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Fiona Canby

Year of Call: 2001

Practice Areas

- Health & Safety
- Inquests
- Inquiries
- Personal Injury

Public Access

Undertakes Public Access work

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Awards



Experience

Fiona is a leading junior for inquests and inquiries and health and safety. She was shortlisted for Chambers and Partners' Health and Safety Junior of the Year 2019. She has been recommended in the legal directories for health and safety since 2007. She is also recommended for her work in inquests and inquiries. Last year she appeared in the Sandilands Inquests, following the overturning of a tram in Croydon. She has also been instructed in inquests which have considered "Covid-secure" measures in the workplace and the impact of lockdown on mental health. She has over 20 years of experience at the Bar.

Fiona has appeared in many of the most high profile inquests, inquiries and health and safety cases. She has represented public authorities, very large corporations and individuals. She acted for the Mayor of London in the first inquest to consider the role of air pollution in a death. She represented Transport for London in the Inquests into the London Bombings of 7 July 2005 and the Inquests into the terror attacks at Westminster Bridge and London Bridge and Borough Market. She represented a corporation at the Inquest into the Lakanal House fire. She is experienced in public inquiries such as the Grenfell Tower Inquiry and IICSA. She acted for Balfour Beatty Rail in the prosecution for corporate manslaughter and health and safety offences following the Hatfield train crash. She is currently advising an individual in relation to the criminal investigation following the Didcot power station collapse.



From 2013 to 2018 she was appointed to the Attorney General's Junior Counsel to the Crown B Panel. As a result she represented many government departments in inquests, inquiries, human rights claims and personal injury and fatal accident claims including: AAIB, MOD and MOJ.

Fiona has wide ranging experience in health and safety, inquests and inquiries including: agriculture, air quality, aviation, care homes, central government, child abuse, construction, demolition, education, energy, facilities management, fire fighting and fire safety, healthcare, highways, hospitals, leisure (including swimming pools), local government, manufacturing, mental health, military, prisons and probation, railways, recycling, retail, social care, terrorism, traffic management.

Directories

"She is really good with clients, and her knowledge in relation to inquests is second to none." "She is an extremely hard-working barrister who is approachable and acutely sensitive to the needs of her clients."

Leading Junior for Inquests and Public Inquiries, Chambers and Partners 2022

"Tactically she's really good, but she's also excellent with clients and really gets into the detail of the cases." "Really responsive, on top of the detail and a really good advocate." "Very experienced and thoroughly prepared."

Leading Junior for Health and Safety (Band 1), Chambers and Partners 2022

"Brings to bear an encyclopaedic knowledge of law and procedure, but able to explain this to clients at all levels - very thorough and highly professional. A go-to person for complex and high-profile inquests, clients are always impressed with Fiona - definitely a silk in the making."

Leading Junior for Inquests and Inquiries, Legal 500 2022

"Fiona has an excellent level of knowledge of this practice area coupled with highly professional service delivered in a friendly manner. One of the leaders in this field at this level and rightly instructed in the most important cases."

Leading Junior for Health and Safety, Legal 500 2022

Education

Manchester University 1996 - 1999
First Class Hons Degree in Law

Memberships

HSLA

PIBA

Cases

CROYDON TRAM INQUEST

05/10/2021

Barristers involved: Keith Morton QC Fiona Canby

Fiona, led by Keith Morton QC, represented Transport for London at the inquests into the deaths of the seven people killed in the Croydon Tram crash at Sandilands on 9 November 2016. The inquests were held over 10 weeks.

The jury returned a unanimous conclusion of accidental death together with a narrative.

Inquest into the death of Ella Adoo Kissi-Debrah

16.12.2020

Barristers involved: Fiona Canby

This inquest was the first to record air pollution as a medical cause of death. Ella, who suffered from asthma, died in February 2013 at the age of 9 of acute respiratory failure. The inquest considered issues including how air pollution levels were monitored at the time; the steps taken to reduce air pollution and the information provided to the public about the level of air pollution, its dangers and ways to reduce exposure.

The Interested Persons were Ella's family, Lewisham Council, the Mayor of London and TfL and central government (Defra, DHSC and DfT). The two-week inquest was heard by Philip Barlow, Assistant Coroner for London Inner South. He gave a narrative conclusion finding that air pollution was a significant factor to both the induction and exacerbations of her asthma.

During the course of her illness between 2010 and 2013 Ella was exposed to levels of Nitrogen Dioxide (NO₂) and Particulate Matter in excess of World Health Organisation Guidelines. The principal source of her exposure was traffic emissions. During this period there was a recognised failure to reduce the level of NO₂ to within the limits set by EU and domestic law which possibly contributed to her death.

