



# Employment

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*David Brook of Henderson Chambers has developed a niche specialism in TUPE issues arising from the demerging of limited liability partnerships and the conversion of local authorities to unitary authorities. A part-time employment judge, he is praised for his 'ability to assimilate the salient issues of a case in an instant.'*

**Chambers UK**

*Patrick Green is a smooth and tenacious litigator who has published a highly regarded book on employment appeals.*

**Chambers UK**

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Members of the Employment Law Group have been involved in many of the most high profile and important employment claims over recent years. We advise and act for employees, companies, local authorities and government bodies in the Tribunals, County, High and Appellant Courts, and the European Court of Justice. We take a 'hands-on' practical approach to managing both the legal risks, and the risks to reputation inherent in employment matters. Where appropriate we work as a team with other Practice Groups within Chambers.

Our work routinely includes contentious and non contentious work in covenants, restraint of trade and breach of confidence; unfair and wrongful dismissal, contractual claims, (including bonus and commission); the discrimination regimes; health and safety; stress and psychiatric injury; redundancy; transfer of undertakings; restructuring, and whistle-blowing. We negotiate Board level 'exit agreements' and act and advise in 'cross boarder', employment and commercial agency matters. Many Members are qualified Mediators (Accredited with CEDR, the CI Arb and the ADR Group), and variously conduct or represent parties in the mediated resolution of employment disputes.

Some Members of the Employment Law Group hold Fee Paid Judicial appointments, including that of Employment Judge, and junior members are regularly seconded in-house to local authorities. In addition to work for private commercial, industrial and charitable organisations, some members are Junior Counsel to the Crown and have extensive public sector employment experience.



### Specialist Employment law – Advice and Representation

We advise and represent over on the full range of employment law, including: handling grievances; taking disciplinary action; industrial action mass redundancies; salary change; the sale and transfer of businesses (TUPE), and compliance and implementation of the Equality Act 2010. We have particular expertise in the area of employee/worker status, notably where these issues arise in the context of employment agency businesses, the ostensibly self employed, or those working under 'IR35' companies. Claims in whistle-blowing are another specialist area as are unfair dismissal claims within the education sector. We also act for employees seeking compensation for unlawful use of their intellectual property.

### Teamwork

Members of the Employment Group can conduct or defend linked employment and personal injury claims, particularly those psychiatric and personal injury claims falling within the exclusive jurisdiction of the Employment Tribunals. We also act in concert with Chambers' Property Group. If tied or service accommodation is linked to employment we can secure, or defend, the possession of property as well as deal with related Employment claims. Procurement exercises can involve both the Public Law Group, on competition issues, and the Employment Group on TUPE. Inter Group team working provides a coherent, comprehensive, and cost effective service to our clients.

We also work with other specialist tax chambers providing specialist employment status and TUPE transfer advice.

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Alan Dashwood is 'one of the finest European brains in the country.' A professor of European law at Cambridge as well as a practising barrister, he thrills clients and peers with his impeccable academic background and 'vast experience in European community law.' One interviewee commented: 'He really is extraordinary – not only is he immensely knowledgeable, but he also oozes authority and makes his clients feel really secure.'

Chambers UK

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### The European Angle

Many of our junior members have trained with an EU law firm and all are able to advise upon the impact of EU law upon domestic European law. Professor Alan Dashwood CBE QC is a leading EU lawyer, and appears for the UK in ECJ Euro-employment cases such as [Palacios de la Villa](#) and [Birgit Batsch](#) involving Age Discrimination.

### Appellate Advocacy

We are experienced in advocacy before the Employment Appeal Tribunal, the Court of Appeal and the Supreme Court, as well as the European Court of Justice. "The Manual of Employment Appeals" (Published by Jordans) is co-authored by Patrick Green and Adam Heppinstall. In [Woodhouse School v Webster](#) [2009] EWCA Civ 91 the Manual was favourably cited in relation to the Burns/ Barke procedure, the Court of Appeal observing that "...there is a valuable discussion of these decisions in Green and Heppinstall's Manual of Employment Appeals" (Mummery LJ).

### Drafting and Advising on Key Documents

Well-drafted documentation reduces the legal risks in employment relationships. The well-drafted employment contract, disciplinary, grievance and dismissal procedures all assist in resolving disputes without the need for litigation, or help towards a successful outcome in the event of the same.

### Competition, Restraint of Trade & Breach of Confidence

We advise on all aspects of competition law, including regulatory enforcement proceedings. We represent and advise in matters where employees, or former employees, are accused of misusing confidential information, of competing with their employer in breach of contract or covenants, or otherwise harming business interests. We act for both employees and employers.

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Angus Withington shows 'a quick and ready grasp of the issues.'

Legal 500

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**Data Protection**

We provide comprehensive advice and representation in answering data subject requests, the admissibility of unlawfully obtained evidence, lawful monitoring of employees’ phone calls and emails, and compliance with the Information Commissioner’s policies and procedures.

**Minimum Wage Enforcement**

We advise on the application of the Regulations and on related compliance issues.

**Immigration**

We advise on the recruitment and retention of overseas employees; including where employee’s partners also wish to live in the UK. We can assist in complying with the ‘Right to Work’ regime, including representation on appeals.

