

Andrew McGrath

Call: 1983

"He is calm in his advocacy and won't be hassled by either an opponent or the Bench: he makes sure that his point is made as he wants it."

Chambers UK 2017



Andrew McGrath is a specialist employment practitioner, with over 25 years of experience representing employees / employers in the High Court, Employment Tribunal / Employment Appeal Tribunal.

Expertise

Employment

Andrew specialises in High Court injunctive relief arising from restrictive covenant and restraint of trade disputes including, accounts of profit and equitable remedies arising from breach of confidentiality. Specialises in high-value litigation before the High Court including wrongful dismissal, breach of contract and bonus disputes.

Has particular knowledge of and experience in handling employment/commercial disputes for the Financial Services Industry (including restraint of trade, breach of contract and bonus disputes). Is retained Counsel for a major and expanding Midlands-based financial consultant providing it with comprehensive HR advice and training.

Is retained Counsel for a large Midlands-based Recruitment Consultant dealing with its general HR advice, training needs and contractual issues including its restrictive covenants and other terms and conditions.

Undertakes unfair dismissal and constructive dismissal cases and has particular expertise in handling lengthy and complex discrimination, TUPE and whistleblowing cases.

Clients include local authorities, corporations, banks, Plc's, NHS Trusts, Charities and Trade Unions.

Has represented parties in relation to Holiday Pay claims arising since the Bear Scotland case. Most recently defending 65 claims made against a national logistics company.

Work includes protracted equal value/equal pay claims. Most recently representing a group of 45 Care Workers with equal pay claims.

Birmingham

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London

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Bristol

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Advices in professional negligence claims and other commercial areas involving any aspect of employment law.

Has vast experience of handling large-scale redundancies involving protective awards, most recently involving the redundant Comet employees on behalf of USDAW.

Specialises in pension related disputes (including assistance with calculation of pension loss). This has included advice involving Police/Fire Service, local government and NHS pensions with subsequent appeals to the Pensions Ombudsman and High Court.

Has extensive experience of representation before internal disciplinary panels on behalf of employees, local authorities and NHS Trusts in capability/misconduct proceedings particularly those involving the medical profession.

Carries out disciplinary and grievance investigations for public and private clients providing thorough and comprehensive reporting.

Frequently advises in various regulatory fields especially in solicitor's disciplinary matters involving the SRA/SDT.

Formerly employed as a barrister in the public sector he has a particular understanding of its employment law requirements and will provide guidance on HR issues generally including grievance/disciplinary cases.

Public Access work is an expanding area in Andrew's practice.

Andrew accepts instructions on a Public Access basis from HR officers/specialists, employers and employees (including drafting and advice upon Settlement Agreements).

Notable Cases

Newbold v Leicester City Council (1999) ICR 1182CA

Council right to withhold contractual payments on basis of ultra vires.

Abegaze v Shrewsbury College of Arts and Technology [2010] IRLR 238

involving the strike out of a successful race claimant in the EAT and Court of Appeal.

Bird v Stoke on Trent PCT

[UKEAT/0074/11] involving suitability of alternative employment in a redundancy case.

Rustamova v Governing Body of Calder High School

[UKEAT/0592/11] a controversial case involving the misconduct dismissal of a teacher in which Andrew was praised by HHJ Birtles for his "cogent submissions."

Rustamova v Governing Body of Calder High School (No 2)

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[UKEAT/0592/11] involving Burns/Barke referral and an unsigned ET judgment.

Tan v Solihull Community Housing Ltd

[UKEAT/00050/14/DA] involving sufficiency of reasons and remission principles.

Memberships

- Employment Lawyers Association
- Employment Law Bar Association
- Public Access Bar Association

Qualifications

- BA (Hons)

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