

Rehana Begum

Year of Call: 2004



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Main Practice Areas

Public Law (Children) – Representation of Local Authorities, Parents, and Children in cases involving complex issues of fact and law in the following areas:

- Fractures
- Head Injuries
- Sexual Abuse (including between children)
- Factitious Induced Illness
- Death of children
- Linked care and criminal proceedings
- One spouse accused of killing the other
- Chronic neglect
- Secure Accommodation
- Discharge of Care Orders
- Adoption
- Wardship
- Deprivations of Liberty involving children
- Cases involving cross-jurisdictional issues and the application and interpretation of Brussels II.

Private Law (Children) – Represent parents in applications for:

- Child Arrangements Orders (residence and contact)
- Finding of fact hearings involving serious allegations of domestic violence
- Temporary and Permanent removal from the jurisdiction (Hague Convention and Non Hague Convention countries).
- Same Sex Parentage disputes arising from Human Fertilisation and Embryology Act 2008.

Court of Protection – Representation of local authorities, parents and children in welfare disputes (contact, residence, medical treatment) relating to 16 to 18 year olds who lack mental capacity and who straddle both the Children Act and Court of Protection jurisdictions.

FMPO – Representation of local authorities and children and adults seeking the protection of an order as well as those against whom allegations of forced marriage have been made. Particular interest in cases involving allegations of honour based violence.

General – Rehana has amassed a wealth of knowledge and expertise in her 23 years of practice as a

Solicitor and Barrister which she is regularly called upon to share in the form of seminars for solicitors, social workers and members of the judiciary. Rehana has particular expertise in acting for Local Authorities and the insight gained as a former local authority solicitor has proved advantageous when acting for and against Local Authorities whenever scrutiny of Local Authority decision making processes is required; including in the context of Human Rights Act (Article 6 & Article 8) violations.

INTERESTS - As an ex-international volleyball player for many years (representing England at junior and senior level and captaining the junior team) with a degree in physical education; Rehana has maintained her interest in physical fitness by recently qualifying as an advanced Level 3 Personal Trainer. In her spare time she continues to search for that elusive work/life balance by playing regular tennis and skiing. She also loves to read and watch period dramas.

Education

Buttershaw Upper School
Leeds University

Qualifications :

- BA (Hons) First Class in Physical Education and Public Media
- Barrister At Law
- Level 3 Personal Trainer

Professional Memberships

Family Law Bar Association
Child Concern
Court of Protection Practitioners Association (COPPA)

Notable Cases

A Council v TP & Ors [2019] EWFC 30

High Court, multi-party case involving six parents. The parents of some of the subject children are also foster carers and special guardians for two of the subject children. Suspicion that carers encouraging gender dysphoria in children in their care. In addition, parental conduct in relation to the children's medical needs suspicious for FII. Multiple experts. I was the lead junior in a team of four juniors led by G Taylor QC. Complexity arising from reviewing, organising and redacting a vast amount of documentation relating to the four subject children and several non-subject ex-foster children. Legal arguments in relation to the extent of disclosure of documents relating to non-subject children balancing Article 8 Human Right to confidentiality/privacy and Article 6 Human Right to a fair trial. Of note was the court's evaluation of gender identity/dysphoria in children and its interrelationship with fabricated or induced illness.

A Council v H [2019]

Representing the father in a 10 day finding of fact hearing involving serious allegations of sexual abuse by a child against mother and stepfather. I represented the stepfather. Legal arguments at the case management stage in relation to ground rules and appropriate participation directions to facilitate the child giving evidence. Pre-recorded cross-examination of a child witness. Of note was the cross examination of police officers which revealed major breaches of good practice guidelines in the interviewing of children in cases of alleged sexual abuse. Judgment sent to the Chief Constable of Greater Manchester.

A Council v K & W & M & S & A [2019]

Acting for the father in a 15 day composite hearing. Multi-party case involving serious historical sexual abuse allegations made by a child against mother and stepfather. Counter allegations of contamination and coercion. Of note was the decision to allow live cross examination of a child witness and legal argument in relation to the extent to which counter allegations of contamination can be put to a child during cross examination.

