct contact with M once a year. However, if S remained in LTFC the plan was for direct contact with m, six times per year.

M’s primary position was return to her care. Secondary position was LTFC with S’s current carers.

F opposed adoption and supported S remaining in her current placement.

The CG supported the LA’s application for a Placement Order. However, they recommended direct contact six times per year.

Unclear whether the current FCs were prepared to care long term. However, their updated views were obtained before the appeal where they confirmed they would care for S long-term.

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Judgment

- Judge's decision was materially influenced by two findings: LTFP was best for S in the long-term and S was best served by continuing direct contact with M.
- §29 … *the Judge expressed his pessimism (he used the words "difficult" if not "impossible", judgment at [38i]) that, given her age and circumstances, an adoptive home would be found for S which would tolerate face-to-face contact between S and her mother, particularly at the frequency envisaged.*
- §30 - *The Judge went on to isolate the "key factors" which had informed his preference for long-term fostering for S compared with adoption. He referred to the fact that S is "happy and settled where she is" (judgment [40a]) and the "catastrophic" effect on her ability to trust adults and transfer affections (judgment [40b]) were she to be required to move. He raised specific concern about the "substantial loss" to S if her contact with her mother (with whom she is "closely bonded" – the social worker and Children's Guardian had both referred to the "established relationship" between them) was confined to only one visit per year …*

Legal principles [§32 – 44]

1. Adoption formalities
2. Adoption v LTFC: *Re D-S (A Child: Adoption or Fostering) [2024] EWCA Civ 948; [2025] 1 FLR 815 at [21]; Re V (Long-term Fostering or Adoption) [2014] 1 FLR 670 at [96]*
3. Adoption and contact: *Re S (Placement Order: Contact) [2025] EWCA Civ 823; [2026] 1 FLR 48 at [80]; Re B (A Child: Post-Adoption Contact) [2019] EWCA Civ 29; [2019] 2 FLR 117 (see in particular Sir Andrew McFarlane P at [59]/[61]/[62]; and Re R and C (Adoption or Fostering) [2024] EWCA Civ 1302; [2025] 2 FLR 68 (see in particular Baker LJ at [6].*
4. Balance sheet exercise: *Re G (Care Proceedings: Welfare Evaluation) [2014] 1 FLR 670, at [54]; Re W (Adoption: Approach to Long-Term Welfare)[2017] 2 FLR 31 at [68].*
5. Relevance of the difficulties of finding an adoptive placement: *Re T (Placement Order) [2008] 1 FLR 172 at [17]*

The appeal

1. Lack of analysis of the advantages/disadvantages of LTFC v adoption
2. The Judge was wrong to conclude the current FP would be available long-term
3. The Judge did not properly weigh into the balance the advantages of an open adoptive placement
4. The Judge was wrong/placed undue weight on an adoptive placement being unlikely and/or the LA not being committed to finding an open adoptive placement
5. The Judge failed to give adequate reasons for departing from the recommendation of the LA/CG

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Analysis

- A ‘side-by-side balance sheet analysis’ would have been ‘far better’ (from the Judge and the LA!)
- Updating evidence from the FC’s meant that Ground 2 failed.
- “Having determined that regular (i.e., fortnightly) contact was the right level of contact, the Judge was entitled (indeed, it may be thought, bound) to conclude that finding an adoptive home for S which would accept this level of contact would – even in the "modern world" of increased post-adoption contact (see §36 above) – be too formidable a task.” §71
- The Judge was entitled to make the findings he did regarding the lack of realistic options for placement and the LA.
- The Judge did give adequate reasons for departing from the professional recommendation.

“This finely balanced case turned, as most such cases do, on its individual facts. The Judge was right to view S's situation as unique, and he explicitly focused on "the particular circumstances of this little girl" (judgment [18] and see also [28]). While the case law reviewed above is illuminating and of considerable assistance in setting the framework in which the Judge's decision was to be made, and this appeal must be considered, the Judge's welfare assessment had to be informed by the evidence particular to S. Having balanced up those factors adequately (as I have found that he did), albeit not in the recommended format, I am satisfied that the Judge was not wrong to have preferred long-term fostering for S over adoption. As it turns out, he was further entitled to conclude that the current carers would want to, and would probably be able to, care for S for the long-term, and that her interests would be best served if this could be achieved. The Judge cannot thus be faulted for concluding that S's welfare did not 'require' the dispensation of her parents' consent to her placement for adoption (section 52(1) ACA 2002: see §33 above).” [§77]

Conclusion – will something else do?

