

FARRER&Co

2021

Senior Executives



Introduction

We can provide you with strategic, commercial and partner led advice at critical points in your career.

Our dedicated Senior Executive team at Farrer & Co are market leaders in supporting “high-flyers” from starting new employment through to negotiating their exit, and beyond.

We have breadth of experience advising senior executives across legal disciplines allowing us to provide expert, holistic advice on workplace matters involving, for example, regulatory, corporate and reputation management issues. Outside of your work life, we are on hand to assist you with personal legal matters including wealth planning, property and family law matters.

Our Senior Executive team is ranked in the top tier of advisors across the country in both the leading legal directories, Legal 500 and Chambers & Partners.

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Clients describe the firm as “simply first-class; they solve every problem and are an approachable, consistently efficient and winning team.”

- Employment law, Chambers UK 2021



How we help

1. Accepting a new role

Whilst often the focus is on the negotiations surrounding an exit from a business, an area which is often rushed through is the negotiation on entry, despite the fact that this can have a substantial impact on the negotiations on your exit. We can advise you or negotiate terms on your behalf or provide support on, for instance, tax issues, ever evolving compliance and corporate governance requirements and on the Senior Managers and Certification Regime. We can also advise you and management teams investing in (often private equity backed) businesses, and executives receiving a significant proportion of your compensation package in equity.

2. Advice on exits and termination negotiations

Taking the next step in your career can be stressful and uncertain. We provide strategic, commercial advice and represent clients, including PLC directors and regulated individuals, when they are exiting a business, both where it is amicable and more contentious.

3. Disputes and litigation

We can advise and represent you on the steps leading up to and during litigation both in the Employment Tribunal, but also in the High Court and Court of Appeal. This includes claims relating to bonus disputes, director and shareholder disputes, partnership disputes, breach of contract, whistleblowing, discrimination, unfair dismissal, and constructive dismissal.

4. Team moves and restrictive covenants

We are regularly instructed to advise on partner and other team moves and issues relating to post-termination restrictions, including pursuing and defending claims in the High Court. Given its breadth of experience, our team is well placed to provide you with not just technical, but also strategic and commercial advice.

5. Investigations

If you find during the course of your career that you are the subject of an investigation, regulatory or otherwise, or you are asked to participate in an investigation, we can advise you and support you through this process. This can include communicating and liaising with company boards and regulators on your behalf. We have previously advised numerous clients on high profile investigations, including complex matters involving serious sexual misconduct allegations.

Who we help

We advise senior executives and partners across all sectors, including prominent individuals at FTSE companies, leading banks, financial firms, retailers, media companies and well-known City partnerships. Farrer & Co's specialists have extensive experience advising board directors and senior management in both public and private companies, founders, City executives, partners and LLP members and individuals and management teams co-investing in businesses, often in sensitive situations against a background of intense media scrutiny.

Your journey of work: how can we support you?



Accepting the role

- Negotiating the contractual terms
- Sign on/buyout
- Seeking regulatory approval
- Agreeing the remuneration package (including pension, shares, LTIPs, PHI and other benefits)
- Relocation benefits and immigration concerns
- Senior Managers Regime (e.g. statement of responsibilities)
- Dealing with outstanding issues from previous role (e.g. post-termination restrictions, deferred compensation)



The day job

- Director's duties
- Responding to complaints against you
- Partnership duties and liabilities
- Acting as decision maker on disciplinary and grievance issues
- Regulatory investigations
- Bullying, harassment and discrimination
- Equal pay issues
- Responding to disciplinary and performance management processes
- Contract re-negotiations
- Dealing with restructures and change of ownership
- Bonus disputes
- Reputation management



The exit

- Negotiating a settlement package
- Resignation and constructive dismissal
- Team moves
- Advice on post-termination restrictions
- Disputes, including in the Employment Tribunal, High Court and Court of Appeal
- Data subject access requests
- Deferred compensation
- Intellectual property disputes
- Tax planning during any garden leave / time off work
- Updating will and succession planning during any garden leave / time off work

Recent examples



Advised an individual on her grievance and Employment Tribunal claim about sex and race discrimination at an international professional services firm, including her data subject access request (DSAR) strategy and engagement with an independent investigator.



