

Timothy Adkin

Call 2004

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Introduction

Tim was called to the Bar in 2004. His areas of practice are Employment, Personal Injury and Clinical Negligence.

Tim's employment practice includes advisory work, drafting and advocacy acting for Respondents and Claimants in the Employment Tribunal, the Civil Courts, the Employment Appeals Tribunal and the Court of Appeal.

Tim's personal injury practice includes advisory work, drafting and advocacy in County and High Court actions, including cases where fraud is alleged and higher value cases with substantial claims for loss of earnings and care. He accepts instructions under Conditional Fee Agreements.

Tim is ranked as a leading junior in employment law by both the Legal 500 and Chambers and Partners legal directories.

Tim is a contributor to the Westlaw UK Insight series published by Sweet & Maxwell. He was a member of the Employment Lawyers Association work group on Zero Hours Contracts which consulted with Government over proposed legislation to ban exclusivity clauses. He regularly gives training to barristers, solicitors and clients and has given training for the Employment Lawyers Association (ELA) and the Government Legal Service. He is an advocacy trainer for Lincoln's Inn and a pupil supervisor in Chambers.

Tim is a member of the Employment Lawyers Association, the Employment Law Bar Association and the Personal Injury Bar Association.

Accreditations

- Has a solid employment practice adeptly handling complex whistle-blowing and discrimination matters. He is known for acting for respondents but represents claimants with increasing frequency.
Strengths: *"He has a good style with the judges and witnesses and he can engage with instructing solicitors and in-house lawyers."*
- *"Has a solid employment practice adeptly handling complex whistle-blowing and discrimination matters. Clients note that he has exceptional client-handling skills and that he is very approachable.... He is very*

diligent and readily available to provide clear and pragmatic advice... ..He does not sit on the fence and gives jargon-free advice and commentary.” Chambers & Partners 2017

- ‘He is extremely personable, down to earth and provides clear “waffle-free” advice.’ Legal 500 2016
- “His style of advocacy is measured and he is able to coax information out of witnesses with his line of questioning. His ability to draft detailed documents is also very impressive. Tim goes ‘beyond the brief’ in terms of support in preparing for a hearing. He gives pragmatic advice in relation to merits and strategy and is well informed of all the issues. He generates a good rapport with witnesses and is a great communicator.” Chambers & Partners 2016



Professional memberships

- Employment Law Bar Association
- Employment Lawyers Association
- Personal Injury Bar Association

Selected cases

Employment

- Successfully acted for an appellant in the Court of Appeal on application of the reversing burden of proof and in a separate appeal increased damages from £4,950 to £14,000.
- Successfully acting for a senior manager in a leading investment bank, the claimant in a £1.3m sex discrimination and constructive unfair dismissal claim.
- Acting for a respondent defending a group action brought by 19 claimants in the publishing sector with a total value in excess of £1m.
- Employment and shareholder dispute with a £700,000 total value. Successful in Employment Tribunal. Related proceedings in High Court pending.
- Acting in a constructive dismissal and breach of contract claim for a statutory Director who recovered £300,000 from his employer, a multi-national construction company.
- Successfully defending two separate multi-week whistleblowing claims for a Russell Group University.
- Acting successfully for a claimant in an 11 day whistleblowing claim against a NHS trust.
- Acting for a national retailer client in a 15 day disability discrimination claim in which there was national media interest.
- Advising the partnership of a national law firm on age discrimination and retirement of partners.

Appellate work

- *Durrant v Chief Constable for Avon & Somerset* ([2017] EWCA Civ 1275:successfully represented Appellant in Court of Appeal against the decision of the High Court arising out of the reversing burden of proof
- *Durrant v Chief Constable of Avon Somerset Constabulary (No. 2)* [2017] EWCA Civ 1808 [2018] IRLR 263 [2018] ICR D1 successfully represented Appellant in Court of Appeal against the assessment by the High Court of damages. First appeal case to consider the Presidential Guidance on injury to feelings awards. Court agreed to exercise its discretion to apply the uplifted awards, notwithstanding this case predated the implementation of the Guidance.
- *Mr A Dunn v Dairy Crest Limited* (UKEAT/0026/17/LA) – acted for the Respondent to the appeal which settled before the hearing of the appeal.
- *Moncrieffe v London Underground* (UKEAT/0235/16/DA) – successfully defended an appeal on extent of investigation leading to dismissal.
- *Hasan v Tesco* (UKEAT/0098/16/BA) – dealing with the notice requirements for preliminary hearings striking out claims, confirming the existence of a two stage test for strike out and that language difficulties should be taken account of (cited in *Harvey on Industrial Relations and Employment Law Division P1/ T Striking Out (1), (2) & (7)*).
- *Tesco v Kayani* (UKEAT/0128/16/DM) – successfully represented Appellant – adequacy of reasons to extend time (Reported in *Harvey on Industrial Relations and Employment Law Bulletin 461* (December 2016), see *Harvey on Industrial Relations and Employment Law/Division PI/1/G(2)(b)*).
- *Paramanathan v Tesco* (UKEATPA/1104/14/DA) Successfully defended appeal from decision of EAT Registrar on appeal time limits. Responded to application to Court of Appeal, decision pending.
- *Missirlis v QMUL* (UKEAT/0038/15/LA) – whether dismissal without a notice period unfairly deprived the claimant of the benefit of redeployment.
- *Allen v QMUL* (UKEAT/0265/15/JOJ) – adequacy of reasons for reduction of basic and compensatory awards for contributory fault.
- *Charles v Tesco* (UKEAT/0074/15/MC) – adequacy of reasons for finding of contributory fault. Appeals to the Court of Appeal pending.
- *Millett v Tesco* (UKEATPA/0676/13/DM) – circumstances in which medical evidence relevant to a poor performance dismissal.
- *Chelmsford College v Teal* (UKEAT/0277/11/CEA) – whether a resignation could be conditional or withdrawn by mutual consent.
- *Hussain v Mitie Security* (UKEAT/0342/08/CEA) – admissibility of fresh evidence.
- *Maley v Royal Mail* (UKEAT/0232/08/DM; see *Harvey Division AII/7/C(5)(c)*) – operation of statutory grievance procedure.
- *Smith v Veolia Environmental Service UK Plc.*(UKEAT/0585/07/DA) – informant and surveillance evidence in disciplinary proceedings.

Personal Injury

- Acting in a £500,000 claim in which claimant sustained life-long fibromyalgia including substantial claim for care.
- Acted in £450,000 claim in which wrist injury forced change of career.
- Successfully acted in a £300,000 claim, the majority of which was for loss of earnings capacity for a claimant who was disabled by the accident but remained in employment.
- Advising a family on complex case of brain function affected by carbon monoxide poisoning over a

sustained period.

- A number of cases involving fibromyalgia and Chronic Pain Syndrome.

Education

- The College of Law, London
- 2004 Bar Vocational Course
- 2003 Post-graduate Diploma of Law (PgDL)
- 1997 Bristol University BSc (Hons) Economics & Politics

Other information

- Before being called to the Bar Tim worked for 5 years as a management consultant, advising corporate and private equity clients on strategy and commercial due diligence in both London and New York.
- Tim was for seven years a trustee of 'Teach a Man to Fish', a charity which sponsors entrepreneurial projects in schools in the developing world.
- Tim's interests include skiing, tennis and hill-walking.