



## Kate Burnell QC

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Year of Silk: 2021

Kate read Law of the University of Liverpool before studying for the Bar Vocational Course at the Inns of Court School of Law, London. Kate was awarded a Jules Thorn Major Scholarship by Middle Temple. She was called to the Bar in 1998 by the Honourable Society of Middle Temple. In 2006 Kate was admitted as an Attorney to the New York State Bar.

Kate practises in Family Law. She is accredited to accept Direct Public Access instructions.

### Memberships

- Family Law Bar Association (FLBA) – current Chair of Liverpool and Preston region
- Merseyside Medico-Legal Society – committee member
- American Bar Association
- New York State Bar Association
- Australian Family Law Section

### Appointments

- Fellow of the International Academy of Family Lawyers

## EXPERTISE

### Family - Children

Kate practises solely within Family Law and has specialised in children cases for over 15 years. Her

practice involves both public and private law proceedings and she represents local authorities, parents, carers, members of the extended family and children, whether via their Guardians or directly. Kate has extensive experience dealing with vulnerable clients.

## Public Law

Kate has significant experience in care proceedings involving allegations of sexual abuse, physical abuse/non-accidental injury, chronic neglect and emotional harm. She appears at all levels of court.

Kate has a particular interest in cases involving complex medical issues including factitious or induced illness and disputed medical evidence regarding injuries and abuse. She has considerable experience chairing meetings of experts, drafting schedules of agreement and dispute and challenging medical evidence through cross examination.

While her practice is primarily court based, Kate regularly advises local authorities and parents in conference both prior to the issue of proceedings and during the course of proceedings.

Kate has considerable experience representing parties with disabilities, complex vulnerabilities, mental health issues and those where there are issues regarding litigation capacity.

Kate has a particular interest in family law cases involving an international element given her qualification in the USA and links with colleagues around the world through attending international conferences. She is experienced in wardship proceedings including cases involving surrogacy issues where there is an international element. She recently appeared as junior counsel, led by Frances Heaton QC, in a case involving an Egyptian child where the child was made a ward of court due to disagreement between the Applicant and the Egyptian government regarding where the child should reside.

Kate regularly attends conferences both nationally and internationally and has a particular interest in the development of this area of the law. Kate regularly speaks at conferences/seminars. In 2013 Kate was a speaker at the World Congress on Family Law and Children's Rights in Sydney, Australia; her paper considered educational outcomes for children in care.

## Private Law

As a specialist family practitioner Kate has extensive experience of private law children proceedings. She has a particular interest in cases involving complex issues of high conflict and hostility. Kate regularly acts in cases where there are allegations of abusive conduct and substance misuse.

Kate has experience across the full range of private law cases including child arrangements orders (contact/residence), specific issue and prohibited steps applications and relocation both internally and externally. Given her dual qualification Kate has advised on enforcement issues involving America.

## Cases

## **RE N (A CHILD: Female Genital Mutilation Protection Order) [2018] 4 WLR 98**

Led by Frances Heaton QC for the mother in a case that concerned a female infant who was at real risk of female genital mutilation if she returned to the Sudan with her mother. Mr Justice Hayden analysed the interplay between Article 3 rights and Article 8 rights and decided that "...whilst there can be no derogation from N's Article 3 rights, the interference with her Article 8's rights, and those of her siblings and family, must be limited to that which is necessary to protect her Article 3 rights." The learned judge granted an injunctive FGMPO to prevent the baby leaving the jurisdiction. Read the judgment [here](#).

## **Re A-F (Children) [2018] EWHC 138 (Fam)**

Junior counsel, with Frances Heaton QC, representing the children and Shaun Spencer representing the local authority. These were a number of test cases, listed in accordance with directions given by Peter Jackson J (as he then was) on 11 May 2017. This case raised various substantive and procedural questions in relation to the interface between care proceedings brought in the Family Court pursuant to Part IV of the Children Act 1989 and the requirements of Article 5 of the Convention. Specifically, the circumstances in which Article 5 is engaged in relation to a child in the care of the local authority and, where Article 5 is engaged, what procedures are required to ensure that there is no breach of the requirements of Articles 5(2)-(4).

## **T & K & Z & Liverpool City Council & Egyptian Ministry of Social Solidarity [2016] EWHC 2963 Fam**

Junior counsel, with Frances Heaton QC, successfully representing an English woman who had cared for an Egyptian orphan for in Egypt with her Egyptian husband. Due to political upheaval she returned to the UK and has remained here. She mistakenly understood she had adopted the child in Egypt. She issued an application to adopt the child here but the Egyptian government objected on the basis that the child 'belonged to' Egypt. Complex legal arguments on adoption and foreign element.

## **Re S-W (children) 2015**

Kate represented the children in the Court of Appeal case of Re S-W (children) 2015. The appeal was brought on the basis of when a court can make final care orders, whether it is appropriate to adopt summary procedure in care proceedings and the interpretation of the Children Act provisions regarding consideration of the permanency provisions of care plans.

## **Court of Protection**

Kate has a developing Court of Protection practice covering health and welfare cases and property and affairs. She has a particular interest in deprivation of liberty cases.

Due to the nature of the issues involved, Kate is happy to advise on an urgent basis and to undertake advisory and drafting work to short timescales.

## **Public Access**

Kate is accredited by the Bar Council to undertake Direct Public Access work.

Kate is a family law practitioner who has specialised in this area of work throughout her time at the bar. Her practice includes children proceedings (both public and private law).

## Children (Public Law)

Kate has extensive experience in public law children proceedings (proceedings involving local authorities) and regularly represents parents, carers, members of the extended family, children and local authorities. She has significant experience in care proceedings involving allegations of sexual abuse, physical abuse/non-accidental injury, chronic neglect and emotional harm. She appears at all levels of court. Kate has a keen interest and expertise in cases involving medical issues – complex medical evidence regarding injuries/ abuse, factitious or induced illness – and is experienced in cross examining expert witnesses.

As a specialist family practitioner Kate has extensive experience of private law children proceedings. She has a particular interest in cases involving complex issues of high conflict and hostility. Kate regularly acts in cases where there are allegations of abusive conduct and substance misuse.

## Children (Private Law)

Kate has experience across the full range of private law cases including child arrangements orders (contact/ residence), specific issue and prohibited steps applications and relocation both internally and externally. Given her dual qualification Kate has advised on enforcement issues involving America.

Kate has considerable experience representing parties with disabilities, complex vulnerabilities, mental health issues and those where there are issues regarding litigation capacity. She is known to be approachable and down to earth with clients and always strives to give her clients clear and practical advice.

Kate is available to represent parties in court, to advise prior to the issue of proceedings or during the course of proceedings whether in writing or in conference.

Kate regularly attends conferences both nationally and internationally and has a particular interest in the development of this area of the law. Kate regularly speaks at conferences/seminars. In 2013 Kate was a speaker at the World Congress on Family Law and Children's Rights in Sydney, Australia, her paper considered educational outcomes for children in care.