

### Portfolio Form – Advocacy Cases for Family and Civil Applicants

This form should only be completed by applicants for the civil or family proceedings certificate.

You must complete portfolios setting out 3 cases you have handled where you undertook the advocacy. The cases that you refer to must have occurred in the previous two years. If you decide to use this form you will need to make 3 copies of the form and complete one for each case.

Date you were instructed in the case: [REDACTED]

#### Provide a concise description of the case, its progression and outcome.

I was instructed by the client (the Local Authority) to issue care proceedings in respect of three children. The Local Authority sought the making of interim Supervision Orders in respect of the children, whilst proposing that the children remain in the care of their mother, with continuation of a safety plan in place prohibiting the father from attending at the family home.

There had been Local Authority involvement with the family following the birth of the first child. The concerns were in regard to domestic abuse and violence between the parents, poor parental mental health and illicit substance misuse.

The precipitating event which placed the matter before the Court was the youngest child (aged 2 months old) being dropped on the floor by her father whilst he was under the influence of illicit substances. The child had consequently suffered a significant head injury.

At the initial hearing, I was instructed by the client to request drug-testing of both parents and the two elder children. The client was concerned that notwithstanding the implementation of the safety plan, the mother was misusing drugs within the home and in the presence of the children. The Court having heard submissions was satisfied that the drug-testing of the children was necessary alongside the parents.

The mother at the initial hearing invited the Court to relax the safety plan, which was in place in respect of the father, the mother sought for the father to attend the family home on an evening to assist her in putting the children to bed. This was vehemently opposed by the client, and the Court having heard submissions from all parties rejected the mother's submissions.

The drug-testing results in respect of the two older children were received on 1 [REDACTED]. The results identified that the children had been exposed to cannabis during up to a preceding 6-month period, with the results indicating ingestion of cannabis by the children. I was instructed to make an application to the Court seeking (a) the making of interim Care Orders (b) interim removal of all three children from their mother's care and (c) placement of the children in foster care.

The making of interim Care Orders was not opposed by any party, the removal of the children from their mother's care and placement in foster care was supported by the Children's Guardian. The mother opposed interim removal and from brief instructions having been obtained from the father, he too opposed interim removal. The father sought listing of a contested hearing with statements being filed in advance. The father disputed the urgent nature of the application.

The Court heard submissions regarding interim removal of the children from their mother's care. The mother was content for submissions to be made on her behalf rather than awaiting listing of a further contested hearing. The Court having heard submissions handed down an ex-tempore Judgment, which in summary confirmed that the Court was satisfied that the children's physical safety required immediate interim removal from their mother's care, and that removal was a proportionate response to the risks having regard to the significant injury sustained by one of the children, following the father misusing cannabis, the expert report pertaining to the children identified that they had been exposed to cannabis during up to a preceding 6-month period, which indicated ingestion of cannabis by the children. In addition, that the parents were not working collaboratively with the Local Authority which was making the interim Supervision Orders untenable, and the mother further requesting a relaxation of the safety plan over the Christmas period.

Following an ex-tempore Judgment being handed down, the solicitor for the father made an application for a stay which was subsequently refused by the Court. Whilst the Court acknowledged that the father hadn't been able to attend at today's hearing, the Court was satisfied that this application required urgent consideration at very short notice, and in any event the father was not the primary carer for the children currently. Whilst the Court expressed that his position was clearly important it was not the same as the mother's for the purposes of today's hearing. The father had had the benefit of legal representation, and the Court was satisfied that his solicitor was able to make valid representations on his behalf. The Court was not satisfied that this application could be dealt with later in the week notwithstanding the representations made on behalf of the father and the Court was satisfied that it was still the right order for the children.

Following conclusion of the hearing, the solicitor on behalf of the father made an application for a stay to the Court of Appeal. The application was subsequently refused [REDACTED] on the evening of [REDACTED]

Following the removal of the children, the parents refused to engage with the Local Authority for the purpose of further assessment. An application was made by the parents to be assessed by an Independent Social Worker; the client was neutral in respect of this application on the basis that any associated costs for the expert instruction were shared. Whilst the Local Authority were willing and able to complete assessments, it was established that neither parent would engage which could prove detrimental for long-term care-planning in respect of the children. The parents were willing to engage with an Independent Social Worker and as such the Court was satisfied that the expert instruction was necessary, to ensure that an assessment of the parents was available to the Court, to enable the Court to resolve the proceedings justly and to ensure a 'fair trial.'

