

BARBARA CONNOLLY KC

Year of call Silk
1986 2011



Barbara Connolly KC has been a specialist in Child and Family Law for over 25 years.

She undertakes work in all areas of disputes concerning children (including public and private law, adoption, surrogacy and assisted reproduction), and cases in the Court of Protection involving both welfare and financial issues.

Having spent many years practising across all areas of family law, mixed common law and crime, Barbara's civil cases involve allegations of child abuse, particularly historic claims against local authorities. She is also experienced in judicial reviews, public inquiries and the Care Standards Tribunal.

Barbara has extensive experience in international family law. She speaks regularly at international conferences and seminars around the world on a variety of subjects affecting family law. She is a past Chair of the Family Law Committee of the International Bar Association (IBA) and continues to sit as an officer on the Family Law Committee's advisory panel. She was a member of the IBA Presidential Task Force on Refugees and Migrant Children, and is a Fellow of the International Academy of Family Lawyers (IAFL). She is also a member of the IAFL Parentage Committee (surrogacy and assisted reproduction). Additionally, Barbara is a member of the Family Law Bar Association and Association of Lawyers for Children.

Barbara is qualified to accept instructions directly from clients and is registered under the Bar Council's Public Access Scheme, meaning that members of the public who seek specialist advice can come direct to her via her clerks. In addition, she welcomes instructions from solicitors, in-house law departments, qualified foreign lawyers, and clients licensed by the Bar Council to give instructions direct to barristers under the Bar Council's Licensed Access Scheme. For more information, please visit our Direct Access page [here](#).

LEGAL EXPERTISE

Family Law

Barbara has extensive experience in extremely sensitive and highly complex care proceedings, representing local authorities, parents, children and intervenors, ranging from the most serious cases of non accidental injury involving the death of a child, to intra familial sexual abuse and fabricated illness. She has considerable experience and skill in both representing and cross examining children, including victims of abuse as well as alleged child perpetrators. She has developed particular expertise in dealing with extremely complex medical evidence, both in the family courts and the Court of Protection. She has appeared in cases involving cases of alleged radicalisation, honour based violence and forced marriage, requiring special measures, heightened confidentiality and sensitivity, including the use of "closed hearings". She has also acted for abandoned / stranded spouses, forcibly abandoned overseas and separated from their children.

In private law children cases, Barbara is instructed in applications for specific issues/ prohibited steps orders, child arrangements (residence and contact), removal from the jurisdiction and relocation cases. She regularly acts in cases involving cross border issues involving the movement of children from international child abduction including the unlawful removal from the jurisdiction of children in care, to international adoption. She regularly advises in family cases on issues concerning publicity and the media, representing both local authorities and individuals in high profile cases in applications for, and lifting of Reporting Restriction Orders. She provides guidance and advice to local authorities and others and acts in judicial review hearings in respect of decisions relating to local authority responsibilities towards children and families, and vulnerable / incapacitated adults.

Barbara has advised and acted in cases involving issues of medical treatment, both in the family courts and the Court of Protection, including withdrawal of life sustaining medical treatment. She also undertakes other best interests / welfare, and financial and property applications in the Court of Protection.

Barbara has a specialist interest in cases involving surrogacy and assisted reproduction (including issues of parenthood and disputes following separation) particularly those with an international element. In addition to advising and representing clients in court, she has lectured extensively on these issues in the UK and internationally and written a number of articles. She is a member of the International Academy of Family Lawyers Parentage Committee (surrogacy and assisted reproduction).

Selected Cases

Re A (Children) [2019] EWCA Civ 74

Appeal from fact finding involving a stranded spouse and parental alienation.

Re G-P (A child) [2019] EWCA Civ 56

Appeal from fact finding involving non accidental injury and fabricated illness.

ZH v HS & Ors EWHC 2190

Application to revoke Adoption Order.

P-S (Children) [2018] EWCA Civ 1407; [2018] 4 WLR 99

Appeal against trial judge's refusal to grant Special Guardianship Orders in favour of grandparents in care proceedings.

SW & TW (Human Rights Claim: Procedure) (No 1) [2017] EWHC 450

Re SL (Permission to Vaccinate) [2017] EWHC 125; [2017] 2 FLR 1499; [2017] 4 WLR 53

Application by local authority in care proceedings for permission under the inherent jurisdiction to arrange vaccination of child overriding mother's refusal to consent.

Re AB (Surrogacy: Consent) [2016] EWHC 2643

Surrogate mother refusing consent to parental order, but not opposing them remaining in the care of the commissioning biological parents and not wanting to have anything to do with the children and would have consented to adoption. Application adjourned generally with liberty to restore pending in the hope that the surrogate would change her mind.

A & B [2015] EWHC 2080

Parental orders following international commercial surrogacy agreement where commissioning parents were now separated pending divorce and application made outside 6 month time limit required by the Act.

M v F & H [2013] (Legal Paternity) EWHC 1901

Disputed legal paternity where married woman and 'sperm donor' meet via internet.

Personal Injury

Barbara Connolly QC has extensive experience of medico legal work, particularly in the Family Courts and Court of Protection. Having conducted public law children work for over 20 years and regularly advised local authorities on child protection issues and their statutory duties towards children, their families and vulnerable adults, she is well placed to deal with claims arising from these issues.

Selected Cases

Durham CC v Dunn [2012] EWCA Civ 1654, [2013] 1 WLR 2305

Duty of disclosure in a civil action for damages arises under the Civil Procedure Rules. Where a public authority seeks to withhold sensitive confidential information on public interest grounds, the issue of public interest immunity in the strict sense does not necessarily arise, rather, provided the test of relevance is

satisfied, the issue falls to be determined by balancing the competing common law and article 6 right to a fair trial against rights to privacy or confidentiality under article 8 European Convention for the Protection of Human Rights and Fundamental Freedoms.

Abuse (Claimant)

Barbara Connolly QC has been involved in a number of leading cases in this area, both in the Court of Appeal, see Durham CC v Dunn regarding the duty of disclosure by a public authority, and at first instance. Her many years experience in public law children cases and advising local authorities on child protection issues and statutory duties towards children, their families and vulnerable adults, makes her particularly suited to this work, especially in relation to claims for failure to remove. In one such claim involving a sibling group, she negotiated what was at the time the highest damages settlement.

She also has experience of very large group actions, in one case involving hundreds of claims of historic child abuse spanning several decades.

Public Law

Barbara Connolly QC has extensive experience in dealing with public authorities, particularly local authority social workers and other professionals involved in child protection roles arising from over 20 years practice in the area of public law children cases. She also represents claimants in child abuse claims, principally against local authorities and other public bodies, including church run establishments. She has represented a senior social work manager in a lengthy public inquiry into management failures to identify widespread physical and sexual abuse in a local authority's children's homes over 20 years.

Court of Protection

Barbara is a formidable advocate with a wealth of experience in cases involving individuals who are considered to be lacking in capacity. She has advised and acted in cases involving issues of medical treatment, both in the family courts and Court of Protection, including withdrawal of life sustaining medical treatment. She also undertakes other best interests/welfare and financial and property applications in the Court of Protection. Barbara has longstanding relationships with a number of local authorities but is also regularly instructed to represent protected parties.

Memberships

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- Family Law Bar Association
 - Association of Lawyers for Children
 - International Bar Association – Officer on Advisory Panel of the Family Law Committee, former Chair
 - Fellow of the International Academy of Family Lawyers