



Sami Rahman



Year of call: 1996

Areas of Practice

Business & Commercial, Construction, Professional Negligence & Liability, Employment & Discrimination, Local Authorities & Public Law, Personal Injury, Property, Landlord & Tenant, Direct Public Access Barristers, Immigration, Family, Clinical Negligence

Sami maintains a genuine family & civil common law practice, which is relatively rare for someone of his call. It gives him the ability to apply legal principles, which are common to several different areas of law to good effect with more than a degree of authority. He does however maintain key specialisms within his common law practice, more detail (including notable and reported cases) of which can be obtained from his clerks, upon request. His practice encompasses several first and second tier tribunals (including the employment tribunal and property tribunals), the family court, county court, High Court, the Court of Appeal as well as regulatory forums.

Sami is particularly known for his accessibility but also his experience and reputation as an effective advocate.

FAMILY

Ancillary Relief, Children, Care and ToLATA. Sami's family law practice has a particular focus on property matters.

In respect of care work over 10 local authorities in London, the south and Midlands, instruct Sami regularly. As well as local authorities Sami acts for parents, gaurdain, special guardians, connected persons and interveners in care proceedings. He is happy to accept instructions for the full range of care work, including ICOs, IRHs, fact-finding hearings, ISOs, EPOs, forced marriage protection orders.

Examples of recent care work

Re a local authority v H and Others 2018 and on going.

Acting for mother. In a multi-week final hearing care case. Where there are allegations of physical harm to a child and allegations domestic violence as well as mother having learning difficulties.

Re a minor 2018

Acting for mother in a multi day care case. Mother had learning difficulties and children with autism the issues being neglect

Re a minor 2017

Multi week care hearing. Where maternal grandmother who had a physical disability that meant that she was not mobile and suffered with a mental impairment was granted a child arrangements order with a support plan from the local authority who would not support an SGO and there was no medical as required under the regulations. Heard at the High Court family overflow courts.

Re a minor

For LA. 3 day final hearing. Mother suffering from learning difficulties and mother adamant that she wanted to oppose the care orders proposed by the LA. Mother conceded that she could not care for the children in cross-examination.

Re a minor (a local authority v D & others) 2016. For children's guardian. Mother was able to provide instructions but was suffering from learning difficulties. In the course of the hearings it became apparent that mother could not provide consistent care for the children and was entering into a marriage of convenience whilst being financially and physical abused by partners.

Ancillary Relief

Examples of recent ancillary relief work

R v R [2018] – For W. achieved an 80/20 share of assets for wife as a result of conduct during the course of the marriage.

S v S [2017] – For W. Case concerning the value of a national baking business and wife's share of the business which she had worked in for year.

V v A [2016] – For W. Case where significant findings of conduct were made against H as result domestic violence both against w and the children. His conduct left W with reduced earning capacity as a result. She had several children in care already and these children were being used as a mechanism in the current relationship for immigration purposes and there was an allegation of a marriage of convenience for money.

EMPLOYMENT

Discrimination, unfair dismissal, breach of contract and claims in the County and High Court Inc restrictive covenants, use of confidential information and advising on settlement agreements.

Examples and notable cases.

D v London Borough [2018] 1week direct race at East London ET, discrimination and victimisation claim. The victimisation claim succeeded.

S v London Underground [2018]. Multiday unfair dismissal, discrimination and direct discrimination claim.

United First Partners Research v. Carreras [2018] EWCA Civ 323 March 2018. Court of Appeal upheld EAT judgement.

Okedina v Chikale UKEAT/0152/17/RN; UKEAT/0153/17/R 2017, successfully obtained permission to appeal in this case. On the basis of illegality.

A v Limited [2016/2017] Manchester Employment Tribunal, Multiday unfair dismissal and wages act claim against small employer. Credibility at issue. Succeeding in persuading the tribunal that Claimant was not credible and that there was no dismissal or wages due as they had been paid

A v NHS trust [2016] 2 week whistle blowing claim at Croydon Employment Tribunal

T v A MAJOR UK CAR MANUFACTURER AND OTHERS [2016] Birmingham Employment Tribunal. Preliminary hearing on Prospects of success and whether the Claimant was genuinely self-employed or a worker and the right Respondent.

Carreras v United First Partners Research (Unfair Dismissal: Constructive dismissal) **[2016] UKEAT (07 April 2016) [2016] UKEAT**. Case concerning meaning of PCP in a disability discrimination claim and whether a request from an employer can amount to a PCP and the approach taken to what individual acts can be relied on in a constructive dismissal case.

G v D Limited [2016] - Multiday disability discrimination claim at East London Employment Tribunal (sitting in Chelmsford County Court). The issue was the Respondent's need to change the claimant's

duties because of economic necessity, redundancy and reasonable adjustments.

Taiwo & Anor v Olaigbe & Ors [2016] UKSC 31 (22 June 2016) Supreme Court [2016] 1 WLR 2653, [2016] ICR 756, [2016] IRLR 719, [2016] UKSC 31, [2016] WLR 2653, [2016] WLR (D) 319; From United Kingdom Supreme Court; 48 KB). Succeeded at the Supreme Court. Case concerning whether migrant workers were a separate, group under the Equality Act and whether an indirect discrimination claim could succeed in the event that it was not.

F v R [2016] East London ET – Wages and Holiday Pay claim.

R v H House [2015] – Central London Employment Tribunal – Preliminary hearing on prospects of success in respect of a discrimination claim and who the correct respondent was.