Fiona Canby represented the Mayor of London and TfL.

London Bridge and Borough Market Inquests

May - June 2019

Barristers involved: Fiona Canby

Acted for Transport for London in the Inquests arising from the deaths in the London Bridge and Borough Market terror attack on 3 June 2017. Consideration of issues including physical protective security measures and guidance in relation to crowded places. Instructed by TfL Legal. Before the Chief Coroner, sitting at the Central Criminal Court. May to June 2019.

Westminster Bridge Inquests

30/10/2018

Barristers involved: Fiona Canby

Acted for TfL in the Inquests arising from the deaths in the Westminster terror attack of 22 March 2017. Consideration of issues

relating to protective security measures and crowded places guidance. Instructed by TfL Legal. Before the Chief Coroner, sitting at the Central Criminal Court. September to October 2018.

Inquest into the death of Bernard Ovu

November 2017

Barristers involved: Fiona Canby

Acted for TfL in this inquest into the death of a man who had fallen down emergency exit stairs at Canning Town station. Consideration of issues relating to lone working staff and action to be taken when trespassers access non-public areas, beyond emergency gates. Instructed by TfL Legal. Walthamstow Coroner's Court. November 2017.

Inquest into the death of Sarah Reed

July 2017

Barristers involved: Fiona Canby

Acted for the MOJ in this 12-day inquest into the death of Sarah Reed at HMP Holloway. Consideration of issues relating to obtaining fitness to plead reports, ACCT reviews and observations, CPA meetings and the cancellation of prison visits. Instructed by GLD. Before HH Sir Peter Thornton QC, City of London Coroner's Court. July 2017.

Independent Inquiry into Child Sexual Abuse

March - July 2016

Barristers involved: Fiona Canby

Fiona Canby appeared for the IPCC at two preliminary hearings held by IICSA in relation to allegations of child sexual abuse involving Lord Greville Janner. The hearings took place at the RCJ before Hon Dame Lowell Goddard. March and July 2016.

Inquest into the death of Gladys Jones

July 2016

Barristers involved: Fiona Canby

Acting for the facilities managers in this 10-day inquest into a death at a hospital. Consideration of issues relating to the management of legionella and responsibilities of different organisations on site. In-depth questioning of the legionella expert instructed by the Coroner. Southwark Coroner's Court. July 2016. Instructed by OAH.

Inquest into the death of Krzysztof Woskowiak

June 2016

Barristers involved: Fiona Canby

Instructed by the MOJ in this 4-day inquest into a death at HMP Bullingdon. Consideration of issues relating to suicide and self harm and the treatment of foreign nationals. Also instructed in related Article 2 proceedings. Oxford Coroner's Court. June 2016. Instructed by GLD

Inquest into the death of Malika Sawyer

28/02/2016

Barristers involved: Fiona Canby

Acted for a school in the inquest into the death of a pupil who had been found hanging at the school. Conclusion of suicide. Inquest considered communication between the school, CAMHS, social services and the police and concluded that there had been no causative failings by the organisations involved. Southwark Coroner's Court. Instructed by Weightmans. February 2016.

Inquest into the Lord Ballyedmond helicopter crash

31/01/2016

Barristers involved: Fiona Canby

Acted for the AAIB in relation to the death of four men who were killed shortly after the take-off of their helicopter in Norfolk. Issues around disclosure required by the Coroner by a Schedule 5 notice. Jury returned accidental conclusion. Norwich Coroner's Court. Instructed by GLD. January 2016.

Inquest into the Vauxhall helicopter crash

November - December 2015.

Barristers involved: Fiona Canby

Acted for the AAIB. Inquest into the deaths of two men who were killed when, in poor weather conditions, a helicopter struck the jib of a crane attached to a building development. Southwark Coroner's Court. Instructed by the GLD. November - December 2015. Fiona Canby acted for the Air Accidents Investigation Branch.

Inquest into the death of Anna Mansfield

31/12/2015

Barristers involved: Fiona Canby

Acted for Anna's employer in the inquest into her death after she had been found hanging at home. Employer's handling of redundancy and resignation explored alongside Anna's treatment by her GP. Narrative conclusion returned. No contributory failings by her employer or GP identified. Barnet Coroner's Court. Instructed by Pinsent Masons. December 2015.

Inquest into the death of David Efemena

28.08.15 - 07.09.15

Barristers involved: Fiona Canby

Fiona Canby was instructed on behalf of the MOD in this inquest in the death of a cadet whilst sleeping out overnight on exercise. Walthamstow Coroners Court. Instructed by GLD. September 2015.

