



# Olivia McGonigle

**Year of Call:** 2021

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## Overview

Olivia McGonigle is an education, public law and criminal barrister. She has a busy practice in the First Tier Tribunal, the Crown Court and Magistrates' Court.

Olivia frequently appears in the First Tier Tribunal for Special Educational Needs and Disability matters. These often involve high-cost placements and health/social care recommendations. Olivia is also available to assist with drafting Education, Health and Care Plans and advising on case preparation.

She maintains her criminal and regulatory practice. This includes Crown Court trials, and various work in firearms regulation and health and safety cases. Olivia also advises in Ofsted appeals and is well placed to use the cross-over of criminal and public law to assist.

Outside busy work demands, Olivia enjoys swimming and running.

## Recommendations

Olivia "represented the Crown with great skill and fairness." An "excellent" advocate. **Crown Court Trial Judge**

Olivia has a "very appealing court room manner." **Crown Court Judge**

"Olivia went above and beyond." **Solicitor**

"I had the benefit of working with Olivia who I found to be extremely hard-working, diligent, pleasant and someone who was able to help us out at extremely short notice to prepare a very complicated witness statement in response to a fairly complicated judicial review matter. Olivia was able to get to grips with a very urgent court deadline and we were able to meet this deadline with her administrative and client care skills. She was able to take detailed instructions from the litigation friend and put this in a witness statement and not only that, was then able to put together a very detailed court bundle at very short notice." **Gregg Burrough – Senior Education Solicitor – Coram Children's Legal Centre**

"Your support gave me great relief. Thank you for fighting so hard." **Lay client**

## Academic qualifications

- Bar Training Course – Distinction (BPP London)
- Graduate Diploma in Law – Distinction (BPP London)
- BA Hons History and Political Science (University of Birmingham)

## **Scholarships**

- Butterfield Scholar (Western Circuit)
- Ann Goddard Scholar (Gray's Inn)
- Wilfred Watson Scholar (Gray's Inn)
- Residential Scholar (Gray's Inn)
- Career Commitment Scholar (BPP)
- Excellence Scholar (BPP)
- BPP Advocacy Scholar (BPP)
- GDL Scholarship (Gray's Inn)

## **Professional qualifications & appointments**

- Level 1 – CPS Advocate Panel – General Crime

## **Professional bodies**

- Gray's Inn

# Expertise

## Education

Olivia McGonigle regularly acts on behalf of children and young people, parents and carers, and local authorities. She has undertaken a variety of cases in both the First-tier Tribunal (Special Educational Needs and Disability) and the Magistrates' Court. She frequently deals with appeals relating to the contents of Education, Health and Care Plans (EHC Plans), focusing on sections B, F and I and Health and Social Care.

Examples include:

- Appealing a Local Authority's decision to cease to maintain an EHC Plan for a young person (24 years old). Amendments to section B and F were made, with the desired changes to section I and social care recommendations.
- Securing a child's placement at an independent school, with amendments to the EHC Plan.
- Negotiating a settlement at the door of court which led to the Local Authority naming a specialist independent school in section I of the EHC Plan.
- Successful B, F & I appeal, with the Tribunal naming the school despite the Local Authority's opposition.

Olivia is happy to provide training in relation to education law. Recently she provided training on school admissions appeals and school exclusions to local authorities. Olivia was also a speaker at [3PB's Education Conference](#).

## Crime

Olivia McGonigle is a criminal law barrister who is instructed to defend and prosecute across the spectrum of offences. Recent Crown Court cases include:

- Successful half time submission in a four handed affray trial (2023)
- Acquittal in a [burglary case](#) (2023)
- Secured a suspended sentence for PWITS class A drugs (2023)
- Client found not guilty in ABH case, which involved cross-examination of a young child and unexplained injuries (2024)
- Community order imposed in a case of multiple breaches of a SHPO (in place following the rape of a child) (2024)
- Prosecution offered no evidence in an intentional strangulation case, accepting a plea to battery (2024)
- Plea to battery instead of intentional strangulation. Case then remitted back to the Magistrates' Court for sentence (2024)
- Unanimous acquittal in an ABH case where there were unexplained injuries (2024)

In the Magistrates' Court Olivia is often instructed for private clients. She has recently had multiple successful exceptional hardship and special reasons arguments, allowing drivers who would otherwise be disqualified to keep their driving licences.

## Public and Regulatory

Olivia McGonigle undertakes work in various areas including education, firearms regulation, and health and safety cases. Olivia also appears in the Care Standards Tribunal, appealing Ofsted decisions. At 3PB's Education Conference, Olivia gave a

talk about the Teaching Regulation Agency, discussing disciplinary proceedings for the teaching profession.

Olivia is available for instruction from the beginning of a case, providing early advice and representation at preliminary hearings through to final hearings / sentence.

## **Sports**

Olivia undertook a 6-month secondment to the International Tennis Federation (ITF) in 2023. She provided legal support on regulatory and disciplinary issues, dealing with cross-jurisdictional applications and advising on various issues, including potential offences under the Regulations.

## **Articles**

Olivia McGonigle looks at the appeal to the Upper Tribunal of LC and RC v Hampshire County Council [2023] UKUT 281 (AAC) which concerned, among other things, the test that should be applied when section I of an Educational Health and Care Plan ('EHCP') is in dispute.

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