

## Ijeoma Omambala KC

SILK: 2020 | CALL: 1989

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### Overview

Ijeoma Omambala KC provides high-quality legal and strategic advice on the management and litigation of sensitive, complex, and reputationally significant cases. She is an experienced, persuasive, and skilled advocate at first instance and on appeal. The legal directories describe Ijeoma as “**simply outstanding and flawless**” and as having “**a nice combination of charm and aggression.**”

Ijeoma specialises in employment law, industrial action, professional regulation, and public law. She took silk in 2020.

Ijeoma accepts arbitral appointments and instructions to undertake independent investigations. She acts for individuals, companies, partnerships, public and third sector organisations, trade unions and multi-national corporations. Ijeoma is authorised to take direct access instructions.

Ijeoma is Vice Chair of the Employment Law Bar Association, and a member of ELA and ARDL. She is a fee paid Judge, an accredited mediator and an independent board member of the Advice, Conciliation and Arbitration Service (“ACAS”) of England and Wales.

Ijeoma was elected a Bencher of Gray’s Inn in 2014 and is currently Master of Outreach.

#### Recent Significant Cases:

- *Bailey v Stonewall Equality Limited and Garden Court Chambers* (2022) – high profile discrimination claim by a barrister against her Chambers and a well-known charity.
- *Narayanasamy v Solicitors Regulation Authority* [2021] EWHC 2918 Admin – solicitors regulatory proceedings (appeal to the High Court).
- *Wisbey v Commissioner of the City of London Police* [2021] EWCA Civ 650; [2021] ICR 1485, CA – Court of Appeal authority on the principles of compensation in indirect discrimination claims.
- *R (on the application of the Independent Workers’ Union of Great Britain) v Secretary of State for Work and Pensions* [2020] EWHC 3050 (Admin); [2021] ICR 372 – successful claim for judicial review seeking declaration that the United Kingdom had failed the properly transpose the health and safety at work and use of personal protective equipment directives into domestic law.
- *Ali v Capita Customer Management Ltd* [2019] EWCA Civ 900; [2020] ICR 97, CA -Court of Appeal decision on shared parental leave.

### Employment & Discrimination

Ijeoma is a highly regarded and very experienced employment and discrimination law specialist. The directories have described her as “**an excellent and very persuasive advocate who inspires total confidence and is very user friendly**”

Ijeoma’s statutory employment law practice comprises significant, factually difficult, sensitive, and high profile, high value claims. Ijeoma has particular expertise in litigating multi-claimant cases including: worker status, breach of contract claims, public and private sector equal pay claims, and pension discrimination claims. She is currently instructed by a group of claimants in challenges to the early exit compensation payment provisions of the Civil Service Compensation Scheme.

### Expertise

- Administrative & Public Law
- Clinical Negligence
- Data Protection & Information Law
- Education & Safeguarding
- Employment & Discrimination
- Health
- HR Professional Support
- Inquests & Public Inquiries
- Investigations
- Mediation
- Professional Regulatory & Discipline
- Public Law

### Recommendations

"Ijeoma is great to work with. She clearly grasps the issues and focuses on the points that matter. She is excellent with clients too." Chambers & Partners 2024

'Ijeoma is a great tactician.' The Legal 500 2024

"Ijeoma's strengths are that she is very hands-on and accessible, straightforward in her advice, and puts the client at ease. She also makes it easy for the instructing solicitor." The Legal 500 2023

"Ijeoma is always totally prepared and on top of the papers, and is very client-focused." Chambers & Partners 2023

### Key contacts

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Ijeoma advises on pensions and has a particular interest in claims arising from public sector pension schemes. She is currently instructed by the Fire and Rescue Authorities in England, Wales, and Northern Ireland in the age discrimination pension remedy litigation.

Ijeoma's discrimination expertise covers the whole range of protected characteristics. She appears in goods and services claims as well as in the employment tribunal. Ijeoma frequently advises and appears in cases which have an inter-sectional dimension.

Ijeoma has a particular interest in strategic and advisory work in the equality sphere and has worked with private, public and third sector clients to develop their equality, diversity and inclusion activity including positive action initiatives.

Ijeoma's recent discrimination instructions have included a number of complex, reputationally significant religion and belief cases concerning discrimination because of gender critical beliefs, religious belief, and philosophical and political beliefs such as veganism, Quakerism, and humanism.

