

## NICHOLAS SIDDALL QC

Silk: 2019 | Call: 1997



Nicholas was appointed Silk in March 2019.

Nicholas is an employment specialist whose practice takes in all facets of employment litigation in the High Court and the statutory tribunals. He also enjoys a significant sports law related practice appearing before the ordinary courts and the relevant disciplinary/adjudicatory tribunals.

His practice encompasses:

- Employment Law
- Employment Related Litigation
- Mediation and ADR
- Restrictive Covenants and Confidential Information
- Unfair and Wrongful Dismissal
- Discrimination and Equal Opportunities Litigation
- Whistleblowing
- TUPE
- Statutory Discrimination claims in the Civil Courts
- Collective Labour Disputes and Trade Union Litigation
- Disciplinary and Regulatory Work
- Internal Investigations
- Sports Law

He was formerly in practice at Kings Chambers, where he had been a member since pupillage. He was educated at Scalby School and Cambridge University. He was called in 1997 and joined Littleton Chambers in 2013.

Nicholas has been continuously listed as a leading practitioner in employment in the legal directories since 2007. He is in addition listed for his Sports Law Practice in the Legal 500. Examples of recent comments are as follows:

***Has notable experience with TUPE, along with high-value discrimination claims and public interest disclosure cases. He is predominantly instructed on behalf of respondents but also works with trade unions and high net worth claimants. He is recognised for his expertise in defending applications for injunctive relief.***

**Strengths: "He has a high level of technical knowledge, is hard-working and has great attention to detail. He's user-friendly in terms of the client and his approach. He's happy to bring a proper fight to cases and is good on his feet." Chambers UK 2020.**

***“Extremely diligent and quick to respond. A great advocate” “First-class technical knowledge, coupled with a very user-friendly approach and excellent advocacy skills”*** Chambers UK 2019.

***“An excellent advocate and extremely diligent in his preparation, standard of work and delivery.”*** Legal 500 2019

***“He is thorough, diligent and quickly gets to the heart of complex issues. He has a superb ability to recall case law which enables him to easily identify the strengths and weaknesses of any matter.”***  
Chambers UK 2018

***“A consummate professional, who grasps the intricate details of a case and distils into a clear, manageable legal analysis.”*** Legal 500 2017

In the 2017 and 2018 Thomson Reuters Reports entitled “What do clients want from the Bar?” Nicholas was listed in the section “What barristers were respondents most impressed with?” as follows: ***Very good on his feet in tribunal, good with clients, and works as a team with instructing solicitors’***

Instructions over the last 12 months include:

- Acting on behalf of the Embassy of the State of Qatar in an 8-day discrimination hearing involving issues of Diplomatic Immunity and the effect of such a plea on the Employment Tribunal’s ability to determine a claim against the Embassy under the Equality Act
- Appearing in the first appeal in the EAT addressing the impact of damages based agreements on the Employment Tribunal’s costs jurisdiction;
- Acting for the Defendants (led by Naomi Ellenbogen QC) in a case that was listed for an 8 day hearing for springboard relief and damages as regards an alleged team move involving 4 providers of independent price verification services to international financial institutions where the Claimants sought significant undisclosed damages;
- Appearing in the Court of Appeal (led by David Reade QC) in an appeal to address whether revival of affirmed breaches is permissible in a claim of constructive dismissal;
- Appearing in defence of an 8 day claim for whistleblowing dismissal on behalf of an international financial institution. The Claimant seeks damages of £2.3 million reflecting a career long loss. ;
- Appearing for a national cleaning contractor on a Regulation 11 TUPE claim seeking a remedy of £1.2 million as regards the provision of inadequate ELI by the transferor.
- Acting for a leading academic in a race/religious discrimination claim where the Claimant secured an award of £3.3million against his former employer university.

