



Anna Greenley

Year of Call: 2009

Anna accepts instructions across Employment, Regulatory law, Professional Negligence, Commercial Litigation (including insurance/reinsurance) and Tax (including employment-related taxation).

Regularly instructed at first instance in multi day/week hearings and on appeal, Anna takes a commercial and practical approach that is highly valued by her clients. She has particular experience of acting for clients in the financial and professional services industries, of contractual claims relating to the remuneration of senior executives, business protection matters and of the intersection between employment and regulatory law. She is a member of the ELA City Regulation Standing Committee and is available to conduct both employment and regulatory investigations and provide representation at disciplinary tribunals. She has experience acting in a broad range of commercial disputes in the High Court and County Court and accepts instructions in all areas of commercial litigation and professional negligence.

Anna is currently instructed as junior to Bruce Carr QC in the Carr Review of the Royal College of Nursing.

Before practising at the Bar, Anna had an extensive career spanning the private and public sectors, working in industries ranging from financial and professional services to energy, mining and real estate. Most recently, she worked as a Strategy Consultant for Deloitte advising her clients on corporate strategy, commercial contract structuring, and high value procurement exercises. Prior to this she was Chief of Staff for a major new hedge fund as it underwent regulation by the FCA.

Anna's ten years in the public sector saw her working in a range of senior Government roles including as Private Secretary/Chief of Staff to two Defence Ministers and the Commissioner of the Metropolitan Police Service, leading negotiations at the UN and EU for the Foreign and Commonwealth Office, supporting military operations in Afghanistan and three years as an advocate before the Asylum and Immigration Tribunal.

Anna has acted across a range of work under the Attorney General's 'Junior juniors' scheme. She holds Developed Vetting (DV) clearance and is available to be instructed on matters up to 'TOP SECRET' level of security on behalf of the government.

Anna is a contributing author to Discrimination Law published by Bloomsbury Professional and to Lexis PSL Insurance.

Recommendations

"We trust Anna's judgement implicitly and can rely on her to advise on whether an issue is worth pursuing and she always considers the longer-term strategy. We deploy Anna in all of our employment matters due to the quality of her advocacy and communication skills. She is always meticulously prepared, has good structure and ensures that the litigation flows." - *In-house Counsel, major luxury retailer.*

Employment

Anna has a substantial and comprehensive employment practice appearing for employers and employees at all

stages of proceedings in the tribunal, EAT and civil courts (including claims relating to breach of contract, business protection and executive remuneration) together with professional negligence matters in respect of employment disputes.

She has particular experience in the technology, financial and professional services sectors including in relation to business protection, territorial jurisdiction, remuneration, bonus and partnership issues and is a member of the ELA City Regulation Standing Committee.

Anna is available to conduct investigations in the employment context with recent experience in the financial services (including for regulated firms), energy and FMCG sectors.

Anna's experience spans the full range of employment work including unfair dismissal, discrimination, whistleblowing (including applications for interim relief), equal pay, TUPE, working time, breach of contract, remuneration (particularly in respect of senior executives) and business protection. This is further enhanced by her complementary experience in employment status matters, IR35 and employment-related tax (including the taxation of termination payments).

Anna has particular experience of "whistleblowing" cases (including in respect of interim relief applications), and is currently instructed in a number of ongoing, high value cases.

She also has notable experience in business protection matters including as junior to Alice Mayhew in a matter relating to the enforcement of post termination restrictions, having assisted Tom Croxford QC and Alice Mayhew in the case of *Forse and others v Secarma Ltd and others* [2019] EWCA Civ 215 and advising a national financial services company on the enforceability and effect of restrictive covenants on a recent leaver.

Anna's experience as a Director and manager spans the public and private sectors across a broad range of industries which include financial services, professional services, defence, national infrastructure, energy, real estate and natural resources. As a result, she is able to bring a level of insight, commercial acumen and pragmatism much valued by her clients.

Anna is able to advise on the personal injury aspects of employment disputes including choice of forum and the merits of bringing a claim in the civil courts. She also has experience of the detailed assessment of costs in both the civil courts and tribunal.

