
Stuart Fuller

**Degree:**

MA (Cantab)

Year of call and Inn:

2007; Inner Temple. (Admitted as a solicitor 1980)

Professional Membership:

Western Circuit; FLBA; ALC

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Specialist Areas:

Child Law

Practice Overview:

For the majority of his 27 years as a solicitor Stuart specialised in children law, having been a member of the Children Panel since 1985 and conducting advocacy at FPC, County Court and High Court levels. Following his transfer to the Bar in March 2007 he practised at 4 Brick Court (the chambers of Janet Mitchell), a specialist family law set in London, until joining Albion Chambers in August 2010. Since 2007 he has appeared on a number of occasions in the Court of Appeal and once in the House of Lords.

Areas of Practice

Child Law

Stuart has many years' experience in both public and private law children work, with a particular interest in the former. He travels widely representing parents, children (on direct instructions and through Children's Guardians), local authorities and other parties in care proceedings, other public law Children Act work and applications concerning adoption. He has frequently been involved in lengthy and complex fact-finding hearings relating to child deaths, non-accidental head injury, other serious physical abuse and sexual abuse. He also has experience of Hague Convention international abduction cases.

Stuart believes strongly in the benefits of early involvement in proceedings, of continuity of representation and of working as a team with his clients and instructing solicitors. He has experience as a leading junior and he often finds himself opposed by Queen's Counsel.

Reported cases:

Re JL and AO (Babies Relinquished for Adoption) [2017] 1 FLR 1545: representing one of two local authorities in linked cases concerning the jurisdictional basis where parents from Eastern European countries relinquish a baby for adoption in England and Wales and whether, in the case of AO, there was any mechanism for transferring the proceedings to Hungary (the parents' state of origin) or

placing the baby in Hungary contrary to the wishes of the parents;

Re HA (No. 2) [2015] EWHC 1310 (Fam): led by Marcus Scott-Manderson QC, representing a local authority in care proceedings where following an Article 15 transfer to Lithuania the proceedings stalled, a new set of care proceedings was issued in England and the High Court found that it had jurisdiction to hear the new care proceedings in spite of the earlier Article 15 transfer;

BCC v NGN Ltd and ors [2013] 1 FLR 1205: representing the child in an application by the local authority for a reporting restriction order following care proceedings in which “concerns of an unusual nature” about events in a foster placement, followed by the death of one of the foster carers, had come to the attention of the Sun newspaper.

Re L (Paternity Testing) [2010] 2 FLR 188 – representing local authority in an appeal concerning DNA testing via a putative half-sibling;

Re KB (Interim Care Order) [2010] 1 FLR 1211 – representing father on appeal by Children’s Guardian against refusal of interim care order;

Re L-W (Enforcement and Committal) [2010] EWCA Civ 1253 – represented child through Rule 9.5 Guardian in Court of Appeal when consideration was given to the meaning of “make available for contact” and to methods of enforcing orders for contact.

M v M (Abduction: Settlement) [2008] 2 FLR 1888 – representing Polish father who had for the second time abducted his children to England;

Re B [2008] 2 FLR 141 – represented the appellant children in the “standard of proof” case in the House of Lords (led by Stephen Cobb QC), having previously represented them without a leader in the six-week fact-finding hearing before Charles J;

Cases of interest:

- Represented a mother in an alleged abusive head injury case (retinal haemorrhages, acute subdural haemorrhages including spinal haemorrhages, hypoxic-ischaemic injury, unexplained chronic SDH), involving a low level fall witnessed only by other young children. Four expert medical witnesses. Allegations not proved, children returned home.
- Led by Paul Storey QC representing a mother in an infant death case where there was medical uncertainty about the cause of death. Mother not found to have caused the death, but failure to protect findings were made.
- As leading junior (with James Cranfield) represented a local authority in a head injury case during which there was evidence as to whether the injury could have been sustained in utero. Both parents were represented by leading counsel.
- In Reading County Court secured the exoneration of a mother against allegations that she was the perpetrator of, or was in the pool of possible perpetrators for, fractured ribs and extensive bruising caused to her baby. Unusually for a case at Circuit Judge level, both the local authority and the child were represented by leading counsel.
- As leading junior (with Philip Baggle) represented a local authority in an infant death case. Complex medical evidence, no apparent cause of death. Opposed by leading counsel for both parents.
- Successfully represented a local authority at a fact-finding hearing concerning allegations of sexual abuse going back to 2003. There had been no prosecution, much of the police material had been destroyed or gone missing and there were conflicts between what victims and witnesses had said at the time and what they now recalled.
- Represented a child in a lengthy care/placement order final hearing in which the question of

whether “nothing else will do” was a major issue and in which there was in effect a mid-hearing further assessment.

- Successfully represented a local authority (opposed by leading counsel) at a fact-finding hearing at which findings were made against a child-minder of sexual harm caused to a 2-year-old.
- Represented local authorities in two recent cases in which habitual residence and Article 15 of Brussels II ® were live issues.
- Successfully represented the mother of two children at a fact-finding hearing regarding head/brain injuries and other physical harm at which findings were made against the mother’s partner but the mother herself was exonerated.
- Represented a local authority at a fact-finding hearing concerning the death of a previous child of the family. Complex medical evidence as the child had a unique combination of genetic disorders. Opposed by leading counsel for both parents and for an intervener.
- Represented an intervener in care proceedings where the central allegation was of an autistic teenager being encouraged to make false allegations of sexual abuse against a number of people said to be involved in occult practices.
- Represented one of four children in a lengthy fact-finding hearing before Mr Justice Roderic Wood, sitting in Cardiff, involving consideration of the circumstances surrounding the death from peritonitis (five years previously) of another child of one of the two mothers in the case and suggestions of one or more parties having given perjured evidence at the inquest. Four children represented through three Children’s Guardians because of conflicts between the children. Evidence as to the reliability of a number of ABE interviews was given by a consultant psychiatrist. There were two mothers and two fathers. Local Authority and two of the parents represented by leading and junior counsel.
- As leading junior (with Gemma Borkowski), successfully represented a Local Authority in a two-week fact-finding hearing in the High Court. A finding was made that the child’s father, who had previously been found not guilty of murder, had deliberately caused the death of the child’s older sibling. Both parents and the child were represented by leading and junior counsel.
- During care proceedings in the Reading County Court Stuart obtained complete exoneration of a father against whom physical abuse allegations had been made by children aged from 4 to 13.
- Obtained permission in the face of Local Authority opposition for former foster carers, with whom the child in question was no longer placed, to apply for an adoption order.
- Successfully represented a teenager against whom sexual abuse allegations were made by a half-sibling in private law proceedings.
- Represented a medical consultant who was a respondent parent in care proceedings. Following argument in the High Court the Local Authority decided not to continue with their application for an order.
- Represented a father against whom serious allegations of sexual abuse as part of a “ring” were made. Stuart led a junior member of his former chambers in a fact-finding hearing that ran for 16 days, with 24 witnesses including five paediatricians.
- Represented a Local Authority in a complex 10-day fact-finding hearing in the High Court, involving allegations of physical and emotional abuse of children from West Africa. The father and one of the children were represented by Leading Counsel.

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