## **Injunctive/High Court Practice(do)**

Nicholas is regularly instructed to appear in both the Queen’s Bench Division and the Chancery Division of the High Court in breach of employment contract and business competition cases (particularly in relation to applications for injunctive relief). In particular he has experience in relation to: Confidential Information, Springboard Relief, Restrictive Covenants, Database Rights, Team Moves, diversion of business opportunities and bonus claims.

Examples of his recent practice include seeking springboard relief to restrain the competitive employment of the Head of Sales and Head of CMS of a national payroll software provider as a result of the employees’ breach of

the restrictions contained in their contracts of employment and misuse of significant confidential information. He recently appeared on behalf of a Sales Director of an international mobile telecommunications provider seeking to resist an injunction sought by his former employer seeking to restrain his new employment. He successfully acted on behalf of an international accountancy business seeking to restrain two of its former employees who seek to set up a rival business through a staggered team move. Nicholas advised the former COO of an international brand loyalty conglomerate as regards his new employment with a competitor which involved consideration of the potential enforceability of his post-termination restrictions under Delaware Law. He successfully resisted wide ranging applications for disclosure, forensic imaging of devices, committal for contempt and affidavit evidence as regards a sales manager of an international property company. Nicholas also secured injunctive relief to protect the confidential information of a company engaged in the design of bespoke braking systems to a variety of Formula 1 teams and NASCAR. He recently successfully appeared on behalf of an international patent attorney to defend allegations of unlawful competitive activity raised by his former employer practice. He was recently instructed (led by Naomi Ellenbogen QC) in a case that was listed for an 8 day hearing for springboard relief and damages as regards an alleged team move involving 4 providers of independent price verification services to international financial institutions where the Claimants sought significant undisclosed damages.

He was successfully instructed on a 10 day High Court claim of wrongful dismissal on behalf of the former Chief Executive of an international aviation parts provider. He further recently secured a £300,000 enhanced redundancy payment on behalf of a former employee of a multi-national banking institution.

## Statutory Employment Practice

Nicholas undertakes work on behalf of union funded and high net worth claimants. He is regularly called on to advise unions such as the BMA, UDM, the Balfour Beatty Staff Association and Nautilus International.

Nicholas is also regularly instructed by employers of all sizes and advised Hull, Carlisle and Norwich City Councils as to the lawfulness of their implementation of single status. Nicholas also regularly acts for large national and multinational companies such as J D Wetherspoon PLC, Barclays Bank PL, Jet2.com, Kelloggs, Ocado, Edinburgh Woollen Mills, River Island Group, Ambassador Theatre Group Limited, Tetrosyl Group PLC, National Express/C2C, Swinton Group PLC, DHL International PLC, Virgin Media Limited, Kwik Fit (UK) Limited, Menzies Distribution Limited, Barclays Bank PL, Hilton International Hotels, Birmingham Metropolitan College, Cammell Laird Shipbuilders Limited, Al Jazeera International Limited, Moulton Brown Limited, The Thomas Coram Foundation for Children, Electricity North West and Co-operative Financial Services Limited. He also regularly acts for a variety of NHS Trusts, NHS Digital and for Health Education England.

Nicholas appears regularly at both appellate and tribunal level in all areas of practice. He undertakes work in the fields of wrongful and unfair dismissal, TUPE and all facets of unlawful discrimination.

## Collective Consultation/Contractual Claims

Nicholas undertakes significant collective unlawful deductions and contractual claims. He was instructed on a collective unfair dismissal/protective award claim brought by 428 claimants against a National Bakery whom asserted that they have been dismissed by their employer imposing changes to their terms and conditions of employment. Additionally, he successfully appeared on behalf of 408 union backed claimants whom asserted that their employer had unlawfully failed to restore their enhanced shift and overtime payments after they agreed

to a temporary variation of their contractual terms in order to assist the employer through the effects of the “credit crunch”. The value of the reduced payments amounted to £1.2 million per annum. He was successful in a test case supported by the BMA in advancing a claim on behalf of a trainee doctor as the proper construction of the pay protection provisions in the relevant national agreement regarding qualified doctors returning to training. He was instructed by the UDM to advance collective consultation and unfair dismissal claims on behalf of 371 of its members whom were dismissed as a result of the closure of the Thoresby Colliery.

