



Jacqueline Thomas KC

CALLED: 2000 / SILK: 2020

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Joint Head of Chambers

Summary

King's Counsel – 2020
Recorder (Family Court) – 2018

Fee-Paid Judge of the First Tier Tribunal, Health, Education and Social Care Chamber (Mental Health) (Restricted Patients Panel) – 2022

Jacqueline has extensive experience in Public Law children matters, including allegations of sexual abuse and non-accidental injury in all levels of Court, representing all parties.

Jacqueline has a particular interest in Court of Protection work and the representation of individuals lacking mental capacity, particularly in cross-jurisdictional matters. She is experienced in the effective representation of parents in care proceedings who lack capacity to litigate, or have a need for treatment under the Mental Health Act 1983.

Jacqueline is currently studying for an MA in Medical Law and Ethics, with an interest in the medical treatment of children and young people, and the treatment of women and pregnancy in the Court of Protection.

Jacqueline has extensive experience in the inherent jurisdiction in the securing of placements for children and young people in unregistered settings, and is the author of "Transitions from children's to adult social care", a Law Brief Practical Guide in this area of work.

Areas of Practice

PUBLIC LAW CHILDREN

Notable cases;

Re (representation: fact-finding hearing) [2008] ewca civ 212

Successful appeal to the court of appeal to secure representation for a grandmother in a finding of fact hearing

Re T (children) [2011] ewca civ 1818

Represented the guardian in the court of appeal concerning whether an uncle should remain as an intervenor or not

A LA V L

Represented the local authority in two linked care cases, involving Roma Slovak families, very young mother and baby and allegations of people trafficking.

A LA V A

Representing local authority in application for female genital mutilation prevention order against 3 members of a family, with the purpose of protecting the youngest child of the family. Orders were successfully achieved.

COURT OF PROTECTION - HEALTH AND WELFARE

Notable cases:

A la v f

Application in the court of protection for best interest declarations and authorisation of the deprivation of liberty of a care leaver, in the face of opposition from his father who had expressed the intention to remove af from the residential home once he reached the age of 18 years. The case was transferred from the family court and involved the interaction between the children's social care team, the disability team, and transitions to adult social care. In due course, the placement and deprivation of liberty were both authorised.

A CCG V B

Represented the ccg in cop proceedings (health and welfare) with linked human rights act claim. Complex needs case, with difficulties in placement and placement breakdown. Background of potential unlawful deprivation of liberty. Jacqueline successfully defended the hra claim which was subsequently withdrawn.

A LA V N

Represented the local authority in a finding of fact hearing in the cop in which findings were successfully obtained against family members who had actively undermined the placement of a daughter of the family. The placement had given notice as a result and new accommodation had to be found. Final orders were achieved with best interest declarations that n would remain in residential care.

MENTAL HEALTH

Notable cases:

A LA V W

Complex case in the high court dealing with teenager with serious mental health issues coming out of section 3 detention. Case involving interim care order and potential deprivation of liberty of 13 year old. Cross over of all areas of work.

ADMINISTRATIVE LAW

Notable cases:

A LA V P

Acting on behalf of la in educational tribunal claim and connected judicial review. Case concerned teenager with complex care needs.

A LA V C

Application in the high court for wardship and associated injunctions to protect a vulnerable 17 year old who was at risk of sexual harm from a violent partner. The case required consideration of legal arguments as to the appropriate orders and whether it was lawful for a child to be

placed in local authority accommodation as a ward. It also required review of the deprivation of liberty which was in place in the care home and whether the ward's article 5 rights were sufficiently protected by the authorisation of the court.

HUMAN RIGHTS ACT CLAIMS

Jacqueline deals with complex children act care proceedings and health and welfare applications in the court of protection. Her caseload routinely includes transition cases relating to the article 5 rights of young people across both jurisdictions. Work in the child care arena involves consideration of article 8 and 6 rights on a daily basis and Jacqueline advises authorities, parents and children's solicitors as to potential claims arising from their conduct as part of her work in child care. Within the court of protection, consideration of human rights issues are integral to Jacqueline's work in which she is instructed on behalf of all parties. The following are specific examples of her work in this area.

