

1GC | Family Law

Francesca Wiley QC, MCI Arb

Year of Call: 1996 Year of Silk: 2015



Practice Overview

Francesca practices at the highest level in both Private and Public Law Children Act cases and inherent jurisdiction Wardship cases, particularly where there are profoundly serious allegations against the parties. Prior to joining the Family Bar, she specialised in Criminal Law and as a result, much of her work covers the crossover between these two jurisdictions. This includes cases in which there is a need for fact-finding or consequential applications in criminal proceedings. In particular, Francesca specialises in cases where clients or other parties have been accused of murder, attempted murder of their children or partners, sexual abuse or other serious violence. Such cases often require medical and factual cross-examination of the highest calibre.

Francesca has a further interest in matters involving underlying medical issues for children and adults, ranging from underlying genetic, bone and vascular disorders to cases where an opposing party may have profound and as yet undiagnosed personality and mental health difficulties. She is also regularly instructed in cases of parental alienation and recruitment of children against a parent, particularly where an allegation is made by children against parents.

Francesca also undertakes inquests-based work, and is currently instructed in Kenya regarding the death of Alexander Monson.

Awarded the grade of MCI Arb by the Chartered Institute of Arbitrators, Francesca is authorised to conduct arbitrations in children cases.

She is also qualified to undertake work through Direct Public Access and is very experienced in doing so.

Children (Private Law)

Francesca is an expert in representing parents in the most difficult and intractable Private Law matters, some of whom are victims of profound parental alienation. Clients have often been separated from their children for significant periods of time, or find themselves falsely accused of serious crimes against their ex partners and children. Such cases often involve disputed facts and thus require fact-

finding hearings, in which she is particularly experienced.

Francesca is also frequently instructed in the most sensitive contact disputes and in cases where parents have hitherto undiagnosed mental health and personality difficulties impacting upon the litigation and the approach taken to the children. Her clients often include very high-profile individuals and professionals including doctors, lawyers and those whose professional bodies require allegations made against them to be urgently resolved (often in order to continue to work).

Notable cases in this area include:

Re J and K (Children: Private Law) [2014] EWHC 330 (Fam)

T v S (Wardship) [2012] 1 FLR 230

Children (Public Law)

Parents, carers, Guardians and Local Authorities regularly instruct Francesca in the most serious Public Law cases at High Court and appellate level. In particular, she specialises in cases involving very significant injuries and/or the death of children in disputed circumstances, as well as child sexual abuse. Often, in these cases, the police have not prosecuted or are awaiting charging decisions from the criminal courts. She often undertakes cases involving head injuries, possible genetic and other underlying blood and bone disorders, as well as those in which the evidence is so complex that the experts cannot agree.

Notable Cases in this area include:

Brighton and Hove City Council v X and Others (Leave to Withdraw Care Proceedings) (25 April 2017)

X RE [2015] EWFC B168 (12 May 2015)

GO v EN & Ors [2014] EWHC 3622 (Fam) (17 October 2014)

Peterborough County Council v SU & Ors [2014] EWFC B92

Surrey County Council v AB & Others [2014] EWHC 1115 (Fam)

Re C (Family Assistance Order) Magistrate's Court of the Falkland Islands (2014)

Re A and B (Wardship and Supervision Order) Falkland Islands' Supreme Court (2013)

Re A and B (Reporting of Judgment) Falkland Islands' Supreme Court (2013)

Re J (Child Giving Evidence) [2010] EWHC 962 (Fam) 2 FLR 1080

Re S (A Child) [2009] EWCA civ 945 *Re M* [2007] 2 FLR 1006

International Family Law

Francesca specialises in cases both in Private and Public Law which have an international element.

She regularly undertakes cases where one party seeks to relocate out of the jurisdiction and has been involved in cases involving Europe, Asia, Africa, Australia and New Zealand, the Middle and Far East.

Francesca represented the children of the Falkland Islands over several years and has given evidence to the Child Abuse Enquiry in St Helena. She was assisted the Foreign Office in their efforts to restructure child protection procedures on the Islands.

She is currently instructed in an inquest in Kenya relating to the death of Alexander Monson.

Arbitration

Francesca is a qualified Arbitrator and brings her experience as an advocate and parent to the task of assisting parties to settle cases without resorting to court. She maintains a strong emphasis on avoiding 'blood-letting' and assisting parties to move forward in their co-parenting relationship, despite difficult separations.

What the Directories Say

"Is astonishingly bright, fearless and effective both in and out of court." Legal 500, 2020

"She has the complete command of the court room and judges seem in awe of her." Legal 500, 2019

"A robust advocate, who is extremely bright and provides defined strategies." Legal 500, 2017

"An outstanding barrister." Legal 500, 2015

"An extremely bright junior, with excellent cross-examination skills." Legal 500, 2014

Notable Cases

Re D (A Child) (Appeal out of Time) [2020] EWHC 1167 (Fam)

MDR v MDR (Suspended Residence Transfer - Parental Alienation) [2019] EWHC B61 (Fam)

PA v CK & Ors [2018] EWHC 2004 (Fam)

Brighton and Hove City Council v X and Others (Leave to Withdraw Care Proceedings) (25 April 2017)

X RE [2015] EWFC B168 (12 May 2015)

GO v EN & Ors [2014] EWHC 3622 (Fam) (17 October 2014)

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Re S (A Child) [2009] EWCA Civ 945 *Re M* [2007] 2 FLR 1006

Recent Cases

Representation of many parents who are profound victims of parental alienation and alienated from their children often falsely accused of serious crimes against their ex-partners and children and prevented from seeing their own children for years.

Representation of children in the Falkland Islands (appointed by the court). Social Services were found to be not fit for purpose the children were made wards of court.

Representation of a father accused of the murder of his children and cannibalism.

Representation of a mother accused of trying to murder her disabled child.

Representation of a child where the father was accused of murdering the mother (child in witness protection).

Representation of the Local Authority where a mother was diagnosed with psychopathy, and was found to have subjected the children to beating, injections and had misrepresented their age and paternity.

Representation of several clients accused of causing serious brain injuries and grievous bodily harm to babies and children.

Representation of the Local Authority where the parents were accused of fracturing and attempting to murder their very disabled baby.

Inquests: currently instructed in Kenya for Lord Monson.

Education

BA/MA (Oxon), Trinity College Oxford, (1992)

CPE, Commendation, (1994)

Bar Qualification, (1996)

Memberships & Associations

Chartered Institute of Arbitrators

Family Law Bar Association

Languages

French

Personal

Francesca has two children and a golden retriever named Sam. She enjoys mountains and skiing, and is a lacklustre member of Weight Watchers.