He was further instructed to advise an international maritime haulage company as to the lawfulness of amending the contracts of 39 of its employees at a specific location or whether the same amounts to an unlawful inducement to their giving up collective bargaining. Nicholas recently successfully appeared (led by David Reade QC) on an appeal to the Court of Appeal to determine the precise interaction of the concepts of affirmation and the ‘last straw’ doctrine in the context of a claim for unfair constructive dismissal.

He is currently instructed on a collective claim brought by the staff association of an international construction company on behalf of 27 of its members to seek to prevent the alleged unlawful removal of a historic bonus provision in their contracts of employment.

## Whistleblowing Claims

Nicholas has particular experience in whistleblowing litigation. He successfully appeared on behalf of a North West based leading Cancer Research NHS Trust defending claims of whistleblowing unfair dismissal brought by the Head of Research. He successfully appeared on behalf of the Head of Construction of a UK construction company who contended that he was dismissed as a result of disclosing fraud in the procurement of publicly funded construction contracts. The remedy sought was £1.45 million. He has also advised a leading consultant academic as to his long-standing claims of whistleblowing detriment arising from his disclosure of breaches of infection protocols by his host NHS trust. He was instructed in defence of a 10 day claim of whistleblowing brought by the CEO of an International Oil Exploitation Company. The Claimant contended that he was dismissed as a result of his disclosure of international bribery and corruption involving officials of the government of Niger. The value of the remedy sought was in excess of £30 million.

Nicholas also appeared in the Court of Appeal for Health Education England in defence of a test appeal addressing whether a trainee doctor can rely on the provisions of s43K of the Employment Rights Act 1996 in order to advance a claim against HEE as an education provider (led by David Reade QC).

He was recently successfully instructed to pursue a ten day claim of whistleblowing dismissal/detriment brought by the former CEO of a series of Isle and Man and UK based Group companies. The remedy sought was in excess of £2 million. He is currently instructed in an 8 day claim for whistleblowing dismissal on behalf of an international financial institution. The Claimant seeks damages of £2.3 million reflecting a career long loss.

## Discrimination

Nicholas acts on behalf of claimants and respondents in heavy weight discrimination cases. He has a particular interest in the issue of the territorial scope of the Equality Act and its application outside Great Britain. Nicholas appeared before the EAT in a decision addressing the territorial scope of the Equality Act in the context of a mariner. The judgment of the EAT addressed the application of the Bleuse principal outside the territorial scope of the EU and how the same interacts with the provisions of the Equality Act 2010 (Ships and Hovercrafts)

Regulations 2011.

Examples of his practice in addressing the various strands of discrimination are:

### **Race Discrimination**

He was instructed in a high profile claim on behalf of a claimant surgeon claiming race and religious discrimination and whistleblowing detriment. The matter was listed for twenty days and attracted significant press and Parliamentary attention as a result of the surgeon's allegations of inadequate care being provided to Muslim children in the Midlands. He acted on behalf of a trainee claimant surgeon in an eight day claim of race discrimination/victimisation with a pleaded value of £2million. The claimant's allegations spanned six years and he alleged that his unlawful treatment by the respondent had caused him to fail in his career as a surgeon. Nicholas successfully appeared on behalf of the respondent in a fifteen day claim of race discrimination, harassment and victimisation where an assistant manager of a public house in a national pub chain contended that he had repeatedly been overlooked for promotion because of his status as a black African male.