Recent cases include:

- Acting for the respondent in a High Court injunctive relief matter relating to the enforcement of post-termination restrictions;
- Advising on the prospects of establishing that a bonus and enhanced redundancy package were owed to a C-suite executive at a major bank;
- Advising on territoriality in respect of a senior investment banker assigned to the New York office;
- Representing R1 in a victimisation claim against eight investment banks/brokers;
- Acting for a claimant in a potential career loss case against a major professional services firm;
- Successfully resisting an application for interim relief for a major luxury retailer, major telecoms provider and investment bank;
- Instructed by the Crown in a judicial review raising complex issues of employment and discrimination law;
- Instructed to advise in relation to stigma loss and remedy in a high value whistleblowing matter;
- Advising a major national organisation on the CJRS and its implication on concurrent Union negotiations;

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- Acting for the Defendant in a civil breach of contract claim for arrears of annual leave allowances - the claim was discontinued after pleading the defence;
 - Acting for the Claimant, the General Counsel of a multinational media company, in a high value whistleblowing claim raising complex jurisdictional and conflict of laws issues;
 - Acting for the Claimant, a senior manager at a major UK newspaper, in a claim for equal pay, constructive unfair dismissal, discrimination and dismissal following a disputed TUPE transfer;
 - Instructed by a large London university in a complex discrimination and breach of contract case;
 - Acting for a large 5* London hotel in a constructive unfair dismissal claim and series of redundancy claims;
 - Advising a national property and financial services company in a wide variety of employment matters including breach of contract, negligent misstatement, unfair dismissal and injunctive proceedings;
 - Investigation into whistleblowing allegations at a multinational financial services institution;
 - Junior to Andrew Burns QC in a dispute over working patterns by the employees of a major airline;
 - Advising on the taxation of a multi-million pound settlement.

Anna is a contributor to the most recent edition of Discrimination Law.

She is a member of ELBA and ELA and a member of the ELA City Regulation Standing Committee.

Commercial Litigation and Disputes

Anna has a wide range of commercial litigation experience including breach of contract, civil fraud, injunctive relief and insurance/reinsurance.

She is currently junior to Andrew Burns QC in a high value civil fraud/professional negligence claim against a firm of trade mark attorneys/solicitors in respect of the transfer of business rights.

Other recent instructions include a range of multi track breach of contract claims, applications for injunctive relief and an action brought under Part XXV of the Financial Services and Markets Act 2000.

Further details of her insurance practice appear below but current instructions include acting as junior to Andrew Burns QC in respect of a COVID-19 reinsurance arbitration.

In advising her clients, she is able to draw upon her extensive advisory background as a corporate and commercial strategy consultant for Deloitte and regulatory experience working for a major hedge fund to find practical and pragmatic solutions.

Her clients particularly value her mature approach and ability to distil complex arguments into cogent submissions.

Anna acts for clients across all industries with a particular focus on financial services, energy, technology and professional services.

Anna is a member of COMBAR.

Professional Negligence

Anna accepts instructions in professional negligence matters with a focus on actions against solicitors, accountants and chartered tax advisors.

She is currently junior to Andrew Burns QC in a high value civil fraud/professional negligence claim against a firm of patent attorneys/solicitors in respect of the transfer of business rights.

Other recent instructions include advising a financial services institution on a professional negligence claim against its solicitors in respect of a commercial property transaction and acting against a firm of solicitors in respect of the loss opportunity to litigate a high value discrimination claim.

Anna is a member of the Professional Negligence Bar Association.

Regulatory & Professional Discipline

Drawing upon her background in financial services, Anna is able to advise on the full range of conduct and remuneration issues including those related to Brexit, the SMCR and regulatory references. Further, her extensive employment practice allows her to work seamlessly across both disciplines and she regularly advises on matters relating to professional conduct and discipline including providing representation at tribunal hearings.

She is a member of the ELA City Regulation Standing Committee.

Anna is available to carry out regulatory investigations and to provide her opinion on what a regulator's view might be of a particular instance(s) misconduct/whether any person has acted in breach of the regulatory rules or guidance.

Recent work includes advising a major hedge fund on the regulatory implications of bringing its European branch employees onto the UK payroll, an action under Part XXV of the Financial Services and Markets Act 2000 and conducting a regulatory investigation into the General Manager of a major credit union.

Investigations

Anna is available to carry out both employment and regulatory investigations with particular experience in the financial services and education sectors. Having advised Boards and Ministers in her former career, she understands the importance of an organised, thorough and practical approach.

Anna is currently instructed as junior to Bruce Carr QC in the Carr Review of the Royal College of Nursing.

