

ANTONY SENDALL

Call: 1984



Antony is a highly experienced and specialist advocate and mediator and is an acknowledged leading practitioner in employment and sports law.

Antony's specialist employment practice covers not only the core areas of statutory employment regulation such as unfair dismissal, redundancy, discrimination, whistleblowing and TUPE, but is also set firmly in a background of commercial litigation, with a strong emphasis on restrictive covenant, confidential information and garden leave injunctions as well as industrial relations disputes. In addition, his employment and sports law expertise in particular, have allowed him to develop a further speciality in regulatory and disciplinary work which spans across a wide range of professional areas.

As a mediator, Antony combines skills from both commercial and community mediation and undertakes mediations in areas that extend far beyond his principal practice areas as a barrister.

Antony combines excellent advocacy and advisory skills with sound commercial common sense and a generous helping of good humour, to provide a service that is professional and user-friendly. Highly rated as a cross-examiner, he particularly enjoys trial advocacy. However, he is equally at home persuading High Court judges to grant injunctions or debating the fiendish intricacies of statutory instruments in the Court of Appeal. He has excellent negotiating and mediating skills, crucial items in the 'toolkit' of a successful litigator.

The directories and legal press describe him as **"an excellent advocate"**, with **"a sharp intellect and sound knowledge of law"**, **"tenacious and well-prepared"**, **"one of the most incisive ... give him a pile of papers and he will cut through to the core"**, **"excellent overall pragmatic approach and has good client skills. He has an ability to cut through the detail and get to the core issues"**. He has **"an excellent ability to persuade both employment and civil judges"**, is **"very pragmatic"** and **"excellent with clients."** He is also **"bright, decisive and commercial"**, **"a pleasure to work with and a great person to have on the team"**. He **"really works hard to make a difference to a case"**.

Employment

Long regarded as a leading practitioner and appearing in numerous reported cases, Antony has a huge breadth of experience in almost all aspects of Employment Law. His practice encompasses not only the core areas of statutory employment regulation such as unfair dismissal, redundancy, discrimination, whistleblowing, TUPE and working time, but also includes experience of some of the more obscure areas such as Agricultural Wages Order

disputes.

In addition, he has extensive and long-standing experience of commercial and employment-related injunctions, especially in the areas of restraint of trade, garden leave and confidential information injunctions as well as strike injunctions. He has appeared in numerous ground-breaking cases, especially garden leave.

Antony is a talented advocate and skilled trial tactician with highly regarded cross-examining skills. Clients have frequently observed that his natural habitat is the courtroom and his career-long commitment to pro bono advocacy makes it perfectly apparent that he is quite definitely not 'in it for the money'. He is equally at home acting for employers of any kind, large or very small, public or private sector or employees of any level and whether as individuals or collectively. In the last few years he has represented clients as disparate as:

- The bus drivers of the Isle of Man against the Island's Department of Community Culture and Leisure in a dispute over changes to terms and conditions of employment;
- A very senior former executive in the Royal Bank of Scotland in a share options claim against the bank;
- The farming partnership of the son of the Eighth Duke of Wellington in an Agricultural Wages Order dispute;
- Public Health Wales in a large whistleblowing claim by a former employee;
- A telecommunications company in a complex 'phone hacking' and malicious prosecution claim brought by a former employee;
- An independent school in a very sensitive disability discrimination and victimisation claim brought by a former teacher;
- A former primary school teacher in claims against her former employer which involved appearances in the Employment Tribunal, Employment Tribunal and the Court of Appeal;
- A United Arab Emirates Sheikh accused of failing to protect his former 'Technical Adviser' from alleged acts of appalling torture and mistreatment at the hands of the Government of the United Arab Emirates;
- An assistant coroner in a part-time workers discrimination case;
- A decorative candle manufacturer in what was effectively a deeply personal dispute between two individuals who had previously been married to one another;
- A fierce dispute between a financial services company and two former employees who had 'set up shop' directly opposite in a town centre location and were poaching clients;
- A complex whistleblowing and discrimination case for a highway construction and maintenance company defending claims brought by a former employee with a background of witness intimidation/harassment and complaints to regulators and the press.

Antony has been involved in industrial dispute injunctions in various industries, including railways, buses, print media, aviation, and fire and postal services. He has also defended a multi-claimant dispute alleging dismissal for trade union reasons arising out of a long industrial dispute in the steel industry.

Antony has considerable experience of non-contentious employment issues and has experience of working directly with HR professionals as well as in-house lawyers.

Antony also lectures and writes articles on various aspects of employment law.

Restraint of Trade, Garden Leave & Confidential Information

Always willing to test the boundaries of the law, Antony has appeared in a number of the leading cases, including ***TFS Derivatives Ltd -v- Morgan*** (construction, interpretation and enforceability of covenants and the interplay

between garden leave and restraint of trade), **William Hill Organization Ltd -v- Tucker** (right to work and need for express garden leave clauses) and **Rock Refrigeration Ltd -v- Jones** (raised a question mark over the effect of a repudiatory breach on post-termination restrictions which has yet to be fully resolved). He also obtained the first garden leave injunction in football when he acted for Crystal Palace FC in their attempt to prevent their former manager, Steve Bruce, from joining Birmingham City

He appears regularly in the High Court both making and resisting injunction applications to restrain alleged unlawful activities of current and former employees, company directors and partners. His long experience encompasses a wide range of business sectors and the cases often involve complex mixtures of restrictive covenants, garden leave and confidential information. He is able to respond quickly and effectively, often at very short notice. Excellent IT knowledge and internet skills, including an in-depth understanding of the issues arising from the use of social media such as LinkedIn and Facebook, mean that he has a good grasp of technical issues that arise and the tactical importance of good forensic computing evidence. His experience often enables him to direct clients to new lines of inquiry to demonstrate that unlawful activity has occurred. These skills have also led to him being recognised in the area of civil fraud.

