

## Paul Gilroy QC

Silk: 2006 | Call: 1985

### Queen's Counsel

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Paul Gilroy QC's reputation is principally based on his employment practice. He has for some years been recognised by Chambers & Partners, The Legal 500, and Legal Experts as a leader in this field. Paul has been recognised as a leading silk within the Employment Northern Circuit.

***"The leading barrister on the employment side of sports law, particularly acting for managers and coaches; well connected to key individuals."*** (Legal 500 2018 (Sport))

***"He is very hands on, approachable, knows the sector very well, and he is combative when you require him to be."***

(Chambers and Partners 2018 (Sport))

***"He is a leading light in football cases."***

(Chambers and Partners 2018)

***"He knows and is instructed by everyone in football."***

(Legal 500 2017)

***"Paul has a very robust and persuasive style."***

(Chambers and Partners 2017)

***"Focuses on employment law and is frequently instructed on complex or high level work at the Employment Tribunal, Employment Appeal Tribunal and High Court, such as whistleblowing, discrimination, class actions and executive matters."***

(Chambers and Partners 2016)

***"A noted employment specialist who is frequently instructed in employment disputes in the sports sector. He is a favourite for high-profile footballers and managers who are facing difficulties with their clubs. 'He is very tenacious and personable and is renowned for getting a fantastic deal for managers.' 'He is an outstanding trial lawyer.'"***

(Chambers and Partners 2016)

***"He is an excellent advocate who has the gravitas to deal with complex tribunals. He is very thorough and focused."***

(Chambers and Partners 2015)

Paul Gilroy has over three decades of experience of employment-related litigation at all levels. He has particular expertise in

substantive High Court actions and proceedings for injunctive relief (including strike action injunctions) and high value/multi-party employment tribunal work.

He also conducts investigations into employment law-related matters.

He has a particular interest in sports-related litigation and regulatory matters, both generally and in sport in particular.

In his capacity as Retained Counsel for the League Managers Association, he has advised and acted for a stellar list of football clients, including Roy Hodgson, Martin O'Neill, Gianfranco Zola, Sir Alex Ferguson, Harry Redknapp, and David Moyes, amongst others.

Most appearances as Counsel before the FA Premier League Managers Arbitration Tribunal (7).

He is a specialist member of the FA's Judicial Panel and the FA Judicial Appeal Board.

He has been instructed in high profile public inquiries (Ashworth Hospital and Harold Shipman), and has wide-ranging experience in the field of professional discipline, both acting in and conducting disciplinary hearings for Universities and sports bodies and in the NHS.

He contributes to professional publications, has annotated employment legislation for Current Law Statutes, has been engaged by Sweet & Maxwell to assist in editing the Encyclopaedia on Employment Law, and is a frequent speaker on employment law topics to professional and other audiences.

### Notable recent work

- **Harrod and ors. v Chief Constable of West Midlands Police and ors.** [2017] EWCA 191 (Court of Appeal). Indirect age discrimination and justification.
- **BAE Systems v Konczak** [2017] EWCA 1188 (Court of Appeal). Divisibility of psychiatric harm.
- **Greater Manchester Police v Bailey** [2017] EWCA Civ 425 (Court of Appeal). Race Discrimination.
- **Re: Mr X** (2016-2018) Independent investigation on behalf of an NHS Trust into whistleblowing complaints made by a Consultant Orthopaedic Surgeon.
- **Carl Frampton v Barry McGuigan** (2017-2018). High Court litigation and Arbitration before the British Boxing Board of Control.
- **Re: Ms Z** (2018) Independent investigation on behalf of British Parasnowsport and UK Sport into complaints of bullying and harassment made by a para athlete.
- **Middlesbrough FC v Garry Monk** (2018). FA Rule K Arbitration.
- **Various v Rugby Football League and Super League** (Europe) (2018). Challenges to salary cap and other restrictions on professional rugby league players.
- Author of Chapter on Football Managers' Contracts in 'Football and the Law' (Bloomsbury – published May 2018 (<https://www.bloomsburyprofessional.com/uk/football-and-the-law-9781847668820/>))

### RECOMMENDATIONS

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"He is a leading light in football cases."

**(Chambers and Partners 2018)**

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### AREAS OF LAW

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#### High Court Employment & Commercial

Paul Gilroy has extensive High Court experience, with a particular emphasis in the following areas:

- Disputes relating to unlawful competition involving executive departures, team moves, restrictive covenants, garden leave, confidential information, applications for injunctive relief (including springboard relief and search order applications), pre-action disclosure and speedy trials.
- Disputes concerning deferred remuneration, bonuses (including 'discretionary' bonuses), share options, deferred

remuneration and other employment benefits.

- High value wrongful dismissal claims including breach of fiduciary duty.
- Disputes in relation to liquidated damages and penalty clauses.
- Pursuing and defending actions for declaratory relief (eg trade unions v corporations).
- High Court proceedings concerning trade unions including applications for injunctive relief to restrain strike action.
- Class actions including claims concerning the incorporation of the terms of collective agreements into individual contracts of employment.
- Non-contentious work including drafting restrictive covenants and other service agreement restrictions.

