



## Karl Rowley QC

### Head of the Family Group

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Year of Silk: 2013

Highly regarded silk with an impressive track record in children matters involving shaken babies and allegations of sexual abuse and failure to thrive. He regularly acts for parents, grandparents and local authorities. Rowley is renowned for his top-quality advocacy.

Strengths: "He is a really composed performer in court. He is very confident, excellent in collaboration and extremely able. A class act." "He is a natural barrister who is persuasive. He is unflappable in the face of adversity and is amazing for the client in court." **Chambers UK Bar 2022**

"Karl is in a class of his own with his elegant and devastatingly effective advocacy." **Legal 500 2022**

Karl read Philosophy and Theology at Oriel College, Oxford, followed by the Diploma in Law at Staffordshire University. He was called to the Bar in 1994 having received the Winston Churchill Pupillage Award from Middle Temple. He was appointed a Recorder in 2009 and took silk in 2013.

Karl's practice covers public and private children cases, wardship, public authority work, and the Court of Protection.

## Memberships

- Family Law Bar Association
- BAAF

## Appointments

- Recorder (Civil & Family) 2009
- Recorder (Crime) 2012
- Queen's Counsel 2013

## EXPERTISE

### Family - Children

Karl represents local authorities, parents and extended families, and children (whether directly or by their Guardians) in the public law arena. He has appeared at all levels up to and including the Supreme Court and regularly represents parties in the Court of Appeal.

He has a particular interest in cases involving complex medical evidence, including NAHI; alleged bone disease; child death; and purported poisonings. His experience covers applications such as for contact by former parents after the death of adopters; those involving foreign adoption; care cases with international elements; inherent jurisdiction cases concerning proposed medical treatment of minors; and applications to restrict publicity.

In private law proceedings Karl's practice has included multifaceted residence applications involving sexual abuse or homicide, protracted contact cases, international relocation, and cases concerning children with special needs.

His public authority work has seen him advise and represent clients in the care standards tribunal. He was successful in resisting the first ever appeal to be heard in the Upper Tribunal, Administrative Appeals Chamber. He has advised various local authorities in respect of OFSTED assessments and reports.

He has been instructed on behalf of nurseries and individual childcare professionals. He has conducted cases for applicants and defendants in judicial review proceedings. His theological background gives him a particular understanding of religious issues as they arise in family proceedings.

### Cases

**Re A (Children) (Remote Hearing: Care & Placement Orders) [2020] EWCA Civ 583** – succeeded for appellant father in a case which gave guidance as to the approach of courts hearing cases during the viral pandemic.

**Re T (Jurisdiction: BIIR: Cyprus) [2020] EWFC 37** – successfully argued that a person could not retain habitual residence in a country which they had left under a deportation order and to which they could not lawfully return

**In the Matter of AV (Expert Report) sub nom Mother v (1) Local Authority (2) Father (3) AV (by his Children's Guardian) (2020):** In care proceedings the court should only allow expert

evidence to be adduced if satisfied that the expert's opinion was necessary to assist the court to resolve the proceedings justly. However, the social worker and guardian's expertise did not extend to expressing a professional opinion as to the impact of loss and trauma in complex cases. A judge's case management decision was therefore overturned, as she should have allowed psychiatric evidence to be adduced on the impact of complex trauma on the placement options available to a three-year-old child.[2020] EWCA Civ 346. Click here to [read the judgment](#).

Re D (A Child) (Fact-finding appeal) sub nom M v (1) X Borough Council (2) Y (3) D's Father (4) D (by her Children's Guardian) (2019):In care proceedings, on an appeal against a finding that the mother's partner was responsible for an injury sustained by her three-year-old child, the judge should have conducted a full rehearing in the light of fresh evidence as to the alleged perpetrator's whereabouts at the time the injury was inflicted. Instead of considering the totality of the evidence, he had focused on whether there had been an inflicted injury and on identifying the perpetrator. He should have considered whether the fresh evidence affected the weight to be attached to other parts of the evidence. [2019] EWCA Civ 2302 The judgment is [available here](#).

**RE AA (Children) & 25 Ors [2019] EWFC 64:** Karl led 2 counsel 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](#).

**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. The case has been [published on BAILII](#).

**A Local Authority v (1) A Mother (2) A Father (3) A, B, C, D & E (by their Children's Guardian)[2018] EWHC 1841 (Fam):** appeared for father accused of holding radical views; local authority withdrew proceedings part way into hearing. [Click here to read the judgment](#).

