

Tim Goodwin

Call: 2019
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AREAS OF EXPERTISE

Employment & Discrimination, Personal Injury, Professional Regulatory & Discipline, Industrial Disease, International & Travel

2019: Called to the Bar | 2012: Admitted to the Solicitors' Roll

Tim is recognised as a leading employment junior who is described in the current edition of Legal 500 as “*first-rate*” and “*quick on his feet*”. His employment work is complemented by a personal injury practice that is focused on psychiatric injuries arising from workplace stress, harassment and bullying. Tim is currently Head of 12KBW’s Employment Practice Group and was a finalist for the Legal 500’s *Employment Junior of the Year 2023* award.

Tim qualified as a solicitor in 2012 and, before being called to the Bar, practiced as a Senior Associate in a Tier 1 rated City employment firm. In that role he was responsible for cases at all levels and across the broad spectrum of employment disputes. Tim’s considerable experience of employment disputes and civil litigation has furnished him with a level of expertise and knowledge that is well beyond his year of call, meaning that he is frequently instructed on complex, difficult and high-value cases.

Tim has considerable advocacy experience, appearing in tribunals and county courts on a near-daily basis. He also appears in the High Court and Employment Appeal Tribunal, often unled. Tim combines his court work with advisory and drafting work, and can be depended on to deliver results consistently, quickly and commercially. Additionally, Tim has extensive experience of alternative dispute resolution, including formal, informal and judicial mediations, settlement negotiations and arbitration.

Employment & Discrimination

Tim has experience of acting on and managing cases in the Employment Tribunal, EAT, High Court and Court of Appeal, where he has represented employers, employees and trade unions.

Tim has considerable expertise in all aspects of employment litigation, having practiced for seven years as a solicitor in top-ranked City practices before moving to the Bar. This experience means that Tim is frequently instructed on cases that are more complex than would be expected for someone of his year of call, and he regularly appears in Tribunal

against barristers significantly more senior than him. Tim's developed practice is reflected in his Legal 500 rankings, where he is placed in Tier 3 – the most junior practitioner in that band by many years.

Tim's experience of employment litigation includes:

- Unfair dismissal claims.
- Whistleblowing cases.
- Direct and indirect discrimination issues.
- Disability-related claims, including reasonable adjustments disputes.
- Equal pay claims.
- TUPE issues, including advice in respect of transfers and disputes arising from the same.
- Redundancy claims, including particular experience of collective consultation procedures.
- Union recognition and works council disputes.
- Wages, equal pay and unlawful deductions proceedings.
- Education claims, including the specific rules relating to teachers employed in the public sector.
- Professional disciplinary and regulatory matters.
- Costs cases in the Employment Tribunal.

Tim's recent cases include:

- Representing an international, household name charity at a multi-day discrimination and unfair dismissal hearing.
- Appearing, unled, for an employee at a whistleblowing hearing against one of the UK's largest political parties, listed for 15 days.
- Representing an employee in a difficult disability discrimination claim against a major international investment bank.
- Advising a multi-national fashion brand in a successful judicial mediation arising from a whistleblowing dispute.
- Acting for a respondent employer in successful strike-out and high-value costs applications in the Tribunal.
- Appearing for an individual in a professional regulatory dispute that engaged novel points of law.

Tim also has experience of employment appeals, including:

- Representing an employer at the EAT in an appeal concerning time limits and the effect of the rejection of a claim by the Tribunal.
- Appearing for a former employee at the EAT in a long-running, high-value sex discrimination and victimisation dispute.
- Advising an individual on the potential scope for appealing their claim to the Supreme Court.
- Acting for a claimant in a leading whistleblowing appeal at the Court of Appeal stage.
- Advising an employer as to grounds of appeal in the EAT regarding matters of quantum.

In addition, Tim has specialist knowledge and experience of advising on worker status and gig economy issues, and his commentary on the subject has been quoted by the *Guardian*, the *Independent*, the *Wall Street Journal*, *Vanity Fair* and the *BBC*. Tim has also provided media commentary on a range of other topics, such as the *Unison* Tribunal fees case, employment law pledges in election manifestos and settlement payments for senior government officials.

Tim's experience as a solicitor enables him to work well with those instructing him, especially where there is a need for him to take on a greater degree of the responsibility in order to reduce costs. Having worked in such environments, Tim is acutely aware of the need to provide client-friendly, commercial and prompt advice and support.

Tim also undertakes employment work on a public / direct access basis, and his skills and experience as a solicitor enable him to provide an invaluable additional perspective when doing so.

Tim is a member of the Management Committee and a statutory director of the Employment Lawyers Association, and a

member of 12KBW's employment group steering committee. Tim is a contributing editor to *Harvey on Industrial Relations and Employment Law*, and he founded and co-edits 12KBW's *Employment & Discrimination* blog.

