

James Arnold

Year of Call: 2000

Direct Access: Yes

	james.arnold@outertemple.com
	020 7353 6381



James is a specialist in **employment and discrimination** law. His particular expertise lies in defending complex and high-value discrimination, protected disclosure (whistle-blowing) and detriment claims, as well as providing strategic advice on a broad spectrum of employment law issues.

He is predominately instructed by public & private-sector respondent organisations including police forces, NHS Trusts, universities, county councils and large corporate clients. In addition, he successfully represents claimant employees.

James also maintains an extensive and wide-ranging advisory practice on all aspects of employment law, including TUPE and pension transfers, redundancy issues, settlement agreements, equal pay claims, restrictive covenants and bonus schemes.

Other areas of expertise include conducting **internal investigations** (disciplinary & grievance), presenting or chairing internal hearings and appeals, witness training, **pension advice**, police collaboration agreements, ill-health retirements, police injury on duty awards, Police Medical Appeal Boards, policy & reputational issues and sensitive matters of national security, for which James has SC National Security Clearance valid until 18 August 2026. He also lectures extensively and provides training seminars.

As senior counsel, James is comfortable representing clients against leading juniors and KCs. Having formerly worked in the City, as well as completing pupillage at a leading shipping set, James is able to bring his commercial experience to bear on his employment practice.

James is able to accept instructions from corporate clients directly via the Public Access Scheme.

Areas of Expertise

Employment

James is an experienced employment law practitioner with a busy advocacy and advisory practice.

London (Main Office)

The Outer Temple, 222 Strand
London WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E: clarks@outertemple.com
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower
Abu Dhabi Global Market Square
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596
E: OTC-UAE@outertemple.com

Dubai

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Dubai International Financial Centre
Dubai, UAE

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F: +971 4401 9578
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Lalitcumar & Ghedri v Berkshire Healthcare NHS Foundation Trust

James successfully defended the Trust against a claimed £14 million loss by the Claimants. The liability hearing was listed for 4 weeks, with 19 witnesses for the Respondent, requiring all of their evidence to be properly marshalled and put to the Claimants. James cross-examined the Claimants for six days, after which they withdrew all of their claims. These highly complex proceedings involved numerous allegations, multiple causes of actions (including whistle-blowing and disability discrimination) and two separate claimants, needing a different approach to each cross-examination.

Robert Walker v Chief Constable of Cleveland Police

James recently persuaded an Employment Tribunal to widen the ambit of the decision in *Tiplady*, Court of Appeal, to encompass actions taken by the police as police service rather than as employer. The Claimant, an employee of the Force, had been arrested on suspicion of theft, and contended that it was because he was an employee whistle-blower. James was able to argue that, following *Tiplady*, this was an act of the Force as a police service, and not as an employer. The Employment Tribunal therefore lacked jurisdiction to hear such a claim. The decision was upheld upon reconsideration.

Confidential

In this highly confidential matter, James was able to achieve a near-seven figure settlement for his client.

Miss A. de Souza E Souza v Primark Stores Ltd. 2206063/2017

James represented the claimant, who is transgender, in this matter in her successful claims of gender reassignment discrimination and harassment. The case succeeded on almost all counts, was subject to a 25% uplift for ACAS-procedure failures and attracted national & industry media attention. Despite the modest income of the claimant, compensation was awarded in a sum around £49,000.

Memberships

- **Employment Lawyers Association (ELA)**
- **Employment Law Barristers Association (ELBA)**

Publications

Author of the chapter Employment & Whistle-blowing in Lissack & Horlick on Bribery

Recommendations

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