

# 1GC | Family Law

## Francesca Wiley QC

Year of Call: 1996 Year of Silk: 2015



## Practice Overview

Francesca practises at the highest level in both private and public law Children Act and inherent jurisdiction Wardship cases where there are profoundly serious allegations against parties. She specialised in criminal law for 10 years before joining the family bar. A large part of her work involves cases where there is a need for fact-finding and consequential applications and consequences between the criminal and family jurisdictions. In particular she 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 and where medical and factual cross examination of the highest calibre is required. She has a particular interest in 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 has a great deal of expertise in cases of parental alienation and recruitment of children against a parent including allegations being made by children against parents.

Inquests-currently instructed in Kenya in 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.

Francesca is qualified to undertake work through public access and is very experienced in the same.

## Children (private law)

Francesca has an expertise in representing parents in the most difficult and intractable private law matters, some of whom are profound victims of parental alienation. Clients have often been separated from their children for significant periods. Many are falsely accused of serious crimes against their ex partners and children and police are involved. Fact-finding when matters are in dispute is a particular speciality.

She has expertise 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.

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), regularly instruct her.

*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 very regularly instruct Francesca in the most serious public law cases at High Court and Appellate level. In particular she has an expertise in cases involving very significant injuries and /or death of children in disputed circumstances as well as child sexual abuse. Often the police have not prosecuted or are awaiting charging decisions. Cases involving head injury, possible genetic and other underlying blood and bone disorders are a particular speciality, as are cases where the evidence is so complex expert cannot agree.

*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 undertakes 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 involved with the Foreign Office in 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 resort 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

**2018/19:** *'She has the complete command of the court room and judges seem in awe of her.'* Legal 500

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

**2015:** *"An outstanding barrister"* Legal 500

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

## Recent Cases

Representation of very 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 found not fit for purpose the children were made wards of court.

Representation of father accused of murder of children and cannibalism. Representation of mother accused of trying to murder her disabled child

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

Representation of Local Authority where mother diagnosed with psychopathy, found to have subjected children to beating, injections and misrepresentation of their age and paternity.

Representation of several clients accused of causing serious brain injuries and GBH to babies and children.

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

Inquests-currently instructed in Kenya for Lord Monson.

## Notable Cases

*MDR v MDR (suspended residence transfer-parental alientation)* [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)

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

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## Education

BA/ MA Oxon 1989/1992

Trinity College Oxford

CPE Commendation 1993/1994

Bar Qualification 1996

## Memberships & Associations

Chartered Institute of Arbitrators

Family Law Bar Association

Languages

French

Personal

Two children, mountains and skiing, golden retriever named Sam, lacklustre member of weight-watchers.