

## Dr Charlotte Proudman

Call: 2010

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Charlotte is an award-winning barrister with an extensive practice in complex trials and appellate cases, often encompassing ground-breaking points of law. Ranked as Legal 500's Leading Junior, Charlotte acts in high value matrimonial finance cases, private law children, child abduction, surrogacy and serious public law children cases. She works on complex cases involving male violence against women that cut across crime, civil litigation and immigration law. She has represented and advised high-profile public and political figures. Charlotte was *Highly Commended* (as runner-up) in the Woman of the Year category and was also shortlisted for Advocate of the Year, at the Women and Diversity in Law awards 2024, having previously won the 'Advocate of the Year' at the same Awards in 2023. She was named 'Hot 100' by the Lawyer 2021, she was highly commended for 'Junior Family Law Barrister of the Year' and Re H-N won 'Case of the Year' at the Family Law Awards 2021 and she was awarded 'Rising Star' at the Women in Law Awards 2020.

As a Research Associate at the University of Cambridge, Charlotte researches and lectures on gender inequality under the law, domestic abuse and female genital mutilation. She is also a Senior Research Associate at Intellectual Forum, Jesus College, Cambridge. Oxford University Press published her book, 'FGM: When Culture and Law Clash'. Charlotte was awarded her Doctorate in FGM law from King's College, Cambridge and she was a Visiting Researcher, Berkeley Law School and Harvard Law School.

As an advocate for change, Charlotte was instrumental in drafting legislation that resulted in key legislative changes including raising the age of marriage from 16 to 18, criminalising child marriage, virginity testing and hymenoplasty, drafting amendments to the Domestic Abuse Bill, introducing FGM Protection Orders and criminalising forced marriage. She is a legal advisor to *Our Streets Now* and *Plan UK*, a campaign to criminalise sexual harassment and Ambassador to DAME, sustainable period products.

## Testimonials

*'Charlotte is an excellent and fearless advocate. She is extremely hard-working, produces excellent cogent submissions, is wonderful with clients, is a great team player and is a superb talent. She is also a highly-regarded academic.'* Leading Junior Barrister, Legal 500.

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*“Charlotte is never shy of helping us test the boundaries of the law, or of tackling a relatively new form of domestic abuse, widespread image-based abuse (revenge porn), or raising novel arguments arising under the Equality Act, which have yet to be tested in court. Too many shy away from the untrodden or difficult path, Charlotte is not one of these”.* Georgina Calvert-Lee, Senior Counsel, McAllister and Olivarius.

*“Charlotte is not afraid to bring novel challenges that look to have wider policy implications. She is passionate about making the legal system more accountable in its treatment of women and girls”.* Mitchell Woolf, Solicitor, Scott-Moncrieff & Associates Ltd.

*“I instructed Charlotte in a complex child abduction case that was appealed to the Court of Appeal. Her advice and written representations were outstanding. Her dedication to vulnerable clients, particularly those who are victims of abuse, is exemplary”.* Cris McCurley, Head of International Family Law, Ben Hoare Bell LLP.

*“In my opinion, she is a leader in the field of FGM law whose research has made a significant contribution to scholarship in this area and has had an impact on case law and law reform in England and Wales”.* Professor Felicity Gerry QC, Barrister.

*“Charlotte has excellent knowledge in the area of female genital mutilation law. She demonstrates commitment to and passion for this area of work. I have been most impressed by her professionalism and swift response especially with pro bono cases that are often at very short notice. On behalf of the families that Charlotte has supported and is continuing to support, I would like to send her our sincere gratitude”.* The National FGM Centre.

## Awards

- Awarded, Woman of the Year, Women and Diversity in Law, 2025
- Highly commended, Woman of the Year, Women and Diversity in Law, 2024
- Awarded, Advocate of the Year, Women and Diversity in Law, 2023
- Shortlisted, Legal Personality of the Year and Case of the Year (*Griffiths*), Lexis Nexis 2023
- Family Law Awards 2022, nominated for Case of the Year, *Griffiths v Tickle* [2021] EWCA Civ 1882
- Shortlisted, Legal Personality of the Year and Case of the Year (*H-N and Others*), Lexis Nexis 2022
- Hot 100 Lawyers, The Lawyer 2022
- Highly Commended, Family Law Junior Barrister, Family Law Awards 2021
- Case of the Year (*H-N and Others*), Family Law Awards 2021
- Shortlisted, Case of the Year (*C-603/20 PPU – MCP*), Family Law Awards 2021
- Shortlisted, Pro Bono Junior Barrister, Advocate 2021
- Awarded, Rising Star, Women in Law Awards, 2020
- Shortlisted, Woman Lawyer of the Year, Women in Law Awards, 2020
- Shortlisted, Family Law Junior Barrister, Family Law Awards, 2020

## Family

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**Financial relief on divorce:** Charlotte has a wealth of experience in matrimonial finances applications, variation of maintenance claims, pre- and post-nuptial agreements, Schedule 1 of the Children Act 1989 applications, property claims between unmarried partners and intervener claims and Court of Protection cases in which property and finances are disputed. She is experienced in cases concerning domestic abuse and coercive and controlling behaviour where ‘conduct’ arguments are relevant.

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**FGM:** As ‘the expert’ in FGM, Charlotte has been instructed in a number of reported, precedent-setting FGMPO cases involving risk of FGM, travel bans and failed FGM asylum claims. Charlotte was junior counsel in *Re A (A Child: Female Genital Mutilation: Asylum)* [2019] EWHC 2475 before the President of the Family Division and later the Court of Appeal in which guidance was given about the interrelationship between FGMPOs and FGM asylum claims. Charlotte’s high-profile FGM cases have featured in *The Guardian*, *The BBC* and *Sky News*. Charlotte is a Gender-based Violence expert for the European Institute for Gender Equality and she was invited by the UN to advise on a UN Human Rights Council Resolution concerning eliminating FGM.

