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EMMA SOLE

‘She provides practical advice and is very unflappable and calm – she is an amazing advocate in very difficult and delicate hearings.’

Legal 500 2024 - Ranked: Tier 5

Call: 2005

For enquiries please call +44 (0)20 7353 0711 or email

Emma joined Pump Court Chambers in 2023, after establishing a mixed and successful civil practise over ten years’ work in London (where she retains an associate tenancy).

Emma specialises in employment law, representing both employee and employer clients in a wide variety of claims, including unfair dismissal, all types of discrimination and “whistle-blowing” matters. Emma also advises on, and drafts pleadings in, high value restraint of trade claims (including at first instance in **Customer Systems Plc v Ranson** [2011] EWHC 3304 (QB)).

In parallel to building her employment work, Emma has also established an extensive personal injury practice. Emma represents both Claimants and Defendants across the whole range of PI claims; road traffic accidents, including credit hire, employer liability and public liability claims.

She is able, and happy, to accept instructions on a direct access basis and will also consider undertaking work on a CFA basis.

Employment & Discrimination

Emma specialises in employment law, representing both employee and employer clients in a wide variety of claims, including unfair dismissal, Equality Act claims (including all forms of discrimination) and “whistle-blowing” matters. Specifically identified in the Legal 500 for her client friendly approach, Emma is adept at providing a customer-focused service for a range of people, from neuro-diverse lay clients to senior executives. Emma’s clients include an array of people, from high-level employees in the public sector to global companies and much smaller businesses and start-ups.

Over the years Emma has successfully made use of the Employment Tribunal judicial mediation scheme, for the benefit of both Claimant and Respondent clients.

Current, on-going cases include a number of whistle-blowing and disability discrimination linked to the Covid pandemic. Emma has recently assisted in securing a settlement for a Claimant who, it was alleged, suffered disability discrimination due to the employer's insistence on a return to the workplace.

Emma also often speaks at employment law seminars for professional clients and is available and happy to assist with providing talks on specified employment law topics as requested.

Notable Cases:

A v Choice Support (2021/2022): Emma acted for the Claimant in an extremely sensitive whistleblowing claim. The case went to appeal in 2022 and further hearings took place in relation to the permanence or otherwise of the Reporting Restrictions. The case required careful consideration of the difference between RROs and anonymisation orders.

Jones v ABM Facilities (2021): Constructive dismissal & harassment case. The Claimant suffered with poor mental health and was found to have been harassed on the grounds of her disability and latterly resigned in circumstances which were found to amount to unfair dismissal. The claim involved difficult arguments on causation, given the Claimant's ill-health pre-dismissal, however the Tribunal was persuaded that the loss of remuneration stemmed from the earlier harassment and so was recoverable. **Ms Y Jones v ABM Facility Services UK Ltd: 2301119/2020 – GOV.UK (www.gov.uk)**

Jackson v Kent CC (2020): Disability discrimination & harassment claim. The Claimant was a mental health social worker who was suspended from work for alleged gross incompetence, but who had been diagnosed with mild ADHD, which his employers had failed to take into account when assessing performance and had failed to make necessary adjustments to the workplace. Emma successfully represented the Claimant, who won the majority of the claims.

<https://www.gov.uk/employment-tribunal-decisions/mr-t-jackson-v-kent-county-council-2300620-slash-2020>

Lipton Group PLC v Cudd (2015) UKEAT/0360/14/DM

Successfully acted for the Respondent Appellant in an appeal against an award made for injury to feelings. Award reduced by over 25% from £12,100 to £9,000.

Craven v Orion (2013)

Acted for ex-Director/employment Claimant in a successful constructive dismissal claim. Claimant was awarded damages capped at the statutory limit having been persuaded that monthly "Director's Loans" formed part of the recoverable remuneration package and were not repayable.

Restraint of Trade

Emma advises on, and drafts pleadings in, high value restraint of trade claims (including at first instance in Customer Systems Plc v Ranson [2011] EWHC 3304 (QB)). Emma acted for the Fourth Defendant (unavailable for representation at trial as Emma's due date for her first child fell in the middle of it), drafting the defence and raising arguments which were, ultimately, successful.

Personal Injury

In the field of personal injury, Emma's extensive practice involves Employers' liability, tripping and slipping cases and road traffic accident claims. The experience of working in employment law and personal injury provides Emma with an invaluable overlap of knowledge and expertise; which is put to particular use in work-place stress claims which often cross over with disability discrimination/reasonable adjustment cases. Emma also has an interest in both pursuing and defending claims alleged to be either fundamentally dishonest and/or fraudulent and has persuaded Courts to make enforceable costs orders against Claimants.

In addition, Emma advises and acts on credit hire claims and in numerous common law areas, including commercial and consumer protection cases as well as contractual disputes.

She is able, and happy, to accept instructions on a direct access basis and will also consider undertaking work on a CFA basis.

Credit Hire

Emma regularly advises and acts on credit hire claims for both Claimant and Defendant, and is well versed in all potential arguments ranging from enforceability to profit-making chattels, as well as analysing the quality of BHR.

Civil Fraud

Emma's practise includes representing clients on both sides of the issue; insurers arguing for findings of fraud and fundamental dishonesty but also Claimant's defending such allegations. Recently Emma was able to successfully resist a fundamental dishonesty defence and application to disapply QOCS, on behalf of a Claimant, despite the Court expressly finding numerous inconsistencies in her evidence. Emma has also dealt with several contempt of

Court hearings, albeit in cases involving breach of Court Orders.

Emma will give clear and practical advice on all issues involved in cases of fraud/fundamental dishonesty, from costs to strike out applications, relying on a wealth of Court-based experience to steer clients through to the best outcome for them.

General Common Law

Emma also has experience in numerous common law areas, including commercial and consumer protection cases as well as contractual disputes.

She is able, and happy, to accept instructions on a direct access basis and is will also consider undertaking work on a CFA basis.

Qualifications

- BVC Exhibition 2004, Inner Temple
- BVC, Inns of Court School of Law, London
- BA Jurisprudence, Trinity College, Oxford

Professional associations

- Personal Injuries Bar Association
- Employment Lawyers Association
- Free Representation Unit

Outside Interests

In a previous life Emma's main hobby was playing hockey – she received a Blue at Oxford and played for Canterbury and Southgate. All of that seems to be squarely behind her now as she spends most weekends traversing the Kent countryside or coast, or scrambling around in parks with her husband and two young daughters.

Basic French