

Barrister: Tim Parker

Overview:

Tim is a barrister and arbitrator specialising in family law and associated civil litigation. He is recognized as a Leading Junior both in the Chambers UK Guide and in the Legal 500.

In the current guide Chambers UK report: "He is a fantastic advocate who is very persuasive, sensible and pragmatic on his feet" and "He is really laid-back and doesn't panic". Meanwhile Legal 500 describes Tim as "a pleasure to work with and instruct". Chambers UK 2014 said "His advice has been realistic and well thought out, and he is very popular with clients" while Legal 500 (2015) commented that Tim is "Knowledgeable, reasonable and a persuasive advocate."

Tim is licensed to accept instruction from members of the public under the Bar Council Direct Access Scheme.

Having qualified as an Arbitrator to conduct financial remedy arbitrations in 2014, he qualified to conduct children arbitrations in 2016.

Tim is head of the Family Law team at 9 Gough Chambers. In addition, he sits on the Family Law Bar Association (FLBA) national committee and the committee of the Advocate's Gateway.

What the directories say:

- 'He is the whole package, a fantastic advocate and great with clients.' **Legal 500 2019**
- "Tim is astute, authoritative, and has an excellent grasp of the law." **Chambers & Partners 2019**
- "An extremely effective advocate who is formidable in cross-examination and leads the team very well. He is often in really heavyweight cases, and when you get him it is like having a silk on your case." **Chambers & Partners 2018**
- "He's very effective; he asks all the killer questions you wish you'd asked. He has a really good client manner and is often instructed against silks in heavyweight care cases." **Chambers & Partners 2017**
- "He is the whole package; a fantastic advocate and great with clients." **Legal 500 2017**
- "An excellent advocate, who gives great perspective and insight." **Legal 500 2016**

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Children

Children:

Tim's child law practice concentrates principally on proceedings involving fatality, non-accidental injury and sexual abuse. He advises on Human Rights Act applications arising from family proceedings including alleged deprivation of liberty, special guardianship, placement or relocation of children overseas, foreign adoptions, judicial review of local authority decisions and forced marriages. Tim is instructed by most local authorities in the Greater London area, favoured for his ability to understand the pressures and difficulties faced by public sector clients. Tim is also a popular choice acting for parents and guardians in care proceedings, noted for his skilled analysis of factual and medical evidence in cases of alleged non-accidental injury.

Tim is also instructed in private law disputes between parents, often instructed on behalf of children's guardians in the more complex or intractable cases. In addition he has experience in relocation cases and those involving wrongful removal from the jurisdiction.

Tim qualified as an Arbitrator to conduct children cases in 2016. As such he is a member of the Chartered Institute of Arbitrators and accredited by the Institute of Family Law Arbitrators. The majority Child Arrangement Order disputes will be capable of resolution through arbitration. Tim can be appointed as arbitrator to adjudicate in children disputes or in the alternative to represent parties to arbitration. For more information about family arbitration visit www.ifla.org.uk.

Recent Cases

- **Re A (Children) [2018] EWCA Civ 1718, [2018] 4 WLR 117:** This was the successful appeal against the decision of the high court in *Re L* below. Tim was instructed on behalf of the local authority and led by Frances Judd QC. This was a difficult appeal against the decision of a High Court judge on the facts. The appeal was successful and the re-trial is listed to take place in 2019.
- **Re L (A Child) [2017] EWHC 3707 (Fam):** Tim led Laura Bumpus instructed by the local authority in this application concerning the death of a child at home. The decision of the High Court judge was subsequently overturned and is listed for re-trial in 2019, but the case remains significant in the development of guidance on obtaining police disclosure in cases where care proceedings originate as a result of a police investigation.
- **Re: H (Hair strand testing) [2017] EWFC 64 [2017] 4 WLR 179:** Tim was instructed on



Call: 1995

Education:

MCI Arb; BA (Hons), University College London

Practice areas

- Arbitration
- Commercial and Property
- Court of Protection
- Family
- Inquests
- Mediation
- Professional Negligence

Recent News

- Tim Parker successful in the Court of Appeal in *Re A (Children)*
- Two members of Chambers involved in the leading case on drug testing in Court proceedings
- Tim Parker instructed by the children's guardian in claiming declarations against the LA and IRO
- Tim Parker has been accredited by the Institute of Family Law Arbitrators
- Planning and case management when dealing with financial remedy cases
- 9 Gough Chambers Barristers giving LBLA training on 23 April

behalf of the children's guardian leading [Ed Lamb](#) in this case which considered the methodology of hair strand testing and the presentation of experts' reports.

