

## Ijeoma Omambala QC

SILK: 2020 | CALL: 1989

**Email Clerk:** [gsmith@oldsquare.co.uk](mailto:gsmith@oldsquare.co.uk)

**Telephone Clerk:** 020 7269 0357

**LinkedIn:** <https://www.linkedin.com/in/jeo-omambala-5b38a914b/>



### Overview

Ijeoma Omambala QC is a highly experienced barrister who inspires enormous loyalty and confidence in her client base.

As well as providing excellent advocacy services Ijeoma provides high-quality legal and strategic advice in connection with all aspects of the management and litigation of complex cases.

Ijeoma specialises in employment law.

She has particular expertise in difficult and/or factually complex, high-profile and high-value discrimination and whistle-blowing claims and of public and private sector equal pay claims, including multi-claimant equal pay litigation.

Ijeoma's employment law practice includes experience of complex TUPE matters, High Court cases involving restrictive covenants, bonuses and executive severance.

Ijeoma also has expertise in data protection, business immigration and professional regulatory matters.

In addition, Ijeoma has continued to develop her practice as a mediator conducting a number of multi-day mediations primarily in the finance, health and local government sectors.

Ijeoma is an accredited Advocacy trainer for Gray's Inn and was elected a bencher of Gray's Inn in January 2014.

Ijeoma is a Visiting Lecturer in Public Procurement Law at the University of Nottingham.

#### Relevant cases include:

- A consultant bringing injunctive proceedings in the High Court to challenge an allegedly unlawful suspension;
- A doctor seeking to challenge by way of judicial review an FHSAA decision to permit an LHB to proceed with an allegation of falsification of patient records in circumstances where GMC was already considering the issue and an FTP panel had been convened;
- Acting for an NHS Trust in tribunal proceedings brought by a doctor who had been subject to an interim order and later sought to challenge the requirement on him to re-train on remedial grounds by alleging unlawful race discrimination and harassment in respect of the method by which his employer proposed to deliver that re-training;
- Advising a Post-Graduate Deanery in respect of the removal of a disabled trainee GP's national training number and placement on a GP Training Scheme;
- Appearing for the health professional in an appeal brought by the CHRE in relation to a failure to find impairment of fitness to practice by the NMC : CHRE v NMC & Grant [2011] EWHC 927 (Admin);
- Challenge to the withdrawal of a CT1 placement by a disabled doctor and consideration of the scope of section 120(7) of the Equality Act 2010.

#### Memberships

Justice, ELBA, ILS, DLA

### Employment & Discrimination

Ijeoma is a highly regarded and very experienced employment and discrimination

### Expertise

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

### Recommendations

"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

"Old Square are my preferred set of chambers and have been throughout my career. They will always try to accommodate needs and the set are very down to earth and approachable. We have developed very good working relationships with the team over the years." The Legal 500 2021

### Key contacts

#### Graham Smith

Deputy Senior Clerk

Phone: 020 7269 0357

Email: [gsmith@oldsquare.co.uk](mailto:gsmith@oldsquare.co.uk)

#### Lee Jennings

Junior Team Leader

Phone: 0207 269 0303

Email: [jennings@oldsquare.co.uk](mailto:jennings@oldsquare.co.uk)

#### William Meade

Senior Clerk

Phone: 020 7269 0360

Email: [wmeade@oldsquare.co.uk](mailto:wmeade@oldsquare.co.uk)

law specialist. Her directory entry in *The Legal 500 2015* states “**Simply outstanding and flawless**”. *Chambers & Partners 2016* says “**she has a nice combination of charm and aggression.**”

Ijeoma’s employment law practice includes significant experience of complex TUPE matters, industrial action and high court litigation in relation to restrictive covenants and alleged breaches of duty.

Her discrimination expertise covers the whole range of protected characteristics. She has advised and represented Claimants, Respondents and Trade Unions in claims involving allegations direct, indirect discrimination, harassment and victimisation.

