

KIERAN PUGH

Year called 2006

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OVERVIEW

Kieran is a specialist children law practitioner. In care proceedings Kieran is experienced in acting for local authorities, parents and children's guardians in cases involving significant injuries (including non-accidental head injuries) or child fatality, parental murder, parental abuse, sexual abuse, violence, substance misuse and neglect. Kieran has managed these cases through all stages from case management to fact-finding and final hearings at all levels of Court. Kieran also acts for local authorities or family members in cases concerning forced marriage protection applications and is available to advise at short notice. In private law matters he acts for both parents and R16.4 guardians in cases that frequently involve intractable hostility or serious allegations raised by one parent (or the child) against another. Kieran's particular interest is in cases that involve careful consideration of medical evidence. Kieran also takes on Direct Access work and welcomes cases of this nature.

PRACTICE AREAS

Children Private
Children Public
Human Rights
Court of Protection
Forced Marriage

EXPERIENCE

Kieran has been instructed in cases involving non-accidental injuries caused to children including allegations of shaking or causing extensive bruising or other marks (such as cuts or scratches). Kieran has dealt with cases involving parents over-feeding/starving children and severe chastisement (including a case where the chastisement was described as "endurance punishment").

Kieran has represented local authorities in the High Court in cases concerning the shaking of babies from case management to fact-finding and final hearing stages and in cases involving highly complex medical assessments (including substantively challenged medical assessments). He has represented children that have been left permanently injured as a result of parental abuse and often deals with cases where there are parallel police investigations or criminal proceedings, and cross-disclosure is an issue.

He has represented parents in cases concerning the murder of a child by a parent. He has also represented children's guardians in cases involving the attempted murder of one parent by another including one case where the court appointed a Rule 16.4 Guardian on a private law application by the children's grandmother when the local authority refused to issue proceedings.

Kieran has represented local authorities in cases concerning trafficked children or where a minor has been married abroad in a religious marriage and then brought to the UK by an older spouse/family member. These cases involve complex legal issues of jurisdiction and require a cultural sensitivity. They are often complicated by managing the interaction between the family and criminal courts within the UK as well as liaison with the courts, social services, and law enforcement of the originating country.

Kieran is often instructed in both public and private cases concerning the sexual abuse of children including multi-generational sexual abuse. Kieran has represented local authorities or parents pursuing such allegations as well as parents or interveners defending such claims. He has also successfully appealed against findings of sexual abuse made against a father.

He is often instructed in cases of chronic neglect, parental alcohol/substance misuse or domestic violence/abuse.

Kieran also represents parents in private law child arrangement (contact/residence) proceedings including in cases of intractable hostility where contact is obstructed and there is a clear risk of one parent being alienated by another.

He has represented both local authorities and parents in appeals before the High Court and the Court of Appeal.

PUBLICATIONS

Kieran was the conference co-ordinator for the annual London Borough Legal Alliance (LBLA) annual public law conferences in 2013 and 2014. This was a conference for the solicitors of the London local authorities (about 50 delegates).

CASES

Re S (Care: Habitual Residence) [2010] EWCA Civ 465

Appeal against decision to ward and order the return of a child to the UK after she had been taken to Spain prior to the issuing of care proceedings. The issue was whether the child had lost habitual residence in England when she was removed to Spain.

It was held that the judge was entitled to assume that the child was raised in England and, therefore, was still a resident in England for the purposes of the emergency application. However, the order for peremptory return was not justified. The return order was a welfare decision to be taken on proper evidence. The return order was set aside.

The London Borough of Ealing v AR [2014] EWHC 2172 (Fam) (1 July 2014)

Fact Finding hearing in the High Court concerning severe head injuries leading to permanent brain damage to a baby. Court invited to conclude that it was not possible to identify the perpetrator, but the judge felt able to go further and identify the person that had caused the injuries to the child.

London Borough of Ealing v JM & Ors [2014] EWHC 1467 (Fam) (29 April 2014)

Successfully opposed an appeal against care and placement orders brought by a grandmother. Holman J rejects the grounds of appeal but is concerned that the children may be separated in circumstances where this wasn't considered at first instance. The local authority assured the court that no such separation was contemplated for these children.

EDUCATION AND PROFESSIONAL MEMBERSHIPS

MA Jurisprudence (Law), The Queen's College, Oxford University
BPP Law School (2006)
Family Law Bar Association
Middle Temple
Education
