



Andrew Duncan

Year of Call: 2011

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Overview

Family law barrister Andrew Duncan has developed a strong reputation in all areas of family disputes. Regularly instructed in complex private and public law cases, Andrew has developed a reputation as a fearless advocate who dispenses advice in a frank and down-to-earth manner. He joined 3PB in September 2023 from a specialist family law chambers.

Professional clients can expect Andrew to be a team player, who goes the extra mile and values the importance of working together. Andrew is instructed across all levels of court allocation. He regularly deals with complex physical and sexual abuse allegations, and within the private law sphere has developed a trusted reputation for cases involving complex parental alienation.

Andrew represents parents, local authorities, children (directly or through their guardian), intervenors, grandparents and divorcees. Andrew without doubt has an ability to get straight to the point, he is a strong negotiator, and a resolute cross examiner.

Andrew is regularly instructed in cases involving complex issues such as: non-accidental injury, sexual abuse, international relocation, parental alienation, significant substance misuse, mental health issues and domestic violence.

Andrew has participated as both Appellant and Respondent in many appeal hearings. A number of those appeals have resulted in re-hearings being directed.

Andrew also assists Not Beyond Redemption, which provides free family law advice and representation to mothers in prison, or who have left prison, to assist in re-establishing and regenerating the fundamental relationship between mother and child.

Outside of a very busy work schedule, Andrew's interests include spending time with friends and his family and all country pursuits from fly fishing for salmon to skiing in the Alps.

Reported cases:

The Mother & Anor v Shropshire Council & Anor [2024] EWHC 344 (Fam)

Re CM (A Child) EWFC 263 (B)

Re B & C (Children) (Cross allegations of harmful behaviour by parents) [2023] EWFC 272 (B)

Re A & B [2022] EWFC 44

Bedford Borough Council v CD & Ors (Rev 1) [2020] EWHC 3298 (Fam)

Bedford Borough Council v CD & Ors (Rev 1) [2020] EWHC 1996 (Fam)

Recommendations

'Andrew has meticulous attention to detail, excellent communication with instructing solicitors and excellent client care skills.'

Legal 500 2024/Family: Children and Domestic Violence/Leading Juniors/Midlands

"I am writing to thank you for dealing with the complex matter involving two families from East Timor which recently concluded at Oxford Family Court with no Orders and the proceedings being dismissed following a lengthy fact-finding hearing where my client was completely exonerated. I am grateful for your professionalism throughout and the analytical and diligent way in which you dealt with the matter. It is total credit to you that you carried out your instructions in the most thorough fashion at the top level of professionalism. Your submissions on behalf of the client were impeccable and the client was delighted with the outcome of the hearing."

James Walthall – Partner, Jackson West Solicitors

"Andrew Duncan is a highly competent and knowledgeable advocate with particular expertise in representing parents in non-accidental injury cases. His preparation work is outstanding, his advocacy skills are formidable, and he has good all round communication skills."

Simon Leach, Partner, Family Law Group

"I've instructed Andrew Duncan on a number of occasions in private children and financial proceedings. Andrew is always thoroughly prepared and well versed in the law. He presents cases confidently and has successfully challenged recommendations in section 7 reports by meticulously going through the flaws in the report. He has good client care skills and all my clients have been extremely pleased with Andrew's performance in court and the outcomes achieved. I would highly recommend him."

Clare Kauder, Senior Associate, Tollers

"This firm has instructed Andrew Duncan on a wide range of cases for both financial remedy and child arrangement proceedings. Andrew is particularly robust in his approach, and will always go above and beyond for our clients. Andrew is well prepared for all cases and is quick to respond and adapt if necessary. Andrew has a good rapport with judges and is always active in negotiations. Our clients have always given positive feedback for Andrew, with many wishing to instruct Andrew in the future. Our clients appreciate the time Andrew takes to reassure them and advise them on the law that is relevant to their circumstances with no judgement."

Penny Uro, Partner, Hunter Uro Solicitors

"Andrew is a very strong advocate and has represented the Local Authority in various Public Law matters including complex NAI and serious sexual abuse matters. Andrew is very knowledgeable and is great working with clients to achieve a common goal. He is good at breaking down legal jargon and explaining to client teams what is needed and advising as to the reasons for this. Andrew ensures that all the minor details are dealt with as well as the main issues in which he is very effective at making sure that the case at hand is progressed without undue delay."

Tegan Scott, Solicitor, Pathfinder Legal

"I have known Andrew Duncan for several years and have both instructed him and also been on cases where he is the opposing counsel. Andrew Duncan covers all types of cases but excels in care cases, especially those involving significant domestic violence and parental alienation issues. His dealings with various clients have always been positive and his advice to clients always constructive and helpful whilst summarising the concerns that need to be addressed by each client. Overall, I will continue to use Andrew Duncan as he reflects the ethos that my company exhibits when dealing with vulnerable clients

and those with difficult cognitive abilities.”

