

SAM PROFFITT | MANCHESTER, LEEDS & BIRMINGHAM

Year of call: 2020

Qualifications: BA (Hons) Sociology –
University of York

Clerked by: Paul Clarke

AREAS OF EXPERTISE:
Employment



Profile

Sam was called to the Bar in October 2020, and joined Kings Chambers as tenant in March 2021 having cross-qualified as a Solicitor Advocate.

Prior to joining Kings, Sam spent almost 9 years in the Employment team at DAC Beachcroft LLP, qualifying as a Solicitor in February 2016. There, he specialised in employment tribunal litigation, conducting hundreds of claims on behalf of major respondent clients, including undertaking advocacy at complex and high value multi-day hearings. He obtained Higher Rights of Audience (Civil) in March 2018, and joins Chambers as an experienced practitioner, having been granted a full exemption from all elements of the Bar Transfer Test and Pupillage. He was also noted to be a “key lawyer” within the Tier 1 Employment team in the Legal 500 UK 2021 rankings.

Sam has a particular interest and experience dealing with discrimination and whistleblowing claims, including in a regulated environment with large public and private health sector organisations. He also brings real commercial insight to his practice, having spent a year on secondment as in-house counsel at a FTSE 100 client.

Sam also had substantial exposure to appellate litigation during his time as a Solicitor, and can draw on his experience working with a number of leading employment silks across several ground-breaking cases in the Employment Appeal Tribunal and Court of Appeal.

Since joining Chambers Sam has quickly developed a strong Employment practice and reputation amongst major firms and clients, including being instructed on a number of multi-week trials. He was listed as a “Rising Star” in the Legal 500 UK 2022 with the following client references:

“ Sam is an excellent tactician and plans his tribunal strategy meticulously. He appears to understand his opponent with almost telepathic precision. His attention to detail is first rate and he gets to know a case inside out before he steps through the door of the tribunal. His legal knowledge is outstanding and he always offers insightful comments on recent developments in the law.”

Recent highlights include:

- Successfully defending a national charity in a 4-day whistleblowing detriment and constructive dismissal claim;
- Securing strike out of a long-running disability discrimination claim following persistent breach of Orders for a FTSE 250 client;
- Persuading the tribunal that a commission scheme had been wrongly applied over a period of 20 years - no unlawful deduction from wages by withholding payments;
- Successfully defending a major car manufacturer client at a 5-day race discrimination claim brought by an ongoing employee;
- Securing the withdrawal of a 9-day whistleblowing claim on day 2 of the final hearing following cross-examination of the claimant for a FTSE100 client;
- Persuading the tribunal that a claimant had been an employee throughout their tenure despite a self-employed services agreement (applying the recent Supreme Court *Ubercase* on worker status);
- Successfully representing a Solicitor claimant in a multi-day disability discrimination claim against a law firm – compensation, aggravated damages, and costs awarded;
- Instructed on a high value and complex interim relief application (whistleblowing allegations against the CEO and CFO) for a national retailer (led by Robin Allen KC) – Sam also assisted with preparing the evidence for the hearing (settled);
- Securing permission to appeal at a Rule 3(10) EAT hearing (led by Mark Sutton KC) – the full appeal will address the proper application of judicial notice in the context of s15 discrimination claims; and
- Successfully defending a number of respondent clients in claims alleging underpayments arising from COVID-19 related disputes including furlough and temporary contractual variations.

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Recommendations

Legal 500 2023:

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