She is currently a member of the EHRC preferred counsel panel.

Ijeoma's commercial employment law experience includes significant experience of complex TUPE matters and high court litigation in relation to restrictive covenants and alleged breaches of duty. Ijeoma regularly advises clients in claims arising from confidentiality covenants, area and non-dealing covenants, non-solicitation, and non-enticement covenants in contracts of employment and other commercial agreements. Her recent instructions include advising senior individuals in the financial services and retail sectors on the enforceability of post-termination restrictions, contractual disputes in relation to good leaver/bad leaver provisions in equity award agreements and advising a recruitment business on regulatory issues arising from the provision of work-finding services.

Ijeoma's collective employment law work includes advisory work in relation to trades union rules alongside advice and advocacy in industrial relation matters before the Certification Officer, the CAC and in the High Court and appellate courts. Ijeoma has particular experience (and a particular interest) in industrial action injunctive work. Ijeoma has recently advised on collective matters in the manufacturing, education, and healthcare sectors.

Her recent work includes advising on notices and ballot papers in respect of industrial action in the transport sector, acting for a trade union resisting an application for injunctive relief in the case of allegedly unlawful strike action and advising and acting for a number of local authority employers facing discontinuous industrial action.

#### **Recent Reported Cases of Interest:**

- *Bailey v Stonewall and Garden Court* (2022) - high profile discrimination claim by a barrister against her Chambers and a well-known charity.
- *Wisbey v Commissioner of the City of London Police* [2021] EWCA Civ 650; [2021] ICR 1485, CA - Court of Appeal authority on the principles of compensation in indirect discrimination claims.
- *R (on the application of the Independent Workers' Union of GB) v Secretary of State for Work and Pensions* [2020] EWWHC 3050 (Admin); [2021] ICR 372 - claim for judicial review seeking declaration that the United Kingdom had failed the properly transpose the health and safety at work and use of personal protective equipment directives into domestic law.
- *Kilrairie v Lion Academy Trust* [2020] EWCA Civ 551, CA - Court of Appeal decision fixed term contracts in the context of collective agreements in the education sector.
- *Ali v Capita Customer Management Ltd* [2019] EWCA Civ 900; [2020] ICR 97, CA - Court of Appeal authority on shared parental leave.
- *Adams v Kingdom Services Group Ltd* [2019] 12 WLUK 127, EAT - appeal on deposit orders under the Employment Tribunal rules.
- *Anderson v Turning Point Eespro* [2019] EWCA Civ 815, [2019] ICR 1392 CA - Court of Appeal decision on reasonable adjustments for disabled claimants.
- *R (on the application of Public and Commercial Services Union) v Minister for the Cabinet Office* [2017] EWHC 1787 (Admin) - judicial review claim on scope of duty to consult on changes to civil service exit payment scheme.

## **Education**

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Ijeoma has considerable experience of advisory work and of litigation in the schools, universities, and further education sectors.

She is instructed on behalf of individuals and trade union clients as well as by schools, academies, universities, and colleges in a wide range of governance and employment-related matters. Ijeoma's regulatory expertise often enables her to

provide additional insight in challenging cases.

Ijeoma provides advice and representation to both prospective and current students and to institutions on entrance requirements, reasonable adjustments, grading and academic disputes. She also regularly advises workers, employees, and institutions in relation to safe-guarding matters and on contractual disputes, redundancy situations, industrial action and collective disputes, complex grievances, and allegations of harassment. She has substantial experience of advising on disciplinary cases including those involving whistleblowers and/or allegations of unlawful discrimination and victimisation across the protected characteristics.

In the universities and further education sectors, Ijeoma has acted as adviser to the Board of Visitors. She has been instructed to undertake grievance, bullying and harassment investigations and to make appropriate recommendations. Ijeoma has been instructed by a number of universities in judicial review and injunction proceedings. She has also acted for students in judicial review, negligence, and breach of contract claims.

## Health Care Law

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Ijeoma has a detailed understanding of the regulatory regimes that affect doctors, dentists, nurses, and health practitioners. She is also very familiar with the contractual regimes which apply to NHS staff.

Ijeoma has undertaken a significant number of cases involving regulatory bodies concerned with health professionals including the GMC, NMC, HCPC, GPhC, and the GDC.