General Municipal and Boilermakers Union v Henderson (Unfair Dismissal) [2015] UKEAT (13 March 2015) ([2015] IRLR 451, [2015] UKEAT; From United Kingdom Employment Appeal Tribunal; 145 KB) Concerning religion and belief in this case the belief that trade unions should be democratic. This case went to the court of appeal on the basis that there had been an unlawful substitution by the Employment Appeal Tribunal in 2017, but the appeal was not effective.

W v Local Authority (2014): Unfair dismissal claim arising out an employees conduct in failing to follow the Respondents contracting procedure.

N v Local Authority (2014): Unfair dismissal claim against a local authority; arising of a dismissal on the basis of conduct that destroyed trust and confidence.

Dr M v 2 NHS Trusts (2014): Claim of indirect discrimination and unfair dismissal. C was a UK national originally from Iraq who had obtained the bulk of his qualifications in Poland. He applied for a post that required him to have the MRCP or MRCP equivalence (commonwealth or EEA). He was dismissed for not having the MRCP or equivalent and his EEA qualifications were not considered.

R v NHS Trust (2014): Claim for detriment and constructive dismissal arising out an allegation that the Claimant had competed for a contract with the Trust, the issue being whether the Trust knew or could had constructive knowledge that the Claimant had only bid for the contract when the Trust had lost the bid and didn't which to pursue it. There was also an abortive criminal trial.

Fazal v Thames Utilities Ltd (2013). Court of Appeal. Permission from the decision of HHJ McMullen QC, LJ Underhill concerning appeal time limits (pro bono).

Buzoli v Food Partners Limited UKEATPA/1325/11/CEA. An appeal concerning the status and interpretation of the ACAS code relating to disciplinary and grievance procedures.

Rogers v Department for Business, Innovation and Skills UKEAT/0251/12/SM. A successful appeal to EAT, concerning a review of a strikeout on merits and an unless order.

Chikwe v Mouchel Group Plc & Anor UKEAT/0633/11/CEA Continuing act of discrimination.

Bishun v Hertfordshire Probation Service (HPT) UKEAT/0123/11/DA (2012); Reasonable adjustment and the employee's duty to cooperate with their implementation.

Orion Locums v Shulton & Others [2009] HQ09X01313 High Court claim in respect of employee's use of former employer's confidential information and breaching restrictive covenants.

Potter v Staffordshire Sentinel Newspapers Ltd [2004] All ER (D) 131 (May) Right to substitute and definition of employee.

Gray and another v. Canada Life [2004] All ER (D) 36 (Jan) EAT Employment Rights Act s23 Working Time Regulations 1998 SI 1998/1833 List v Douglas [2002] ICR 686 ALL ER (D) 215; Kigass v. Brown [2002] ICR 697 All ER (D) 341 (Feb), Sami was instructed at first instance.

Lewis v Blue Arrow Care Services Ltd [1999] ICR part 7-EAT Amending a claim of discrimination.

S v a Local Authority (2010) National Minimum Wage Act provisions care worker who as part of his role is required to sleep on the premises. Cases cited were Smith v Oxfordshire NHS Trust UKEAT/0176/09/CEA and MacCartney v Oversley House Management [2006] IRLR 514.

A v a Local Authority & A Union (2010)* This was a Hogg v Dover [1990] ICR 39 EAT type claim.

Z v a Non Departmental Public Body Court of Appeal (2010) Sami was instructed on behalf of 16

Respondents in this appeal brought by a former employee from the decision of the EAT to dismiss her appeal. Lord Justice Elias dismissed the appeal.

C v a Non Departmental Public Body (2009). Strike out of discrimination claims as had no reasonable prospects of success and no substantial connection with the former employment per Rhys-Harper v Relaxion Group plc [2003] ICR 867. There were two appeals to the Employment Appeal Tribunal and one appeal to the High Court against.

H v a Primary Care Trust (2008). I was instructed on behalf of the Claimant. This was one of four claims against various NHS Trusts and PCTs. Claims relating to disability discrimination arising out of recruitment and CRB disclosure. Murray v Newham Citizens Advice Bureau [2003] IRLR 340.

Ahmed v Montana Bakeries (2008). Heard at Reading Employment Tribunal. Sami was instructed on behalf of the Claimant and the claims were of unfair dismissal (s98 (4)) ERA and automatically unfair dismissal arising out of a health and safety issue (s100 (1)(e)).

Company/Commercial - including most company, contractual matters, and consumer and construction matters.

Insolvency - both personal and corporate.

Discrimination in the provision of goods and services & housing and property.

Property/Housing - Commercial and residential, chancery and landlord & tenant.

Professional Negligence – Focused mainly on claims concerning solicitors, accountants and surveyors.

Regulatory/Professional Discipline – NMC, GMC, GPC, BSB, SRA and various sport related disciplinary forums.

Public Law - Judicial Review work primarily but also public procurement challenges. Sami's judicial review experience encompasses, education, homelessness and immigration amongst other areas.

Business Immigration - This aspect of Sami's practice complements his employment practice and Sami has a wealth of experience of dealing with immigration matters.

DIRECT ACCESS

Sami is able to accept instructions directly from members of the public under the Direct Public Access to Barristers scheme within his specialist Practice areas, which are:

- Employment
- Family
- Commercial
- Property

What clients say

"I have instructed Sami on many employment tribunal cases over the years and would not hesitate in recommending him. Sami adopts a practical and balanced approach, putting clients at ease during stressful litigation." - Fiona Haworth (Senior HR Consultant) at Practical HR Ltd

'Presented with a complex claim with procedural failings, Sami's advice was incisive, to the point, and provided the platform for an early, cost-effective settlement.'

Michael

LANGUAGES

Hindi, Urdu, Arabic & French



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