### **Religion and Belief**

Nicholas has a particular expertise in cases of religion and belief discrimination. He appeared on behalf of a former employee of South Yorkshire Police who asserted that his belief in the threat of a Satanic new world order amounted to a protected belief under the Equality Act and thus his dismissal amounted to unlawful discrimination. He was instructed by a national telecommunications company in the defence of a ten day claim of religious discrimination brought by a regional sales operative who asserted that her manager was systematically abusive of Muslims. He was also instructed to advise a national print distributor as regards the potential religious harassment implications of its distribution of the special edition of "Charlie Hebdo" following the 2015 Paris attacks. He recently successfully appeared on behalf of an international travel company in defence of a seven day claim of race/religious harassment brought by its former head of IT arising from the dissemination of racially harassing emails within the organisation.

He is currently instructed by a prominent academic who contends that he has been the victim of race/religious discrimination and who secured an award of £3.3 million against his former employer university.

### **Gender and Sexual Orientation**

Nicholas also appears in significant sexual discrimination, sexual harassment and sexual orientation discrimination claims including acting for the claimant in a gender based victimisation claim with a pleaded value of £4.3 million brought by a consultant anaesthetist against her former employer NHS Trust. He was further successful in his defence of a seven day hearing of sexual orientation discrimination brought by a homosexual male claimant against Blackpool Pleasure Beach. He appeared for the claimant on a claim with a pleaded value of £1.6 million where it is alleged that the claimant's London city based international property firm systematically passed her over for promotion and payment of bonus by reason of her gender/nationality. He was instructed on behalf of a leading academic whom contended that she has been discriminated against on behalf of her IVF treatment (and her disability/whistleblowing) by her London based employer University. The value of the remedy sought was £1.4 million and the matter was listed for nine days. He was recently instructed by the Claimant in a ten day sexual harassment claim brought against one of the largest sets of Barristers' Chambers in the UK based in the North West. The Claimant was a former clerk and asserted that she had been subjected to repeated gender based harassment by the senior criminal clerk and her colleagues. He is currently instructed in defence of a fifteen day claim of equal pay, gender and disability discrimination, whistleblowing and constructive dismissal

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involving an architect in a property development business who seeks a remedy in excess of £1 million.

### **Disability**

Nicholas is regularly instructed in both pursuing and defending significant disability discrimination complaints. He was successful in his representation of Hull City Council before the Court of Appeal on the issue of when time starts to run for the purposes of presenting a complaint of a failure to make reasonable adjustments. He was recently instructed by a national firm of solicitors in defence of a fifteen day claim of disability discrimination and constructive dismissal brought by a solicitor who alleged that her career has been ended by the respondent's refusal to make allowances for her physical and mental disabilities. He successfully appeared for an NHS Trust in defence of a ten day case of disability discrimination (and three days on appeal) where the claimant nurse was dismissed as a result of serious criminal offending which amounted to non-insane automatism. The claimant contended that the Trust was guilty of discrimination and further failed to make reasonable adjustments in dismissing her in those circumstances. The claim had a pleaded value of £500,000. He appeared in defence of a career long loss claim where the claimant suffered from "cluster headaches" which were described in the medical evidence as the most painful condition which a human being can suffer. He further successfully appeared for the Claimant in a ten day claim of disability discrimination, harassment and failure to make reasonable adjustments brought by an international account manager of Barclays Bank. The Claimant sought a remedy of in excess of £1 million. He was instructed by a national pub chain in defence of a 10 day claim of disability discrimination/harassment brought by an assistant pub manager who asserts that she has been forced from her role as a result of a campaign of discriminatory treatment. He successfully appeared in a 7 day claim on behalf of a former analyst at Societe Generale whom contended that his redundancy dismissal was a sham and was in fact done by reason of his multiple sclerosis. The remedy sought was in excess of £2 million.

He is currently instructed in a ten day claim of direct and disability related discrimination and a failure to make reasonable adjustments on behalf of the Deputy Head Teacher of an Academy Trust whose claim seeks a remedy in excess of £450,000.

### **Age**

He advised the National Probation Service (South Yorkshire) as to the lawfulness of its proposed early retirement and redundancy packages. Further he was successful in his representation of the respondent in a collective challenge to the lawfulness of North West Business Link's enhanced redundancy payments package. He was instructed by a North East based local authority to defend a claim brought by an older applicant contending that his application for a Head of Culture role was not progressed by reason of his perceived proximity to retirement. The Claimant sought a career long loss of earnings and pension valued at in excess of £600,000.