Inquest into the death of Anne-Marie Ellement

03.03.2014

Barristers involved: Nicholas Moss QC Fiona Canby

Inquest into the death of a Royal Military Police Corporal found hanging at her barracks. Allegations of bullying and overworking explored. Salisbury Coroners Court. Instructed by GLD for a number of service personnel. February 2014.

Inquest into death of Sean Cunningham

09.01.14 - 29.01.14

Barristers involved: Andrew Prynne QC Nicholas Moss QC Fiona Canby
Inquest into death of Red Arrows pilot, Flt Lt Cunningham; accidental ejection from his Red Arrows jet.

Gilman v (1) UPS (2) Network Rail

[2013] EWHC 2341

01.07.2013 - 10.07.2013

Barristers involved: Andrew Prynne QC Fiona Canby
Contribution proceedings following vehicle incursion onto the West Coast Main Line. Led by Andrew Prynne QC. Instructed by Keoghs on behalf of the motor insurers. July 2013.

Lakanal House Fire Inquest

14.01.13 - 28.03.13

Barristers involved: Cathryn McGahey QC Fiona Canby
Fire at high rise block of flats in Camberwell caused the deaths of six people. Building Regulations in relation to fire safety and high rise structures were explored. The Inquest was heard at Inner South London Coroners Court - HHJ Frances Kirkham. Cathryn McGahey represented The Department for Communities and Local Government, and The Chief Fire Officer. Fiona Canby was instructed by SGH Martineau. January - March 2013. The Inquest took place from January to March 2013.

Inquests into the London Bombings of 7 July 2005

11.10.2010 - 11.03.2011

Barristers involved: Keith Morton QC Fiona Canby
Acted on behalf of Transport for London. Inner West London Coroners Court - Hallett LJ. Instructed by TfL Legal.

R v Balfour Beatty Rail Infrastructure Services Ltd

31.01.2005 - 07.10.2005

Barristers involved: Fiona Canby Tim Sharpe
Acted on behalf of Balfour Beatty in the prosecution arising out of the Hatfield Train Crash. Section 3 HSWA and corporate manslaughter. Central Criminal Court. Led by Ronald Thwaites QC, Anthony Seys-Llewellyn QC, James Ageros. Instructed by Fisher Scoggins

Publications

TGC Inquest & Inquiries Newsletter - Second Issue, November 2021

24/11/2021

Authors: Nicholas Moss QC Keith Morton QC Andrew Prynne QC Andrew O'Connor QC Fiona Canby Harriet Wakeman William Irwin Piers Taylor Richard Boyle

Please see link below to the second edition of the TGC Inquests and Inquiries newsletter, a twice-yearly publication, containing articles on recent key legal developments in these fields, as well as a selection of recent noteworthy cases in which Members of Chambers have been involved.

You can view the publication at http://tgchambers.com/wp-content/uploads/2021/11/TGC-Inquests_Newsletter_IssueII_v2.pdf

TGC Inquests and Inquiries Newsletter

18/03/2021

Authors: Keith Morton QC Andrew O'Connor QC Nicholas Moss QC Fiona Canby David R. White Emily Wilsdon Ellen Robertson Scarlett Milligan Harriet Wakeman Olivia Rosenstrom

Welcome to the inaugural edition of the TGC Inquests and Inquiries newsletter, a twice-yearly publication containing articles on recent key legal developments in these fields, as well as a selection of recent noteworthy cases in which Members of Chambers have been involved.

You can view the publication at https://tgchambers.com/wp-content/uploads/2021/03/TGC066_Inquests_Newsletter.pdf

Prosecuting and Defending Health and Safety Cases

30/04/2007

Authors: Dominic Adamson QC Benjamin Casey Fiona Canby Tim Sharpe Tim Kevan

Co-author of book written with the intention of highlighting the various areas of law associated with prosecuting and defending health and safety cases

News

Fiona Canby and Zeenat Islam appointed as Junior Counsel to the UK Covid-19 Inquiry

20/06/2022

Barristers involved: Fiona Canby Zeenat Islam

The Inquiry has appointed 49 junior Counsel to join its legal team to support Hugo Keith QC, Lead Counsel to the Inquiry, Martin Smith, Solicitor to the Inquiry and eleven recently appointed Queen's Counsel with the preparation and delivery of the Inquiry's investigative work.