- Emphasises proportionality and a child’s relationship with their birth parents – their must be sufficient justification to terminate the parent/child relationship.
- Importance of the individual circumstances of each case (cultural aspects, the views of any FC’s, likelihood of adoptive placement, quality of contact, actual harm to child?)
- Side-by-side balance sheet analysis can be a helpful tool.

Public Law Conference 2026

Fabricated and Induced Illness cases

Dr David Robinson

St.Mary's

AI:
The dos and don'ts

Speaker

Stephen Williams

Meet the Team

St.Mary's

Claire Howell

Head of Chambers

Claire is a specialist in public law proceedings representing local authorities, parents, intervenors and children in complex cases.

Claire's work often involves serious allegations of non-accidental injury, factitious or fabricated illness or sexual abuse with complex medical issues often arising.

Anita Thind

Anita graduated in 1987 having read Law at Bristol and was admitted to the Inner Temple the same year. She was called to the Bar in 1988 and undertook child protection research in Seattle, Washington from 1988 to 1989.

Anita joined St Mary's in 2014 and has extensive experience in complex public law cases, acting for local authorities, parents, guardians and other family members.

Vickie Hodges

Vickie specialises in complex family law cases involving children.
She has considerable experience and interest in public law cases involving learning disabilities, psychiatric and mental health issues (adults and children), non-accidental injury and sexual abuse.

Meet the Team

St.Mary's

Judy Claxton

Judy has practised exclusively in public law cases since 2005, acting for Local Authorities, parents, guardians, interveners and the Official Solicitor.

Judy has expertise in complex serious injury cases and where multiple, life threatening or fatal injuries have occurred, or where serious allegations of sexual abuse have been made.

Paul McCandless

Paul graduated in Law from the University of Manchester in 1990 and was called to the Bar in 1991. Since that time, he has practiced on the Midland Circuit, spending 16 years at Derwent Chambers in Derby as both a founding member and Head of Chambers.

Paul specialises in Public Law proceedings representing parents and children at all levels of court.

Nicola Beese

Nicola graduated in Law from Sheffield University in 1995 and was called to the Bar in 1998. She began her practice at Victoria Chambers in Birmingham before joining St. Mary's Chambers in July 2003 to specialise in family law.

Nicola's work is focussed on cases involving children. She is experienced in complex public law children's cases, often involving serious allegations of both physical and sexual abuse.

Meet the Team

St.Mary's

Hannah Simpson

Hannah joined St. Mary's Chambers in April 2007 and has acted as a representative in complex, high-profile cases. This encompassed conflicting medical opinion, serious sexual/physical abuse of adults and children, involving non-accidental injuries and child death and factitious illness syndrome.

Hannah also has expertise in representing Neurodiverse parents and children.

Clare Coles

Clare specialises in Public Law Children cases and represents local authorities, parents, children, and intervenors in care proceedings at all levels.

She is instructed in cases involving serious and long-term neglect, non-accidental injury and physical and sexual abuse, as well as those involving children who are beyond parental control.

Rebecca Covington

Rebecca regularly appears in public law proceedings, representing parents, the Official Solicitor, the children and extended family members. She also has experience of representing the local authority.

Rebecca has been involved in proceedings concerning issues of neglect, physical, emotional and sexual abuse and cases concerning serious non-accidental injuries and child death.

Meet the Team

St.Mary's

Andrew Wren

Andrew graduated in Law Exempting from Northumbria University in 2005, achieving first class honours.

Andrew works in all areas of family law, including private and public law children matters, domestic violence injunctions, cohabitation disputes and financial remedy proceedings. He regularly provides training to local solicitors including training to several local authorities on special guardianship orders.

Ben Clulee

Ben worked as a solicitor for a specialist family law firm for a number of years where he was a member of the Law Society's Children Panel.

Ben specialises in public law proceedings representing Local Authorities, children and parents at all stages of proceedings. He is often instructed in complex cases involving non-accidental injury, international elements and wardship.

Helen Sampson

Helen studied Law and Politics at Hull University before qualifying as a solicitor in 1988. She spent 14 years in private practice in Hull, obtaining Higher Rights of Audience in 2004. She transferred to the Bar in 2006 and practised from Sovereign Chambers in Leeds before joining St. Mary's Chambers in 2012.

