

Francesca O'Neill

Call: 2012

	foneill@dekachambers.com
	+44(0)20 7832 0500



Francesca is recognised as “an absolute pleasure to work with”, “formidable on her feet” and is praised for her commercial nous in both major legal directories. She is “an excellent advocate who produces clear, concise and persuasive documents and precise advice”.

She has particular expertise in trial and at contested hearings and her practice is chiefly focussed on Professional Negligence, Clinical Negligence, and Public Authority Liability (including abuse, and high profile cases that consider the imposition of negligence liability, see eg. *Osborne & Anor v Cambridgeshire County Council* [2022] EWHC 1982). She is very experienced in making technical interlocutory applications, and is frequently instructed to appear in the High Court and on appeal as sole Counsel (recently, *Chehaib v Kings College Hospital NHS Foundation Trust* and others [2024] EWHC 2 (KB)).

In 2023, she was appointed a part-time Judge of the First-tier Tribunal, sitting in the Health and Social Care Chamber.

Francesca is on the Attorney-General’s Panel of Counsel and is instructed by the Government in a range of cases – particularly those that involve vexatious litigants (see eg. *Soeb v Secretary of State for the Home Office* [2021] EWHC 3403 (QB), *Morrell v Health & Safety Executive* [2022] 6 WLUK 142).

Francesca sits on Inner Temple’s Bar Liaison Committee and on the Education & Training Strategy Working Group.

Before coming to the Bar, Francesca read History at Cambridge University, where she was a Senior Exhibition Scholar. She obtained an MSc from the London School of Economics (Distinction) before studying for the Bar at City University. The Inner Temple awarded her consecutive Major Scholarships and she won The Times Ashley Jackson Law Prize.

Areas of Expertise

Professional Negligence

Francesca has particular interest and experience in professional indemnity work and has advised and acted for both claimants and defendants in professional liability actions involving solicitors, barristers, surveyors, architects, accountants, insurance brokers, and construction professionals.

She frequently advises on technical claims worth in excess of a million pounds, and has a formidable track record at trial, regularly appearing in the High Court as sole Counsel (see, recently, *Ellis v John Hodge Solicitors (A Firm)* [2022] EWHC 2284 (Comm) and *Osborne v Arnold* [2022] EWHC 1982 (Admin)). She has acted for a range of insurers in the London market including Travelers, Hiscox, and LawSelect.

Francesca is ranked as a Leading Junior in Professional Negligence by both the [Legal 500](#) and by [Chambers & Partners](#):

"Formidable on her feet. Highly experienced and it shows in her gravitas, which goes much further than you would expect given her Call"

"She is very attentive to detail and provides succinct advice. She is also a great speaker which makes her very persuasive in court"

"Francesca provides clear and concise advice. She has great commercial awareness and understanding of clients' needs."

"She has excellent knowledge of the law and good commercial nous. An excellent advocate who produces clear, concise and persuasive documents and precise advice"

Her instructions come from most leading professional indemnity solicitors' firms, and she has built a reputation for being approachable and efficient. She has developed a particular expertise in solicitors' negligence and is regularly instructed directly by the in-house team at Irwin Mitchell to give substantive advice on claims intimated against them. She recently authored the Thomson Reuter's Practical Law Note on professionals' scope of duty.

Joseph Arazi, Head of Legal at Travelers Legal says *"One of the reasons I have instructed Francesca over other Counsel is because of her commercial acumen"*.

Notable Professional Negligence cases

[Harry v Curtis Law LLP](#)

Francesca successfully represented the Defendant firm at a 2 day trial examining the scope of the retainer of solicitors who undertake low-cost but high volume conveyancing work.

[XY v LTG LLP](#)

A case involving alleged negligent representation at a judicial review which concerned the activities of a security services informant.

[H LLP v NAS LLP](#)

A case in which a barrister's advice as to the rescission of a commercial contract arising out of a £3.6mn property purchase was considered, and the duties of a stakeholder to pay out a deposit held as a stake was in question.

[G v KJ LLP](#)

A claim pleaded in excess of £1mn arising from allegedly negligent advice arising from an employment dispute.

Clinical Negligence & Healthcare

Francesca also has a strong background in clinical negligence claims and has been instructed by both Claimants, NHSR and the MDU to appear at contested hearings in cases worth in excess of £2 million. She has particular interest and experience in cases

involving GPs, alleged surgical errors, maternity claims, and delayed diagnosis claims. She regularly appears in the Masters' corridor and has developed notable expertise in striking out high value claims. She is "go-to Junior Counsel for difficult clinical negligence claims" and has experience in running substantial claims to trial.

