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## Rachael Morton

**Degree:**

LLB Warwick; LLM LSE

**Year of call and Inn:**

1995; Lincoln's Inn

**Email:**

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**Specialist Areas:**

Child Law

Court of Protection

### Practice Overview:

Rachael joined Albion Chambers in Spring 2018 and specialises in all areas of public law concerning children. Prior to moving to the South West, the majority of her career was spent at 4 Brick Court from where she obtained a loyal client base in London and in the provinces. An experienced and capable practitioner, Rachael is known for her attention to detail in case preparation and for her persuasive advocacy. Though focussed and tenacious, she achieves a high level of collaboration and professional rapport with colleagues, regardless of who she represents. This approach has ensured that she is respected by the judiciary, her opponents and clients, whether lay or professional.

### Areas of Practice

#### Child Law

Local Authorities have relied on Rachael's thorough case preparation to advise on evidence and ensure that findings of fact are pursued on the merits. She is instructed in the knowledge that she will ensure that the case will be argued appropriately, that team members with differing views and approaches will be handled with respect and understanding, that opponents and tribunals will be managed well and that an appropriate outcome will be achieved.

Solicitors for parents and interveners have instructed Rachael for her strong advocacy, both inside and outside the Court room, for her empathy and ability to relate in a way that inspires the client's confidence and regard. She is at ease with clients experiencing the most profound social and psychological difficulties and will always ensure that parents have their case put persuasively, with clarity, focus and skill.

Rachael has frequently been instructed to represent children whose Guardians have radically different visions for care cases. She is known for her fearless capacity to challenge expert psychiatric and psychological evidence and is well versed at mediating between discordant professionals and achieving creative resolutions.

## Memorable Cases

*Re K* - Representing the LA in a thirteen-day NAI hearing with consecutive Criminal proceedings. Care case involved two interveners. Historically, similar allegations had been made by the first intervener's ex-girlfriend's child in a different Local Authority. Although previously investigated by the Police in that area, the previous allegations had not been pursued to trial. Complex issues pertaining to the status of the evidence relating to that child. Range of findings were made against the first intervener and the Mother in the instant case. The social worker later advised that following disclosure of Rachael's cross examination within the criminal proceedings, the first intervener had entered a guilty plea on day one of his trial.

*Re L-F* - Representing the LA in a complex contested ICO hearing listed because the LA sought to abandon its controversial rehabilitation plan, following an alleged incident of violence involving the parents, the toddler and the baby. The incident was witnessed by one of the teenage children of the family who then withdrew her complaint. The ICO hearing was before a Lay Bench and had to be heard on non-consecutive days, with one member of the Bench having a heart operation in the course of the hearing, a change in the Guardian's representation and the Police evidence and awaited expert evidence emerging mid ICO hearing. The parents' representatives sought an expedited appeal without reference to Counsel's availability. On opening their Appeal, the learned Judge indicated that he was minded to discharge the ICO but following Rachael's submissions, refused the application. The case proceeded to final hearing and final orders were made in favour of the Local Authority.

*Re McB* - Representing a Local Authority in its application for a Care Order in respect of a teenage girl who was separately represented. Her evidence against her father was equivocal and her instructions the subject of regular change. She absconded from placements and her father often colluded with her in facilitating the disappearances. The case had been previously run by junior Counsel who had drafted threshold on a basis that would have required the child to give evidence against her father. On the first day of the final hearing, Rachael met a social-work team she had never worked with before and advised them to re-focus their case. The Recorder assigned to the case behaved so inappropriately in the course of the first three days of evidence that Rachael considered it the only appropriate course of action to make an application to him to recuse himself of the case: he granted her application and the matter was transferred. On the basis of the amended threshold document she had drafted, attention could be focussed on the child's developing mental-health issues and gaining the help and assistance she required. Rachael managed to turn the tide of hostility to ensure that all parties worked to the benefit of the child and a positive outcome was achieved.

*Re TW* - Representing an intervener in care proceedings. Rachael's client was a young man of previous good character against whom an allegation of sexual touching had been made. The Local Authority sought a finding against her client but despite requests failed to present best evidence. The learned Judge misapplied law and fact. Rachael lodged an appeal to the Court of Appeal and findings against her client were set aside with no re-hearing. The case was reported.

*Re P* - Representing the child, via his Children's Guardian. The case concerned likelihood of sexual harm to a young child through exposure to Father who was a Schedule One Offender. Twelve-day disposal hearing following an aborted five-day fact find which, due to the complexity of the case, the learned Judge had permitted to be used for five days' negotiation and care planning. Very experienced Guardian was dissatisfied with the Local Authority's presentation of the fact find and inchoate care planning. The Guardian was struck by Mother's relationship with the child, was not helped by any of the expert evidence from leading risk assessors and a number of eminent psychiatrists. She resisted the LA's plan for the child's placement with relatives in the Mother's native Thailand, whether with or without Mother. The poor quality of all evidence led the Guardian

to instruct Rachael to explore every avenue. Rachael's cross examination of a representative of an eminent institution, assessing risks posed by sex offenders, caused the expert to agree that his assessment was entirely incorrect and should be totally disregarded. In the event, the Guardian eventually opposed every placement option and Rachael was invited by the Tribunal to outline the Guardian's favoured Care Plan. The Local Authority subsequently adopted the Guardian's plan and the Guardian was given liberty to apply if dissatisfied with any element of implementation.

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Privacy Policy

Please click [here](#) to view Rachael Morton's privacy policy

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