

## 3PB Barrister Profile



### Nicholas Robinson

Call 2006

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#### Academic Qualifications

BA Criminology & Sociology, The University of Liverpool (First Class Honours)

Postgraduate Diploma in Law, Manchester Metropolitan University

Bar Vocational Course, BPP London

#### Employment

Nick Robinson's employment tribunal work has included both Claimant and Respondent work relating to unfair dismissal (substantive and procedural, constructive or actual), wrongful dismissal, discrimination (sex, sexual orientation, race, age, disability, religion and belief; direct and indirect), harassment, victimisation, stress at work claims, TUPE, breach of contract, PIDA/whistleblowing claims, working time and unlawful deductions from wages. Nick has been instructed to draft a wide variety of employment pleadings and frequently advises parties pre- and post-action in industrial relations matters generally.

Nick has appeared in both the Employment Appeal Tribunal and the Court of Appeal on employment matters.

Nick developed his enthusiasm for employment work during pupillage by accepting instructions from the Free Representation Unit and representing a Claimant in a successful claim of unfair dismissal. He maintains a commitment to pro bono work and successfully represented a Claimant in a case arising out of a claim for retrospective access to an occupational pension scheme (part-time worker's pension case).

Nick is available for instructions in all areas of Employment Law and has a particular interest in unfair and constructive dismissal claims as well as those involving allegations of discrimination.

He is a member of the Employment Law Bar Association.

#### Recent Notable Cases

*Donna Norman v Yellow Pages* [2010] EWCA Civ 1395 - Appeal to the Court of Appeal (Civil Division) where it was held that if a compromise is agreed and it does not itself apportion its award between taxable and non-taxable elements, it is for the employee, not the employer, who pays the employee's tax

on behalf of the employee, to resolve the position with Revenue and Customs. Where compromise agreements do not apportion the award between taxable and non-taxable elements, for instance in respect of damages for injury to feelings, there is no contractual obligation on an employer to apportion amounts for payment of tax.

*Pankhurst t/a Mopdocs Barbers v Phillips* UKEAT/0040/09 - acting for the Respondent in a case involving claims for sex/pregnancy discrimination and unfair dismissal (EAT). The ET found in favour of the Claimant; the Respondent successfully appealed to the EAT on the grounds of inadequacy of reasons; at the re-hearing the ET dismissed the Claimant's claims.

*P v A* - successfully acted for the Respondent in an unfair dismissal claim. The Respondent had dismissed the Claimant for gross misconduct, namely for using and selling class A drugs at the workplace. During the course of the investigation witnesses had expressed fear of reprisals and so the evidence against the Claimant was redacted so as to maintain confidentiality. An order was sought at the ET for the bundle to be heavily redacted so as to maintain witnesses' anonymity.

*H v CEL* - successfully resisted claims for constructive unfair dismissal, disability discrimination and whistleblowing. The Respondent was a school for children with special needs and the Claimant was a member of staff. The unique feature of the case was that the Claimant's son was a student at the school and the Claimant herself suffered from mental ill health. Following a 7-day hearing the claims were dismissed.

*B v E* - successfully resisted a claim of unfair dismissal (redundancy case).

*D v GW* - represented the Claimant who successfully claimed disability discrimination, victimisation and unfair dismissal. This case involved a substantial sum of damages being awarded.

*F v H* - represented the Respondent in an age discrimination claim. Although the ET found in favour of the Claimant, on the basis that the arrangements for interviewing prospective employees including the Claimant were discriminatory, the Respondent successfully argued that the Claimant would not have been recruited in any event and the award for damages including injury to feelings was limited to a nominal sum.

*Sawle v Southampton Community NHS Trust & Secretary of State for Health / NHS Pensions Agency* - represented a Claimant in a part-time workers' pension / equal pay claim. The Claimant had worked for the NHS on a part-time basis for over 25 years. She had been excluded from the occupational pension scheme owing to her part-time status. The ET awarded her pension benefits retrospectively for a period exceeding 14 years; this followed a landmark House of Lords judgement in the case of *Preston & others v Wolverhampton Healthcare NHS Trust and others (No.3)* (Case number 507497/95).

*Robb v Collins* - unfair dismissal, wrongful dismissal. This case involved tandem civil proceedings for the recovery of monies that the Respondent asserted had been unlawfully and dishonestly obtained.

*D & Others v BTL* - Transfer of Undertakings (Protection of Employment) Regulations 2006 [acting for Respondent in case involving 12 Claimants].

## **Professional Bodies**

- Bar Pro Bono Unit
- Criminal Bar Association
- Employment Law Bar Association (ELBA)
- Free Representation Unit
- Human Rights Lawyers' Association