Helen has particular expertise in public law children's cases, representing parents, children's guardians and the Official Solicitor.

Meet the Team

St.Mary's

Emily Thurlby

Emily undertakes a significant amount of public law work on behalf of the children, parents, the official solicitor, and other family members. Emily has experience in neglect, sexual abuse, substance misuse and non-accidental injury cases.

Emily previously gained membership on the children's panel in 2012 during her time practising as a solicitor.

Chris Wells

Chris has a broad and well-established public law children practice, acting for parents, children (through their Guardians), and local authorities in care, supervision, placement, and adoption proceedings.

His work frequently involves dealing with complex medical evidence, allegations of non-accidental injury, neglect, or emotional harm, and multi-party cases with competing expert evidence.

Steven Veitch

Steven is a specialist children law barrister with a busy practice in public and private law matters.

Steven represents Local Authorities, parents & guardians within public law proceedings and is often instructed in cases involving complex medical evidence and cases involving allegations of serious sexual abuse, non-accidental injury & fabricated illness. Steven is particularly sought after for contentious fact-finding hearings.

Meet the Team

St.Mary's

Stephen Williams

Stephen is a barrister who specialises in public law care proceedings and financial remedies work. Stephen is known and respected for his detailed knowledge of the law together with his robust and dogmatic representation of his clients.

Stephen regularly represents parents and local authorities at complex fact-finding hearings involving the most serious allegations and injuries.

Sara Davis

Head of Public Law Practice Group

Sara was called to the Bar in Canada in 1996, where she practised three years. She moved to England in 1999 and became a solicitor specialising in family law.

Sara transferred to the Bar and joined St. Mary's in 2014. The focus of her practice since joining St. Mary's has been complex public law proceedings representing local authorities, parents and children.

Jennifer Frost

Jennifer has been instructed on behalf of Local Authorities, parents, interveners and children in public law children's cases.

She has experience of all stages of hearings in care proceedings from initial directions, contested interim removal hearings to multi-day hearings. She has experience of case involving parents seeking permission to revoke/oppose placement and adoption orders.

Meet the Team

St.Mary's

Laura Martin

Laura is experienced in all stages of proceedings, ranging from initial directions hearings to multi-day matters. She has been involved in cases involving serious suspected inflicted injuries to children, physical and sexual abuse, neglect and emotional harm.

Laura has involvement in representing a range of clients and has considerable experience in cases involving parents seeking permission to revoke/oppose placement and adoption orders.

Gareth Anderson

Gareth joined St. Mary's as a tenant in January 2017 following successfully completing a specialist family law pupillage.

He has a practice which encompasses a wide variety of family work including public law children, private law children and financial remedies.

Kathryn Moran

Kathryn has experience with multi-day finding of facts, final and composite hearings. Kathryn has experience dealing with serious allegations, including NAI of fractures and bruises, shaken baby syndrome and sexual abuse.

Kathryn is experienced in undertaking opposed adoption cases and applications to discharge care and placement orders, representing both the Local Authority and parents in these applications.

Meet the Team

St.Mary's

Sue Gilbourne

Sue completed the Legal Practice Course at Nottingham Law School in 1994 before going on to complete her training contract in London in 1996 and transferred to the Bar in 2017.

Sue was a solicitor between 1994 and 2017 specialising in family law. Sue has worked both in private practice and for various local authorities in the East Midlands. Since 2007 Sue has worked as a self-employed advocate specialising in Public Law Children matters.

Miriam Yafai

Miriam is an experienced advocate in public, private law, financial remedies and court of protection. Miriam has an exceptional ability to deal with difficult cases and is experienced in working with vulnerable people.

Miriam deals with all aspects of public law representing parents, Children's Guardian's and intervenors in multi-day fact finding hearings, final and composite hearings dealing with a wide range of serious issues including NAI, sexual abuse and honour violence.

Joshua Hazelwood

Joshua is regularly instructed to represent Local Authorities, parents, extended family members and children. He has experience of dealing with cases at all stages of proceedings including cases in the High Court, cases involving of the Official Solicitor and cases with international elements.

He has significant experience in dealing with serious allegations of neglect, physical and emotional abuse and non-accidental injury and an interest in representing children in DOL proceedings.

Meet the Team

St.Mary's

Marie Huggins

Marie was called to the Bar in 2015 and completed a family law pupillage in 2018 before joining St. Mary's in July 2024.