He was recently in defence of a five day claim brought by female sales operative in a national furniture business who contends that she has been subjected to repeated harassment by reason of her age.

### **Equal Pay**

Nicholas had significant involvement in the equal pay litigation which progressed in the North East of England. He acted for a number of NHS Trusts and was also instructed to represent the GMB in its defence to the Hartley challenge to Agenda for Change prior to the decision of the GMB to combine representation with the other NHS Unions. He also appeared in significant local authority equal pay work. For example he was instructed on a twenty day local authority "MF" hearing on behalf of a series of successor schools and regularly appeared in equality of value hearings before the tribunal.

He successfully defended a collective "like work" claim brought by operatives in a photographic paper factory who sought to compare their roles with those of machine operators. He successfully appeared in defence of a claim for equal pay brought by a teacher in a prestigious South East based fee paying school whom contended that her pay as a tennis coach was unlawfully less than that of her male peers. He was instructed in defence of a thirteen day equal value claim involving allegations of gender discrimination/harassment/victimisation brought by a female Operations Director of an international retail technology consultancy. The value of the remedy sought was in excess of £500,000. Nicholas is currently instructed in defence of a significant claim for equal pay (equal value) brought by the female Design Director of a national office installation company.

He is also currently instructed to advise a series of Claimants in their collective equal pay claim brought against Birmingham City Council.

## TUPE

Nicholas has significant experience in the area of TUPE litigation. He was successful in his representation of the GMB before the EAT in securing a judgment that the TUPE Regulations and the Acquired Rights Directive are of trans-national effect and apply outside the territorial scope of the European Union. He appeared in an appeal addressing whether TUPE applies to the MOD's decision to award a military support contract in the Falkland Islands to a Dutch company. The decision of the EAT addressed the application of the Service Provision Change definition contained within TUPE 2006 for the first time in an international context. He was successful in the defence of an eight day case to determine the extent to which a series of senior employees employed by a group company are able to assert that they are properly 'assigned' to a series of transferred subsidiary companies and thus present claims of unfair dismissal. He was instructed to defend a collective unfair dismissal/TUPE consultation claim brought by 21 baggage handlers at Manchester Airport who contend that they were unfairly dismissed following a relevant transfer. The value of the remedy sought was in excess of £2 million. He was instructed by a South East based trains company in defence of a failure to consult claim brought by a union on behalf of 599 employees seeking a remedy in excess of £1.1 million.

He is currently instructed in pursuing a Regulation 11 claim as regards the provision of inadequate ELI by a transferor in the context of the transfer of numerous care workers between two providers. The transferee discovered that the transferor was historically underpaying its workers and seeks to claim the fine imposed against it by the Low Pay Unit from the transferor which is not a point addressed by previous authority. In addition the transferee seeks to claim damages for the negative effect on its reputation by its being 'named and shamed' as regards this underpayment. He is also currently instructed to pursue a Regulation 11 claim as regards a transfer of a cleaning contract where the Claimant seeks a remedy of £1.2 million.

He was also recently currently instructed on behalf of the successor to the Jaeger group of companies to defend TUPE consultation and notice pay claims brought by the members of the former senior management team of Jaeger.

## Working Time/National Minimum Wage

Nicholas has particular experience in the field of the Working Time Regulations and was involved in the reference to the CJEU regarding the lawfulness of "rolled up" holiday pay. He was successful on behalf of the claimants in a test case to determine the rights of over 100 union backed harbour pilots to daily and weekly rest

breaks or suitable compensatory rest. The decision was considered on appeal and the judgment of the EAT referred to the CJEU the question of the proper application of the derogation provided by Regulation 21 of the WTR and its compliance with EU law. He was recently instructed by a national security company to assess the extent to which its working patterns comply with the WTR and EU law.