2015 – NELC V G – acting on behalf of children. Advice provided in the case of nelc v g, on issues arising following care case in which jacqui acted for the children's guardian. The children had been removed from their parents' care following a fracture to a child's arm. They were later returned by the authority to the parents, with potentially inadequate investigation and risk assessment. Less than 12 months later, the parents killed the youngest child by serious assault and further injuries were inflicted to an older child. The issue arose on behalf of the surviving children whether there had been professional negligence on the part of the social workers. This was around the same time as the case of northamptonshire county council v as & ors (rev 1 [2015] ewhc 199. The advice was taken forward by cafcass on behalf of the children.

2015 – NYCC V MAG. Acted on behalf of local authority in cop proceedings at first instance and on appeal, dealing with human rights issues arising from the deprivation of liberty of p. Arguments including art. 3 raised on behalf of p. Successful on appeal.
Www.familylawweek.co.uk

2017 – SB V CCG. Acting on behalf of ccg defending hra claim brought against them and the local authority arising from court of protection proceedings. Young person had been left in inappropriate placement for 18 months by public bodies with no action taken to move him on. Pre-action advice and defence drafted. Claim was subsequently withdrawn.

2017 – NELC V E. Acting on behalf of local authority in care proceedings in which the children sought damages pursuant to breaches of article 8. Claim adjourned pending findings in the care proceedings.

Appointments and Memberships

King's Counsel – 2020

Part time Judge of the First Tier Tribunal – Education, Health and Social Care – 2019

Trustee & Secretary, Spire Foundation – 2019

Joint Head of Chambers – 2019

Elected to The Bar Council – 2018

Recorder of the Family Court – 2018

Visiting Lecturer – Keele University

Family Law Bar Association

North Eastern Circuit

Barrister member of the Council of the Inns of Court Disciplinary Tribunal [2014 – 2018]

Court of Protection Practitioners Association

Mental Health Lawyers Association

Lawyers for Children

Jacqueline is the co-author of Reforming Family Justice (1st ed) and Family Justice Reformed (2nd Ed).

"The second edition is a worthy successor to the first. Again, our authors deserve our thanks and our congratulations." (Sir James Munby P, June 2017)

"The authors provide a commentary of quality on what we do and they deserve our thanks and grateful attention to the detail of what they have written."

Rt Hon Sir Ernest Ryder, Senior President, June 2017"

Link to book: <http://www.jordanpublishing.co.uk/practice-areas/family/publications/family-justice-reformed>

"Transitions from Children's to Adult Social Care – A practical guide" Law Brief publishers, 2021
<http://www.lawbriefpublishing.com/product/transitionsfromchildtoadultsocialcare/>

Legal Directories

Legal 500 2023 - 'She is calm under pressure, pragmatic, intellectual, approachable and quick-thinking.'

Legal 500 2022 - 'A confident new silk with a very sharp and forensic mind. She is calmness personified.'

Chambers & Partners 2022 (Family Law) - Excellent silk recognised for her work on highly sensitive children matters, particularly those involving complex medical evidence and serious allegations. She is well versed in handling public law cases, regularly advising local authorities and institutions. "She is exceptionally well prepared and calm, and her advocacy is brilliant." "She is a real team player and has the welfare of the children at heart in what she does." "Jacqueline has a straight and reassuring manner. She is just a class act."

Legal 500 2021 (Child Law - Public & Private) - 'She is a star. A calm and steady advocate with a meticulous attention to detail.' Legal 500 2021 (Court of protection) - 'Unflappable; she is calm under pressure and is respected by practitioners and judges alike.'

Legal 500 2020 (Family & Children) - 'Her written work is of a very high standard and her advocacy is very impressive' Legal 500 2020 (Court of Protection) - 'Sound, wise and well-informed.'

Education

Keele University: Adult Safeguarding MA – Distinction

Browne Jacobson Award for Dissertation on Safeguarding Vulnerable Care leavers Keele University LLB – Law and Psychology.