Prakash Modi, Partner, Scutt Beaumont Solicitor

Academic qualifications

- LL.B (Hons) Law, University of Sussex, 2.1
- LL.M International Law, University of Edinburgh
- BPTC, BPP Law School, London, Very Competent

Professional bodies

- Family Law Bar Association
- The Honourable Society of Lincoln’s Inn

Direct Access

Andrew Duncan is qualified to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme.

Expertise

Family

Family law barrister Andrew Duncan is regularly instructed in complex private and public law cases, often where dispute involving child protection, domestic violence, abuse or parental alienation issues are involved.

Notable cases include:

Re B [2023]: Andrew represented a Local Authority in a legally complex case where there was a positively assessed special guardian, and a known prospective adopter, neither of which the child lived with at the time of the final hearing. Andrew successfully obtained care and placement orders on behalf of the Local Authority following legal argument.

Re DS [2022]: Andrew represented a father where allegations were made of the most serious form of sexual abuse against both him and his brother in law. After a 10 day fact find where two sets of care proceedings were consolidated, no findings were made against Andrew's client, who was exonerated, immediately allowed to return to the family home and the care proceedings were dismissed.

Re LM [2022]: Andrew, led by Kings Counsel, gave difficult advice to compromise an appeal brought against his client in the Court of Appeal, recognising the decision of the first instance Judge and the actions of his client was not sustainable in law.

Re RM [2022]: Andrew represented a father where significant historic findings had been made against him at an earlier fact find hearing and an application for further assessment of him had been refused. Following Andrew's cross examination at the welfare hearing where care and placement orders were sought, the Judge acceded to Andrew's application for expert risk assessment and an adjournment of the final hearing for that assessment to be completed.

Re D [2022]: Andrew represented maternal family members during a lengthy welfare hearing at the High Court to determine where a child would live following the killing of her mother by the father. The father was held on remand for murder throughout the duration of the trial.

Re C [2022]: Andrew sought an order for adoption on behalf of foster carers in a very complex case where the foster carers had cared for a child for almost 3 years at the time of the hearing, but where there was a positively assessed family member and the added complexity of linked care proceedings in relation to a sibling child being heard at the same time.

Re E [2021]: Andrew represented a mother, led by Kings Counsel, where the parents were in the pool of possible perpetrators following discovery of two rib fracture during a routine X-Ray. Andrew's team brought about the withdrawal of the case by the Local Authority and the parents were exonerated.

Re T [2021]: Andrew successfully sought the transfer of living arrangements for two sibling children from the mother to the father where there had been earlier findings of parental alienation and a failed therapeutic process.

Re RN [2021]: Andrew successfully sought findings on behalf of his client of the falsification of various allegations of domestic abuse including that the mother had falsified an allegation of attempted murder.

Re L [2021]: Andrew dealt with a complex conjoined cases where the birth parents sought contact with a previously adopted sibling group in private proceedings at the same time as adoptive family were involved in public law proceedings following the breakdown of the adoptive placement.

Re CE [2020]: Andrew appeared for a mother, accused of parental alienation as assessed by a psychologist. Andrew was instructed late in the proceedings when a fact find, and welfare hearing were listed. His advice, and representation brought about agreement to the proceedings and resulted in the vacating of the fact find hearing and the child remaining in the care of his client.

Re B [2020]: On behalf of the children, Andrew successfully opposed an appeal brought by the parents and the children were removed into foster care and the conclusion of the appellate process.

Re TE [2020]: Andrew represented a father who faced a number of allegations of domestic violence over a decade. Following the fact find hearing the court found those allegations not proven and went on to find the mother was the aggressor in the relationship.

Re J [2020]: Andrew appeared as junior for a father to the sibling of a murdered child in the High Court. The case involved complex issues of non-disclosure, significant police disclosure, and a forensic enquiry into the conduct of foster carers at the welfare stage.

Re P [2019]: Andrew acted for the children where he sought the transfer of living arrangements of two children who were living with the mother to their father's care. This was a complex parental alienation case where the mother had previously made serious allegations of abuse against the father. The children were successfully transitioned at the conclusion of the case.

Re H [2019]: Andrew appeared for a mother who made allegations of significant domestic violence and coercive control, including gaslighting and influence of the child. The proceedings had jurisdictional issues and the court ultimately found all the allegations made by the mother proven.

Re RJ [2018]: Andrew represented a father in a parental alienation case who faced twelve allegations of physical abuse against his child made by the mother. The court found none of these allegations proven and went on to find that the mother had alienated the children from the father and that the child was at risk of significant harm in the care of the mother.

Re PD [2018]: Andrew appeared on behalf of the mother and successfully sought an order for no direct contact between a child and her father. The court made the order sought by Andrew following his cross examination of a consultant psychiatrist, community psychiatric nurse, and CAFCASS officer who had all recommended that there be direct contact between the father and the child.