

## Carly Henley

Barrister

'Specialises in abuse cases.' - The Legal 500 2021

"She takes a forensic approach to cases and is highly organised and very approachable." - Chambers and Partners UK Bar 2021

"She is incredibly bright, very hard-working and gets excellent results." Chambers and Partners UK Bar 2020

'Specialises in abuse international child abduction cases.' - The Legal 500 2020

Carly is a specialist Family practitioner whose practice focuses on Public Law Children Act work.

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Carly sits on the North Eastern Circuit as a Family Recorder in Private Law and Public Law Children Act cases and in August 2019 was appointed as a Deputy High Court Judge, sitting in the Family Division. She also sits as an Assistant Coroner in Northumberland and Newcastle Upon Tyne

As a result of her judicial experience, Carly is uniquely placed to advise on appeal and to undertake Appellate work. She has appeared in a number of notable Court of Appeal cases, listed below.

Carly undertakes complex cases involving all forms of child abuse including:

Serious non-accidental injury

Fatal injuries to children and adults

Sexual abuse

Abnormal Illness behaviour

Parental alienation

International Child Abduction

The killing of a parent by another parent or family member



Year Of Call:

**2003**

### Practice Areas

[Court of Protection and Mental Health](#)

[Family](#)

[Public and Private Law Children](#)

[Regulatory](#)

Directory

Recommendations:



'Specialises in abuse cases.'  
**LEGAL 500 2019**

Carly accepts instructions to act for parents and family members, on behalf of children and Guardians and on behalf of local authorities. She also accepts instructions from Primary Care Trusts and Health Authorities to advise and represent public bodies regarding issues relating to medical treatment decisions for children and adults.

Carly accepts instructions to advise and represent parties in respect of Human Rights Act applications concerning children and has appeared in a number of cases in which claims for damages have been made as a consequences of abuses of s.20 Children Act 1989 by local authorities.

Carly has been involved in a number of high profile cases and has successfully applied for several Reporting Restriction Orders to protect the anonymity of children. She was involved in the first set of care proceedings where live reporting was permitted. The case was a rehearing of circumstances of the death of Poppi Worthington.

As a consequence of her Coronial work, Carly has significant expertise in cases involving fatal and near fatal injuries to children and adults. She has a particular interest in those cases involving complex medical evidence. She has extensive experience of examining medical witnesses and experts, including pathologists, paediatricians and radiologists.

Carly accepts instructions to appear as an advocate at inquest and advises on all aspects of coronial work. She has particular expertise in inquests involving children and babies who have died, including cases in which Serious Case Reviews are held.

In addition, Carly is an Accredited Advocacy Trainer for the North East Circuit and is an Approved Pupil Supervisor.

## **Appointments:**

Family Recorder to sit in Private and Public Law cases on the Northern Circuit, appointed 2015

Assistant Coroner for Newcastle upon Tyne, appointed 2015

Assistant Coroner for North Northumberland, appointed 2013

Accredited Advocacy Trainer for the North East Circuit

Approved Pupil Supervisor

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## **Professional Qualifications**

Nottingham Law School  
Bar Vocational Course  
(2002/2003) - Very Competent

The University of Liverpool LLB  
Law (1999-2003) 2:1

King James' School,  
Knaresborough

Hardwick Entrance Award  
- Lincolns Inn

Lord Wolfson Scholarship  
- Lincolns Inn

Lord Denning Scholarship  
- Lincoln's Inn

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## Notable Appeal Cases

Re H-L (Expert Evidence: Test for Permission)[2013] 2 FLR 1434 (Court of Appeal) Munby P, McFarlane LJ, Treacy LJ: Appeared as Junior Counsel for the Appellant in an appeal by the mother in care proceedings against the refusal to permit her to instruct three expert medical witnesses. Appeal allowed in part and guidance given by the President concerning the test for permitting expert evidence to be adduced under Rule 25.1 of FPR 2010. This case is a leading authority.

P (A Child) [2014] EWCA Civ 1648 (18 December 2014) (Court of Appeal) Moore-Bick V-P, King LJ, Tomlinson LJ: Appeared as Junior Counsel for the Respondent local authority in a Father's appeal against care and placement orders. Appeal dismissed, notwithstanding the accepted inadequacies in the judgment at first instance.

Re W (Children) [2016] EWCA Civ 113 (Court of Appeal) McFarlane LJ, Macur LJ, King LJ: Appeared as Junior Counsel on behalf of the Appellant. Appeal of Mr Justice Peter Jackson's order in respect of publicity concerning a fact finding hearing into the death of Poppi Worthington, brought by the Children's Guardian. This was heard as a matter of urgency on 23 November 2015. The appeal was allowed to the extent that the Court of Appeal required certain further redactions to be made to the 2014 judgment.

Re S (Children) [2016] EWCA Civ 83 (Court of Appeal) Black LJ, Gloster LJ, Vos LJ: Appeared as Junior Counsel on behalf of the Appellant Father who appealed Care Orders and serious findings of sexual abuse. The Court of Appeal upheld a decision not to require a girl who had made, but then retracted, allegations of sexual abuse to give oral evidence at a fact-finding hearing. (Gloster LJ robustly dissenting.)

