

Victoria von Wachter

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

Expertise

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.

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.

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. [Click here to read Victoria’s latest article Covid-19: Can employers force staff to have the vaccine?](#)

Notable Employment cases

Collett v Hertfordshire Constabulary

Successfully defended a claim relating to steps taken to monitor and safeguard the public and police in respect of a Type 1 diabetic Firearms Officer and Response Driver. The Employment Tribunal found that the Constabulary had not discriminated against the officer either directly or indirectly; they also found that there had been no harassment of the officer on grounds of his diabetes by enforcing the monitoring regime.

Westcott v Governors of Dale Hall Scholl (Suffolk County Council) 2020

Case currently before the EAT on the question of interpretation and legal significance of ‘marriage’ with respect to discrimination claims

Chittick v Total Gas & Power 2020

Race discrimination claim involving the posting of a picture via email alleged to show racial stereotyping and involving firearms. Read about the claim in the press [here](#).

Booker v NPS (No 2) 2020

Disability Discrimination claim involving exclusion from workplace for COVID 19 related reasons

Gilmour v Club Equus 2019

Modern slavery claim/ unpaid wages – ongoing

Advising a number of equestrian employers 2019 (ongoing)

on Working Time/National Minimum Wage breaches.

Al Tarkait v Kuwait Oil Corporation EAT 2017

Appeal by wheelchair bound employee that his dismissal was not on grounds of his disability.

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

Wheatley & Giles v Civil Nuclear Constabulary (2016)

Successful sex discrimination claim by Firearms officers relating to hand size and Glock sidearms.

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.

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 Public & Administrative cases

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.

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

Notable Equine Law cases

2019 - Advising a number of equestrian employers on Working Time/National Minimum Wage breaches

– ongoing

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.

Inquests

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

Victoria has recently represented Natalia Atkinson (probation officer) in an inquest encompassing systemic failure pursuant to Art 2. The inquest investigated the fatal wounding of a member of the public by an offender out on licence from a determinate sentence. Press article can be read [here](#).

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.

Police Regulatory & Disciplinary

Victoria has considerable experience of police disciplinary actions. She has represented many forces at PAT and at Judicial Review of panel decisions. She also advises widely on police pensions matters following through to JR proceedings. Her experience extends to advising on police Injury on Duty awards and representing forces at Police Medical Appeal Tribunals.

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 recently represented Hampshire Police in a police disciplinary hearing involving a Domestic Abuse Court Team (DACT) member. 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. Victoria also has considerable experience of making successful applications for private or closed hearings on grounds of National Security, PII or sensitive discrimination claims.

Notable Police Law cases

Chief Constable of Avon & Somerset Police v Eckland CA A2/2021/0816

Intervening on behalf of the IOPC. Appeal against finding that the Chief Constable vicariously liable for discriminatory acts or omissions by a discipline panel. Leave to appeal to the Supreme Court applied for.

Conway v Lincolnshire police

Successfully resisted claims of disability discrimination and harassment relating to dyslexia. Both claims dismissed.

Collett v Ch Constable of Hertfordshire Police 2019

Successfully defended a claim relating to steps taken to monitor and safeguard the public and police in respect of a Type 1 diabetic Firearms Officer and Response Driver. The Employment Tribunal found that the Constabulary had not discriminated against the officer either directly or indirectly; they also found that there had been no harassment of the officer on grounds of his diabetes by enforcing the monitoring regime.

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.

Allowed to go to full appeal on 7 out of 8 pleaded grounds;

Education & Qualifications

- 1997 – Called to the Bar by Gray's Inn
- 1996 – Bar Vocational Course at the IC SL
- 1995 – University of London LL.B Hons (first class)

Victoria's first degree was in Biochemistry at Southampton University followed by an MPhil in Biochemical Genetics jointly sponsored by Southampton University and Magdalen College, Oxford.

Memberships

- Association of Regulatory and Disciplinary Lawyers

Awards