You can view the publication at

<https://covid19.public-inquiry.uk/2022/06/inquiry-welcomes-the-appointment-of-49-junior-counsel-to-legal-team/>

TGC Inquest & Inquiries Newsletter - Second Issue, November 2021

24/11/2021

Barristers involved: Nicholas Moss QC Harriet Wakeman Andrew Prynne QC Keith Morton QC Andrew O'Connor QC Fiona Canby William Irwin Emily Wilsdon Piers Taylor Richard Boyle

In this edition, we provide updates relating to Law Sheet No.1 (which has been updated in light of Maughan), the Coroner's Court competencies and toolkit, and the new Guidance Note 41 concerning Pen Portrait Material. Also on the subject of Maughan, Andrew Prynne QC provides an alternative and forthright perspective in response to Nick Moss QC and Scarlett Milligan's article in the previous edition. Emily Wilsdon explores the case of Dove v HM Coroner for Teesside and Hartlepool [2021] EWHC 1738 (Admin) and William Irwin considers R. (on the application of Morahan) v Assistant Coroner for West London [2021] EWHC 1603(Admin). In the inquiries sphere, Andrew O'Connor QC and Piers Taylor provide an insight into Rule 9 Requests. In terms of recent noteworthy cases that our members have been involved in: Keith Morton QC and Fiona Canby provide an insight into the Croydon Tram Inquests and Richard Boyle reflects on the Fishmongers' Hall Inquests.

We hope that this edition will be a useful resource for you.

Nicholas Moss QC and Harriet Wakeman

Joint Editors.

You can view the publication on our website <http://tgchambers.com>

Croydon Tram Inquest

22/07/2021

Barristers involved: Keith Morton QC Fiona Canby

Keith Morton QC and Fiona Canby were instructed on behalf of Transport for London

You can view the publication at <https://www.bbc.co.uk/news/uk-england-london-57721493>

Sandilands Inquests

17/05/2021

Barristers involved: Keith Morton QC Fiona Canby

Seven people died when a tram overturned in Croydon on 9 November 2016. The Inquests are estimated to take up to 13 weeks.

TGC Inquests & Inquiries Newsletter

16/03/2021

Barristers involved: Keith Morton QC Andrew O'Connor QC Nicholas Moss QC Fiona Canby David R. White Emily Wilsdon Ellen Robertson Scarlett Milligan Harriet Wakeman Olivia Rosenstrom

This will be a twice-yearly publication containing articles on recent key legal developments in these fields, as well as a selection of recent noteworthy cases in which Members of Chambers have been involved.

You can view the publication on our website <http://tgchambers.com>

Air Pollution Inquest

30/11/2020

Barristers involved: Fiona Canby

The Inquest will consider: (i) whether air pollution caused or contributed to Ella's death; (ii) how air pollution levels were monitored at the time; (iii) the steps taken to reduce air pollution; and (iv) the information provided to the public about the level of air pollution, its dangers and ways to reduce exposure.

As well as Ella's family, the other Interested Persons are the London Borough of Lewisham and central government (Defra, DfT and DHSC). The Inquest will be a partially remote hearing and is estimated to last 2 weeks.

Retail Risk - London L.I.V.E.

16/09/2020

Barristers involved: Fiona Canby

Please register at the following link to watch any of the live webinar :

https://us02web.zoom.us/webinar/register/WN_8WgHEPJ-TgywElooWTuWEO

The Agenda can be found at the link below.

You can view the publication at <https://www.retailrisk.com/london-agenda/>.

PIR in Air Pollution Inquest

17/12/2019

Barristers involved: Fiona Canby

The original inquest was held in September 2014. A new inquest has been ordered following receipt of new evidence from Professor Holgate suggesting that unlawful levels of air pollution contributed to Ella's death. Other Interested Persons include the London Borough of Lewisham, Defra and DfT. A second PIR will take place on 8 April and the inquest is likely to be heard towards the end of 2020.

HSLA Annual Conference

24/09/2019

Barristers involved: Fiona Canby

The programme for the conference is:

1. Panel Discussion on wellbeing, stress and mental health and the future of its regulation - chaired by Mary Lawrence, Osborne Clarke and Amy Sadro, Eversheds Sutherland
2. Seminar - Safety Regulation of Public Service Vehicles and Freight Undertakings - Richard Turfitt, Senior Traffic Commissioner for Great Britain
3. Panel/Seminar - Advising public authorities and enforcers on investigations, inquests and inquiries - Fiona Canby, Temple Garden Chambers; Saba Naqshabandi, Three Raymond Buildings and Oliver Carlyon, Fieldfisher
4. Seminar - Case law and sentencing update - James Leonard, Outer Temple Chambers and Deanna Heer, 5 Paper Buildings

Venue: Fishmongers' Hall, London Bridge, London, EC4R 9EL

Timings:

- 13.00 Registration
- 14.00 Conference starts
- 17.30 Conference ends
- 18.00 AGM
- 18.45 Pre-dinner drinks reception
- 19.30 Dinner
- 23.00 End

The event is open to both members and non-members of the Health and Safety Lawyers' Association. Bookings can be made via the HSLA website.

