



ANDREA CHUTE

Year of call
1995

Andrea Chute is an employment and discrimination law specialist.

She has extensive experience in a broad range of market sectors and has undertaken both claimant and respondent work across a wide variety of differently sized organisations.

She has particular expertise in dealing with complex and high value claims. She has appeared before the Court of Appeal, the Employment Appeal Tribunal, and in ancillary proceedings before the civil courts. In addition Andrea undertakes non-contentious work including developing and reviewing HR policies and procedures and drafting and updating Contracts of Employment.

She also has an interest in professional disciplinary and regulatory work in addition to representing client's interests at Parole Board hearings.

LEGAL EXPERTISE

Employment

Andrea has experience of cases that involve whistleblowing and transfer of undertakings.

Andrea is on the Equality and Human Rights Commission of approved barristers in relation to her discrimination work.

Andrea is a visiting lecturer in Employment Law Practice for the University of Westminster and delivers regular training seminars to both professional and lay clients for organisations which include the Bar Council, Legal Action Group, and the TUC.

Her clients note her for her clear advice and guidance, for being both proactive and thorough, and for taking a

strategic, sensible and commercial approach to the cases she deals with.

Selected Cases

Representing an employee in his multi-day unfair dismissal and discrimination by association claim, against his employer.

Representing an employee in her unfair dismissal, disability discrimination, failure to make reasonable adjustments and whistleblowing claim against her employer.

Representing employees in a group action age discrimination claim in respect of pension loss.

Representing an orthodox catholic in his religious discrimination claim against a Catholic School.

Representing an individual contractor in a multiparty contractual dispute about the ambit of restrictive non-compete covenants in the county court.

Representing employees in a group action age discrimination claim in respect of pension loss.

Appealing a decision of an Employment Tribunal who held that an employer's decision to dismiss was unfair.

Representing a managing director in his appeal before the Employment Appeal Tribunal against a leading investment bank in respect of a finding of a fair dismissal by the employment tribunal. The case also involved unlawful deduction of wages claims and the failure to pay bonuses.

Representing a claimant in his whistleblowing claim against his employer school.

Representing one of two "employers" where the claims against them involve both public interest detriments from individuals as "workers" and public interest dismissal claims as "employees". The issues include whether there can be joint and several liability as against both "employers" for any loss found to be flowing from the allegations.

Regulatory & Professional Discipline

Andrea has a specific interest in professional disciplinary and regulatory work and has successfully represented solicitors, nurses, doctors and physiotherapists before the GMC, NMC and the HPC.

She has also represented clients before the First-tier-Tribunal Health, Education and Social Care Chamber.

Selected Cases

[Chauhan v General Medical Council \[2009\] EWHC 2093 \(Admin\)](#)

Mr Chauhan was a consultant orthopaedic surgeon who was erased following a seven-week hearing before the Fitness to Practice Panel of the General Medical Council (GMC). He was erased as a result of dishonesty findings, which the Panel made with respect to statements he was alleged to have made at interview and shortly after his appointment at the Trust, relating to his surgical experience and his ability to undertake particular procedures.

Mr Chauhan appealed to the Administrative Court. In a six day hearing before Mr Justice King, the Panel's decision in respect of dishonesty and impairment was set aside, on the basis that, in making its decision, the Panel of the GMC had not confined its findings of fact to the pleaded heads of charge. The Panel had made adverse findings relying on unrelated issues that were not pleaded in the charges. In allowing the Appeal, the judge rejected an argument by the Council, that although the matters were not pleaded, they were admissible as evidence of propensity.

Mark Sutton led Andrea Chute in the proceedings before the GMC and in the Appeal. Mr Chauhan has now returned to employment at his Trust. Andrea Chute continues to represent Mr Chauhan's interests in related Employment Tribunal proceedings.

Court of Protection

Andrea is an employment and discrimination specialist, experienced in acting for vulnerable and mentally ill adults. She has a particular interest in welfare cases at the Court of Protection and is building a practice in this area. Andrea accepts instructions on behalf of protected parties, from family members and from local authorities.

Memberships

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