



Year of call: 2006

Clerked by: Gary Young (Principal) Paul Clarke

AREAS OF EXPERTISE:

Employment

Steven's Employment law practice involves him advising employers and employees at all stages from contractual negotiations through to final hearing, and if necessary, to the Employment Appeal Tribunal. Steven is frequently instructed in cases that involve issues of discrimination, TUPE, restrictive covenants, whistleblowing and unfair dismissal. Many of his cases are of a high value (£250k+). He regularly acts on behalf of national and international companies; local authorities; and government agencies, as well as trade unions and their members. He has experience of dealing with matters both within the Employment Tribunal system and the High/County Court.

Steven has particular interest in the following areas:

- Breach of Contract claims in the High/County Court;
- Breach of confidence;
- Misuse of confidential information;
- Partnership disputes;
- Restrictive Covenants.

Steven is also regularly instructed by Local Authorities and companies to assist in the drafting of their policies. These have included redundancy policies; agency worker policies; and employee shareholder schemes.

Steven has experience in cases involving financial services misconduct (insider trading, market manipulation etc.); blacklisting; and cases involving a jurisdictional element (e.g. whether the Employment Tribunal/British Courts have jurisdiction to hear a case). He also has a growing appellate practice and is regularly instructed to advise and appear in cases before the Employment Appeal Tribunal and, on occasion, the Court of Appeal.

Some examples of his work in different areas can be found below.

Contracts and Exit Agreements

- Office Holders - Advising on the establishment of a QUANGO; including the transfer of employees and the employment status of Office Holders.
- Service Agreements - Drafting employment service agreements for company directors.
- Share Options - Advising whether share option entitlements are discretionary or not.
- Exit packages - Advising a senior safety executive on his exit from a market leading automotive company in circumstances where he may be required to give evidence in the event of a product recall.
- Financial Services - Advising a director of a publically traded company on his position in the event that he chose to blow the whistle to the FCA on insider trading and market manipulation within his company.
- Collective agreements - providing guidance as to whether collective agreements were incorporated into contracts of employment following numerous TUPE transfers and an absence of detail as to the date of agreement.

Restrictive Covenants

- Advising a senior executive as to whether he had been constructively dismissed so as to render void the restrictive covenants contained within his employment contract.
- Representing a solicitors' firm in circumstances where an associate who had been made redundant set up in competition and attempted to poach clients.
- Drafting restrictive covenants for former owner/directors where their company has been bought out and they are to be engaged as employees.
- Advising a professional football coach as to whether his media work could amount to a breach of his contract of employment.

Educational

- Representing a School and Local Authority in the high profile case of a teacher who had sprayed young children with air freshener.
- Whistleblowing within an educational setting - a claim by three teachers that they had suffered detriment as a consequence of 'blowing the whistle' on racial discrimination against NQTs.
- Race Discrimination - Representing a university in a case where it was accused of not offering an academic role to an individual because of his race.
- Detriment as a consequence of trade union membership - Representing a group of university lecturers in a case where settlement terms were reached whereby each member of the group received a sum in excess of £100k.

- Appeal to the EAT on behalf of a teacher who was found to be fairly dismissed even though the investigating officer had withheld material information.

High Court/County Court

- Advising a stockbroker on his claim for breach of contract against his former employer. Value of claim is £800,000 plus.
- Injunction to prevent use of information obtained during course of employment.
- Reference – representing a company that was accused of giving an inaccurate reference.
- Advising a long-term, senior employee who has been promised a payment of £10m upon sale of a company.
- Breach of a restrictive covenant – claim for losses arising from breach of covenant.
- Bonus claim by employee for \$300,000.
- Representing a director-employee who was alleged to have misappropriated funds from his employer.
- Claim by company to recover £110,000 that had been lent to an employee but never repaid.

Medical/Care profession

- Sexual misconduct — Representing a doctor accused of sexual misconduct against a member of the hospitality staff where he was a named respondent.
- Whistleblowing – Representing an NHS trust against an employee who claimed they had been dismissed for blowing the whistle on regulatory failures.
- Pharmacy – Advising a pharmacy on the effect of regulatory provisions on their contracts of employment.
- Appeal to the EAT in a case where a care home contended that it was entitled to withhold information during the disciplinary process on the grounds that there was a concurrent police investigation.