#### **Cases include:**

- Judicial review proceedings concerning a disabled student seeking reasonable adjustments to enable completion of a time-limited post-graduate course of study.
- Advising a group of students in relation to allegedly discriminatory course entry requirements.
- Advising a University in respect of capability and conduct proceedings against a senior academic.
- Advising on the terms and conditions applicable to a seconded employee.
- Advising a local authority on the potential impact of the public sector equality duty on its planned primary school provision.
- Advising an academy school in relation to its obligations to make reasonable adjustments for disabled students.

#### **Her significant reported cases include:**

- *Onyango v Berkeley t/a Solicitors IRLR 338 EAT*
- *Council for Healthcare Regulatory Excellence v. (1) Nursing & Midwifery Council (2) Paula Grant - ACD 72*
- *Coventry City Council v. M Nicholls & Others - IRLR 345*
- *Unison v. First Secretary of State - IRLR 926*
- *H Aziz v. Crown Prosecution Service EWCA Civ 1136*
- *Brooks v. Commissioner of Police for the Metropolis - UKHL 24*
- *Yearwood v. Commissioner of Police for the Metropolis - ICR 1660*
- *Chief Constable of Bedfordshire Police v. C S Liversidge - ICR 1135*
- *Chief Constable of Lincolnshire Police v. Stubbs - ICR 547*
- *Chan v. London Borough of Hackney - ICR 1014*
- *Cleveland Ambulance NHS Trust v. Blane - ICR 851*
- *Orlando v. Didcot Power Station Sports & Social Club - IRLR 262*
- *Photostatic Copiers (Southern) Ltd v. Okuda - IRLR 11*

#### **Injunctions**

Ijeoma has acted for Claimants and Defendants in both the Chancery and Queen’s Bench Divisions of the High Court. She has considerable experience of advisory work, drafting and advocacy in a wide range of claims for injunctive relief. 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.

Ijeoma has developed an interest in injunctive proceedings in doctors’ professional and personal conduct cases.

#### **Industrial Action**

Ijeoma has been instructed to advise both employer and trades union sides in potential and actual industrial action matters. Her most recent experience is within the automotive, transport and health sectors.

#### **Financial Services**

Ijeoma has acted for individual employees, groups of employees and for employers in the financial services sector. As well as the more usual employment tribunal claims. Ijeoma has advised and provided representation and support for Claimants and Defendants in equal pay claims, PHI, bonus cases, restrictive covenant, breach of contract and whistleblowing claims. She has also advised and represented individuals who find themselves the subject of interest from their regulator.

#### **Local Government**

Ijeoma has drafted and reviewed amendments to disciplinary, grievance, sickness absence, social media use, privacy, data protection and redundancy procedures to ensure compliance with relevant legislation.

She has also drafted amendments to maternity, paternity and carers leave provisions and provided advice on the proper application of these policies and procedures.

- Advice that she has given and continues to give includes:
- Advice on proposed amendments to terms and conditions of employment such as varying hours of work, location of work, the withdrawal or reduction of particular allowances such as paid study leave, car user allowances, unsocial hours payments;
- Advice on the enforceability of restrictive covenants in the contracts of senior managers;
- Advice on the implementation and proper conduct of disciplinary and capability procedures in relation to senior managers in local government;
- Advice on the lawfulness and application of voluntary severance and early retirement provisions to senior management team members in local government;
- Advice on potential indirect sex and age discrimination arising from the Local Government Pension Scheme;
- Advice local authorities on the extent of the public sector equality duties in relation to the provision of children's services, leisure facilities and advisory services;
- Advice on the employment law implications of legislation relating to voluntary aided, foundation, maintained and other schools;
- Advice in relation to the application of TUPE local authority tendering and service provision change exercises.

Ijeoma has recently compromised a constructive dismissal and disability discrimination complaint arising from alleged harassment and less favourable treatment in the assessment and allocation of performance related pay which was brought against a London Borough by a senior employee where there were significant litigation risks.

