

## Rosalie Snocken

CALL: 2010

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### Overview

Roz is an established and experienced barrister, having been a member of Chambers for over 10 years since successful completion of her pupillage in 2012. Her practice is primarily comprised of two of chambers' core areas, namely Employment (including Discrimination) and Personal Injury together with some work in Clinical Negligence. She is also a qualified mediator and acts as an investigator or decision-maker in internal employment processes.

As part of her Employment Law practice, Roz regularly undertakes a wide variety of Employment Tribunal hearings ranging from preliminary hearings to multi-day final hearings. She has experience of dealing with a broad range of cases including those concerning discrimination, unfair and wrongful dismissal, breach of contract, wages claims (including unlawful deductions and breach of Pay Regulations), equal pay, Working Time Regulations (including holiday pay), TUPE, whistleblowing, industrial action, protective awards, Health & Safety and parental rights. Particular issues that arise across such areas which Roz has significant experience in advising and advocating on include jurisdiction (including territorial, time and status issues), pensions, ACAS Code breaches, strike-out/deposit applications, estoppel/abuse and privilege.

Within her Personal Injury practice, Roz has represented both Claimants and Defendants in a range of trials and hearings in the Civil Courts, including applications and CMCs on both the fast and multi tracks, costs budgeting hearings, multi-track and fast-track trials and quantum hearings. Commensurate with her level of call, her practice nowadays is primarily comprised of multi-track matters with frequent CCMC and application hearings, and trials where applicable. She also regularly advises on both liability and quantum in personal injury claims, together with drafting pleadings where appropriate, as well as having considerable experience of negotiations and JSMs. Roz is happy to undertake work on a CFA in suitable cases.

As well as regularly undertaking hearings in Tribunals, County Court and High Court, Roz has also appeared in the EAT and Court of Appeal, and assisted in a case before the Supreme Court (*Jones v FTT* [2013] UKSC 19; [2013] 2 AC 48).

Roz is an accredited mediator with experience of conducting mediations on a variety of topics. She can also draw upon her experience as an advocate representing parties in a mediation in her role as a barrister.

Before joining chambers, Roz worked for a national firm's Serious Injury Team for a total of two years. In her role as a paralegal she dealt with RTC, employer's liability, and occupiers' liability cases, ranging from fast track matters to multi-million pound catastrophic injury claims. Since joining chambers, she has also undertaken a 3-month secondment with the Employment Team at another leading Solicitors' firm.

Roz read Mathematics and Philosophy at Oxford University. She then obtained a Distinction for the Graduate Diploma of Law and was graded Outstanding for the BVC from the College of Law. She was awarded scholarships from the Inner Temple for both the GDL and BVC.

Roz is a member of ELA, ELBA, PIBA and the Society of Mediators.

Roz is ranked as a Leading Junior for Employment in the Legal 500 2024.

### Expertise

- Clinical Negligence
- Costs
- Education & Safeguarding
- Employment & Discrimination
- Environment
- Finance
- General Civil Litigation
- Health
- Inquests & Public Inquiries
- Investigations
- Mediation
- Motor Defence
- Personal Injury
- Professional Regulatory & Discipline
- Public Law
- SHE & Criminal Regulatory
- Sport
- Travel

### Recommendations

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"She is a highly intelligent barrister with excellent analytical skills." The Legal 500 2024

"Rosalie is a great junior with an eye for detail, and who is adept at mastering complex facts and legal issues quickly and effectively." The Legal 500 2023

"She is a talented junior, who has an outstanding and detailed knowledge of employment and discrimination law." The Legal 500 2022

### Key contacts

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#### Louis Lockwood

**Senior Team Leader**

## Employment & Discrimination

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### Jordan Bater

**Team Leader Assistant**

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As set out above, Roz has been instructed in many different types of employment and discrimination claims, dealing with a wide variety of statutory provisions. Appearing in Employment Tribunals almost every week and very often for multiple days, Roz has experience of dealing with final hearings ranging from 1 to 10 days in length.

Roz regularly undertakes a wide variety of Employment Tribunal hearings ranging from preliminary hearings to multi-day final hearings. She has experience of dealing with many different cases including those concerning:

- Discrimination (including direct, indirect, s15, failure to make reasonable adjustments, harassment and victimisation)
- Unfair and wrongful dismissal
- Breach of contract
- Wages claims (including unlawful deductions and breach of Pay Regulations)
- Equal Pay
- Working Time Regulations (including holiday pay)
- TUPE
- Whistleblowing
- Industrial action
- Protective awards
- Health & Safety
- Flexible working
- Parental rights including those relating to maternity leave.