Sectors covered include banking and financial services, sport, media, national and local government, retail and technology.

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## Statutory Employment

Paul Gilroy is a specialist Employment Tribunal practitioner who is instructed in cases of the greatest value, complexity and sensitivity. His Tribunal practice spans the full range of workplaces, from local and central government, the NHS, commerce and industry to the professions and academia.

Notable recent cases

- Civil claims arising from Operation Elveden (2015/16) Acting for 15 senior journalists in multiple high value claims against leading national newspaper arising out of arrest and prosecution in the “payments to public officials” inquiry which followed the criminal phone hacking investigation concerning the News of the World.
- A v B (2016) Substantial claim against major celebrity by former employee. Successful defence of multiple applications for privacy, anonymity and restricted reporting orders.
- AB v CD (2015) Represented Chief Superintendent in proceedings involving substantial claim for compensation against his force for sexual orientation discrimination.
- Aulton v Various (2014-2016) Successful defence of NHS Trust in ET and EAT TUPE class action by substance abuse workers.
- Kansal v Tullett Prebon (2015) Successful representation of broker of Indian origin in race discrimination claim against international interdealer broker in the City.
- A19 Proceedings (2013-2016) Representing 25 police officers of Superintendent and Chief Superintendent rank in age discrimination class action arising from their compulsory retirement under Regulation A19 of the Police Pension Regulations. Presently on appeal to the Court of Appeal.

Appointments

- Part-time Judge of Employment Tribunals (appointed 2000).

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## Sport

Paul Gilroy is renowned for his sports law practice, covering advisory work, litigation and all regulatory aspects of sport.

His experience covers football, rugby union, rugby league, cricket, tennis, cycling, boxing, athletics, weightlifting, gymnastics, and table tennis. He has extensive experience of issues relating to selection/non-selection, anti-doping and safeguarding in sport.

He has advised and acted for a stellar list of clients from the world of domestic and international football.

Paul Gilroy’s football practice covers the High Court and arbitration proceedings, principally FA Rule K8 matters and proceedings before the FA Premier League Managers Arbitration Tribunal.

He has the most appearances as Counsel before the FA Premier League Managers Arbitration Tribunal (7).

Notable Cases

- *Curbishley v West Ham United* [2009] (FA Premier League) (Wrongful Constructive Dismissal).
- *Magilton v Ipswich Town* [2011] (QBD) (Wrongful Dismissal).
- *O'Neill v Aston Villa* [2011] (FA Premier League) (Wrongful Constructive Dismissal).
- *O'Leary v Al Ahli FC (Dubai)* [2011-2014] Successful representation of Head Coach in wrongful dismissal claim before FIFA and on appeal to the Court of Arbitration for Sport in Lausanne.
- *Norwich City v Lambert and Aston Villa* [2012-2013] (FA Premier League) (Breach of Contract).
- *Adkins v Southampton* [2012-2013] (FA Premier League) (Breach of Contract).
- *Henning Berg v Blackburn Rovers* [2013] Successful damages claim for breach of contract.
- *Mackay v Cardiff City* [2014] (FA Premier League) (Breach of Contract).
- ***Sheridan v Notts County*** [2017] (FA Rule K arbitration) (Contractual claim).
- ***Monk v Middlesbrough*** [2017/18] (FA Rule K arbitration) (Contractual claim).
- ***Silva v Watford*** [2018] (FA Premier League) (Contractual claim).
- ***Conte v Chelsea*** [2018] (FA Premier League) (Contractual claim).

#### Appointments

In addition to sitting as a Part-time Judge of Employment Tribunals (appointed 2000), Paul Gilroy holds the following sports law appointments:

Legal Arbitrator for Sport Resolutions UK.

Member of:

- Athlete Selection & Eligibility
- Commercial
- Employment & Discrimination
- Football
- Integrity & Discipline, and
- Paralympic and Disability

Thematic Arbitration Panels of Sport Resolutions UK.

FA Judicial Panel Specialist Member.

FA Judicial Appeal Board Specialist Member.

Paul Gilroy is retained Counsel to the League Managers Association.

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#### Regulatory

Paul Gilroy has wide-ranging regulatory experience, advising in relation to, acting in and conducting hearings in particular for Universities and sports bodies and in the NHS.

He has particular expertise in the conduct of Interim Orders and Fitness to Practise Panels before the GMC.

#### Notable cases

- Instructed on behalf of senior officer of County Council to appear at appeal against his dismissal for gross misconduct.
- Prosecuted senior police officers for corruption under the Police (Conduct) Regulations in internal proceedings conducted by their force.
- Appointed by NHS Trust to chair Gross Misconduct proceedings against Consultant Obstetrician and Gynaecologist.
- Successfully defended Postgraduate Dean before a Panel of the Academic Senate of a University on 50 charges of bullying and harassment.

