



Barrister

MARY HUGHES

Email: mhu@onepumpcourt.co.uk

Call: 1994



Specialist in
Family
Public Law
Court Of Protection
Direct Access Trained
Qualified Mediator
Array

Experience

“Many Thanks for job very well done and appreciate you taking on the brief at last minute.”

From Direct Access Client: I would again like to express my thanks to you and especially to Mary, who was outstanding and who put me at ease from the moment that we met.

‘A robust advocate against often the most difficult opponents.’

‘Well done, Mary. You took an unwinnable position and slowly but surely turned it around.’

‘Great result and thank you for everything on this case’

Dr Mary Hughes [BA(Hons.), MPhil., PhD], came to the Bar after a career in Education and Research, where she published extensively in women’s issues. She made a conscious decision not to work for local authorities, having worked for them in adult and community education before retraining for the Bar. She practices largely in care proceedings acting predominantly for parents and guardians. She also has a free standing practice in education and community care as well as being instructed in care proceedings where the complex area of education, community care and leaving care regulations are an issue.

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‘Please do thank Mary for me. You guys are amazing.’

She appears in all level of courts and as well as care proceedings is regularly instructed in forced marriage, abduction and cases involving jurisdictional issues.

She came to the Bar after a career in education and research having completed a Phd. whilst working full time and having two small children.

She has sat as a deputy district judge (civil) since 2005.

She was involved in one of the first radicalization cases in 2015 which received much publicity. (See below: London Borough of Tower Hamlets v M and Others)

She is trained in direct access and mediation.

Notable Cases

London Borough of Tower Hamlets v M and Others [2015] EWHC 869 (Fam) 27/03/2015
5 linked cases where Mr Justice Hayden made 15 and 16 year old girls wards of court, made passport orders and prohibited them travelling outside the jurisdiction. I acted for the mother of a girl who attended Bethnal Green Academy and was a close friend of one of the 3 girls who travelled to Syria in February 2015. The passport of her adult sister was also retained ostensible to prevent the girl using it. At a subsequent hearing this was released. Reporting restrictions were put in place during the girl’s minority after the local authority asked for life long reporting restrictions.

http://www.familylaw.co.uk/news_and_comment/london-borough-of-tower-hamlets-v-m-others-2015-e-whc-869-fam#.VjKI2r2IbqZ.mailto

MF v LB of Brent & Ors [2013] EWHC 1838 (Fam)

LJ Ryder sitting as a high court judge whilst admitting he had changed his mind several times made for the first time ever a contact order alongside an adoption order despite the opposition of the adopter. I represented the grandmother represented by me at the same time as making an adoption order for her grandson. LJ Ryder made what is believed to be the first s8 contact order alongside an adoption order where the proposed adopter opposed the making of the same.

I acted for the grandmother of a 7 year old boy who was adopted by his foster carer. LJ Ryder having given an indication that he would be making a contact order delayed in giving judgment for 4 months by which time he appeared to have changed his mind and in fact in correspondence said he would have never made a contact order. In the event he made an order for 6 contacts a year (unsupervised) and indicated an expectation that there would be more. The child's mother was to join in some of the grandmother's contact.

M (Children) [2011] EWCA Civ 1035

This was an important case where the local authority sought and obtained interim care orders in relation to 3 children so that they could be told their father had sexually abused his 2 older daughters.

This was a single issue case.

The children were said to be thriving in the care of their mother and having contact supervised by her with their father. She wanted to choose the time she should disclose this information to the children. In the event Mr J Hedley decided they should be told by the local authority although he acknowledged there were major risks whether they were told or not. I was led by Anthony Hayden QC (now Mr J Hayden). He always thought, as did I, that this was a very important case in relation to how far the state can interfere with the private lives of families. Unfortunately neither the Court of Appeal nor the Supreme Court agreed with us.

Re (L) v Waltham Forest LBC and Staffordshire County Council [2007] EWHC Admin

This case importantly finally settled the argument as to which authority is responsible for maintaining a child's statement of special educational needs when he is a looked after child and lives away from his home borough. It is the duty of the home authority to so maintain the statement.

P v Hackney LBC [2007] EWHC 1365 (Admin)

It was held that the duty in the Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2003 to make direct payments implicitly required the consent of the parents. Even if it was known that direct payments would be opposed this did not prevent the council lawfully making an offer of direct payments. In deciding whether an LA had exceeded what would be a reasonable time to provide services the court might well have to take into account whether the objections raised by the parent to direct payments had been reasonable and if reasonable whether they had met a reasonable response.