Stress & Harassment

Tim has particular experience and expertise in psychiatric injury claims that arise from exposure to excessive workplace stress, harassment and bullying. Tim is able to utilise his significant experience in the employment field to bring a unique perspective, and provides added-value advice where there are crossovers between potential employment and personal injury claims.

Recent examples of Tim's experience of stress and harassment claims include:

- Appearing, unled, for an individual in High Court proceedings arising from a course of harassment over more than two decades and incurring very substantial damages.
- Advising on a string of cases in which a group of workers were subject to a course of racist and homophobic bullying, causing psychiatric injuries.
- Representing police officers who have suffered post-traumatic stress disorder caused by experiences they have been subjected to in the course of their duties.
- Advising on and drafting a claim for an employee who suffered a major psychiatric episode as a result of being subjected to significant over-working.
- Assisting a large UK Government department with a claim for psychiatric injuries arising from alleged overworking and racial harassment.

Business Protection & Restrictive Covenants

Tim has considerable experience of all types of cases relating to confidentiality, trade secrets and post-termination restrictive covenants, having specialised in these types of disputes whilst practising as a solicitor. Tim has a strong and respected practice at the Bar advising on and representing clients in these fast-paced, commercial employment disputes.

Tim's experience includes:

- Bringing and defending injunctions against employees who are in breach of their post-termination restrictive covenants.
- Team move disputes, including acting at an early stage to stop moves and defending against oppressive attempts to stifle legitimate competition.
- Trade secret litigation, including seeking orders for delivery up, search orders and security for costs.
- Various cases involving highly sensitive material, including working with confidentiality clubs.

Tim has worked on a number of cases in this arena, including:

- Appearing for a defendant employee in injunction proceedings relating to post-termination restrictive covenants. Tim was also instructed for the High Court speedy trial.
- Managing a High Court claim for breach of contract and damages arising from the same in respect of a large team move.
- Assisting with a large confidentiality dispute involving proceedings being issued in three different European jurisdictions.
- Working on proceedings involving ex-employees attempting to set up a hedge fund in competition with their former employer, using the employer's proprietary algorithmic data.
- Defending an individual in a vexatious breach of contract action brought in relation to excessive post-termination restrictions.

Tim's experience as a solicitor means that he is uniquely placed to take on a much greater share of responsibility than

clients might normally expect of Counsel. Tim has recently been instructed in an acrimonious restrictive covenant and confidential information dispute in which he was able to bring substantial added value because of such experience

Regulatory & Professional Discipline

Tim has experience of advising and representing clients in professional discipline and regulatory matters, especially in the financial services and the legal sectors.

Examples of Tim's work in this area include:

- Assisting a major UK financial regulator with an investigation of rule breaches by a well-known high street bank and its senior management.
- Appearing for a solicitor in a regulatory dispute regarding allegations of discrimination, which raised novel points of law.
- Advising an individual working for a global investment bank under investigation for alleged insider trading.
- Representing an individual in a claim arising from professional disciplinary proceedings brought by his regulator, including a complex, multi-day hearing to determine whether there is jurisdiction to hear such claims, in which Tim was successful.
- Assisting a private equity specialist with his exit from a firm of financial advisers following allegations of wrongdoing, including advising in respect of reports made to the FCA and future regulatory references.

Employer's Liability

Tim is well-placed to advise on all matters relating to employers' liability claims and is developing a robust practice in this area. Tim draws on his considerable experience and understanding of employment disputes to give unique insight into these cases, helping him on legal, strategic and commercial aspects of the dispute.

Tim has a good understanding of all areas of employers' liability claims, including the various health and safety regimes. He is able to advise on and has experience of:

- Claims in respect of the Workplace Regulations.
- Disputes arising from injuries caused by faulty or inappropriate equipment.
- Issues related to a failure to provide proper workstation materials and equipment.
- Claims arising from workplace accidents.
- Workplace stress and harassment claims.
- Industrial disease claims.

Additionally, Tim spent a number of months on secondment at a large Government department, during which time he worked on a large number of employers' liability disputes.

Tim's recent experience includes:

- Assisting with claims for both employers and employees in respect of personal injuries arising from discrimination, victimisation and harassment.
- Drafting pleadings for the defendant in a claim involving injuries sustained whilst conducting covert surveillance work.
- Advising on liability and quantum in respect of a claim for injuries sustained from electric shocks received from allegedly faulty workplace equipment.
- Assisting with a case involving burns sustained due to the carelessness of an employee's colleagues, including advice on vicarious liability relating to the same.

Advising on and drafting numerous noise-induced hearing loss claims, in particular where injuries have been sustained in a military context.

Investigations & Consultations

In addition to his statutory and High Court employment practices, Tim also conducts disciplinary, grievance and redundancy investigations, consultations, hearings and appeals. Tim's broad experience of employment disputes, together with his independence as a barrister, means that he is well-placed to step in where employers need an external third party to provide a fresh, independent perspective.

