



Frances Heaton KC

Joint Head of Chambers

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Year of Silk: 2012

Leading silk in family law regularly instructed in the most challenging public law children matters. Her practice includes cases involving sexual and physical abuse allegations, as well as cross-jurisdictional relocation. She is adept at reviewing medical evidence.

Strengths: "Frances Heaton is just an extraordinary advocate. She has fantastic cross-examination and people skills." "Frances is excellent for children law." **Chambers UK Bar 2023**

"Recommended Expert." **Legal 500 2023**

Frances read law at Sheffield University, and was called to the Bar by Gray's Inn in 1984. She practises in all aspects of family law concerning children and sits as a Recorder (Family and Crime) and has a Section 9 ticket, meaning she can hear certain High Court cases.

Memberships

- Family Law Bar Association [Committee Member]

Appointments

- Recorder 2002 [Crime and Family (Public and Private)]

Save

EXPERTISE

Family - Children

Frances is in demand in very complex public law children proceedings in which the central issues include exceptionally serious injuries, non-accidental death / murder (child or parent), serious sexual abuse, child sexual exploitation, very serious neglect, torture, learning and mental health difficulties, fabricated or induced illness, reporting restriction orders and the curtailment of parental responsibility. In these she is instructed by local authorities, parents, children, grandparents, and interveners. Her skill and expertise is sought after and she is regularly instructed in high profile cases.

Frances undertakes judicial review, which most recently has included special guardianship allowances.

She regularly appears in the Court of Appeal where the issues have included the revocation of placement orders, and appeals against findings of fact.

In addition to this work Frances continues to accept instructions in complex private law children cases and she has a particular interest in issues of habitual residence, the international movement of children, relocation and child abduction.

Frances also undertakes surrogacy cases, and particularly those that have a foreign element.

Colleagues and tribunals recognise Frances' clear ability to assimilate and grasp the issues of the most complex cases. She is particularly noted for the sensitivity with which she handles these difficult cases and for her sensible, straight-forward advice and approach.

Frances regularly provides seminars and lectures to family solicitors, social workers and expert witnesses.

Cases

W (A Child) Re [2021] EWHC 2844 (Fam) (October 2021)

Represented one of the parents in an important case for care and CoP practitioners. The judgment is [available here](#).

B (A Child) (Designated Local Authority) (10 December 2020)

The successful Appeal concerned the approach to be taken when determining the 'designated local authority'. Frances Heaton KC and Kerry Holt represented Cheshire East Council. Shaun Spencer was led by Nick Goodwin KC for Salford City Council. [The judgment is available here](#).

Re A, B and C (Adoption: Notification of Fathers and Relatives) [2020] EWCA CIV 41 (29 January 2020)

Acted for the local authority in Case C. The judgment gives guidance on the issue of notification to the father or relatives in cases where the mother wishes to relinquish the child for adoption but has concealed her pregnancy and does not wish the father and/or family to be informed of the child's existence. The judgment has been published on Bailii and the case has been covered on Family Law Week and the Suespiciousminds blog.

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

Acted 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.](#)

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

Representing the children, 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).

Re A & Ors (Children: Scottish Adoptions) [2017] EWHC 35

Acted for an English local authority in a guidance decision case about Scottish adoptions before the President of the Family Division. The President considered seven cases of Scottish children placed for adoption in England under permanence orders with permission to adopt. [Read the judgment.](#)

Stockport MBC v AM, DT, L&K (Infants by their Children's Guardian) and SM, LS, T&E (by OS)

Stockport MBC v SM and LS and J (By Children's Guardian) 2016 EWFC 12: Representing local authority in fact finding – Complex medical evidence, minors in pool of perpetrators – complex case management concerning the evidence of minors and legal argument.

T & K & Z & Liverpool City Council & Egyptian Ministry of Social Solidarity 2016 EWHC 2963

Fam: Representing English woman who had cared for an Egyptian orphan for in Egypt with her Egyptian husband. Due to political upheaval she returned to 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.

Rotherham MBC & MFG (A Child) & HH, LL, MM, NN, South Yorkshire Police, Times Newspapers Ltd. 2016 EWHC 2660 Fam: Child sexual exploitation of vulnerable 17-year-old female. Representing the local authority seeking injunctions against the alleged perpetrators and reporting restriction orders due to jigsaw identification arguments.

LCC v Fisher and Howarth Case No. PR15C00367

Re: R and F (CHILDREN): Fact finding hearing concerning 5 children – death of infant at birth – mother had concealed pregnancy – given birth in the bath – body had been hidden. Mental health issues. Complex medical evidence.

Wigan MBC and M (1) F(2) J, By his Children’s Guardian, and C (Intervener) [2016] EWFC 13: Historical baby death in care of parents. Parents separated – father has a child with new partner – LA seeks to re-open the death of the first child. Very complex medical and police materials.

