



Kevin McNerney

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Year of Call: 1992

“Very well known for handling whistleblowing cases.” **Legal 500 2019**

Kevin is an established senior member of the St John's Employment Group and practises only in Employment Law.

Prior to joining Chambers, Kevin was the Senior Legal Officer at the Royal College of Nursing for the North of England.

Kevin is able to take instructions direct from members of the public and companies under the Direct Access scheme.

Memberships

- Employment Lawyers Association
- Industrial Law Society
- Discrimination Law Association

EXPERTISE

Employment

Kevin has appeared in the EAT in several reported cases and regularly advises on all aspects of

Employment Law with a particular emphasis on whistleblowing and NHS related litigation; having spent 11 years as a Senior Legal Officer for the Royal College of Nursing he understands the Healthcare sector intimately.

He has also appeared at the Health & Care Professions Council on professional regulatory matters. Professional regulatory law is a developing area of Kevin's practice and he sits as the independent member on Police Misconduct Hearings.

Professional Regulation Experience

Kevin has experience of representing Healthcare professionals when their practice has been investigated at the HCPC and teachers before their professional body on disciplinary matters.

Before joining chambers he was Senior Legal Officer at the Royal College of Nursing.

Cases

Ministry of Justice v Parry UKEAT/0068/12/ZT: Case determined the possible application of Article 6 (Right to a fair trial) to internal disciplinary hearings. Only where there is a legal prohibition to practise a profession as a result of dismissal will Article 6 apply. Practical difficulties will not suffice. The case also updated guidance on application of 'Polkey' reduction.

South Manchester Abbeyfield Society Ltd v Hopkins and another [2011] IRLR 300: A leading case on overlap between working time, national minimum wage and 'sleep overs'. This case stands in contradiction to *Burrow Down Support Services v Rossiter* (2008) ICR 1172 and means that unpaid or lowly paid 'sleepovers' provide an opportunity for further examination by the courts.

Toogoo v Glan Clwyd Hospital Trust [1998] UKEAT 657_98_0109: Case on whether Bulimia is a disability.

Legal Directory Recommendations

"He has particular expertise in NHS whistleblowing matters." – **Legal 500 2017**

"An experienced employment law barrister, whose experience in his prior role as senior legal officer at the Royal College of Nursing ensures he is a top choice for cases in the health sector, with a particular passion for issues arising from TUPE transfers and the minimum wage.

*Recent work: Instructed in the Employment Appeal Tribunal matter of *Abbeyfield v Hopkins and Woodward*, which determined the definition of 'work' in the context of the national minimum wage, and how payment is calculated when an employee is 'on call'."* – **Chambers & Partners 2016**

"Has far-reaching expertise in the healthcare sector and works exceedingly well in national minimum wage and TUPE cases. Acted on an appeal concerning the purpose of the national minimum wage regarding 'on-call' duties." – **Chambers & Partners 2015**

"Experienced in working with healthcare professionals." – **Legal 500 2016**

“He responds promptly to correspondence, and provides papers in good time when deadlines are approaching.” – **Legal 500 2015**

“Has far-reaching expertise in the healthcare sector and works exceedingly well in national minimum wage and TUPE cases.”

“Acted on an appeal concerning the purpose of the national minimum wage regarding ‘on-call’ duties.” – **Chambers & Partners 2015**

“An employment specialist with considerable experience of discrimination claims in the healthcare sector.”

“He has an easy manner and he is thorough in his preparation.” – **Chambers & Partners 2014**

“Delivers sound advice in an authoritative manner.” – **Legal 500 2014**

Public Access

Kevin is accredited to receive instructions directly from members of the public through the Public Access Scheme.