



Kathleen Hayter

Year of call 1982

Practice Areas

Family

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Summary

Kathleen practises in all aspects of family law, including ancillary relief, public and private law Child Act proceedings, inheritance, adoption, special guardianship orders and international child abduction.

Within Children Act proceedings, Kathleen undertakes both public and private law work. She regularly represents Local Authorities, parents and guardians mainly in the County and High Court.

Kathleen's ancillary relief work ranges from very modest to multi million pound cases. These often include significant business assets and pensions, involving financial expert evidence and preservation of assets by way of injunction.

In addition, Kathleen has completed the Alternative Dispute Resolution Family Foundation Mediation Training and is a member of the Family Mediators' Association.

Reported Cases

Derby City Council v BA & Ors [2021] EWHC 2931 (Fam)

Kathy, led by Brendan Roche QC, appeared before Mr Justice MacDonald in the High Court. Compliance with DOL Practice Guidance – whilst each case turns on its own facts, the High Court will not ordinarily, in exercise of its inherent jurisdiction, authorise the deprivation of liberty of a child where providers fail to apply or cannot meet the requirements for registration with Ofsted.

MBC v AM & Ors (DOL Orders for Children Under 16) [2021] EWHC 2472 (Fam)

Kathy, led by Brendan Roche QC, appeared before Mr Justice MacDonald in landmark case on the High Court's exercise of its inherent jurisdiction to make Deprivation of Liberty Orders where Local Authorities have placed children under 16 in unregistered placements.

A Mother v Derby City Council & Anor [2021] EWCA Civ 1867

Kathy, lead by Brendan Roche QC representing the child. Dismissing Mother's appeal, the President finds that:

"On the central point of law upon which this appeal turns...where a local authority places a child under CA 1989, Part III in an unregistered children's home, that placement is outside the statutory scheme established by CA 1989, s 22C and the regulations. The Supreme Court determined in Re T that the High Court nevertheless has jurisdiction, in an appropriate case, to authorise that restrictions may be placed on the liberty of a young person placed in such a placement where imperative conditions of necessity justify doing so."