During the period of further assessment, the Local Authority positively assessed the paternal grandparents of the children, and the children moved (by agreement) to their care under the auspices of the interim Care Orders.

The Independent Social Worker completed negative assessments of parents as joint and/or sole carers for the children. The Independent Social Worker felt that neither parent was able to work effectively with professionals and that both parents lacked insight as to the concerns of the Local Authority in respect of the children.

The parents were reporting that they had ended their relationship with each other, and the mother was reporting that she had abstained from cannabis misuse, which was subsequently confirmed by way of expert drug-testing results. The father disengaged from the proceedings but confirmed that he was still smoking cannabis daily, and he reported that he was living in his car.

At the final hearing on [REDACTED] the Local Authority supported by the Guardian recommended that Special Guardianship Orders be made in favour of the paternal grandparents in respect of the children. The Court heard oral evidence from the Independent Social Worker, the Team Manager (the social worker was unwell), the mother, and the Children's Guardian. The mother sought the return of the children to her care, a position which the father supported.

The Court having heard the oral evidence in this matter expressed a clear view that further information was required regarding further assessment of the mother hereinafter, and whether such assessment could be undertaken of the mother within proceedings by way of an adjournment or whether the proceedings could today be finalised with Care Orders being made in respect of the children, and ongoing assessment of the mother being facilitated by the Local Authority hereinafter. The Court expressed a view, having heard the evidence, that the most recent assessment of the mother concluded in [REDACTED] and an addendum assessment was required. The Court was informed that the parents had separated in [REDACTED] and the mother (following removal of the children) had abstained from cannabis misuse. The Local Authority subsequently confirmed after such indication by the Court that it would not actively oppose an adjournment of the proceedings for a period of 3 months to enable the allocated social worker, to undertake an addendum assessment of the mother. This was supported by all parties and a revised timetable for the proceedings was agreed.

Following the final hearing, I was instructed to make a further application back to Court [REDACTED] for urgent directions. The paternal grandfather had unexpectedly passed away on [REDACTED] thus leaving the paternal grandmother as sole carer for the children. Furthermore, The Local Authority were informed on [REDACTED] by the paternal aunt, that the parents were in a relationship and were living together. The paternal aunt confirmed that she became aware of such information, on [REDACTED] following the unexpected death of her brother. The paternal aunt had provided screenshots of Facebook messages between her and the father, to the allocated social worker, which confirmed therein the status of the parent's relationship, details of when the reconciliation took place and the current living arrangements. The messages went on to confirm that neither social services nor the Court were aware of this, and they have done things separately, to keep up the pretence that they have remained

separated. I was instructed by the client to retain the extension of proceedings to enable an updated special guardianship assessment to be undertaken of the paternal grandmother (as a sole carer) for the children and for an assessment to be undertaken of the paternal aunt as an alternative carer for the children. I was instructed further that in view of the information which had been provided by the paternal family member together with the content of the Facebook message communications, the Local Authority no longer supported further assessment of the mother as a sole carer for the children, as such, I was instructed to invite the Court to conclude that the mother could now be ruled out as a carer for the children, in advance of the final hearing on [REDACTED]

The Court heard submissions regarding the above was satisfied that further assessment of the mother hereinafter be suspended by the Local Authority, pending determination by the Court on [REDACTED] the alleged concealed reconciliation between the parents. The Court was satisfied that such suspension would not prejudice the mother's position at the hearing on 25 [REDACTED] or thereafter. The Court was satisfied that further oral evidence would be required in this matter and is necessary and proportionate in advance of the adjourned final hearing listed on [REDACTED]. The Court was satisfied that further interim evidence was required, notwithstanding the final hearing being part-heard, to ascertain whether the further assessment of the mother was to continue, and/or whether a special guardianship assessment was required to be commenced in respect of the paternal aunt. To avoid any associated delay, the Court directed that the special guardianship assessment of the paternal aunt and her partner be commenced.

