

GILLIAN IRVING QC



Head of Family & Mental Health Group

YEAR OF CALL

1984, Inner Temple

EDUCATION

BA (Hons) Law 2:2

QUEEN'S COUNSEL – 2006

ASSOCIATIONS

Family Law Bar Association

Bar Pro Bono Association

“At 9 St John Street, the ‘feisty’ Gillian Irving QC, Rachael Heppenstall and Sara Lewis are recommended for childcare work.”

Legal 500 2011

“Excellent in cases involving children and vulnerable clients.”

Legal 500 2011

“Is increasingly in demand for public inquiry work”

Legal 500 2008

“9 St John Street’s Gillian Irving is a ‘sensitive’ lawyer perfectly suited to complex mental health cases”

Legal 500 2006

“9 St John Street’s expert Gillian Irving is known for her sensitivity”

Legal 500 2005

APPOINTMENTS

Part-time Judge of the Health, Education & Social Care Chamber of the First Tier Tribunal in the Jurisdiction of Care Standards and Mental Health

Legal Member of Sport Resolutions (UK)

SPECIALIST AREAS OF PRACTICE

All aspects of child care law and adoption

Court of Protection applications

Mental Health Review Tribunals

Declaratory relief proceedings, wardship and

proceedings involving the Courts use of its inherent jurisdiction

Residence and Contact

Abduction

Inquiries – public and private

Judicial Review

AREAS OF PRACTICE

Gillian Irving began her career at the Bar practising in the field of personal injury and industrial disease. She subsequently went on to apply her interest in and knowledge of medical issues to the child care arena. She has now gained over 20 years experience in cases involving allegations of non-accidental injury, fabricated illness, failure to thrive, neglect and sexual abuse. She appears for both Local Authorities and parents. She has appeared at all levels including the House of Lords where she appeared on behalf of the mother in the case of *Re C*, in which their Lordships clarified the obligations of a Local Authority to assess a parent pursuant to Section 38(6) of the 1989 Act. *Stockport MBC v D* was one of the earliest reported cases dealing with threshold criteria and in that case Miss Irving appeared on behalf of the Local Authority. In the case of *C v Bury MBC* Miss Irving succeeded on behalf of the Local Authority in defeating arguments which maintained that the Authority had acted in a way which was incompatible with the mother’s human rights. This case established the procedure to be adopted in cases where a breach of the Human Rights Act is alleged.

Prior to being called to the Bar, Miss Irving worked for solicitors specialising in mental health law. She regularly attended upon patients detained at Rampton Special Hospital and gained experience of the Tribunal system and knowledge of the variety of mental disorders and their treatment. She has an enthusiasm for cases involving a mental health element and has a strong personal commitment to ensuring that those under a disability have their rights fully recognised and met. She regularly advises Local Authorities and individuals as to their duties, rights and obligations both under the Mental Health Act and under the Community Care legislation.

Her dual experience in both the field of child protection and mental health has seen Miss Irving appointed in both public and private Inquiries. In 1996/1997 she was appointed to represent the patients detained on the Personality Disorder Unit at Ashworth Special Hospital in the second Public Inquiry which related to the security of that Hospital and the treatment of psychopathic disorder. Not only did this necessitate her analysing, digesting and organising vast quantities of documentary material but she sought information and advice from other Hospitals around the country involved in the treatment of those with psychopathic disorder.

More recently, she has represented the Chief Constable of Greater Manchester Police in an Inquiry into the murder of child ‘X’; the perpetrator suffered from mental health problems. The Inquiry was convened under Section 34 of the NHS Executive Health Service Guidelines (94) 27. It looked not only at the circumstances surrounding the murder of the child but explored the roles of a variety of agencies and particularly those involved in the care and treatment of the perpetrator.

Miss Irving’s combined knowledge and experience of family law and mental health/ medical issues and her enthusiasm for the



NINE ST JOHN STREET
FAMILY & MENTAL HEALTH

Manchester M3 4DN
T 0161 955 9000
F 0161 955 9001
civilclerks@9sjs.com
www.9sjs.com

investigation of the same has resulted in her instruction in declaratory relief and wardship proceedings both for Hospital Trusts, local authorities, families and the Official Solicitor.

NOTABLE CASES

- *Manchester City Council v S* [1991] 2 FLR 370
- *Stockport MBC v D* [1995] 1 FLR 873
- *Re B* (Care and Supervision Order: Assessment) [1996] 2 FLR 708 CA
- *Re C* (Interim Care Order: Assessment) [1996] 2 FLR 708 CA
- *Re C* (Interim Care Order: Assessment) [1997] 1AERHL
- *A Metropolitan Borough Council v DB* [1997] 1 FLR 767
- *R v Devon County Council ex parte O* (Adoption) [1997] 2 FLR 388
- *Re CH* (Care or Interim Care Order) [1998] 1 FLR 402 CA
- *C v Bury MBC* [2002] 2 FLR 868 FD
- *Greater Manchester Chief Constable v KI & Anor (Children) & Ors* [2007] EWHC 1837 (Fam)
- *G v E v Others* 2010 EWHC 621
- *MD v Nottinghamshire Health Care NHS Trust* (Rev 1) 2010 UKUT 59 (AAC).
- *G v E v Others* 2010 EWHC 2512
- *G v E v Others* 2010 EWCA CIV 822
- *CJ v Flintshire Borough Council* 2010 EWCA CIV 393

INQUIRIES

(1) The Inquiry into the Personality Disorder Unit at Ashworth Special Hospital 1996–1997

(2) The Inquiry into the death of child 'X' 2005/2006

ADDITIONAL INFORMATION

Miss Irving also practices from the Chambers of 1 Hare Court, London, Linen Hall, Chester, and 15 Winckley Square, Preston.

Please contact Mr Daniel Fantham for further information 0161 955 5161.



NINESTJOHNSTREET
FAMILY & MENTAL HEALTH

Manchester M3 4DN
T 0161 955 9000
F 0161 955 9001
civilclerks@9sjs.com
www.9sjs.com

