



Eleanor Keehan

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Year of Call: 2013

“She is enormously hard-working and as a result has a grasp of the detail which underpins all that she does in court. She has a calmness which belies her call and is able to withstand demands from both bench and multiple opponents so as to achieve good outcomes for her clients.” **Legal 500 2022 (Court of Protection and Child Law)**

“Always available to help – knows the law well. Explains things in a straightforward way. Very professional and cares about her clients.” **Legal 500 2021 (Court of Protection)**

“Eleanor is extremely thorough in the preparation and delivery of her work. I have observed her numerous times at trial and she thinks very quickly on her feet, is an expert in her field and clients think highly of her. I have every confidence in her abilities and she is very easy to work with.” **Legal 500 2021 – Rising Star (Children – Public and Private)**

“Far beyond her year of call in all aspects.” **Legal 500 2020**

Eleanor successfully completed pupillage at St John’s Buildings, under the supervision of Lorraine Cavanagh, practising in all areas of family law and Court of Protection (Health and Welfare).

Memberships

- Family Law Bar Association
- Member of the executive committee of Court Protection Practitioners Association (CoPPA)

Education

- Law at the University of Bristol (First Class honours)
- Bar Professional Training Course at the University of Law in Birmingham (Very Competent)

EXPERTISE

Family - Children

Eleanor practices in all areas of children law.

Public Law

Eleanor has experience representing parents, children through their Guardian, interveners and Local Authorities in public law proceedings at all stages of a case. She is regularly instructed to draft documents including case summaries, threshold documents and skeleton arguments. Eleanor has acted in a wide range of care applications which have included an application for an emergency protection order of such gravity it was heard in the high court.

Eleanor also regularly advises Local Authorities at Legal Gateway and Pre-Proceedings Meetings.

Eleanor has gained considerable experience of preparing complex non accidental injury public law cases including fatal injuries and serious head injury cases, and cases in which the children have complex medical needs, during her pupillage with Lorraine Cavanagh. Further, she has been involved in the drafting of multiple Human Rights Act claims during course of her pupillage and has developed a particular expertise in claims on behalf of children including those for disabled children, assisting them to access their rights to services and promoting their interests.

Private Law

Eleanor is regularly instructed in private law proceedings including applications for Child Arrangements Orders, enforcement orders, non-molestation orders and occupation orders acting for both the Applicant and the Respondent.

Eleanor has experience acting in cases involving allegations of emotional, physical and sexual abuse including allegations of the utmost seriousness.

Cases

H v An Adoption Agency (No.2) (Declaration of Parentage and Public Policy) [2021] EWHC 1943 (Fam): Led by Lorraine Cavanagh QC in a case before Mr Justice MacDonald. This follows MacDonald J's previous decision H v An Adoption Agency [2020] EWFC 74. The novel issue in this case was whether it was manifestly contrary to public policy to grant a declaration of parentage after the child has been adopted; the court

concluded that it was. The Attorney-General intervened. The judgment contains an important distillation of the central public policy principles underpinning adoption in this jurisdiction and the intended inviolability of adoptive placements. The most recent judgment can be read [here](#). The previous judgment is available [here](#).

Tameside MBC v L (Unavailability of Regulated Therapeutic Placement) [2021] EWHC 1814

(Fam): Represented the child in a case where there was a challenge as to whether the Court could or should authorise a deprivation of liberty where an unregulated placement is not meeting the child's complex needs but there are no alternative options. The judgment contains an important distillation of the application and interaction of best interest's principles, necessity and safety and Articles 5 and 8 ECHR when the Court is authorising a deprivation of liberty of a young person. The judgment is available [here](#).

RE AA (Children) & 25 Ors [2019] EWFC 64: Eleanor was led by [Karl Rowley QC](#) for the lead local authority in this complex multi-handed public law litigation. This appears to be the largest public law family case that has been litigated. There were 15 care cases heard together by Sir Mark Hedley relating to grave sexual abuse allegations in respect of children. Sir Mark Hedley decided the principle of whether there was a power for the Family Court to stop a case at half time and if so the test for it to be exercised (appendix 2). Sir Mark also considered the approach to exoneration of a person who has been the subject of an allegation that could not be proved against them. [Click here to read the judgment.](#)

Eleanor was involved in the preparation of, and observed, a successful appeal against a full time high court judge's finding of fact that their client had killed a child in **Re H-C (Children) [2016] EWCA Civ 136**. This is the guidance decision for the application of the *Lucas* principles in the Family court.

Eleanor gained considerable experience in non-accidental injury, specifically head injury, cases during her involvement in **Re L, K & J [2016] EWFC 12**. In this matter Lorraine Cavanagh, led by Jane Crowley QC, represented a 10-year-old intervener accused of perpetrating a head injury to a 4-month-old infant. Eleanor was involved in the preparation for this hearing including drafting schedules, collating and analysing evidence and visiting the child prior to the hearing. Further Eleanor assisted in drafting the closing submissions an aspect of her work found expression in the judgment of Ms Justice Russell.

Eleanor played a significant role, through legal research, and drafting, in respect of responding to an application for permission to appeal to the Court of Appeal in **Seddon v Oldham Council [2015] EWHC 2609 (Fam)**: a Human Rights Act claim in which Mr Justice Peter Jackson declared that family life between a birth mother and an adopted child is terminated upon the making of an adoption order.

Eleanor has gained experience, throughout her training, in the highly specialised area of applications for medical treatment declarations in respect of children; in particular she assisted her pupil supervisor during the case of **Re A (Children: Withdrawal of Life Support) [2015] EWHC 2828 (Fam)**: in which Mr Justice Holman permitted the withdrawal of ventilation from twin boys aged 14 months. Eleanor has a particular interest in this area of work and is gaining much experience about the handling of these sensitive and emotionally charged cases.

Court of Protection

Eleanor gained extensive experience in Court of Protection litigation during her pupillage with Lorraine Cavanagh. In particular Eleanor has observed multiple complex COP cases before the High Court bench where Lorraine Cavanagh was acting for P through the Official Solicitor.

In her own practice Eleanor is instructed to act on behalf of Local Authorities as well as acting for P, through his litigation friend. Eleanor has conducted a number of section 21A appeals on behalf of P and the local authority. Eleanor has also acted for P in a case involving complex issues of fluctuating capacity, in particular whether the COP is the correct jurisdiction or whether the inherent jurisdiction of the high court might be better placed to determine the issues arising for P. Further, she has conducted a complex and sensitive case about capacity to consent to sexual relations and the development of, or protection from, intimate relationships for P where she may lack this capacity.

Eleanor was asked to deliver the COP update at the St John's Buildings Court of Protection day seminar chaired by Joseph O'Brien. She has been heavily involved in organising seminars and addressing policy issues in the course of her work on the CoPPA National Committee. Her interest in this field extends beyond the courtroom to the supporting and development of good practice through COPPA's education programme.

Cases

Hull City Council v A & Ors [2021] EWCOP 60: Acted for P before Mr Justice Poole in respect of a local authority's urgent without notice application to temporarily remove a woman with dementia from her home. The matter considered without notice applications, use of injunctive orders and the difficult balancing of risk and wishes and feelings in determining P's best interests. The case is reported on BAILII.

A Local Authority v TA & Ors [2021] EWCOP 22: Led by Lorraine Cavanagh QC before Cohen J for a local authority seeking to remove a son from his mother's home and obtain wide ranging injunctions against him, including a Civil Restraint Order for applications under the Mental Capacity Act 2005. The learned judge concluded that the 24/7 care package in P's home absent her son was in her best interests and made the orders sought. The case is reported on BAILII.