**Re M (Children) [2018] EWCA Civ 607:** appeal in high-profile case representing a mother seeking the admission of fresh evidence not sanctioned by the court. [Click here to read the judgment](#).

**M v (1) St Helens Borough Council (2) F (3) C (A Child) [2018] EWFC 1:** appeared for the mother in reopened proceedings where an infant had suffered 26 fractures. [Click here to read the judgment](#).

**Re T (A Child: Adoption or Special Guardianship) sub nom T (A Child by his Guardian) v Wirral Borough Council [2017] EWCA Civ 1797:** represented child in finely-balanced adoption/SGO case where different orders had been made in respect of siblings in the same placement. [Click here to read](#)

[the judgment.](#)

**Re H-C (Finding of Fact: Rehearing) [2016] EWFC 48:** rehearing of case following Court of Appeal overturning findings against client. Local authority failed to establish case at retrial of smothering and other alleged injury against him. [Click here to read the judgment.](#)

**Re Z (A Child: Egyptian fostering & UK adoption) [2016] EWFC 48:** represented child fostered abroad and brought to UK. Carer applied to adopt here; Egypt sought child's return. Child adopted. [Click here to read the judgment.](#)

**Re K (Children) [2016] EWHC 1606 (Fam):** Representing a mother accused of support for ISIS: local authority withdrew its application for care orders as no evidence of radicalisation of children. [Click here to read the judgment.](#)

**Re Y (Children) (No 3) [2016] EWHC 503 (Fam):** Appeared for a mother accused of attempting to take her children to Syria; President of Family Division did not make the finding sought by the local authority and the applications were dismissed. [Click here to read the judgment.](#)

**Re H-C (Children) [2016] EWCA Civ 136:** Acted for the appellants in the Court of Appeal. The Court overturned a finding of fact that a person caused a child's death and went on to give guidance as to the use of a finding of a lie in family cases.

**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](#) [Click here to read the judgment.](#)

**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. [Click here to read the judgment.](#)

**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. [Click here to read the judgment.](#)

**In the matter of X (Children) (No 3) [2015] EWHC 3651 (Fam):** Appearing for a mother accused of attempting to take her children to Syria; the President of the Family Division did not make the central findings sought and the care proceedings were dismissed. [Click here to read the judgment.](#) **The case received coverage in the Mirror.**

**Re K-L (Children) [2015] EWCA Civ 992:** Appeal by mother following a fact-finding hearing to determine allegations against the father. The appeal concerned difficulties including (i) the question as to which effective decision was under appeal and (ii) that there was no order giving effect to the judgment that the mother wished to challenge. Represented mother: appeal succeeded. [Click here to read the judgment.](#)

**Re X (Children) & Y (Children) (Emergency Protection Orders) [2015] EWHC 2265 (Fam):** interim return of children to parents who were suspected of attempting to travel to Syria with them. [Click here to read the judgment.](#) Read the article in the Daily Mail.

**Re P (A Child) [2015] EWCA Civ 777:** bar to permission under s.47(5) not higher where proposed adopters were child's foster carers, but the court had to weigh not only the effect of ceasing to be a member of his birth family on the child but also the value of a relevant relationship continuing. [Click here to read the judgment.](#)

**Re BR (Proof of Facts) [2015] EWFC 41:** statement of the judicial approach to evidence in cases of alleged multiple fractures to a child and parental explanations or lack thereof. [Click here to read the judgment.](#)

**CM v Blackburn with Darwen Borough Council & M (A Child) [2015] 1 WLR 2441; [2015] 2 FCR 116:** Re B-S had not changed the statutory test for dispensing with parental consent to placement for adoption – dual planning remains permissible. [Click here to read the judgment.](#)

**Re JA (A Minor sub nom (1) An NHS Trust (2) A Local Authority v (1) Mr A (2) Mrs A (3) JA (4) his Children's Guardian [2015] Med LR 26; [2015] Fam Law 139:** HIV+ 14-year-old boy not competent to decide not to take anti-retroviral therapy. [Click here to read the judgment.](#)

**Re A (Children) [2013] EWCA Civ 1611:** Established that courts have no jurisdiction to impose preconditions as to the nature of adopters with whom a local authority might place a child.

**Lancashire County Council v (1) R (2) W & (3) N [2013] EWHC 3064 (Fam):** Alleged NAHI, Mostyn J determined not inflicted by father.

**Re L-B (Children) [2013] UKSC 8; [2013] 1 WLR 634 Re (1) B (2) H (Children) [2012] EWCA Civ 1359 Re L-B (Children) [2012] 2 FCR 591 : [2012] Fam Law 1318 : (2012) 156(29) SJLB 27:** Leading case establishing the principle that judges may change their minds.

