

Nicholas Siddall QC

Silk: 2019 | Call: 1997

Queen's Counsel

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PRACTICE AREAS

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

Nicholas specialises in Employment and Industrial Relations Law both in the statutory tribunals and High Court. He also undertakes work in the fields of disciplinary and regulatory issues and of sports related litigation.

Nicholas undertakes work on behalf of both employers and employees. He was regularly instructed by a number of Trade Unions including the UDM, the BMA, BALPA, ASCL and Nautilus.

According to Chambers and Partners 2022, Nicholas **“is a highly skilled silk who is widely praised for his client service.**

He regularly appears in the Employment Tribunal and the High Court on behalf of claimants and respondents, handling both discrimination and commercial employment claims.

Strengths: “He is on the ball, he is phenomenally intelligent, clients get on well with him and he is a safe pair of hands.” “He is one of my go-to people if I need a big hitter; I particularly like him for discrimination, TUPE cases and really technical matters. He is a very strong advocate and he is a very likeable person.” “He is forensic and considered, which allows him to conduct careful analysis for clients.”

and

Nicholas Siddall QC 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: “Nick is intensely intelligent and has a photographic memory for case law. His written advice is well structured and reasoned. He has a confident ability when dealing with clients.” “He is technically very good; a powerful, commanding advocate and an impressive all-round character.”

According to The Legal 500 2022 Nicholas is “**Technically excellent, with the ability to digest complex facts of the case and apply to the relevant law in a user-friendly way. Always willing to take a call and very client friendly**”

According to Chambers and Partners 2021, Nicholas “**is wonderful - an employment law obsessive. He takes a scholarly approach to the law, and is genuinely interested.**” “**Great focus and attention to detail. Client witnesses invariably say they that they are pleased that he is on their side rather than the opponent’s.**”

According to the Legal 500 2020 Nicholas is “**Superb - his warmth and personality are great assets for this type of work. He is decisive, does not sugarcoat, and is not afraid to tell a client how it is. He is also unflappable and very good on his feet.**”

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’**

Nicholas also has a niche practice in the Employment Tribunals and High Court of the Isle of Man where he appears and prosecutes claims across the full breadth of their jurisdictions. He was instructed on a matter seeking to explore the extent of the statutory whistleblowing/discrimination protection on the Island and the scope of their interaction. He was also certificated to appear in the High Court of the Island on a 15 day wrongful dismissal hearing. He was successfully instructed by the Manx Industrial Relations Service to advise on an appeal as regards the legal effect of the statutory provisions that govern settlements on the Island. He was instructed to defend a part time worker detriment claim brought by the former Appeal Judge of the Isle of Man as regards his pension provision. He also secured an interim injunction to secure the return to work of a doctor wrongly excluded from his NHS practice on the Island. He recently advised a teaching union as to the lawfulness of its proposed strike action on the Island. He is currently instructed by the Department of Transport on a collective claim brought by a series of bus drivers who contend that they have been unlawfully induced to give up their rights to collective bargaining.

AREAS OF LAW

INJUNCTIVE/HIGH COURT PRACTICE

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

successfully appeared on behalf of an international patent attorney to defend allegations of unlawful competitive activity raised by his former employer practice. He was instructed 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 recently successfully acted on behalf of an international time recording software company and separately on behalf of a producer of braking systems to prestige cars and Formula 1 in seeking injunctions to restrain the employment of their former employees by competitors.

He was also 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 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, BALPA, ASCL 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, 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 PLC, 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 who 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 who 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 successfully appeared (then 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 was 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.

Nicholas also recently advised a teaching union as regards the proposed lawfulness of their action short of a strike.

He is currently advising a series of care providers as to the issues arising from the (now repealed) 2021 Regulations requiring the vaccination of workers in care homes. This has addressed the lawfulness of the provisions, the discrimination issues raised thereby and if a dismissal of multiple employees on this basis triggers an employer's obligations of collective consultation. Nicholas is instructed on a test case determining the lawfulness of an employee's dismissal in those circumstances.

He is currently instructed by the Department of Transport of the Isle of Man in defence of a collective claim brought by a series of bus drivers who contend that the introduction of new contractual terms amounts to an unlawful inducement to give up their rights of collective bargaining.

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 an 11 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 and alone in the EAT).