She successfully advocated and achieved compromise in a complaint of unlawful race victimisation brought against a London borough and a senior employee personally in circumstances where the original discrimination claims brought by the Claimant were unmeritorious but subsequent conduct by the employer gave rise to a persuasive complaint of victimisation. The individual Respondent was initially extremely reluctant to settle notwithstanding the very high likelihood of findings of victimisation being made against them.

In the Employment Appeal Tribunal Ijeoma overturned a finding of disability discrimination made against the governing body of a school in Bristol which had dismissed a teacher on capability grounds.

In the employment tribunal she successfully defended a serious complaint of direct sex discrimination, harassment and victimisation brought by the human resources director of a metropolitan local authority.

She also has comprehensive experience of both single claimant and multi-claimant equal pay litigation; acting both for and against local authorities and has advised and litigated to judgment like-work, work rated as equivalent and equal value claims. She has conducted preliminary hearings on the full range of jurisdictional issues and conducted complex genuine material factor defence hearings.

## **Education**

Ijeoma has considerable experience of advisory work and litigation in the schools, university and higher 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 has provided advice and representation to prospective students on entrance requirements, reasonable adjustments, grading and academic disputes. She also regularly advises workers, employees and institutions in relation to safeguarding matters, grading and contractual disputes, redundancy, industrial action and collective disputes, complex grievance, harassment and disciplinary cases including those involving whistle-blowers and/or allegations of unlawful discrimination and victimisation across the protected characteristics.

In the university and further and higher 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. In addition, Ijeoma has been instructed by a number of universities in judicial review and injunction proceedings. She has also acted for students in judicial review and breach of contract claims.

## **Cases:**

- Judicial review proceedings concerning a disabled student seeking reasonable adjustments to enable completion of a time-limited post-graduate course of study;
- Advising a group of students in relation to allegedly discriminatory course entry requirements

Advising a university in respect of capability and conduct proceedings against a senior academic;

- Advising on the terms and conditions applicable to a seconded employee;
- Advising a local authority on the potential impact of the public sector equality duty on its planned primary school provision;
- Advising an academy school in relation to its obligations to make reasonable adjustments for disabled students.

## Public Procurement

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Her practice includes public procurement and public law work. Ijeoma advises economic operators and public authorities primarily in relation to the public contracts and utilities regimes. Recent instructions include 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.

As well as providing training to procurement professionals and to lawyers, Ijeoma has written and lectured on public procurement matters. Recently, with colleague [Nadia Motraghi](#), she published a paper on *"The Implications of Brexit for TUPE in Public Procurement"* 1 Public Procurement Law Review. In June 2017 she 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.

## Health Care Law

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Ijeoma has a detailed understanding of the regulatory regime as it affects health practitioners. She is also very familiar with the contractual regime which applies to NHS staff.

In 2010 Ijeoma was appointed as a legal assessor to the HCPC and the GMC (now MPTS). In that role she provides advice on all stages of the fitness to practice process and has been the legal assessor on many sensitive and complex conduct and capability interim, review and final fitness to practice hearings.

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

She provides advice and representation to health professionals, 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.

She is regularly instructed by NHS Trusts and other NHS employers in discrimination, whistle-blowing and employment related cases in the employment tribunal and in the High Court where concerns about a professional's fitness to practice and/or capability are in issue.

