



Fenella Morris KC

Year of call: 1990 | Silk: 2012

Phone: +44 (0)20 7832 1111

"She is an absolutely superb practitioner, who is fearless, knowledgeable and a brilliant advocate. She is extremely articulate and judges like her."

Chambers and Partners

Fenella Morris KC is a versatile advocate with a wide-ranging practice that encompasses public law, professional discipline and regulation, healthcare and education, pensions and financial services, local government, and procurement and state aid. She is consistently ranked highly in the legal directories.

Her clients include regulators (from the Professional Standards Authority for Health and Social Care to the Pensions Regulator and Civil Aviation Authority) and those whom they regulate, from the largest private health and social care providers, to nomads on the AIM. She acts for a huge range of NHS bodies, universities, local authorities, trade unions, sporting organisations and non-governmental organisations (NGOs).

She appears in many landmark cases and has a wealth of experience as an advocate up to the Supreme Court and European Court of Human Rights. She is skilled at leading large multi-disciplinary teams in high-value, high-controversy litigation, and understands the issues that arise for high-profile institutions and individuals.

Fenella mediates and arbitrates diverse disputes and is a member of the Sport Resolutions' Panel of Arbitrators and Mediators. She carries out sensitive investigations, most recently into UKAD's Operation Blackout, was counsel to the Independent Medicines and Medical Devices Safety Review and is instructed in the Covid Inquiry.

Fenella was awarded 'Professional Discipline Silk of the Year' at the Chambers UK Bar Awards 2021, and was The Times' Lawyer of the Week, 16 July 2020. She is joint head of chambers' Public Law team and a Bencher of Middle Temple.



Areas of expertise

Administrative and Public
Regulatory and Disciplinary
Healthcare
Education
Local Government
Court of Protection
Consultation
Human Rights and Civil Liberties
Procurement
Sport
Alternative Dispute Resolution

Healthcare

*"Fenella is great for high level, complex, high profile cutting edge work. Has a good understanding of the health sector."*The Legal 500 2022

Fenella is well known for her expertise in cases concerning every aspect of healthcare: reconfiguration, access to experimental and high-cost treatments, ethical issues at the start and end of life, procurement and NHS contracting, CQC report challenges, professional regulation, NHS pensions and declarations as to the law e.g. concerning the detention of patients in the context of Covid-19.

She was counsel to the Independent Medicines and Medical Devices Review and is instructed in the Covid Inquiry.

Cases of Note

- ***Derbyshire Health Care NHS Trust & S of S for Health and Social Care & others* [2023] EWHC 3182 (Admin)** - High Court clarifies law concerning requirements of orders under the MHA.
- ***Bell v Tavistock and Portman NHS Foundation Trust* [2021] EWCA Civ 1363**, upheld by the Supreme Court [2022] - Tavistock's practice of referral for specialist treatment held to be lawful.
- ***Braceurself v NHS England* [2022] EWHC 2348 (TCC)** – NHS breaches of procurement rules not "sufficiently serious" to require damages.
- ***R (Advinia Health Care Ltd) v CQC* [2022] EWHC 965 (Admin)** - CQC's market oversight guidance held to be unlawful.
- ***R (Khurana) v NCLCCG* [2022] EWHC 384 (Admin)** - Transfer of contract to US provider lawful.
- ***R (Dawson) v United Lincolnshire Hospitals NHS Trust* [2021] EWHC 928 (Admin)** - Covid-related health service reorganisation insufficiently consulted upon.
- ***Basma v Manchester University Hospitals NHS Foundation Trust* [2021] EWCA Civ 278** - Decision on use of experimental treatment for child set aside.
- ***Devon Partnership NHS Trust v Secretary of State for Health and Social Care* [2021] EWHC 101 (Admin)** - Part 8 claim concerning interpretation of Mental Health Act 1983 during Covid-19 pandemic.
- ***SSP Health Ltd v NHSLA (Primary Care Appeals Service)* [2020] EWCA Civ 1574** - Payment of interest on GP contracting claim.
- ***R (Shepherd) v NHS Calderdale CCG and NHSEI* [2018] EWCA Civ 2849** - Challenge to introduction of integrated care systems

- *R (Forge Care Homes) v Cardiff and Vale University Health Board* [2017] UKSC 56
- Leading case on division of responsibility between health and social services for the costs of care.
- *R (Tracey) v Cambridge University Hospitals NHS Foundation Trust* [2014] EWCA Civ 822 Resuscitation Council guidance on 'do not attempt resuscitation' decisions held compliant with Article 8 of the Human Rights Act
- *R (Munjaz) v Ashworth Hospital Authority, Mental Health Act Commission, MIND and the Secretary of State for Health* [2005] UKHL 58 - Seclusion policies, the Mental Health Act 1983 Code of Guidance and Article 8.

Recommendations

Fenella is recommended by the all the major directories for Administrative and Public Law, Professional Discipline, Healthcare, Local Government, Education, Community Care and Court of Protection.