**Re A & D (Children: Religious Upbringing) [2011] 1 FLR 615 : (2011) PTSR 602:** Leading case on s.33(6) Children Act 1989.

**Re F (A Child) (Interim Care Order) [2011] 2 FLR 856:** Court of Appeal case affirming first-instance judge's dismissal of care proceedings where only issue had been a finding that the child's father was a 'possible perpetrator' of injuries to a previous child.

**Staffordshire County Council v (1) A (2) B (3) C (A Child by his Guardian) (Respondents) & (1) D (2) F (3) F (Interveners) [2010] 3 FCR 7:** Parents found not to have inflicted multiple injuries to their child.

**Ofsted v GM & WM [2009] UKUT (AAC):** Appeal concerning the correct test to be applied when considering the exercise of Ofsted's power to suspend the registration of childminders pending investigations into the harm that may have occurred to a child in the childminder's care.

**Re M-H (A Child) [2007] 1 FLR 1715 (CA):** Successfully overturned first instance judge's refusal of an

independent social work assessment of a proposed carer for the child.

**Oldham MBC v GW, PW, KPW (A Child) & W St C Forbes (Intervenor) [2007] 2 FLR 597; [2007] BMLR 146:** Appeared for the mother whose child was returned, allegations of shaking rejected by the Court; guidance given on the instruction of experts in such cases.

**W v Oldham MBC [2006] 1 FLR 543 (CA):** Leading case on obtaining second opinions in family cases, appeared for the mother.

## Legal Directory Recommendations

Strengths: “Extremely pleasant and effective.” “He is an exceptional advocate and is able to grasp difficult scenarios.” **Chambers UK Bar 2021**

“A very fine silk at the top of his game. Very polished on his feet. Excellent on the medical science in public law cases. A real pleasure to work with.” **Legal 500 2021**

“A children law specialist who has a wealth of experience advising on private and public cases. His areas of expertise include international adoptions, radicalisation and child death.”

Strengths: “He’s an exceptional barrister.” **Chambers UK Bar 2020**

“His elegant advocacy and strategic approach make him hard to beat.” **Legal 500 2020**

“Highly regarded on the children side.” **Chambers & Partners 2019**

“A talented silk with a keen eye for the details in a case.” **Legal 500 2019**

“A children law specialist who has a wealth of experience advising on private and public cases. His areas of expertise include international adoptions and child death.”

Strengths: “I wouldn’t hesitate instructing him on children matters.” “For children, he is just out of this planet. He is so impressive.” **Chambers & Partners 2018**

“He has a rigorous intellect.” **Legal 500 2017**

Strengths: He is thorough and has a calm court manner.” “He finds unusual arguments and angles to cases and uses them very skilfully.” **Chambers & Partners 2017**

“Very experienced silk in public law child care, with a particular focus on sexual abuse cases and non-accidental injury.

Strengths: “He is excellent.” **Chambers & Partners 2016**

“He displays exceptional attention to detail.” **Legal 500 2016**

“A wonderful silk on complex children matters.” **Legal 500 2015**

Remains a popular choice for complicated children’s matters, both public and private law. He acts for

local authorities, guardians and children, and has a particular focus on cases with complicated medical evidence.

“Calm and unflappable, he identifies even the smallest detail and has extremely intricate technical knowledge.”

“A polished advocate with a calming and reassuring demeanour for clients.” **Chambers & Partners 2015**

“Rowley took silk in 2013, and is well respected for his handling of family law matters. He continues to focus his practice on complex children’s proceedings, both public and private, and has a special interest in medically complicated care cases, foreign adoption and protracted contact cases. Expertise: “He is absolutely brilliant and extremely clever, but despite that he’s very down-to-earth and easy to work with. He’s very accessible for both clients and solicitors.”” **Chambers & Partners 2014**

“Ridiculously clever, unflappable and a joy to instruct.” **Legal 500 2014**

“An expert in children-related matters. Rowley is a ridiculously intelligent barrister who offers the full package. His advocacy is full of polish and he’s a very bright and confident advocate.” – **Chambers & Partners 2013**

“Superb childcare practitioner who is able to present unusual perspectives.”

“He acts in both publicly and privately funded matters, and cases involving medical evidence are a particular area of interest for him.” – **Chambers & Partners 2012**

## Court of Protection

Karl advises and appears for local authorities and families in welfare cases. There is considerable overlap between his work in medical treatment cases and those in respect of children resolved under the inherent jurisdiction.