**Private law children and domestic abuse:** Charlotte specialises in complex cases regarding rape, domestic abuse, coercive and controlling behaviour and ‘parental alienation’. Charlotte has successfully appealed cases where the family courts have minimised domestic abuse and ordered contact between a parent and child contrary to PD12J. She was instrumental in bringing a general guidance case to the Court of Appeal about the family court’s approach to coercive and controlling behaviour (*H-N and Others (children) (domestic abuse: finding of fact hearings)* [2021] EWCA Civ 448). Charlotte represented Kate Griffiths MP at a fact-finding hearing where findings were made that she had been raped, abused and controlled by her ex-husband. After a hearing in the High Court and appeal in the Court of Appeal, the Judgment was published and was featured widely in the media. Charlotte was successful in a guidance case in which the High Court held there should be a strong presumption of a victim paying for a perpetrator’s contact costs (*Griffiths v Griffiths (Guidance on Contact Costs)* [2022] EWHC 113 (Fam)). Charlotte represented a vulnerable victim where a High Court Judge for the first time found that her ex-partner had ‘gaslighted’ her (*Re B-B (domestic abuse: fact-finding)* [2022] EWHC 108 (Fam)). After advocating for family courts to give guidance on restricting the disclosure of intimate images/videos in rape cases, guidance was handed down in a case where Charlotte represented a complainant of rape (*M (A Child: Private Law Children Proceedings: Case Management: Intimate Images)* [2022] EWHC 986).

**Public law children:** Known for her advocacy in cases involving serious allegations of non-accidental injury, sexual abuse and emotional harm, Charlotte is regularly instructed in care cases. She acts in cases involving a re-opening of findings of fact; child sexual exploitation and trafficking; and challenges to Section 20 of the Children Act 1989 where children have been unlawfully accommodated by the local authority resulting in successful claims for damages.

**Child abduction:** Charlotte specialises in child abduction particularly cases involving an Article 13(b) defence due to a risk of domestic abuse and in cases where there are complex immigration issues. She has appealed such cases to the Court of Appeal.

**Surrogacy:** Charlotte is renowned for her experience in surrogacy and adoption. She acted in *C (A Child: Parental Order & Child Arrangements Order)* [2020] EWHC 2474 in which a child had resulted from a surrogacy arrangement and the wife had then arranged a further surrogacy without the husband’s knowledge and consent.

**Human rights claims:** Charlotte is adept at raising novel legal challenges that have the potential to be ground-breaking. Charlotte is an expert in Judicial Review, Equality Act claims and Human Rights Act claims. She is instructed in claims against local authorities for failing to comply with their duties to children, sexual harassment cases on university campuses and so-called revenge porn cases.

**Court of Protection cases:** Charlotte has experience in Court of Protection cases involving the welfare and management of property and affairs of persons lacking capacity. She is sensitive to the needs of vulnerable persons and can provide a thoughtful and empathetic approach.

## Notable Cases

### V v V & Anor [2025] EWHC 945 (Fam)

Dr Charlotte Proudman represented a mother, a victim of rape, abuse, and coercive and controlling behaviour, in an

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application to the Court of Appeal to bar a staying order with overnight contact between her young daughter and the rapist father. The mother and father began a 'sexual relationship' when she was 15 and he was 24. This was unlawful, constituting a criminal offence. The judge determined that overnight contact was unsafe and ordered alternative contact arrangements, with further determinations to be made following an additional fact-finding at a later date.

#### **X (father) v Y (mother) [2025] EWFC 62 (B)**

Dr Charlotte Proudman represented the mother at a final hearing where she sought protective welfare measures to ensure her daughter's safety from the father, a man who had raped the mother.

#### **M v F & Anor [2025] EWHC 801 (Fam)**

Dr Charlotte Proudman represented a rape survivor in a landmark family court case that marked a significant first. The woman successfully applied for the right to speak publicly and write about the miscarriage of justice she experienced in the family courts. Despite being raped and abused by her former partner—who also abused their son—she was accused of parental alienation. Ms Justice Harris acknowledged that hearing directly from victims is powerful, and found that silencing her would likely be experienced as a further form of coercive control. The decision represents an important step towards greater transparency in the family justice system.

#### **Father v Mother & Anor [2024] EWHC 3332 (Fam) (04 September 2024)**

Dr Charlotte Proudman represented the mother in an international contact dispute after she had abducted the child from the U.S. The mother successfully raised an Article 13b defence under the Hague Convention, citing risks to the autistic child if returned to the U.S. The court accepted that separation from the mother would cause "profound damage" to the child's emotional development. Contact in the U.S. with the father was postponed until at least 2028, with safeguards including a \$25,000 bond for any foreign travel.

#### **Re A (A Boy) [2024] EWFC 420 (B)**

Dr Charlotte Proudman represented the mother in a Ground Rules Hearing before a re-trial of a fact-finding case involving allegations of coercive and controlling behaviour, domestic abuse and rape. Key disputes included the admissibility of extensive WhatsApp evidence, past transcripts, and the scope of questioning on the mother's sexual history. The court granted the mother an intermediary and postponed enforcement proceedings for alleged breach of the child arrangements order. An interim costs application was adjourned.

#### **Father v Mother [2024] EWFC 419 (B)**

Dr Charlotte Proudman successfully appealed a prior fact-finding decision that found the mother had fabricated rape allegations, resulting in a re-hearing. The judge found the father had raped, abused, and coercively controlled the mother, and manipulated authorities to secure contact. He was found to have used the police, courts, and social services to punish the mother under the guise of parental alienation. The court concluded his behaviour was sexually violent, coercive, and emotionally abusive, causing harm to both mother and child.

#### **A Mother v A Father & Anor [2024] EWHC 3329 (Fam)**

The mother appealed a judgment that departed from the parent's prior agreements without adequate reasoning. She argued there were procedural irregularities, improper re-opening of past allegations, and failure to assess the child's welfare impacts. The court refused permission to appeal.

#### **W v J [2024] EWFC 351 (B)**

The mother, represented by Dr Charlotte Proudman, appealed a child contact order following serious findings against the father, Kristoffer Paul Arthur White, including serial rape and coercive and controlling behaviour. The appeal

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raised concerns over procedural fairness, undue reliance on Cafcass recommendations without a thorough risk assessment, and the court's failure to consider the mother's trauma and the child's vulnerabilities. The appeal was granted on two grounds, including inadequate risk assessment under PD12J. The case highlights judicial failings in safeguarding victims of abuse and their children. Read more about this case in the [Guardian](#) and the [Bureau of Investigative Journalism](#).

