



Sam Healy

Employment

Sam practises in all aspects of employment law but has particular interest and experience in the following:

Discrimination and victimisation;

Whistleblowing;



TUPE;

Employment litigation in the civil courts including contractual redundancy, wrongful dismissal, restrictive covenants and commercial agent disputes.

Cases before the Tribunal (in both England and Scotland) have recently included the following (in several of which Sam has acted against leading counsel);

A successful complaint of automatically unfair dismissal on the grounds of trade union activities brought by a teacher within a special school.

Claims for protective awards arising out of the following:

- A rail franchising exercise;
- The administration of a nationwide courier company;
- The administration of a nationwide mobile phone retailer

YEAR OF CALL

1999

APPOINTMENTS

Attorney General's
Regional A Panel

Deputy District Judge
(Civil) 2015, Business &
Property Ticket 2018

Pupil Supervisor

AREAS OF PRACTICE

CIVIL

Company &
Commercial
Credit Hire
Employment
Motor Insurance Fraud
Personal Injury
Property
Trusts & Probate

REGULATORY

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Whether a consultant doctor's contract of employment was frustrated following a 10 year absence from the workplace.

Whether a consultant doctor had been subjected to a campaign of discrimination and victimisation by male colleagues.

A successful claim for constructive unfair dismissal and breach of the contract of apprenticeship brought by a trainee solicitor against a local authority legal department.

A whistleblowing complaint brought by a medical research scientist against a leading university.

A *Bear Scotland* claim for holiday pay brought by multiple Claimants in the context of a complex "rolled up" holiday pay scheme.

A claim brought by a director for over £150,000 owed in respect of wages, successfully defended and dismissed at Tribunal.

A successfully defended claim of so-called 'reverse' sexual orientation discrimination.

Successfully defending a two-week whistleblowing/disability discrimination claim against a leading comprehensive school.

Successfully defending a claim for c. £30,000 in back pay claimed by a Director who argued he had not been paid the NMW.

A dispute before the ET about whether there had been a Service Provision Change following the winning of a ground handling contract at an international airport.

Successfully defending a complaint of automatically unfair dismissal and detriment brought by a Trade Union official against a leading manufacturer in the aviation sector.

A collective claim for contractual redundancy payments arising out of the collapse of a nationwide holiday and travel provider.

Successfully defending a constructive dismissal complaint brought on the basis of an alleged breach of the details of the CJRS or 'Furlough' scheme.



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Successfully representing a director and former co-owner of a niche software company on the issue of employee status.

A successful claim of disability discrimination, including consideration of the potentially discriminatory effects of an occupational ill health retirement scheme.

A claim of unfair dismissal brought by a consultant doctor against an NHS trust following a 'trust and confidence' dismissal. Consideration of the relevance of MHPS.

A claim of age discrimination arising out of the voluntary severance scheme implemented in the Rail Industry following the Covid-19 Pandemic. Concluded at Final Hearing.

A successful complaint of sexual harassment brought against a fire and rescue service.

Sam is regularly instructed in employment appeals in the EAT and beyond.

Recent appeals before the EAT have covered:

Whether there can ever be a "pool of one" in a redundancy dismissal;

The victimisation provisions of the Equality Act 2010 and their interplay with the guidance given in *Martin v. Devonshire Solicitors*.

Whether a TUPE "transferor" is entitled to offset against compensation it is ordered to pay the claimant an amount the claimant has received from a "transferee" under a COT3.

Whether an employee who moves to live outside the UK but who, by reason of online access, remains a "virtual" presence in her employer's UK office, can bring unfair dismissal proceedings before a UK Tribunal.

Whether knowledge of the effects of disability is required before an employer can be held to have discriminated against an employee under s15 of the Equality Act 2010 (Discrimination arising from disability).

The causal test to apply to s15 disability discrimination, including at the Court of Appeal (led by John Bowers KC).

The employment status of a dental practitioner in the context of a Working Time claim.



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The principles relating to anonymisation in litigation before the Employment Tribunal.

Chancery/Commercial

Over 20 years of practice, Sam has gained wide experience in litigation over a range of areas, but with a particular emphasis on 'Traditional Chancery'. Particular areas of interest to him include:

Real Property, including proprietary estoppel, sale of land, adverse possession, boundary/easement disputes, nuisance and restrictive covenants.

Landlord & Tenant, including residential (possession, disrepair, anti-social behaviour) and commercial disputes (forfeiture, dilapidations, breach of the covenant of quiet enjoyment)

Wills & Probate, including administration disputes, contentious probate and Inheritance Act claims.

Professional negligence, particularly against architects, developers and solicitors.

Commercial contract disputes.

Recent cases upon which Sam have acted include:

A commercial partnership dispute between father and son, concluded at Arbitration.

Application for rectification of a Trust Deed.

A claim for an order vacating an obsolete land charge;

A boundary dispute between neighbours, concluded following 5 day Trial;

A claim for proprietary estoppel based on property improvements carried out by cohabitant.

A dispute about the incidence of costs following the settlement of a partnership dispute at an earlier mediation (Resolved at Trial).

A dispute between brothers and executors of their parent's estate (Settled at mediation).

A dispute between home owner and highway authority on the position of the boundary between adjacent parcels of land (Trial).



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A claim brought by a mortgagee against squatters of a property.

A claim brought in nuisance against a water company for structural damage to property following landslip.

Successfully defending at Trial a claim in the County Court for breach of a restrictive covenant contained within a contract of employment.