Advised senior members of team leaving a plc on an injunction brought against them to enforce certain restrictive covenants in the High Court, successfully negotiating a settlement on their behalf.



Advised an independent non-executive director of a listed multinational on an investigation into a grievance of bullying and harassment raised against a senior member of the executive team.



Regularly advised on new partner hires entering a professional services firm, including their restrictive covenants, notice and garden leave provisions and often involving a cross-border element.



Advised the CEO of a listed company facing allegations of bullying who was exonerated following an independent investigation into their actions.



Advised a senior executive of a listed company who was an individual defendant to a high-profile whistleblowing claim in the Employment Tribunal.



Advised a partner of a US law firm in relation to discrimination claims in the Employment Tribunal.



Acted for a group of partners leaving a well-known private equity firm, involving extensive negotiations and considerable media attention.



Advising numerous plc directors on their appointments to and departures from the boards of major public companies.



Advised a partner of a City firm in relation to serious and sexual misconduct allegations against them.

Why Farrer & Co?

Approach

We are independent lawyers with integrity who will take a robust, while pragmatic approach, understanding the bigger picture, the world in which you operate and your ultimate long-term goals. We pride ourselves in being lawyers who can respond quickly with emotional intelligence in fraught situations as well as having a close eye to the commercial issues and pressures in the case.

Expertise

We have a cross-practice, specialist team of lawyers to provide you with holistic, strategic advice, including experts in regulatory issues, tax, immigration, employment, partnerships, reputation management and disputes. We are acknowledged leaders in this field, with both the team and individual lawyers listed in legal directory rankings, and we are known for being instructed on the most high profile and prestigious individual and team appointments and departures. As a firm which also regularly advises high profile employers, we are able to use this insight and experience to deliver the best outcomes for you.

Scale

We are experienced in advising across the full spectrum of cases, from negotiating terms on entry and exit of employment to cross-border, career changing litigation and investigations involving regulators and other third parties.

Organisation

Clients instruct us for our sound judgment and ability to provide strategic and commercial advice, often in time pressured situations and on matters that can have a significant impact on their reputations. We have depth of experience across all levels of the team but provide a partner-led service appropriate to your needs.

Client focused

We treat every relationship we develop as one for the long term, regardless of the size of the matter we are instructed on. We can advise you throughout your career, on employment issues, but also on corporate or investment matters for new ventures or in relation to property, wealth succession or family issues, tailoring our strategic approach around your personal style, priorities, goals and budget.

They have a rare spread of talent, lawyers who can cover the full range of both types of employment law and just as importantly types of client. Certainly in the top rung of firms for senior executives.

- Legal 500 2021

Key contacts



Eleanor Rowswell

Partner, lead contact
+44 (0)20 3375 7111
eleanor.rowswell@farrer.co.uk



Anna Birtwistle

Partner, lead contact
+44 (0)20 3375 7463
anna.birtwistle@farrer.co.uk



David Hunt

Partner
+44 (0)20 3375 7214
david.hunt@farrer.co.uk



David Smellie

Partner
+44 (0)20 3375 7394
david.smellie@farrer.co.uk



Jonathan Eley

Partner
+44 (0)20 3375 7275
jonathan.eley@farrer.co.uk



Katie Fudakowski

Partner
+44 (0)20 3375 7361
katie.fudakowski@farrer.co.uk



Kathleen Heycock

Partner
+44 (0)20 3375 7113
kathleen.heycock@farrer.co.uk



Rachel Lewis

Partner
+44 (0)20 3375 7440
rachel.lewis@farrer.co.uk



Maria Strauss

Partner
+44 (0)20 3375 7259
maria.strauss@farrer.co.uk

Farrer & Co LLP
66 Lincoln's Inn Fields
London WC2A 3LH

+44 (0)20 3375 7000

eleanor.rowswell@farrer.co.uk

www.farrer.co.uk

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