

Carol Clelland

Year of Call: 2019
Solicitor: 1994
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Overview

A former Director and Head of the Care Department at the law firm Cartwright King, Carol Clelland qualified as a solicitor in 1994 and has over 25 years of experience in family law. She joined 3PB's 70-strong Family Group in February 2020.

For the last 20 years Carol has specialised in care and associated proceedings, representing a wide and varied client base consisting of both lay and professional clients. She has represented parents, grandparents and other family members, Guardians, Gillick competent children, intervenors, vulnerable persons via the Official Solicitor and directly as well as Local Authorities. Carol regularly represent clients addressing issues of sexual and physical abuse, non-accidental injuries, chronic neglect, substance misuse, force marriage and honour based violence and cases with international and jurisdictional issues.

Carol is a strong advocate who is known for her sound and sensible advice and representation.

Cases of Note:

Re: Z (Independent Social Work Assessment) [2014] EWCH 729 (Fam) - Representing the father who was an over stayer from India, in a case where a non-mobile child suffered serious multiple injuries that had left her with life changing disabilities. Following an extensive fact findings hearing where a substantial amount of expert evidence was presented to the court the father was exonerated of all wrong doing. He thereafter sought to be assessed to care for his daughter. Such assessment was undertaken by the local authority however we sought to challenge this assessment on behalf of the father as fundamentally flaw and unsafe to be relied upon. At this time the case was in week 72. The court granted the assessment stating as follows:-

In any case in which a local authority applies to the court for a care order, the assessment of a parent is of critical importance. That assessment will be a key piece of the evidential jigsaw which informs the local authority's decision-making, in particular with respect to the formulation of it final care plan. If the assessment is deficient then it is likely to undermine the reliability of the decision-making process. It follows, therefore, that any assessment of a parent must be, and must be seen to been fair, robust and thorough.

Was RD's assessment of the father fair, robust and thorough? In my judgment it was not……

Re: Solihull MBC v S-B [wasted costs] 2016 - Representing a father who was facing serious allegations of sexual abuse of his daughter (S) and son (B) solely on the basis of the daughter demonstrating extreme sexualised behaviour. The son was not demonstrating any such behaviour and the daughter who had specific needs has been exposed to numerous professionals and periods in residential home.

The father consistently denied the allegations and argued as follows: i) there was no evidence of sexual abuse; and ii) if S had been sexual abuse there was a significant number of individuals who could be perpetrator of such abuse.

Upon adducing the evidence to support his case the father invited the local authority to revise the basis of it's case to one of

S being beyond parental control and discharging the proceedings in respect of B. The Court themselves challenged the Local Authority on more than one occasion as to how it was going to make it's case out however notwithstanding this the Local Authority continued with the case as originally pleaded and sought findings against the father.

Following a full fact hearing the father was fully exonerated, B was returned to his care and the father agreed to S being placed in a specialist residential unit.

The father sought costs from the local authority from the date when all the evidence was adduced and he invited the local authority to revise the basis of case to the conclusion of the proceedings.

A wasted cost order was made against Solihull MBC with the judge stating as follows:-

"In the circumstances I am compelled to the view that an adverse order for cost against SMBC is not only justified but necessary"

Recommendations

"Carol helped us through a minefield of legal challenges, without her we don't know where we would be, she is simply the best" - **Client [2019]**

"Carol is dogmatic in her determination to seek justice and a formidable force" - **Guardian [2019]**

"Carol is a safe pair of hands who approaches cases in a sensitive manner to ensure even the most vulnerable can participate to the best of their ability" - **Official Solicitor case worker [2019]**

Professional bodies

- Law Society Children Panel
- The Honourable Society of the Inner Temple
- Family Law Bar Association
- Member of the Association for Lawyers for Children
- Women in Family Law

Expertise

Care and adoption

Carol Clelland often represents local authorities and parents in complex cases involving expert evidence, serious non-accidental injury to children, cases involving attempted murder, rape, incest, physical violence, FGM, fabricated and induced illness (FII), parents with serious learning disability, sexual abuse, vulnerable parents, and cases with multiple international elements.

Carol's work for such a varied client base has provided her with a depth of knowledge of procedure and practice as well as extensive advocacy skills. She regularly represents parties in care cases involving the following: -

- Non-accidental injuries and death
- Sexual abuse
- Child exploitation and trafficking
- Force Marriage/Honour violence
- FMG
- Chronic neglect, drug and alcohol addiction
- Mental health issues and personality disorders
- Domestic Abuse
- Cross-boarder case/ international element
- Special Guardianship
- Adoption
- Secure accommodation
- Discharge of care orders/revocation of placement orders
- Interlocutory applications such as S38 applications/ s34 applications
- Inherent jurisdiction and Wardship

Private law

Carol Clelland is regularly instructed in complex proceedings involving children which include allegations of physical and emotional abuse, sexual abuse, domestic violence and parental alienation. She is used to handling applications where there has been social work involvement after and regularly represents parties in cases involving:

- R16.4 Guardian - parental alienation/implacable hostility
- Special Guardianship
- Removal from the jurisdiction
- Cross-boarder applications/Hague convention
- Recovery orders
- Specific issue orders / Prohibited Steps Order
- Surrogacy