Cumbria County Council v KW [2016] EWHC 26 (Fam) (12 January 2016): A fact finding hearing in respect of head injuries to an infant with complex medical issues – benign enlarged subarachnoid spaces. Read the judgment [here](#).

RY v Southend Borough Council [2015] EWHC 2509 (Fam) (22 May 2015): Representing the local authority in a successful application for the return of a child who had been placed for adoption. Read the judgment [here](#).

Wigan Borough Council v Fisher & Ors (Rev 1) [2015] EWFC 34 (21 April 2015): A fact finding hearing in respect of the death of a baby who had been shaken. Read the judgment [here](#).

Wigan BC v M and Others (Veracity Assessments) [2015] EWFC 8 (06 February 2015): The use of veracity assessments in cases where children have been ABE interviewed. Read the judgment [here](#).

Wigan Council v M & Ors (Sexual Abuse: Fact-Finding) [2015] EWFC 6 (30 January 2015): A fact finding hearing in respect of exceptionally serious step father and inter sibling sexual abuse. Read the judgment [here](#).

Re P (A Child) [2014] EWCA Civ 888: Appeal against care and placement orders – young child whose parents had relocated to England from Poland prior her birth sustained serious injuries – found to have been inflicted – concerning comments were made by the judge about the possibility of the child being cared for by members of the extended family in Poland.

Re D (A Child) [2014] EWHC 2121 (Fam): Private law case – surrogacy issue was whether the surrogate had been married.

J, A, M and X (Children) [2013] EWHC 4648 (Fam): Withdrawal of care proceedings in a case where a child had had a short fall and sustained very serious injuries.

Re B (Transfer of Foster Placement) [2013] 1 FLR 633: Care proceedings — Children of same family placed in three different foster homes outside the area of the local authority concerned — Local authority sought to move the children within the area — Whether the children’s guardians should be granted an injunction preventing the move — Whether the children were at risk of emotional harm.

Re A (Placement Order: Imposition of Conditions on Adoption) [2013] EWCA Civ 1611 [2014] 2FLR 351: Care proceedings — Placement order — Conditions set for adoptive placement otherwise adoption not in best interests — Lawfulness of imposition of conditions.

LCC v R [2013] EWHC 3064 Fam: Care proceedings – serious injuries to a baby – whether accidental or inflicted – expert evidence.

Re W (Fact Finding: Hearsay Evidence) [2013] EWCA Civ 1374 [2014] 2FLR 703: Care proceedings — Hearsay evidence of sexual abuse allegations — Approach to hearsay evidence — Whether the question of whether the victim should give direct evidence was properly dealt with.

Re A (Children) [2013] EWCA Civ 1026: Appeal against findings that injuries [including posterior rib fractures] to an immobile infant were ‘unexplained’ as opposed to inflicted.

Re MI (A Child) [2013] EWHC 1073 (Fam) [2014] 1FLR 208: Care proceedings — Death of sibling due to non-accidental injuries — Neglect of child — Whether he could be returned to mother’s care or should be placed abroad with family members.

Re J (A Child: Habitual Residence) [2012] EWHC 3364 (Fam) [2013] 1FLR 1460: Jurisdiction — Removal of seven-year-old child to USA — Spent entire life with grandmother in UK — Whether the child’s habitual residence had altered — Whether the English court had jurisdiction.

SB v A Local Authority & Ors [2012] EWCA Civ 1269: Responding to a father’s appeal against findings of sexual abuse perpetrated on his daughter with learning disabilities.

AP v TD (Relocation: Retention of Jurisdiction) 2012 EWHC 2040 (Fam) [2011] 1 FLR 1851: Contact — Jurisdiction — Whether acceptance of jurisdiction could be withdrawn unilaterally — Whether acceptance in respect of one aspect of parental responsibility involved acceptance in relation to all — Residual jurisdiction.

A v Local Authority v A, B and E [2011] EWHC 2062 (Fam) [2012] 2FLR 601: Care proceedings — Contact — Indirect contact — Violent father currently in prison — Whether some form of contact in best interests of child — Evaluation of risk — Whether father’s parental responsibility to be revoked.

Re S (A Child acting by the Official Solicitor) v Rochdale Metropolitan Borough Council & Independent Reviewing Officer [2008] EWHC 3283 (Fam) [2009] 1 FLR 1090: Care proceedings — Local authority — Failure to issue proceedings — Whether breach of duty to child as looked-after child — When care proceedings should be issued.

Local authority — Care proceedings — Failure to issue proceedings — Whether breach of duty to child as looked-after child — When care proceedings should be issued.

Publicity — Local authority — Compromise of human rights claim — Confidentiality clause — Whether lawful — Scope.

