

## CAROL DAVIS

Call: 1996



Carol is recognised as a leading junior in employment litigation by both Chambers & Partners and Legal 500. With a strong practice covering every area of employment law, she has developed particular expertise in discrimination law and high value employment tribunal litigation and commercial employment matters in the High Court, regulatory work with an emphasis on financial services and healthcare. She also has considerable experience of conducting complex internal investigations, particularly in the financial services and legal sector, and advising on and/or managing grievance and disciplinary hearings. Praised by clients for her skill in managing high complexity cases, Carol has been described as **“dedicated and tenacious”** and **“formidable in conference and in court”**. She is **“the kind of person you want to have in your corner.”**

Carol specialises in highly confidential and sensitive matters. Operating with the utmost discretion to protect the commercial reputation of her clients, she is highly sought after by major UK and multinational corporations, banking and other financial institutions, and public authorities for internal investigations and large-scale discrimination and whistleblowing cases. Instructing Solicitors and recognise and appreciate her deft ability **“to instil confidence in the trickiest of cases”** and **“to grasp the detail of a case without losing sight of the bigger picture”**.

Appearing in the High Court and the Employment Tribunal both in interim hearings and at trial, Carol is **“particularly good in handling witnesses”** and is noted for her ability to provide a **“punchy and probing”** cross-examination. Combining thorough preparation and attention to detail with a **“commercial, costs-sensitive approach”**, Carol is **“very client friendly and extremely hardworking”** and **“quick to respond and good with clients”**. She is valued by solicitors and clients alike for her hands-on style, her **“practical and straightforward”** advice, and her gift for getting straight to the heart of the matter. She is **“a brilliant advocate, who is very helpful to those that instruct her”** and **“she is exceptionally bright, strategically astute and thoroughly charming.”**

### Discrimination

Carol is particularly sought after for her careful attention to detail, her punchy and probing cross examination and her clear analysis of the law.

Recent work includes:

- Defending a global insurance and financial services claim and a number of senior members of management in a multiweek case of direct and indirect race discrimination, harassment, victimization and unfair dismissal.

- Defending a global law firm and one of its equity partners in a 5-week case of direct race discrimination and victimisation brought by an Associate.
- Defending a global financial services consulting firm against a claim for pregnancy and maternity discrimination, victimisation, harassment and unfair dismissal.
- Defending a global banking and financial services company and one of its Managing Directors against a claim for pregnancy and maternity discrimination, sex discrimination, harassment and unfair dismissal.
- Defending claims of direct disability discrimination and a failure to make reasonable adjustments brought by a senior teacher at a leading independent girls' day school.
- Advising and representing a foreign exchange trader in a claim for unfair and wrongful dismissal following his dismissal for alleged gross misconduct arising out of chatroom communications.
- Advising and representing the Head of a Trading Desk at one of the leading investment banks in a claim for race discrimination.
- Advising and representing a long-serving branch employee of a high street bank in a claim for direct disability discrimination, discrimination arising from disability, failure to make reasonable adjustment, harassment and victimisation following the termination of her employment during a period of long-term sickness absence.

## Commercial Employment

Carol has considerable experience acting for and against large financial institutions, national and multinational businesses, publicly listed companies and governmental bodies on a wide range of employment litigation. A significant amount of her work involves, in particular, director and senior employee issues. Her principal areas of work include claims during the currency and termination of employment, wrongful dismissal and other breaches of contract, breaches of fiduciary duty and bonus entitlements. Recent work in the High Court includes:

- Defending claims brought by a UK principal of an international Management Consultancy for unlawful termination and non-payment of bonus. Following a 7-day case in the High Court, the claims were dismissed in their entirety.
- Acting for a Chief Executive of a former NHS Trust in a substantial wrongful dismissal claim.
- Defending a former Managing Director of a financial services company against claims of breach of contract, breach of confidentiality and solicitation of employees.
- Acting for a Chief Executive of an international gas exploration company in a substantial wrongful dismissal claim.

She is also regularly instructed to advise on, and appear in, interim applications to enforce restrictive covenants and to protect confidential information and is thus fully aware of the legal, practical and tactical issues that arise in such cases. She provides a thorough, commercial and smart approach

## Employment Other

Carol undertakes a wide range of statutory claims.

Notable recent employment tribunal cases include:

- Representing the Claimant in a substantial whistleblowing claim. The case included a knotty issue concerning territorial jurisdiction. The Claimant was a British national, employed by a UK registered company, but working in Saudi Arabia on a national defence contract with the Saudi Arabian Armed

Guard.