Successful claim for injunctive relief relating to residential boundary wall, following 4 day Trial.

A boundary dispute between neighbours compromised at outset of 5 day Trial.

Successfully defending at Trial a claim brought against a regional airport for the exercise of a land option by a tenant.

Successful claim for reasonable financial provision under 1975 Act, concluded at High Court Trial.

Nuisance claim following collapse of party wall after flooding destroying commercial premises (Settled at mediation)

Enforcement of a restrictive covenant on freehold land compromised post issue.

Successful claim for adverse possession of registered land before the First Tier Tribunal (Land Registration).

Defence at Trial of a claim brought under CPR 64 in respect of the interpretation of a Will.

Defence at Trial of claim for reasonable financial provision under 1975 Act,

Successful defence at Trial of a claim of undue influence and lack of capacity relating to a will, Judgment available at <https://www.bailii.org/ew/cases/EWHC/Ch/2023/1712.html>

Defence of claim for setting aside of *inter vivos* gift arising out of agreement between family members to vary inheritances. Consideration of capacity and undue influence. Settled at mediation.

Personal Injury

Sam has practised in Personal Injury all his professional life. He now has a wide-based Industrial Disease practice (particularly deafness, but also WRULD, HAVS, asbestos-related conditions and stress at work). He has a wealth of experience in employers and public liability matters.



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In recent years, Sam has acted in a number of catastrophic injury and Fatal Accident Act claims, both independently and with leading counsel (James Rowley KC).

Sam is regularly instructed by Government departments. He acted for the MoD in *Inglis v. Ministry of Defence* [2019] EWHC 1153 (QB.) and frequently acts for the DBEIS in defending deafness claims brought by former miners.

Samuel Healy is a specialist employment advocate with a vast abundance of experience to offer his clientele across the breadth of the practice area. He has impressive experience handling TUPE and discrimination claims.

Chambers and Partners UK Bar 2024

NOTABLE CASES

Grosset v. City of York Council [2018] IRLR 746

Lodge v. Dignity & Choice in dying [2015] IRLR 184

Hall v. Durham County Council UKEAT/0256/14/MC

Optimum Group Services v. Muir Plc [2014] IRLR 339

Woodhouse v. West North West Homes Leeds Ltd. [2013] IRLR 773

Wrexham Golf Club v. Ingham UKEAT/0190/12/RN

Recommendations and client feedback

Chambers and Partners UK Bar 2024

'Samuel is very experienced and very smart, and he does very high profile claimants' work' 'Samuel is excellent' 'He's very experienced, responsive and good with the clients'



Sam Healy

The Legal 500 2024

'Sam gives pragmatic and tactical advice, and he is practical, thorough, forensic and responsive.'

Chambers and Partners UK Bar 2023

"An exceptional barrister whom I cannot fault. Cool, calm, collected and extremely bright."

The Legal 500 2023

'Sam is an exceptional advocate, whose cross-examination is extremely clever and thought provoking. He puts clients at ease and provides practical and tactical advice from the first point of contact. His advice is succinct and always on point.'

The Legal 500 2022

'Sam is a first-class barrister with a stellar reputation in the field of employment law. He is tough when he needs to be, unflappable, measured, and able to extract the most out of cross-examinations.'

Chambers and Partners UK Bar 2021

"He put his clients at ease at a particularly difficult time. He's a brilliant negotiator, which makes him eminently suitable for alternative dispute resolution. He also produces clever cross-examination."

"Approachable, good with clients, technically very knowledgeable and has excellent advocacy skills."

The Legal 500 2020/2021

'A very capable and approachable advocate who gets directly to the point.'

Chambers and Partners UK Bar 2020

"Excellent, very pragmatic and sensible, gets to the point, and is good with clients." "He has a good level of experience in tribunals and he also acts as a deputy district judge, which adds a certain level of gravitas and gives the client confidence."

Chambers and Partners UK Bar 2019

Excellent on his feet. He provides timely advice and is completely dependable." "Very bright. He cuts through to the key issues and has good judgement." "Friendly, responsive and approachable."



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The Legal 500 2019

'He provides pragmatic and frank advice.'

Chambers and Partners UK Bar 2018

"He is completely adaptable to the type of client involved and consistently produces great results."

"He's very pleasant to deal with and extremely competent."

Chambers & Partners UK Bar 2017

"He's very pleasant to deal with and extremely competent."

"A specialist employment advocate with a vast abundance of experience to offer to his clientele across the breadth of the practice area. He has been particularly commended by market commentators for his impressive experience handling TUPE and discrimination claims.

Strengths: "He is completely adaptable to the type of client involved and consistently produces great results"

The Legal 500 2017

"Clients and judges love his calm demeanour."

Chambers & Partners UK Bar 2016

" A specialist employment advocate with a vast abundance of experience to offer to his clientele across the breadth of the practice area. He has been particularly commended by market commentators for his impressive experience handling TUPE and discrimination claims."

Strengths: I found him to be very friendly, approachable and tenacious as an advocate."

"A pleasant and fair opponent."

The Legal 500 2016:

"A personable barrister and tenacious advocate"

The Legal 500 2015:



Sam Healy

“He has a calming influence in difficult situations”

Memberships

Employment Law Association

PIBA

ELBA

Chancery Bar Association

North Eastern Circuit

North Eastern Circuit Commercial Bar Association

Qualifications

1994-98 Trinity College, University of Cambridge, Law (with European option), MA (Cantab.)

1996-97 Université de Poitiers, France.