I was instructed to make a further application back to [REDACTED] seeking interim removal of the children from the paternal grandmother's care. This was a reluctant application having regard to the grandmother's mental health following the death of her husband. The application was nevertheless made in the context that she was struggling to care for all three children (the children not being collected from school and nursery, and the children presenting as unkempt), furthermore, the paternal grandmother was unwilling to make the children available for contact with the paternal aunt (which was crucial regarding her support in assisting the grandmother to care for the children and for the progression of the special guardianship assessment), there were also concerns that the paternal grandmother was allowing the children to spend time with their parents within her home.

The Court heard submissions from all parties, following such submissions the paternal grandmother informed her solicitor that she would now agree to regular contact taking place between the children and the paternal aunt to inform the special guardianship assessment which is being undertaken by the Local Authority. She also confirmed that she would engage with the Local Authority and comply with a safety plan. As such, the Court was not satisfied that immediate separation of the children from the care of their paternal grandmother was required. The Court did direct the Local Authority to file and serve a safety plan regarding the arrangements in respect of the children hereinafter, with the safety plan being annexed to the Court order.

At the contested hearing on [REDACTED] the Court heard evidence from the paternal aunt, social worker, the mother, father and the Children's Guardian. The Court was further assisted



by updated expert drug-testing of the mother which confirmed that her cannabis misuse had commenced again at the beginning of September 2022. Following oral evidence and submissions, the Court handed down a Judgment. In summary, the Court was satisfied that the messages which were provided by the paternal aunt (between her and the father) were a true picture of the parent's relationship and that the mother had been dishonest with the Court (at the previous final hearing, whilst under Oath) and that cannabis misuse was again an ongoing concern. The Court concluded that whatever positive changes that the mother had wrought since spring this year were flimsy and spurious. Further, they indicate that she is not currently able to work openly and honestly with the Authority, and neither is the father. To continue to assess the mother as a long-term carer for the children would indeed, knowing what the Court now knows, be a wrongful reliance on "something turning up". Any further assessment of her would not be work that is "necessary to assist the court to resolve the proceedings justly":

At the final hearing on [REDACTED] the Local Authority presented a final care plan to the Court recommending that Special Guardianship Orders be made in favour of the paternal aunt. This was opposed by the parent's and paternal grandmother but supported by the Children's Guardian. The Court heard submissions from all parties and endorsed the Local Authority final care plans for the children.

**Summarise the nature of the advocacy that you undertook in the case. Your answer should include any negotiation or arbitration meetings that you were involved in**

This was a substantive set of care proceedings which required advocacy (both written and oral) in several contested hearings.

Pre-hearing discussions took place in advance of each hearing, which included attempted negotiation between the parties to reach agreement, where possible. The parents were hostile to professional involvement and as such were reluctant to provide instructions to their solicitor which could assist in reaching a compromise in respect of matters.

At the initial hearing, whilst the initial orders and directions were agreed, the mother instructed her solicitor to request that the safety plan in respect of father be relaxed. Negotiations were attempted, in the sense that the client instructed me that the safety plan would be reviewed by the Local Authority as the assessments were ongoing and that this could be recorded on the order. Notwithstanding this, the mother (supported by the father) requested that the Court consider relaxation of the safety plan at the initial hearing. This required oral submissions being made on behalf of the client, articulating why the client felt this was not in the best interests of the children and directing the Court to the evidence which supported the position and submissions which were being made.

At the urgent removal hearing, the Court heard oral submissions from all parties. The father had instructed his solicitor to seek listing of a fully contested hearing, allowing time for statements to be filed and for him to give oral evidence. This was not supported by any other party; the client was significantly concerned for the immediate physical safety of the children within their mother's care as they were ingesting cannabis within her care. This followed the youngest child having

suffered a significant head injury which had been directly attributable to the parent's cannabis misuse.

At the final hearing on [REDACTED] the final threshold and welfare findings which were pleaded and sought by the Local Authority in respect of the parents were able to be negotiated and were agreed prior to the hearing commencing. This resulted in this aspect of the case not requiring challenge or oral evidence.

