



Lydia Seymour

Year of call
1997

Email
businessclerks@outertemple.com

Lydia Seymour has a specialist pensions and employment law practice. She has been recognised by the legal directories as a leading junior since 2005 and is listed in both the employment and pensions categories.

Her practice includes all aspects of 'black letter' pensions law, including: de-risking, rectification, withdrawal arrangements in multi-employer schemes and trustee duties. Her clients include the Pensions Regulator, employers, trustees, trade unions and individuals.

She also acts in claims of professional negligence arising from actuarial and legal advice to pension schemes, including cases in which allegations of breach of duty have also been made in respect of professional or lay trustees.

Given the dual nature of her practice, Lydia has developed a particularly strong reputation in the areas of crossover between pensions and employment law, and she is instructed in many of the leading cases in this area, particularly those which raise issues of age or sex discrimination in relation to pension provision, TUPE and breach of trust and confidence.

She also has substantial experience of statutory schemes and advises regularly on issues relating to the Local Government Pension Scheme, the Teachers' Pension Scheme, University Superannuation Scheme and the NHS Pension Scheme.

Lydia has wide experience of employment and discrimination cases at all levels, appearing regularly in complex and high profile discrimination matters. She is also regularly instructed in claims arising out of the termination of employment, particularly those raising bonus or restrictive covenant issues.

London

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Lydia sat as a fee paid Employment Judge between 2005 and 2017.

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Pensions & Trusts

Lydia acts and advises in a wide range of contentious and non-contentious pensions work including 'black letter' pensions law; issues relating to statutory schemes and claims at the interface of pensions and employment law.

She has acted and advised (both alone and with leading counsel) in High Court claims raising issues of scheme amendment (including estoppel and misrepresentation); de-risking (including Courage fetter issues and the pensions / employment crossover implications); equalisation and rectification. She has advised the Pensions Regulator on issues including scheme closures, section 75 debts, clearance statements and auto-enrolment.

She also has substantial experience of professional negligence actions relating to pensions, including advising and acting in claims involving allegations against actuaries and legal advisors, limitation problems and complex issues relating to loss. She is currently acting for a former lay trustee of a large defined benefit scheme accused of breach of trust in connection with losses to a pension scheme following the collapse of the principal employer.

Lydia is a leading practitioner in cases which raise issues of both pensions and employment law, and she is instructed in many of the leading cases in this area. These include age discrimination claims arising from scheme amendments and redundancy situations; TUPE – related pension issues, particularly those relating to the implications of the Proctor and Gamble decision; claims for breach of the implied term of trust and confidence arising from non-pensionability agreements and de-risking exercises, and sex discrimination and equal pay claims including calculation of the pension entitlements of part time workers.

In relation to statutory schemes, Lydia advises regularly on applications and responses in proceedings before the Pensions Ombudsman and has wide experience of the Local Government Pensions Scheme (LGPS), Teachers' Pension Scheme (TPS), University Superannuation Scheme (USS) and the Principal Civil Services Pension Scheme (PCSPS). She has also advised trade unions on issues arising from the NHS Pension Scheme and Firefighters' pensions.

Lydia is retained by a number of local authorities to give ongoing advice about issues arising under the LGPS, including: admission agreements; exit payments; guarantee bonds and TUPE problems. She also advises schools, colleges and other bodies on issues arising under the LGPS and TPS.

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Cases

Sergeant & Others v Department for Constitutional Affairs & Others [2018] 3 All E.R. 245

Acted for the successful Claimants (led by [Andrew Short QC](#)) in this claim brought by over 6,000 firefighters claiming age discrimination, equal pay and sex and race discrimination in relation to the transitional provisions of the new firefighters' pension scheme.

Europe Arab Bank & others v Everest (Chancery Division 2018)

Acted for the Representative Beneficiary in this complex claim for rectification of three separate pension deeds.

FBU v Fordham (Chancery Division 2018)

Acted for the employer in this appeal against the finding of the Pensions Ombudsman concerning the interpretation of scheme and contractual provisions and limitation.

Rockwool Limited v Rockwool Trustee Limited & Mr Philip D'Costa/Mrs Linda Lewis (Chancery Division 2017)

Part 8 claims in the Chancery Division addressing issues of scheme amendment, extent of Courage fetter, equalisation and scheme closure. Acting for the company (led by [Richard Hitchcock QC](#)).

Hunter & others v Chief Constable of the Ministry of Defence Police & others (2017)

Discrimination and equal pay claims being brought by over 1000 officers of the Ministry of Defence Police following changes to the Civil Service Pension Schemes.