Quotes

"Fenella is approachable and easy to work with and gives clear, helpful advice." Chambers and Partners 2024 (Community Care)

"She is a high-quality practitioner." Chambers and Partners 2024 (Local Government)

"Fenella is the best advocate on her feet in this area. She gives really strong and easy to understand advice." Chambers and Partners 2024 (Professional Discipline)

"Fenella is highly intelligent with very clever arguments. She's also a great team player and is excellent with clients." Chambers and Partners 2024 (Professional Discipline)

"My number-one go-to for professional disciplinary matters." Chambers and Partners 2024 (Professional Discipline)

"Fenella is a strategic thinker and an effective advocate, who is able to resolve problems effectively." Chambers and Partners 2024 (Administrative & Public Law)

"She is a good advocate, who is calm and collected; a go-to for public law matters focused in healthcare and mental health." Chambers and Partners 2024 (Administrative & Public Law)

"Fenella is very accessible and extremely practical in her approach." Chambers and Partners 2024 (Court of Protection: Health & Welfare)

"Fenella is a star and a public law all-rounder. She has excellent insight and is extremely good with clients." Chambers and Partners 2024 (Education)

"Fenella is a go-to KC for complex public law issues. She can think through a thorny issue and provide advice with great clarity." Legal 500 2024 (Education)

"Fenella has intellectual rigour, and she can think through a thorny issue and provide advice with great clarity." Legal 500 2024 (Administrative Law and Human Rights)

"An outstanding silk." Legal 500 2024 (Professional Disciplinary and Regulatory Law)

"She is sharp, analytical, pragmatic and commercial." Legal 500 2024 (Public Procurement)

"Excellent intellectual rigour." Legal 500 2024 (Local Government)

"Fenella is astute and pragmatic. She is a real team player who goes out of her way to support her clients and instructing solicitors. She is at the top of her game and a real ambassador for women at the Bar." The Legal 500 2023

"Fenella is consistently superb both in written and oral submissions and in advising on strategy and case management. She always works as part of the team and is a pleasure to work with." The Legal 500 2023

"Excellent legal knowledge combined with a deep understanding of the public sector decision making"

framework. She provides pragmatic advice which clients understand. This enables clients to deal with the real world problems and find solutions."The Legal 500 2023

*"She is a very strong advocate and is lovely to work with." "She is very easy to work with, really analytical and a great advocate."*Chambers and Partners 2022

*"She's extremely sharp on the analysis and provides very clear answers. There's no beating about the bush." "She has excellent rapport with the court."*Chambers and Partners 2022

*"Very analytical and a great advocate. She's also down to earth and easy to work with."*Chambers and Partners 2022

*"An experienced public law QC who provides a fantastic service to her clients."*Chambers and Partners 2022

*"An effective advocate who is very popular with her instructing clients." "Fenella handled a ground-breaking case very well."*Chambers and Partners 2022

*"Very friendly, bright in the law and intelligent. Really impressed with the way she puts things across in court; judges seem to listen to her." "Extremely good, very authoritative. She's very impressive." "Always user-friendly and provides excellent advice."*Chambers and Partners 2022

*"Fenella is great for high level, complex, high profile cutting edge work. Has a good understanding of the health sector."*The Legal 500 2022

*"Able to deal extremely well with complex and novel issues"*The Legal 500 2022

*"Fenella is fantastic in court."*The Legal 500 2022

*"Great on complex, cutting-edge high-profile cases, and an excellent advocate with good leadership skills."*The Legal 500 2022

*"She is excellent on her feet, and is able read the court and advance arguments in the most persuasive manner."*The Legal 500 2022

Appointments

Bencher of Middle Temple, June 2018

Memberships

- ALBA
- ARDL
- Trustee of the Free Representation Unit

Qualifications

- CEDR-accredited mediator, 2002
- Pegasus Scholarship (New Zealand), 1998
- Diploma in Law, City University, London, 1989
- BA (Hons), PPE, Wadham College, Oxford, 1987

Publications

Fenella is the co-author of two editions of the Law Society's guide to the Mental Capacity Act. She is a contributor to the joint Law Society and BMA Guidance on the Assessment of Mental Capacity. She wrote

the chapter on Health Law in the UK Supreme Court Yearbook 2016-17.

London

81 Chancery Lane,
London
WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

MANCHESTER

82 King Street,
Manchester
M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE

Maxwell Chambers,
28 Maxwell Road,
WC2A 1DD
04-03 & 04-04, Maxwell Chamber
Suites
Singapore 069120
Tel: +65 6320 9272

KUALA LUMPUR

#02-9, Bangunan Sulaiman
Jalan Sultan Hishamuddin,
50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085

BARRISTERS • ARBITRATORS • MEDIATORS

clerks@39essex.com • DX: 298 London/Chancery Lane • 39essex.com