The Court heard oral evidence on [REDACTED] from the Independent Social Worker, Team Manager (as the social worker was unwell), the mother and the Children's Guardian. This included Examination in Chief, Cross-Examination, and Re-examination of those witnesses. The Court having heard the oral evidence from the witnesses, gave an indication that it considered further updated assessment of the mother was necessary. There was an agreed way forward (following negotiation) that the client would not oppose an adjournment for further assessment of the mother, if the mother was willing to engage with the social worker to enable the assessment to be completed by the Local Authority.

The matter came back before the Court on [REDACTED] the Court heard oral submissions at this hearing regarding the continuance or the updating assessment which had been directed in respect of the mother. The Court in readiness for this hearing was assisted by written submissions on behalf of the client which I had prepared detailing the relevant case law. The Court having heard submissions, concluded that listing of an interim hearing requiring oral evidence would be necessary in advance of the final hearing. It was confirmed at the hearing that the case law which had been relied on by the Local Authority was the correct law and agreed by all parties.

The Court heard oral submissions on [REDACTED] respect of interim removal of the children from the care of their paternal grandmother. The Court was assisted by written submissions by way of a position statement on behalf of the client which confirmed therein the legal test regarding interim removal and the relevant case law. A negotiation was achieved at this hearing, the Court conversed directly with the paternal grandmother at which she confirmed that she would now be willing to work with the Local Authority, the application for removal was not pursued by the client, on the basis that the paternal grandmother was willing to work with the Local Authority for the benefit of the children.

The Court heard oral evidence again on [REDACTED] from the paternal aunt, social worker, the mother and the father which included Evidence in Chief, Cross-Examination and Re-examination of those witnesses. The Court heard oral submissions from each party following the oral evidence.

At the final hearing, there was negotiation in respect of the proposed long-term contact arrangements which became agreed. The argument remained however as to whether Special Guardianship Orders should be made in favour of the Paternal Grandmother or the Paternal Aunt in respect of the children. The Court heard oral submissions on behalf of each party.

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**Indicate what Court(s) the hearing took place in and whether the case was contested**

The hearings were listed in the Single Family Court and allocated to District Judge Level.

██████████ – Initial Case Management Hearing. The initial care plans for the children and timetable for the case were agreed but the mother (supported by the father) requested that the safety plan which was in place prohibiting the father from attending at the family home was relaxed. This suggestion was opposed by the client (supported by the Children's Guardian). The Court heard oral submissions during the hearing, and handed down an ex-tempore Judgment which rejected the submissions which had been made by the mother.

██████████ Interim Removal Hearing. The client had instructed me to make an application seeking interim removal of the children from their mother's care. The proposed removal of the children from the mother's care was contested by the parent's but supported by the Children's Guardian. The Court heard oral submissions from all parties.

██████████ – Directions Hearing before Mr Justice ██████████. An agreed re-timetable of the proceedings allowing for placement of the children in the care of the paternal grandparents, and the instruction of an Independent Social Worker to assess the parents as joint and sole carers for the children.

██████████ Issues Resolution Hearing. Negotiations were discussed and attempted at this hearing to assist agreements being made (where possible) within the case in readiness for the final hearing.

██████████ Final Hearing. The long-term placement of the children was fully contested by the parents which required oral evidence from the Independent Social Worker, Team Manager (in the absence of the social worker), the mother and the Children's Guardian)

2 ██████████ – Urgent Directions Hearing. The direction for continuing assessment of the mother by the Local Authority was contested. This was dealt with by the Court by way of oral submissions. The Local Authority sought to cease this assessment in view of new information and evidence which had become available. The parents opposed this and sought for the assessment to continue.

██████████ Interim Removal Hearing. This was initially fully contested but during the course of the hearing was not pursued by the client as the paternal grandmother had reflected on her position and agreed to comply with a safety plan.



██████████ – Interim contested Hearing. This hearing took place in regard to the evidence which had been adduced in respect of the parent's continuing relationship and the mother's drug misuse. The Local Authority sought for the mother to be 'ruled out' as an appropriate carer for the children in advance of the final hearing which was listed on 13.12.2022. This was fully contested requiring evidence from the paternal aunt (the person that had communicated with the father, regarding his continuing relationship with the mother. The aunt had provided the messages to the social worker), the social worker, the mother and the father. The parents disputed that they had reconciled their relationship and the father maintained that he didn't have a mobile phone and that his social media account had been hacked. The witnesses gave Evidence in Chief and were Cross-Examined and Re-examined where necessary. The Court then heard oral submissions from each party.

