



## Thomas Westwell

Year of Call: 2018

Tom welcomes instructions in all of Chambers' core practice areas, with specialisms in employment and personal injury work. Tom appears regularly in courts and tribunals and has a thriving advisory practice. He appeared for the successful claimant in the Supreme Court in *Griffiths v TUI* (led by Robert Weir KC and Stephen Cottrell), a landmark case about fairness and the duty to cross-examine.

Tom has appeared as sole counsel in the High Court representing the claimant in an application for expedited trial of his claim against his former employer regarding the enforceability of a non-compete clause.

Tom was previously a solicitor at Freshfields Bruckhaus Deringer LLP. He spent four years after qualification as an associate in the employment, pensions, and employee benefits team, advising global clients on groundbreaking, multi-billion-pound transactions, high-value employment litigation and sensitive internal investigations.

In 2019-20, Tom was the judicial assistant to Lord Wilson and Lord Burrows at the Supreme Court. In that role Tom was involved in several leading cases in his areas of practice, and gained valuable insights which he now draws on as an advocate and adviser.

Tom prides himself on his persuasive advocacy, clear drafting style, exceptional diligence and ability to research complex points of law in service of his clients.

### Employment

Tom welcomes instructions on behalf of employees and employers.

Tom has appeared as sole counsel for a former employee in the High Court in proceedings regarding the enforceability of a restrictive covenant. Tom regularly appears on his own in multi-day employment tribunal hearings in unfair dismissal and discrimination claims, as well as appearing in preliminary hearings across the full range of employment law. He also advises in all areas of employment law.

#### Recent highlights include:

- *Patricot v Adrian Lee & Partners* [2023] EWHC 2493 (Ch) – Representing a former employee in the High Court in the hearing of an application for an expedited trial of his claim regarding the enforceability of a non-compete clause.
- Successfully representing a tech start-up in the two-day final hearing of a redundancy unfair dismissal claim (2023).
- Successfully representing a hotel chain in the final hearing of an unfair dismissal claim (2023).
- Successfully defending a catering services provider in a two-day hearing of a constructive dismissal claim brought by a former employee (2023).

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- Successfully defending a tech start-up against a former employee's claims for unpaid bonus and on-call allowances (2023).
  - Securing the strike-out of an employee's claims of race discrimination against his former employer, a restaurant business (2023).
  - Successfully defending a major retailer in a week-long hearing of a claim for unfair dismissal and disability discrimination (2022).
  - Representing a former employee of a major airline in a three-day hearing of his unfair dismissal claim (2022).

As a solicitor Tom advised clients on a range of issues, from employment status to the National Minimum Wage to TUPE transfers. He undertook secondments to the in-house legal teams of Novartis AG in Basel (in 2015) and Uber in London (in 2017-18), where he assisted with large international transactions and day-to-day employment issues.

During his time at the Supreme Court, Tom assisted Lord Wilson on the leading cases of Royal Mail Group Ltd v Jhuti [2019] UKSC 55 (concerning whistleblowing dismissal) and Royal Mencap Society v Tomlinson-Blake [2021] UKSC 8 (concerning the National Minimum Wage).

Tom is a member of the Employment Lawyers Association (ELA) and the Employment Law Bar Association (ELBA).

## Personal Injury

Tom is developing a busy personal injury practice. He has recently worked on the following matters as a junior to Robert Weir KC: - appearing (led also by Stephen Cottrell) in the Supreme Court in Griffiths v TUI [2023] UKSC 48 regarding fairness, expert evidence and the duty to cross-examine (reported in the national media here, here and here);

- drafting schedules of loss for claimants with four limb cerebral palsy in two separate, multi-million-pound claims;
- drafting a schedule of loss for a claimant with severe injuries following a road traffic accident; and
- providing research and other assistance in the Supreme Court appeal in McCulloch v Forth Valley Health Board [2023] UKSC 26 regarding informed consent and the doctor's duty to disclose "reasonable alternative treatments".

Tom has appeared in numerous fast-track trials in RTAs, employers' liability and occupiers' liability claims, representing both claimants and defendants. Tom is also comfortable representing clients in CCMCs.

Tom is a member of the Association of Personal Injury Lawyers (APIL) and the Personal Injuries Bar Association (PIBA).

## Commercial Litigation and Disputes

Tom welcomes instructions in all areas of commercial litigation.

### Recent highlights include:

- Representing consumers in Plevin claims regarding undisclosed PPI commission.

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- Representing a major energy company in a range of breach of contract claims brought by consumers.

## **Tax**

Tom welcomes instructions on behalf of both taxpayers and The Revenue.

### **Recent matters include:**

- acting for The Revenue (led by Chris Stone) in two large ongoing appeals concerning enterprise investment scheme relief under the Income Tax Act 2007;
- acting for The Revenue (led by Marika Lemos) in *Sheth v HMRC* [2023] UKFTT 368 (TC), a case concerning contractor loan schemes, the Rangers case and the validity of discovery assessments.

## **Academic**

BA Classics: Brasenose College, Oxford – Double First

GDL: BPP Law School, London – Distinction

LPC: BPP Law School, London – Distinction

BCL: St Cross College, Oxford – Distinction

## **Memberships & Associations**

APIL, ELA, ELBA, PIBA, COMBAR