**Employee Compensation for Inventions**

We are at the forefront of claims for compensation for employee inventors. We can advise and represent clients in the appropriate Tribunals and Courts to ensure that fair compensation is awarded.

**Representing Professionals**

We regularly represent medical and educational professionals before internal disciplinary tribunals. In conjunction with the Public Sector Practice Group we provide advice and representation in respect of all regulatory and disciplinary bodies.

**Mediation**

Mediation can be a very effective tool in maintaining the employment relationship, or in ending it without recourse to Tribunal or Court proceedings. Members of Chambers act as Mediators, or represent the parties, in the mediated resolution of disputes. We also draft and advise on binding and enforceable settlement agreements.



Adam Heppinstall is ‘a highly capable junior who demonstrates his skill across a broad range of areas...’  
Chambers UK



**The Employment Group’s recent significant cases include:**

[Jones v Neath Port Talbot](#) 2011 (Court of Appeal (CA) – liability of LEA for dismissal)

[Shanks v Unilever](#) 2010 (CA – employee patent compensation)

[Kraft v Hastie](#) 2010 (EAT – age discrimination and contractual redundancy policy)

[Autoclenz v Belcher](#) 2009 (CA – on sham contracts and test for worker/employee)

[Neary v Herts County Council](#) 2009 (CA – relief from sanctions)

[Grey v Eastern and Coastal Kent PCT](#) 2009 (Employment Appeal Tribunal (EAT) – on the exemption from the duty to make reasonable adjustments under the DDA)

[Unegbu v Newman Stone](#) 2008 (EAT – on the adequacy of findings on cost orders in the Tribunal);

[Sussex Police Authority v Burke](#) 2008 (EAT – on nature of challenge permissible to dismissing officer’s conclusions)

[Moult v East Sussex County Council](#) 2008 (EAT – on the test for perversity and that “contrary to the weight of the evidence” is not a proper ground for appeal)

[Onwuka v Spheron \(3\)](#) 2007 (EAT – appeal on whether TUPE Regulations engaged)

[Palacios de la Villa v Cortefiel Servicios SA](#) 2007 (ECJ – on whether an EU State setting a default retirement age is compliant with the Directive.)



Noel Dilworth ‘plays his hand extremely well, even when it isn’t the strongest.’  
Legal 500

‘very capable junior’  
James Purnell.  
Legal 500

David Brook ‘Takes a commercial view and is good at finding solutions to apparently impenetrable problems.’  
Chambers UK



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Keeping watch over it all, turbo-charged, entrepreneurial head clerk John White. Chambers Student Guide

A ‘tone and culture’ of service that is a cut above other sets. Chambers UK

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At Henderson Chambers, we are committed to achieving the right outcome for our clients. We are proud to offer “a quick response; good value for money, in proportion to the problem at hand” (Legal 500).

The foundations of our excellence in client service are our pedigree, our intellectual ability and our knowledge of our specialist areas of practice. We consider ourselves approachable, friendly and enthusiastic. At the heart of our client-friendly ethos is our open-door policy and our commitment to dealing with every client on a personal, individual basis.

We take on a wide range of cases, and no matter what the issues, we take pride in understanding our clients and their differing needs, including the commercial realities they face and the markets they operate in. The Legal 500 states we offer “common sense and good business thinking,” adding that we show “a high level of skill” and “work directly and promptly.”

We invest considerable effort and resources in ensuring that our clerking function delivers the quality and consistency of service that we believe our clients deserve. Legal 500 highlights our “impressive, efficient clerking,” while Chambers UK refers to “a client service mentality that is streets ahead of most.”

Our website was the first to offer direct access to the public. We believe direct access – which is used by smaller business, commercial and insurance clients – is an important element of the service we offer and which our clients need.



Henderson Chambers is home to 42 barristers, including nine QCs – “large enough to offer a versatile and wide ranging service, but not so large as to be impersonal” (Chambers UK).

We are recognised in both Legal 500 and Chambers UK as having expertise in all of the main areas in which we practice and we are a winner of a Chambers Bar Award 2010.

We aim to provide a flexible and commercial service tailored to the needs of our clients. In addition to receiving instructions from solicitors, we accept instructions under the Licensed and Public Access schemes from a wide range of organisations.

Members of Chambers regularly deliver seminars, in-house training and lectures to ensure our clients are both informed and able to benefit from our specialist expertise and advice.

In addition to our own European law expertise, we have close links with barristers practising in Brussels, and we are able to advise and provide representation regarding all European law matters, including competition, trade, anti-dumping, public procurement and state aid, as well as appearing before the European Court of Human Rights in Strasbourg.

**Contact us**

For any employment law enquiries, or for questions regarding any other practice group areas, please contact John White, Chief Clerk:

Tel: 020 7583 9020

Email: [clerks@hendersonchambers.co.uk](mailto:clerks@hendersonchambers.co.uk)



We also have the following brochures available for our other practice areas:

- Product Liability & Group Actions
- Health, Safety & Environment
- Commercial, Insurance & Arbitration
- Technology & Construction
- Property
- Finance & Consumer Credit
- Public sector

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*Friendly and approachable barristers.*  
**Chambers UK**

*Always helpful and eager to work in a team.*  
**Chambers UK**

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