#### [Hannah Summers & Anor v Kristoffer Paul Arthur White & Ors](#) [2024] EWFC 182

Dr Charlotte Proudman successfully represented a mother in an application made by two journalists to publish the father's name in a family court case. He is a serial rapist. The father raped the child's mother on three occasions and coercively controlled her. When he was in the army, he raped a teenage girl and was convicted. He is now on the sex offender's register for life. The father and Cafcass opposed the publication of his name.

#### [Re A \(A Child: Appeal: Case Management Decision: Identity of Expert\)](#) [2024] EWHC 1669 (Fam)

Dr Charlotte Proudman represented the mother at a successful appeal against the instruction of a male psychologist to assess her and the family. The mother asserted that she was a victim of male violence and therefore felt unable to fully engage in the assessment process. In addition, the court failed in its mandatory duty to ensure participation measures are in place for complainants and victims of domestic abuse which prevented her from effectively participating in the case management hearing. The appeal was allowed on two grounds.

#### [Re GB \(Parental Alienation: Welfare\)](#) [2024] EWFC 168 (B) (24 May 2024)

Dr Charlotte Proudman represented the mother in the third published judgment in this case, which followed a successful appeal, a fact-finding hearing in which the mother was found to be a victim of rape perpetrated by the father, resulting in final orders of no direct contact, a s91(14) order (to prevent the father from making additional applications to the court until the youngest child (9) reaches 16), allowing the children to change their surnames, and restricting his parental responsibility.

#### [Re GB \(Parental Alienation: Factual Findings\)](#) [2024] EWFC 75 (B) (28 March 2024)

Dr Charlotte Proudman represented the mother in a case where the father accused her of 'parental alienation' and false allegations. The judge found the father used 'parental alienation' to distress, confuse and frighten her, and he obstructed her relationship with the children. He had raped, gaslit and abused her, persistently video recorded them, which created an atmosphere of control and intimidation, and he used family court proceedings to torment the mother and the children. He had to pay her over £50,000 in costs. The fact-finding judgment came about after the mother brought a successful appeal against a 'psychological assessment' to assess parental alienation. Cafcass had applied for the assessment supported by the father. The judge held 'parental alienation' is a question of fact, not a psychological diagnosis.

#### [Re GB \(Part 25 Application: Parental Alienation\)](#) [2023] EWFC 150

Dr Charlotte Proudman successfully represented the mother at an appeal hearing where the Judge concluded that a psychologist should not be providing an opinion on disputed allegations of parental alienation raised by the father against the children's mother. Instead, parental alienation is question of fact for the court, not an expert to determine. The case marks a shift away from the trend of experts opining on disputed allegations of parental alienation. Read more in [the Guardian](#).

#### [Re A and B \(children: expert's reports\)](#) [2024] EWHC 948 (Fam)

Dr Charlotte Proudman successfully represented a mother in an appeal against the decision to appoint a psychologist to undertake a 'family assessment'. The children's guardian (Cafcass) supported the father's application for a

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psychological assessment. **The ‘expert’ described his main interest as allegations of ‘parental alienation’.** The mother is a victim of domestic abuse; she was accused by the father of parental alienation, which was not proved, as she had promoted contact. The father and the guardian opposed the mother’s appeal. The mother’s appeal was successful and the appointment of a psychologist was set aside.

#### **Re O (Appeal; Duty to Consider Fact-Find) [2024] EWHC 839 (Fam)**

Dr Charlotte Proudman successfully represented a mother in an appeal against an unsupervised child contact order on five grounds, including the previous judge’s failure to consider the mother’s vulnerability and whether she needed special measures, failure to consider whether there should be a fact-finding on mother’s allegations of abuse, and failure to implement PD12J. Despite the father admitting he threatened to slit the mother’s throat in front of the children, the judge referred to it as a “toxic” relationship – not domestic abuse. The appeal was allowed, and the order for child contact was set aside.

#### **Tortoise Media Ltd v A Local Authority & Ors (Rev1) [2024] EWFC 50 (08 March 2024)**

Tortoise media applied to report on care proceedings, in which the parents are under investigation arising out of a suspected ‘illegal abortion’ under the 1861 Act. Dr Charlotte Proudman represented the mother whose children were removed from her care and initially placed into foster care. The mother supported the media’s application to report on the proceedings, as she sought the right to ‘tell her story.’ [Read Tortoise media.](#)

#### **Re TKJ (Abduction: Hague Convention (Italy)) [2024] EWHC 198 (Fam)**

The father applied for the summary return of the child to Italy. Dr Charlotte Proudman successfully represented the mother who made out her Article 13(b) harm defence, thus the father’s application for return was dismissed. The court made findings that the mother was the victim of domestic abuse, including coercive and controlling behaviour, and the father had breached a non-molestation order. A psychiatric report was prepared and the mother was diagnosed as suffering from an ‘adjustment disorder’ in response to the stressor of domestic abuse.

#### **Griffiths v Kniveton & Anor [2024] EWHC 199 (Fam)**

Dr Charlotte Proudman represented Kate Kniveton MP at a final welfare hearing in which the court refused to order direct child contact between the father and child, the court ordered a s.91(14) order for three years, restricted the father’s exercise of parental responsibility and changed the child’s surname to include the mother’s surname. Listen to [C4 news.](#)

#### **Griffiths v Griffiths (Decision on Recusal) [2021] EWHC 3600 (Fam)**

Dr Charlotte Proudman was successful on behalf of Kate Griffiths MP in opposing the father’s application for Mrs Justice Arbthunot to recuse herself. The law in respect of recusal and bias is set out in the judgment.

#### **Griffiths v Griffiths (Guidance on Contact Costs) [2022] EWHC 113 (Fam)**

On behalf of Kate Griffiths MP, Dr Charlotte Proudman successfully appealed an interim decision made by the family court. The court set aside an interim decision for direct contact between the child and the father (who had raped the mother) on the basis that PD12J had not been fully complied with amongst other matters. In addition, the court set aside an order that a rape victim financially contribute towards a rapist parent’s costs of child contact. As submitted by Dr Proudman, the court introduced a strong presumption against a victim ever paying a perpetrator’s costs of contact. This will assist other victims in the future.

