



PUMP COURT
CHAMBERS

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NAOMI GYANE

"Focussed, thorough and effective."

Solicitor

Call: 2010

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

Naomi Gyane has established a well-rounded common-law practice. Whether the legal problem requires simple analysis or needs a careful eye cast over dense facts, she quickly rises to the challenge. She is described by those who have briefed her as focused, thorough and effective.

Prior to joining the Bar, Naomi was employed for three years as a consultant fee-earner at an employment law firm in Central London. Whilst there she took the lead on all aspects of litigation including, internal HR matters, advising on the merits of different heads of claim, drafting particulars and successfully representing at preliminary and final hearings.

Employment

Naomi currently has a diverse employment practice advising companies, individuals and Local Authorities on all aspects of employment law, discrimination, contractual disputes and whistleblowing. She has a busy practice because clients usually instruct her early, and pre-litigation but her strength is undoubtedly in court room advocacy and presentation and she therefore welcomes instructions at any stage of litigation.

Naomi's employment practice covers the full range of employment issues whether it relates to internal employee management, subject access requests, settlement agreements, dismissals or Tribunal litigation. Her expertise are particularly sought for discrimination claims, contractual disputes and whistleblowing claims.

Naomi represents both Claimants and Respondents and has represented in complaints of discrimination and harassment on the grounds of / related to sex, race, age, disability, sexual orientation and religion. She has represented in victimisation claims, unfair and automatically unfair dismissals, whistleblowing detriments and TUPE transfers.

Businesses and Local Authorities also regularly instruct Naomi at Final Hearings and to draft clear and compliant employment contracts and Employment policies and procedures. She provides bespoke employment training to solicitors, HR staff and managers and also undertakes grievance investigations when needed. Her experience is invaluable to employers particularly Local Authorities who instruct her to provide robust advice and effective representation in Tribunals.

Many clients and insurance providers find it useful to obtain written advice on prospects and quantum. Due to her experience representing both Claimants and Respondents, Naomi is regularly instructed to provide Opinions on merits, disclosure, strategy and quantum.

Naomi also regularly drafts grievances, court pleadings, schedules of loss and statements for final hearings. She is keen to continue to receive instructions for this type of work.

Selected Cases

Class Action v A Care Home

Currently representing 45 employees alleging sham redundancies, wrongful dismissal and unauthorised deductions from wages.

A v A Family

Represented a family sued for alleged unfair dismissal, wages act breaches and breach of the working time regulations. The Claimant, alleged she had been brought to the country as a domestic help and had been mistreated. The case dealt with interesting issues regarding the Modern Slavery Act 2015, immigration, the extent of employment procedures in familial contexts, quantum assessments in light of deductions for accommodation and securing live-link evidence from witnesses based internationally.

Schlei v Knightsbridge Kindergarten

Naomi successfully represented the Claimant in this claim for unfair dismissal and wrongful dismissal. The case dealt with the test set out in BHS v Burchill regarding conduct dismissals and whether the Claimant had endangered children in her care.

Rawlins v LB Wandsworth

Successfully represented the Respondent against claims of race discrimination spanning several years, and automatic unfair dismissal due to whistle-blowing and/or Trade Union activities.

B v A Nursery

Advisory support to a Respondent wishing to avoid litigation and publicity. Advice centred on Case strategy, quantum and incentivising the Claimant to consider settlement without them paying over and above the realistic Quantum of the case.

Marangoh v Keir MG Ltd

Naomi successfully represented the Claimant who was employed as an Assistant Quantity Surveyor. The Claimant had complained of 11 incidents of race and age discrimination. He complained that he was subsequently dismissed due to his age and race. After a multi-day Tribunal hearing at the London South Employment Tribunal, the Tribunal unanimously ruled in favour of the Claimant. They held that he had suffered direct race and age discrimination in the majority of the instances complained about and had been dismissed on the basis of his race and age. The trial involved the analysis of raw spreadsheet data, statistics, as well as the Employer's disciplinary and probationary procedures.

North v Alpha LSG Ltd

Naomi successfully represented the Claimant in his claims for indirect disability discrimination, discrimination arising from a disability and a failure to make reasonable adjustments. The Claimant also succeeded in his claim for unfair dismissal and wrongful dismissal. It was alleged that the Claimant had falsified his hours in order to obtain financial gain and was therefore dismissed fairly. The Tribunal rejected this assertion and stated that 'the Claimant's Counsel's analysis of the hours worked over those weeks, and that they show him [the Claimant] working at least 40 hours per week, is fatal to the respondent's case.'

