

## Louise Chudleigh

**CALL: 1987**

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### Overview

Louise Chudleigh is a very established legal practitioner who was called to the Bar in 1987 appointed a fee-paid employment tribunal judge in 2001. She is ranked in the directories as a leading junior in the field of employment law.

Louise has significant experience of complex employment claims, including in relation to discrimination involving all protected characteristics, equal pay and whistleblowing and has also developed a busy practice conducting internal grievance and disciplinary investigations (see the separate HR Professional Support profile).

She enjoys, and is skilled at preparing and presenting lengthy, fact rich, document heavy first instance employment cases. As well as practicing in the employment tribunals, Louise appears in the common law courts including in claims for injunctive relief, equal pay and breach of contract. She also has an appellate practice and appears in the EAT and the CA.

Louise has a particular interest in cases involving doctors, public sector litigation, claims by serving or former police officers and sport.

She is a certified and practicing mediator and is known to be extremely effective. She has extensive experience of acting as a representative for parties in mediations.

Louise is trained in and accepts public access work.

### Memberships

- Employment Law Bar Association – former committee member; Industrial Law Society; Employment Lawyers Association.
- Member of the Bermuda Bar.

### Employment & Discrimination

Louise is very experienced in this field, having practiced in this area for a considerable period of time and having been a fee-paid employment tribunal judge since 2001. She is recognised in the legal directories as a leading senior junior with a large body of experience in discrimination and equal pay. She excels at preparing and presenting lengthy, fact rich, document heavy first instance employment cases. Her practice also encompasses all other aspects of employment litigation including injunctive proceedings relating to threatened disciplinary action or dismissal and she appears in the appellate courts.

She regularly acts on behalf of local authorities, NHS Trusts, police services, financial institutions and other large employers in complex discrimination cases and has represented several local authorities and NHS Trusts in large multi-party equal pay. She has been instructed in the Birmingham City Council equal pay litigation (reputed to be the largest ever equal pay case) since 2007, and more recently in large private sector equal pay claims.

Louise also acts regularly on behalf of employees and trade unions. She has particular expertise in matters relating to the employment and dismissal of medical practitioners and is instructed regularly by both NHS Trusts and doctors.

#### A selection of recent cases:

#### Discrimination

### Expertise

- Administrative & Public Law
- Commercial Law
- Education & Safeguarding
- Employment & Discrimination
- Finance
- Health
- Insurance
- Investigations
- Media and Entertainment
- Professional Regulatory & Discipline
- Public Law
- Retail and Consumer
- Sport
- Travel

### Recommendations

"Her ability to orchestrate incredibly complex facts is quite amazing; she is absolutely fabulous." "She has deep knowledge, strategic insight and is really excellent at seeing what will work at a practical level." Chambers & Partners 2021

"Extremely strong on equal pay cases, and sitting as a part time employment judge she can provide valuable insights as to how an employment judge will react to particular arguments." The Legal 500 2021

### Key contacts

#### William Meade

Senior Clerk

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#### Olivia Moliterno

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Senior Team Leader

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- *X v The Commissioner of Police of the Metropolis* – whistleblowing and disability discrimination with multiple preliminary issues – ongoing and listed for 8 weeks in 2021;
- *The Commissioner of the City of London Police v Geldart* UKEAT/0032/19 – sex/maternity discrimination;
- *Shittu v South London & Maudsley NHS Foundation Trust [2019]* – disability discrimination and other matters;
- *X v a firm [2019]* – complex associative discrimination claim involving a vulnerable witness;
- *Dahou v. Serco Ltd* – trade union dismissal claim – went to the Court of Appeal via the EAT and was remitted to the tribunal;
- *Kudrath v. National Policing Improvement Agency* – 5-week ET case about sex and race discrimination. Acted for the Respondent and succeeded in relation to all 62 allegations.

### Equal Pay

- Ongoing equal pay claims against a large supermarket;
- Birmingham City Council equal pay litigation which has included a 5-week GMF hearing and multiple other appearances in the tribunal, EAT, CA and the Supreme Court (in *Abdulla & others [2013] IRLR 38*);
- Stage 2 hearing involving an individual claimant listed in 2020;
- Like work and EV claim against a financial institution – ongoing in 2020;
- Many other multiple and individual claims in both the private and public sector organisations.

### Injunctions

- *Jain v Manchester University NHS Foundation Trust*;
- *Elangovan v The Pennine Acute Hospitals NHS Trust*;
- *Fynes v St Georges Healthcare NHS Trust [2014] All ER (D) 210 (Mar)* – claim for an injunction to restrain a Trust for pursuing conduct proceedings;
- *West London Mental Health Trust v. Dr Chhabra [2013] IRLR 398* – CA case about injunctive relief so as to restrain proposed disciplinary proceedings;
- *WRN Ltd v. Ayris [2008] IRLR 889*, a case involving the enforcement of restrictive covenants;
- *Kulkarni v. Milton Keynes Hospitals NHS Foundation Trust [2009] IRLR 829* – Louise obtained the initial HC injunction in this case.

## Investigations

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Louise has practiced in the field of employment law for a significant time and has been a fee-paid employment judge since 2001. She has extensive experience of conducting all types of investigations as well as presiding over both disciplinary and grievance proceedings.