Particular issues that arise across such areas which Roz has significant experience in advising and advocating on are jurisdiction (including territorial, time and status issues), pensions, ACAS Code breaches, strike-out/deposit applications, estoppel/abuse and privilege.

It is not just Employment Tribunals matters that Roz has appeared in. She has also been instructed in hearings in the Court of Appeal and before the EAT, including an appeal against an order of the Registrar and Rule 3(10) hearings, as well as being led in full hearings (such as Carillion v Benson & Ors, Lofty v Hamis and Bamieh v EULEX & Ors). She has undertaken various High Court work including solely representing a Claimant in a claim for breach of contract pleaded at over £200,000 and acting as junior to Ben Cooper KC in the Police Overtime Claims Litigation (including conducting 3 ½ days of the trial as sole Counsel when Ben was suddenly unable to attend). Roz has also represented the Defendant in an application hearing before the High Court in a claim arising out of employment, where there were also associated employment tribunal proceedings and assisted in some of the Blacklisting High Court litigation, including drafting Claimant Specific Particulars of Claim and collating losses information.

Roz represents both Claimants and Respondents. She has significant experience representing both Claimants who are assisted by a Union and those who are pursuing the claim on a private basis. She is very familiar with representing small businesses and large organisations alike and understands the different considerations arising from representing private companies and public bodies, including NHS Trusts.

It is not only advocacy work that Roz undertakes and she regularly completes written work in employment matters. She has considerable experience of:

- Drafting grounds of complaint and grounds of response
- Producing lists of issues
- Advising on liability and quantum in employment matters, as well as drawing on her experience of writing opinions in personal injury matters
- Advising on witness statements in the full range of claims she deals with
- Drafting witness statements when not instructed as the advocate in the case including in claims concerning equal pay, unfair dismissal and disability discrimination (including impact statements where the question of whether the Claimant is disabled is in dispute)
- Drafting schedules and counter-schedules
- Formulating applications to the Tribunal.

Since Roz undertakes a mixed practice, she is able to draw upon her experience in personal injury matters where this crosses into the employment realm, especially in those cases concerning stress or harassment for example. It is also of particular assistance when dealing with experts and when calculating large and/or complex quantum matters (and with her maths background Roz is very happy dealing with schedules or counter-schedules where required).

Roz is also keen to accept instructions in cases involving discrimination in a non-employment context.

Roz was previously co-author of the Westlaw Insight articles on deductions from wages, holiday pay, and gratuities and tips. She regularly takes part in the Whistleblowing Quarterly Round-Up held by Protect and is a member of Maternity

## Personal Injury

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Roz is regularly instructed in a wide variety of personal injury claims, on behalf of Claimants and Defendants, for both advocacy and written work.

Roz's experience covers the following types of claims:

Road traffic claims, including claims by/against drivers, passengers, motorcyclists, cyclists and pedestrians;

Highway s41 failure to maintain and nuisance claims;

Occupiers' liability and Defective Premises matters;

Accidents at work and other employers' liability claims (including those related to upper limb disorders and other manual handling matters);

Industrial disease claims (including involving noise-induced hearing loss, COSHH, HAVS, asthma and work-related musculo-skeletal disorders including repetitive strain conditions);

Claims involving harassment, discrimination and/or stress at work (for which Roz is able to draw on her knowledge derived from her employment practice);

Product liability matters;

Claims by pupils against schools/local authorities;

Military claims.

As set out above, Roz has experience of appearing in a varied range of Courts and different hearings. Commensurate with her level of call, her practice nowadays is primarily comprised of multi-track matters with frequent CCMC and application hearings, and trials where applicable. Roz has represented both Claimants and Defendants in a range of trials and hearings in the Civil Courts, including applications and CMCs on both the fast and multi tracks, costs budgeting hearings, multi-track and fast-track trials and quantum hearings. She also has experience of longer trials due to her Employment Law practice: she regularly undertakes multi-day hearings in the Tribunal, and has also appeared in a 14 day trial in the High Court (including 3.5 days without the KC leading her when he was unexpectedly unable to attend).

In addition she has a busy paperwork practice involving:

Drafting all types of civil pleadings including particulars of claim, defences, requests and answers to requests for further information and Part 35 questions to experts;

Advising on witness statements (and drafting statements for cases in which she is not instructed as an advocate);

Providing written opinions on liability and quantum, both for use at approval hearings and more generally;

Producing schedules of special damages both for small and large value claims, drawing on her particular strength in maths and also from her involvement in cases whilst a paralegal as well as from experience gained since joining the Bar.

