



Sally Cowen

Year of Call: 1995

Call Clerk on 020 7827 4000

PRACTICE AREAS

Clinical Negligence | Discrimination & Equality | Employment | Personal Injury

HIGHLIGHTS

Sally works with a number of NHS Trusts, Universities and other public bodies, across the UK. She is also an expert independent investigator of internal legal issues.

OVERVIEW

Sally Cowen's practice focuses on Employment, Clinical Negligence and Personal Injury matters.

Sally is also registered to undertake Public Access work.

Employment

Sally represents both claimants and respondents in Employment Law. She has extensive experience of Tribunal and Appeal work. Her practice is particularly focused on discrimination work, having dealt with a large number of disability, sex and age discrimination claims over the years.

Sally also handles cases of a more commercial nature, dealing with issues relating to Whistleblowing, TUPE, contracts and employee/worker status and agency workers issues. Her recent ET and EAT appearances have dealt with the application of TUPE to care workers and employee status of out of hours GP services. Sally has advised and represented on agency worker status and has vast experience of the recruitment agency industry.

Her forte is in handling large, factually complex cases, where her attention to detail and ability to lead the Tribunal around the facts has warranted many commendations by Tribunal Judges.

Sally's Claimant clients always comment on how attentive and patient she is, together with her tenacity in pursuing their claims. Her direct access clients have all received large awards of damages and been grateful for the personal service and clear guidance she has provided. Recent clients include an ex-Head Teacher who successfully pursued the school for Unfair Dismissal; A medico-legal lawyer who received substantial damages for disability discrimination; A city fund manager who received an enhanced settlement for termination.

Sally recently represented an NHS Trust with regard to variation of contracts and re-organisation of work shifts, which led to claims of constructive dismissal and represented a Clinical Body whose manager was accused of bullying staff who resigned and claimed constructive dismissal. The manager was extremely ill as a result and had to be carefully managed through the trial process. She was exonerated by the ET Judgment and the claim dismissed.

Sally also successfully defended a University with regard to a claim for Race Discrimination, Sex Discrimination and Unfair Dismissal.

Sally has extensive experience of the EAT, where she is well received. Her clear and precise submissions are reflective of her consummate preparation. She is

always keen to ensure that any point she takes is a winning point. She also contributes to the ELAAS scheme to assist those who cannot afford representation.

Clinical Negligence & Personal Injury

Sally's Personal Injury and Clinical Negligence practice is claimant-based. She has particular experience in employer's liability and stress at work, where her knowledge of Employment Law also helps to understand the workplace scenarios and alternative claims.

Recently Sally has successfully settled cases against Ministry of Justice and large some retailers, winning life changing amounts for her clients. Sally has particular interest and expertise in representing clients suffering mental health problems and PTSD as well as victims of stress and accidents at work.

Sally's recent cases have included a High Court claim for psychiatric injury arising from an RTA. This case had unusual issues of causation and also issues of capacity to litigate, it settled for substantial damages, allowing the Claimant and her family to re-build their lives.

A Client who suffered very severe PTSD after witnessing a horrific RTA in which another driver died, received a substantial sum in settlement. Her injury arose shortly before the unexpected and untimely death of her husband. This gave rise to substantial arguments on causation, which fell in the Claimant's favour and were reflected in the value of the claim.

Sally has years of experience of dealing with claims in other jurisdictions and claims under the Montreal Convention for passengers of airlines. She has expertise in County Court discrimination claims for services.

Sally lectures and gives seminars in her key areas and is always in demand to give in-house talks on new and difficult areas of law.

Independent Internal Investigation

Sally is sought after as an internal investigator. Her easy manner allows employees to speak openly to her, whilst her insight enables her to put together

comprehensive and accurate reports of the evidence which she has collated, which employers are confident to rely upon. When asked to do so, she is able to use her skills to indicate whether disciplinary and/or grievance procedures should be engaged, or to suggest other practical resolution to the issues which have arisen.

Sally has recently been instructed by investment banks, Universities and Architects to look into internal complaints.

AWARDS

Internal Investigations -Organisations looking for an independent person to conduct an internal investigation often prefer to turn to someone with experience and understanding. Sally excels in identifying potential legal issues and considers and covers the necessary points immediately. Her familiarity with the ACAS Code ensures that the reports which she writes, will withstand the scrutiny of any Employment Tribunal. Her reports will cover the facts required to address all the relevant issues, ensuring that there is no need for further or repeated investigation. She believes that a prompt and thorough report reduces the stress and unease which befalls many workplaces during a period of investigation. Clients are armed with all the facts necessary to address the points raised and to formulate a response within one short investigation period. If necessary Sally can appear as a witness at an Employment Tribunal, using her long experience of the process to provide an independent defence of the report provided. Sally is often available at relatively short notice (depending on court commitments) to at least start to collate the information and arrange the interviews. Fees are arranged on her hourly rate, but can be tailored to fit the requirements of the particular investigation.

REFERENCES

In the raft of dynamic legal representatives, Sally Cowen stands out as one of the most talented and able. She undertakes her role with dignity, fairness, transparency and empathy - a direct access client.

What motivates Sally is her passion for the rights of all she serves. The dignity of her clients is paramount in all actions taken. This is what she does - intuitively, thoughtfully and wisely - a direct access client.