Policies

- Redundancy – Instructed by a Local Authority to assist in the formation of a redundancy policy that incorporated the possibility of voluntary severance payments.
- Employee Shareholder Agreement – Advising companies on the benefits and drawbacks of offering employees the possibility of becoming shareholders. This has also included drafting such agreements.
- Agency Workers – Reviewing and providing amendments to a Local Authority’s draft agency worker policy.

Trade Union Membership/Collective Rights

- Blacklisting – Representing companies accused of making use of the Consulting Agency’s blacklist.
- Collective Redundancy – Advising a group of solicitors who were subject to a collective redundancy consultation as to their rights and possible exit strategies.
- Detriment as a consequence of trade union membership. As noted above, representing a group of academics who had suffered detriment as a consequence of their trade union membership. Settlement terms were reached whereby each member of the group received a sum in excess of £100k.

Whistleblowing

- Dismissal for making a protected disclosure in relation to inadequate provision for emergency services.
- As noted above, whistleblowing cases in the context of the education and medical profession.
- Disclosing information to the FCA about insider trading and market manipulation.

Remedies

- Teaching case in which damages were assessed in excess of £400k.
- Appeal to the EAT in relation to a Claimant’s decision to undertake unconnected academic training rather than seek further employment.
- Appeal to the EAT on whether the Claimant had failed to mitigate her loss in refusing an offer of re-employment when bad faith was found on behalf of the Respondent.
- Pension – Calculating pension loss of those unfairly dismissed and discriminated against using both the simplified and substantial method.

Notable cases

EAD Solicitors -v- Abrams (2015) I.R.L.R. 978: Acting for the successful claimant where Langstaff P held, in the first judgment of its type, that companies can bring claims for discrimination. This decision has been widely reported as ground-breaking as it opens up the possibility of direct and indirect discrimination claims being brought across a number of practice areas.

Old -v- Palace Fields Primary Academy (2015) EMPLR 018: The appellant was a teacher who was dismissed for gross misconduct for her actions following an incident of bullying in which a pupil had written offensive remarks on the picture of a classmate. The appeal related to procedural irregularity and was successful. The case has been cited in the IDS Employment Law Handbooks on the issues of conduct and fees. The case is important as it deals with the width of the EAT’s discretion on the issue of fees.

Graham Hennis -v- Oldham MBC: A claim of unfair dismissal by a social worker who had been dismissed after being accused of neglecting a service user before he committed suicide. The case centred on Oldham’s policy and procedures relating to the allocation of cases. The case lasted three days after which the claimant was found to have been unfairly dismissed. The judgment was a damning assessment of procedure followed by Oldham and was widely reported.

Profile

Steven is a sports law specialist and has built up a great deal of experience working across the gamut of sports law. He frequently advises various participants including professional footballers, agents, teams, governing bodies and players' associations on contractual, commercial and regulatory matters.

Away from the sports sector, Steven specialises in commercial and employment disputes. His practice involves him regularly dealing with high profile and complex litigation before the High Court and EAT, as well as arbitration bodies. He is instructed on many high value matters. By virtue of his experience in employment and commercial litigation, he is regularly instructed to deal with issues arising from employment contracts, breach of confidence, restrictive covenants and shareholder rights/obligations.

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Areas of Expertise

Commercial

Employment

Sport

Memberships

British Association for Sport and Law

Employment Law Association

Employment Law Bar Association

The British Irish Commercial Bar Association

Appointments

British Gymnastics Disciplinary Appeal Panel Member

British Cycling Disciplinary Appeal Panel Chair

England Boxing Disciplinary Panel Member

Sports Resolutions' Pro Bono Legal Services Panel

Qualifications

Cardiff University

Cardiff Law School

Gray's Inn

Recommendations

Legal 500 2019

"A very grounded barrister with a great intellect."

"[Has] niche experience in handling employment disputes within the professional sports world."

Legal 500 2017

“Very knowledgeable, thorough and technical.”

