



## Clare Grundy

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Year of Call: 1989

An experienced family law expert who represents children, guardians, parents and local authorities in a range of sensitive cases. She regularly deals with allegations of serious injury or sexual abuse. Grundy is known for her ability to advocate on behalf of vulnerable clients.

Strengths: "She is really down-to-earth and does a lot between hearings, taking the time to be well prepared for her cases. She is also very friendly and approachable." **Chambers UK Bar 2022**

"Recommended expert" **Legal 500 2022**

Clare practises in all areas of family law (children, public and private law, finance and health and welfare in the Court of Protection) She began legal practice with an interest in discrimination law and combines a high level family practice at the Bar with sitting as a judge in the Employment Tribunal.

## Memberships

- National Family Law Bar Association
- Member of Regional Committee of Greater Manchester FLBA 2013-2020
- Family Law Bar Association Committee representative training and education 2013-2020
- Northern Circuit

## Appointments

- Fee Paid Employment Tribunal Judge 2003
- Appointed Person- Gang masters Licensing Authority Appeals
- Accredited for Direct Public Access instructions

## Legal Directory Recommendations

Strengths: “She is an amazing barrister and provides support for clients.” “She is very experienced and knowledgeable in all aspects of family law.” **Chambers UK Bar 2021**

“Given her experience including her sitting part time as a judge, she exudes a calmness which undoubtedly benefits her clients. She is always extremely well prepared and is conscientious in keeping in touch with her instructing solicitor during a case.” **Legal 500 2021**

“A safe pair of hands who always focuses on the welfare of children.” **Legal 500 2020**

## EXPERTISE

### Family - Children

### Family (Public Law Proceedings)

Public law proceedings – care proceedings particularly involving child death and injury cases. Brain injury, drowning, shaking injuries, other “non- accidental” physical injury, burns and neglect.

Sexual harm, CSE and grooming cases and emotional harm. Clare has particular expertise in the Advocates gateway procedures regarding vulnerable witness “cross examination”. Clare has attended the Bar Council Advocates Gateway training and conducted cross – examination of children and Re W applications.

Clare is instructed by Local Authorities, parents and Guardians, the Official solicitor and Cafcass Legal and can view a case from all angles to give advice on tactical approach as well as substantive law.

Clare has experience of many Special Guardianship applications and disputes within the family post placement. Foster parent regulatory disputes including the “employment” and financial aspects of the same. Complex adoption applications including with a foreign aspect. Secure Accommodation Orders and deprivation of liberty applications.

### Family (Private Law Proceedings)

Private law Child arrangement order applications including shared parenting and removal from the jurisdiction cases and intractable contact disputes including parental alienation cases and cases where mental capacity may be relevant.

Clare represents both mothers and fathers through the maze of post separation child rearing to secure the upbringing of stable and confident children and to obtain the best legal and practical framework for that to work for the benefit of the children.

The breadth of Clare's practice in private law is shown in the reported private law cases listed below.

## Other family related matters

Professional negligence claims arising from family law matters.

## Reported cases

**LV17C00867 VBC V AGM, AGF, AM, AF, AA, AB & AC (L)**

**LV17C02751 VBC V BM, BF, BA & BB and others [2019] EWFC 64**

<https://www.bailii.org/ew/cases/EWFC/HCJ/2019/64.html>

Sir Mark Hedley. Clare was led by Mr Paul Storey QC in this complex multi-handed public law litigation which appears to be the largest public law family case ever been litigated in England and Wales. 15 care cases were heard together by Sir Mark Hedley relating to grave sexual abuse allegations in respect of children. Clare and Paul led the submissions at half time inviting the Court to end the litigation for their client at that point. Sir Mark Hedley decided the principle of whether there was a power for the Family Court to stop a case "at half time" and if so the test for it to be exercised (appendix 2 of the Judgment). The legal argument on behalf of the Respondents also traversed the approach to exoneration of a person who has been the subject of an allegation that could not be proved against them. Clare and Paul's client was exonerated.

**Im the Matter of a Child (L) [2015] EWCA Civ 901. On appeal from HH Judge Kevin Barnett**

Court of Appeal appeal in which Clare successfully persuaded the court in the skeleton argument that there was no flaw in the Judge's reasoning at first instance after a heavily contested care case.

**Wigan Borough Council v Fisher and Thomas – and – A (by her Children's Guardian) [2015] EWFC 34MH13C00175 Jackson J**

**Wigan Borough Council v Fisher & Ors v Fisher & Thomas (fact-finding) [2013] EWHC 3770 (Fam) Jackson J**

Clare was led by Miss Frances Heaton QC for the Local Authority in this fact finding and final hearing regarding the death of a child and the placement of the sibling. The second judgment concerned the publication of the judgment.

**Re E (A Child) MA12P00714 Manchester 23/05/2014 HHJ Hernandez**

Clare acted on a direct access basis for a father seeking contact to his child in difficult circumstances.

**In the matter of Re: U (Children) [2014] EWHC 4535 (Fam) Mostyn J**

Clare acted for a mother who was seeking to limit the contact of the father who was overseas and was seeking the return of the mother to her homeland. The hearing was conducted in part by telephone through interpreters.

**Re T (Children) [2014] EWFC B116 13 August 2014**

The Circuit Judge described Clare's submissions as "extremely helpful" and that she put her case "with admirable clarity". The proceedings concerned a sibling contact application where the LA had not taken care proceedings but where the young adult child was in hospital and matters were particularly protracted.

**Lancashire CC v C (Allegations of Abuse; HHJ Duggan)**

**Case No. PR14C00015 8th December 2014**

Clare acted for the Local Authority in proceedings where there were serious sexual abuse allegations.

**Re A and D (Children: religious upbringing) 2011 1 FLR 615 Baker J**

Clare acted for the children in proceedings concerning how the religious persuasion of the children should be reflected in circumstances where the mother was non practising Christian and father was a Muslim.

**Re D (A child) 2011 EWCA Civ 684 Court of appeal**

Case concerning legal professional privilege in family cases

**Re N: Recognition of Foreign Adoption order [2009] EWHC B29 (Fam) Bennett J**

Case concerning adoption of 17 year old boy.

**Lancashire CC v D and E [2008] EWHC 832 Fam**

Case concerning brain injury to baby returned to parents care.

**Re K (A child) (Secure Accommodation Order: Right to Liberty) 2001 1 FLR 249**

Original authority concerning compatibility of SAO s and Human Rights Act

**Re L (Minors) (Document: Non – Party Disclosure) 1995 2 FCR 12**

Original authority regarding police disclosure in care cases.

## Family - Finance

Financial disputes including especially in cases which overlap with the employment field.

Recent cases include asset portfolio over £4million in properties, company and pension after medium length marriage with children, conduct issues and fair division.

Short marriage no children capital being sought by wife claiming concluded agreement.

Case involving significant pension provision in the public sector.

## Court of Protection

Cases involving capacity assessments, family disputes regarding the welfare, property and financial affairs and care of vulnerable adults.

Recent cases include warring siblings disputing the correct care for their mother.

Local Authority placement of adult lacking capacity to protect his safety.

Leave to seek permission to bring a contact application to an adopted Downs syndrome adult.

## Public Access

Clare is accredited for Direct Public Access instructions by the Bar Council and has advised and represented a number of individuals on this basis. She accepts instructions on this basis in Financial matters on divorce and in the Child Support Appeals Tribunal, and– private law disputes regarding child arrangements.