



Fiona Macdonald

Consultant Solicitor

Jurisdiction: England & Wales

E: fiona.macdonald@keystonelaw.co.uk

T: 020 3319 3700

Overview

Fiona is an employment lawyer who specialises in representing individuals, predominantly senior executives, in the financial services sector. She has particular expertise in contractual disputes relating to bonus and incentive schemes and post-termination restraints, and discrimination and whistleblowing claims in the Employment Tribunal. Fiona also advises in relation to FCA regulatory matters, and advises businesses in respect of contentious and non-contentious HR and employment issues. Her practice encompasses the full spectrum of contentious and non-contentious employment and partnership matters, advising both employers and employees across a wide range of sectors.

Expertise

- Contract negotiation and advice
- Breach of express and implied terms of contract
- Bonus and incentive scheme disputes
- Post-termination restraints and team moves
- Discrimination and victimisation
- Bullying and harassment
- Protected disclosures/whistleblowing
- Redundancy
- Unfair and constructive dismissal
- Litigation in the Employment Tribunal and Employment Appeal Tribunal
- Litigation in the High Court and Commercial Court
- FCA regulatory matters including LIBOR and FX investigations
- Grievance and disciplinary issues
- Negotiation of settlement agreements
- Alternative dispute resolution

Cases

Reported cases

- Takacs v Barclays Services Jersey Ltd – representing Mr Takacs in a bonus claim and defeating an application by the Bank to strike it out. Obtaining a judgment for Mr Takacs which has widened the parameters of implied contractual terms in the context of discretionary bonus litigation.
- Framlington v Barnetson – representing Mr Barnetson in a High Court bonus claim. This judgment clarifies the scope of the ‘without prejudice’ rule prior to litigation or the threat of it.
- Docker v Rabobank International – securing judgment for Mr Docker in both his Employment Tribunal claims for unfair dismissal and unlawful discrimination on grounds of race, and defeating the Bank’s subsequent appeals at the EAT and Court of Appeal.

Unreported cases

- Acting for two former FX traders throughout disciplinary procedure and then following dismissal for gross misconduct in claims for unfair dismissal, and potentially High Court claims for lost bonus awards.
- Acting for the Head of Sales at an Asset Management firm in claim for unfair dismissal, settling that claim for the statutory cap, and negotiating a High Court claim for breach of contract in respect of bonus, and settling that at mediation prior to issue.
- Acting for a LIBOR trader and submitter throughout a disciplinary procedure and then following dismissal for gross misconduct in claims for unfair dismissal and discrimination against the Bank. Settling the claim at mediation.
- Acting for a former Global Head in relation to Commercial Court claim for breach of contract relating to failure to insure, indemnify and train in respect of LIBOR setting, together with related claim of race discrimination.
- Acting for a reinsurance broker defending a claim by his former employer for breach of contract in respect of post-termination restraints. Co-ordination of defence with two co-defendants.
- Acting for a client executive throughout a lengthy grievance process and resignation, in claims against the Bank for constructive unfair dismissal and sex discrimination, negotiating settlement at mediation.
- Advising 20 employees of an equity investment fund which was closed down by its parent company, advising those who had been recently recruited on potential claims for misrepresentation, and negotiating settlement.
- Advising a metals trader in relation to his redundancy and in relation to the setting up of his new business. Reviewing and advising on the proposed LLP agreement and other agreements and resolutions required.
- Advising employees of global management consultancy in relation to FCA obligations arising from Appointed Representative arrangements.
- Advising a respondent client in relation to claims brought by the employee for unfair dismissal, sex discrimination, victimisation, and whistleblowing.
- Advising a respondent company in relation to exit of a senior financial officer and negotiating settlement of his potential claims.
- Advising a corporate insurance broker client in relation to the implementation of its disciplinary procedure and its contractual restrictive covenants, following discovery of misconduct by an employee prior to garden leave.

Recognition

“As well as being ‘clearly an expert in her field’, Fiona Macdonald is ‘approachable, responsive and at all times

extremely pleasant', according to interviewees. She regularly represents clients working in the financial services."
Chambers UK (2016)

"She comes highly praised by clients, with one commenting that 'she has a killer instinct'".
Chambers UK (2015)

"Deeply insightful" and "a force to be reckoned with"
Chambers UK (2014)

A *"thorough litigator"* who is *"highly aware of the big picture and strong at advising her clients on long-term strategy"*
Chambers 2013

"Extremely well organised and easy to work with"
Chambers 2012

Career

- 2016** **Keystone Law** | *Consultant Solicitor*
- 2003-2016** **Ferguson Solicitors now Spring Ferguson** | *Associate Solicitor then Partner*
- 2001-2003** **Dechert LLP** | *Trainee Solicitor*
- 2003** *Qualified as a Solicitor*