

3PB Barrister Profile



Sarah Clarke

Call 2005

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Academic Qualifications

BA (Oxon)

BVC Nottingham Law School

Inner Temple Exhibition 2004

Sally Ball Award 2004

Employment

Sarah is an employment law specialist. She appears for both Claimants and Respondents at pre hearing reviews, case management discussions, remedy hearings and final hearings. She has experience of the following:

- Unfair dismissal
- Constructive dismissal
- Wrongful dismissal
- Sex discrimination
- Race discrimination
- Disability discrimination including failure to make reasonable adjustments claims
- Sexual orientation discrimination
- 'Whistleblowing'
- Unlawful deduction from wages/ holiday pay claims
- Illegal contracts of employment
- TUPE
- Equal pay

Recent cases of interest include:

- Acting for the claimant in an 8 day trial involving allegations of race discrimination/victimisation against a London Borough Council
- Acting for the claimant in a 4 day trial against the Swedish Church in London in an unfair dismissal and age discrimination claim.
- Acting for the respondent Local Authority in a 3 day trial in a claim by a teacher for constructive unfair dismissal and failure to make reasonable adjustments
- Acting for the respondent College of Further Education in a claim by a tutor for constructive unfair dismissal in a 4 day trial. The claim included allegations of bullying against the Principal.
- Acting for the claimant in a claim against the governing body of a school in a 3 day trial in a claim for constructive unfair dismissal and whistleblowing?.
- Acting for the respondent (a well known restaurant) in a claim for unfair dismissal arising from an alleged assault in the workplace
- Acting for the Science and Technologies Facilities Council in a claim for age discrimination in a 3 day claim
- Acting for the claimant, an IT Technician, in a 3 day claim for unfair dismissal and direct/indirect sex discrimination, discrimination on the grounds of maternity leave and discrimination on the grounds of being a part-time worker, in relation to a redundancy procedure.
- Acting for the respondent, an employment advice centre, in a 5 day unfair dismissal and discrimination on the grounds of sexual orientation claim (involving applications to the EAT).
- An application for an interim injunction in the High Court to enforce restrictive covenants in a contract of employment
- Acting for the claimant, a midwife, in a 4 day trial in a claim for unfair dismissal arising out of allegations of gross negligence in respect of 2 births.
- Acting for the respondent in a 4 day trial in a claim for disability discrimination and unfair dismissal. The claimant, a registered nurse in a care home for the elderly, was dismissed on the basis of gross negligence and putting residents at risk.
- Acting for claimant in a mediation. The claim was for unfair dismissal and maternity/sex discrimination.

Sarah regularly advises on all aspects of employment law. Sarah has recently advised on the following:

- Whether or not a PGA training scheme constituted a modern apprenticeship;
- Whether or not a collective agreement was enforceable such that the claimant was entitled to an enhanced redundancy package
- Whether or not a dismissal was fair in a case involving allegations that an employee had been looking up pornographic material at work. Further question as to whether employee was disabled within the meaning of the DDA and whether the dismissal was discriminatory.
- Advising the respondent whether or not a TUPE transfer had taken place in a case involving the application of Regulation 8(7) of TUPE (insolvency)

Sarah also accepts instructions to draft pleadings and has recently prepared the following pleadings:

- Prepared response to a claim alleging constructive unfair dismissal, unpaid holiday and sick pay. The claim involved allegations that the claimant, a partner in a residential care home, was guilty of financial mismanagement, had failed to implement the policies and procedures which are required by the Local Authority in relation to safeguarding issues, loss of revenue and so on.
- Drafting grounds of complaint in a case involving allegations of unfair dismissal and direct sex discrimination.

Sarah has recently lectured on the Equality Act 2010.

Professional Bodies

- Employment Law Bar Association (ELBA)