Re P (Care Proceedings: Disclosure) [2008] EWHC (Fam) 2197; [2009] 2FLR 1039:

Care proceedings — Disclosure — Parents of injured child had learning disabilities — Police seeking disclosure of agreed schedule of findings or of transcripts — Whether confidentiality to be maintained.

Re A (Custody Decision after Maltese Non-Return Order) [2006] EWHC 3397 (Fam) 2007 1 FLR 1923: Abduction — Summary return — Brussels II Revised, Art 11 — Custody decision by requesting state — Certificate requiring return of child.

X Council -v- B (Emergency Protection Orders) [2004] EWHC 2015 (Fam), [2005] 1 FLR 341: Care — Human rights — Emergency protection orders — Care plans — Parental involvement in changes to care plan — Lacunae in EPO scheme.

Legal Directory Recommendations

Strengths: “Frances is ferociously bright but is also very personable. She can explain complex legal conundrums with ease and humour.” “She is a tough operator and a very good tactician. She’s very thorough and a class act.” **Chambers UK Bar 2022**

“Excellent client care with the lay client. Insightful and thorough grasp of the issues in the case. Articulate and tenacious.” **Legal 500 2022**

Strengths: “Extremely pleasant and effective.” “She has a phenomenal intellect coupled with a calm, pragmatic manner so that even when dealing with the most complex of situations you feel reassured that everything will be fine.” **Chambers UK Bar 2021**

“She is a joy to instruct. She is an excellent advocate who has the ability to quickly get to grips with the most complex of cases focusing on the salient points whilst at the same time ensuring the client is at ease and the judiciary is with her.” **Legal 500 2021**

“Focuses her practice on children law, representing parents, children and local authorities on private and public law matters. She has worked on numerous cases involving sexual abuse and serious injury, and also has expertise in international adoption and surrogacy. She is adept at reviewing medical evidence.”

Strengths: “She’s highly professional, with evident expertise. Her strengths include her good communication, attention to detail, good advocacy skills and excellent preparation.” **Chambers UK Bar 2020**

“A dynamic and accomplished advocate.” **Legal 500 2019**

“Absolutely phenomenal. She is always on your side.” “The advice she gives is brilliant.”

Strengths: “She is really reassuring and is an authority without being scary.” **Chambers & Partners 2019**

Recent work: “Acted in T v K and others, a complex case concerning an application to adopt an Egyptian child in the UK that was opposed by the Egyptian government.” **Chambers & Partners 2018**

“She has expertise in children law cases with foreign elements.” **Legal 500 2017**

Strengths: “She is wonderful on surrogacy work”. – **Chambers & Partners 2017**

“Commendable practice in public law children work acting for parents, children and local authorities, including individuals with mental health difficulties. Well versed in issues relating to neglect, sexual abuse cases, non-accidental death and murder, as well as private law matters including international child abduction.

Strengths: “She is very user-friendly and remains unflustered.” “An incisive advocate who is excellent for getting clients on the right track.” – **Chambers & Partners 2016**

“An expert in children law cases.” – **Legal 500 2016**

“Regularly instructed in child protection cases of the most complex and serious nature, including sexual abuse, chronic neglect and murder. She has noted expertise in child abduction.” “She is lethal in court. She has got me incredible results.” “An incisive advocate. Excellent for getting her clients on the right track.” – **Chambers & Partners 2015**

“She has good judgment and all-round good knowledge of the law.”- **Legal 500 2015**

“A polished and highly persuasive advocate.” – **Legal 500 2014**

“Receives praise for her strength in complex children matters, with a thriving practice in both public and private law cases. She is particularly commended for her approachable and helpful manner. ”

“Frances Heaton was personable and exacting, and got the job done.”

“Frances is absolutely delightful – she has a calm approach and is concerned about her clients.” – **Chambers & Partners 2014**

“In high demand for childcare cases” – **Legal 500 2013**

“Highly empathetic, really well prepared and great at client care.” – **Chambers UK 2013**

“Recommended for childcare matters” – **Legal 500 2011**

“A public children lawyer of some repute. According to sources, Heaton is ‘a clear thinker and a persuasive advocate’” – **Chambers UK 2011**

“Recommended for [her] sensitivity in care cases.” – **Legal 500 2010**

“Has a sensitive approach in care cases.” – **Legal 500 2009**

“Committed and sensible....Really knows her stuff.”- **Chambers UK 2009**

“Recommended consistently for her sensitive approach in care cases” – **Legal 500 2008**

“A sensitive advocate” – **Chambers UK 2008**

“An insightful advocate” – **Chambers UK 2007**

“Marvelous” – **Chambers UK 2006**

“Extraordinarily busy in difficult child work” – **Legal 500 2005**