Feedback from clients has included:

*“Many thanks for your report – it’s exactly what’s required.”*

*“Thank you very much Louise for being so thorough and diligent throughout”.*

Recent examples of Louise’s work in this area include:

- Conducting a sensitive investigation for a local authority into allegations of serious sexual assault.
- Investigating allegations of fraud for a medical supplies company.
- Chairing a disciplinary appeal following a dismissal for historic sexual harassment.
- Investigating allegations of sexual misconduct outside the workplace.
- Determining an internal workplace grievance and making recommendations.
- Conducting a fact-finding investigation into allegations of race discrimination for the purposes of a grievance appeal by woman employed in a global engineering company.

## Professional Regulatory & Discipline

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Louise Chudleigh’s practice has encompassed matters relating to the disciplining and dismissing of doctors, dentists, other health-care professionals and the police for over 20 years.

Louise has frequently appeared in medical employment cases in the employment tribunal, in the High Court and on appeal, including in the Supreme Court in *Chhabra v West London Mental Health NHS Trust*. She sits as a legal adviser to NHS disciplinary panels and also acts as an advocate in disciplinary hearings. Louise has appeared before the GMC and the HPC and other regulatory bodies,

and has acted as a legal assessor for the British Psychological Society's Conduct and Fitness to Practice Committees.

A sample of cases in which Louise has appeared includes:

- *Dr X v NHS Trust Y* [2019] – attempt to halt disciplinary process;
- *Jain v Manchester University NHS Foundation Trust* [2018] – injunction relating to a proposed a SOSR disciplinary hearing;
- *Elangovan v The Pennine Acute Hospitals NHS Trust* [2018] – case involving misconduct and SOSR;
- *Dowsing v Shrewsbury & Telford NHS Trust* [2016] – successfully acted for consultant orthodontist in case concerning whistleblowing about breach of waiting list referral to treatment times;
- *Re Dr A* [2016] – appeared for consultant cardiothoracic surgeon in matters relating to alleged misconduct;
- *Ni'Man v Norfolk Community Healthcare NHS Trust* [2016] – instructed in internal disciplinary hearings and employment tribunal in long running dispute regarding alleged misconduct by an associate specialist;
- *Re Dr B* [2015] – acted for practitioner before GMC in issues related to fitness to practice;
- *Fynes v. St George's Hospital NHS Trust* [2014] EWHC 756 (QB) – HC decision concerning classification of disciplinary allegations as between conduct and health;
- *Chhabra v. West London Mental Health NHS Trust* [2014] IRLR 22 – SC decision about injunctive relief in relation to disciplinary proceedings.

## HR Professional Support

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Louise has often been instructed to conduct internal investigations on behalf of both public and private sector organisations, and her practice in this area has recently become particularly busy. Louise's work has included:

- Conducting grievances, finding the facts and making recommendations;
- Conducting disciplinary proceedings;
- Advising employers as to on-going disciplinary matters;
- Presenting the case for both management and employees at disciplinary hearings;
- Acting as an advisor to disciplinary panels;
- Sitting as a legal assessor in misconduct and fitness to practice proceedings;
- Conducting mediations.

Louise accepts instructions on a direct access basis.

## Recent and current work

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- *Lichters v Commissioner of Police of the Metropolis*
- *Serco v Dahou*
- *Sefton Borough Council v Wainwright* [2015] I.C.R. 652: Claimant's post deleted while on maternity leave—Claimant interviewed but failed to obtain suitable new post—When obligation to offer suitable vacancy arising—Whether maternity discrimination under Equality Act 2010 s 18.
- *Serco Ltd v Dahou* [2015] I.R.L.R. 30: trade union activities case about the burden of proof in detriment and automatic unfair dismissal claims. Court of appeal hearing pending.
- *Thomson v Imperial College Healthcare NHS Trust*, Employment Appeal Tribunal, 30 January 2015: Disability discrimination and unfair dismissal case regarding reasonable adjustments, Polkey and range of reasonable responses.
- *Fynes v. St George's Hospital NHS Trust* [2014] EWHC 756 (QB), [2014] All ER (D) 210 (Mar): HC decision concerning classification of disciplinary allegations as between conduct and health.
- *Bashford v. NFU* [2014]: ET case concerning victimisation and unfair dismissal. Acted for Claimant and succeeded in both claims.
- *Dr Chhabra v. West London Mental Health NHS Trust* [2014] IRLR 22: SC decision about injunctive relief in relation to disciplinary proceedings.
- *West London Mental Health Trust v. Chhabra* [2013] IRLR 398: CA case about injunctive relief so as to restrain proposed disciplinary proceedings. SC decision awaited.
- *Dahou v. Serco Ltd* [2013]: complex ET claim in which the ET was successfully persuaded to find that the dismissal of a trade union representative was for union related reasons.
- *Birmingham City Council v. Abdulla & others*, SC [2013] IRLR 38: SC decision about the right to bring equal pay claims in the common law courts.
- *Thompson v. Imperial College Healthcare NHS Trust* [2013]: ET case about whether there had been a failure to make reasonable adjustments

in relation to a doctor who was dismissed from gross misconduct.

- *Peat v. Birmingham City Council* [2012] All ER (D) 178 : EAT decision successfully defending a large award of costs by an ET.
- *Beddoes and others v. Birmingham City Council* [2011] 3 CMLR 1151: EAT case about various issues related to equal pay claims.
- *Sefton Metropolitan Borough Council & Sefton New Directions v. Hincks and others* [2011] ICR 1357.
- *Ashby and ors v. Birmingham City Council* [2011] EWHC 424: HC equal pay claim.
- *BCC v. Akhtar* [2012] EWCA Civ 585, [2012] All ER (D) 28 : CA case concerning dispute resolution procedures.