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 of Man and UK based Group companies. The remedy sought was in excess of £2 million. He recently successfully defended an 8 day claim for whistleblowing dismissal on behalf of an international financial institution. The Claimant sought damages of £2.3 million reflecting a career long loss and he successfully defended the decision on appeal in a manner which clarified the scope of the *Jhuti* principle. He was recently successful in defence of a 10 day claim of whistleblowing detriment/dismissal brought by the former head of a multi-academy trust in which the Claimant sought damages of in excess of £500,000.

He is currently instructed in defence of a 13 day whistleblowing claim brought by the former head of legal of a Midlands based pension fund administrator who contends that she has been subjected to repeated detriments and dismissed as a result of her disclosures of breaches of Equality legislation and corporate governance requirements within the fund.

Nicholas is currently instructed in an appeal to the Court of Appeal (with Protect intervening) to determine the correct approach to separability in a claim of whistleblowing in the context of the dismissal of head of UK Audit in an international bank where the Claimant was dismissed for the manner of her alleged disclosures.

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 *Blaise* principle 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. He acted 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.

He is currently instructed in defence of a 10 day claim of race discrimination brought against a major sporting governing body. The Claimant asserts 64 separate acts of discrimination/victimisation culminating in his dismissal.

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 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 was recently instructed by a prominent academic who contended that he had 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 was 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 who 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 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 was instructed in defence of a fifteen day claim of equal pay, gender and disability discrimination, whistleblowing and constructive dismissal involving an architect in a property development business who sought a remedy in excess of £1 million. He was recently instructed in defence of a 20 day claim of sexual harassment and equal pay brought by the territory manager of an international financial institution.

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 asserted that she had 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 was recently successful 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. He is also currently instructed on an appeal to the EAT addressing the correct approach to 'constructive knowledge' in a case of disability discrimination.

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 instructed in defence of a five day claim brought by female sales operative in a national furniture business who contended that she had 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 was recently 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 was also instructed to advise a series of Claimants in their collective equal pay claim brought against Birmingham City Council. He was recently instructed in defence of a 20 day equal pay claim advanced (on the basis of like work and equal value) by a Territory Manager of an International Financial Institution.

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 was recently instructed to pursue 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 sought 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 sought to claim damages for the negative effect on its reputation by its being ‘named and shamed’ as regards this underpayment. He was also recently instructed to pursue a Regulation 11 claim as regards a transfer of a cleaning contract where the Claimant sought a remedy of £1.2 million.

He was also 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 recently advised a Magic Circle firm as to the correct manner to amend its internal policies to address holiday pay in the context of PHI. 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. He was recently instructed on an appeal to the EAT to determine whether the provision of a contract of employment to a worker during their engagement prevents their rights to holiday pay accruing and negates the principle in **King-v-Sash Windows**.

Nicholas is also regularly involved in advising employers as to the difficult issue of National Minimum Wage compliance. For example he was recently 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, a chain of department stores, a national brewery and an international maritime company as to the compliance of their pay systems with the NMW and the territorial effect of the relevant provisions.

He was recently instructed by a Championship football club to defend a National Minimum Pay claim in the EAT as regards the club's provision of credit as regards the purchase of season tickets to its employees.

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 was successfully defended on 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 recently advised a North East based Local Authority as to the gender , gender reassignment and 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. Nicholas was also instructed on a disciplinary investigation in an international mining company arising from grievances raised by the environmental team as regards a Development Director in the context of a mining project which would affect an international heritage site. He has just completed a month long investigation into alleged bullying and harassment within an international financial institution. He has also just completed a two month long investigation into allegations of racist bullying brought by employees of a UK subsidiary of an international IT company.

He was also instructed to sit as the disciplinary chair in a hearing brought by an FSA regulated entity as regards its Head of Compliance.

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.

The Legal 500 2020 states: "*Other key names include [Nicholas Siddall QC](#), who focuses on anti-doping cases 'His unfailing availability and collaborative nature make him a delight to work with.'*"

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 groundsmen 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 a 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 was recently 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. He was recently instructed by a Championship football club to appeal a decision of the Player Related Dispute Commission as regards deductions from the wages of a player.

Significant Reported Cases:

Kong-v-Gulf International Bank [2021] IDS Brief 1142 (EAT)

S Riddler Ltd-v-Wierzbicki [2021] EWHC 2964 (QB) (QBD Steyn J)

HMRC-v-Middlesbrough FC [2020] ICR 1404

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 Sevices-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)

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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):

Kong-v-Gulf International Bank (the correct approach to separability and **Jhuti** in whistleblowing cases)

Pemberton-v-Alder Hey NHS Trust (agency workers and adequate reasons)

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)

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