Roz also has a particular interest in catastrophic cases including those involving brain injuries. She is keen to continue building her PI practice by being led in order to gain further exposure to high value, complex cases.

## Clinical Negligence

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Roz is keen to develop her growing clinical negligence practice. She has been instructed in cases concerning the alleged negligent failure by a GP to correctly diagnose and treat pneumonia, treatment of a foot and toe injury by a hospital, allegedly failing to avoid the death of a young man admitted to A&E and ITU following a significant overdose, treatment following a laparoscopic cholecystectomy, the performance of a rhinoplasty, delay by two GPs in referring a patient for surgery to remove a foreign body from his leg, and deployment of a marine with lichen planus.

Roz also has experience in dental cases, for example concerning the negligent performance by a dentist of a crown removal and replacement.

Roz also draws on experience with dealing with Healthcare matters more generally through her work in the Employment Tribunals, hearings before

Healthcare Regulators and at Inquests where there is concern over the medical care that was given to the deceased.

Roz is also able to draw on her knowledge from dealing with high-value brain injury cases meaning that she has experience of dealing with complex causation issues, medical experts and large schedules including significant care and accommodation claims.

## Costs

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Roz is keen to attract instructions in costs disputes, particularly arising out of personal injury matters. She has experience of appearing in costs proceedings as well as dealing with costs as one of the issues in a more general hearing.

Roz also finds her experience as a paralegal invaluable when dealing with costs matters as it gives her additional familiarity and knowledge of producing costs schedules, time recording and tasks undertaken by Solicitors.

## General Civil Litigation

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Roz also accepts instructions in general civil litigation matters. She has significant expertise in contractual matters. She has also successfully represented a website company in a case concerning whether there was tortious liability where a consumer had purchased goods from a third party using the Defendant's website (see our Technology, Media and Telecommunications sector). She has appeared in several matters concerning property damage, including to electricity cables and arising from water damage in a flat. Another example is where Roz represented the Defendant in a (remote) trial about whether payments made to him by an ex-girlfriend were gifts (conditional or unconditional) or loans and was successful in reducing what was to be repaid down to approximately ¼ of what had been claimed.

## Mediation

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Roz is an accredited mediator, trained by the Society of Mediators. She has experience of acting as a mediator in a variety of mediations, including cases outside her usual areas of practice. Examples include disputes involving difficulties between two colleagues working together, defective products, unpaid bills, breach of contract and misrepresentation. Roz also regularly acts as a representative to parties during mediation, and is able to draw upon her experience of participating in the process as an advocate when acting as a mediator.

Roz is keen to attract work as a mediator both in cases where litigation is already proceeding or is imminent, and where the dispute has not turned legal. Given her expertise in employment law cases, Roz is particularly interested in undertaking workplace mediations.

## Investigations and Disciplinary

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Roz can use her experience in employment law to act either as an investigator or decision-maker in internal employment processes, including grievance and disciplinary processes. She can work flexibly and adapt to the particular company's own processes as far as possible whilst maintaining independence and compliance with employment law requirements. Roz can draw on her experience acting in a wide range of employment matters including those involving potential whistleblowing, (gross) misconduct, grievances and discrimination. She is also able to undertake reviews of policies or workplace audits if desired on a more general basis rather than just those arising in response to a specific complaint. Since Roz is direct-access trained she is happy to act directly upon instruction from the relevant company or through a solicitor.

Recently Roz has worked directly with a company who was faced with handling a very large number of related disciplinary investigations and procedures for gross misconduct. Since there were multiple disciplinary managers, those managers contacted Roz before finalising any decision so that a review could be undertaken to ensure fairness for the individual decision and consistency across all the different decisions being made. This meant Roz was involved in over 40 disciplinarys, resulting in a variety of outcomes including the allegation not being upheld, written warnings being given and many dismissals. Roz also gave advice to the HR and Legal departments on related issues and provided strategic guidance on applicable matters.

## Recent and current work

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Police Overtime Claims Litigation – Junior in High Court litigation involving multiple claims brought by hundreds of police officers regarding overtime and other types of payments led by [Ben Cooper KC](#) representing the Sergeants and Inspectors – undertook the bulk of the drafting of witness statements and schedules and was junior Counsel throughout the 14 day trial (including appearing for 3 ½ days of the trial without Ben when he was unexpectedly unable to attend) and at the remedy hearing as the Claimants were successful;

Acting as Sole Counsel for the Claimant in an 18-day Employment Tribunal liability hearing against a Fire Brigade in serious and numerous disability discrimination, victimisation and unfair dismissal claims and advised upon remedy leading to successful settlement (including advising on expert medical evidence required for a complicated causation issue).