Learning Trust v (1) MP and (2) Special Educational Needs and Disability Tribunal [2007] EWHC 1634 (Admin)

It was held that the SENDIST had made several errors of law, its decision that the child should go to a residential school was to be remitted to a different Tribunal

Re K (Adoption: Permission to Advertise) [2007] EWHC 544 (Fam), [2007] ALL ER (D) 310 (Mar)
Mr J Macfarlane held that it was not open to a local authority to place an advert for a child being available for adoption until the adoption panel had decided that the child ought to be placed for adoption Where an application for permission is made prior to the final hearing and the court has not endorsed the care plan for adoption the court is unlikely to give permission to advertise. Interestingly, this case refers to the same child as in MF v London Borough of Brent (above)

Re X: Barnet London Borough Council v Y and X [2006] 2 FLR 998

Mr J Munby sitting as a judge of the County Court once more looked in detail at practice and procedures within local authorities rather than points of law. He further felt that Barnet had too much regard to “government inspired targets and expressions of ministerial view”. He reiterated again that where a local authority was not mindful to amend its proposals to accord with the judicial and the guardian’s view as a last resort the guardian should consider taking proceedings for judicial review. Where has this emphasis on due process and procedures gone with the unholy grail of 26 weeks?

Devjee v Patel [2006] EWCA Civ 1211 CA

In an appeal against a prison sentence imposed for breach of a non-molestation order under the FLA 1996 it was held that the CPRs enshrined the idea that the absence of the correct procedure did not make the hearing unfair.

Re G (A child)(Care Proceedings: Placement for Adoption) [2005] EWCA Civ 896;CA [2006] 1FLR 47 (with Anthony Hayden QC)

HHJ Altman failed to make clear his reasoning when rejecting the grandparents as carers for their granddaughter. The Court of Appeal said he appeared to give no weight to a child’s right to grow up in her own family. In such an important matter as the removal of a child from her family fairness more clarity was needed. 10 years later this child is thriving in her grandparents” care as distinct from being adopted as ordered by HHJ Altman.

Re B (Abduction: False Immigration Information) [2000] 2FLR 835 It was held that although the family and immigration courts act in isolation from each other where false immigration was discovered in a family case this must be communicated to the appropriate authorities.

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What the directories say

2017 Legal 500

Cited as a leading junior in Children law (including public and private law):

“Highly regarded for care proceedings’

2015 Legal 500

Cited as a leading family junior described as “highly knowledgeable particularly in relation to public law cases with education elements”.

2020 Legal 500

Cited as a leading junior in Children law (including public and private law):

“Great manner with vulnerable clients”

2023 Legal 500

Cited as a leading junior in Children Law (including public and private law) ‘Mary is knowledgeable

and tenacious advocate. She has great manner with lay clients and provides sound, clear, and pragmatic advice. She gives everything to her cases, works collaboratively with her instructing solicitors and is always accessible.'

2024 Chambers & Partners

"Mary Hughes is clever, personable and a real fighter for her clients."

"Mary is very responsive and happy to chat through case strategy with clients. She's very personable and very hard-working in terms of picking matters up at short notice and running with them."

"Brilliant at liaising with solicitors and clients, and has an instinctive grasp of the merits of her clients' cases."

2024 Legal 500

Cited as a leading junior in Children law (including public and private law):

"Mary adopts a sensible and practical approach to cases. She provides clear and realistic advice for clients, tailored to the individual client's level of understanding. She has a collaborative approach and is extremely responsive."

What others say

'She is dogmatic in her approach. If there is a weakness in the opponent's case she will expose it. Clients love her for her uncompromising nature and instructing solicitors receive a wealth of support and guidance./ – Quote from an instructing solicitor.

'You were fabulous in court – knew I made the right choice in choosing you as my counsel. Absolutely brilliant!' – Quote from client

'Thank you so much for all your hard work.

This is a truly brilliant outcome for the client.'

'Thank you so much (especially for picking this up at the last minute!). I'm sure the client was thrilled, a fantastic outcome.'

'I'm sure the client is over the moon. Thank you for all your hard work.'