He has a particular interest in the difficult issue of the interaction of holiday pay and PHI payments and the proper level of holiday pay in such circumstances. He successfully appeared in a test case backed by the BMA in order to determine whether Waiting List Initiative payments are properly to be considered in the calculation of a consultant's holiday pay.

Nicholas is also regularly involved in advising employers as to the difficult issue of National Minimum Wage compliance. For example he is currently instructed on behalf of a national food wholesaler to review their working patterns and contractual documentation to ensure their compliance with both the WTR and the National Minimum Wage. He also recently advised an international airline operator, a national fruit picking business and an international maritime company as to the compliance of their pay systems with the NMW and the territorial effect of the relevant provisions.

## Agency Workers

Nicholas has a particular interest in the provisions of the Agency Worker Regulations and has been instructed to advise several employment agencies as to how best to amend their business practises in order to comply with the commencement of the Regulations. He appeared in the first Employment Tribunal decision addressing the lawfulness of the implementation of the "Swedish derogation" in the contracts of seven agency workers concluded with an agency and multi-national petroleum supplier. He further advised the Police Service of Northern Ireland as to the effect of the Regulations and the "Swedish derogation" on the lawfulness of its recruitment practises. He recently advised a national social contractor as to the lawfulness of its approach to the payment of agency workers.

He recently successfully appeared on behalf of a multi-national Employment Agency in defence of a claim brought by an NHS contractor against a Trust and the Agency asserting unequal treatment of the Claimant on the basis of his agency worker status. The matter is currently subject to appeal.

## Statutory Discrimination Claims in The Civil Courts

Nicholas regularly applies his expertise in statutory discrimination law to claims in the education and goods and services sector in the civil courts. He is aware of the need to adopt a differing and more procedurally driven focus to litigating such claims.

He successfully appeared on behalf of a University in defence of multiple claims of disability discrimination and reasonable adjustments advanced by a former student. The claim involved multiple allegations and the claimant contended that as a result he had lost a successful career at the bar. Damages of £10 million were sought. He acted for the York Barbican theatre in defence of a claim brought by a disability rights campaigner of a failure to make reasonable adjustments as regards the application of its charging policy regarding carers of disabled persons. Nicholas also successfully represented the MEN Arena in defence of claims of discrimination and a failure to make reasonable adjustments brought by a disabled person as regards adequate provision of toilet facilities.



Nicholas also has a significant advisory practice in this area for example he advised a national retail chain as regards the access issues raised by the format of its premises and as regards a threatened claim of a failure to make reasonable adjustments. He advised an international hotel chain as regards its obligations regarding the provision of television access across its estate in order to meet the needs of hearing impaired persons. He is currently advising a North East based Local Authority as to the gender/religion and belief discrimination issues arising from its operation of a historic Turkish Baths.

## Disciplinary and Regulatory Practice

Nicholas is a member of Littleton's disciplinary and regulatory team and he accepts instructions in a variety of disciplinary and regulatory environments.

Many of Nicholas' cases have been in a healthcare setting which has given him a detailed understanding in respect of internal disciplinary procedures (personal and professional conduct cases) and the developing jurisprudence concerning the court's jurisdiction to grant injunctions to restrain either the dismissal or suspension of medical or allied professionals. For example, he acted for the Department of Health of the Isle of Man in its defence of injunctive proceedings brought by two consultants regarding their suspension from NHS practice. He also assisted the Department of Health of the Isle of Man to secure an injunction to restrain breaches of patient confidentiality by a former surgeon. He advised a leading academic consultant as to the prospects of successfully restraining his dismissal from his UK teaching and clinical posts on the grounds that they amounted to a breach of contract following his alleged whistleblowing disclosures. He secured (led by Damian Brown QC) the return to work of a prominent consultant cosmetic surgeon after his wrongful exclusion from his private practice by a national private hospital group.