#### **Griffiths v Tickle [2021] EWCA Civ 1882**

Dr Charlotte Proudman successfully represented Ms Kate Griffiths MP who sought the publication of the fact-finding

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judgment published with the names of the father and the mother including only modest redactions. The father's appeal against publication was dismissed.

#### [Tickle v Griffiths \[2021\] EWHC 3365 \(Fam\)](#)

Two journalists made an application to publish the fact-finding judgment of HHJ Willisroft with the parent's names. This application was supported by Ms Kate Griffiths MP who was represented by Dr Charlotte Proudman. The application was opposed by the father. The court found in favour of publication. The court highlighted the importance of a victim of rape, domestic abuse and coercive and controlling behaviour having the right to 'tell their story' and the family court should not be used by perpetrators to silence victims.

#### [Griffiths v Griffiths \[2020\] DE1900318](#)

Dr Charlotte Proudman represented Ms Kate Griffiths MP at a fact-finding hearing before HHJ Willisroft in the Family Court at Derby. Mr Andrew Griffiths, a former MP and government minister had applied for a child arrangements order, which was opposed by Ms Kniveton MP due to serious safeguarding concerns pursuant to PD12J. The family court made findings against Mr Griffiths of multiple rapes, domestic abuse, coercive and controlling behaviour (including post-separation coercive and controlling behaviour) and verbal abuse towards the child who was a few weeks old at the time.

#### [DG v KB & Anor \(Re EMP \(A Child\)\) \[2024\] EWFC 12 \(B\)](#)

Dr Charlotte Proudman represented the mother in a transparency order case at a fact-finding hearing where the mother proved she was a victim of rape and domestic abuse perpetrated by the father (see, [DG v KB \[2023\] EWFC 180](#)). At the final hearing, Dr Proudman successfully represented the mother in her applications to terminate the father's parental responsibility, change the child's surname to the mother's surname only, a section 91(14) order until the child turns 16 and for the father to pay the mother £30,000 in costs. The judge held that it was not necessary for the mother to undergo a psychological assessment to prove the impact of rape and domestic abuse upon her, as it would be obvious that rape would cause long-lasting psychological harm. The judge referred to any contact with a rapist father as court-sanctioned abuse. Long read article [here](#).

#### [DG v KB \[2023\] EWFC 180](#)

This was one of the first transparency order cases in private law children proceedings in Carlisle Family Court. First, the trial judge ordered child contact between the father and the child despite the mother's allegations of rape and abuse. The father and Cafcass children's guardian had alleged parental alienation by the mother and asserted there were no safeguarding concerns posed by the father. Second, Dr Charlotte Proudman successfully represented the mother at an appeal hearing on the grounds of not having participation directions such as a screen to prevent her from seeing her alleged rapist when she gave oral evidence (see Part 3A and PD3AA FPR 2010) and failing to consider the mother's allegations of rape and wider patterns of abuse (see, [CM v IP \[2022\] EWHC 2755 \(Fam\)](#)). The judgment was set aside. Third, Dr Proudman represented the mother at a retrial before His Honour Judge Baker where the father alleged parental alienation and the mother alleged abuse. The mother's allegations of rape and other forms of abuse including to the child were found to be true. Long read article [here](#). Guardian report [here](#).

#### [CM v IP \[2022\] EWHC 2755 \(Fam\)](#)

Dr Charlotte Proudman represented a complainant of rape, domestic abuse and coercive and controlling behaviour in the Family Division of the High Court. Dr Proudman was successful on both grounds of appeal: first, the court failed to implement participatory directions (special measures) for the complainant when she gave oral evidence at the final hearing. Second, the Judge was wrong in refusing to hold a fact-finding hearing on the mother's allegations pursuant to PD12J and [Re H-N and Others](#).

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### Re A (A Boy) [2023] EWFC 259

Dr Charlotte Proudman successfully represented the mother on appeal of a complex fact-finding decision where findings of false rape allegations were made against the mother, as well as findings of domestic abuse against the father. The decision was set aside on appeal. The father subsequently made admissions of domestic abuse. The court refused the father's application for interim direct contact with the father pending a re-trial of the parent's cross-allegations.

### Re A (A Child) [2023] EWFC 198

Dr Charlotte Proudman represented the mother at a fact-finding hearing in which the mother alleged sexual abuse, which was found by the court. The father alleged that the mother controlled him by withholding sex; the judge did not find that the father was a victim of domestic abuse. The judge held, "M did not exert controlling or coercive behaviour on F during the relationship. It is hard to conceive of any circumstances in which abstaining from sexual relations could amount to controlling behaviour. There was certainly none here" [§10.1(2)]. This case shows how the family courts approach cross-allegations of domestic abuse made by parents, as well as considering the potential impact of the alleged abuse on the parent and child.

### SP v DM [2023] EWHC 2089 (Fam)

Dr Charlotte Proudman represented the mother at an appeal against a child arrangements order, claiming procedural irregularities. She was heavily pregnant at the time of the fact-finding hearing and was giving blood pressure readings from the witness box. Appeal dismissed.

### AB v CD [2023] EWFC 165

Dr Charlotte Proudman represented the mother in a fact-finding hearing before Mr Justice Moor. The case concerned cross-allegations made by both parents. Mother alleged domestic abuse and emotional harm caused by the father to her and the child. The father alleged parental alienation. Mother had applied for a fact-finding hearing to determine the disputed allegations and ensure a clear factual matrix for the court, professionals and the parties to work from. During cross-examination of the father, he abandoned his allegations of parental alienation [§57] and the judge found that mother had not alienated the child from the father [§78]. In addition, the judge made a number of specific findings in respect of the parent's conduct and behaviour from para 60-75 of the judgment.

### BF v LE [2023] EWHC 2009 (Fam)

Dr Proudman represented the wife at an appeal hearing against refusal to set aside financial remedies order on grounds of lack of capacity and no participatory directions/special measures being in force. The wife was 16 months out of time in appealing. The High Court heard the appeal because of "a compelling reason" rather than "a real prospect of success". The judgment sets out the differences between setting aside and appealing an order, reviews various cases where High Court judges have overturned decisions of the Family Court on the grounds that the judge failed to make participatory directions and special measures, and discusses mental capacity in the context of mental illness and disorders.

