

Alistair MacDonald QC

amacdonald@st-philips.com

Call: 1995

Silk: 2011

Education: Dip Law with Commendation - City University;
BA (Hons) Archaeology - Nottingham



Areas of expertise

- Family

Memberships

- Association of Lawyers for Children
- Family Law Association
- British Agencies for Adoption and Fostering

Introduction

Alistair specialises exclusively in the law relating to children, concentrating on complex public law cases in the High Court and the Court of Appeal. He also undertakes judicial review work and appears regularly in the Court of Protection. Alistair's recent cases include *Re B (Children)(Adoption)* in the Court of Appeal and *Re X, Y and Z (Children)(Anonymity: Identity of Expert)* before the President of the Family Division.

Alistair is an acknowledged expert on children's rights and is the author of a major new book entitled '*The Rights of the Child - Law and Practice*'. This hardback work has been described as "probably the foremost chronicle of children's rights in practice" and provides detailed coverage of the international, European and domestic law on children's rights in a wide range of legal fields including family law, crime, mental health, immigration and asylum, administrative law, education and public international law.

Alistair is available for work internationally on cases concerning all aspects of children's rights.

Alistair has recently been appointed as a contributing author for the Family Court Practice. He is a member of the Editorial Board of the academic journal *Child and Family Law Quarterly* and is a Contributing Editor to *Clarke Hall & Morrison on Children*. He is a former Co-Chair of the Association of Lawyers for Children and a former member of the Ministerial Advisory Group on Care Proceedings. In March 2008 Alistair was presented with the accolade of "Barrister of the Year" by the Birmingham Law Society.

'Sources note that he "is fantastic and understands everything in the first instance."
Chambers & Partners 2012

Alistair MacDonald QC takes his 'thoroughly deserved appointment to silk': he has the 'ability to absorb the detail of complex cases, while retaining a clear focus on the most important issues'." Legal 500 2012

'incredibly effective' - Chambers and Partners 2011

'Alistair MacDonald is "going from strength to strength" and acknowledged as a national leader in public law children work' - The Legal 500 2009

'Alistair MacDonald is the set's best known advocate, and renowned for his "enthusiastic manner" and "reliable and articulate advice." Observers appreciate that "he knows how to speak to clients" and "punches well above his weight in terms of seniority" - Chambers and Partners 2009.

In October 2009 Alistair was appointed as a Recorder dealing with family matters in the County Court.

Care and adoption - public law

Alistair is experienced in complex public law cases under the children and adoption legislation, in particular those involving complex medical issues; cases where placement of children outside the jurisdiction is proposed; cases where confidentiality and disclosure are an issue, including restraint of publication by the media and cases involving the use of the inherent jurisdiction of the High Court.

Alistair provides public law training to local authorities, solicitors and family panel justices. He is a member of the Association of Lawyers for Children, a member of the Family Law Bar Association and a member of British Agencies for Adoption and Fostering. In his role as Co-Chair of the Association of Lawyers for Children, Alistair was heavily involved in the 2006 DCA/DFES Care Proceedings Review and was a member of the Ministerial Advisory Group on Care Proceedings. He publishes extensively on legal and policy issues concerning public law in Family Law and the Family Law Journal.

Private Law – Children Act

Alistair has wide experience in private law cases in which social services have become involved pursuant to s.37 of the Children Act 1989, cases involving mental health issues and cases where the child is separately represented.

Judicial review

Alistair undertakes judicial review work relating to children and families, including decisions by local authorities in respect of funding placements and the provision of support and services to children and families. He appeared as junior counsel for the NSPCC in the judicial review of the government's decision to increase the issue fees for care cases.

Court of Protection

Alistair has extensive experience of working in the Court of Protection. He has particular experience in cases which span the boundary between public law proceedings under the Children Act 1989 and proceedings under the Mental Capacity Act 2005. Alistair has experience of acting for local authorities, Primary Care Trusts, children and adults lacking capacity and their family members.

Cases

- **Re B (Appeal: Lack of Reasons) [2003] EWCA Civ 881, [2003] 2 FLR 1035**
- **M v Warwickshire County Council [2007] EWCA Civ 1084 [2008] 1 FLR 1093**
- **Scotching v Birch [2008] EWHC 844 (Ch); [2008] All ER (D) 265**
- **R (Hillingdon LBC and Others) v The Lord Chancellor [2008] EWHC 2683 '[2009] 1 FCR 1, [2009] 1 FLR 39**
- **X and Y v A Local Authority (Adoption: Procedure) [2009] EWHC 47 (Fam), [2009] Fam Law 657 [2009] 2 FLR 984**
- **Re X, Y and Z (Children) (Care Proceedings: Withdrawal and Costs) [2010] All ER (D) 228 (Jun) [2011] 1 FLR 1045**
- **Re D (A Child) (Care Order: Evidence) [2010] EWCA Civ 1000, [2010] All ER(D) 60 (Aug) [2010] 3 FCR 244**
- **Re C and D (Children)(Photographs of Injuries) [2010] EWHC 3714 (Fam), [2011] 1 FLR 990**
- **Re X, Y and Z (children)(anonymity: identity of expert) [2011] EWHC 1157 (Fam), [2011] All ER (D) 143 (May) [2011] 2 FLR 1437**
- **Re B (children) (adoption) [2011] EWCA Civ 729, [2011] All ER (D) 159 (Jun) [2011] 3 FCR 38**
- **C (Children)(Contact Order) [2011] EWCA Civ, [2011] All ER (D) 121 (Oct)**
- **Re D-O'H (Children) [2011] EWCA Civ 1343**

Articles and publications

- Restraining Publication [2003] FLJ
- The Inherent Jurisdiction - Moving Beyond Wardship [2004] FLJ
- The Burden of Proof [2005] FLJ
- Policy and Progress [2006] FLJ
- Public Law - An Effective Way Forward [2006] Fam Law 190
- Openness and Transparency - Refocusing the Debate [2006] Fam Law 855
- Legal Aid Reform - Beyond No More Money [2007] Fam Law 130
- Whatever Happened to the Pre-Proceedings Protocol [2007] Fam Law 991
- The Voice of the Child - Still a Faint Cry? [2008] Fam Law 648
- The Children Act in Practice, White, R. Carr, P. Lowe, N. and MacDonald, A., LexisNexis UK (2008)
- The Caustic Dichotomy – Political Vision and Resourcing in the Care System' [2008] CFLQ 30
- Separate Representation of Children in English Public Law - The Challenges [2008] JLR 30
- The Voice of the Child in Private Law - Loud Enough? [2008] Fam Law 40
- Contributing Editor, Clarke Hall & Morrison on Children, LexisNexis
- Bringing Rights Home for Children: Arguing the UNCRC [2009] Fam Law 1073
- Bringing Rights Home for Children: Transparency and the Child's Right to Respect for Family Life [2010] Fam Law 190
- The Rights of the Child – Law and Practice, MacDonald QC, A., Family Law (2011)
- The Best Interests Principle Breaks Out [2011] Fam Law 851

Interests

Alistair is a keen amateur astronomer and enjoys reading biographies of the American Presidents.

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