



**Name:** Jacqueline Thomas

**Role:** Joint Head of Chambers

**Called:** 2000

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## Summary:

Jacqueline is instructed in complex child care and Court of Protection matters, often in cases which involve elements of both jurisdictions, and applications in the inherent jurisdiction. She has specialist expertise in cases involving teenagers transitions from child care to adult social care and the overlap with community care and education law issues.

Jacqueline particularly enjoys cases requiring forensic and detailed cross examination, and is regularly instructed by local authorities, parents and other parties in complex and lengthy fact finding hearings, both in the Family Court and Court of Protection.

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## Endorsements:

Legal 500 2020 (Family & Children) - 'Her written work is of a very high standard and her advocacy is very impressive'

Legal 500 2020 (Court of Protection) - 'Sound, wise and well-informed.'

Legal 500 2019, Family & Children - 'A very experienced junior who is measured and meticulous in court.'

Legal 500 2018, Court of Protection - 'She has a great technical mind.' 'Has particular expertise in Court of Protection cases regarding health and welfare and deprivation of liberty matters involving vulnerable adults.'

Legal 500 2017 - 'An expert in non-accidental injury cases.'"She has great cross-examination and client skills."

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## Public Law children:

Notable cases;

Re J (Representation: Fact-Finding Hearing) [2008] EWCA Civ 212

Successful appeal to the Court of Appeal to secure representation for a grandmother in a finding of fact hearing

Re T (Children) [2011] EWCA Civ 1818

Represented the Guardian in the Court of Appeal concerning whether an uncle should remain as an intervenor or not

A LA v L

Represented the local authority in two linked care cases, involving Roma Slovak families, very young mother and baby and allegations of people trafficking.

A LA v A

Representing local authority in application for female genital mutilation prevention order against 3 members of a family, with the purpose of protecting the youngest child of the family. Orders were successfully achieved.

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## **Court of Protection – Health and Welfare:**

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Notable cases:

A LA v F

Application in the Court of Protection for best interest declarations and authorisation of the deprivation of liberty of a care leaver, in the face of opposition from his father who had expressed the intention to remove AF from the residential home once he reached the age of 18 years. The case was transferred from the Family Court and involved the interaction between the children's social care team, the disability team, and transitions to adult social care. In due course, the placement and deprivation of liberty were both authorised.

A CCG v B

Represented the CCG in COP proceedings (health and welfare) with linked Human Rights Act claim. Complex needs case, with difficulties in placement and placement breakdown. Background of potential unlawful deprivation of liberty. Jacqueline successfully defended the HRA claim which was subsequently withdrawn.

A LA v N

Represented the local authority in a finding of fact hearing in the COP in which findings were successfully obtained against family members who had actively undermined the placement of a daughter of the family. The placement had given notice as a result and new accommodation had to be found. Final orders were achieved with best interest declarations that N would remain in residential care.

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## **Mental Health:**

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## Notable Cases:

### A LA v W

Complex case in the High Court dealing with teenager with serious mental health issues coming out of section 3 detention. Case involving interim care order and potential deprivation of liberty of 13 year old. Cross over of all areas of work.

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## **Administrative law:**

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## Notable Cases:

### A LA v P

Acting on behalf of LA in educational tribunal claim and connected judicial review. Case concerned teenager with complex care needs.

### A LA v C

Application in the High Court for wardship and associated injunctions to protect a vulnerable 17 year old who was at risk of sexual harm from a violent partner. The case required consideration of legal arguments as to the appropriate orders and whether it was lawful for a child to be placed in local authority accommodation as a ward. It also required review of the deprivation of liberty which was in place in the care home and whether the ward's Article 5 rights were sufficiently protected by the authorisation of the Court.

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## **Human Rights Act Claims:**

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Jacqueline deals with complex Children Act care proceedings and health and welfare applications in the Court of Protection. Her caseload routinely includes transition cases relating to the Article 5 rights of young people across both jurisdictions. Work in the child care arena involves consideration of Article 8 and 6 rights on a daily basis and Jacqueline advises authorities, parents and children's solicitors as to potential claims arising from their conduct as part of her work in child care. Within the Court of Protection, consideration of Human Rights issues are integral to Jacqueline's work in which she is instructed on behalf of all parties. The following are specific examples of her work in this area.

2015 - NELC v Griffin. Acting on behalf of children. Advice provided in the case of NELC v G, on issues arising following care case in which Jacqui acted for the children's Guardian. The children had been removed from their parents' care following a fracture to a child's arm. They were later returned by the authority to the parents, with potentially inadequate investigation and risk assessment. Less than 12 months later, the parents killed the youngest child by serious assault and further injuries were inflicted to an older child. The issue arose on behalf of the surviving children whether there had been professional negligence on the part of the social workers. This was around the same time as the case of Northamptonshire County Council v AS & Ors (Rev 1 [2015] EWHC 199. The advice was taken forward by CAF/CASS on behalf of the children.

2015 - NYCC v MAG. Acted on behalf of local authority in COP proceedings at first instance and on appeal, dealing with human rights issues arising from the deprivation of liberty of P. Arguments

including Art. 3 raised on behalf of P. Successful on appeal.  
<https://www.familylawweek.co.uk/site.aspx?i=ed158445>

2017 - SB v CCG. Acting on behalf of CCG defending HRA claim brought against them and the local authority arising from Court of Protection proceedings. Young person had been left in inappropriate placement for 18 months by public bodies with no action taken to move him on. Pre-action advice and defence drafted. Claim was subsequently withdrawn.

2017 - NELC v E. Acting on behalf of local authority in care proceedings in which the children sought damages pursuant to breaches of Article 8. Claim adjourned pending findings in the care proceedings.

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## **Appointments and Memberships :**

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Recorder of The First Tier Tribunal - Education, Health and Social Care - 2019  
Trustee & Secretary, Spire Foundation - 2019  
Joint Head of Chambers - 2019  
Elected to The Bar Council - 2018  
Recorder of the Family Court - 2018  
Visiting Lecturer - Keele University  
Family Law Bar Association  
North Eastern Circuit  
Barrister member of the Council of the Inns of Court Disciplinary Tribunal [2014 - 2018]  
Court of Protection Practitioners Association  
Mental Health Lawyers Association  
Lawyers for Children

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## **Publications:**

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Jacqueline is the co-author of Reforming Family Justice (1st ed) and Family Justice Reformed (2nd Ed).

"The second edition is a worthy successor to the first. Again, our authors deserve our thanks and our congratulations." (Sir James Munby P, June 2017)

"The authors provide a commentary of quality on what we do and they deserve our thanks and grateful attention to the detail of what they have written."  
Rt Hon Sir Ernest Ryder, Senior President, June 2017"

Link to book

<http://www.jordanpublishing.co.uk/practice-areas/family/publications/family-justice-reformed#.WUzXihTtLI>

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## **Seminar/Training :**

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Jacqueline presents and contributes to a number of seminars to solicitors and other professionals in Family law and Court of Protection, most recently the Chambers Court of Protection and Adult

Social Care talks held across Yorkshire and the Humber.Â

Jacqueline also regularlyÂ provides accreditedÂ Seminars through MBL Training in relation to preparing for complex findings of fact hearings and also safeguarding care leavers.

In addition, Jacqueline recently became a Visiting Lecturer at Keele University where she lectures on the Child Care MA course.

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## **Education :**

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Keele University - Adult Safeguarding MA - Distinction

Browne Jacobson Award for Dissertation on Safeguarding Vulnerable Care leavers

Keele University LLB - Law and Pyschology.

**Spire Barristers**

<http://spirebarristers.co.uk>