- **C (A Child : Application for dismissal or withdrawal of proceedings) (No. 3) [2017] EWFC 37 (27 June 2017) ([2017] EWFC 37, [2018] 4 WLR 107, Re C (A Child) No 2 [2017] EWHC 692 (Fam) & Re C (A Child) [2016] EWHC 3171:** Tim is instructed for the children's guardian in this alleged radicalisation case concerning. Order for disclosure against the Home Office. Objection on grounds of national security, sought to set aside order. Refused in December 2016. Home Office made PII application which was successful in March 2017, but criticised by the Court for the delays introduced by Home Office actions. In No 3 the children's guardian was the sole party to oppose the local authority's application to withdraw. The local authority application was refused and the application listed for trial.
- **LB Brent v C [2016] EWHC 1335:** Tim was instructed for the child in care proceedings. LA had delayed before issuing proceedings concerning child suffering from life-limiting genetic condition. HRA declarations obtained against both the local authority and independent reviewing officer.
- **Re P (permission to withdraw care proceedings) [2016] EWFC B2:** Tim was instructed on behalf of the adoptive parents who were respondents to the care application. He obtained a finding that the local authority could not prove threshold as a result of which the local authority applied to withdraw. The case involved analysis as to whether "beyond parental control" should be subjectively or objectively interpreted.
- **LBL v R [2015] Central Family Court:** Tim was instructed on behalf of the local authority seeking findings of sexual abuse against a father on the basis of the ABE interview of a 15 year old daughter who had sought to retract her allegations. The involved an application for permission to cross-examine the child by the parents and subsequent use of the Family Justice Council guidance on the involvement of children as witnesses in the Family Court. The findings sought by the local authority were made.
- **A Local Authority v C & S [2015] IFL 273:** Tim acted on behalf of the local authority in care proceedings concerning serious sexual abuse. Having obtained findings the local authority and respondent mother applied under Brussels IIR Art 23(a) to discharge an order made in the Polish courts removing her parental responsibility. The application was granted and is so far the only known occasion an English court has discharged the order of a foreign court on the grounds of public policy.
- **Re AK & MK (Fact Finding) (Physical Injuries) [2013] EWHC 3158 (Fam):** Tim was instructed on behalf of the respondent father in a case involving biting and multiple fractures. The case considered the possibility of Vitamin E deficiency being a factor in fractures thought to be caused during traditional Indian massage.
- **KCC v H [2012] Medway County Court:** Tim was instructed on behalf of a stepfather of a child who suffered serious head injuries while in his sole care. No findings were made.
- **Re M (Child Abuse: Disclosure) [2011] EWCA Civ 1035:** Tim acted for the local authority in a case concerning disclosure to the children of their father's historic convictions for sexual offences.

Financial Remedies

Financial Remedies:

Tim has undertaken ancillary and relief and financial remedy work throughout his career at the Bar. He has expertise in all financial remedy applications connected to divorce, civil partnership and co-habitee disputes including applications under Children Act 1989 Schedule 1. His cases tend to fall into the range of net assets valued at between £500,000 and £5million.

Having recently qualified as a Family Law Arbitrator, Tim is a member of the Chartered Institute of Arbitrators and listed by the Institute of Family Law Arbitrators. Tim can be appointed as arbitrator to adjudicate in financial remedy disputes or in the alternative to represent parties to arbitration.

Recent Cases

- Acting for husband, securing payment from the wife's trust fund to meet needs case.
- Acting for husband, avoiding periodical payments order in favour of alcoholic wife.
- Acting for wife, successfully ring-fencing inheritance after long marriage.
- Acting for husband, protecting car collection from division in settlement.

Civil Litigation

Civil Litigation:

Related to his financial remedy practice, Tim is instructed in TOLATA, I (PFD) A and contested probate actions. He also advises in professional negligence proceedings arising from solicitors' negligence in financial remedy cases. Tim is particularly interested in ADR / NCDR. He recently settled a protracted probate dispute through mediation.

Court of Protection

Tim has been involved in a large number of cases concerning vulnerable adults and children in care proceedings as well as financial remedy cases. He acts for all parties in the Court of Protection and has a particular awareness of the interface between the Court of Protection and the Family Court.

In **Re M [2018] EWCOP 4** Tim was instructed in this appeal on behalf of the applicant deputy. The appeal considered issues of disclosure and procedure in consecutive Family Court and Court of Protection Proceedings. Following this appeal P regained capacity and the deputy sought permission to withdraw proceedings which was unsuccessfully opposed by members of P's family at a fully contested High Court hearing.

Judicial Review

Tim is instructed usually on behalf of respondents in cases concerning local authority decisions concerning the children services and education.

Family Related Civil Litigation

Tim is instructed in claims under the Human Rights Act related to care proceedings, both in connection with unlawful s20 agreements: *LB Brent v C* [2016] EWHC 1335 and more recently concerning the wrongful deprivation of liberty.

Related to his financial remedy practice, Tim is instructed in TOLATA, I (PFD) A and contested probate actions. He also advises in professional negligence proceedings arising in financial remedy cases.

Tim is particularly interested in ADR / NCDR. In addition to his qualification as an arbitrator, Tim is in the process of qualifying as a civil mediator.

Recommendations



For more information please call our clerks on **020 7832 0500**

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