- Defending a global investment bank in relation to a complex whistleblowing claim brought by a senior member of the UK equities division.
- Defending complex claims brought under the Working Time regulations and National Minimum Wages Act concerning the meaning of 'on-call' work in the case of a resident Housekeeper.
- Defending an international recruitment consultancy in claims of whistleblowing and unfair dismissal brought by a senior executive. The Claimant withdrew her case following cross examination and Carol secured a substantial costs award for the whole cost of the proceedings.
- Defending a national charity in a Preliminary Hearing to consider the question of territorial jurisdiction in the case of an employee who lived in Australia during the course of her employment, working remotely into the London office.

## Disciplinary and Regulatory

Carol is Joint Head of Littleton's Disciplinary and Regulatory Group and Editor of the Group's quarterly bulletin.

She regularly advises and appears at internal grievance and disciplinary panels in both the private and the public sector. She has also considerable experience of acting as an independent investigating officer and has experience of investigating diverse grievance and disciplinary matters, often involving detailed allegations and a wide range of witnesses. In this work, Carol has been instructed by a wide-range of medical professionals and organisations, including medical defence unions, law firms, academic institutions, charities and private companies across various industries.

Carol also has a thorough grasp of the SMCR and has lectured widely on the same and advised on a number of complex disciplinary matters in the financial services sector.

Carol has also been involved in a number of cases before professional regulatory panels. She has advised and defended a wide range of professionals facing investigation or disciplinary action by their regulators. She has dealt with a wide variety of cases, ranging from registration issues to allegations of serious misconduct and has experience of all stages of the process, including interim orders, Appeals and restorations.

Recent work includes:

- Representing a consultant level medical professional against charges of serious professional misconduct.
- Representing a consultant level medical professional against charges of serious professional misconduct and allegations of poor clinical performance.
- Representing a GP against charges of serious professional misconduct.
- Advising the Board of Governors of a leading private girls' day school in relation to a disciplinary investigation into alleged financial mismanagement by a senior member of the administrative staff.
- Instructed by a leading national law firm to act as an independent investigating officer investigating a complaint brought by a senior Associate of sexual harassment and discrimination.
- Representing a social worker accused of sexually harassing a number of female co-workers.

## Professional Negligence

Carol's in-depth employment expertise has resulted in her being instructed, both for and against law firms, on cases of negligence involving employment litigation and other employment law issues. Over the years, she has

acted in cases involving a variety of professionals, including dentists, travel agents, accountants and builders. She is particularly sought after for her precise drafting, her ability to absorb large amounts of material and her clear, commercial advice.

Recent work includes:

- Defending a law firm following the dismissal of a whistleblowing claim in the employment tribunal.
- Defending a surveyor sued by a disgruntled house purchaser following the discovery of asbestos in the roof cavity of her new house.

## Lectures, Publications & Professional Affiliations

Carol is regularly invited to lecture and conduct training sessions on aspects of employment law and regulatory matters.

By popular request, Carol regularly visits law firms and conducts training seminars. She is always willing to tailor a lecture/seminar to fit the attendees' requirements.

Carol is also a regular contributor to legal journals and other publications. Her most recent publications are 'Termination of Employment' which she co-authored with John Bowers QC (Wildy, simmonds and Hill) and the chapter 'Dismissal with or without Notice' which she co-authored with Jeremy Lewis for Butterworth Tolley's loose-leaf 'Termination of Employment' series.

Recent lectures include:

- A Practical Guide to the SMCR
- Regulatory References: A practical Guide
- Managing Complex Disciplinary Cases in the Financial Services Sector
- Disciplining Doctors: Internal Investigations and Injunctive Relief
- Workplace Surveillance
- An Employment Law Overview
- Constructive Dismissal: Recent Case Law and Trends

Carol is also an active member of the following associations:

- COMBAR
- Employment law Bar Association
- Employment lawyers Association
- Association of regulatory & Disciplinary lawyers
- The Professional Negligence Bar Association

## Personal Background

Carol read English literature at Sussex University before taking the law conversion course. She received one of the highest marks for the Bar Vocational Course in her year (1995-1996) before undertaking pupillage at Littleton Chambers. She was called to the Bar by Middle Temple in 1996 and was awarded a Diplock scholarship by Middle Temple for her pupillage year.

Carol is also the proud mother of two young girls. When not at work, Carol lives in a parallel universe of play dates, homework, biscuit baking and music practice. Carol dimly recalls that, before the arrival of small people, she used to enjoy travelling to exotic places, charging down ski slopes and feeding her dramatic yearnings with visits to the theatre and the cinema.