



Francesca Gardner

Year of call: 2009

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“Extremely bright and very talented” The Legal 500

“Ms Gardner is undoubtedly considered to be one stalwarts of practitioners in this area. She is extremely bright, hard-working and a formidable opponent in court.” The Legal 500

“Francesca would always be my first choice in any Court of Protection case. She’s excellent.” Chambers and Partners.

Francesca is a specialist in all areas of health and social care. Francesca’s practice encompasses all areas of Court of Protection work, including welfare disputes, serious medical treatment, and property and affairs matters. Francesca regularly advises and acts in public law disputes arising from her specialist practice areas.

Francesca regularly acts in complex welfare proceedings and has a particular interest and experience in cases involving: cross-border placements and disputes, children and deprivation of liberty, the international protection of adults, cases involving both welfare and financial disputes, and safeguarding vulnerable adults under the Inherent Jurisdiction of the High Court.

Francesca’s practice is unique in that Francesca specialises in Health and Welfare and Property and Affairs within the Court of Protection.

Francesca also has extensive experience in Mental Health Law, including representing patients before the First-Tier Tribunal and Nearest Relative Displacement Proceedings. Francesca has extensive experience in cases concerning the interface between the Mental Health Act 1983 and the Mental Capacity Act 2005.

Francesca sits as a Deputy District Judge on the North Eastern Circuit hearing Court of Protection cases and Private and Public Law family cases.

Areas of expertise

Community Care and Mental Health
Civil Liberties and Human Rights
Inquests
Mediators
Safeguarding
Court of Protection - Welfare
Court of Protection - Property and Affairs
Medical Treatment Cases

Medical Treatment Cases

Francesca regularly advises and appears in medical treatment cases. Francesca also routinely takes instructions and has extensive experience in out-of-hours urgent applications.

Francesca appears and advises in a range of medical treatment cases, Francesca has particular experience in cases involving the treatment of adults with a diagnosis of anorexia nervosa, and cases where an adult is detained under the Mental Health Act and a determination is required as to whether the proposed treatment can be provided under the provisions of the Mental Health Act, or whether separate court authorisation is required and/or whether the court determination is required as to the lawfulness of a decision to no longer provide life sustaining treatment.

Francesca has appeared in a number of reported and significant cases in this area:

- ***E & F (Minors: Blood Transfusion) [2021] EWCA Civ 1888***: Francesca appeared for the health trust in the significant Court of Appeal decision, considering the extent to which the court can override the wishes of a 17 year old young person, in relation to their medical treatment and religious beliefs.
- ***Northern Care Alliance NHS Foundation Trust v KT & Ors [2023] EWCOP 46***: Francesca represented the sister of the protected party in a very difficult and complex case involving an application for withdrawal of life sustaining treatment. The case focussed, in particular, on the weight to be afforded to an adult's religious beliefs.
- ***Kings College Hospital NHS Foundation Trust v South London and Maudsley NHS Foundation Trust & Anor [2024] EWCOP 20***: Francesca represented the health trust in an application for declarations and orders authorising clinicians to perform an above knee leg amputation, against P's wishes, to save his life.

Recommendations

- *"Francesca would always be my first choice in any Court of Protection case. She's excellent"* Chambers and Partners 2025
- *"Francesca is our go-to counsel in complicated cases with many moving factors. She is incredibly reliable, knowledgeable and has well-placed confidence and grace about her in the courtroom."* Chambers and partners 2024
- *"Francesca is diligent, organised and timely with preparing advice and documents. She fights aggressively for her clients, forensically prepares for cases and leaves no stone unturned. She has a real 'human' quality and really understands and cares about the cases she works on"* The Legal 500, 2023
- *"A fantastic advocate who is diligent and pragmatic, with a deep understanding of how the Court of Protection works."* The Legal 500, 2023
- *"She is calm, approachable and very strategic in her approach. She is also excellent in cross – examinations."* The Legal 500 2023
- *"Francesca is an absolute dream to work with. She is focused, concise and always absolutely on point. She advocates fiercely on behalf of her clients and is a QC in waiting!"* The Legal 500 2022
- *"Ms Gardner is undoubtedly considered to be one stalwarts of practitioners in this area. She is extremely bright, hard-working and a formidable opponent in court."* The Legal 500 2021
- *"She is able to take a complex case and find a way to navigate through it with what seems like ease. She is*

methodical in her approach to advocacy, making this barrister a safe pair of hands." The Legal 500 2021

- *"She is extremely knowledgeable and able to explain matters in a way that can be applied in practice."* The Legal 500 2021
- *"Francesca is dedicated and committed to achieving outcomes that are beneficial to vulnerable clients and their families. She is not phased by more senior counsel or complex situations and remains collected and professional at all times."* The Legal 500, 2021
- *"She is responsive and gets on top of papers early. She works in a collaborative way and is a pleasure to deal with."* Chambers and Partners UK 2021
- *"She is kind, approachable and very reliable. She is very thorough and gets to the heart of the issue quickly. While she has a gentle manner with clients, she is a tenacious advocate and holds her own against very experienced juniors and silks."* Chambers and Partners UK 2021
- *"She takes a confident and robust approach in court."* Chambers and Partners UK 2021
- *"Francesca is dedicated and committed to achieving outcomes that are beneficial to vulnerable clients and their families. She is not phased by more senior counsel or complex situations and remains collected and professional at all times."* The Legal 500, 2020
- *"She is an excellent advocate; she's very easy to listen to and is very sensible and kind." "She is wonderful and you can depend on her to get the job done. She is very thorough, her drafting is superb and she thinks very much outside the box."* Chambers and Partners UK 2020
- *"She has a tremendous amount of experience and is not afraid of novel or complex issues in a case. She works tirelessly to try to ensure the right result for her client."* Chambers and Partners UK 2019
- *"Francesca's approach to matters is highly methodical and committed. She puts forward the clients' issues and concerns with great aplomb."* Chambers and Partners UK 2019
- Shortlisted in the Legal 500 Awards for 'Regional Junior of the Year 2018.
- *"Extremely bright and very talented."* The Legal 500 2018
- *"She is tenacious, eloquent, caring and incredibly talented, which means that she is in increasingly high demand for the most complex of Court of Protection cases."* Chambers and Partners UK 2018
- Shortlisted in the Legal 500 Awards for 'Regional Junior of the Year 2017.'
- *"An up- and – coming star in the area of Court of Protection, her practice includes a range of mental health and capacity cases involving deprivation of liberty, covert medication and human rights matters."* The Legal 500 2017
- *"She has a clear grasp of complicated issues and the ability to convey that to clients." "She is very clear, concise and she cuts through all the nonsense."* Chambers and Partners UK 2017

Memberships

- Member of Grays Inn 2009
- Member of the North Eastern Circuit
- Court of Protection Practitioner's Association – Chair (Yorkshire & the Humber)(COPPA)
- Member of the national executive COPPA committee

Education

- Bar Vocational Course- 2009

Appointments

- Deputy District Judge – North Easter Circuit
 - Francesca is authorised to hear Civil case, Public and Private Family Law cases, and Court of Protection cases.
- Francesca is a qualified mediator.

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