



## Shaun Spencer

---

Email: [clerk@stjohnsbldings.co.uk](mailto:clerk@stjohnsbldings.co.uk)

Phone: 0161 214 1500

Year of Call: 2005

---

Has a notable reputation for children work, regularly representing parents, children and local authorities in matters concerning child deaths, deprivation of liberty and sexual abuse. He is also experienced in handling cross-jurisdictional cases.

Strengths: "His work ethic is extraordinary. He's very self-assured yet humble, while doing great work." "He has an encyclopaedic knowledge in relation to deprivation of liberty cases. He is very personable and puts himself out there to help." **Chambers UK Bar 2022**

"He is always meticulously prepped and has a real sense of assurance with clients, but remains very down to earth. Even the most anxious lay clients have felt completely confident in his care. He provides realistic and sometimes difficult advice in an extremely approachable and sympathetic way, and lay clients have always felt he has 'got it' from the off." **Legal 500 2022**

Shaun was called to the Bar by Lincoln's Inn in 2005, having received a Shelford Scholarship and awarded the Helen Grindrod QC Scholarship. Shaun is a family law specialist, with a comprehensive family law practice, which encompasses both public and private law children cases. He also practises within the Court of Protection in relation to personal welfare matters.

## Recommendations

Strengths: "He is always ready to learn, and his confidence in court is impressive." "He is extremely bright and is adept at finding solutions and forging forward for the benefit of the children the court." **Chambers UK Bar 2021**

“Shaun is a skilled child care barrister with a specialism in Deprivation of Liberty and expertise in acting in complex inflicted injury cases involving children. Despite his eloquent advocacy, he is extremely approachable and able to explain complex legal matters to those who instruct him.” **Legal 500 2021**

“Always thoroughly prepared and able to give reassurance and detailed explanations, even to the most anxious client... He has that sometimes elusive balance of assurance and approachability.” **Cara Nuttall, Partner in the Family Law team at JMW Solicitors**

## Publications

‘Care Plans and Dual Planning’ – Local Government Lawyer (11 December 2014)

‘Realising the jigsaw does not resemble the picture on the box’ – Local Government Lawyer (8 January 2015)

‘**Question of Incompatibility – Deprivation of Children’s Liberty Without Court Order?**’ – Family Law Week (2 March 2020)

## Memberships

- Family Law Bar Association (Regional Committee Member)
- Honourable Society of Lincoln’s Inn

Follow Shaun on Twitter: @Shaun\_\_Spencer

## EXPERTISE

### Family - Children

Shaun is a family law specialist. He has extensive experience of proceedings involving complex issues of law and/or fact including cases involving allegation of serious inflicted injuries, sexual abuse and fabricated or induced illness. Shaun has particular expertise in relation to the use of the Inherent Jurisdiction of the High Court, for example, in relation to the use of Wardship or in relation to issues of Deprivation of Liberty.

Shaun also has a broad private law practice with a particular emphasis on complex disputes often involving an international element (relocation/abduction), parental alienation, domestic abuse and cultural and religious issues. Shaun’s practice also includes cases involving surrogacy, co-parenting arrangements and issues arising out of the breakdown of same sex relationships.

## Cases

### **A (A Child) (Injunctive Relief) (Rev1) [2021] EWFC B53**

Shaun represented the subject child in these proceedings where the court found significant failings on the part of the local authority in respect of its removal of a child, who was the subject of a care order, from family members. The court considered the legal framework and gave guidance in respect of the correct application of the National Minimum Fostering Standards.

The judgment is [available on bailii](#). The case was also subject to reporting in the [Liverpool Echo](#).

### **Warrington Borough Council v W (Care Proceedings: Jurisdiction) [2021] EWFC 68**

Represented the local authority in these proceedings concerning a child who is a national of the Republic of Gabon. Mr Justice MacDonald considered for the first time the relevant legal framework in respect of the jurisdiction of the court to conduct care proceedings following the withdrawal of the United Kingdom for the European Union and the end of the relevant transition period. The court determined, inter alia, that the relevant date for the purposes of establishing habitual residence for the purposes of the 1996 Hague Convention is the date of the hearing, rather than the date of the commencement of proceedings. The judgment is [available here](#).

### **MBC v AM & Ors (DOL Orders for Children Under 16) [2021] EWHC 2472 (Fam)**

Led by [Lorraine Cavanagh QC](#) in their representation of three of the four local authorities in cases selected to test the point as to whether the High Court's inherent jurisdiction could continue to authorise a Deprivation of Liberty of a child under the age of 16 in an unregistered children's home after the introduction of Regulation 27A into the Care Planning, Placement and Review (England) Regulations 2010. MacDonald J concluded that the jurisdiction survives. [The judgment is available here](#).

### **Re P (Interim Separation) [2021] EWCA Civ 499**

Successful appeal against the decision of a Circuit Judge in relation to an application to remove of young child from parental care on an interim basis. [The judgment is available here](#).