Recent experience includes:

- The investigation of a senior individual subject to the SMCR who raised issues of whistleblowing and discrimination following their dismissal;
- A regulatory investigation into the conduct a former CEO of a financial services firm;
- An investigation into allegations of misconduct against a senior investment professional.

Anna is a member of the ELA City Regulation Standing Committee.

Insurance & Reinsurance

Anna accepts instructions across the full range of insurance and reinsurance work including in relation to COVID-

19 notifications and aggregation issues.

She is currently instructed as junior to Andrew Burns QC in respect of a COVID-19 reinsurance arbitration.

She is also instructed in a range of professional negligence matters acting both for and against the insured party.

Recent cases include a complex advisory matter concerning a legal expenses policy, a professional negligence claim against a chartered accountant and litigation associated with a high-value insurance claim following a fatal accident at work.

She is a contributing author for Lexi PSL Insurance and a member of BILA.

Tax

Anna welcomes instructions from both taxpayers and the Revenue and has particular experience in litigating appeals in relation to alleged tax avoidance.

Examples of recent and current instructions include:

- Instructed by the Crown in relation to an appeal against the denial of CGT and MI losses and associated DOTAS proceedings;
- Instructed by the Crown in respect of a Penalty Application following a successful DOTAS application;
- Instructed by the Crown in a high value domicile dispute;
- Instructed by the Crown in a judicial review in relation to the exercise of a extra-statutory concession;
- Instructed by the taxpayer in an appeal against the denial of Corporation Tax relief for Research and Development;
- Instructed by the taxpayer in an appeal against the denial of loss relief by an LLP;
- Instructed by the Crown in an appeal against the denial of CGT and MI losses together with associated DOTAS proceedings;
- Instructed by the Crown in an appeal against the denial of Corporation Tax relief;
- Assisted Aparna Nathan QC in the case of *Good and Ryan v HMRC* [2020] UKFTT 25;
- Assisted Aparna Nathan QC in the Supreme Court (*R (on the application of Derry) v Revenue and Customs Commissioners*).

She has also gained considerable advisory experience in tax planning, advising on the legitimacy of discovery assessments, capital allowances, inheritance tax, domicile and residency, the structuring of trusts and Business Property Relief.

Anna is a member of the Revenue Bar Association.

Judicial Review

Building on her former ten year career working across Government (MoD, Home Office and FCO), Anna has wide ranging experience of judicial review proceedings in the discrimination, employment, tax and broader public law contexts.

Recent/current instructions include:

- *R (On the Application Of) Harrison & Ors v Secretary of State for Justice* [2020] EWHC 2096 (Admin) - acted for the Government Legal Department in successfully defending a judicial review brought by six couples who wish to marry by means of legally recognised humanist ceremonies. The Claimants asserted that the legislation governing marriage in England & Wales discriminated against them when compared with religious groups, contrary to Article 14 European Convention on Human Rights (read with Articles 9 and/or 8), and sought a declaration of incompatibility pursuant to section 4 of the Human Rights Act 1998. Permission to appeal has been granted to the Court of Appeal;
- Instructed in relation to the judicial review of an extra-statutory concession concerning the tax credit available to a UK resident beneficiary in respect of tax paid on UK source income by non-resident trustees.

Anna is a member of ALBA.

Education

Anna has particular experience of breach of contract and discrimination matters in an education context having acted for a number of higher education providers and colleges in both the Employment Tribunal and civil courts.

For example, she was recently successful at trial in resisting a claim against a University for a failure to make reasonable adjustments during its admissions procedure and in a breach of contract claim against another University, the Claimant having discontinued proceedings after her pleaded defence was served.

She is currently instructed in a pregnancy discrimination case against an Academy and in a race discrimination case against a university, both in the Employment Tribunal.

Anna is a contributing author to the current edition of *Discrimination Law* published by Bloomsbury Professional.

Appointments

Government Developed Vetting Clearance

Memberships and Associations

ELBA, ELA, COMBAR, RBA, PNBA, ALBA

Academic

BPP, Bar Vocational Course

BPP, Graduate Diploma in Law

Chartered Institute of Management Accountants - Certificate in Business Accounting

Bloomberg Market Concepts certified

Durham University BA(Hons) Geography

Awards and Scholarships

Lincoln's Inn, Lord Denning Scholar

Lincoln's Inn, Hardwicke Entrance Award