### A v B (Appeal: Domestic Abuse) [2023] EWHC 1499 (Fam) (20 June 2023)

Dr Charlotte Proudman represented a mother at an appeal hearing in the High Court that addressed issues of sexual coercion and submission within marriage. The mother alleged that she 'submitted' to sex in the context of a strict religious marriage and that this was a form of sexual abuse. The trial judge said, "The inherent probability of the mother silently submitting to forced sex, often multiple times a day, for several years seems to me to be low. I therefore need to consider whether there is cogent evidence to support that prospect." Despite finding the Recorder's comments about the "inherent probability" of the mother's allegations of rape to be "very unfortunate" amongst other

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things her appeal was dismissed.

Re Z (Disclosure to Social Work England: Costs) [2023] EWHC 982 (Fam)

Dr Charlotte Proudman was successful on appeal on behalf of a victim of domestic abuse, which concluded that a fact-finding hearing judgment which contained the findings of domestic abuse should be disclosed to Social Work England, the father's regulatory body (see, [Re Z \(Disclosure to Social Work England: Findings of Domestic Abuse\) \[2023\] EWHC 447 \(Fam\) \(2 March 2023\)](#)). The mother applied for a costs order against the father and SWE. Mrs Justice Knowles made a costs order against SWE noting that "SWE should have been the appellant and not the mother" (§16) and "Its conduct prior to the start of the proceedings was unreasonable" (§18). Read more in [the Standard](#), [the Guardian](#) and [the Justice Gap](#).

A v B & Anor [2023] EWCA Civ 360 (07 March 2023)

Dr Charlotte Proudman represented the mother in a second appeal in the Court of Appeal where allegations of rape were made in private law proceedings. The case concerned general propositions and the individual appeal. The appellant asserted that there should be a clear and consistent approach to rape, sexual assault and consent in family proceedings; a failure to apply a consistent approach to these issues breached Art 6, 8, 14 ECHR; an application was required if a party sought to rely on a complainant's sexual history; judges should give themselves a warning about rape myths. The individual appeal concerned the trial judge applying the criminal law to allegations of rape; no reference given to PD12J or [H-N](#); and attributing too much weight to a resumption of sexual relations after the alleged rape. The appeal was dismissed and the approach of Knowles J to such cases used in first appeal approved, see [A & Anor v B & Ors \[2022\] EWHC 3089 \(Fam\) \(02 December 2022\)](#).

M v S [2023] RG21PO1079

Dr Charlotte Proudman represented the appellant mother at an appeal hearing in which she successfully set aside a child arrangements order made by consent. Findings of rape of the mother post-separation and during/after child contact and other forms of domestic abuse had already been made at a fact-finding hearing. At a further hearing to decide on contact arrangements, there were no participation directions, which meant that the mother could see the father who had raped her. The Judge encouraged the mother to agree contact arrangements directly with the father, her proven rapist. The Judge failed to address PD12J, Part 3A and PD3AA and leading case law. The child arrangements order was set aside.

Re P (Service on Parent in a Refuge) [2023] EWHC 471 (Fam)

Dr Charlotte Proudman was instructed by Rights of Women in a guidance case on behalf of Latin American Women's Aid, Women's Aid and Refuge. The President addressed the competing challenges when court orders needed to be served on a woman who resided in a women's refuge, especially given the concerns about the inadvertent disclosure of the refuge residential address. Guidance was given in relation to the steps that should be taken to avoid disclosure of the address to other individuals. This is one of the first cases in which 'intersectionality' was defined with specific reference to the vulnerabilities of migrant women. Read more in [the Guardian](#) and [the Law Gazette](#).

Re Z (Disclosure to Social Work England: Findings of Domestic Abuse) [2023] EWHC 447 (Fam) (2 March 2023)

Dr Charlotte Proudman represented a victim of domestic abuse who was abused by her ex-partner, a senior social worker. The mother appealed the trial Judge's refusal to disclose findings of domestic abuse to the father's regulatory body, Social Work England. The mother was successful in her appeal and the Judge handed down guidance on the court's approach to addressing applications to disclose court judgments to regulatory bodies.

D v R [2023] EWHC 406 (Fam)

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Dr Charlotte Proudman represented a complainant of domestic abuse at a successful appeal in which she set aside a fact-finding judgment where her allegations of rape, domestic abuse and coercive and controlling behaviour were not proved. The appeal was allowed because the trial Judge failed in complying with their mandatory duty under s.63 of the Domestic Abuse Act 2021, PD3AA and Part 3A of the FPR 2010 in ensuring that a party who is vulnerable has participatory directions when required (such as a screen). The Judge set out the steps the court is required to take in a case where a party or witness is a victim or is at risk of being a victim of domestic abuse (see §23).

Florence v F & Anor [2021] EWHC 3846 (Fam)

Dr Charlotte Proudman represented Florence, a 15 year old girl in an application to live with her mother. The background is that the court found domestic abuse perpetrated by the father towards the mother and the child. An expert found “alienating” behaviours by the mother. Eventually the court transferred residence of the child to the father. The child had consistently wanted to return to live with her mother. After a successful appeal, the child was separately represented and she achieved an order which allowed her to spend the majority of her time with her mother.

Re P (Inherent Jurisdiction Return: Return Order: Welfare Analysis) [2023] EWHC 225 (Fam) (8 February 2023)

Dr Charlotte Proudman represented victim of domestic abuse and controlling behaviour who fled Nigeria with her child. The father made an application for the return of the child following the wrongful removal of the child from Nigeria to England and Wales. The High Court ordered the return of the child to Nigeria subject to various conditions being met. The mother and the child have applied for asylum and their asylum claim is pending in the first-tier tribunal.

Re P (Inherent Jurisdiction Return: Allegations of Female Genital Mutilation And Domestic Abuse: Fact Finding) [2022] EWHC 1722 (Fam) (04 July 2022)

Dr Charlotte Proudman represented a victim of domestic abuse and controlling behaviour who fled Nigeria with her child. The father made an application for the return of the child following the wrongful removal of the child from Nigeria to England and Wales. The High Court conducted a fact-finding hearing and found allegations of domestic abuse and control proved. The mother and the child have applied for asylum and their asylum claim is pending in the first-tier tribunal which is due to be heard early this year.

