

Mary-Rachel McCabe



Call: 2015

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Profile

Mary-Rachel has a busy Court of Protection practice and regularly acts in cases concerning residence, care and deprivations of liberty. Mary-Rachel has particular expertise in hoarding cases, where her housing and mental capacity law expertise intersect, and in cases involving children or young adults with autism. Mary-Rachel acts for vulnerable adults, children, their families, and statutory bodies. She is frequently instructed by the Official Solicitor.

Mary-Rachel has a particular interest in disability and children's rights. She regularly acts in urgent judicial review proceedings for children who are street homeless or otherwise in need of support or accommodation. She also acts for children in Human Rights Act damages claims against local authorities, including claims arising out of delays by local authorities in issuing care proceedings. She represents disabled children and their parents in judicial review proceedings against local authorities relating to their care packages.

In 2018, Mary-Rachel was awarded a Pegasus Scholarship by Inner Temple. She travelled to New Zealand for two months to work at YouthLaw, the country's only dedicated law centre for children and young people.

Mary-Rachel has contributed to *Disabled Children: A Legal Handbook* (Legal Action Group,

Third Edition, 2020). She also co-authors the Court of Protection updates for Legal Action Magazine.

Mary-Rachel was proud to act as junior counsel in **Re: Northern Ireland Human Rights Commission** [2018] UKSC 27, a landmark case concerning access to abortion for women in Northern Ireland.

Prior to joining the Bar, Mary-Rachel worked as a paralegal in the youth justice and strategic litigation team at Just for Kids Law. She also worked at Hackney Community Law Centre, where her interest in social welfare law was sparked.

Education

LLB Law with Spanish (1st Class Honours), University of Sussex and University of Seville (2007-2011)

Harmsworth Scholarship, Middle Temple (2013)

Bar Professional Training Course (Very Competent), City University (2013-2015)

Languages

Spanish

Related practice areas

Housing, Social Welfare & Property

Court of Protection & Mental Health

Community Care and Health

Administrative & Public Law

Children's Rights Group

Community Care and Health

Mary-Rachel regularly advises and acts in judicial review proceedings relating to the provision of accommodation and support to vulnerable adults and children, under the Care Act 2014 and Children Act 1989.

Mary-Rachel also has a growing practice acting for children in Human Rights Act damages claims against local authorities, including claims arising out of delays by local authorities in issuing care proceedings.

Mary-Rachel is happy to undertake work on an urgent basis where required. She frequently acts in urgent judicial reviews for children who are street homeless or otherwise in need of support or accommodation; or for disabled adults without appropriate care packages. Mary-Rachel is often instructed on behalf of migrant families affected by the exclusions under the Nationality, Immigration and Asylum Act 2002. She has successfully secured interim relief for vulnerable children and their families in a number of claims. Examples include:

- **R (AT & KT) v Lewisham LBC**: Claim for judicial review of the local authority's failure to conduct an assessment under section 17 Children Act 1989 and to provide interim accommodation to a homeless single mother and her young children; settled following the authority's agreement to conduct an assessment and provide accommodation.
- **R (N) v Greenwich [2016] EWHC 2559**: Successful judicial review of refusal to provide accommodation under section 17 Children Act 1989 where the mother did not have the right to rent (reported in **Legal Action 2016/17, Dec/Jan, 17-21**; J.H.L. 2016, 19(5), D71-D72)

Housing and Social Welfare

Mary-Rachel frequently advises and represents tenants in relation to possession proceedings; disrepair; and tenancy deposits.

Her possession work includes defending tenants on a range of public and private law grounds, as well as representing disabled clients or those who lack capacity to litigate.

Mary-Rachel has particular expertise in hoarding cases, where her housing and mental capacity law expertise intersect. She is frequently instructed by the Official Solicitor.

Court of Protection

Mary-Rachel has a busy Court of Protection practice and regularly acts in cases concerning residence, care and deprivations of liberty. She has also received instructions relating to

sex. Mary-Rachel has particular expertise in hoarding cases, where her housing and mental capacity law expertise intersect, and in cases involving children or young adults with autism. Mary-Rachel acts for vulnerable adults, children, their families, and statutory bodies. She is frequently instructed by the Official Solicitor.

Mary-Rachel recently appeared before Senior Judge Hilder in what was the Court of Protection's first application seeking authorisation to deprive a 16-year-old of his liberty, without any other s16 MCA issues, following the landmark case of *Re D (a child)* [2019] UKSC 42.

Mary-Rachel was also recently instructed by the Official Solicitor on behalf of a young man with autism and severe learning disabilities in a contested two-day hearing concerning his deprivation of liberty in the community, and issues around contact with his family. She appeared against several of the young man's family members, who were acting as litigants in person.

Mary-Rachel co-authors the Court of Protection updates for Legal Action Magazine.

Public Inquiries

Mary-Rachel was recently instructed as junior counsel (led by Caoilfhionn Gallagher QC), acting for 44 complainant core participants in the Independent Inquiry into Child Sexual Abuse.

Education Law

Mary-Rachel has represented parents and local authorities in appeals against Education, Health and Care Plans in the First-Tier Tribunal. She welcomes instructions in related judicial review proceedings.