

# 1GC | Family Law

## Mark Rawcliffe

Year of Call: 1996



## Practice Overview

Mark has been a family law barrister since 1996 and specialises in child law. He represents clients on a referral basis (through solicitors) and on a public access basis.

He is experienced in care proceedings, private law children applications and injunctions. In recent years, Mark has developed a strong practice representing children in public law proceedings.

Mark represents clients from all backgrounds, cultures and parts of our community. He represents vulnerable clients with mental health or learning difficulties.

Mark is approachable, non-judgemental, efficient and effective.

## Children (Public Law)

Mark represents local authorities, parents, intervenors, extended family members, children's guardians and children themselves so can anticipate how each will approach the case. In recent years, Mark has developed a strong practice representing children in public law proceedings.

Mark is experienced in cases involving serious non-accidental injuries, sexual and physical abuse, neglect, complex expert and medical evidence. He helps parents, grandparents, other relatives or family friends contest assessments that they cannot care for a child or where they seek contact to a child in care. He can help you decide whether to accept a Residence or Special Guardianship Support Plan proposed by a local authority.

## Children (Private Law)

Mark represents parents, step-parents, grandparents and other relatives.

Mark can help where there is an argument about with whom a child should live or what contact a child needs. He has experience with Prohibited Steps Orders, Specific Issue Orders e.g. change of name, taking a child to live permanently abroad. He can give advice about applications for Special Guardianship, Adoption Applications and Child Abduction.

## Direct Access

Mark can help and advise pre-proceedings, which may mean achieving your aims without having to take the case to court:

- Identify what you want to achieve, strategies for achieving it and the most cost-effective way to proceed.
- Provide dispassionate and realistic advice about the evidence, the law, your rights and your prospects of success to help you make informed decisions.
- Draft letters as a basis for negotiation.
- He can advise you on how the court process works and the approach that the court will have.
- You may find that we can achieve arrangements that mean you do not need to apply to court.

Mark can help, advise and represent you if you take your case to court or if your case has already started:

- He can draft your application.
- Review the evidence and advise you on the best way forward.
- Draft witness statements or other court documents for you.
- Advise you on how to prepare for hearings at which you want to represent yourself.
- Attend court with you and act as your advocate in negotiations and before the court.

Mark will keep you focused on what you want to achieve and will make sure that your case is fully prepared and fully argued to the other side and in court.

## Notable Cases

*Re A Child (Care and Placement)* [2023] EWFC 146

*A Local Authority v GG & Ors* [2022] EWFC 190 (fact finding) followed by *Z (A Child) (Order for no contact)* [2023] EWFC 61

*Re K (a child) (death: failure to give evidence) A local authority v The mother and others (the maternal grandmother and another intervening)* (2020) EWHC 2502 (Fam), (2021) 2 FLR 349, (2020) All ER (D) 35 (Oct) - adverse inferences from failure to give oral evidence, discretion to draw, inference not drawn

*Re C (Children: Covid 19: Representation)* (2020) EWCA Civ 734, (2020) 2 FLR 1137, (2020) Fam Law 1291, (2020) All ER (D) 58 (Jun) - absence of Leading Counsel for live evidence not preventing effective participation

*A local authority v The mother and others (The maternal grandmother and another intervening)* (2020) EWHC 1233 (Fam), (2020) 2 FLR 1093, (2020) Fam Law 1016, (2020) All ER (D) 109 (May) - live oral evidence during pandemic, material advantage, adjournment for in person hearing

*A local authority v RA and another (SF intervening)* (2019) All ER (D) 44 - separate representation, threshold in care proceedings

*Bedford Borough Council v. Moutiq* (2017) EWFC 22 - tipstaff orders, breach and standard of proof

*Re I (a child) (habitual residence)* (2012) EWHC 3363 (Fam), (2013) 1 FLR 1452, (2012) All ER

(D) 68 (Dec). - habitual residence, jurisdiction

## Education

Oxford University, Modern History (1993)

City University, Diploma in Law (1994)

Law School:

Inns of Court School of Law (1995)

Post-Graduate:

University of Liverpool, European & International Law LLM (1996)

## Memberships & Associations

FLBA

Middle Temple