HH (A Child: Stay of Order Pending Appeal) (Rev2) [2022] EWHC 3369 (Fam) (23 December 2022)

Dr Charlotte Proudman successfully represented the appellant mother in an application to stay a court order for child contact whilst her appeal is pending in the High Court. The mother is appealing against a fact-finding decisions where none of her allegations were proven.

B v A [2022] EWFC 177 (Fam)

Dr Charlotte Proudman represented a victim of domestic abuse at a fact-finding hearing where some of the mother allegations were proved. The trial Judge made comments about the mother’s intelligence along with other remarks about the mother when making findings about rape and non-fatal strangulation, which the Judge found not proved. The mother successfully appealed the Judgment in A & Anor v B & Ors [2022] EWHC 3089 (Fam).

A & Anor v B & Ors [2022] EWHC 3089 (Fam)

Dr Proudman represented the respondent mothers in two appeals concerning rape, domestic abuse and coercive and controlling behaviour. The court was invited – but declined – to give a consistent definition of rape, sexual abuse and consent in family law proceedings. The mother’s argued that a failure to have a consistent definition is in breach of Article 6, 8 and 14. The decision made clear that the criminal law definitions of rape and consent do not apply in family proceedings. The appeal in D, E was allowed. The Judge said, “Dr Proudman’s submission, that the judge had failed to

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stand back and consider the significance of the findings he had made about the parties' sexual relationship and set these against the other findings he made about the father's behaviour, had real traction" [§124]. A failure to evaluate whether there was a pattern of abusive behaviour has profound implications both for the welfare analysis by Cafcass and the court's final welfare decision.

Q v R [2022] EWHC 2961 (Fam)

Dr Proudman represented the respondent father who opposed the child's summary return to Ukraine under Article 13(b) because it is a war zone according to the father's case. The Judge ordered the summary return of the child to Ukraine. The Judge assessed the grave risk of harm or other intolerable situation by reason of the war or other on the basis of the specific context of the town in far West Ukraine (where the child would be returned to). This is one of few cases in which a summary return order is opposed because the country is a 'war zone'.

A Local Authority v M & Ors. [2022] EWHC 81

Dr Proudman represented a victim of child marriage, FGM and domestic abuse in a family court case where serious findings of abuse were made. The case concerned an extreme religious sect abroad. The family are seeking asylum in the UK. Rather unusually, a special advocate was appointed in the case to assist the court following concerns about the disclosure of sensitive information to another party in the case.

Re B (Children: Police Investigation) [2022] EWCA Civ 982 (15 July 2022)

Anthony Metzger QC and Dr Charlotte Proudman represented the mother in an appeal brought by the Metropolitan Police Service. The Court of Appeal, Civil Division, allowed the appeal from an injunction made by the High Court under its inherent jurisdiction. The court held that the injunction impermissibly interfered with an operational decision made by the MPS regarding the scope and manner of a criminal investigation to be conducted into the circumstances of the case.

M (A Child : Private Law Children Proceedings: Case Management: Intimate Images) [2022] EWHC 986 (Fam) (29 April 2022)

Dr Proudman represented the mother in a case concerning the admission of sexual images and videos and participation directions for vulnerable witnesses. The mother alleged rape, domestic abuse and coercive and controlling behaviour. The father sought to rely on sexual footage to show that the parties had consensual sex and the mother was not raped. The mother opposed the admission of such material and argued that it re-traumatised her. For the first time, the Court handed down guidance on the admissibility of intimate material in domestic abuse cases. PD12J is silent on the admission of such material. Following a psychological assessment of the mother, the Court set out thorough participation directions for the mother to ensure she could give her best evidence. The case came before the Court for a preliminary issue hearing after the mother's appeal of the first fact-finding judgment was allowed.

Traharne v Limb [2022] EWFC 27

Dr Proudman represented the wife at a final hearing for financial remedies on divorce. The wife made an application for the post-nuptial agreement to be set aside due to coercive and controlling behaviour.

B v P [2022] EWFC B18

Dr Proudman represented the mother in an application to appeal the fact-finding judgment, which was allowed. The appellate Court held that the trial Judge minimised domestic abuse and failed to apply the law concerning domestic abuse.

Re B-B (Domestic Abuse: Fact-Finding) (Rev1) [2022] EWHC 108 (Fam)

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The mother's case formed one of the four linked appeals in the Court of Appeal, Re H-N and Others (children) (domestic abuse: finding of fact hearings) [2021] EWCA Civ 448, in which she was successfully represented by Dr Proudman. A consent order made by HHJ Scarratt in August 2019 was set aside after he threatened to have the child adopted if the mother continued with her allegations of rape and domestic abuse. The matter came before Mr Justice Cobb for a re-hearing at a five day fact-finding hearing. The mother proved her allegations of domestic abuse on the balance of probabilities this included that the father raped and sexually abused her, was verbally abusive and controlled her. The mother had the benefit of giving her evidence with participatory directions in place This was one the first cases in which "gaslighting" was found to be a form of domestic abuse.

#### Re A (Jurisdiction: Family Law Act 1986) (Application for Amplification) [2021] EWFC 105

Dr Proudman was successful on behalf of a mother in opposing the father's application to initiate private law children proceedings in England and Wales. The parents and the children lived abroad in countries that are not signatories to the 1996 Hague Convention. The case concerned complex questions in respect of the interpretation of s.2(1)(b)(i), ss.2A(1)(a)(ii) and 42(2) the Family Law Act 1986. Dr Proudman's interpretation was favoured by the High Court.

#### GK v PR [2021] EWFC 106

Dr Proudman was successful on appeal on behalf of a mother in overturning a fact-finding decision in which no findings were made on the mother's allegations of rape, domestic abuse and coercive and controlling behaviour. The appellate court held that the trial judge minimised the significance of the allegations of abuse, for example, allegations that the father called the mother dirty, fat, fucking stupid, fucking die... were regarded by the judge as stuff of many a "matrimonial row" (§40). The appellate court also highlighted that the family court does not need to find "intentional misconduct" for a finding of abusive behaviour to be made (§40). The appellate court also held that there is a duty on the court to ensure that there are special measures in place to assist a vulnerable witness to give her best evidence. In this case, a complainant of rape did not have special measures and she could see the father when giving evidence; she was subsequently admitted to hospital because she struggled to breathe; and she attended the remote hearing the following day from her hospital bed.

