

Peter Rothery

1994 Lincoln's Inn, rothery@deanscourt.co.uk



Education

King James's School, Almondbury
Greenhead College, Huddersfield
University College, Oxford
Inns of Court School of Law

Professional Associations

Family Law Bar Association
Member of the Northern Circuit

Areas of Specialism

Family

Children (Public and Private)

Child Abduction and Leave to Remove

Cohabitation Disputes

Financial Orders for Children

Peter has practiced Family Law for over 25 years. His rigorous intellect, clarity of thought and calm, sensitive demeanour contribute to a persuasive style which is put to good effect both in and out of court.

He is highly regarded as a specialist in the field of child protection. He is particularly in demand for cases involving child deaths, serious inflicted injury, and abnormal illness behaviour, where there is complex medical evidence. He has considerable experience of cases involving intra-familial sexual abuse, and the issues engaged when children and vulnerable adults give evidence. He appears regularly before High Court Judges, and frequently against leading counsel, either alone or as a leading junior.

Peter undertakes a range of advisory work in respect to the broad range of regulations relating to the welfare of children, and their care and protection, including local authority policies and procedures, the regulation of children's homes and other placements, duties towards looked after children, obligations to connected person and other carers, and child performance licences.

Peter accepts instruction in private law children cases, particularly those involving allegations of serious abuse, or with an international dimension. He advises on issues connected with assisted reproduction, surrogacy, special guardianship and private adoption.

He continues to have an interest in work in respect of co-owned property, inheritance act claims and financial provision for children.

Peter regularly gives seminars to lawyers and other professionals working in the family justice system, including advocacy training, safeguarding procedures, and court craft.

Notable Cases

[A Borough Council v E & Ors \(No.2\) \(Refusal of secure accommodation order\) \[2021\] EWHC 2699 \(Fam\)](#)

Practice Area:

MacDonald J refused to make a SAO sought by the Local Authority even though the Secure Accommodation Review Panel did not consider the grounds were met. Represented Local Authority.

Z v Z (Contact in Prison) [2021] EWFC 47

Practice Area:

Father seeking contact was in Prison. Governor said he would not facilitate contact, even if there was a Child Arrangements Order, as risk too high. MacDonald J considered whether the order was binding on the Governor and determined it was not, and that the Governor could not be compelled to facilitate a child arrangements order made by the Family Court. Represented children.

D (a child) [2021] EWCA Civ 787

Practice Area:

Court of Appeal considered fair procedures for a contested interim removal hearing. Represented Local Authority (Leading Junior).

Lancashire County Council v E & F [2020] EWHC 182 (fam)

Practice Area: Family

Jehovah's Witnesses resisted disclosure of records relating to a father accused of sexual abuse of his daughter on grounds of religious confidentiality/article 9 rights. Lieven J rejected the contention that the material was covered by a common law privilege against disclosing information obtained during confession or spiritual counselling and held that the Article 6 and 8 rights of the children outweighed the article 9 rights of the Jehovah's Witnesses to respect for their religious practices. Represented children.

Cumbria County Council v R (Special Guardianship Order or Interim Care Order) [2019] EWHC 2782 (Fam)

Practice Area:

MacDonald J refused an application to reconsider uncertain perpetrator findings in respect of inflicted head injury based on a late confession or responsibility by the father, and in doing so considered the Court's approach to demeanour. The judge resolved a dispute between the Local Authority and Guardian about whether placement with grandparents should be under a final care order or a SGO, by adjourning under an ICO for a period of testing out the placement. Represented Local Authority

Rochdale Borough Council v M (Acting through the Official Solicitor) & Ors [2018] EWFC 102

Practice Area:

Fact finding hearing about death of a 17 month old boy who was suffocated. Hayden J considers approach when a party in the pool of perpetrators is represented by the OS. Represented Local Authority.

Lancashire County Council v A, B & Z (A child: Fact Finding Hearing: Police Disclosure [2018] EWHC 1819 (Fam)

Practice Area:

Knowles J gave a judgement about the appropriate procedures for obtaining police disclosure following issues in a fact finding hearing about the death of an 8 day old baby who sustained severe inflicted head injuries following a shake and impact. Represented child

The Poppi Worthington Case

Practice Area:

Cumbria County Council v M and F (Fact-Finding No. 1 : Unedited) [2014] EWHC 4886 (Fam)

Cumbria County Council v M and F (Application for Rehearing) [2015] EWFC 35

F V CUMBRIA COUNTY COUNCIL AND M (FACT-FINDING NO. 2) [2016] EWHC 14 (fam)

Re W (Children) [2016] EWCA Civ 113

Care proceedings resulting from the death of Poppi Worthington who died following a penetrative anal assault by her father. The ensuing police investigation was subject to considerable criticism. The initial findings were reopened and confirmed after additional evidence was obtained in the course of a second police investigation. The complex litigation attracted national publicity, and resulted in a number of judgments about publication of information concerning care proceedings. Represented Local Authority (Junior counsel)

H-C (Children) [2016] EWCA Civ 136

Practice Area:

Appeal against factual findings made by Newton J. Court of Appeal considered the application of Lucas Direction in family proceedings. Represented children.

Cumbria County Council v Q (Injuries to Infant with Bone Disorder) [2015] EWFC 59 (08 July 2015)

Practice Area: Family

Child sustained head injury and older fractures which were found by Peter Jackson J to result from a vitamin D deficiency. Represented Local authority.
more

V (A Child): Fact-Finding [2015] EWFC 14 (02 February 2015)

Practice Area: Family

Serious sexual abuse of a 2 ½ year old girl. Peter Jackson J approved local authority decision not to seek to identify a perpetrator. Represented local authority.
more

Blackpool Borough Council v A (A Child) (Rev 1) [2015] EWFC 9 (29 January 2015)

Practice Area: Family

Death of a child who had sustained multiple injuries including fatal head injuries before Holman J. Represented mother.
more

Cumbria County Council v M & Ors [2014] EWFC 18

Practice Area:

Complex care proceedings arising from the death of a child which was not recognised as potentially inflicted at the time, leading to a delay in the police investigation and care proceedings being issued. Represented Local Authority (Junior counsel)

S (Children: care proceedings) [2014] EWFC 2

Practice Area:

High Court care proceedings involving litigant in person before Russell J. Represented Local Authority.

A-W & C (Children) [2013] EWHC B41 (Fam)

Practice Area:

Local Authority had acted in breach of the mother's Article 6 and Article 8 rights in failing to issue proceedings for a care order promptly upon the child's birth and instead awaiting the exercise by the police of their powers of protection to secure a removal. Represented child.

S (Children: care proceedings) [2014] EWFC 2 (11 April 2014)

Practice Area: Family

High Court care proceedings involving litigant in person before Russell J. Represented local authority.
more

J, A , M And X (Children) [2013] EWHC 4648 (Fam) (22 February 2013)

Practice Area: Family

Permission to withdraw care proceedings arising from a head injury to a child where an older sibling was a potential perpetrator. Cobb J considers circumstances in which permission to withdraw should be given where threshold may be crossed. Represented child.
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What the Directories say

Eloquent, persuasive and analytical.

Legal 500

A very accomplished barrister; direct and forthright, but with an excellent manner with clients.

Legal 500

A strong and charming advocate.

Legal 500

'Experienced in representing local authorities.

Legal 500

Deans Court Chambers: 24 St. John Street, Manchester, Greater Manchester M3 4DF

Telephone: 0161 214 6000 Email: clerks@deanscourt.co.uk