She provides advice and representation to doctors in training, doctors, dentists, and other health professionals, and to their employers and training providers in relation to status issues, contractual disputes, Performers List, disciplinary and capability matters, and in proceedings before the High Court.

Ijeoma is regularly instructed in MHPS matters, and in disputes in the employment tribunal and in the High Court where concerns about a professional's fitness to practice and/or capability are in issue. She has a particular interest in regulatory appeals and other proceedings in the High Court.

Ijeoma holds appointments as a Legal Assessor at the HCPTS and as a Legally Qualified Chair at the MPTS.

### Significant Cases:

- *R (on the application of Mandic-Bozic) v British Association for Counselling and Psychotherapy* [2016] EWHC 3134 (Admin) – judicial review claim on the operation of estoppel in the context of multiple, competing professional bodies and regulatory regimes.
- *CHRE v NMC and Grant* [2011] EWHC 927 (Admin) – a key case which identified the component parts of the public interest and emphasised their centrality in fitness to practice proceedings considering whether a practitioner's fitness to practice is impaired.

## Professional Regulatory & Discipline

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In addition to her very extensive knowledge and experience of medical, dental, nursing, and other healthcare professional regulation, Ijeoma has worked with, and undertaken cases before, a variety of professional regulators and membership organisations. Most recently these have included the Solicitors Regulation Authority (SRA), the Legal Services Board, the Bar Standards Board (BSB) the Institute of Chartered Accountants (ICAEW) and the Royal Institute of British Architects (RIBA).

Ijeoma has experience of working with statutory and non-statutory regulators. She has a particular interest in disputes concerning access to professional registration and in cases where regulatory regimes may come into conflict with each other.

Ijeoma frequently acts for individuals who are of interest to their regulator. She is instructed by regulators to advise and to prosecute and she has also been retained to act as legal advisor to decision-making bodies.

### Significant cases include:

- *Narayanasamy v Solicitors Regulation Authority* [2021] EWHC 2918 (Admin) – solicitors regulatory proceedings (appeal to the High Court).
- *In the Matter of the BSB v AR* (2020) – prosecution on behalf of the Bar Standards Board (alleged dishonest and/or reckless conduct).
- *R (on the application of Mandic-Bozic) v British Association for Counselling and Psychotherapy* [2016] EWHC 3134 (Admin) – judicial

review claim on the operation of estoppel in the context of competing professional bodies and regulatory regimes.

- *CHRE v NMC & Grant* [2011] EWHC 927 (Admin) – a key case which identified the component parts of the public interest and emphasised their centrality in fitness to practice proceedings considering whether a practitioner’s fitness to practice is impaired.

## Judicial Review/Public Law

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Ijeoma has a well-established public law practice. Many of her cases draw upon her particular expertise in employment law, professional regulatory practice, and equality issues. Her knowledge and experience of litigation together with her strategic mindset mean that Ijeoma has an excellent track record of being able to resolve prospective judicial review proceedings without the need for a substantive hearing.

Ijeoma’s public law practice includes public procurement work. Ijeoma primarily advises economic operators and public authorities in relation to the public contracts and utilities regimes. Recent instructions have included advising on the regulation of dynamic purchasing systems, the legality of an extension to a framework agreement and on the applicability of exceptions under the Public Contracts Regulations 2015.

Ijeoma has a post-graduate certificate in public procurement law and policy. As well as providing training to procurement professionals and to lawyers, Ijeoma has written and lectured on public procurement matters. She has published in this area (“*The Implications of Brexit for TUPE in Public Procurement*” 1 Public Procurement Law Review) and co-presented a paper on “*Pursuing Social policies Post Brexit*” at the Global Revolution VIII Public Procurement Policy Conference hosted at the University of Nottingham.

### Significant Recent Cases:

- *R (on the application of the FDA and others) v the Chancellor of the Exchequer* [2021] (Admin) – restriction on public sector exit payments. The government reversed this high-profile policy to cap contractual (and other) public sector exit payment shortly before it was required to file a defence.
- *R (on the application of the Independent Workers’ Union of GB) v Sec State for Work and Pensions* [2020] EWWHC 3050 (Admin); [2021] ICR 372 – claim for judicial review seeking declaration that the United Kingdom had failed the properly transpose the health and safety at work and use of personal protective equipment directives into domestic law.
- *R (on the application of Public and Commercial Services Union) v Minister for the Cabinet Office* [2017] EWHC 1787 (Admin) – scope of duty to consult on changes to civil service exit payment scheme.
- *R (on the application of Mandic-Bozic) v British Association for Counselling and Psychotherapy* [2016] EWHC 3134 (Admin) – applicability of cause of action estoppel to regulatory body seeking to bring disciplinary proceedings in circumstances in which another regulatory body had also brought disciplinary proceedings.

