

Sarah Keogh

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Overview

Sarah Keogh is a highly experienced barrister specialising in employment and professional discipline.

Sarah has an established practice representing clients in high-value and complex cases in Employment Tribunals, the EAT, Court of Appeal and the High Court. She also appears in and provides legal advice to panels in professional regulatory proceedings, including Police Misconduct and Capability hearings, Special Case hearings and PAT appeals, and hearings in the NMC and HCPC. She has particular specialism in advising in cases which cross-over from one area of expertise to another. She has a loyal client base which includes the British Medical Association, NHS Trusts, police forces, local authorities and large national employers.

Sarah is well known for her meticulous attention to detail and a personable yet robust and pragmatic approach. She excels in advocacy and is an accredited Advocacy Trainer for the Inner Temple.

Sarah was awarded the **Junior Pro Bono Barrister of the Year Award** in 2018. She accepts instructions in suitable cases on a direct public access basis, and undertakes pro bono work through Advocate and COAS. She is a member of the ELA Pro Bono Committee assisting with ELIPS.

Education:

- BA Hons, Jurisprudence, Balliol College, Oxford University
- Bar Vocational Course, ICCL

Professional Memberships:

- Employment Lawyers Association
- Employment Law Bar Association
- Personal Injury Bar Association

Training:

Sarah offers seminars and workshops in all areas, and conducts mock tribunals. Recent events include:

- Disability Discrimination Update – Prospect Union
- Employment Law Update – Police Law Conference
- A question of status: Employees, workers and business owners – Gordon Dadds – *“The best lunchtime seminar we’ve had this year”*
- Holiday Pay: Avoiding the pitfalls – Essex Legal Services – *“Excellent and very relevant”*
- Forging the flexible workforce: The impact of changes to the TUPE Regulations – Norfolk and Norwich Law Society – *“Excellent presentation... Useful to have such comprehensive notes”*

Employment & Discrimination

Sarah appears in Employment Tribunals, the EAT and Court of Appeal for both claimants and respondents spanning the full spectrum of employment law. She also carries out related work in the County Court and High Court, including claims for stress at work, breach of contract and service agreements, and injunctions relating to restrictive covenants.

Expertise

- Clinical Negligence
- Data Protection & Information Law
- Education & Safeguarding
- Employment & Discrimination
- Finance
- Health
- Inquests & Public Inquiries
- Insurance
- Personal Injury
- Professional Regulatory & Discipline
- Public Law
- Retail and Consumer

Recommendations

"She is super bright, she is quick, she is sharp in picking up the issues and she gives a firm view that is always spot on." "She is an experienced cross-examiner who regularly appears in the appeal courts and she has a great eye for detail." Chambers & Partners 2022

"Extremely responsive, completely reliable, very thorough and knowledgeable. Gives clear and decisive advice – an invaluable adviser." The Legal 500 2022

Key contacts

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She has a loyal client base which includes the British Medical Association, NHS Trusts, police forces, local authorities and large national employers.

Recent work includes:

- Advising the BMA in relation to test cases claiming age discrimination arising from the introduction of the 2015 NHS Pension Scheme, in which liability has now been admitted.
- *Novak v Chandler Bars Group Ltd* – Successfully represented Ms Novak in a test case on the worker’s rights of strippers. Ms Novak has secured worker status and will go on to claim detriment arising from trade union activities and unpaid holiday pay.
- *Hallett v Derby Hospitals NHS Foundation Trust [2019] EWCA Civ 1394* – Instructed as sole junior led by Mark Sutton QC and John Cavanagh QC in a major BMA test case which successfully challenged the way in which some NHS Trusts monitor hours and rest for junior doctors and calculate pay banding supplements. Sarah advised the project team on merits, evidence, procedure and tactics and represented Dr Hallett in the High Court and Court of Appeal. Permission to appeal to the Supreme Court has been applied for.
- *Brangwyn v South Warwickshire NHS Foundation Trust [2018] EWCA Civ 2235* – Represented Mr Brangwyn, an occupational therapist, in the Court of Appeal at the permission and full hearing stage on a pro bono basis. Mr Brangwyn was a carpenter with a blood phobia who provided occupational therapy for the Respondent’s patients and was dismissed when changes were made to his job description requiring him to go onto hospital wards. The judgment clarified the law in relation to the identification of a PCP for the purpose of reasonable adjustment claims under the Equality Act 2010.
- Advising the BMA and negotiating whistle blowing protection for Junior Doctors as against Health Education England and Health Education and Improvement Wales.
- *Stewart v NHS Business Services Authority [2018] EWHC 2285 (Ch)*– Successfully represented Dr Stewart in his High Court appeal from the Pension Ombudsman’s refusal of temporary injury allowance after diseases contracted from a mosquito bite whilst at a conference in India left him unable to work. The judgment provides guidance as to the steps required to determine whether a particular activity is “in the course of employment”, a phrase adopted by numerous employment benefits regulations as a condition of eligibility.

Personal Injury

Sarah undertakes personal injury work related to the workplace and has a particular specialism in psychiatric injury arising from harassment and stress at work and claims which cross over between the civil courts and the employment tribunal.

Recent work includes:

- *Bestley v Humber NHS Foundation Trust* – Acting for a consultant in his high value claim for damages for psychiatric injury sustained as a result of suspension and the manner of his dismissal, after successfully obtaining judgment for unfair dismissal in the employment tribunal.
- Advising a police force in relation to a civil claim brought in negligence and under the Protection From Harassment Act 1997 for damages for PTSD following alleged harassment in the workplace.
- Successful settlement of claims including a high value claim for psychiatric injury following racial harassment in the workplace which had persisted for many years and led to severe PTSD and suicide attempts.

Professional Regulatory & Discipline

Sarah appears in and provides legal advice to panels in professional regulatory proceedings, including Police Misconduct and Capability hearings, Special Case hearings and PAT appeals. She also appears and advises in relation to proceedings in the Nursing and Midwifery Council, and Health and Care Professions Council.

Recent work includes:

- Representing a psychiatrist in the HCPC facing professional misconduct charges including admitted inappropriate sexual communication with teenage patients against a background of psychiatric injury and drug addiction. Successfully prevented strike off from the register and after a period of suspension the practitioner has been fully restored to the register without conditions.
- Advising a police force in relation to its approach to potential

misconduct proceedings and IPCC referral in circumstances where a number of officers had been found in the Employment Tribunal to have discriminated against or victimised a fellow officer. The case has received national interest and has been mentioned by the Home Office Select Committee.

- *Re ex-PCs Cooper and Newbury* - Instructed by Commissioner of Police of the Metropolis in the Police Appeals Tribunal where dismissed officers have appealed on the basis that the use of evidence discovered during the unrelated criminal investigation of a third officer is a breach of Article 8 rights.

Recent and current work

- Advising the BMA in relation to test cases claiming age discrimination arising from the introduction of the 2015 NHS Pension Scheme, in which liability has now been admitted.
- *Novak v Chandler Bars Group Ltd* - Successfully represented Ms Novak in a test case on the worker's rights of strippers. Ms Novak has secured worker status and will go on to claim detriment arising from trade union activities and unpaid holiday pay.
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