

## Nicholas Toms



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### Profile

Prior to coming to the Bar, Nick Toms was a freelance journalist specialising in politics, current affairs, trade unions and labour relations. Nick is a member of the Haldane Society of Socialist Lawyers, GMB, UNITE. He is also Chair of Governors at a Community Primary School in Lambeth.

### Education

LLB (Hons) First Class

LLM (Cantab)

Major Scholarship: Middle Temple

### Related practice areas

Employment, Discrimination and Equality Law

Discrimination

Professional Discipline and Regulation

## Employment Law and Industrial Relations

Nick Toms is an experienced specialist in employment and discrimination law.

Nick is a very experienced employment and discrimination lawyer. He primarily represents Claimants in employment claims and has appeared in the employment tribunal, employment appeal tribunal and court of appeal. He has extensive experience representing Claimants supported by their trade union.

Nick is recommended by Chambers and Partners: where he is described as 'an extremely committed advocate for his clients'.

His practice includes all types of discrimination, trade union victimisation (including interim relief), internal disciplinary and grievance hearings, unfair dismissal, redundancy, breach of contract, restrictive covenants, whistle-blowing, working time regulations and industrial relations law.

Nick's significant cases include:

- O'Hanlon v Commissioners for Revenue and Customs [2007] IRLR 404 CA; [2006] IRLR 840 EAT
- Alexander v Bridgen Enterprises Ltd [2006] IRLR 422 EAT
- R (on the application of London Fire and Civil Defence Authority) v Secretary of State for Communities and Local Government and others [2007] EWHC 1176 (Admin)
- Oyarce v Cheshire County Council [2008] ICR 1179 CA
- Matuszowicz v Hull City Council [2009] IRLR 288 CA
- Vuoto v London Underground Ltd [2010] ET and EAT. Nick represented a disabled customer service assistant who suffered from multiple sclerosis. He secured findings of unfair dismissal and disability discrimination which were upheld by the EAT. He also successfully cross appealed at the EAT and secured an uplift in compensation of 10% for breach of the statutory dispute resolution procedures. Mr Vuoto eventually was awarded compensation of over £200,000.
- Lynch and Thomas v London Underground Ltd [2011] ET. Nick separately represented two train operators who had been dismissed. In both cases he obtained interim relief. In the case of Lynch, the Tribunal went on to find he had been unfairly dismissed for his trade union /health and safety activities. In the case of Thomas, the Tribunal concluded he had been unfairly dismissed. Both were reinstated by London Underground. A number of other union activists who had also been dismissed were subsequently reinstated on appeal.

- Consulting Association cases [2011-12]. Nick represented a number of construction workers who had been blacklisted through the Consulting Association. In the cases of Willis, Tattersfield and Acheson he secured findings that they had refused employment due to their record of trade union activity

Nick regularly provides training for trade unions, law firms and others in employment and discrimination law including for the TUC, NASUWT, NUT, USDAW, UNITE, GMB and various firms of solicitors. He has also given seminars on discrimination law in Trier and Berlin.

## Professional Discipline and Regulation

Nick has extensive experience in professional discipline and regulatory work. He has represented registrants in fitness to practise proceedings before the General Medical Council (GMC), the Nursing and Midwifery Council (NMC), the Health & Care Professions Council (HCPC), the General and Social Care Council (GSCC), the General Teaching Council (GTC) and the Bar Standards Board.

Nick has been instructed in a wide range of cases including allegations of lack of competence, substance abuse, gross negligence and dishonesty. He has particular expertise in medical and child protection cases. Nick has also presented appeals in the First Tier (Social Care) Tribunal. Recent cases have included:

- NMC v S [2012]. Representing a health visitor facing allegations concerning failings over child protection procedures and dishonesty at a five day hearing. Some of the allegations were dismissed following a submission of no case to answer and the remainder were found not proven.
- HCPC v D [2011]. Representing clinical psychologist facing allegations of clinical incompetence and practising in areas outside her expertise at a six day hearing. Some of the allegations were dismissed following a submission of no case to answer and the remainder were found not proved.
- GSCC v W and C [2011]. Representing the social worker and social work manager who had conduct of the Baby P case where the child was found to have died of significant injuries inflicted by the parents/carers. The allegations were admitted and they were given 2 month and 4 month suspension orders.
- GSCC v K [2012]. Appeal hearing at First Tier Tribunal concerning a social worker who had been suspended for two years for allegedly failing to follow child protection

procedures in a case concerning the death of a child. The findings of the GSCC in relation to the more serious allegations were overturned and the suspension was replaced with a two year caution order.

- GTC v G [2010]. Representing a teacher accused of failing to follow child protection procedures following an injury to a child at school. The allegations were found not proved.

Nick has provided training on professional discipline and regulatory work for the Legal Action Group

## Clinical Negligence and Personal Injury

Nick has represented a wide range of clients in personal injury claims including involving accidents at work and road traffic accidents.

## Administrative and Public Law

Nick's practise in public and administrative law primarily concerns employment related claims. Cases include:

- R (On the application of Stephen Dunbar) v Hampshire Fire and Rescue Service [2004] ACD 38 Admin. Nick successfully sought orders directing the Fire Service to reinstate four fire fighters whose dismissals had been overturned on appeal to the Secretary of State
- R (on the application of Claire Montgomery) v Herts CC [2006] IRLR 787. Nick successfully sought an order quashing a decision to ban a former social worker from entering a local authorities premises pursuant to her work with Hertfordshire University.
- R (on the application of Kent) v HM Prison Service [2010]. Nick successfully obtained an order quashing a decision to exclude an education contract worker without due process.
- R (on the application of Khan) v Ministry of Justice [2012]. Nick successfully obtained an order quashing a decision to exclude an education contract worker without due process.
- Nick prepared submissions to the Office of Fair Trading and represented the Independent Manchester United Supporters Association at the Competition Commission in the BSkyB merger inquiry.