

# Ruth Henke QC

**Year of Call:** 1987

**Year of Silk:** 2006



## Overview

Ruth Henke QC joined 3PB as a Door Tenant in 2016. She is an expert in the law relating to children and vulnerable adults. She regularly appears in the High Court and County Court in sensitive and complex Children Act proceedings (both public and private law) and in proceedings brought under the Inherent Jurisdiction. She appears in the Administrative Court in relation to education and the provision of services both to children in need and to vulnerable adults. Ruth has a significant Court of Protection practice.

Ruth acts for local authorities, LHBs, hospitals, parents and relatives, interveners, incapacitated adults, children and Guardians.

## Recommendations

'A prolific silk who is highly respected for her expertise in care cases involving children and vulnerable adults. She frequently deals with sensitive Children Act matters, in both public and private law proceedings. Interviewees note her skilled handling of the most complex matters.'

Strengths: "Ruth Henke is fantastic, there is no one else in Wales that I would choose over her. She is extremely thorough and has excellent preparation; you always feel like she is streets ahead." "A very safe pair of hands, well prepared and conscientious."

### **Chambers UK 2017/Family/Matrimonial - Wales & Chester (Bar) - Band 1**

'Among the most prominent and "brilliant" care work silks on the Wales & Chester Circuit. She is particularly noted for her work with vulnerable children and adults, handling complex and sensitive cases. Sources praise her client manner as a key strength.'

Strengths: "No papers unread, no stones unturned. She is extremely bright and you can always go back to her for more advice. She is of the highest mettle." "She is completely top-class in care work."

### **Chambers UK 2016/Family/Matrimonial - Wales & Chester (Bar) - Band 1**

'Widely well regarded for her work on cases concerning vulnerable adults and children, she is often instructed in the most serious of children's proceedings. She regularly appears on Court of Protection matters and acts for a wide client base.'

### Administrative and Public Law (Bar)

'Specialises in public law proceedings arising from family law and childcare. She has further experience in appearing in the Administrative Court in relation to education and the rights of children and vulnerable adults to the provision of services.'

### **Chambers UK 2015/Family/Matrimonial - Wales & Chester (Bar)**

'She is a highly skilled advocate, thorough in case and paperwork preparation.'

Administrative and Public Law (Bar)

'Handles public law proceedings relating to childcare and social care. Henke is also noted for her handling of administrative law cases concerning the education and provision of services to children or vulnerable adults.'

**Chambers UK 2014**/Family/Matrimonial - Wales & Chester (Bar)

'Market sources praise Ruth Henke QC for her excellent command of childcare work and administrative law matters. She acts for a wide range of parties, including children, guardians, interveners and local authorities.'

**Chambers UK 2013**

'handles complicated children work. Sources describe her as "excellent and very bright" and praise her ability in the most complicated cases.'

**Chambers UK 2012**

'specialises in children work and was described by one as "complete dynamite" as well as "tenacious in court and sympathetic with clients'.

**Chambers UK 2011**

'With her on the other side you'll have your work cut out.....an advocate known for her willingness to stand up and fight'

**Chambers UK 2010**

'A family law expert with vast experience acting for vulnerable adults and children.'

**Legal 500 2016**/Regional Bar : Wales and Chester Circuit, Family and children law – Leading silks

'She is always well read, and has a clarity of purpose'.

**Legal 500 2015**

'Specialises in the law relating to children and vulnerable adults'

Shortlisted by Legal 500 as Silk of the Year: Regional and Scottish 2014.

**Legal 500 2014**

'Ruth Henke is "astute, sensitive and stands her ground in difficult children's work".'

**Legal 500 2010.**

## Academic qualifications

- MA (Oxon) Juris

## Professional qualifications & appointments

- Member of the Welsh Advisory Panel to the Law Commission
- Member of the Panel of Council for the National Assembly for Wales

## Professional bodies

- Family Law Bar Association

## Family

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Ruth acts for local authorities, LHBs, hospitals, parents and relatives, interveners, incapacitated adults, children and Guardians. Her notable cases include:

### Care Cases:

- Child death
- Shaken baby cases
- Ehrle's Dahlos syndrome
- Salt poisoning
- Sexual abuse
- Alleged "paedophile" rings
- Historic abuse
- Chronic and gross neglect
- Children and adults with mental and physical disabilities

### Inherent Jurisdiction:

- Right to life
- Right to die
- Medical treatment cases
- Restricting publicity

### Education cases:

- School closure
- Statement of Special Educational Needs.
- School transport
- Abuse between teachers and pupils
- Children abusing each other

### Vulnerable Adults:

- Dispensing with the nearest relative
- Best interest decisions including residence and contact under the MCA Dols procedure
- Distinction between deprivation of liberty and restriction of freedom

- Care plans under the Community care legislation

#### **Some notable recent cases**

- Re A (A child) 19/10/06 Lawtel  
Court of Appeal's view on the role of International Social Services (now CFAB) in care cases with a foreign element.
- Re A (a Child) 2009 EWHC 865 Case concerning S38(6) CA 1989
- Re AJ (child) [2007] EWCA Civ 55  
Case involving the distinction between Special Guardianship orders and Adoption orders
- Re AS (A Child) [2014] EWHC 606 (Fam)
- Re B (2008) EWCA Civ 835, 2 FLR 1404  
A case concerning the role of the Adoption panel.
- Re G (A Child) [2014] EWCA Civ 432  
A case concerning an application for party status and leave to oppose the adoption of an unrelated child placed for adoption.
- Re L (2002) 2 FLR 730  
Care assessment - fair trial rights of children and parents.
- Re M (Children) [2013] EWCA Civ 1170  
A case concerning the jurisdiction of the Court of Appeal when considering an appeal against a finding of fact made/not made in care proceedings where the final order made was not the subject of appeal.
- Re MW (case management) (2010) 1 FLR 1093  
The case involved the use of the overriding objective to limit issues in care case in which a child's death formed part of the background.
- Re P-S (Children) [2013] EWCA Civ 223  
The case argued whether a competent child has the right to give evidence in relation to welfare issues concerning himself.
- Re W (a child) [2014] EW Misc (CC).