In recent years, Antony has also used his knowledge of mediation and his skills as a mediation advocate to bring about very swift and cost-effective resolutions to these sorts of cases.

Mediation

Antony is an experienced and highly-skilled mediator with a very varied range to his mediation practice.

He became accredited as a Civil and Commercial Mediator in 2008 and soon added Workplace Mediation and Community Mediation to his skillset. His complementary skills as a leading employment law specialist have led to him being instructed as a mediator in a very wide range of employment and workplace mediations as well as civil and commercial disputes of all types. In addition, Antony has also become a highly skilled and experienced community mediator which has provided him with valuable skills in co-mediation and in applying different mediation models.

Antony has a particular interest in expanding the use of workplace mediation as an alternative to grievance and disciplinary procedures and is experienced in advising upon and assisting with the introduction of workplace mediation processes into businesses.

By way of example, he has conducted mediations in the following types of claim:

- Employment/workplace disputes including, bullying, discrimination and victimisation claims of all sorts, dismissals, whistleblowing claims, terms and conditions disputes and redundancies;
- Commercial contract claims varying between a few thousands of pounds up to a multi-million pound investment banking dispute;
- Numerous restrictive covenants/confidential information disputes;
- Partnership disputes;
- Sports disputes;
- Business tenancy disputes;
- Education disputes, including mediations between schools and staff and between teachers and parents;
- Neighbour disputes, including boundary disputes, nuisance and trespass claims and violent feuds between neighbours where the reference to mediation has emanated from the Police or a local authority;

- Inter-generational disputes between family members, including disputed wills.

Some of Antony's mediated cases have involved very high profile individuals or issues in the public spotlight, that have required extremely sensitive and confidential handling.

Antony possesses all of the skills one would expect from an experienced mediation practitioner. He has a highly engaging manner, full of energy, enthusiasm and good humour, whilst remaining empathetic and sensitive. Most mediators like to describe themselves as impartial and neutral, but Antony considers such a stance to be too passive, preferring instead to be scrupulously 'omni-partial', with his sleeves rolled up, working equally hard in the best interests of every party. His considerable experience in community mediation, which follows a very different mediation model from commercial mediation, has allowed him to develop and fuse the skills he has acquired in each area giving him a more varied and flexible 'toolbox' than many other purely commercial mediators. His very high success rate is undoubtedly the result of his ability to be flexible in his style and approach and to find just the right tool for the job in hand.

Antony continues to make a considerable commitment to pro bono work, both in community and commercial mediation, devoting a minimum of 20 days per year to pro bono matters.

Antony writes widely on mediation issues and is a regular contributor to the **Workplace Mediation Blog**.

Sports Law

A recognised expert in sports law, Antony has been involved in a wide range of sporting disputes. Having acted for the Football League in its dispute with Swindon Town in 1987, he was then instructed to act for Tottenham Hotspur when Terry Venables was dismissed. That led to various other football cases, including obtaining the first garden leave injunction involving a football manager (Steve Bruce), the dispute when Peter Leaver QC left the Premier League, a TUPE dispute concerning the status of a foreign football player whose work permit expired before the transfer of a club in administration to the new owner, various contractual disputes between clubs and managers and advising the liquidators of a football club about issues concerning the entitlement to transfer fees. He has also been involved in disputes over the broadcast rights to football matches.

Other sporting cases include acting in a former British sprint cycling champion's claim for sex discrimination against British Cycling, advising various sporting bodies on TUPE issues, injunction proceedings between two rugby clubs over rights to sign a rising star of the game, a British Touring Car Championships team sponsorship dispute, a cricketer's playing contract, a claim involving well-known horseracing stables, a Formula 1 injunction claim and advising upon the re-drafting of the PGA's disciplinary procedures.

Disciplinary and Regulatory

Antony's experience of employment law, sports law and professional negligence has led to him acquiring a very broad range of disciplinary and regulatory experience, including the following industries/sectors:

- Financial services (both individuals and companies)
- Sporting disciplinary and appeals panels (both individuals and clubs/organisations)
- Social Workers
- Medical Practitioners

- Nurses and Midwives
- Local authority officers/employees
- Local government elected councillors
- Court interpreters
- Barristers

He has advised upon a large number of regulatory and disciplinary issues and has appeared as an advocate in front of a wide range of disciplinary and regulatory bodies. He has also sat on disciplinary panels for the Honourable Society of Lincoln's Inn.

Professional Negligence

Antony has long experience of professional negligence work. He has been involved in advising on and appearing in claims for and against all sorts of professionals, including solicitors, barristers, surveyors and accountants, as well as being involved in the HIV Haemophilia litigation. In recent years, he has been instructed to advise on a significant number of claims involving professional negligence in connection with employment law matters. These have included a very large claim arising out of advice given by a firm of solicitors in a strike injunction case involving two bus companies, a claim against a barrister arising out of a very long and complex discrimination claim, a claim against a firm of solicitors in respect of a complex and high profile disability discrimination claim involving an investment banker and several cases concerning restrictive covenant clauses.