Batiste & Pirouet v The States of Guernsey (Royal Courts of Guernsey, 2017)

Advising the claimants in this claim for breach of contract and age discrimination arising from the change to public sector pension provision in Guernsey.

Secretary of State for Communities & Local Government v The Fire Brigades Union (Chancery Division 2016)

Acted for the Defendant (led by Antony White QC) in this Part 8 claim in the Chancery Division brought by the Secretary of State seeking a declaration as to whether the certain terms of the Firefighters'

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Pension Scheme constituted age discrimination.

O'Sullivan v London Underground Limited (2016) UKEAT/01523/15/DA

Appeal to the EAT against the award of death in service and pension benefits to the dependants of an employee who died during the course of Employment Tribunal proceedings. Appeal to the Court of Appeal pending.

Lees v Imperial College of Science Technology and Medicine (2016) UKEATPA/0526/15/RN

Appeal to the EAT on an age discrimination claim relating to an employer's refusal to declare an employee redundant in circumstances in which an enhanced pension would be due.

IBM United Kingdom Holdings Ltd & Another v Dagleish & Others [2015] Pens L.R.99

Appeared for the Representative Beneficiaries in the IBM v Dagleish remedies hearing (led by [Nicolas Stallworthy QC](#)).

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Employment & Discrimination

Lydia has over twenty years' experience of all aspects of employment and discrimination law. Latterly she has specialised in complex discrimination claims (including claims at the interface of pensions and employment law) and High Court bonus and restrictive covenant issues.

Comments in the legal directories include: "*Razor-sharp, with encyclopaedic knowledge of the constantly shifting field of employment law*"; "*flexible, unfussy and totally on the ball*" and "*calm, thoughtful and a great advocate*".

Recently, Lydia has been instructed by both employers and employees on a number of claims raising issues of age discrimination and pension entitlement (including claims relating to transitional provisions in scheme amendments and redundancy), as well as acting in a number high profile claims brought by senior women working in the city alleging structural sex discrimination in relation to bonus payments and promotion.

She acts for companies, individuals and trade unions, and advised the Commission for Equality and Human Rights on aspects of the Equality Act 2010.

Lydia was a fee paid Employment Judge between 2005 and 2017. She also co-edits the Employment sections of Butterworths' Civil Court Practice (*The Green Book*) and is a co-editor of *Tottels Discrimination Law*.

Cases

Amissah & Others v London Underground Limited & another – Court of Appeal (2019)

Acted for the Respondent in a this high-profile group claim under the Agency Workers Regulations concerning the liability of the end user of agency workers in a situation in which money is withheld by an employment agency which subsequently goes into liquidation.

Sargeant & Others v Department for Constitutional Affairs & Others [2018] 3 All E.R. 245

Acted for the successful Claimants (led by **Andrew Short QC**) in this claim brought by over 6,000 firefighters claiming age discrimination, equal pay and sex and race discrimination in relation to the transitional provisions of the new firefighters' pension scheme.

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Parker v Medical Defence Union & Another (2017) UKEAT/0113/17/DA

Acted for the Claimant in this EAT claim raising novel issues relating to the appropriate basis of calculation of pension benefits for members of final salary schemes who worked both part time and full time during their working life.

O'Sullivan v London Underground Limited (2016) UKEAT/01523/15/DA

Appeal to the EAT on the award of death in service and pension benefits to the dependants of an employee who died during the course of Employment Tribunal proceedings. Appeal to the Court of Appeal pending.

Lees v Imperial College of Science Technology and Medicine (2016) UKEATPA/0526/15/RN

Appeal to the EAT on an age discrimination claim relating to an employer's refusal to declare an employee redundant in circumstances in which an enhanced pension would be due.

Weerasinghe v Basildon & Thurrock NHS Trust UKEAT/0397/14/RN [2016] ICR 305

Two appeals to the EAT during 2015 – one on the meaning of the term '*cross appeal*' in the context of EAT procedure, and the second on the correct approach to be taken by an Employment Tribunal in deciding whether there has been discrimination arising from disability.

Tan v McDermott, Will and Emery (2014)

Successful claim for pregnancy discrimination, victimisation and unfair dismissal brought by senior solicitor.

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Insolvency & Restructuring

Lydia has extensive experience of insolvency related matters with a particular emphasis on pensions and employment related claims. In particular the duties of pensions trustees and professional advisers, and directors' duties/entitlements relating to their own pension provision in an insolvency context.