Marie has developed a busy practice in Public Law proceedings representing local authorities, parents and guardians. Marie has been ranked as a Rising Star in the Legal 500 2023 and 2024.

Matthew Chipperfield-Taylor

Matthew was called to the Bar in 2017. He completed his Family Law pupillage in 2018 before joining St Mary's Chambers in 2024.

Initially trained in all areas of Family Law, Matthew now specialises in Public Law Children's work, where he acts for Local Authority's, parents and Guardians.

Sarah Beasley

Sarah has a well-developed practice in both public and private children law.

Sarah is experienced in working with clients who have a range of vulnerabilities such as severe mental or physical health issues, addiction, people with cognitive difficulties and in matters where allegations of serious abuse has been raised. Sarah is often commended for her kindness and exceptional patience.

Meet the Team

St.Mary's

Claire Garton

Claire accepts instructions in Public Law Proceedings acting for local authorities, parents and children (through their guardian) at all stages of hearings including, contested interim removals, case management, issues resolution hearings, fact finding hearings and final hearings.

Claire prides herself on her robust but approachable manner and her ability to put the most vulnerable clients at ease.

Ali Alrazak

Prior to joining St Mary's Chambers, Ali worked as a law lecturer for a number of years. Since joining Chambers, Ali has undertaken a specialist family law pupillage covering all aspects of Public Law, Private Law, and Ancillary Relief.

Ali has gained experience in representing local authorities and parents in cases dealing with allegations of serious physical and emotional harm. Ali has been instructed in cases that have involved advocates many years his senior.

Anne Buttler

Anne specialises in representing local authorities, parents, children and family members at all stages of public law cases involving children.

She has significant experience in cases involving a range of complex issues including neglect, mental health, learning/intellectual issues, physical, emotional and sexual abuse, non-accidental injury, substance misuse, FDIA and cases involving an international element. She has expertise in connection with applications for care, supervision, placement and adoption orders.

Meet the Team

St.Mary's

Paula Bloomfield

Paula specialises in representing parents, children, family members and interveners in all stages of care proceedings including adoption, applications for contact with children in care and applications to discharge/revoke care and placement orders.

Paula has expertise in representing parents and children in cases involving neglect, drug and alcohol misuse, learning difficulties/disabilities, mental health issues and emotional harm.

Jaime Turner

Jaime accepts instructions in Public Law Proceedings acting for local authorities, parents and children (through their guardian) at all stages of hearings including, contested interim removals, case management, issues resolution hearings, fact finding hearings and final hearings.

Jaime prides herself on her robust but approachable manner and her ability to put the most vulnerable clients at ease.

Laura Parker

Laura accepts instructions in Public Law proceedings acting for local authorities, parents and children (through their guardian) at all stages of hearing, including contested interim removal hearings, case management hearings, issues resolution hearings and contested final hearings.

Laura is recognised for her robust but empathetic approach.

Meet the Team

St.Mary's

Monique Sherman

Before Joining St Mary's, Monique worked as a Lecturer teaching Law and Psychology. Monique was awarded the Droop Scholarship from Lincoln's Inn while completing the BPTC and was called to the Bar in 2021.

Monique acts for local authorities, parents and children (through their guardian) including, contested interim removals, case management hearings, issues resolution hearings and final hearings.

Fleur Claoué de Gohr

Fleur has developed a busy practice, accepting instructions across all of Chambers' practice areas, including Private and Public Law Children matters, Financial Remedies and Family Law Act proceedings.

Known for her empathetic manner, Fleur puts clients at ease quickly while balancing compassion with clear, robust advice. In court, she is a persuasive and determined advocate who fights tirelessly on her clients' behalf.

Eleanor Hull

Eleanor became a tenant after successfully completing her pupillage under the supervision of Joshua Hazelwood, Sara Davis and Charlie Fikry.

Eleanor is regularly instructed in Public Law Proceedings acting for local authorities, parents and children (through their guardian), at all stages of hearings including, contested interim removals, case management, issues resolution hearings, fact finding hearings and final hearings.

Charlotte Thomas

Charlotte accepts instructions in Public Law Proceedings acting for local authorities, parents and children (through their guardian) at all stages of hearings including, contested interim removals, case management, issues resolution hearings, fact finding hearings and final hearings.

Charlotte prides herself on her ability to quickly build a rapport with clients by putting them at ease and making them feel seen and heard within their legal proceedings.