



Her extensive family work includes:

- Private children (private and legally aided)
- Public children (all parties)
- Matrimonial finances -high and low net worth clients
- Court of Protection
- Immigration matters
- Mediation and Collaborative Law
- Public Access work
- Non accidental injury
- Medical and other expert cross examination - excellent medical knowledge
- Up to the minute with the changes in law and legal aid
- Pragmatically at court.

## Public Law

Rachael accepts instructions on all aspects of public law from all parties. She has represented local authorities, parents, relatives (interveners), the police and regularly has professional client instruction by Guardian as Litem for children. She has particular experience in:

- Family Care Proceedings cross-over to Court of Protection (recent case reported - see below)
- Extensive knowledge of the immigration system both public and private law matters but particularly where trafficking issues come into play within family cases.
- Acting for the Official Solicitor in family law cases and in proceedings where the mental health of the parties is an issue.
- Representing clients with complex needs, and understanding clients with learning difficulties.
- Non accidental injury - increasingly acting in cases which are of a more serious and complex nature involving complex cross examination/fact finding and analysis of medical evidence.
- Forced marriage and cases where honour based violence is raised as an issue

## Recently Reported Case

### ***B (A Local Authority) v RM, MM and AM [2010] EWHC 3802 Fam***

Acting for a single mother of a older teenager with severe learning disabilities, autism and Tourette syndrome. Moroccan heritage - international abduction - witchcraft - Care Home for the disabled - Deprivation of Liberty - Children Act 1989 and Mental Health Act 1985 - Family Division/Court of Protection. Successfully represented the mother.

## Private Law

Rachael has a significant private law practice and she has a wealth of experience across acrimonious proceedings (of high and low net worth clients) including international matters.

### Year of Call

1998

### Email Address

rachaelrf@gclaw.co.uk

### Telephone

020 7993 7842

### Education

University of Hull: 2:1 BA  
Hons, CPE (BPP), BVC  
(BPP)

### Languages

Japanese; Basic French

### Practice Areas:

Rachael Rowley-Fox is a member of the following Practice Areas:

- Court of Protection
- Family
- Mediation

### Garden Court Chambers

57 - 60 Lincoln's Inn Fields  
London WC2A 3LJ  
Tel 020 7993 7600  
Fax 020 7993 7700



- All private law matters - creates a genuine trust by privately financed clients where case and client management is of the essence to avoid extension of expensive litigation as well as those legally aided and deals with vulnerability with dignity.
- Representation of children in private law proceedings through their 16.4 Guardians, including cases where individual children are separately represented. Including serious sexual abuse and Domestic Violence
- Representation of adults with complex needs. A highly capable barrister able to communicate complex issues and understand the specific client requirements
- Special Guardianship
- Rachael has a particular interest in cases where mental health is a feature and this informs and is supported by her Court of Protection work.

Rachael is acutely aware of the increasing pressure on clients to fund litigation and is well versed to provide written advice for clients about merits of cases. Rachael is also a skilled negotiator, able to utilise her skills to minimise emotionally and financially draining litigation.

## Court of Protection

Rachael's depth of experience across family and community care law informs her understanding of the difficulties faced by clients who have learning difficulties, disabilities or mental health problems. She is particularly skilled in this area of work.

***B (A Local Authority) v RM, MM and AM [2010] EWHC 3802 Fam*** (as above)

## Mediation

Rachael is a trained civil mediator and is currently undertaking specialist training as a family mediator and collaborative lawyer. Already very used to managing experts and continue to do so (where necessary) in mediation.

## Notable Cases

***Re LF*** - Appealed FPC decision where the final care plan was for adoption. Grave concerns over the duty of care of local authority and fairness of the residential assessment of the parents (application of PAMS) - misdiagnosis of Mother's learning difficulties. Appeal to CC focal point is systemic failure due to Government financial cuts affecting care proceedings and thus the child. Calling into question the due process of CAFCASS and application of the parent.

***Re A*** - International abduction - Forced marriage - Pakistan child witnesses and separate representation of children - High cost complex High Court proceedings via the Guardians. Rachael represented the family's youngest children joining proceedings at a midway. This case raised important points of cultural and religious pressures on young women, the involvement of police and publicity issues.

***Re B*** - Mental health - new baby breastfeeding - prevention of removal of three day old baby from the mother on discharge from hospital despite the fact that there



had been previous findings made against same mother. International abduction and final care order with placement of child in Pakistan.

**Out of hours appeal from FPC to High Court Judge** - successfully persuaded the High Court to hear the case on an emergency basis over three days. Prevention of local authority application for interim care order to remove.

**Re C** - Non Accidental Injuries - complex fact finding - Public Law High Court - high cost case acting for parent with special needs followed by welfare and prevention of removal of three of six children.

**Re S** - Serious class A drug addiction. Child trafficking-international abduction - Poland - represented the mother - FCP - adoption. Rachael facilitated successful extensive negotiations between the parties. Resulted in placement with paternal grand mother - success in winning the trust of the heroin addict parents and helping them to understand what was needed - a key component in mitigation of the outcome.

**Re C** - Protracted, deeply acrimonious contact and residence dispute (over eight years) in which the mother, father and children all had disabilities of Aspergers, autism and profound deafness - to establish where the children should reside and how to regulate contact in their best interests. Rachael represented the children through their 16.4 Guardian. Raised new benefits issues in shared residence.

**Re K** - Represented the father of Afro Caribbean heritage. Complicated private law Children Act proceedings with serious allegations of domestic violence. Father had previous convictions. Rachael argued that there was systemic racism against the father. Detailed analysis of Domestic Violence programmes (Domestic Violence Intervention Programme and Integrated Domestic Abuse Programme). Successfully persuaded the court to set aside negative final recommendations of CAFCASS against the Father. New CAFCASS officer appointed- lack of fairness in conducting reports. Successful conclusion.

**Re R** - private law- wealthy parents - contact and residence - serious domestic violence involving extended paternal family - attempted murder with a firearm - criminal court - media publicity/injunction. Witness protection programme.

**Re PM** - Domestic Violence -complex fact finding - International abduction, witch craft/religious cultural belief system working against the best interest of the child - Sierra Leone - Private law became public law care proceedings.

**Ancillary Relief** - divorce - and client in Armed Forces in Germany Private Children Act dispute

Rachael has recently been described by senior Solicitors as a 'major player' at the Family Bar whom can be trusted to get the job done. An experienced family practitioner across all levels of Court. Intellectually bright with an open and approachable manner. Excellent handling of facts. A popular and dedicated practitioner who places the clients' interests first and whose manner enables clients to feel 'safe' due to her down to earth approach and ability to convey important issues in a way clients can follow. A powerful advocate with integrity and calm. She wins the Judges ear as she is able to communicate key issues.



## Barrister profile

# Rachael Rowley-Fox



- Active in Gray's Inn Education Department
- Judge - national Mooting Championships - Nov 2011
  
- Family Law Bar Association
- Association of Women Barristers
- UNICEF
- Association of Lawyers for Children
- Alternative Dispute Resolution (ADR) Professionals
- Collaborative Family Professionals and Mediators in England & Wales
- IAML: International Academy of Matrimonial Lawyers