



Naomi Ling

Year of call
2001

Email
naomi.ling@outertemple.com

Naomi Ling is a specialist in employment law and pensions law. She is recognised for her expertise and experience in both fields, particularly in areas where there is overlap between the two disciplines. She is especially rated for her strong client skills, excellent judgment and meticulous preparation.

In employment law, Naomi represents both employers and employees across the full spectrum of employment law issues. She is regularly in the Employment tribunal, Employment Appeal Tribunal, County Court and High Court, and has appeared both led and unled in the Court of Appeal.

Recent cases of note include an instruction as specialist pensions counsel for the government in the 2019 Rail Franchising litigation brought by Stagecoach and others against the Department of Transport. Naomi is also currently acting for over 200 judges in their claims of age, sex and race discrimination in the landmark case of *McCloud v Ministry of Justice* [2019] IRLR 477 in which she and Andrew Short QC were successful in the Court of Appeal in 2019 and which remedy is now being determined. Naomi was also successful in the EAT in the case of *Page v Lord Chancellor and Chief Justice* UKEAT/0304/18/LA which is now under appeal to the Court of Appeal and which is due to be heard later this year.

In pensions law, Naomi acts for employers, trustees, employees and statutory authorities on a range of different issues. Her caseload includes claims for professional negligence arising out of failed amendments to pension schemes, claims for rectification of pension trust deeds and rules, claims relating to the construction of trust documentation, statutory provisions and employment contracts, and numerous claims relating to individual entitlements. She has a particular interest in public sector schemes and issues and is a member of the Association of Pension Lawyers' Public Sector sub-committee.

Naomi was appointed to the A Panel of the Attorney General's Counsel to the Crown in 2020 after

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completing a seat on the B Panel. She undertakes public law work in her areas of specialism.

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Employment & Discrimination

Naomi is an experienced employment law practitioner with a busy advocacy and advisory practice. She appears regularly for both claimants and respondents including NHS Trusts, government departments, financial institutions, charities, and retail organisations.

Her claimant work includes a strong strain of trade union related work and she has appeared before the Central Arbitration Committee.

Recent Cases

[Kunjuraman v Zaha Hadid Ltd](#)

Representing the claimant, general counsel of an international architectural practice, in her claim for detriment and dismissal on the grounds of public interest disclosures, in a preliminary hearing to determine whether her disclosures amounted to protected disclosures. The issues included whether and in what circumstances statements that are themselves privileged could amount to protected disclosures, and therefore what kind of protection the whistleblowing provisions offer to in-house lawyers.

[Page v Lord Chancellor and Lord Chief Justice](#) [UKEAT/0304/18/LA](#)

Successfully represented the Lord Chancellor and Lord Chief Justice, unled, in an appeal from the employment tribunal by the claimant. The claimant claimed he had been victimised and his Article 10 rights breached when he was removed following the magistracy following an appearance on breakfast TV in which he stated that he believed that it was most natural for children to be adopted by a man and a woman.

Media coverage can be read [here](#).

[Corsham v Essex Police and Crime Commissioner](#) [\[2019\] EWHC 1776](#)

Represented the claimants, unled, in a claim in the High Court on appeal from the Pensions Ombudsman for negligent misstatement and breach of the *Scally* implied term. The Claimants had had a protected pension age of below 55 but this was lost when they were re-employed within a month of retirement, resulting in huge personal tax liabilities. The High Court found that the pensions

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administrators should have known about the relevant tax rules and had misled the claimants as to the true implications of re-employment.

[Acetrip v Dogra UKEATPA/0329/18/BA](#)

Represented the appellant in an application to extend time for appealing to the EAT. An extension would have been granted for failing to appreciate the time limit of 16.00pm given the appellant's family circumstances but not for the failure to attach the ET1 and ET3 to the application.

[Instructed in equal pay claim against Morrisons](#)

Instructed in a large group litigation claim for equal pay against the supermarket chain Morrisons, led by Andrew Short QC.

[Network Rail Infrastructure Ltd v Crawford \[2019\] EWCA Civ 269](#)

Represented the claimant, unled, in this appeal to the Court of Appeal about the definition of 'compensatory rest break' of twenty minutes and whether it was acceptable to provide it in multiple discontinuous chunks.

[McCloud v Lord Chancellor and Secretary of State for Justice \[2019\] IRLR 477](#)

Successful before the Court of Appeal in this challenge to the legality of the transitional protection afforded pursuant to the Public Sector Pensions Act 2013. The Court of Appeal held that the decision to protect those within ten years of retirement was 'irrational'. Led by Andrew Short QC.

[Ball v First Essex Buses \(ET\)](#)

Successfully represented the Claimant in a claim for unfair dismissal for having failed a drugs test. The case received some attention in the general and legal press, which can be read [here](#).

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Pensions & Trusts

Naomi undertakes a broad range of pensions work and is experienced in professional negligence, rectification and Part 8 construction matters in the High Court, alongside advising employers on commercial and drafting matters and companies and individuals on personal entitlements.

Her advisory work includes advice to government departments as to the legislative provisions applying to statutory pension schemes, their legal and practical position in respect of private occupational pension schemes with which they are concerned, and their public law duties and obligations in relation to such schemes.

She has also negotiated and drafted indemnities for employers, has advised employers on the closure of schemes to future accrual, their obligations under the Information and Consultation Regulations, and on the entitlements of employees under their contracts of employment.