Advising in conference on a large personal injury claim arising from a fall from height at a construction site

Extensive advice given over several months to a Company regarding mass disciplinary procedures for gross misconduct – during that period oversaw every disciplinary outcome and provided strategic advice for related matters

Successfully representing a Claimant at a JSM in an accident at work personal injury case (thus avoiding a 4 day multi-track trial that Roz would otherwise have been instructed for)

Advising on quantum in writing and undertaking a conference with expert and client in a claim arising from serious injuries sustained by a motorcyclist

Successfully arguing for Respondents to be dismissed from Employment Tribunal proceedings at PHs on the following bases (in separate cases):

- Showing there was no TUPE transfer
- No pursuable claim against the company that employed administrators
- No reasonable prospects of success in race discrimination claims due to a combination of time and merit issues;

Drafting Particulars of Claim and advising on appropriate Defendants in a personal injury claim arising out of an accident in a rented property due to a missing handrail

Advising a group of pilots about potential breach of contract claims arising out of complicated working relationships across different companies within the same Group and across different countries and jurisdictions. Thereafter advising one particular pilot in relation to a potential unfair dismissal claim and the failure to pay wages whilst not able to work in the UK

Representing the Claimant (at CCMC, drafting and advising) in a multi-track personal injury claim arising out of an accident whilst at work on a ship;

Successfully obtaining Rule 50 orders for anonymity and Restricted Reporting Orders to protect an employee of the Respondent who strongly denied the sexual assault allegations being levelled against him whilst also ensuring that the unrepresented Claimant also had the appropriate protections until the matter could be determined at trial;

Being the Appeal decision-maker for an internal company disciplinary process where the employee appealed against a final written warning;

Advising the Claimant on a claim where there were potential parallel Employment Tribunal and County Court cases for whistleblowing and personal injury (stress) claims, and drafting the POC for the personal injury claim;

Successfully obtaining a deposit order against a Claimant in a whistleblowing matter where she was instructed to represent the Respondent university at the 8-day final hearing until the Claimant withdrew shortly before it was due to start;

Representing the Claimant in a claim against the Ministry of Justice (also involving a private contractor as a Part 20 Defendant) for fall on ice by an employee. Drafting the POC and Reply, and advised at multiple points including just before the trial (at which Roz would have represented the Claimant had the case not settled shortly before);

Representing the Claimant at a remote Judicial Mediation in a claim for Sexual Harassment, Direct Sex Discrimination, Whistleblowing and Victimisation at which agreement was successfully reached;

Representing one of the Defendants in a personal injury highways claim arising out of an accident on the Isle of Man.

## Notable Cases

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Junior in the Police Overtime Claims Litigation: KSO & Ors v Commissioner of Police of the Metropolis [2022] EWHC 2514 (KB); [2023] ICR 34.

Junior in the case of Carillion v Benson at both the EAT and for the 3-week PH regarding the “special circumstances” defence in hundreds of claims for protective awards arising out of the collapse of the Carillion group of companies (Carillion Services Ltd (In Compulsory Liquidation) v Benson [2022] IRLR 39).

Sole Counsel in an 18-day Employment Tribunal liability hearing against a Fire Brigade in serious and numerous disability discrimination, victimisation and unfair dismissal claims and advised upon remedy leading to successful settlement (including advising on expert medical evidence required for a complicated causation issue).

Junior in the case of Bamieh v EULEX & Ors (in both the Court of Appeal and EAT) concerning jurisdictional issues, including questions of legal personality and also the territorial reach of the whistleblowing provisions in claims against co-workers (FCO & Ors v Bamieh [2019] EWCA Civ 803; [2019] IRLR 736);

Junior in the EAT case of Lofty v Hamis concerning the cancer “deemed disability” provisions in the Equality Act 2010 (Lofty v Hamis t/a First Cafe [2018] IRLR 512);

Sole Counsel for a 5 day remedy hearing (against a KC and Junior Counsel) for two Claimants who had suffered serious psychiatric injury due to indirect sex discrimination (following previously successfully representing the Claimants at a 10 day liability hearing involving matters of national security necessitating a mixed public and private final hearing);

Representing the Claimant in Arya v London Borough of Waltham Forest [2013] EqLR 745.

## Professional Recommendations

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