# Nigel Grundy

YEAR OF CALL 1983

Email: empcom@9sjs.com

# **AREAS OF EXPERTISE**

Personal Injury and Clinical Negligence Mediators, Employment and Workplace Mediation, Mediation, Regulatory and Professional Discipline Group, Insurance Fraud, Personal Injury, Employment



# **Employment CV**

#### **Profile**

Nigel Grundy is a senior barrister with an excellent reputation for preparing, advising and fighting cases across the full range of Employment and Trade Union law. He uses his wealth of experience to give clear, concise and robust opinions and offers a first class advocacy service. He appears regularly in the Employment Tribunal, Employment Appeal Tribunal and the High Court. He is well known for his employment work for which Chambers and Partners and the Legal 500 describe him as a "Leading Junior" and "Highly Rated".

#### **Employment Tribunal/Employment Appeal Tribunal**

Nigel practises extensively in the Employment Tribunal and Employment Appeal Tribunal in cases including in no particular order:

- Discrimination
- Equal pay
- Unfair dismissal
- Whistleblowing
- Collective redundancy
- Redundancy
- Rights upon insolvency
- TUPE
- Flexible Working

Nigel's experience in discrimination cases is largely unrivalled. He has dealt with sex and race discrimination cases from the start of his legal career, disability discrimination since its inception in 1996 (in fact he presented the first seminar in 1995 to the Manchester Law Society upon the legal effect and interpretation of the Disability Discrimination Act 1995 - now the Equality Act 2010) and age discrimination since its inception.

He took the case of Cheshire and Wirral Partnership NHS Trust v Abbott and Others [2006] IRLR 646 to the Court of Appeal which addressed the proper legal approach to the choice of the pool for comparators in cases of indirect discrimination. He represented Wigan RLFC in the claim for disability discrimination brought by Mike Gregory and his case of Salford NHS PCT v Smith [2011] EQLR 1119 addressed the proper extent of claims for reasonable adjustments. He has represented recently a large firm of Solicitors in respect of a race and disability discrimination claim brought

against it by a senior employee, and by contrast he represented an individual Claimant recently in a race and disability discrimination claim against OFSTED. He has represented many Universities and NHS Trusts in discrimination claims. He is an accredited barrister for the Equality and Human Rights Commission.

Nigel has a wealth of experience in dealing with all forms of unfair dismissal claims including conduct, capability, redundancy, whistleblowing, health and safety etc. It was Nigel's case of *Boys and Girls Welfare Society v McDonald* [1997] ICR 693 which clarified and qualified the application of *British Home Stores v Burchell* to misconduct dismissals.

He has dealt with many whistleblowing cases including ones for Flintshire CC and Salford University.

He has advised in and fought many collective redundancy dismissals/protective award claims for Local Authorities, Universities and large corporate clients.

His experience extends to the interpretation of the employment rights of employees upon the insolvency of their employers. He has recently assisted USDAW in a case concerning the proper interpretation of Part XII of Employment Rights Act 1996 and whether the Insolvency Service is under a duty to pay arrears of pay to employees who were put on garden leave prior to the insolvency of their employers.

Nigel has advised and dealt with TUPE claims for 30 years both under the 1981 Regulations and subsequently under the 1996 Regulations.

#### **Contracts of Employment And High Court Proceedings**

Nigel advises and appears frequently in the High Court seeking injunctions or defending applications for injunctions for breaches of restrictive covenants and duties of confidentiality. His experience extends to cases involving Directors' breaches of fiduciary duties and springboard injunctions. H was a keynote speaker upon the enforcement of restrictive covenants and confidential information at an employment conference organised by Hill Dickinson, Solicitors.

He has advised a family law solicitors practice upon the enforceability of a paralegal s restrictive covenants and the tactical steps to be taken to ensure compliance.

Recent High Court cases include McParland v Whitehead, AM Fire v Edmunds.

He has previously been involved in High Court cases such as involving Payzone UK Ltd and Craig Hambling Ltd.

Dealing with claims for wrongful dismissal and stigma damages are "bread and butter" for Nigel. He was involved in a substantial wrongful dismissal claim in the High Court - *Hogg v TEC* [2012].

He is also renowned for cases involving the interpretation and enforcement of Permanent Health Insurance Schemes. His experience dates back to his case of *Walton v Airtours PLC* [2002] EWCA Civ 1659.

#### **NHS/Medical Sector**

Nigel has notable experience in GMC fitness to practise hearings and appeals in the Administrative Court, including 2 high profile cases relating to the activities of Dr Shipman.