#### M (A Child) [2021] EWHC 3225 (Fam)

Dr Proudman successfully represented the mother at an appeal in the High Court. The mother alleged rape, domestic abuse and coercive and controlling behaviour ("CCB") by the father. At the fact-finding hearing, no findings were made on the mother's allegations and the Judge found that the mother had fabricated one incident of anal rape. The mother applied for permission to appeal out of time, which was granted. The appeal was allowed on two grounds: 1. There were no special measures for the mother who was a vulnerable party; and 2. The judge failed to balance all of the evidence together. This is an important case because it addresses: a) the duty on courts to ensure that vulnerable witnesses have special measures; b) the mother's vulnerabilities which the trial Judge failed to take account of; c) if a complainant wishes to remain in a relationship (perhaps because of her vulnerabilities) that does not mean that the relationship is not abusive; and d) the judgment also touches on whether it is relevant for a party to submit videos of sexual intercourse to refute allegations of rape on a different occasion. This gives rise to the so-called 'sexual history' defence. This is the first judgment that touches on the relevance of sexual history in family proceedings.

#### SS v MCP (No. 2) [2021] EWHC 2898 (Fam)

Dr Proudman successfully represented the mother following the court's refusal to grant the Father's application to invoke *Parens Patriae* and order the return of the child from India to England. The case set out the leading principles regarding when *Parens Patriae* can be invoked by the family courts.

#### C-603/20 PPU – MCP

Following Mr Justice Mostyn's application for an urgent preliminary ruling from the CJEU in the case of SS v

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MCP [2020] EWHC 2971 (Fam), Anthony Metzger QC and Dr Charlotte Proudman successfully represented the Mother at a hearing before the Court of Justice of the European Union (“CJEU”). The CJEU concluded that Article 10 of Brussels IIa applied to member states and not to third states, such as India.

SS v MCP [2020] EWHC 2971 (Fam)

Dr Charlotte Proudman represented the Mother in a child abduction case in which the Father had applied for the immediate return of the child from India to the UK. The Mother opposed the Father’s application. The court found that the child is habitually resident in India having spent around two years there. However, the court held that the legal position in respect of whether the court retains jurisdiction to make orders in respect of the child was unclear due to the ambiguity of the territorial reach of article 10 of Brussels 2. As such, the court referred the case to the Court of Justice for an urgent preliminary ruling.

The Secretary of State for Justice v A Local Authority & Ors (Rev1) [2021] EWCA Civ 1527

Dr Proudman was instructed by Centre for Women’s Justice on behalf of the interveners in an appeal brought by the Secretary State of Justice. The Court of Appeal held that care workers could commit a criminal offence if they were to make the practical arrangements for C to visit a prostitute. C was unable to make the arrangements for himself because of mental incapacity. The CWJ submitted evidence on behalf of two women’s charities showing the harm that is caused to girls and women in prostitution. It was submitted that it is impossible to be satisfied that a woman has not been subject to exploitative conditions which could result in criminal liability. Our submissions were relied on by the Court of Appeal.

A (Domestic abuse: incorrect principles applied) [2021] EWFC B30

Dr Proudman successfully represented the Mother on appeal. The Appellate court overturned the decision of DDJ Watson following a flawed fact-finding hearing. The learned Judge fell into error because he (a) failed to address and follow the provisions of Practice Direction PD12J; (b) failed to identify and apply the correct definition of domestic abuse; (c) failed to identify that a child who sees or hears, or experiences the effects of abuse between parents is a victim of domestic abuse; (d) minimised the father’s alleged conduct as ‘inappropriate parenting’; (e) reducing the gravity of abuse because it took place in a ‘domestic setting’; (f) applied criminal principles to family law proceedings; (g) incorrectly considered violence to be a more serious form of abuse than coercive and controlling behaviour; (h) referred to an alleged domestic abuse incident as “highly situational”; (i) the judge’s demeaning comments about domestic abuse were “wholly inappropriate and not what one may expect a judge of the Family Court to condone”; (j) the Judge failed to consider that the Mother was a vulnerable witness and implement special measures; the Mother cried during the cross-examination of her; there was no screen; there was no ground rules hearing; (k) the Mother was restricted in the presentation of her allegations of abuse preventing her from making out her case. This case has been remitted for a re-trial before a different judge.

Re H-N and Others (Children) (Domestic Abuse: Finding of fact hearings) [2021] EWCA Civ 448

Dr Charlotte Proudman represented two of the four appellant mothers at the substantive appeal hearing. The Court of Appeal handed down general guidance on the family court’s approach to allegations of rape, domestic abuse, and coercive and controlling behaviour. Dr Proudman had successfully applied for permission to appeal, out of time, in three of the four linked appeals, Re B-B, Re H and Re T. Dr Proudman was successful in overturning a consent order in the case of Re B-B in which the mother was coerced to accede to.

Re E, S and Y (Children: Care and Placement Orders) [2021] EWFC B2 (02 February 2021)

Dr Proudman represented a mother opposing a care order and placement order in respect of her three children. The local authority alleged domestic abuse between the mother and her former partners causing the children harm. Findings were made in respect of domestic abuse. The court also found that one of the fathers physically

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assaulted a child, which constituted non-accidental injury. The court made a number of serious findings relating to domestic abuse and neglect in the family home. The court made a care order and a placement order in respect of the three children. The decision shows the serious orders that can be made by the family courts in domestic abuse cases to ensure that children are not harmed in the family household.

CD v Blackburn with Darwen Borough Council (adoption set aside) (Rev 1) [2020] EWHC 3411

Dr Charlotte Proudman represented children's relatives whom applied for care, placement and adoption orders to be revoked. Applying for care, placement and adoption orders to be revoked is a very high test to meet. Dr Proudman was instructed on behalf of the children's family members to make this application on the basis that they had not been thorough assessed by the local authority prior to the final orders being made.