Francesca has appeared at Inquests on behalf of NHS Trusts and has expertise in mental health- related deaths. She is instructed by the Ministry of Justice in Article 2 Inquests and claims arising from prison deaths. She has a particular interest in women's health related matters and is on the Centre for Women's Justice Panel of Counsel.

She is ranked as Band 3 for Clinical Negligence, amongst other practitioners vastly more senior and frequently appears against very senior Juniors and Silks at court.

Notable Clinical Negligence & Healthcare cases

ML v PG & X Hospital

Francesca acted for the Claimant who had undergone negligent eye surgery while a clinical trial of new surgical equipment was being undertaken. There was no informed consent.

SC v AK

Instructed by the defendant surgeon accused of negligently operating on the knee of a footballer who was claiming in excess of £1mn in damages. The case raised questions of fundamental dishonesty.

JM v NT NHS Trust

Instructed by the executors of the deceased, who died after hospital admission and where there was an allegation of a failure to diagnose and treat an aorto-enteric fistula.

HL v HE NHS Trust

Instructed by NHSR defending a claim concerned with the late diagnosis of an infection which resulted in the partial loss of an 18-month old boy's arm, where the Claimant was represented by a QC.

Local Authority Liability and Personal Injury

Francesca's background in commercial disputes ensures that Francesca is able to advise on complex claims that involve multiple areas of law: from personal injury to insurance fraud. Recently, Francesca struck out a £5.5 million claim as a collateral attack on a decision of the family courts in the High Court before Mr Justice Knowles.

Francesca has represented Local Authorities across the UK in defending claims related to accidents and especially where the question of tortious liability is legally complex (see, eg. *Osborne v Arnold* [2022] EWHC 1982 (Admin)). She frequently advises on

social services and police claims (many of which include claims brought under the Human Rights Act) and is sensitive and proficient in dealing with Litigants-in-Person. She has a busy practice encompassing high value and complex brain and spine injury and occupational stress claims.

Public Sector & Human Rights

Francesca has represented Local Authorities and Police Forces across the UK in defending claims related to accidents, alleged historic sexual abuse, and data breaches – and especially where the question of tortious liability is legally complex.

She frequently advises on social services and police claims (many of which include claims brought under the Human Rights Act 1998 and Equality Act 2010) and is sensitive and proficient in dealing with Litigants-in-Person.

She is also frequently instructed in internal disciplinary proceedings by the Metropolitan Police.

Notable Public Sector & Human Rights cases

O v Cambridgeshire County Council

Instructed as sole Counsel by the Local Authority in a 'rolled-up' Judicial Review (in the Family Division of the High Court) regarding the rights of same-sex couples to register as parents of a child born by IVF treatment.

G v Wakefield Council

Instructed to advise on the liability of the local authority regarding the suicide of a young person in their care.

Morell v Health & Safety Executive

A successful application for an Extended Civil Restraint Order arising from the continuing vexatious attempts of the claimant to subvert a prohibition order requiring him to desist from holding himself out as an inspector of children's bouncy castles.

G-H v Hampshire County Council

Instructed to strike out a claim brought arising from alleged historic sexual abuse while the claimant attended a local school, but time-barred and where the capacity of the claimant was in doubt.

Wilson v Wedgbury

Instructed on behalf of a local councillor who had given a BBC interview allegedly defaming a local landlord. The claim was struck out.

Francois v London Borough of Waltham Forest

Instructed to defend a long-running claim concerning the alleged breach of the claimant's entitlement under the Data Protection Act 1998 to information in response to a wide-ranging and poorly particularised Subject Access Request.

Roberts v Commissioner of the Metropolis

Instructed to defend a claim for unlawful arrest, detention and aggravated damages arising from racial discrimination. The claim was struck out.

Logun v Prime Minister's Office, Foreign & Commonwealth Office, & Ministry of Justice

Instructed on behalf of 3 Government departments to defend a vexatious claim alleging breaches of the claimant's Article 6 rights.

Hallroy v Ministry of Justice

Instructed to defend a claim of racial discrimination arising from the decision to refuse the claimant (a prisoner) employment in a call centre, where his Jamaican accent was pronounced.