He was recently instructed by an East Anglian NHS Trust to defend applications for interim relief and declarations advanced by its Head of Clinical Children's Services.

Nicholas also has wide experience appearing in internal appeals and hearings. Examples of this include successfully appearing as an advocate on behalf of Health Education England in response to an internal appeal lodged by a GP trainee against the removal of his National Training Number and appearing as an advocate on behalf of a prominent North West based cancer treatment hospital in an internal disciplinary hearing regarding the alleged assault of a junior doctor by a Consultant cosmetic surgeon. He also appeared on behalf of a construction industry training provider in an internal appeal against the decision of the National Plant Operators Registration Scheme to remove the provider's training registration.

## Internal Investigations

Nicholas has also considerable experience of acting as an independent investigating officer and has experience of investigating diverse grievance and disciplinary matters, often involving detailed allegations and a wide range of witnesses. In this work, Nicholas has been instructed by a wide-range of medical professionals and organisations, including medical defence unions, law firms, academic institutions, charities and private companies across various industries.

A recent example of such an investigation was as regards wide-ranging grievances raised by a legal assistant in a law firm asserting discrimination and unfair treatment by one of the partners of the same.

## Sports Law Practice

Nicholas is a member of Littleton's sports law team and accepts instructions from individuals and organisations in the ordinary courts and the relevant disciplinary/adjudicatory tribunals. Nicholas is an appointed panel member for Sports Resolutions who are the leading sports appeals/arbitration service. He is a contributor to articles for LawInSport.

Recent instructions include -acting as an independent legal advisor to British Shooting in its selection of athletes for the Cyprus World Cup event and advising a prominent cyclist as regards a doping charge raised by UKAD. He recently advised a prominent GB cyclist as regards his appeal against the decision of British Cycling that he was not to be selected to compete in the Olympics in Rio. He also drafted the service agreement of the Head Coach of a Super League Rugby Team. Nicholas further appeared on behalf of a number of individuals including the Head of Business Development of a Premiership Rugby team, a former Defence coach of a Premiership Rugby Team and the former Manager of a Championship football team in their claims for wrongful dismissal. He further advised a Championship Football club as to their rights to compensation as a result of the signing of one of their youth development players by a Serie A club.

He was recently instructed to pursue the unfair dismissal claims of the two groundsman of Hull City FC and Hull FC against the stadium management company of the KCOM Stadium. He successfully represented a Super League Rugby League Club in defence of a claim of tort/breach of contract brought by an former international player asserting that he was dismissed and sustained loss as a result of misleading advice given as to the lawfulness of a supplement by the club's conditioning coach. He is also currently instructed to defend an eight day claim brought by a physiotherapist against the English Institute for Sport as regards the alleged TUPE transfer of services provided to GB Taekwondo.

## Significant Reported Cases

**Kaur-v-Leeds Teaching Hospitals NHS Trust** [2018] EWCA Civ 978, [2018] IRLR 833 [2018] 4 All ER 238, [2019] ICR 1(CA),