- Appointed by University Vice Chancellor to chair five separate panels to determine grievances and grievance appeals brought by senior academics.
- Instructed to obtain injunctive relief to restrain the taking of disciplinary action against a Senior Consultant.
- Represented GP charged in GMC proceedings with serious professional misconduct following acquittal of serious sexual offences.
- Numerous cases (in various contexts) involving the application of Maintaining High Professional Standards in the Modern NHS (“MHPS”) and similar.
- Conducted independent investigation on behalf of a sports governing body into alleged wrongdoing which had led to withdrawal of public funding.

Paul Gilroy has also been instructed in high profile public inquiries (Ashworth Hospital and Harold Shipman).

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## Appointments

- Part-time Judge of Employment Tribunals (appointed 2000)
- Specialist Member of the Judicial Panel of the Football Association (appointed 2007)
- Member of the Chairperson’s List, Sports Resolutions UK – Panel of Arbitrators (appointed 2007)
- Member of the Judicial Appeal Board of the Football Association (appointed 2008)
- Retained Counsel to the League Managers Association (since 2009)
- Legal Member of National Anti-Doping Panel (NADP) Sport Resolutions UK (2010-2015)

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## Notable Cases

- *Provident v Hayward* [1989] 3 All ER 298 (CA) (Garden Leave).
- *YKK v Ely* [1993] IRLR 500 (CA) (Equivocal resignation/ SOSR).
- *Cantona v Doyle* [1996] (CC) (Civil Assault).
- *Bell v Manchester City FC* [1997] (ET) (Unfair Dismissal).
- *Tyrer v Rugby Football League* [1998] (HC) (Bye-laws of professional sports body – Restraint of Trade).
- *Abbey National v Formoso* [1999] IRLR 22 (EAT) (Pregnancy Discrimination).
- *Hoyland v Asda Stores Limited* [2005] IRLR 438 (EAT) (Equal Pay).
- *Khudados v Hayden and others* [2007] EWCA Civ 1316 (Court of Appeal) (Conduct of Litigation).
- *Michalak v Mid Yorkshire Hospitals NHS Trust* [2007] (QBD) (NHS Consultant – Injunctive Relief).
- *Oyarce v Cheshire County Council* [2008] IRLR 653 (Court of Appeal) (Reversal of Burden of Proof in claims of Victimisation under the Race Relations Act).
- *Lucy and others v British Airways plc* [2009] (EAT) (Unlawful Deductions).
- *Curbishley v West Ham United* [2009] (FA Premier League) (Wrongful Constructive Dismissal).
- *Bampouras and others v Edge Hill University* [2010] EAT (Unfair Dismissal).
- *Goode v Marks and Spencer plc* [2010] (EAT) (Whistleblowing).
- *Magilton v Ipswich Town* [2011] (QBD) (Wrongful Dismissal).
- *O’Neill v Aston Villa* [2011] (FA Premier League) (Wrongful Constructive Dismissal).
- *O’Leary v Al Ahli FC (Dubai)* [2011-2014] Successful representation of Head Coach in wrongful dismissal claim before FIFA and on appeal to the Court of Arbitration for Sport in Lausanne.
- *University of Bradford* [2012] Chair of five separate panels to determine grievances brought by senior academics.

- *Alty and 61 others v Bosal UK* [2012] Successful High Court class action concerning the incorporation of terms concerning redundancy entitlement contained in collective agreements in contracts of employment.
  - *Woodcock v Cumbria Primary Care Trust* [2012] Leading Court of Appeal authority on the defence of justification in claims of indirect discrimination.
  - *Norwich City v Lambert and Aston Villa* [2012-2013] (FA Premier League) (Breach of Contract).
  - *Adkins v Southampton* [2012-2013] (FA Premier League) (Breach of Contract).
  - *Henning Berg v Blackburn Rovers* [2013] Successful damages claim for breach of contract.
  - *Hindley v BASF* [2013] Successful defence of seven figure claim by widow on behalf of estate re: death in service benefit.
  - *Griffiths v Liverpool Heart & Chest Hospital NHS Trust* [2013] Successful defence of seven figure discrimination claim by consultant heart surgeon.
  - *Mackay v Cardiff City* [2014] (FA Premier League) (Breach of Contract).
  - *Cunningham v AIB (UK)* [2014] Substantial settlement of whistleblowing claim by senior director after ET proceedings and appeal to the EAT.
  - *AB v CD* [2015] Represented Chief Superintendent in proceedings involving substantial claim for compensation against his force for sexual orientation discrimination.
  - *Aulton v Various* [2014-2016] Successful defence of NHS Trust in ET and EAT TUPE class action by substance abuse workers.
  - *Kansal v Tullett Prebon* [2015] Successful representation of broker of Indian origin in race discrimination claim against international City brokerage firm.
  - *A19 Proceedings* [2013-2016] Representing 25 police officers of Superintendent and Chief Superintendent rank in age discrimination class action arising from their compulsory retirement under Regulation A19 of the Police Pension Regulations. Presently on appeal to the Court of Appeal.
  - *A v B* [2016] Substantial claim against globally renowned celebrity by former employee.
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