Personal Injury

Francesca has a busy practice encompassing high value and complex brain and spine injuries and occupational stress claims. Her personal injury practice is closely linked to her other work for local authorities and most of these cases are those involving questions of Employer's Liability, Occupier's Liability and often those which have overlapping employment and human rights aspects or collateral attacks.

Notable Personal Injury cases

C v MW Fire Service

A claim in occupational stress arising from a ex-fireman's service during which he was involved in distressing episodes.

T v Norfolk & Suffolk NHS Trust

A claim in occupational stress and psychological distress arising from an admitted data breach of private information relating to the claimant, an employee.

FM v B&Q Ltd

A claim arising from an alleged subtle brain injury sustained when a pallet of goods fell on the claimant, a subcontracted employee working in a B&Q store. His status as an employee for whom the Defendant had responsibility was a key factor.

M v Boots UK Plc

Instructed by the claimant, an employee who suffered serious injury when a shop sign spontaneously detached and fell on her.

Brooks v London Borough of Waltham Forest

Francesca was successfully instructed to strike out a claim for £5.5mn in the High Court which represented a collateral attack on a decision of the Family Courts.

Civil Fraud

Francesca O'Neill is experienced and tenacious in the defence of fraudulent civil claims. Having secured many findings of fundamental dishonesty as sole Counsel, she now has a niche practice in much larger scale suspected fraud rings and credit hire cases. Most recently, she struck out a fraudulent claim worth in excess of £100,000, obtained a costs order on the indemnity basis, and succeeded in persuading the Judge to order the Claimant's solicitors (who had applied to come off the record) to show cause why they should not be personally liable for the wasted costs of the Defendant insurer. Francesca also has detailed knowledge of s.32 of the Limitation Act, and can advise on claims where arguments about limitation, fraud and mistake run concurrently with her wider professional liability practice.

Education

- University of Cambridge, MA
- London School of Economics, MSc
- City University, GDipLaw & BPTC

Appointments

- Junior Counsel to the Crown (Attorney-General's Panel of Counsel)
- Fee-paid Judge of the First-tier Tribunal (Health, Education & Social Care Chamber)
- Member of Inner Temple's Bar Liaison Committee

Awards

- Inner Temple Major Scholarship (GDL & BPTC)
- *The Times* Ashley Jackson Law Prize
- *Lawyer Monthly Magazine* "Women in Law Award"
- Senior Exhibition Scholar, University of Cambridge
- Royal Commonwealth Society Research Scholarship

Notable Cases

- *Harry v Curtis Law LLP*, in which Francesca successfully represented the Defendant firm at a 2 day trial examining the scope of the retainer of solicitors who undertake low-cost but high volume conveyancing work (see <https://www.lawgazette.co.uk/news/conveyancer-on-fixed-fee-had-limited-duties-to-client-court-finds/5111935.article>)
- *XY v LTG LLP*, a case involving alleged negligent representation at a judicial review which concerned the activities of a security services informant;
- *HLLP v NAS LLP*, in which a barrister's advice as to the rescission of a commercial contract arising out of a £3.6mn property purchase was considered, and the duties of a stakeholder to pay out a deposit held as a stake was in question;
- *Brooks v London Borough of Waltham Forest*: successfully instructed to strike out a claim for £5.5mn in the High Court which represented a collateral attack on a decision of the Family Courts.
- *Logun v Prime Minister's Office, Foreign & Commonwealth Office, & Ministry of Justice*: instructed on behalf of 3 Government departments to defend a vexatious claim alleging breaches of the claimant's Article 6 rights.
- *Morell v Health & Safety Executive*: a successful application for an Extended Civil Restraint Order arising from the continuing vexatious attempts of the claimant to subvert a prohibition order requiring him to desist from holding himself out as an inspector of children's bouncy castles.
- *O v Cambridgeshire County Council*: instructed as sole Counsel by the Local Authority in a 'rolled-up' Judicial Review (in the Family Division of the High Court) regarding the rights of same-sex couples to register as parents of a child born by IVF treatment.
- *HL v HE NHS Trust*: Instructed by NHSR defending a claim concerned with the late diagnosis of an infection which resulted in the partial loss of an 18-month old boy's arm, where the Claimant was represented by a QC.
- *Re OD*: an Inquest into the death of a newborn baby and serious health consequences for the mother following a failure to monitor and recognise dangerously low sodium levels. Questions of gross negligence manslaughter arise.

Accreditation Logos