██████████ – Final Hearing. This hearing was also contested in respect of whether the Special Guardianship Orders in respect of the children should be made in favour of the paternal aunt or paternal grandmother. The Court heard oral submissions from each party.

### **Summarise the preparation work you carried out for the hearing**

I maintained a clear file record of all conversation correspondence and attendance, including a detailed court note for each hearing.

For each hearing, I undertook a review of the entire bundle, including C110A s31 application; previous orders; C2 application for Part 25 expert instruction of an Independent Social Worker who was later approved to undertake assessments of the parents. I considered and approved the letter of instruction (I later considered and advised my clients on the resulting report). I also considered previous orders.

I considered urgent Social Worker statements relating to the initial removal of the children and wider concerns (seeking to identify areas of concern that would need to be addressed outside of Threshold, but, also identifying what information supported the pled threshold). Considered a school chronology, a parties' statements in reply and expert evidence by way of drug-testing.

I took instructions and assisted client in drafting requisite statements and safety plans. I prepared case summaries and position statements in readiness for the hearings, which required research of case law, statute and procedure.

I reviewed witness statements, care plans, expert evidence, medical information, and Children Guardian initial and final analysis.

For four hearings, I had drafted written submissions on contentious issues, though, they were not filed, with the Judge simply seeking oral submissions. In advance of the final hearing, I had prepared written submissions. Not in a format as to be filed, but in order to be ready for oral submissions, with indexed references. This was amended during pre-hearing negotiations.



In advance of the final hearing, I prepared questions for Examination in Chief of the Independent Social Worker and Social Worker together with proposed questions for Cross-Examination of the mother, father and Children's Guardian.

In advance of the contested hearing on [REDACTED] I prepared questions for Examination in Chief of the Paternal Aunt and Social Worker together with proposed questions for Cross-Examination of the mother and father.

Throughout I maintained detailed case notes of meetings and conversations for reference etc.

I was always required to review a draft Judgment alongside the other parties following the hearing on [REDACTED] to confirm agreement and/or amendments to the same.

**Provide a summary of what the clients objectives were for the case and how you managed those objectives**

The objective of the client was to ensure that the children were safe and protected from harm, and that their best interests were being met in the short and long-term.

The client initially sought to keep the children in the care of their mother (if it was safe to do so) by implementation and continuation of compliance with a safety plan by the parents. This was appropriate until such time that subsequent evidence confirmed that there would be immediate physical, emotional, or psychological risk posed to the children remaining in the care of their mother.

At the first hearing, the objectives were managed by explaining to the Court by way of oral submissions that the safety plan should remain in place, that this was necessary and in the best interests of the children to ensure their safety in the interim. The client was concerned that if the father was attending at the family home, the children would be at risk of being exposed to further domestic abuse and violence between their parents and being exposed to their father whilst he was under the influence of drugs.

An application was made for expert drug-testing to be undertaken of the parents and the children to ascertain if the children were being exposed to drugs whilst residing within their home. This was relevant to inform interim care-planning in respect of the children, as to the level of risk which was posed to the children remaining in their mother's care.

Following expert evidence being adduced, the client did not consider that the physical safety of the children could be appropriately managed or safeguarded by professionals, as such an application was made to remove the children from their mother's care in the interim. The client was significantly concerned that the children were at risk of death within their mother's care following ingestion of drugs by the children which had occurred over a preceding 6-month period.

I managed the objective by making submissions to the Court regarding the legal test for interim removal and linking and referencing those with the evidence which was available in this matter. I successfully opposed a suggestion (made by the father's solicitor) that this application was

capable of being dealt with on a later date, following written statements of evidence being provided by the parents. This was subsequently upheld by the Court of Appeal.

The client was keen for the parents to be fairly assessed for the children within the proceedings notwithstanding the history, and I was instructed to not oppose the application for an Independent Social Worker which was sought by the parents.