He has considerable experience in dealing with many internal disciplinary and appeal hearings for NHS Trusts and the Ambulance Service. He has intimate knowledge of the application to contracts of employment of "Maintaining High Professional Standards in Modern NHS" which replaced NHS Circular HC(90)9.

His cases have involved for example the proper interpretation of clauses incorporated into contracts of employment by Agenda for Change eg Clause 16.7 regarding redundancy payments [Sidwell and Others v NHS Lancashire PCT - 2012 (ET)].

He has dealt with appeals relating to the exclusion of GPs from Medical Performers Lists to the Family Health Services



Appeal Authority - now replaced by the Primary Health Lists Tribunal (part of the First Tier of the Tribunal for Health, Education and Social Care).

### **University/Higher Education Sector**

Nigel has dealt with cases relating to the University/Higher Education Sector for many years. His expertise has been recognised by being asked to chair internal disciplinary and grievance appeals by the Universities of Salford, Lancaster, Newcastle, Hull and Leicester.

He has dealt with cases considering limits to or the extent of "academic freedom" [Duke v University of Salford] and he has advised upon the best way to proceed following student complaints against a Professor.

He has been engaged in cases concerning the entitlement to protective awards following the expiry of fixed term contracts of academic and research staff.

#### Sport

One of the cases which is the closest to Nigel's heart (being a supporter of BWFC) was when he represented the Club at FA arbitration hearings in the case of *Notts County FC v Bolton Wanderers FC and S Allerdyce*. He represented Manchester City FC upon the employment claims brought against them by Colin Bell.

His clients have also included Wigan RLFC and Stockport County FC. He has represented clubs at FA and League disciplinary and arbitration hearings and in High Court proceedings. He was approved Counsel for the hearings during the Commonwealth Games in Manchester.

# **Local Government And Police Cases**

Nigel is very familiar with employment cases involving Local Authorities. He has represented virtually all Local Authorities in the North West and North Wales over the years both in internal disciplinary proceedings, in Employment Tribunal claims and Appeals.

He has dealt with internal disciplinary cases for Greater Manchester Police and represented them and the North Wales Police in discrimination claims.

If you would like any further information please contact Nigel's clerks at employment@9sjs.com

#### **Notable Cases**

- Boys and Girls Welfare Society v McDonald [1997] ICR 693
- Mennell v Newell and Wright (Transport Contractors) Limited [1997] ICR 1039
- Parkinson v March Consulting Limited [1997] IRLR 308
- Bell v Manchester City FC
- Sheffield City Council v Radford (2001) EAT unfair dismissal
- Abbey National PLC v Sampson EAT (2001) Disability Discrimination
- Notts County FC v Bolton Wanderers FC and S Allardyce (2001) (FA Hearings)
- Walton v Airtours PLC 2002 EWCA Civ 1659 (PHI Policy)
- Groves v AstraZeneca (EAT 2004 Disability Discrimination)
- Gregory v Wigan RLFC (2006) ET (Disability Discrimination)
- Royal & Sun Alliance Insurance Group PLC v Payne (age discrimination)
- Cheshire & Wirral Partnership NHS Trust v Abbott and Others [2006] IRLR 546
- Salford NHS PCT v Smith [2011] EQLR 1119
- European Toughened Glass (Manchester Ltd v Mr GS Heire UKEAT Feb 2020 (Approach to contributory fault in law)
- McParland and Partners v Whitehead 2020 EWHC 298 (Ch)
- AM Fire Systems Ltd V Edmunds 2021 EWHC 2575
- Connor V Sellafield Ltd ET 2022 (Disability discrimination)

# Quotes

**Employment: Band 2**"Nigel's expertise is outstanding and his manner with clients is also excellent. He's very generous with his time and comes across as very reasonable and organised, which always helps to impress any judge on your case.""Nigel Grundy has dealt with complex matters for our clients and his expertise and common-sense approach are second to none. He is our first choice and first port of call on all matters."

- Chambers and Partners 2024

**Employment:**"You just cannot go wrong instructing Nigel. He is a great all-rounder, he knows the case inside out, he puts the opposing witnesses at ease, and he gets the best out of your own witnesses."

- Legal 500 2024

**Employment:** "Nigel is extremely personable and an absolute expert in all things employment law and more. An outstanding barrister that calmly and confidently challenges the opposition, impresses clients and judges with his excellent advocacy skills and attention to detail. Nigel always goes above and beyond to assist instructing solicitors and clients."