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## Memberships

Family Law Bar Association

North Eastern Circuit

Member of the Honourable  
Society of Lincoln's Inn

Denning Society, Lincoln's Inn

The Medico-Legal Society  
for England and Wales

Member of the Circuit Executive  
for the North Eastern Circuit

Member of the Association  
of Women Judges

Member of the Northern  
Coroners Society

Member of the Coroners Society  
for England and Wales

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LJ: Appeared as Junior Counsel for the Respondent local authority in a Father's appeal against care and placement orders. Appeal dismissed, notwithstanding the accepted inadequacies in the judgment at first instance.

Re W (Children) [2016] EWCA Civ 113 (Court of Appeal) McFarlane LJ, Macur LJ, King LJ: Appeared as Junior Counsel on behalf of the Appellant. Appeal of Mr Justice Peter Jackson's order in respect of publicity concerning a fact finding hearing into the death of Poppi Worthington, brought by the Children's Guardian. This was heard as a matter of urgency on 23 November 2015. The appeal was allowed to the extent that the Court of Appeal required certain further redactions to be made to the 2014 judgment.

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### Notable Family Division Cases

Cumbria County Council v M & Ors [2016] EWFC 27 (06 May 2016) Appeared as Junior Counsel on behalf of the child in respect of an application brought by the Children's Guardian under the Inherent Jurisdiction involving a case in which the Father had been found to have killed the child's younger sibling. Following the fact finding hearing, it transpired that the Police had failed to disclose a piece of evidence which had the potential to require the Court to revisit its decision. Issues of publicity also considered arising from this and the earlier judgement.

Carly appeared as Junior Counsel for the children in the case concerning the death of Poppi Worthington. She was instructed at the outset of proceedings and appeared at all hearings with and without Leading Counsel in the Family Division and in the Court of Appeal. This involved two substantive fact finding hearings to ascertain the causation and perpetration of Poppi Worthington's injuries and to explore cause of death. Carly also attended a number of interim hearings concerning publicity, Reporting Restriction Order applications, interim welfare arrangements and a final welfare hearing. Carly was the author of a schedule of failings that was appended to the substantive judgment of Peter Jackson J following the first fact-finding hearing, which was sent to agencies nationally, including the IPCC, Ofstead and the Care Quality Commission.

Carly chaired the experts meetings in the case and attended a laboratory to produce a schedule of agreement and disagreement between the instructed expert Home Office Pathologists about the physical appearances in blocks and slides taken at post mortem.

The citations of substantive judgments from the case are listed below:

- Cumbria County Council v M and F (Fact-Finding No. 1 : Unedited) [2014] EWHC 4886 (Fam) (28 March 2014) Mr Justice Peter Jackson.
- Cumbria CC v M & F & Children [2014] Mr Justice Peter Jackson – see public statement
- Cumbria CC v M & F & Children [2014] EWHC 4486:
- Cumbria CC v M & F & Children [2015] EWHC 918 (Fam)
- F v Cumbria CC & M & Children [2015] EWFC 35
- F v Cumbria County Council and M (Fact-Finding No. 2). [2016] EWHC 14 (Fam) (19 January 2016) Mr Justice Peter Jackson
- Cumbria CC v KW [2016] EWHC 26 (Fam) Mr Justice Hayden: Appeared as Junior Counsel on behalf of the Father in a shaken baby case. Very complex medical evidence and consideration of whether the child's injuries had an innocent explanation as a consequence of a low level fall and the condition BESS.
- Re M [2016] Mr Justice Peter Jackson: Appeared on behalf of a transgender child. Issues in respect of care, contact and hormone treatment. Treatment Order made.
- Re R [2016] Mr Justice MacDonald: Appeared on behalf of children in a fact finding hearing to establish causation and perpetration of physical injuries. Issues of jurisdiction given nationality of the Mother and children.
- Re R [2016] Munby P: Appeared on behalf of children in an application for transfer to another Member State pursuant to Article 15.

## Directory Recommendations

The Legal 500 2021

'Specialises in abuse cases.'

Chambers and Partners UK Bar 2021

"She takes a forensic approach to cases and is highly organised and very approachable." -

Chambers and Partners UK Bar 2020

"She is incredibly bright, very hard-working and gets excellent results."

The Legal 500 2020

'Specialises in abuse international child abduction cases.'

Chambers and Partners UK Bar 2019

"Very intelligent." "Meticulous with details and extremely well organised."

The Legal 500 2019

'Her practice includes cases of child abduction.'

Chambers and Partners UK Bar 2018

"She is extremely hard-working. Her preparation is second to none. She is just superb. She will go far because she is so dedicated."

The Legal 500 2017

Recommended for public law children work"

Chambers and Partners UK Bar 2017

"Always well prepared. A courageous and accomplished advocate." "She is top class: extremely hard-working and very forensic in her approach. I would choose Carly for a case where the issues are technically difficult."

The Legal 500 2016

"An excellent barrister; bright, persuasive and a strategic thinker with a passion for public law children work."

The Legal 500 2015

"Highly intelligent and competent"