



## Jonathan Bellamy

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Year of Call: 2008

Jonathan read law at the University of Manchester where he was awarded the RG Lawson prize for his dissertation on 'The Developing Approach of the Law to the Resolution of Intractable Contact Disputes'. He completed the Bar Vocational Course at the Inns of Court School of Law in London before being called to the Bar by the Honourable Society of the Inner Temple in 2008.

### Appointments

- Deputy District Judge – North Eastern Circuit
- Fee-paid Judge of the First-tier Tribunal, assigned to the Health, Education and Social Care Chamber

### Memberships

- Association of Lawyers for Children
- Family Law Bar Association
- Court of Protection Practitioners Association

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## EXPERTISE

### Family - Children

Jonathan regularly appears in the Family Court (at every level) on a wide range of children matters, including applications for care and placement orders, special guardianship orders, child arrangement

orders, specific issue orders and secure accommodation orders.

Jonathan has a particular interest in cases involving ethico-legal issues, such as surrogacy, and has acted in matters before the High Court which have necessitated the use of the court's inherent jurisdiction.

As well as being a specialist in Family proceedings Jonathan regularly appears in the Court of Protection. This means Jonathan is well placed to act in proceedings where it is considered a party lacks capacity to litigate and those proceedings which cross the jurisdiction of the Family Court and the Court of Protection.

Jonathan's expertise in the area of children law means he is often called upon to provide training for a wide range of child care professionals, including solicitors, barristers, social workers and children's guardians on topics such as adoption and public interest immunity in Family proceedings.

## Cases

### **Re D (A Child) [2014] EWHC 2121 (Fam)**

Acted in proceedings before the High Court concerning international surrogacy arrangements. Moylan J stated "This case provides a clear example of the difficulties created as a result of surrogacy arrangements being subject to varying degrees of domestic regulation, from significant regulation to none at all, and also because of the existence of significant differences in the effect of such domestic regulation. There is, in my view, a compelling need for a uniform system of regulation to be created by an international instrument in order to make available an appropriate structure in respect of what can only be described as the surrogacy market."

### **Re Y (2014)**

Represented a father in private law proceedings where he had not had contact with his son for three years despite previous orders for contact.

### **A Local Authority v X (2014)**

Represented maternal grandparents at a final hearing in care proceedings where the court found that the children's parents were unable to look after them and the local authority had filed a negative assessment of the grandparents. Successfully sought an adjournment in order for the grandparents to be further assessed. Case concluded with the grandparents being appointed the children's special guardians.

### **A Local Authority v Y (2013)**

Represented a local authority in a finding of fact hearing before the High Court in relation to a three-week-old child who had suffered a significant brain injury whilst in the care of his parents.

### **A Local Authority v Z (2011)**

Represented a father in care proceedings where he was accused of a catalogue of abuse against his child and step-children. Required to cross-examine a 13-year-old child. Father subsequently pleaded guilty in the Crown Court to assaulting his step-children.

## Inquests

Jonathan has appeared in a number of high profile and long running inquests, many of which have engaged Article 2 of the European Convention on Human Rights. He is particularly skilled in those inquests touching upon the practices and procedures of mental health and social care professionals as he is regularly instructed in matters before the Court of Protection and Family Court.

## Cases

### **Inquest into the death of Peter Stanley (2014)**

Represented a local authority in an inquest into the death of a 17-year-old child who was deemed a child in need by the local authority.

### **Inquest into the death of Peter Thompson (2011)**

Represented a mental health professional in an Article 2 inquest into the death of a mental health patient who had been voluntarily admitted to hospital. The court heard evidence that there had been a gross failure to provide basic nursing care to the deceased and the jury returned a verdict of misadventure contributed to by neglect.

### **Inquest into the death of Abbie Jones (2010)**

Represented a GP receptionist in an Article 2 inquest into the death of a four-month-old child who died as a direct consequence of being wrongly prescribed a significant overdose of the diuretic, Frusemide.

## Court of Protection

Jonathan regularly acts for the Official Solicitor, Local Authorities, NHS Trusts and family members in health and welfare proceedings. These proceedings often include best interests declarations being made in respect of a person's residence, care and contact with others. Frequently, those proceedings which Jonathan is instructed in involve a person being deprived of their liberty.

In addition to the above, Jonathan is often instructed to represent parties on applications for the displacement of a person's nearest relative under the Mental Health Act 1983.

As well as Court of Protection matters Jonathan also regularly appears in the Family Court and, therefore, is well placed to deal with those matters which cross jurisdictions.

Jonathan is available to provide training in respect of all aspects of health and welfare applications before the Court of Protection. Recently, Jonathan presented a Court of Protection Lecture together with Joseph O'Brien and Yogi Amin on the implications of the decisions of the Supreme Court in *P v Cheshire West and Chester Council and another; P and Q v Surrey County Council* [2014] UKSC 19 and the decision of the Court of Appeal in *IM v LM and AB and Liverpool City Council* [2014] EWCA Civ 37.

## Cases

**Re X (2014):** Represented P (by his litigation friend, the Official Solicitor) in a matter which considered the extent to which a local authority is under a positive duty to promote a person's ability to consent to sexual relations within its care plan.

**Re Y (2014):** Represented a local authority in a challenge under s.21A MCA 2005 to the granting of a standard authorisation.

**Re Z (2013):** Represented an NHS trust in proceedings where P had previously been the subject of care proceedings.

## Public / Administrative

As a Family and Court of Protection specialist Jonathan is available to advise and represent parties in judicial review matters concerning social and health care decisions by public bodies, for example, challenging local authority decisions in respect of children in need.