C (A Child: Parental Order & Child Arrangements Order) [2020] EWHC 2474 (Fam)

C (A Child: Parental Order & Child Arrangements Order) [2020] EWHC 2141 (Fam)

Dr Proudman represented the local authority following an application on behalf of the husband and wife for a parental order. A child had resulted from a surrogacy arrangement and the wife had then arranged a further surrogacy without the husband's knowledge or consent.

AB v AN & Anor [2020] EWHC 2048 (Fam)

Dr Charlotte Proudman represented the mother in application for an FGMPO on behalf of her daughter at risk of FGM in Nigeria. The family do not have secure immigration status. The mother applied for expert assessments and the appointment of a children's guardian.

Re A (A Child) (Rev 1) [2020] EWCA Civ 731.

Karon Monaghan QC and Dr Proudman represented the mother before the Court of Appeal in an FGMPO case. The court upheld the decision of the President namely that the family court has a duty to form its own assessment of risk of FGM unencumbered by the outcome of a materially different process in the immigration jurisdiction.

Re A (A child) (Female Genital Mutilation Protection Order Application) (Rev 1) [2020] EWHC 323

Dr Proudman represented the mother at a final hearing in an FGMPO case in which the court found that the girl would be at a high risk of FGM if she is returned to Bahrain or Sudan.

**Re A (A Child: Female Genital Mutilation: Asylum [2019] EWHC 2475**

Karon Monaghan QC and Dr Proudman represented the mother in an application for a FGMPO on behalf of her daughter before the President of the Family Division. The President ordered that the family court cannot prohibit the Home Secretary from removing a girl at high risk of FGM from this jurisdiction. The family court must conduct its own risk assessment of FGM even when the immigration tribunal has conducted an earlier risk assessment.

**Re X (Female Genital Mutilation Protection Order. No.2) [2019] EWHC 1990 (Fam)**

Nkumbe Ekaney QC and Dr Proudman represented the mother in an application for a FGMPO on behalf of her daughter. The local authority applied for a travel ban to prohibit a girl from leaving the jurisdiction to visit her father in Egypt due to a risk of FGM. After various expert reports, the court allowed the child to visit the father in Egypt for a short trip. The court gave guidance on both the macro and the micro factors that must be taken into account when deciding whether a travel ban ought to be imposed in a case where FGM is a risk.

**X v Y [2019] EWHC 1713 (Fam)**

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Dr Proudman was successful in appealing a child arrangements order where provisions for child contact were set out in recitals rather than in the body of a court order.

BA & Anor v JA & Ors (female genital mutilation protection orders and immigration appeals) [2018] EWHC 1754 (Fam)

Dr Proudman represented the parents of a child at risk of FGM abroad. The court gave guidance that an application for an FGMPO should only be made when the family's immigration appeal rights have been exhausted.

B v M [2018] EWHC 1473 (Fam)

Dr Proudman was instructed in a public law children fact-finding hearing in which they represented private foster carers who had fostered a child for several years. The judge found that the parents abandoned the child and the local authority breached its duties under the private fostering regulations. The judgment provided important guidance on the duties under private fostering arrangements.

AAM v KG [2018] EWHC 283 (Fam)

Dr Proudman represented the appellant who appealed the trial judge's order of nullity on the ground of polygamy. The case involved issues of validity of marriages overseas, the necessity of documentary evidence proving the existence of a marriage and the relevance of expert evidence.

Petroleum Company of Trinidad and Tobago Limited (Appellant) v Ryan and another (Respondents) (Trinidad and Tobago) [2017] UKPC 30.

Dr Proudman was led by Jonathan Crystal and Romie Tager QC in an appeal upheld by the Privy Council to set aside the Court of Appeal's decision to reverse the trial judge's findings concerning the escape of hydrocarbon fumes from an oil well causing medical injuries.

Rodwell [2016] EWHC 1731 (Fam)

Dr Proudman represented the father who sought the return of his children to Spain but the children's whereabouts were unknown and they were unlikely to be habitually resident in England and Wales thus the court had no jurisdiction and the application was dismissed.

## Immigration

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Charlotte is experienced in judicial review cases that overlap with family law including asylum claims, unaccompanied minors, Article 8 ECHR and domestic violence ILR route. With extensive experience in violence against women and girls internationally, Charlotte specialises in cases involving FGM, honour-based violence, trafficking for the purposes of sexual exploitation and religious conversion.

Charlotte is often successful in such cases including: an 18-year-old girl at risk of FGM in Sierra Leone; Tamil family at risk of violence in Sri Lanka; woman trafficked from Albania to England and sexually exploited; Nigerian woman beaten by her husband and successfully applied for ILR on the basis of domestic violence; and an Iranian woman who converted to Christianity.

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**Human rights claims:** Charlotte is adept at raising novel legal challenges that have the potential to be ground-breaking. Charlotte is an expert in Judicial Review, Equality Act claims and Human Rights Act claims in civil, family and immigration cases. She is instructed in claims against local authorities for failing to comply with their duties to children, sexual harassment cases on university campuses and so-called revenge porn cases.

## Appointments

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- Senior Research Associate, Intellectual Forum, Jesus College, Cambridge (continuing)
- Research Associate, University of Cambridge (continuing)
- Fellow Commoner, Queens' College, Cambridge (2021-2022)
- Junior Research Fellow, Queens' College, Cambridge (2018-2021)
- Gender-based Violence expert, the European Institute for Gender Equality (continuing)
- Visiting Scholar, Berkeley Law School, (2019)
- Affiliated Researcher, Department of Sociology, University of Cambridge (2017-2018)
- Fellow of the Royal Society for the encouragement of Arts, Manufactures and Commerce (2016-2017)
- Visiting Researcher, Harvard Law School (2015)

## Memberships

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- Family Law Bar Association
- Lincoln's Inn

## Awards

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- International Legal and Professional Development Grant, Bar Council (2020)
- Economic and Social Research Council Studentship (2013)
- International Legal and Professional Development Grant, Bar Council (2013)
- Wolfson Scholarship, Lincoln's Inn (2011)
- Queens' College Award, Cambridge (2010 and 2011)
- Continuing Education Scholarship, Lincoln's Inn (2010 – 2011)
- Human Rights Lawyers' Association Bursary (2010)
- Hardwicke Scholarship, Lincoln's Inn (2009)

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