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5 Essex Court  
Temple, London  
EC4Y 9AH

**T:** 020 7410 2000  
**E:** [clerks@5essexcourt.co.uk](mailto:clerks@5essexcourt.co.uk)  
**W:** [5essexcourt.co.uk](http://5essexcourt.co.uk)



## Victoria von Wachter

Call: 1997

Victoria specialises in employment law advising a wide range of clients with notable experience acting for the police in disciplinary matters.

Before qualifying as a barrister, Victoria pursued a successful career in industry as an Industrial Relations specialist within the manufacturing, broadcasting and water treatment and supply sectors, and then as a self-employed management consultant. She therefore has first-hand commercial experience and understanding of issues facing both employers and employees.

Victoria is Security cleared.

Victoria is a Fellow of the Chartered Institute of Personnel and Development and a Member and a registered assessor of the British Psychological Society.

## Recommendations

“The clients love her and the way she interacts with them. She has a concise grasp of the law and is able to get things across to them.” (Employment)  
*Chambers UK*

“Her advice is of consistently high quality.” (Employment)  
*Chambers UK*

“She is fantastic in tribunals and has the ability to unnerve in cross-examination.” (Employment)  
*Chambers UK*

“She has a very incisive understanding of the pressures of working in a commercial organisation.” (Employment)  
*Chambers UK*

## Employment

Victoria's main areas of practice are employment and discrimination law. She has successfully represented clients in both the public and private sectors. Victoria is adept at handling complex and lengthy employment law cases with special expertise in all types of discrimination and whistleblowing claims. She also advises on Trade Union recognition.

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Additionally, Victoria has particular experience of Working Time Regulations, restrictive covenants, TUPE and employment status cases. She represents many police forces in employment and discrimination cases often with associated matters such as PII, RIPA and she has extensive experience of cases with national security implications.

Her advocacy work involves frequent appearances in Employment Tribunals and in the High Court. Victoria's appellate work has included appearances in the Employment Appeal Tribunal and the Court of Appeal. Victoria is retained as employment law advisor to the one of the world's largest brick companies as well as the world's third largest energy company. Her advisory work spans employment, statutory interpretation and pensions.

Notable employment law cases include:

***Al Tarkait v Kuwait Oil Corporation EAT 2017***: Appeal by wheelchair bound employee that his dismissal was not on grounds of his disability – to be heard.

***Ackleton & Others v Paynes Stores & Anor. 2016***: Complex employment status/partnership dispute which was heard by the EAT and resolved in favour of employer client

***Baker v Total (2016)***: Aberdeen expatriate allowances and bonus not tax free upon retirement

***Costello v Gloucestershire County Council UKEAT/0348/14***: Appeal by Claimant on grounds of subjectivity by Employment Tribunal in deciding circumstances of alleged unfair constructive dismissal.

***Gloucestershire Police v Peters UKEAT0322/10/ZT***: Reversal of the REJ's decision to decline an application by the Police to stay ET proceedings, pending the conclusion of a criminal investigation that involved overlapping and common factual material. EAT judge's (HHJ Ansell) decision was based on consideration of the possibility of a fair trial and weighing the balance of prejudice to both parties.

***Gilbert v Kent Police Ashford Employment Tribunal 1102062/2008 March 2010***: Disability claim concerning dysphonia.

Victoria lectures extensively both to solicitors, operations managers and HR representatives on a wide range of employment law topics. Recent seminars include:

- Employment Law for Operational Managers
- Employment Law for HR Managers
- Mock Tribunals for solicitors, operational and HR staff
- Equal Opportunities for Operational Managers
- Unlawful Discrimination of all kinds
- Transfer of Undertakings – The New Regulations
- Computer Use in the Workplace
- 'Fireside Chat' DVD on retirement with Daniel Barnett

Victoria also provides training in related management topics such as recruitment, appraisal and disciplinary interviewing which include a familiarization with the legal principles involved.

Victoria also writes regularly on employment matters in a variety of publications including the New Law Journal.

## Police Law

Victoria has acted for a number of Constabularies in disciplinary matters at first instance and at appeal both as a representative and as a legal advisor. She advises a number of constabularies in relation to police pensions and their administration. The majority of her police work focuses on advising and representing forces with respect to employment/discrimination matters.

She is currently advising a group of forces on the WTR implications of significant changes to shift arrangements.

Victoria has extensive experience of employment cases involving firearms and firearms officers.

Notable police law cases include:

**Gaskell v Herts Police 2017:** Two Disability and sex discrimination claims arising out of failure to promote. Case settled after length and protracted negotiations.

**Cosser v Chief Constable of Avon and Somerset Police 2014:** Transgender Claimant alleging detriment and harassment on those grounds. Case settled.

**Krykant v TVP 2013:** Whistleblowing case in which the definition of 'prescribed person' was a litigated point

**Warner v TVP 2013:** Question was whether normal management activity could constitute victimisation. Held it could not.

**Ch Const of Gloucestershire Police v Peters & Peters EAT UKEATPA/1300/11:** Allowed to go to full appeal on 7 out of 8 pleaded grounds;

## Public / Administrative

Victoria frequently advises on matters relating to police pensions and is currently engaged in both judicial review proceedings challenging the decision of an SMP and an appeal to the Crown Court on the exercise of the Chief Constable's discretion relating to early release of a pension. She has also engaged in lengthy arbitration in a case where a local authority had mismanaged the pension scheme of a police force.

Notable cases include:

**R (on the application of the Chief Constable of Northumbria Police) v SMP**

**Isaac v Chief Constable of South Wales Police**

**TVP v Berkshire County Council - Arbitration**

## Equine Law

Victoria acts for the police and private individuals and breed societies in any litigation or advisory work involving

horses. To date she has conducted litigation and/or advised in the areas of personal injury, breach of contract, negligence, professional negligence (Veterinary surgeons), Judicial Review (Defra), defamation, horse identification (passports)/welfare, straying and other Animals Act matters.

Victoria has a lifelong interest in horses and riding – she represented Great Britain at junior level in three day eventing and is currently the Performance Test Director of the National Stallion Association.

Notable Equine Law cases include:

***Bull v Collins 2016***: Fraud, breach of contract, misrepresentation case involving sale of a horse

***Re Trakehner Breeds Fraternity (TBF) and Defra 2014***: Victoria gave advice to the breed society on the statutory interpretation relating to registration procedures.

***Re IDHS and Defra 2005***: Judicial review of the Ministry relating to statutory interpretation of European rules on parent and daughter stud books.

Victoria is currently engaged in delivering seminars and webinars for MBL on the law relating to horses.

## Inquests

Victoria has experience of lengthy inquests both with the Coroner alone and jury inquests.

Victoria has recently represented West Midlands Police in a 10 day jury inquest involving a death in custody where there were multiple applications for Regulation 28 reports. She persuaded the Coroner that no Regulation 28 report was necessary in respect of West Midlands Police. Victoria has experience of dealing with PII, RIPA and firearms matters. She has also acted as a Local Authority inquest representative, most recently at an inquest into the death of a child Alexia Walenkaki which has been widely reported in the media. Press articles include:

BBC

Evening Standard

## Education

Victoria has acted in several education law cases. As an employment law specialist, she has represented a number of schools in the Employment Tribunal and has worked with schools undergoing mergers and the transformation to academies dealing with the employment issues arising. Through her family law work she has handled a number of parental /estranged parents disputes. Victoria also has experience of exclusion issues and represented parents whose child has been excluded from school.