### **X v Y (Restraining Abuse of Children's Guardian) [2021] EWHC 2139 (Fam)**

Application granted by Mr Justice MacDonald for an injunction restraining a parent from publishing the name of the children's guardian following the conclusion of proceedings. [The judgment is available here](#).

### **A Local Authority v W (No.2) (Finding of Fact Hearing) [2020] EWFC 68**

Shaun Spencer and Helen Crowell appeared for the local authority in this case which concerned the near fatal collapse of a young child who sustained extensive brain damage. [The judgment is available here](#).

### **B (A Child) (Designated Local Authority) [2020] EWCA Civ 1673**

Successful appeal under s.31(8) and s.105(6) Children Act 1989 against a decision to designate the local authority as being responsible for administering a care order in respect of a child. Led by Nick Goodwin QC. [The judgment is available here.](#)

### **A Local Authority v W & Ors (Application for Summary Dismissal of Findings) [2020] WLR(D) 327, [2020] EWFC 40**

Macdonald J determined that within care proceedings, the court has no separate power to summarily dismiss disputed findings sought outside its case management powers. Mr Spencer appeared for the local authority against leading and junior counsel for each of the parents. The judgment [can be read here](#). The case was covered in [Local Government Lawyer](#).

### **Re AA (Children) & 25 Ors [2019] EWFC 64**

Shaun represented the children in four of the linked sets of proceedings within this multi-party public law litigation which was described by the Judge as appearing to be the largest public law family case to be litigated. He was led by Jo Delahunty QC. The judgment can be read [here](#).

### **Re D (Fact-finding appeal) [2019] EWCA 2302**

Shaun and Karl Rowley QC represented a father who had been accused of inflicting a sexual injury on his child and who was exonerated after successfully applying to re-open the finding. The judgment [is available here](#).

### **Re C (A Child) [2019] EWCA CIV 1777**

Appeared for the appellant in the Court of Appeal and was successful in arguing that the first instance decision should be overturned. Led by [Karl Rowley QC](#). The case has been [published on BAILII](#).

### **M (Deprivation of Liberty in Scotland) [2019] EWHC 1510 (Fam)**

A decision of Macdonald J in which he identifies a potential gap in the law as between the jurisdictions of Scotland and that of England and Wales in regards to the use of the inherent jurisdiction to deprive children of their liberty. Led by [Frances Heaton QC](#). It is reported on [BAILII](#) and has been subject to comment on [Family Law Week](#).

### **A City Council v LS [2019] EWHC 1384 (Fam)**

Represented KS, a 17-year-old who was deemed to be at risk of grave harm due to his involvement with an Organised Crime Gang. The Local Authority sought the authority to place KS in secure accommodation. The application was successfully resisted on the basis that to do so would be an impermissible exercise of the inherent jurisdiction. [Read the judgment here](#). Shaun was asked to write an article about the case which was published by Lexis Nexis. You can [read the](#)

[article here.](#)

### **Rochdale v Z, B and J [2018] EWFC 102**

Hayden J: Consolidated final hearing. Acted for the two siblings of a young baby who had died in sudden and suspicious circumstances. Complex pathological evidence. [Read the judgment here.](#)

### **Re K [2018] EWHC 2311 (Fam)**

A fact finding hearing in respect of the death of a baby who, it was alleged, had been asphyxiated.

### **Re A-F (Children) [2018] EWHC 138 (Fam) and Re A-F (No.2) [2018] 2129 (Fam)**

Representing the local authority. Series of test cases considered by the President of the Family Division in relation to legal and procedural issues arising in regards to the Deprivation of Liberty of children by local authorities.

### **Re S (Child as parent: Adoption: Consent) [2017] EWHC 2729 (Fam)**

A decision of Mr Justice Cobb setting the relevant information that a child parent must understand to be competent to consent to the adoption of her child. The test is equally applicable to adults applying the Mental capacity Act 2005 principles.

### **Re T (a child) v A Local Authority [2017] EWCA Civ 1797**

Appeal against a decision to make a placement order allowing for the adoption of one child in a sibling group of three and special guardianship orders for the other two, where all three children are to remain living together with the prospective adopters.

### **RY v Southend Borough Council [2015] EWHC 2509 (Fam) (22 May 2015)**

Representing the local authority in a successful application, pursuant to s.35 of the Adoption and Children Act 2002, for the return of a child who had been placed for adoption.

### **Re CM v Blackburn with Darwen Borough Council [2014] EWCA Civ 1479 (Court of Appeal)**

Represented a mother in care proceedings at first instance and was led by Karl Rowley QC on the appeal against the making of a placement order in circumstances where the local authority proposed a concurrent search for both an adoptive and a long term foster care placement.

## **Court of Protection**

Shaun has a strong Court of Protection practice in which he regularly advises and appears on behalf of Local Authorities, Professional Deputies and individuals and their families.

His experience includes disputes over capacity, personal welfare (residence, contact, care and treatment), deprivation of liberty and property and affairs.

To his practice he brings an understanding of the sensitivities and challenges involved with applications to the Court of Protection and is able to identify the relevant issues and assist all those involved, in a measured way, so as to achieve consensus if at all possible.

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