A Council v MS v MA v MF [2019]

Acting for the respondent father in 11 day finding of fact hearing in relation to inflicted serious life threatening injuries to an infant (fractures, bruising and brain injury). Pool of perpetrators and complex medical evidence from multiple medical experts from a range of medical disciplines. Of note was the

challenge of ensuring the complex medical evidence was tested fairly in a case involving vulnerable witnesses who required the use of both intermediaries and interpreters to assist them in court.

Re: M (Children) – Court of Appeal, Civil Division [2018]

Advising and acting for children in successful appeal against the decision of a CJ to conclude a case at Issues Resolution Hearing stage against the advice of the children's guardian. Decision set aside by Peter Jackson LJ on the basis that the judge in the lower court went beyond permissible robust case management and deprived the children of effective representation. Remitted for rehearing.

A Council v B v P v P [2018]

Acting for local authority, led by Rex Howling QC in High Court multi handed care 20 day finding of fact hearing. Five subject children having complex physical or behavioural difficulties. Case involving allegations of FII/physical abuse with multiple experts and complex medical evidence. Deprivation of liberty issues arising from care arrangements for one of the children in residential placement. Cross examination of live evidence of two vulnerable witnesses, use of intermediaries. Of note was the court's evaluation of the extent to which the existing medical definitions of fabricated or induced illness were useful tools in analysing parental conduct.

A Council v M [2018]

High Court (S.9). Application for declaration of liberty authorisation, pursuant to the High Court's inherent jurisdiction in respect of a 16 year old child in the care of the Local Authority but for whom the Local Authority did not have parental responsibility. I represented the applicant local authority at initial and final hearing. Written and oral legal argument in relation to whether or not the legal test for deprivation of liberty met. Complicating feature of whether the child's (fluctuating) consent valid giving rise to whether or not the case should be heard in the Family jurisdiction or the Court of Protection jurisdiction.

A Council v W [2018]

High Court (S.9). I represented the applicant local authority in an application for a Secure Accommodation Order and in the alternative a Deprivation of Liberty Authorisation, pursuant to the High Court's inherent jurisdiction in respect of a 16 year old who lacked mental capacity to consent to the same. Of note was whether or not invoking the High Court's inherent jurisdiction to deprive a child of her liberty in these circumstances was appropriate.

Y v A Council v AY v NY v SY [2018]

High Court. Acting for father in application to discharge a Forced Marriage Protection Order made in respect of two of his adult children. High Court taking the unusual view that the factual basis of the order needed to be established before the application could be withdrawn as the facts that gave rise to the application in the first place were disputed. The High Court was critical of the lower courts approach, which had indicated that the application could be withdrawn without determining the facts.

A Council v B [2018]

Representing local authority in case management hearings and in a composite final hearing dealing with complex life threatening inflicted head injury and fractures to an infant. Multiple medical experts and complex medical evidence. Legal arguments about the status of a treating clinician who was not a jointly instructed expert, filed without permission and seen by the other jointly instructed experts in the case. Legal argument in relation to the admissibility and evidential weight to be attached to the evidence of the treating clinician.

A Council v E v G [2017]

High Court (S9). Representation of a mother within composite final hearing involving allegations of inflicted injury to an infant and FII. The mother denied injuring the child. I had to take over this case part way through due to counsel with conduct having to withdraw. Mother was also without mental capacity and sectioned involuntarily for a period during the trial. Complex factual and medical issues with multiple medical experts. The mother was subsequently convicted of attempted murder of the child's father and sentenced to a term of imprisonment.

A Council v M [2017]

High Court. Multi-party case involving serious allegations of sexual abuse by one child against another and physical and emotional allegations of abuse against the parents. Suspected child trafficking from a country outside the UK. Junior counsel representing local authority. At one hearing appearing in the absence of leader against opposing leading counsel and dealing with legal argument in relation to a substantive issue. Acting as junior up to final hearing which was dealt with by leading counsel alone. Legal argument in relation to whether or not findings against the accused child should be pursued in circumstances where

threshold for an order made out on other facts. A complicating feature arose due to DNA testing which revealed one of the subject children was not the biological child of the parents giving risk to suspicion of cross border child trafficking. For the early stages of the hearing, the mother was living outside the jurisdiction and had mental health difficulties. Interpreters required.