



Lucinda France-Hayhurst

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Year of Call: 2009

Lucinda studied in Bristol and London and was called to the Bar by Gray's Inn in 2009. She has extensive experience in all disciplines of Family Law and has, in the past few years, chosen to specialise in Court of Protection matters (both welfare and finance).

Lucinda regularly travels throughout Wales, the North of England and the Midlands for work. She has appeared several times in the High Court and is confident handling matters of increased complexity.

A capable public speaker, Lucinda has delivered lectures to large-scale CPD conferences and willingly travels to conduct seminars concerning fresh legal developments.

Lucinda was appointed Junior of the Northern Circuit in 2012 and Editor of the Northern Circuit's legal publication *In Brief* in 2014.

Memberships

- Northern Circuit
- Court of Protection Practitioners' Association
- Family Law Bar Association

Solicitor Recommendations

"Lucinda is very approachable, with a calm and reassuring manner especially when explaining things to clients in often difficult and stressful circumstances. Her level of knowledge and commitment to meeting clients' needs are very impressive and she is concise and prompt when reporting on case outcomes". – **Darren Matthews, Gregory Abrams Davidson LLP**

"Miss France-Hayhurst is a first-class barrister who handles the complexities of child care cases with ease and, even with difficult timeframes, offers an excellent service. An incredibly persuasive advocate who not only has a detailed knowledge of the law but is personable and excellent with clients, Miss France-Hayhurst is always a first choice when instructing Counsel." – **Lauren Ashcroft, Morecrofts**

LLP

EXPERTISE

Court of Protection

Lucinda receives regular instruction (in both the COP and the High Court) in Welfare matters (s.16, MCA 2005) and in challenges to Deprivation of Liberty Safeguards (s.21A, MCA 2005) both for local authorities and for P, often via the Official Solicitor. She is well versed in financial applications in the COP and has acted for lay applicants and state applicants in Deputyship applications.

Lucinda has dealt with a number of Capacity disputes in relation to consent to sexual relations and marriage. She has recent experience acting for P in concurrent COP and Family law proceedings where a child has been born to P. She is also familiar, having up-to-date experience of such cases, with the interplay between Forced Marriage Protection applications and the Court of Protection, and with the Court's use of inherent jurisdiction.

Several years of practice in Family and Personal Injury engendered a natural transition into the Court of Protection. Lucinda draws on her expertise in representing Family law clients with mental health difficulties (or who lack capacity and require the assistance of the Official Solicitor), children through their guardians and professional social work clients. A firm grasp of Civil procedure has prepared her well for navigating the Court of Protection's rules and regulations in both England and Wales.

Keen to promote awareness of the legal and practical framework in the Court of Protection, Lucinda has, alongside other members of the SJB COP group, delivered external training to social workers and to solicitors and will respond readily to requests for seminars and workshops for practitioners hoping to expand their knowledge of this area.

Family - Children

Lucinda routinely represents children, parents and local authorities in sensitive and complex Public and Private Law matters concerning children. She has recent experience of representing incapacitous clients through the Official Solicitor, concurrently representing such clients in the Court of Protection.

The subject matter of her Care cases ranges widely but includes: mental health in children and adults, non-accidental injury, sexual abuse, neglect, alcohol and substance misuse.

Lucinda has a broad experience of Private Law Children matters ranging from the negotiable to the intractable. Her work has touched on the following issues: domestic violence, contested allegations of sexual abuse, internal/external relocation and relocation to non-Hague Convention countries, implacable hostility, older children opposed to a course of action and proceedings with a public law element.

Lucinda's background in languages (with a degree in French and Italian at Bristol University) has often proved useful cases with an international element.

In practice, she is confident in handling expert witnesses and takes particular care over assimilating large volumes of material and extrapolating relevant detail to further her client's case. She is happy to advise on all aspects of law and case management, or to draft court documents (including grounds of appeal) if required.

Cases

H v J (2015)

The mother (our client) sought to relocate permanently outside the jurisdiction. The father was initially vehemently opposed. Negotiated settlement to permit the mother to move with contact to the father.

A Local Authority v J (2015)

Obtained leave at contested Final Hearing to instruct ISW for the mother in circumstances where care proceedings had exceeded 26 weeks and where LA and Children's Guardian were opposed.

L v C (2015)

A deaf mother's application for CAO in circumstances where the father, also deaf, opposed. All communication through BSL interpreters.

K v S (2015)

Represented a father, who suffered from long-term alcohol addiction, lacked capacity and whose first language was not English, in his application for CAO. Case involved regular liaison with OS.

A v A (2014)

Contested hearing, representing the father, in his application to remove the child temporarily to a Non-Hague Convention country and to enjoy contact generally. Court permitted removal subject to special measures arranged by consultation with the relevant Consulate.

A Local Authority v W (2014)

Represented grandmother throughout care proceedings in which we successfully argued against interim removal, and in which children had previously been exposed to parents' substance misuse, domestic violence and who had displayed sexualised behaviour.

A Local Authority v D (2013)

Acting for mother (whose capacity was in issue) in custody for a period of six months during proceedings whilst LA sought care and placement orders in respect of the child. Upon demonstrating that M had been imprisoned on the basis of a false allegation, obtained leave to instruct an ISW who ultimately recommended return of the child to mother under a supervision order.

A Local Authority v W (2013)

Successfully argued for return of a young baby on behalf of a father, who suffered from severe mental health difficulties, where child had suffered suggested non-accidental injury.

U v L (2013)

Acting for the father in a case where the mother sought to remove the child to Pakistan for longer than one month. Both parties were non-English speakers and communicated through interpreters. Special measures researched and approved by the Court.

V v O (2013)

Represented the father in Private Law proceedings involving contested finding of fact hearing where the father was alleged to have perpetrated sexual abuse on the child. The father was completely vindicated by the court and the mother was found to have lied.

Family - Finance

Lucinda receives regular instruction in disputes relating to financial distribution following divorce or separation of cohabitants. She offers pragmatic and robust advice in such matters, and aims to encourage as swift and cost-effective a resolution as is viable in each case. Where Cohabitation (TOLATA) matters are concerned, Lucinda's knowledge and continuing experience of Civil procedure have been invaluable to her.

She regularly delivers seminars to solicitors regionwide and responds readily to requests of this type.

Public Access

Lucinda is trained to undertake direct access and will accept instructions from members of the public where appropriate.