Criminal

Naomi has developed a strong criminal practice in the Crown Court owing to her strong work ethic and her talent in presenting to juries the evidence in a clear and persuasive manner. Her strength is undoubtedly in her client care and her "no stone unturned" approach to disclosure and in cross examination. She is therefore regularly instructed in fraud and drugs conspiracies and cases where there is a need to analyse raw material and condense them into user-friendly schedules that are easy to understand and explain.

Naomi accepts instructions in the full range of criminal cases and appeals including fraud, offences against the person, sexual offences, thefts and road traffic offences.

Selected Cases

R v CK & Others (Crown Court)

Conspiracy to evade duty chargeable on the importation of unprocessed tobacco – led junior to Richard Tutt in this 5-week trial. Naomi dealt with the analysis of the covert monitoring and raw cell site data. Her redrafted schedules resulted in the Crown conceding mid-trial that their assessment of the loss in revenue at £27.6 million was wrong and was in fact closer to £320k.

R v SR & Others (Crown Court)

Conspiracy to supply Class A drugs – led junior to Robert Pawson in this 5-week trial and resulting POCA proceedings. Naomi dealt with the cross-examination of the forensic officer on the cell site data and produced accompanying schedules from the raw data material. Naomi also drafted the S18 POCA statement.

R v AT & Others (Crown Court)

Robbery and attempted robbery of drugs in prison – represented one of five defendants alleged to have robbed and then attempted to rob the complainant of drugs via an internal examination of the complainant with a broom. Ds were acquitted after a 2-week trial.

R v LE (Crown Court)

Contested POCA proceedings dealing with whether the assessment of Benefit should be calculated using Turnover or Profit. Naomi also drafted the grounds of appeal to the Court of Appeal.

R v KA (Crown Court)

Successfully represented the defendant in POCA proceedings following the undersell by the Crown of his possessions. Naomi also drafted the application to vary the confiscation order and the disclosure requests.

R v PR (Crown Court)

Represented the defendant charged with 3 counts of rape, ABH and perverting the course of justice. After a 2-week trial involving cross-examination via an intermediary and the recalling of the complainant after further evidence was obtained, the defendant was acquitted.

Regulatory & Disciplinary

Naomi's experience in the areas of employment and crime, coupled with her knowledge of procedures in relation to a wide range of regulatory bodies, means she is well-placed to represent and advise individuals and organisations in relation to regulatory and disciplinary proceedings. Naomi has spent time on secondment with the Nursing and Midwifery Council and has since appeared as a case presenter for them at their hearing centres in London.

Transport Law

Naomi has experience in the Magistrates and Crown Courts, providing advice and representation on all areas of motoring offences, including speeding, the avoidance of disqualification on penalty points or 'totting up' (exceptional hardship), driving without due care and attention (careless driving), dangerous driving and drink driving.

Selected Cases

R v CK (Crown Court)

Dangerous driving – The Defendant hit a pedestrian with his car causing permanent and life changing injuries. He was represented throughout by Naomi. At trial, Naomi successfully rebutted the Crown's expert evidence in order to argue non-insane automatism as a defence. The Defendant was acquitted.

R v BS (Magistrates' Court)

Driving under the influence – successfully defended a young man charged with driving whilst under the influence. The toxicology result confirmed his system contained a cocktail of ketamine and cocaine. Under rigorous cross-examination the arresting Police officer changed his evidence. The Defendant was acquitted.

R v PU (Magistrates' Court)

Failing to stop and provide a specimen – the Defendant pleaded guilty to failing to stop and failing to provide a specimen. In the last ten years, he had been disqualified from driving for longer than he had had a licence. As a result of detailed submissions in mitigation, he received only a 12 month ban and a total of £120 in fines, costs and surcharge.

Personal Injury

Naomi has appeared in a number of small claims and fast track trials particularly arising out of road traffic accidents. She also regularly provides advice on merits and quantum.

Qualifications

- Best Young Advocate Award, City Law School (2010)

- Major Scholar, Inner Temple (2009)
- Duke of Edinburgh Entrance Award (2009)
- BVC, City Law School (2009-2010)
- LLB Law, City University, London (2006-2009)

Professional associations

- Association of Regulatory & Disciplinary Lawyers
- Employment Law Bar Association
- Southern Eastern Circuit
- Western Circuit

Outside Interests

Away from the Courtroom, Naomi is an avid sportswoman having played netball for fifteen years. For the last three years, she has been elected captain of her Netball team only recently declining another season, fearing autocracy may replace the fun!

Naomi also makes time to volunteer at her local Foodbank and also at the Mary Ward Legal Centre which provides pro bono legal advice to those on little or no income.