Current/recent cases include:

- **Re Axminster Carpets.** A multi-million pound claim against the lay trustees and former professional advisers of the Axminster Carpets Pension Scheme who were accused of breach of duty and negligence in relation to decisions taken regarding the Scheme prior to the group's insolvency;
- **A tracing claim by a liquidator** for monies paid by Company directors into SIPPs shortly before a company's insolvency;
- **Advising the Pensions Regulator** on issues relating to the identification of statutory employers and former employers in insolvency situations;
- **Amissah v London Underground Limited.** Court of Appeal decision on the liability of a hirer in circumstances in which an employment agency has become insolvent owing money to agency workers.
- **Numerous cases** concerning the recovery of sums due to employees following insolvency.

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Appointments & Memberships

- APL
- ELBA

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Recommendations



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Testimonials

“She is exceptionally good and knows everything there is to know about employment law; she’s a wonderful tactician.” **Employment, Chambers & Partners 2020**

“She’s excellent on paper and on her feet, technically excellent and a pleasure to work with.”
Employment, Chambers & Partners 2020

“She is hugely talented and has excellent skills and ability.” **Pensions, Chambers & Partners 2021**

“She is absolutely fantastic to work with and an expert on discrimination matters.” **Pensions, Chambers & Partners 2021**

“Really knows her subject, prepares very diligently, is unfailingly helpful, and utterly fearless in court.” **Employment, Legal 500 2021**

“She has excellent attention to detail, and is hardworking and knowledgeable in the pensions field.” **Professional Negligence, Legal 500 2021**

“Very insightful. Quick to grasp the key issues and navigate the way to a practical outcome. Excellent attention to detail. Hard-working and knowledgeable. Easy to work with.” **Pensions, Legal 500 2021**

“Phenomenally pragmatic, very clear and concise, and extremely commercial.” **Employment, Chambers & Partners 2020**

“She’s very bright and has excellent strategic and tactical acumen.” **Employment, Chambers & Partners 2020**

“Lydia is always willing to go the extra mile for her clients. She is incredibly thorough and always well prepared.” **Pensions, Chambers & Partners 2020**

“She is very strategic and a deep thinker. She’s incredibly good at relaying complex pensions issues in simple terms.” **Pensions, Chambers & Partners 2020**

“An extremely able counsel; client friendly, clear, strategically and legally astute and a real pleasure to work with.” **Employment, Legal 500 2020**

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"A go-to junior in the employment/pensions area." **Pensions, Legal 500 2020**

"She is experienced in pensions-related professional negligence." **Professional Negligence, Legal 500 2020**

"She is excellent and incredibly hardworking." **Employment, Legal 500 2019**

"Very responsive and proactive." **Pensions, Chambers & Partners 2019**

"...has a good handle on the detail." **Pensions, Chambers & Partners 2019**

"Very knowledgeable, intelligent and personable." **Employment, Chambers & Partners 2019**

"...has an in-depth knowledge of the law." **Employment, Chambers & Partners 2019**

"A good strategic thinker. She has an amazing ability to distil complex concepts to a digestible form." **Employment, Chambers & Partners 2018**

"Incredibly thorough and puts everything into the case, leaving no stone unturned." **Employment, Chambers & Partners 2018**

"She is incredibly thorough, well prepared and always willing to go the extra mile for her clients." **Pensions, Chambers & Partners 2018**

"She is very methodical, very personable and a very good team player." **Pensions, Chambers & Partners 2018**

"She is an excellent advocate, who is incredibly hardworking, strategic and insightful." **Employment, Legal 500 2017**

"She is a very good communicator and has the benefit of good experience in both pensions and employment law." **Pensions, Chambers & Partners 2017**

"She manages to translate pension issues into layman's terms." **Pensions, Chambers & Partners 2017**

"She is a good team player who will fight the client's corner. She is also very thorough." **Employment, Chambers & Partners 2017**

"She leaves the client with the clear sense that they have had the best possible representation." **Employment, Chambers & Partners 2017**

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"Quite simply awesome; she combines clear and practical advice with being extremely responsive."

Employment, Legal 500 2016

"Always well-prepared, she's flexible, unfussy and totally on the ball." **Chambers & Partners 2016**

"She is able to instill a high degree of confidence in her clients; she takes account of all of their issues and is able to present them in a very effective way." **Chambers & Partners 2016**

"Razor-sharp, with encyclopedic knowledge of the constantly shifting field of employment law." **Legal 500 2015**

"Very collegiate and always willing to put herself out." **Chambers & Partners 2015**

"She has really good insight into how to present a case effectively, and is very calm even in the most tense situations." **Chambers & Partners 2015**

"Fights tooth and nail to enhance her client's position." **Legal 500 2014**

"Thorough, thoughtful and commercial" **Chambers & Partners**

"Calm, thoughtful and a great advocate." **Chambers & Partners**

"Extremely insightful and a very creative thinker" **Chambers & Partners**

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