## Data Protection

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Ijeoma has recent experience of data protection primarily in relation to employment, education, and healthcare matters. She routinely provides advice on the meaning of “personal data” and the scope of the duties imposed on data controllers under the Data Protection Act 1998. She provides advice on dealing with subject access requests as well as available remedies for breaches of the Act. Recently Ijeoma has advised on the applicability and scope of a section 35 (1) exemption on a workforce data gathering exercise.

## HR Professional Support

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Ijeoma is a highly experienced barrister, advanced advocacy trainer and accredited mediator. Ijeoma is also a highly regarded communicator, coach and trainer who has worked in Europe, the USA and Africa. She has a particular expertise in relation to governance, conduct, equality, and diversity issues.

Ijeoma accepts public access instructions.

Ijeoma advises on factually complex, sensitive, disciplinary and grievance matters across a range of sectors. Ijeoma has supported individuals bringing complaints and those caught up in internal investigations. She has conducted independent grievance and disciplinary investigations in respect of serious bullying, harassment, discrimination, and whistle-blowing and financial misconduct complaints.

Ijeoma has acted as legal adviser to internal disciplinary and appeal panels. Since taking silk, Ijeoma has developed a particular expertise in providing advice and support to boards with oversight of governance and conduct issues (particularly those impacting on regulatory compliance).

## Investigations

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Unless her instructing client has authorised her to do so Ijeoma does not discuss the investigatory work that she has undertaken. Please contact Ijeoma or her clerks if you wish to explore the scope of investigatory work which she is available to accept.

## Mediation

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As a mediator, Ijeoma is skilled at dealing with sensitive and apparently intractable disputes in an effective and proportionate way. Where cases are not resolved, the parties are often able to achieve a narrowing of the issues in dispute which enables subsequent resolution.

Ijeoma has recent experience of mediating NHS, commercial, community and neighbour disputes as well as undertaking workplace mediation.

## Professional Recommendations

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"Ijeoma is a brilliant cross-examiner."

### Chambers & Partners 2024

"Ijeoma is great to work with. She clearly grasps the issues and focuses on the points that matter. She is excellent with clients too."

### Chambers & Partners 2024

"She is thorough and detailed, calm and analytical."

### Chambers & Partners 2024

'Ijeoma is a great tactician.'

### The Legal 500 2024

"Ijeoma is always totally prepared and on top of the papers, and is very client-focused."

### Chambers & Partners 2023

"Ijeoma's strengths are that she is very hands-on and accessible, straightforward in her advice, and puts the client at ease. She also makes it easy for the instructing solicitor."

### The Legal 500 2023

"Thoughtful, down to earth, approachable and always calm. She knows her stuff on discrimination in particular. Ijeoma is a real team player and happy to get stuck in as needed, notwithstanding her recent KC status! Ijeoma approaches complex situations with good sense and, importantly, good humour."

### The Legal 500 2022

"She is very calm, collected, reliable and really easy to deal with." "She thinks about every angle of a case and brings the whole thing together in impressive arguments and presentations." "She is personable, she is passionate about discrimination cases and she really knows her stuff."

### Chambers & Partners 2022

"She is extremely experienced and knowledgeable in employment work." "A powerful advocate."

**Chambers & Partners 2021**

"Clients really appreciate her ability to explain complex issues clearly."

**The Legal 500 2021**

"An excellent, very persuasive advocate who inspires total confidence and is very user-friendly." "Extremely intelligent and capable while being personable and approachable."

**Chambers & Partners 2020**

"Her strengths lie in her ability to engage with claimants and clearly explain legal concepts and tribunal process."

**The Legal 500 2020**

"Inspires total confidence and is very user-friendly... she's an excellent advocate and very persuasive."

**Chambers & Partners 2018**

"Technically brilliant and able to handle tricky situations."

**The Legal 500 2017**

"She has a nice combination of charm and aggression."

**Chambers & Partners 2016**