You can view the publication at <https://hsla.org.uk/events/annual-conference-dinner-agm/>

Chambers Bar Awards 2019

05/09/2019

Barristers involved: James Arney QC Fiona Canby

TGC are delighted to announce that they have been shortlisted for the following categories at this year's forthcoming Chambers Bar Awards:

Personal Injury:

Set of the Year

Junior of the Year - James Arney

Health and Safety:

Junior of the Year - [Fiona Canby](#)

Many congratulations to James and Fiona for all their hard work, and well done to all in the PI team who have all contributed to this nomination.

The award ceremony will take place on 31 October 2019.

London Bridge Inquests

08/05/2019

Barristers involved: Dominic Adamson QC Fiona Canby David R. White Piers Taylor Ellen Robertson
Fiona Canby is instructed by TfL Legal and appears on behalf of Transport for London.

The inquests have a time estimate of two months. Further details can be found at the link below.

You can view the publication at <https://londonbridgeinquests.independent.gov.uk/>

Third Pre-Inquest Hearing in London Bridge Inquests

11/01/2019

Barristers involved: Dominic Adamson QC Fiona Canby
The Inquests will commence on 7 May 2019 in Court 1 at the Central Criminal Court with a time estimate of two months. Further details can be found at the link below.

You can view the publication at <https://londonbridgeinquests.independent.gov.uk/>

Inquest in to the Death of the Westminster Terror Attack Victims

10/09/2018

Barristers involved: Nicholas Moss QC Dominic Adamson QC Fiona Canby
Nicholas Moss is acting for the Corporate Officer of the House of Commons and the Corporate Officer of the House of Lords.

Dominic Adamson is acting for the widow of Kurt Cochran, and the widow of PC Keith Palmer.

Fiona Canby is acting for Transport for London.

The Chief Coroner of England and Wales, Mark Lucraft QC, will hold the inquest at The Old Bailey which is expected to last 5 weeks.

Third Pre-Inquest Review Hearing in Westminster Bridge Inquests

02/07/2018

Barristers involved: Nicholas Moss QC Dominic Adamson QC Fiona Canby Matthew Waszak
Nicholas Moss (instructed by Speaker's Counsel) appeared on behalf of the Parliamentary Authorities. Fiona Canby (instructed by TfL Legal) appeared on behalf of Transport for London. The Inquests will commence on 10 September 2018 in Court 1 at the Central Criminal Court with a time estimate of four weeks. Further details can be found at the link below.

You can view the publication at <https://westminsterbridgeinquests.independent.gov.uk/>

TGC Health and Safety Conference 2017

25/04/2017

Barristers involved: Keith Morton QC Dominic Adamson QC Fiona Canby Charles Curtis

The aim of the seminar is to bring together solicitors, in-house lawyers, insurers, directors and senior managers concerned with health and safety to inform and excite debate on a variety of topical issues in Health & Safety law.

Preliminary hearing in Independent Inquiry into Child Sexual Abuse

09/03/2016

Barristers involved: Andrew O'Connor QC Cathryn McGahey QC Fiona Canby

Cathryn McGahey QC and Fiona Canby appeared in the first preliminary hearing held by the Independent Inquiry into Child Sexual Abuse (IICSA) on allegations of child sexual abuse involving Lord Greville Janner. The hearing took place at the RCJ. Hon Dame Lowell Goddard, Chair of the IICSA gave directions. A further preliminary hearing will be held before the summer recess. It is anticipated that the public hearing will run for eight weeks between September 2016 and March 2017. More details can be found at the IICSA's website: <https://www.iicsa.org.uk/>

Andrew O'Connor QC is instructed as Counsel to the Inquiry in the Westminster element of the Inquiry.

Vauxhall Helicopter Crash Inquest

11/12/2015

Barristers involved: Keith Morton QC Fiona Canby

A jury has today found that the deaths of two men following a helicopter crash in Vauxhall were accidental and that the pilot's decision to fly was neither safe nor appropriate. The helicopter was flying to the east of London Heliport when it struck the jib of a crane, attached to a building development at St George Wharf. The pilot and a pedestrian were killed when the helicopter impacted a building and adjacent roadway. The jury found that poor visibility confused the pilot. The inquest heard evidence from over 30 witnesses. Keith Morton QC acted on behalf of the Civil Aviation Authority and Fiona Canby acted on behalf of the Air Accidents Investigation Branch.

You can view the publication at <http://www.bbc.co.uk/news/uk-england-london-35073689>