Education

BA(Hons.), MPhil., Phd.,

Memberships

KHRP

BHRC

FLBA

Education Law Association

CPBA

Languages

Rudimentary French

CASES

B-M (Children: Findings of Fact)

[2021] EWCA Civ 1371

<https://www.bailii.org/ew/cases/EWCA/Civ/2021/1371.html>

Related Barristers:

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C (A child: Care proceedings) 2020 EWFC B46

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I acted for father of a 2 year old child; both parents had learning difficulties and the child was found during the course of the hearing to have inherited some of her father's difficulties. LA sought to remove child from parents care at final hearing and refused to acknowledge the child's difficulties were genetic. The social work team appeared ignorant of the concept of parenting with support as articulated by Sir James Munby in re D (A child) (Care proceedings: Adoption) 2016 EWFC 1; the judge was concerned that this may be a systemic problem in the LA; he approved publication of his judgment with the LA, Greenwich, being named; the child remained at home with no orders.

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S (A child)(interim residence) Re 2012 EWCA Civ 1915

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Whilst a grandmother's approval as a foster carer was pending she told the social worker that her daughter's mental health issues had been caused by demonic forces; she was referred for a psychiatric assessment and LA sought removal of the child which the Recorder sanctioned. The CA found the judge was plainly wrong in his conclusion that the baby could act in some way to make the grandmother believe the child was possessed of demons and would harm her was not supported by evidence; her care of the child was good and remained with her.

Related Barristers:

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Royal Borough of Greenwich v DC and Ors [2019] EWHC 1751 (Fam)

Royal Borough of Greenwich v DC and Ors [2019] EWHC 1751 (Fam)

Acted for mother of baby whose sibling died at 12 weeks. Father was acquitted at Old Bailey of his murder, mother was not charged. Father took no part in these proceedings the mother only attended after she was arrested and brought to court by the police although she kept in touch with me usually

by text. Serious case as if mother been found in family case to be responsible for the child's death criminal charges could have been initiated against her. In the event the father was found to have killed the child whilst mother failed to protect. She had many difficulties including her mental health and drug addiction; the present child was placed for adoption

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E-R (Child Arrangements Order No.2: Costs)

[2017] EWHC 2535 (Fam)

These 2 cases Re E-R (Child Arrangements No 2) [2017] EWHC 2382 (Fam) and E-R(Child Arrangements order No. 2: Costs) [2017] EWHC 2535 (Fam) follow on from a case last year Re E-R (Child Arrangements) [2016] EWHC 805 (Fam) where the child was represented by Melanie Johnson.

Mary Hughes represented the child in the 2017 proceedings.

The child's mother died about two years ago and shortly before her death a court ordered that on her mother's death she should move to live with her father away from Mrs H the family friend with whom she had been living with her mother prior to her mother's death. It was the mother's dying wish that her daughter should remain with Mrs H. Mrs H appealed this decision to the CA and it was remitted to Mr J Cobb for determination. In 2016 he made a detailed order confirming the child should live with Mrs H but spend increasing amounts of time with her father and his partner. The father was ordered to pay £10000 costs which remain unpaid.

The father failed in several respects to comply with this order and the matter came back before Mr J Cobb in 2017. By this time the child did not want to meet with the father's partner and only wanted limited contact with her father.

The father and his partner represented themselves with the assistance of a Mackenzie Friend. They continued to make it clear that they would not accept any orders made by the judge and threatened a range of litigation against Mrs H, the lawyers and the guardian as well as expressing displeasure at the court process. Mr J Cobb made an order for limited contact with the father only and urged the parties to engage in family therapy.

In the second judgment he ordered the father to pay £15000 towards Mrs H's costs estimated at £35000 not to be enforced without leave of the court. It is of course highly unusual for a costs order to be made against a "losing party" in family cases.

Area of Law:

Family

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Re E-R (Child Arrangements)(No.2) [2017] EWHC 2382 (Fam)

[2017] EWHC 2382 (Fam)

The matter concerned T, a child aged eight, whose mother died in 2015. In April 2016, the court made a child arrangements order whereby T lived with her mother's friends, Mr and Mrs H, and spent time with her father and his partner, Ms B. The father and Ms B subsequently breached the child arrangements order, including failing to attend contact, failing to engage in phone contact, and removing the child from the area in which she was living, and Mrs H applied to vary the order. The father sought for T to be placed in his full-time care, though did not make a formal application; however, he did make an application for a warning notice to be attached to the original child arrangements order, arguing that Mrs H did not abide by the contents therein.

More [here](#).

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London Borough of Tower Hamlets v M and Others

[2015] EWHC 869 (Fam)

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MF v LB of Brent & others

[2013] EWHC 1838

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(unsupervised) and indicated an expectation that there would be more. The child's mother was to join in some of the grandmother's contact.

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M (Children)

[2011] EWCA Civ 1035

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Education, Law and Practice (3rd edition), 4th edition due early 2016

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