Francesca O'Neill

Call: 2012

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Francesca O'Neill is "is an absolute pleasure to work with"... "a fierce and meticulous advocate with technical and procedural expertise at her fingertips" known for "powerful and clever advocacy, capable of blowing other advocates out of the water". She is "brilliant on her feet, eloquent, confident and astute with her opponents and the court" and has "a gift for distilling complicated information into a powerful argument" (say ***Chambers & Partners***, and the ***Legal 500***)

Her practice includes multi-million pound negligence claims in respect of doctors, lawyers, accountants, insurance and construction professionals, and high-profile cases examining the duty of care owed by public authorities, NHS Trusts, the police & emergency services, and the Government. Cases often span multiple areas of law, and she is highly ranked by the legal directories in each of her practice areas.

She has particular expertise on matters of procedure (Chehaib v KCH NHS Trust [2024] EWHC 2 (KB), Butler v Ward [2025] EWHC 877 (KB)), costs (Captivatiun Ltd v Orr Litchfield Solicitors Ltd [2025] EWHC 679), and at Inquests of high complexity, all as sole Counsel. She has been instructed to intervene in the Court of Appeal, also un-led.

Francesca is on the Attorney-General's B Panel of Counsel.

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

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, eg, ***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,

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Hiscox, ChinaRe, and LawSelect.

She is particularly noted for her tactical nous, commercial good sense, and excellent advocacy skills.

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

"Francesca is a go-to barrister for professional negligence matters. She provides sound advice and is calm and assured."

"Francesca is an absolute pleasure to work with. She takes a robust yet commercial approach to her advice and is a fearless advocate. She is knowledgeable and experienced, particularly on procedural points."

"Francesca provides clear, sensible advice and does not pull punches when it comes to advocacy."

"She provides a great service and is always on hand to assist."

"Francesca's communication skills are excellent. She always has a good grasp of the issues and has great tactical awareness."

"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 solicitors' firms, and she has built a reputation for being approachable and efficient. She recently authored the Thomson Reuter's Practical Law Note on professionals' scope of duty.

Notable Professional Negligence cases

SLW v Roythornes LLP

A £1.5mn claim against solicitors in an underlying property transaction, dealing with the possible liability of successor practices and the effectiveness of disclaimers

W v Hennessey

Following the decision in Wainwright v Griffin [2017] EWHC 2122 (Ch), a claim against an accountant who produced an allegedly defective valuationn of a £4mn property as part of a commercial liquidation

Balwant Singh v Healys

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A claim arising from alleged negligence in the pursuit of a personal injury claim worth in excess of £3 million, when a construction worker lost his legs in a building site accident

H v Flannagans LLP

A claim against accountants arising from the allegedly fraudulent filing of Companies House documents, leading to the loss of two multi-million pound companies.

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, the MDU, MDDUS, and NWSSP to appear at contested hearings in cases worth in excess of £2 million. She is ranked as Band 3 for Clinical Negligence, alongside other practitioners vastly more senior and frequently appears against very senior Juniors and Silks at Court

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.

Francesca has appeared at Inquests on behalf of NHS Trusts and has expertise in mental health- related deaths. She is instructed

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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.

The Directories say:

"Francesca is formidable. She is on top of the issues right away, is easily contactable, and handles matters with sensitivity and care."

"Francesca identifies the details and takes into account the whole picture, even if vague, when advising. Her advocacy is strong and convincing."

"Francesca is an exceptional advocate."

Notable Clinical Negligence & Healthcare cases

Orlando Davis Dec'd

This was a high-profile Inquest reserved to the Senior Coroner with serious questions about training, staffing and ethos in the maternity unit of a major hospital trust. The Coroner made a finding of neglect and issued a PFD Report.

Chehaib v King's College Hospital NHS Foundation Trust & Ors [2024] EWHC 2 (KB)

Francesca successfully struck out a £1.2mn claim against a consultant at a private hospital for allegedly negligent treatment of epilepsy. The Claimant's solicitors had failed to serve the Claim Form in accordance with the rules, and had applied for relief from sanction. The Claimants were represented by a Band 1 senior junior.

E v Kholi

This is a significant dental negligence claim pleaded at £1.6mn in which it is alleged that a failure to refer the Claimant to hospital led to diabetic sepsis, brain damage and a leg amputation. Francesca acted for the Defendant where the Claimant was represented by a KC.

JN v NT NHS Trust

This was a Fatal Accidents Act claim worth in excess of £1.4million, with 8 experts, and an important point of law requiring clarification, which settled after exchange of skeleton arguments before an 8-day High Court trial.

Serrano v A GP Surgery

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Francesca was instructed in this appeal, where the Claimant had alleged medical negligence against various doctors at the Surgery and had also accused them of direct and indirect disability discrimination. She appeared against a KC.

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.

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.

Public Sector & Human Rights

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

She frequently advises on social services, military, 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 has particular interest and experience in claims which involve both public and private law causes of action.

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

Notable Public Sector & Human Rights cases

T v Ministry of Defence

A multimillion pound claim from a former officer in the British Army alleging bullying and harassment whilst serving overseas

F v Ministry of Defence

A claim arising from alleged sexual abuse in the Army Cadet Force, where questions of vicarious liability will be central.

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HFB v Torbay Council

A "failure to remove" claim brought for more than £1mn in damages following the decision of the Court of Appeal in AB v Worcestershire County Council and Birmingham City Council [2022] EWHC 115 (QB)

AJX v Select Healthcare Limited

A claim arising from the sexual abuse of an epileptic patient whilst she was an inpatient at the residential centre. High Profile.

Osborne & Anor v Cambridgeshire County Council [2022] EWHC 1982

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

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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

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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.

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

Education

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

Notable Cases

- *David Ellis v John Hodge Solicitors (a firm*) [2022] EWHC 2284 (Comm). a case concerning the ability of a solicitor to prevent disclosure of their file by exercise of a lien.
- *Osborne & Anor v Cambridgeshire County Council* [2022] EWHC 1982, 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.
- *Morrell v Health & Safety Executive* [2022] 6 WLUK 142, 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.
- *Soeb v Secretary of State for the Home Office* [2021] EWHC 3403 (QB), a successful application for a Civil Restraint Order.

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- *Ozdemir v Dr GM* – a claim for damages in clinical negligence in excess of £10mn where questions of capacity and care arise following a serious brain injury.
- *Orlando Davis Inquest*, Francesca represented the family of baby Orlando who sadly died after a series of failures by a hospital trust. The Senior Coroner made a finding of neglect. *https://www.bbc.co.uk/news/articles/cp4lqr87p11o*
- *BH v Flannagans Accountants* – a professional negligence claim against accountants valued in excess of £2mn raising questions of fraud and causation
- *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;
- *H LLP 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.

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

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