

## Thomas Westwell

CALL 2018



## Areas of Expertise

- Personal Injury • Clinical Negligence • Employment • Tax • Financial Mis-Selling & Consumer Credit

Tom specialises in personal injury, employment and consumer finance work. He appears regularly in courts and tribunals and has a thriving advisory practice. He is ranked by Legal 500 as a Leading Junior in personal injury. He prides himself on his persuasive advocacy, clear drafting style, exceptional diligence and ability to research complex points of law to achieve results for his clients.

Tom has appeared in the Supreme Court and the Court of Appeal (led by other counsel) and in the High Court (as sole counsel). His appellate experience includes several important cases in personal injury and consumer finance:

- **Johnson v FirstRand Bank Limited (t/a MotoNovo Finance)** – acting in the Supreme Court (judgment awaited) and the Court of Appeal ([2024] EWCA Civ 1282) for the claimants in these appeals concerning undisclosed commissions paid to car dealers when arranging finance on behalf of customers (led by Robert Weir KC and Jonathan Butters) – one of The Lawyer's "Top 10 appeals of 2025";
- **Griffiths v TUI [2023] UKSC 48, [2023] 3 WLR 1204** – win for the claimant in the Supreme Court in appeal on fairness and the duty to cross-examine (led by Robert Weir KC and Stephen Cottrell);
- **Miller v Irwin Mitchell LLP [2024] EWCA Civ 53, [2024] 4 WLR 27** – whether a firm owed duties to a personal injury claimant when advising via its free legal helpline (led by Robert Weir KC).

Tom was previously a solicitor at Freshfields, where he spent four years after qualification as an associate in the employment, pensions and employee benefits team. In 2019-20, Tom was the

judicial assistant to Lord Wilson and Lord Burrows at the Supreme Court.

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## Recommendations

**'He is incredibly quick on his feet and is an outstanding advocate. He is intelligent, astute and can assimilate a huge amount of information and process it for lay clients in a calm manner which leaves them feeling very reassured.'** - Personal Injury, Legal 500 2026

**'He has outstanding knowledge and his preparation is outstanding. He is tactically astute and an excellent negotiator.'** - Personal Injury, Legal 500 2025

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## Expertise

### Personal Injury

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Tom has a specialist personal injury practice, acting primarily for claimants, and is ranked as a Band 3 Leading Junior in Legal 500.

Tom has recently worked on the following matters as a junior to **Robert Weir KC**:

- Appearing in the Court of Appeal (led also by William Thorpe) in **Miller v Irwin Mitchell LLP [2024] EWCA Civ 53, [2024] 4 WLR 27** regarding the duties owed by a firm's free legal advice helpline to an injured claimant;
- Appearing (led also by Stephen Cottrell) in the Supreme Court in **Griffiths v TUI [2023] UKSC 48, [2023] 3 WLR 1204** regarding fairness, expert evidence and the duty to cross-examine (reported in the national media [here](#), [here](#) and [here](#));
- Advising on issues arising under the Road Traffic Act 1988 in relation to the motor insurance liability cascade, and on the interpretation of various motor insurance policy provisions;
- 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.

Tom has an ever-growing caseload on the multi-track and intermediate track. In early 2025 he secured a settlement of c. £200k for a claimant who sustained a knee injury in an RTA aged 18 (instructed by Oliver Shaw of Serious Injury Law).

Tom has appeared in numerous fast-track trials in RTAs, employers' liability and occupiers' liability claims, representing both claimants and defendants. Tom is also adept in CCMCs and interlocutory hearings. In 2024 Tom succeeded in resisting a defendant's application for security for costs, made on the basis of alleged fundamental dishonesty, in a multi-track case where qualified one-way costs shifting (QOCS) applied.

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

## Employment

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Tom welcomes instructions on behalf of employees and employers. He regularly appears in multi-day employment tribunal hearings and has appeared unled in the High Court. He has conducted his own internal employment investigations. In all his employment work, Tom is able to draw upon his experience as a solicitor at Freshfields, where he advised multinational clients on a range of high-value and sensitive employment matters.

### Recent highlights include:

- Successfully securing dismissal on time-limit grounds of a claimant's sex and age discrimination claims against a retailer (2025)
- Successfully representing a car manufacturer at a hearing to determine whether the claimant was disabled, and obtaining deposit orders (2024)
- Successfully representing a construction company in a four-day final hearing of a race discrimination claim, including securing an unreasonable costs order against the claimant (2024)
- Successfully representing a retailer in a three-day final hearing of a disability discrimination claim (2024).
- Successfully representing a retailer in a four-day final hearing of an unfair dismissal, race and disability discrimination claim (2024).
- Representing the claimant in the High Court on an application for an expedited trial of his claim against his former employer as to the enforceability of a non-compete clause: *Patricot v Adrian Lee & Partners* [2023] EWHC 2493 (Ch).

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

## Financial Mis-Selling and Consumer Credit

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Tom represents consumers in claims arising from the non-disclosure of commission on payment protection insurance policies and on car finance commission payments.

On top of his trial experience, Tom has extensive appellate experience in this area:

- *Johnson v FirstRand Bank Limited (t/a MotoNovo Finance)* – acting in the Supreme Court (judgment awaited) and the Court of Appeal ([2024] EWCA Civ 1282) for the claimant consumers in these significant appeals concerning undisclosed commissions paid to car dealers arranging finance (led by Robert Weir KC and Jonathan Butters) – one of The Lawyer's "Top 10 appeals of 2025";
- *Self v Santander Cards UK Limited* [2024] EWCA Civ 1106 – assisting Jonathan Butters in the Court of Appeal in this significant case concerning the compromise of PPI Plevin claims.

Tom was instructed on the claimant's application for permission to appeal to the Supreme Court (led by Robert Weir KC and Jonathan Butters);

- **Orton v Barclays Bank (2025)** – Tom has been instructed in an application to the Court of Appeal for permission to appeal against a costs order for unreasonable conduct under CPR 27.14(2)(g) made against the claimant consumer in a PPI Plevin claim (led by Jonathan Butters); and
- **Arstall v Advantage (2024, County Court, unreported)** – Tom appeared unled for the claimant consumer in an application for permission to appeal a decision not to award compensation in a half-secret commission case.

## Tax

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Tom's tax experience includes:

- **CooperVision v HMRC** – acting for the Revenue (led by Akash Nawbatt KC and Georgia Hicks) in a ten-day final hearing in this complex case concerning the acquisition of a contact lens solutions business (hearing November 2024, judgment awaited);
- **Putney Power Limited and anor v HMRC [2024] UKFTT 00870 (TC)** – win for the Revenue in this appeal concerning enterprise investment scheme (EIS) relief under the Income Tax Act 2007 and when trade commences (led by Christopher Stone KC);
- **York SD Limited and ors v HMRC** – acting for the Revenue (led by Christopher Stone KC) in a nine-day final hearing in this case also concerning EIS relief and the commencement of trade (hearing May 2024, judgment awaited); and
- **Sheth v HMRC [2023] UKFTT 368 (TC)** – win for the Revenue in a case concerning contractor loan schemes, the Rangers case and the validity of discovery assessments (led by Marika Lemos KC).

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## Academic

Bachelor of Civil Law (BCL), St Cross College, Oxford – Distinction

GDL and LPC, BPP Law School, London – Distinction

BA Classics, Brasenose College, Oxford – Double First

King's College School, Wimbledon

Western Province Preparatory School, Cape Town

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# Memberships & Associations

APIL, PIBA, ELA, ELBA

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## Awards



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# For enquiries & instruction please contact



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