- Legal 500 2023

**Employment (Northern Bar):** "He is very experienced, has an excellent style of delivery in the Employment Tribunal and manages the client very well." "He is very competent, technically knows his stuff, and is precise and to the point."

- Chambers and Partners 2022

**Employment:** "Nigel is great with clients, makes them feel relaxed and inspires confidence. He is always well prepared and is a great advocate. He has a gentle manner but this belies the thoroughness of his cross examination. He is an extremely safe pair of hands and I trust him to do high quality work. I have no hesitation in recommending him to my clients and other colleagues who are looking for a high quality advocate."

- Legal 500 2022

#### **Employment (Northern Bar) Band 3**

"Handles the full range of employment disputes for a variety of clients including NHS trusts, businesses, local authorities and clients from the education sector."

- Chambers and Partners 2021

#### **Employment: Leading Junior Band 1**

- "An extremely thorough and technical advocate."
- Legal 500 2020

## Professional Discipline (The Regions) Band 2

"Sometimes barristers don't respond, but he always does - he always gets back to us quickly and is available when we need him urgently."

- Chambers and Partners 2020

## **Employment (Northern Bar) Band 3**

"Nigel is calm, measured and thorough."

- Chambers and Partners 2020

Employment ranked Tier 1 Her practice includes whistleblowing and unfair dismissal cases.

- Legal 500 2019

**Employment** ranked Tier 1 A highly adept advocate who is a force to be reckoned with.

**Employment** Northern (Bar): Leading Barrister (Band 1) "Incredibly approachable, commercial and brilliant with clients." "Extremely thorough."

- Chambers and Partners UK Bar 2019

Professional Discipline The Regions (Bar): Leading Barrister (Band 2) "Good with clients and a skillful advocate."

- Chambers and Partners UK Bar 2019

Employment Northern (Bar): Leading Barrister (Band 3) "Very knowledgeable and thorough."

- Chambers and Partners UK Bar 2019

"He's a very experienced practitioner; he's a long-established, well-respected, capable advocate. He's an expert in the field."

- Chambers and Partners 2018

"He is user-friendly, good with clients and a skilled advocate."

- Chambers and Partners 2018

"He does a lot of disciplinary work against doctors and knows his stuff."

- Chambers and Partners 2018

'Recommended for a range of employment matters.'

- Legal 500, 2017

"He has experience of appearing in courts of all levels, including the Employment Tribunal, the EAT and the High Court"

- Chambers and Partners 2017

Particularly impresses in healthcare-related professional discipline matters. He is very sensible and sound practitioner. He is fair and easy to get on with everything you need in a prosecutor.

- Chambers and Partners 2017

'Experienced in healthcare-related employment cases.'

- Legal 500, 2016

"Handles the full range of employment disputes for a variety of clients including NHS trusts, businesses, local authorities and clients from the education sector. He has experience of appearing in courts of all levels, including the Employment Tribunal, the EAT and the High Court. 'He is extremely client-friendly.' 'He delivers concise legal arguments and is an effective advocate.'

- Chambers and Partners 2016

"Undertakes GMC fitness to practise hearings and appeals in the Administrative Court. He frequently acts on behalf of NHS Trusts and the Ambulance Service. 'He is very popular, well organised, a good advocate and a nice opponent to be against overall.' A well-known, well-liked, friendly and safe pair of hands."

- Chambers and Partners 2015

"Covers the full spectrum of employment law and trade union matters and is often instructed at the Employment Tribunal, Employment Appeal Tribunal and High Court level. He typically acts for NHS trusts, universities, businesses and local authorities. 'He's conscious of creating the right impression and getting the Tribunal onside, which is as

important as being technically competent."

- Chambers and Partners 2016

"He is very well thought of and popular with solicitors."

- Chambers & Partners 2015

"Able to assimilate information and whittle it down to the most salient points."

- Legal 500 2014

"An experienced junior who has a strong practice in both employment law and professional discipline. He is widely praised by peers for his strong advocacy skills"

- Chambers & Partners 2014

"demonstrates considerable talent"

- Legal 500 2013

"Nigel Grundy is a 'client friendly' barrister who has built a truly multifaceted practice, covering both employment law and personal injury litigation... Nigel has also proven himself to be particularly adept at disciplinary work. He has appeared before sports and police regulatory bodies and also has notable experience of representing the GMC in fitness to practise hearings. As one commentator notes: 'He stands out for his ability to master large volumes of work in complex medical cases'."

- Chambers & Partners 2013

'very client friendly'

- Legal 500 2012

"Skilful and very well thought of"

- Legal 500, 2011