
JOANNE SEFTON

Call: 2002



Education

Nottingham Law School (BVC)

University of Cambridge (Fitzwilliam College) BA Law (First)

Winstanley College, Wigan

St Michael's CE High School, Chorley

Joanne is a highly-regarded and popular advocate who specialises primarily in employment law. She currently divides her time between her established practice in this area and her developing medical treatment practice, as well as regularly accepting instructions in chambers' other main areas of focus including commercial litigation and professional negligence.

In the employment field, Joanne undertakes a wide variety of advisory work and representation on behalf of employers, employees and trade unions. Joanne regularly appears in the EAT, as well as in Employment Tribunals across the UK, in cases involving all forms of discrimination, harassment and victimisation as well as unfair dismissal, whistleblowing, TUPE and collective employment issues.

Joanne has increasing experience in commercial crossover aspects of employment law, including director and senior employee disputes and employment injunctions.

Joanne has a particular interest in cases arising from a medical background. As well as having represented and advised various NHS trusts in employment law matters, she has a growing practice in medical treatment and related areas.

Employment Law

Employment Injunctions

Joanne has experience acting and advising in employment injunction litigation, both as junior counsel and in her own right.

Joanne's work in this area had included cases involving restrictive covenants, confidential information disputes and cases arising from disciplinary suspension.

Discrimination

Joanne has a vast experience of discrimination claims and spends much of the time advising and representing clients in respect of allegations of race, sex and disability discrimination claims. In addition, Joanne has acted in cases involving each of the less common grounds of unlawful discrimination - age, religion, sexual orientation and part-time/fixed term employment status.

Example cases:

- *Brady v NHS Business Services Authority* (2009) Eight day sex discrimination, victimisation and unfair dismissal. Joanne was instructed by Eversheds on behalf of the Respondant and successfully resisted the claim.
- *Ruffle v ROC UK* (2009) Joanne successfully defended this DDA claim following a seven-day liability hearing. Joanne was also instructed on the appeal, which was dismissed by the EAT.
- *Hussein v TNG Ltd* (2008) Successfully resisted complex race discrimination claim at a seven day ET hearing.
- *Rixon v EDF* (2007) Joanne successfully represented the claimant in this five-day stress-related disability discrimination case, resulting in an award approaching £100,000

Individual Employment Issues

Joanne has conducted a huge variety of unfair dismissal cases in the Employment Tribunal. Notable areas of experience include:

- Constructive unfair dismissal claims arising from stress at work
- Claims involving sensitive allegations, eg abuse in educational and care settings
- Claims involving dismissal arising from business transfers and re-organisations
- Particular experience of unfair dismissal (and other employment) claims arising in health care settings

Joanne also has wide experience of whistleblowing claims, redundancy claims, wrongful dismissal claims and other individual employee issues.

Joanne has appeared at appellate level in individual employment claims on several occasions, including the following notable decisions:

- *Royal Sun Alliance v Payne* [2005] IRLR 848 - Joanne successfully represented the employee in this case dealing in detail with the question of "normal retirement age" under the Employment Rights Act. The EAT accepted that it is not open to an employer to unilaterally lower the normal retirement age to below a retirement age contained in the employee's contract of employment.
- *Perkin v St George's Charitable Foundation* UKEAT0429/05 - Joanne acted for the employer in this case which concerned the question of employment status. Joanne successfully argued at ET and EAT level that the Claimant was not an employee despite his position as a paid officer of the Foundation.

TUPE and collective Employment Issues

Joanne has experience of advising in relation to the potential application of TUPE prior to proposed transfers and also of advising and litigating disputes arising from transfers and alleged transfers which have already taken place.

In addition to claims brought by individuals, Joanne has acted on both sides of major collective consultation claims brought by unions and is currently part of the team representing Virgin Trains in relation to claims arising out of the re-franchising of the rail network.

Joanne successfully represented the union-backed Claimant in the case of *Hutchins v Permacell Finesse Ltd* [2008] All ER (D) 112 (Jan) in which the EAT gave important guidance on the calculation of the protected period in collective redundancy cases

Disciplinary and Regulatory

Joanne has appeared before the Health Professions Council on several occasions and has a particular interest in disciplinary and regulatory work.

Commercial Litigation

The majority of Joanne's commercial instructions complement her employment law practice. As well as the injunctive work referred to above, Joanne has advised both employers and employees in respect of High Court wrongful dismissal claims and been involved in contractual disputes between service providers such as agency workers and those engaging their services.

Medical Treatment and Related Areas

Experience Includes:

- Advisory and representative work in High Court inherent jurisdiction cases
- Inquest work, including representing an ambulance trust in a two-week inquest involving a death in a psychiatric ward.
- Representing consultants in injunctive proceedings under the Protection from Harassment Act 1997
- Junior Counsel in relation to injunctive proceedings under the proposed compulsory closure of a dental practice

Lectures

Joanne frequently gives lectures on her areas of specialism. Recent talks have included Whistleblowing and TUPE.