APPOINTMENTS AND MEMBERSHIPS

Employment Law Bar Association

Employment Lawyers Association

Discrimination Lawyers Association

Industrial Law Society

Personal Injury Bar Association

Association of Regulatory and Disciplinary Lawyers

PUBLICATIONS AND TRAINING

Family Rights at Work (2012) (Jordans) - A new work on all rights from pregnancy to flexible working, for mums and dads. Sally was a major contributor. Follow up lectures were held in 2013.

Sally has lectured widely on Whistleblowing, Holiday Pay, TUPE and Tribunal Procedure in 2013/14

QUALIFICATIONS

University of Leeds LLB (Hons)

HIGHLIGHT CASES

Recent Employment Cases

- *Suhail v Barking and Redbridge NHS Trust* (2015) (EAT) GP found not to be employee or worker under ERA of the Trust where he offered out of hours GP services.
- *Kind v Dimensions* (ET)(2015) (R brief) - preliminary on whether TUPE applies - held TUPE not occurred and R not liable for redundancy/dismissal.
- *Greenbank v Holman Fenwick Wilan* (ET) (2015) (R brief) - unfair dismissal, discrimination (limited discrimination).
- *Elliott v Plymouth Hospital NHS Trust* (ET)(2014/5) (R brief) - unfair dismissal, discrimination (limited discrimination and minimal award).
- *Campbell v Thomas Cook* (CC) (2014) (C brief) - Appeal on whether Equality Act 2010 duty to make reasonable adjustment applies on foreign holidays - judgment pending.
- *Bordas v Mitie Security* (ET)(2014) - Claim for unfair dismissal and disability discrimination of security guard absent from post when intruder arrived. - judgment pending.
- *Elliott v Plymouth Hospitals NHS Trust* (ET)(2014) (R brief)- Fair dismissal and dismissal of all but one reasonable adjustment, with limited consequence to the Claimant.
- *Rahman v North East London NHS Foundation Trust* (ET)(2014) (R brief) Fair dismissal and no discrimination by Respondent of accountant who was subject to a re-organisation of the department.
- *Ejimi for v Guy's & St Thomas' Hospital* (ET)(2013) (R brief)- Fair dismissal, no discrimination by Respondent who dismissed nurse who had aggressive outbursts at work.
- *Kehinde v North Middlesex Hospital* (ET)(2013) (R brief) Fair dismissal of a nurse who did not attend to the family of a neo-natal patient in her final hours of life. Appeal dismissed (EAT)(2014).
- *Ali v King's College London* (ET)(2013)(R brief) -Fair dismissal and no discrimination by Respondent against Cl who sent malicious mail to her line manager.
- *Semper v Dimensions* (ET)(2013)(R brief)- Fair redundancy dismissal of a care worker whose terms were not TUPE protected.

Temple v Logica (ET) (2013)(R brief) Fair redundancy dismissal, with no age discrimination.

Recent Personal Injury Cases

- Tapson (2015) (QBD) A claim for significant psychiatric injury (requiring ECT) arising from an RTA. This case had unusual issues of causation and also issues of capacity to litigate, it settled for substantial damages, allowing the Claimant and her family to re-build their lives.
- Saisa (2016) An overseas visitor who was injured whilst working in the UK, she received damages to allow her to establish her life and follow an alternative career path. The client developed a highly unusual extra-abdominal tumour over which there were significant issues of causation requiring multiple expert witnesses.
- Bailey (2016) A Prison officer injured at work resulting in a significant long term pain issue and an encompassing psychiatric illness. He was not responding to treatment and the prognosis was not optimistic. Settlement was reached to allow the Claimant to start a new chapter in his life.
- O'Reilly (2015) A Client who suffered very severe PTSD after witnessing a horrific RTA in which another driver died, received a substantial sum in settlement. Her injury arose shortly before the unexpected and untimely death of her husband. This gave rise to substantial arguments on causation, which fell in the Claimant's favour and were reflected in the value of the claim.

Other Employment cases

- Turner v South Central Ambulance Service (EAT)UKEAT/0383/12/DM (R brief) ET found that Cl not disabled with PTSD which had come on 14 years after accident.
- Neikrash v South East London NHS Trust (Respondent) (EAT) - (R brief) Whistleblower awarded limited loss of private earnings, no aggravated or exemplary damages. Upheld by EAT.
- Siemiatycka v Taragelova (2013) (Claimant)- passenger in a RTC with serious leg injuries. Long term injuries. Substantial damages agreed.
- Stott v Thomas Cook (CC) - (Claimant) - discrimination under the disability flight passenger regulations
- Stokes v Ministry of Justice [2012] Prison officer with PTSD as a result of a hoax bomb at work received substantial damages for loss of remaining working

life (settled)

- Henry v Thames Valley Police [2010] (CA) Motorcyclist injured by police car following pursuit. CA held that police officer was negligent in using car to block escape.

- Loftus v Botham [2008]

Motorcyclist sustained serious head injury as result of RTA with ambulance (settled).

- Greenfield v Greenfield [2011]

Passenger in vintage car injured in France when driver accidentally drove on wrong side of road. Issues with loss of congenial employment, future earnings/Smith v. Manchester (settled).