



Mark Senior

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Year of Call: 2002

Mark has been appearing in the Family Court now for over 30 years.

He qualified as a Solicitor in 1993 and became a partner in a well respected local firm in 1997. He specialised in family law cases and was a member of the Law Society Children's Panel representing children who were the subject of care proceedings.

In 2002 Mark was called to the Bar and continued to practice predominantly in the area of family law. He is a member of the Family Law Bar Association. He had the good fortune to be a member of the national executive of the Association of Lawyers for Children for two years and in that capacity was published in Family Law (see Publications below).

Lecturing

Outside of court, Mark has for a number of years been asked to deliver lectures on family law topics to a variety of different professionals including Merseyside Police, social workers, and the legal professions and judiciary of the North West. His occasional series at the Liverpool Law Society, "Senior's top 10", is in danger of becoming a local institution.

Publications

Analysis of Re C (Adoption – Court of Appeal guidance on revocation of placement orders) which was been published by Lexis PSL. [Download the PDF.](#)

"Behind Closed Doors: The CAFCASS/ADCS Agreement," published in the April 2017 edition of Family Law Journal.

If you are a subscriber, you can read the article online. [Alternatively, download the PDF.](#)

EXPERTISE

Family - Children

Mark has appeared at every level of the Family Court since 1989 over almost the entire range of applications that are dealt with by this court. As his practice has developed, although he still appears in private law disputes and Hague Convention/relocation cases his time is predominantly spent acting in public law proceedings under the Children Act 1989 in which he acts for local authorities parents and children. He is regularly instructed to appear in cases which involve allegations of physical and or sexual abuse and complex expert evidence. He has been instructed to appear in the Court of Appeal on a number of occasions and two cases from which he derives particular satisfaction are appeals that he successfully brought on behalf of the children who were the subject of the proceedings.

Cases

Re C (Revocation of Placement Order) [2020] EWCA Civ 1598

Mark appeared as junior counsel, led by [Karl Rowley QC](#), acting on behalf of the subject children, in the first case before the Court of Appeal to address the principles which a court should consider when dealing with an application to revoke a placement order which proceeds past the permission stage to a substantive hearing. The judgment is [available here](#).

YW (A Child) (Adequacy of Reasons) [2021] EWCA Civ 1174

Mark was for an appellant parent in the Court of Appeal in relation to two appeals against findings of fact of non accidental facial injuries to a toddler. The appeals were allowed. The CoA concluded amongst other things "It was in my judgment wrong of the judge as she went through the evidence of each witness to provide a running commentary on its credibility. She ought to have set out the accounts and only reached her conclusions once she had considered the totality of the evidence." The case was reported on BAILLII.

F & G, Re (Discharge of Special Guardianship Order) [2021] EWCA Civ 622 (30 April 2021)

Mark appeared as counsel for subject children in a groundbreaking case in which the Court of Appeal considered for the first time the legality of a court making care and special guardianship orders in the same proceedings. The judgment is available on BAILII.

RE E (Through Her Children's Guardian) & Anor v A Mother & Anor [2019] EWCA Civ 1557

(Mark appeared for the appellant children's guardian)

This appeal was brought on the basis that the decision of the court, inviting the LA to amend its care plan to allow up to an 18 month delay to give parents and opportunity to improve their situation, was wrong. The appeal was upheld, Baker LJ commenting "I find it difficult to envisage any case where it would be appropriate to wait as long as eighteen months before making a decision about whether a seven-month-old child should be placed for adoption". A link to the judgment [may be found here](#).

RE AA and 25 others [2019] EWFC 64

(Mark appeared for one of the local authorities and was one of the minority who appeared without leading counsel) A case of unprecedented size, length and complexity involving exceptionally grave allegations of an extended paedophile ring. Most of those who had been the subject of allegations were not the subject of any findings. The judgment is notable for dealing with a novel point of law, namely whether a court dealing with a public law application can entertain an application for “no case to answer” at the conclusion of the local authority case.

RE A (Children) [2015]

(Mark appeared for the appellant): This appeal was brought on the basis that the judge’s “unrestrained and immoderate language” when considering a child’s application for a DNA test to enable a declaration of parentage had constituted a serious procedural irregularity. The judge was said to have not allowed proper submissions and to have indicated a closed mind to the application by threatening to order costs. The bench of Aikens LJ, Black LJ and King LJ stated that appointment as a judge was not a licence to be gratuitously rude to those appearing before him. The appeal was allowed and the application was remitted.

RE T [2014] EWCA (Civ) 929

(Mark appeared as counsel for the respondent local authority). An appeal against the making of final care and placement orders when both parents were, at the time of the final hearing, serving custodial sentences. A commentary and transcript of the judgment can be found on the Family Law Week website.

RE GM EWCA (Civ) B4/2013/3549

(Mark appeared as counsel for the successful appellant). The grandmother of one of two relevant children had unsuccessfully put herself forward as a kinship carer in care proceedings, which resulted in care and placement orders being made. Almost 12 months later she applied for permission to apply to revoke the placement orders. Her application was refused. Legal Aid was then refused to pursue an appeal, following which Mark prepared the grounds of appeal pro bono. The appeal was ultimately allowed (by consent) and the case remitted for rehearing which resulted in the children being placed with the grandmother.

RE H (Leave to apply for a residence order) [2008] 2 FLR 848

(Mark appeared as junior counsel for the successful appellants). The adopters of one child applied for permission to apply for a residence order in respect of that child’s half sibling. The first instance judge refused the application. On appeal the application was allowed and remitted for hearing. The case added to the jurisprudence on how an adoptive relationship can be legitimately be considered as a connection for the purposes of leave considerations under section 10(9) Children Act 1989.

Court of Protection

Mark is occasionally allowed out of the Family Court to appear in the Court of Protection where he has developed experience appearing in health and welfare cases involving declarations of deprivation of liberty. He has acted for parents, local authorities and patients on the instructions of the Official Solicitor.