



Imogen Egan

Year of call
2015

Email
imogen.egan@outertemple.com

Imogen specialises in employment, public, personal injury and clinical negligence disputes.

Imogen joined Chambers after her successful completion of the Outer Temple Chambers Extended Pupillage Scheme in association with FRU (Free Representation Unit) in May 2017. She remains dedicated to pro bono work and has taken EAT cases through Advocate and FRU, and is a member of the ELAAS scheme.

Before being called to the bar, Imogen read law at the University of Nottingham and later studied the BPTC at Nottingham Law School.

London

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Employment & Discrimination

Imogen is committed to her employment law practice. She acts for both claimants and respondents and regularly deals with multi-day claims against more senior counsel.

Examples of Imogen's recent cases include:

- ***E v ISS***, successfully representing a respondent in an unfair dismissal claim related to redundancies where it was alleged that the pool of employees had been drawn incorrectly.
- ***D v PAAT White Cloud***, successfully representing a respondent at a multi-day hearing of a complex constructive dismissal claim against the backdrop of an acrimonious shareholder dispute. Imogen persuaded the Tribunal that there had been no repudiatory breach of contract.
- Advice and drafting for a long-serving NHS professional who has been denied redundancy pay on the premise that she was offered "suitable alternative work".
- ***P v GWR***, successfully representing a respondent in a multi-day hearing of a sexual orientation discrimination claim based upon a series of alleged detriments. All claims were dismissed.
- ***K and others v Eostre Education***, acting for five claimants who had been made redundant and not received their redundancy pay. The Respondent retrospectively alleged that there had been a TUPE transfer but this was rejected by the Tribunal. All of Imogen's clients were awarded their redundancy pay and owed notice pay (total judgment against the Respondent was in excess of £50,000).
- ***M v Elysium Health Care***, advancing a successful application on behalf of a respondent at a Preliminary Issue Hearing that a claim for constructive unfair dismissal had been made prematurely because it was received before the Respondent received the Claimant's resignation.
- ***S v ISS***, successfully representing a respondent in a claim for a failure to grant rest breaks/compensatory rest to the Claimant. The Tribunal agreed with Imogen's submission that as the Claimant admitted he did have rest breaks in the last few months of his employment the claim was out of time and the Tribunal had no jurisdiction to hear it.
- Instructed for a claimant who brings claims of whistleblowing detriment and constructive unfair dismissal against a well-known religious charitable organisation.

Through the Bar Pro Bono Unit, FRU, and ELAAS, Imogen has represented Applicants at the EAT in Rule 3(10) and Appeal hearings, dealing with complex questions of perceived bias (*Kidd v Commissioner of the Police of the Metropolis* UKEAT/0191/17/RN) and the procedure to be followed by a tribunal where no response to an employer's contract claim has been received (*Limoine v Sharma* UKEAT/0094/19/RN).

She also assisted **Naomi Ling** in the EAT hearing of *Crawford v Network Rail Infrastructure Ltd*

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UKEAT/0316/16 (overturned by the Court of Appeal: [2019] EWCA Civ 269, CA).

"Fantastic well done Imogen. I will definitely use her again. Happy to give her a quote for any Bio, I was very impressed." (Solicitor)

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Personal Injury

Imogen is developing her personal injury practice. She has experience of a wide range of hearings in the County Court and regularly drafts pleadings and provides advice on merits.

Examples of Imogen's recent instructions include:

- Advising a potential claimant on an employer's liability claim for a back injury sustained from repetitive lifting at work.
- Drafting pleadings for a claimant who suffered a serious leg wound on a cruise ship.
- Successfully setting aside a default judgment against a defendant who had not received the claim owing to the coronavirus lockdown. Imogen persuaded the Judge that there was a real prospect of successfully defending the claim.

Imogen has represented parties in Road Traffic Accident claims, Employers Liability claims, Occupiers Liability Act 'tripping and slipping' claims, and claims involving accidents/sickness abroad and on transport.

She regularly attends CCMCs and often deals with disputes about expert evidence, pre-action disclosure, and costs.

She has experience of military claimant personal injury work, having spent some time on secondment to Bolt Burdon Kemp's military team. There she dealt with NFICI, sexual abuse, and PTSD claims against the MoD.

She has also represented families at inquests on a pro bono basis.

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Clinical Negligence

Imogen is developing her clinical negligence practice and represents both claimants and defendants. She is available for representation in hearings, advice, or drafting.

Recent work includes:

- Advice and drafting on negligent cosmetic orthodontic treatment.
- Advice and drafting in a case of alleged negligent injury during a hysterectomy with complex issues of causation, requiring multiple expert disciplines.
- Representing the family of a vulnerable young adult who died as a result of aspiration pneumonia, whilst in respite care.

Imogen represents Hospital Trusts at inquests involving issues of clinical care, responding to submissions of neglect and prevention of future deaths. She has also represented families, pro bono, through Action against Medical Accidents (AvMA) in cases which involved potential issues of neglect.

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Education

Imogen has a particular interest in education law. She has represented local authorities and parents in the SEND First Tier Tribunal and Upper Tribunal in EHCP appeals. She has also represented and advised education providers at stages in the permanent exclusion process, including at the Governors' Board Appeal stage and at Independent Review Panel. She is available to provide advice, drafting or representation.

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Public Law

Imogen was instructed as junior counsel on the Independent Inquiry into Child Sexual Abuse (IICSA). She was a member of the Nottinghamshire counsel team with Olinga Tahzib, Paul Livingston, and lead by Patrick Sadd, taking part in the three-week hearing in October 2018. She also assisted the Chair and Panel of the Inquiry with the content of the report.

She was subsequently instructed as a member of the counsel team for the Investigation into institutional responses to allegations of Child Sexual Abuse involving the late Lord Janner of Braunstone Q.C, the three-week hearings taking place in October 2020. This work afforded her an insight into the important work of public inquiries and the challenges of ensuring that core participants with conflicting interests are all accommodated. It also required the assimilation of vast quantities of documents and careful consideration of issues of confidentiality and disclosure.

Additionally, Imogen assisted Samantha Presland in the Court of Appeal hearing of *RW v Chelsea & Westminster Hospital NHS Foundation Trust* [2018] EWCA Civ 1067 against the decision of the Court of Protection to maintain a transparency order and to remove clinically assisted nutrition and hydration (CANH).

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Disciplinary & Regulatory

Imogen is also developing a practice in discipline and regulatory work and has experience in NMC, BSB, and Police Misconduct proceedings,

She has previously successfully represented a registrant in a 7-week NMC Conduct and Competence hearing in a case involving 8 registrants and serious allegations relating to the death of a patient.

Since, she has acted as junior for the BSB (led by James Counsell QC) in multi-day disciplinary proceedings against a prominent criminal silk, which involved half-time submissions, a large amount of documentary evidence, and responding to costs applications.

Recently she acted as legal advisor in selection meetings for British Shooting; the work involved overseeing the selection process for major international competitions and ensuring that a fair procedure was followed.

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Appointments & Memberships

- Employment Lawyers Association (ELA)
- Association of Personal Injury Lawyers (APIL)
- Education Law Association (ELAS)
- Discrimination Law Association (DLA)
- The Honourable Society of the Middle Temple

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Awards

- The Richard Bagley Prize for Outstanding Achievement in Pro Bono Activity

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Recommendations



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