### Relevant cases include:

- A consultant bringing injunctive proceedings in the High Court to challenge an allegedly unlawful suspension;
- A doctor seeking to challenge by way of judicial review an FHSAA decision to permit an LHB to proceed with an allegation of falsification of patient records in circumstances where GMC was already considering the issue and a FTP panel had been convened;
- Acting for an NHS Trust in tribunal proceedings brought by a doctor who had been subject to an interim order and later sought to challenge the requirement on him to re-train on remedial grounds by alleging unlawful race discrimination and harassment in respect of the method by which his employer proposed to deliver that re-training;
- Advising a Post-Graduate Deanery in respect of the removal of a disabled trainee GP's national training number and placement on a GP Training Scheme;
- Appearing for the health professional in an appeal brought by the CHRE in relation to a failure to find impairment of fitness to practice by the NMC : CHRE v NMC & Grant EWHC 927 (Admin);
- A challenge to the withdrawal of a CT1 placement by a disabled doctor and consideration of the scope of section 120(7) of the Equality Act 2010;
- Representing an NHS Trust in employment and contractual claims where overseas trained doctors challenged their work allocation, grade and pay on grounds of alleged direct and indirect race discrimination.

## Professional Regulatory & Discipline

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Ijeoma has a detailed understanding of the regulatory regimes which affect health practitioners. In 2010 Ijeoma was appointed as a legal assessor to the HCPC and the GMC (now MPTS). In that role she provides advice on all stages of the fitness to practice process and has been the legal assessor on many sensitive and complex conduct and capability interim, review and final fitness to practice hearings including cases involving allegations of fraud and dishonesty, sexual misconduct, FGM and clinical outcomes resulting in serious harm and/or death of patients. Recently Ijeoma was the legal adviser to the Panel on the MPTS first non-compliance hearing under rule 17Z.

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

She provides advice and representation to health professionals, their employers and training providers in relation to contractual disputes, disciplinary and capability matters and in proceedings before the High Court.

She is regularly instructed by NHS Trusts and other NHS employers in discrimination, whistle-blowing and employment related cases in the employment tribunal and in the High Court where concerns about a professional's fitness to practice and/or capability are in issue.

### Cases include:

- A consultant bringing injunctive proceedings in the High Court to challenge an allegedly unlawful suspension;
- An NHS trust resisting an injunction application in the High Court in respect of a proposed internal hearing where trust and confidence was alleged to have broken down;
- A doctor seeking to challenge his removal from the Performers List in the light of allegations of dishonesty and MPTS proceedings;
- Acting for an NHS Trust in tribunal proceedings brought by a doctor who had been subject to an interim order and later sought to challenge the requirement on him to re-train on remedial grounds by alleging unlawful race discrimination and harassment in respect of the method by which his employer proposed to deliver that re-training;
- Advising a Post-Graduate Deanery in respect of the removal of a disabled trainee GP's national training number and placement on a GP Training Scheme;
- A challenge to the withdrawal of a CT1 placement by a disabled doctor and consideration of the scope of section 120(7) of the Equality Act 2010;
- Representing an NHS Trust in employment and contractual claims where overseas trained doctors challenged their work allocation, grade and pay on grounds of alleged direct and indirect race discrimination;
- Representing a dental professional facing allegations of working beyond his scope of practice and misleading and dishonest advertising.

### Other Regulatory:

In addition to health profession regulation Ijeoma has experience of advising and representing clients in Financial Service Authority proceedings, Solicitors Regulatory Authority proceedings, and in British Boxing Board of Control proceedings. She was a guest speaker on "*Dishonesty in Regulatory Proceedings*" at the 2016 IBC Legal "*Disciplinary Tribunals Conference*."

## 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 highly experienced barrister and accredited mediator. Ijeoma accepts public access instructions.

Ijeoma routinely advises on factually complex disciplinary and grievance matters across a range of sectors. Ijeoma has supported in-house investigations and conducted grievance investigations in respect of bullying, harassment,

discrimination and whistle-blowing complaints. Ijeoma has acted as legal adviser to internal disciplinary and appeal panels. Ijeoma is a well-regarded trainer with particular expertise in relation to equality and diversity issues. She also acts as legal adviser to a range of statutory tribunals.

As a mediator, Ijeoma is skilled at dealing with sensitive disputes in an effective and proportionate way.

## Recent and current work

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- *Shuter v Ford Motor Company Ltd*
- *McKinnon v. LB Redbridge*
- *Masud v Shell International Limited, Shell International and Shipping Company Limited*