Recent examples of this sort of work include:

- Conducting a redundancy consultation process involving the closure of a business, including running a number of face-to-face and virtual meetings over two weeks.
- Considering and determining an employee's appeal against the employer's decision to dismiss for gross misconduct, including managing a detailed investigation into the background facts.
- Managing a grievance process and advising HR and business leaders on the appropriate steps to take.

Tim's previous experience as a solicitor is invaluable in this context, as it means he is used to working directly with and alongside lay clients as well as ensuring the advice he provides is always commercial, easily understood and not overly legalistic.

Cases

F v CS & Anor (ongoing, 2023): Tim has been instructed by an employer in Employment Appeal Tribunal proceedings that will consider how time limits for bringing dismissal and wages claims operate.

D v H & Ors (2023): Tim appeared for the Claimant in a whistleblowing claim brought against one of the UK's largest political parties, listed for 15 days. Prior to the hearing, Tim had been involved in advising on all aspects of the claim, including strategy and settlement, for a period of nearly two years.

E & Ors v C (2023): Tim advised on a complex age and disability discrimination claim brought by five employees against a semi-autonomous Government body. Tim appeared, led, for the Respondent at a judicial mediation in early 2023. Tim's detailed financial analysis of the claim led to settlement being agreed at approximately 10% of the value pleaded.

Da Silva v Elis UK (2022): Tim, instructed by Lewis Silkin, acted for the respondent to a disability discrimination claim at a multi-day hearing in November 2022, successfully defending all claims.

Boateng v Croydon LBC (2022): Tim defended a London Borough Council from claims brought by a serial litigant for pregnancy and maternity discrimination and holiday pay. The claims were universally rejected following a five-day hearing in July 2022.

Moore v Southern Housing (2022): Tim represented the respondent employer in a claim brought by a member of a far-right party for political belief discrimination. The claims were rejected following a multi-day hearing in March 2022 which received press coverage.

J v P & Ors: Tim advised on and appeared in a complex claim brought by former Managing Director of a medical organisation against his former employer and a number of employees and agents. The claim was listed for a 16-day hearing. Tim was heavily involved in negotiations, achieving a substantial financial settlement for his client.

Veselinovic v Curtin Communications Limited (2021): Tim appeared (led by Carolyn D'Souza) for the Claimant in a successful seven-day Tribunal hearing for a Finance Director who was dismissed because of protected disclosures she had made many years previously.

Chesterton Global Ltd & Anor v Nurmohamed & Anor [2018] 1 All ER 947: Tim worked on the first case to consider the public interest test in whistleblowing legislation, whilst employed as a solicitor. Tim worked on the early stages of the

Court of Appeal proceedings.

Ojelade v Genesis Housing Association Ltd (2018): Tim acted for the respondent in a discrimination and dismissal claim whilst employed as a solicitor. Tim represented the respondent at a hearing in which he successfully applied to have the claims struck out and the claimant pay the respondent's costs.

National Union of Mineworkers v Scargill [2012] EWHC 3750 (Ch): Shortly after qualifying as a solicitor, Tim assisted the Claimants in their successful, high-profile action concerning contractual employment benefits claimed by a former President of the Union after retirement

Qualifications

2008: MA (Hons), University of Edinburgh

2009: Graduate Diploma in Law, BPP

2010: Legal Practice Certificate, Kaplan law School

2010: LLB (Hons), Nottingham Trent University

2012: Admitted to the Roll of Solicitors

2014: Bar Transfer Test

Appointments & Memberships

Government Legal Department's *Junior-Juniors Panel*

Employment Lawyers Association

ELA Management Committee member and director

Industrial Law Society

Employment Law Bar Association

Personal Injury Bar Association

12KBW Employment Steering Committee

Publications

More than an injured feeling: personal injury claims in tribunal proceedings (ELA Briefing, March 2023)

Remote hearings: the good, the bad and the useful (ELA Briefing, July 2022)

Large-scale redundancies: the basic toolkit (ELA Briefing, July 2020)

Jhuti: a new approach to discerning the reason for dismissal? (ELA Briefing, March 2020)

Tim also founded and co-edits the 12KBW Employment & Discrimination Blog and is a contributing editor to *Harvey on Industrial Relations and Employment Law*.

Directories

Tim's knowledge of employment law and procedure is first-rate. His advocacy is measured and receptive. He is articulate and quick on his feet, has an engaging manner when before a tribunal, and inspires confidence in clients –
Leading Junior, Employment (Tier 3), Legal 500 (2024)

Tim is a highly effective advocate who concentrates on the key points in issue without sparing details where they are needed. His preparation is always comprehensive. In conference he listens with care and will consider a range of views, not simply seek to impose his own. He is very good with clients and highly personable and approachable overall –
Leading Junior, Employment (Tier 5), Legal 500 (2023)