



# Andrew Duncan

## Barrister

Year of Call: 2011

01604 210979

### Specialist areas

Adoption and Special Guardianship, Care Proceedings, Child Arrangements, Domestic Violence, Financial Remedy Proceedings

### Profile

Andrew has developed a strong reputation in all areas of Family Disputes. He is regularly instructed in complex private and public law cases. He has developed a reputation as a fearless advocate who dispenses with advice in a frank and down to earth manner.

Professional clients can expect Andrew to be a team player, who goes the extra mile and values the importance of working together. Andrew is instructed across all levels of court allocation. He regularly deals with complex physical and sexual abuse allegations, and within the private law sphere has developed a trusted reputation for cases involving complex parental alienation.

Andrew represents Parents, Local Authorities, Children (directly or through their guardian), intervenors, grandparents and divorcees. Andrew without doubt has an ability to get straight to the point, he is a strong negotiator, and a resolute cross examiner.

Andrew is regularly instructed in cases involving complex issues such as; international relocation, parental alienation, significant substance misuse, mental health issues, domestic violence and non-accidental injury.

Andrew has participated as both Appellant and Respondent in many appeal hearings. A number of those appeals have resulted in re-hearings being directed.

Andrew also regularly accepts instructions directly from members of the public under the Direct Access scheme and sees many referrals as a consequence of his successes.

### Education

University:

University of Sussex LL.B (Hons) Law (2009):

University of Edinburgh LL.M Law (2010)

Law School:

BPP Law School (London)

Bar Professional Training Course (2011)

### Memberships

Family Law Bar Association

The Honourable Society of Lincoln's Inn

### What our clients are saying

Andrew is well known for getting results and having a strong presence in the court room. Known for good communication skills, robust advice, and a forensic cross examiner.

### Cases

[Bedford Borough Council v CD & Ors \(Rev 1\) \[2020\] EWHC 3298 \(Fam\)](#)

[Bedford Borough Council v CD & Ors \(Rev 1\) \[2020\] EWHC 1996 \(Fam\)](#)

[Re B \(A Child\) \[2020\] EWFC 34](#)

Re LM [2022] Andrew, led by Kings Counsel, gave difficult advice to compromise an appeal brought against his client in the Court of Appeal, recognising the decision of the first instance Judge and the actions of his client was not sustainable in law.

Re RM [2022] Andrew represented a father where significant historic findings had been made against him at an earlier fact find hearing and an application for further assessment of him had been refused. Following Andrew's cross examination at the welfare hearing where care and placement orders were sought, the Judge acceded to Andrew's application for expert risk assessment and an adjournment of the final hearing for that assessment to be completed.

Re D [2022] Andrew represented maternal family members during a lengthy welfare hearing at the High Court to determine where a child would live following the killing of her mother by the father. The father was held on remand for murder throughout the duration of the trial.

Re C [2022] Andrew sought an order for adoption on behalf of foster carers in a very complex case where the foster carers had cared for a child for almost 3 years at the time of the hearing, but where there was a positively assessed family member and the added complexity of linked care proceedings in relation to a sibling child being heard at the same time.

Re E [2021] Andrew represented a mother, led by Queens Counsel, where the parents were in the pool of possible perpetrators following discovery of two rib fracture during a routine X-Ray. Andrew's team brought about the withdrawal of the case by the Local Authority and the parents were exonerated.

Re T [2021] Andrew successfully sought the transfer of living arrangements for two sibling children from the mother to the father where there had been earlier findings of parental alienation and a failed therapeutic process.

Re RN [2021] Andrew successfully sought findings on behalf of his client of the falsification of various allegations of domestic abuse including that the mother had falsified an allegation of attempted murder.

Re L [2021] Andrew dealt with a complex conjoined cases where the birth parents sought contact with a previously adopted sibling group in private proceedings at the same time as adoptive family were involved in public law proceedings following the breakdown of the adoptive placement.

Re CE (2020)

Andrew appeared for a mother, accused of parental alienation as assessed by a psychologist. Andrew was instructed late in the proceedings when a fact find, and welfare hearing were listed. His advice, and representation brought about agreement to the proceedings and resulted in the vacating of the fact find hearing and the child remaining in the care of his client.

Re B (2020)

On behalf of the children, Andrew successfully opposed an appeal brought by the parents and the children were removed into foster care and the conclusion of the appellate process.