**Swissport Ltd v Exley and others** [2017] ICR 1288 (EAT)

**Day-v-Lewisham NHS and Health Education England** [2017] EWCA Civ 329, [2017] IRLR 623, [2017] ICR 917 (CA)

**Stratford-v-Auto Trail Limited** [2016] ALL ER (D) 208, [2017] IDS Brief 1063 (EAT)

**Day-v-Lewisham NHS and Health Education England** [2016] ICR 878, [2016] IRLR 415, [2016] Med LR 269 (EAT)

**Leeds Teaching Hospitals NHS Trust-v-Blake** [2015] ALL ER (D) 389 (EAT)

**ASE-v-Daly & Kendrick** [2014] EWHC 2171 (QB) (QBD Lewis J)

**Howorth-v-N Lancashire PCT** [2014] All ER (D) 159 (EAT)

**Hasan-v-Shell International PPE & Ors** [2014] All ER (D) 15, [2014] IDS Brief 993 (EAT)

**RM Gaskarth-v-Mooney** [2013] ALL ER (D) 205, [2013] IDS Brief 982 (EAT)

**Bray-v-Monarch Personnel Refuelling (UK) Limited** [2013] IDS Brief 972 (ET)

**Pearce-v-Receptek** [2013] ALL ER (D) 364

**Pybus-v-Geoquip Limited (No 2)** [2013] ALL ER (D) 204

**Argyll Coastal Services-v-Stirling & Ors** [2012] IDS Brief 949 (EAT)

**Bridgeman-v-ABP** [2012] IRLR 639, [2012] ICR D26 (EAT)

***Bashir & Woodward-v-Co-Operative Financial Services*** [2012] ALL ER (D) 40  
***Pinewood Repro Limited-v-Page*** [2011] ICR 508 (EAT)  
***Pybus-v-Geoquip Limited*** [2011] ALL ER (D) 244 (EAT)  
***Farrell-v-South Yorkshire Police Authority*** [2011] EqLR 934 (ET)  
***Fenton & UNISON-v-NPSSY & Addaction*** [2010] IRLR 930 (EAT)  
***Arkley-v- Sea Fish Authority*** [2010] Pens LR 205, [2010] ALL ER (D) 170, IDS Brief 918 (EAT)  
***Matuszowicz v Hull City Council*** [2009] IRLR 288, [2009] ICR 1170, [2009] 3 ALL ER 685 (CA)  
***Sandsfield Gravel Co v Loving*** [2009] ALL ER (D) 42 (EAT)  
***Holis Metal Industries v The GMB and Newell*** [2008] IRLR 187, [2008] ICR 464 (EAT)  
***Cokayne v BASC*** [2008] ICR 185 (EAT)  
***Cartlidge v Dugdale PLC*** [2007] ALL ER (D) 312 (EAT)  
***Hughes & Beaumont v GMB*** [2006] ALL ER(D) 06 (EAT)  
***Hussain v John Dobson & Sons*** [2005] ALL ER (D) 19 (EAT)  
***Robinson Steele-v-R D Retail*** [2004] IDS Brief 754 (ET reference to ECJ)  
***Firth v BRC Barnsley*** [2004] ALL ER (D) 149 (EAT)  
***Booth v Oldham MBC*** [2004] ALL ER (D) 366 (EAT)  
***Warren v S&N Pubs and Restaurants*** [2003] ALL ER(D) (EAT)  
***Roberts-v-Skelmersdale College*** [2003] ICR 1127, [2004] IRLR 69 (CA)  
***Barlow & Snelson v P E Jones*** [2002] ALL ER (D) 20 (EAT)  
***Wilson-v-Warman International*** [2002] ALL ER (D) 94 (EAT)

## Significant recent unreported decisions (ALL EAT)

***Pearce v Receptek (No 2)*** (adequacy of reasoning and proper scope of the implied term of trust and confidence)  
***Healey v Wincanton PLC*** (bias and adequacy of reasons)  
***Connor v Lever Edge*** (Exclusion of evidence)  
***R&M Gaskarth v Campbell*** (impermissible substitution)  
***Wells v First Manchester*** (Statutory Procedures)  
***Cliffe v KSS*** (territorial jurisdiction)  
***Clegg v Sony Ericsson*** (Fairness of Dismissal)  
***Wright v RSPCA*** (Adequacy of Reasons)  
***Whitton v F J Pistol*** (Disability Discrimination)

## Memberships

Employment Law Bar Association  
Northern Circuit  
Employment Lawyers Association

## Career & Education

**University:** Cambridge (Downing College)  
**Degree:** Law (MA)  
Senior Seaton Scholarship  
University Prize for Company Law

**Year of Call:** 1997 (Middle Temple)

Astbury scholar

Mooted for the ICSL in the European Moot Finals in Copenhagen

**Other Details:** Nicholas gained the Northern Circuit Free Representation Award in 1999

**Languages Spoken:** French