At the final hearing in [REDACTED] the Local Authority accepted the evidence of the Independent Social Worker and as such sought for the proceedings to be concluded with Special Guardianship Orders in favour of the Paternal Grandparents. I managed this objective by dealing with Evidence in Chief from the Independent Social Worker and Social Worker and cross-examination of the mother. The client sought to retain further assessment of the mother following oral evidence and this was made clear to the Court by way of oral submissions.

It became apparent shortly thereafter to the client that the mother had lied to the Court whilst under Oath in respect of her relationship with the father, and there were concerns that the mother was misusing cannabis again. The client did not consider that further assessment of the mother was necessary in the circumstances, and it was felt that further assessment in this case should now focus on the paternal aunt (given that she had put her head above the parapet for concern regarding the welfare of the children).

I managed those objectives by making an application to the Court and undertook significant research regarding relevant case law in support of the client's position. I provided the Court with the relevant case law and made submissions in that regard. I subsequently cross-examined the parents and undertook Evidence in Chief in respect of the paternal aunt and social worker. The Court having considered all those matters, found in favour of the client and agreed that further assessment of the mother was no longer necessary.

At the final hearing in [REDACTED] the client concluded that it was in the best interests of the children for Special Guardianship Orders to be made in favour of the paternal aunt. I provided oral submissions to the Court in this regard and the final care plans for the children were endorsed.

**Provide a summary of any legal and procedural issues that arose during the course of the hearing and how you dealt with them**

1. S38 Children Act 1989 provides the law regarding the Court power to make an interim Care Order or Supervision Order, interim Supervision Orders were initially made in this case before interim Care Orders were made in December 2021.
2. I considered s31 Children Act 1989 (CA89) which is the statute regarding application for Care Orders. That has the main application, including consideration of Threshold s31(2) CA89, in that also having regard to the differing interpretation of the level of justification required for initial or ongoing removal under and interim Care Orders (ICO's) s38 CA 1989, as opposed to that on consideration of permanence when making final orders.
3. Considered s34 CA89, which addresses issues of contact with children in care. Relevant in submissions.
4. Consideration of the guidance in Re C (A Child: Interim Separation) 2020 regarding interim removal of the children from their mother's care in December 2021.
5. s8 Children Act 1989 were discussed, as the Local Authority at the outset of proceedings were recommending the making of a Child Arrangements Order (live-with) in favour of the mother alongside an interim Supervision Order. A Child Arrangements Order (live with) and in respect of contact were also considered in readiness for the final hearing but, were not pursued.
6. Consideration of Part 1 of the Family Procedure Rule (FPR), being the 'Overriding Objective', having a mind to seeking to resolve matters expeditiously (seeking to resolve by negotiation, seeking to issue without delay, and seeking early listing dates for hearings, without unnecessary directions that may cause undue delay), this is also reflected in the Children Act 1989 s1(2) re delay. The same Part of the FPR refers to conducting proceedings fairly (I used indexed bundles (compliant with Practice Direction 27A of the FPR) and always having a mind to the cost of the proceedings for the client.
7. Consideration of the Children Act 1989 as a whole
8. The Children Act's 'Welfare Checklist' (s1(5) Children Act 1989) was considered throughout at all times, but particularly at the final hearing, when considering Final Order. This is a statutory exercise designed as a general overview checklist to safeguard that decisions will be made for the benefit of children, in their interest.
9. Article 6 and 8 of the Human Rights act were also considered, that being the right to be heard, and the right to Family life, significant for the children, and the parents, who had contested matters throughout the proceedings. This was also relevant in consideration of the application to instruct an Independent Social Worker for assessment of the parents.
10. Section 14 of Children and Families Act 2014, which provides the timescale of 26 weeks from issue of Care or Supervision proceedings. This period was identified within proceedings for the purpose of timetabling and setting a final hearing. An application was required to be made within these proceedings to extend the proceedings pursuant to s32(5) CA 1989 to enable the Court to resolve the proceedings justly having regard to the instruction of an Independent Social Worker in this case and associated delay in completion of her assessment.
11. Orders were specifically sought regarding police disclosure. It had not been forthcoming, and protocol required compliance within 28 days, which the police had not complied with.



