



Ashley Lord

Barrister

CALLED: 2015

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Summary

Ashley is part of Chambers' Public and Private Children Law teams within which he has built a strong and busy practice where he is routinely instructed in cases with complex factual and legal issues at their core.

Ashley regularly appears in the County Court and High Court, and he has also appeared in the Court of Appeal on behalf of clients.

Areas of Practice

PUBLIC LAW CHILDREN

Ashley regularly represents local authorities, parents, children, and interveners in all forms of public law children work.

Ashley has considerable experience and interest in cases involving allegations of non-accidental injury, sexual abuse and fabricated and/or factitious illness. Further to these areas, Ashley also has particular expertise in applications seeking the discharge of carer orders, secure accommodation applications pursuant to part 25 of the Children Act 1989, and child deprivation of liberty order applications brought under the Inherent Jurisdiction.

PRIVATE LAW CHILDREN

Ashley is part of the Chambers Private Law Children team and he represents all parties within private law proceedings. Ashley has particular experience in cases involving allegations of:

- Adult's coaching children (parental alienation);
- Domestic abuse (including violence);
- Sexual abuse (of adults and children).

EDUCATION LAW

Ashley is part of Chambers growing Education Law Team.

Ashley is frequently instructed by Local Authorities to advise on issues relating to Education, Health and Care Plans ("EHC Plans") and to advise on Appeals filed with the First-Tier Tribunal (Special Educational Needs and Disability) by parents of young people with special educational needs.

Ashley regularly appears on behalf of Local Authorities at Appeal hearings in the First-Tier Tribunal (Special Educational Needs and Disability) in respect of amendments to EHC Plans, inclusive of issues as to "Section I" placements.

EXPERTISE

Ashley has extensive experience representing Respondents in employment tribunals across England, Wales and Scotland. He has represented businesses of varying size and industry in a wide range of matters. His experience varies from appearing at short preliminary hearings to successful conduct of lengthy and complex multi-week composite hearings.

Ashley is particularly experienced in all aspects of:

- Unfair Dismissal
- Constructive Unfair Dismissal
- Discrimination (all types)
- Harassment
- Victimisation
- Wages
- Breach of Contract
- Holiday Pay
- Public Interest Disclosure
- Employment Status

Ashley has extensive experience of drafting responses in both simple and complex cases. He is available to provide written advice and/or representation at hearings or judicial mediation.

Notable Cases

Re TT (Children: Discharge of Care Order) [2021] EWCA Civ 742

Ashley represented the respondent local authority and successfully opposed the mother's appeal against the first instance decision to refuse her application for a discharge of care orders.

The Court of Appeal brought together, developed, and confirmed the test to be applied in discharge of care order proceedings. Further the Court of Appeal confirmed that s.1(5) of the Children Act 1989 should be applied in applications for the discharge of care orders.

In considering the correct test to be applied, the Court of Appeal overturned the decision of Mostyn J in *GM v Carmarthenshire County Council* [2018] EWFC 36 in two respects: firstly, regarding the test to be applied when considering an application for discharge of a care order, and, secondly regarding the views His Lordship had expressed on the value and treatment to be given to 'attachment theory' in cases moving forwards.

Re S (Child in Care: Unregistered Placement) [2020] EWHC 1012 (Fam)

Ashley represented the Local Authority in care proceedings which was the subject of an interim published judgment highlighting "Samantha's Story". Cobb J tells her story within his interim judgment; in short, these proceedings involve complex placement issues brought about by the vulnerabilities and complex needs of Samantha.

The proceedings commenced in 2019 with an application for a secure accommodation order which was granted. In October 2019 the secure accommodation placement served notice and thereafter Samantha was the subject of repeat applications (which were granted) for orders authorising the local authority to deprive her of her liberty. This case served to highlight the difficulties that Samantha experiences in her life but also the unacceptable lack of available placements for some of the most vulnerable children in society.

R (A Child) [2019] EWCA Civ 895

Having been instructed at the first instance finding of fact hearing in this matter, Ashley appeared as Counsel for the Appellant in her appeal against a finding that she was in the pool of possible perpetrators for the infliction of injuries to her 11-week-old granddaughter. The appeal was allowed, and the grandmother was removed from the pool. The Court also gave guidance on the meaning/interpretation of “reasonable prospect of success” in the test for permission to appeal in the family law arena.

BMDC v R, S and L (2020)

Ashley represented the local authority and successfully secured findings that the mother was the perpetrator of skull fractures and brain bleeds to her six-week-old daughter which were described as “life threatening” injuries. Ashley secured further findings that the mother had caused serious emotional harm to one of her other children by her attempts to blame her for having caused the injuries.

RE: TT (Children: Discharge of Care Order) [2021] EWCA Civ 742

Court of Appeal success for Sharon Tappin (on behalf of the Respondent Children) in this crucial decision relating to the law to be applied in a discharge of care order application.

Appointments and Memberships

- Family Law Bar Association
- Lawyers for Children
- Spire Foundation, Chair
- Employment Law Bar Association
- North Eastern Circuit
- Inner Temple
- IMPACT Multi-Academy Trust, Trustee

Legal Directories

Legal 500 2023 - ‘Ashley is thorough and tenacious. He has experience vastly exceeding his year of call. He is also practical and pragmatic, and retains the ear of the court.’

Legal 500 2022 - ‘He is very hardworking and dedicated. He is always completely committed to any client he represents.’

Legal 500 2021 Rising Star - "Very good at putting clients at ease and ensuring they understand the process of the proceedings and what is happening on a particular day for a particular hearing. Very calming influence on clients when dealing with emotionally charged situations. Knowledge of the law is extensive, and is able to explain complicated matters in a very down to earth way for all clients to understand."