

## Adrienne Morgan – Barrister

Called 1988 (1978)

---

Adrienne has appeared legal directories for a number of years. Here are the most recent entries

### **Chambers and Partners for 2013**

*“Adrienne Morgan another respected barrister with considerable public sector experience who is “excellent at the tactical intricacies of the tribunal process”. She receives particular praise for her flexible and user-friendly client approach”*

### **Legal 500 2013**

*“Gives excellent, practical advice”*

### **Areas of Practice:**

**Employment Law** - Adrienne has experience in all areas of employment law and acts for both employers and employees. She enjoys employment law at every level and acts for a wide spectrum of clients from individuals of modest means to large institutions and blue chip companies.

From Llanelli in South West Wales she read history at University College London before qualifying as a solicitor with Field Fisher Waterhouse in London. She transferred to the Bar in 1988 and since then has specialised in employment law working for employers, trade unions and employees in all areas, including unfair and wrongful dismissal, discrimination, public interest disclosure, TUPE, pensions, contractual disputes and injunctive relief.

She has extensive experience of long and complex discrimination trials in respect of unlawful discrimination, sex, race and disability and discrimination on the grounds of sexuality and religion.

On a number of occasions she has advised on changing the terms and conditions of employment of a workforce, and on contractual claims arising from the application of national terms and conditions of employment. In some cases this has resulted in her being instructed in litigation involving the issue of hundreds of claims from employees with changed terms and conditions both in the tribunal and in the High Court. She has been recommended in Chambers and Partners for her expertise in dealing with litigation involving National Terms and Conditions

Adrienne has built up over the year's specialist knowledge of employment law in the public sector particularly in the NHS and with Local Authorities. As a result of her local authority involvement she has acquired knowledge of education law which extends beyond the employment field and most recently has

advised on employment issues in connection with academies and the relationship between local authorities and academies. Adrienne advises on judicial review in connection with public sector employment.

**Regulatory Work and Public Inquiries** - Her public sector work and work for the NHS in particular has led to instructions to appear before disciplinary and regulatory bodies. She it's as a legal assessor for the Nursing and Midwifery Council. Her wide experience of disciplinary and regulatory tribunals ranges from the Solicitors Disciplinary Tribunal to the Disciplinary Tribunal for Ministers of the Methodist Church. She has represented healthcare professionals, nurses and social workers before their regulatory bodies and she has represented individuals and employers in statutory internal disciplinary hearings.

Adrienne has represented employees in a number of long-running inquiries including a public inquiry into sexual abuse at local authority nurseries, and an inquiry into the murder of a patient in a hospital by another patient.

**Discrimination outside of employment law** - Adrienne has experience of discrimination litigation which does not arise from the employment relationship but which is concerned with unfair treatment in the provision of goods and services, in education and in connection with premises under the provisions of the Equality Act 2010. She has represented mortgagees facing disability discrimination claims, an educational establishment facing claims from students for sex discrimination on the basis of early shift work and bailiffs accused of disability discrimination under the provisions of the Equality Act.

**Public Access** - Adrienne is qualified to take instructions directly from the lay client without the need for a solicitor intermediary. Chambers' website and our senior clerk Lee Cook will give you detailed information about the arrangements between lay clients and barristers.

**The following are a selection of Adrienne's appeal cases:**

**Jones v Governing Body of Burdett Coutts School [1998] IRLR 521 [Court of Appeal]**. This is a leading case on when a court can exercise discretion to allow a new point of law to be raised or a conceded point to be reopened.

**Bangs v Connex South Eastern Ltd [2005] ICR 763; [2005] IRLR 389 [Court of Appeal]** The leading case on when delay by the Employment Tribunal in promulgating a decision affects the right to a fair trial guaranteed by Article 6(1) of the European Convention for the Protection of Human Rights and Schedule 1 of the Human Rights Act 1998

**Prison Officers Association and Others v Nottinghamshire Healthcare NHS Trust [2003] ICR 1192**. The Trust defended over 200 claims for unfair dismissal following a change in shift patterns imposed by the Trust. The Union Issued claims on behalf of its members and issues of abuse of process time limits and agency were addressed by the EAT.

**Speyer v ADT Fire and Security PLC [2006] All ER (D)2005 (Dec)**Determination of questions relating to territorial jurisdiction under ERA 1996. The case was called into the EAT to be heard with *Burke v The British Council and Army and Air Force Institutes (NAAFI)* following the decision of the House of Lords in *SERCO*.

**Afzal v Europackaging Ltd [2007] ALL ER(d) 75 (Jan)** Dismissal found to be automatically unfairly the Employment Tribunal but no dismissal for trade union activities. On appeal EAT substituted the finding of the Employment Tribunal for the finding that the Appellant had been dismissed for trade union activities.

**Sandwell and West Birmingham Hospitals and NHS Trust v Westwood [2009]UKEAT/0032 and referred to in Harvey at [974.02]** The EAT held that the tribunal had not substituted its own view for that of the employer even though it had made findings of fact which the employer had not made.

**Prison Officers Association v Gough and another [2009] UKEAT 0405 09017/12.** The EAT held that the respondents could be employees of the Prison Service as well as the POA.

**Fereday v South Staffordshire NHS PCT [2011] UKEAT0510/02207.** In a constructive dismissal case the EAT upheld the finding of the Employment Tribunal that the Claimant had waived the breach of contract which she had complained of.

**Osonnaya v South West Essex PCT UKEAT [2012] UKEAT/0629/11.** The President of the EAT Mr Justice Langstaff gave guidance on the approach to strike out applications in the case of a pre-hearing review which had begun in 2008 and had still not been completed in 2011. The case is considered at Harvey [663.03]

**Hurley v Herefordshire NHS Trust [2012]UKEAT/110209/12** The EAT decided that the Employment Tribunal had reached a perverse decision in concluding that there had been an unfair dismissal .

**Training and seminars:**

Adrienne like all the members of the employment team is always ready to provide in house training and seminars to our instructing solicitors and their clients. She has lectured on a wide variety of employment topics in seminars organised by chambers and by outside providers such as CLT and she has spoken alongside solicitors at seminars organised by solicitors for their lay clients.

**Education & Qualifications:**

BA (Hons) History University College London

**Professional Courses:**

Solicitors Qualifying Examinations

Pupil of John Male QC Chambers of Lord Geoffrey Rippon QC

**Professional Memberships:**

ELBA

ELA

**Interests:**

Llanelli Scarlets Rugby Football Club and Welsh Rugby

Retail Therapy

**Contact Details:**

Telephone: 0207-822-7000

Fax: 0871-288-7022

Email: clerks@4kbw.co.uk