An order was made for disclosure of relevant documents by a specified date. It was essential as the parents disputed any domestic abuse or violence within their relationship, despite it being known by the client that the police had attended many incidents at the family home.

12. The Adoption and Children Act 2002 introduced Special Guardianship Orders to the Children Act 1989, which in this case was the concluding order to secure the children's placement with the paternal aunt. Applying the guidance in the Special Guardianship Regulations 2005, and as Amended 2006 Regs, it was felt that the paternal aunt may need the ability to make unilateral parental decisions regarding the children, that a CAO would not have provided authority for. The SGO also provided a more regulated forum for further ongoing support.
13. Consideration of the guidance of Munby P in *Re R (A Child)* [2014] EWCA Civ 1625 regarding the mother being ruled out as a carer for the children in advance of the final hearing on 13.12.2022, thus not requiring further assessment by the client and further case law in this regard such as *North Yorkshire County Council v B* [2008] 1 FLR 1645.
14. Consideration of case law, Court of Appeal *Re: N (Children Interim Order/Stay)* [2020] EWCA Civ 1070 12.8.20 regarding the application made by the father for a stay following handing down of an ex-tempore Judgment by the Court regarding interim removal of the children from their mother's care.
15. Part 12 of the FPR 2010 deals with both Private Law and Public Law procedure (save for an Adoption Application, which is Part 14). Adoption was being considered by the client prior to the positive assessment being completed of the paternal grandparents.
16. Part 30 and Practice Direction 30A of the 2010 rules, prescribed the process for the appeal application that was made by the father.
17. Part 25 of the FPR 2010 prescribed the format for the application for independent experts within the case. This was adhered to. I considered and approved the application, and the letter of instruction to the Independent Social Worker.

**Provide a summary of any evidential or ethical issues that arose during the course of the hearing and how you dealt with them**

At the Family Court in [REDACTED] I have been recorded upon a list held by the court as an appropriate professional to deal with hearings in that court, and as such, so long as all parties consent, they have allowed me to deal with cases, as I did in this case. On each occasion, I make the Court aware of this, in order that any objection can be raised. If any objection was to be raised, I would arrange for a Solicitor colleague to make those representations on behalf of my client, and I would assist. That has not yet occurred.

Aside from this, the case did not cause me any ethical concern, nor issue of conduct. Given the complexity of the proceedings, there had to be continual and regular review of legislation, procedure and guidance within the case alongside the emerging evidence as it was adduced.



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<b>Indicate how effective your advocacy was in the case</b>
<p>During the course of the proceedings, I was required to undertake significant advocacy which was effective in ensuring that the client got the outcomes which they sought and that the Court could make decisions that were in the best interests of the children.</p> <p>My written and oral advocacy assisted the Court in endorsing interim removal of the children from their mother's care, at a time when the evidence and my instructions suggested that their immediate physical safety was dangerously compromised within the care of their mother.</p> <p>My written and oral advocacy was also effective at the contested hearing on [REDACTED] which resulted in significant findings of dishonesty being found against the parents by the Court. This followed careful consideration of the evidence within the case and cross-examination of the parents. The Court was greatly assisted by the research I had done and written submissions I had prepared regarding the correct law and procedure to apply when further assessment of the mother was no longer considered necessary.</p> <p>I genuinely believe that the correct care plans for the children were endorsed by the Court at the final hearing. This followed not only advocacy at the final hearing by way of oral submissions but also the advocacy throughout the case which was adapted accordingly (oral and written) on the basis of my instructions from the client, and from research.</p>

<b>Summarise any training or development needs you identified arising out of your advocacy in this case</b>
<p>As the case progressed, aspects of it became complex which required careful consideration and review of case law, legislation and procedure. It is crucial I keep up to date with all matters regarding public law cases.</p> <p>in light of my not already having the Cilex Advocacy Skill qualification. I again identified that this training, and qualification was essential.</p> <p>I also subsequently read further into the guidance of Munby P in Re R (A Child) [2014] EWCA Civ 1625 and the associated case law.</p>

## DATA PROTECTION

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## Declaration

I confirm that the information contained on this form is accurate to the best of my knowledge and belief.