Naomi has taken a particular interest in public sector pensions issues and is familiar with the Local Government Pension Scheme, the Teachers' Pension Scheme, the Universities Superannuation Scheme, the Police Pension Scheme, the Firefighters Pension Scheme, the NHS Pension Scheme, the Judicial pension schemes and others. She advises admission bodies on their obligations under these schemes both to the public sector and to their employees, and advises employees on their personal entitlements.

Recent Cases

2019 Rail Franchising.

Instructed as specialist pensions counsel in this claim brought by Stagecoach and others against the Department of Transport. Naomi was a member of a team of 11 counsel defending this claim which was heard over four weeks in the Technology and Construction Court in early 2020. The issues in the case were wide ranging and encompassed principles of judicial review and EU procurement law

[Speed v Teachers Pensions and Department of Education \[2019\] EWHC 3108 \(Ch\)](#)

Represented the respondents in an appeal from the pensions ombudsman, in relation to the requirements of the Teachers Pensions Regulations 2010 for applications for ill health pensions.

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[Corsham v Essex Police and Crime Commissioner](#) [2019] EWHC 1776

Represented the claimants, unled, in a claim in the High Court on appeal from the Pensions Ombudsman for negligent misstatement and breach of the *Sally* implied term. The Claimants had had a protected pension age of below 55 but this was lost when they were re-employed within a month of retirement, resulting in huge personal tax liabilities. The High Court found that the pensions administrators should have known about the relevant tax rules and had misled the claimants as to the true implications of re-employment.

[Booth and Jones v Mid and West Wales Fire and Rescue Authority](#) [2019] EWHC 790 (Ch)

Acted for the claimants, led by Andrew Short QC, on an appeal from the Pensions Ombudsman in relation to the interpretation of the Firefighters Pensions' Order 1992 and the Firefighters Pensions Regulations 1996 as to the meaning and treatment of pensionable pay and specifically the treatment of various allowances.

[McCloud v Lord Chancellor and Secretary of State for Justice](#) [2019] IRLR 477

Successful before the Court of Appeal in this challenge to the legality of the transitional protection afforded pursuant to the Public Sector Pensions Act 2013. The Court of Appeal held that the decision to protect those within ten years of retirement was 'irrational'. Led by Andrew Short QC.

[Merry v Ministry of Justice](#) [2018] EWCA Civ 2461

Represented the claimant, unled, in an appeal to the Court of Appeal from the judgment of the High Court as to the meaning of 'basic pay' in the Principal Civil Service Pension Scheme, and specifically whether varying hours worked by the claimant in addition to fixed contractual hours fell within the definition of 'basic pay'.

[Pinnock v Avon Trustees Ltd](#)

Instructed, led by Keith Bryant QC, to represent the representative beneficiary in Part 8 proceedings in relation to the construction of a *Courage* fetter.

[CGI Ltd & Ors v Radcliffes \(A Firm\)](#)

Instructed unled to represent the claimants in a professional negligence claim arising out of a failure validly to effect changes to a pensions trust deed and rules.

[Baugniet v Teachers Pensions and Department for Education](#) [2017] EWHC 501 (Ch)

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Represented the Department for Education in appeal from the pensions ombudsman on wideranging issues including breach of duty of care, legitimate expectation and human rights, following a pensions transfer from the Teachers Pension Scheme in which the applicable transfer factors changed in between the provision of a quote and the payment of the transfer.

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Appointments & Memberships

- Association of Pension Lawyers
- Discrimination Law Association
- Employment Law Bar Association
- Employment Law Association
- Industrial Law Society



Read Naomi's [Privacy Policy](#) and [Data Retention and Disposal Policy](#).

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Recommendations



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Testimonials

"She's a brilliant junior with beautiful drafting and excellent analytical skills." **Employment, Chambers & Partners 2021**

"She's outstanding: very intellectual has a great manner in court." **Employment, Chambers & Partners 2021**

"She is very sharp, very bright and extremely personable." **Pensions, Chambers & Partners 2021**

"She offers something quite special." **Pensions, Chambers & Partners 2021**

"A strong litigator who is trusted by clients. She is particularly impressive in her detailed analysis of large amounts of evidence/disclosure and her ability to separate the wheat from the chaff." **Employment, Legal 500 2021**

Very insightful. Quick to grasp the key issues and navigate the way to a practical outcome." **Pensions, Legal 500 2021**

"A brilliant legal mind and a very effective advocate." **Employment, Chambers & Partners 2020**

"A tenacious and driven advocate." **Employment, Chambers & Partners 2020**

"She is commercial and strong on issues where there is an overlap between pensions and employment." **Pensions, Chambers & Partners 2020**

"She really cares about the issues and is very committed and bright. She's good at finding the solutions to things, and she'll always find an angle." **Pensions, Chambers & Partners 2020**

"Excellent at keeping the confidence of clients." **Employment, Legal 500 2020**

"Fearless in litigation and does not sit on the fence." **Pensions, Legal 500 2020**

"She is very clear in her advice and works very well as part of the client's team. Her knowledge of pensions law is invaluable." **Pensions, Chambers & Partners 2019**

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“Bright, pragmatic and a joy to work with.” **Pensions, Chambers & Partners 2019**

“A very good junior who provides clear advice. She is also responsive and helpful.” **Employment, Chambers & Partners 2019**

“She receives praise for her public sector pensions knowledge.” **Pensions, Legal 500 2019**

“She is highly intelligent and works relentlessly for her clients.” **Employment, Legal 500 2019**

“Really easy to deal with. She is responsive and turns things around quickly.” **Employment, Chambers & Partners 2018**

“Very thorough, very hard-working and very effective in tribunal.” **Employment, Chambers & Partners 2018**

“She is well organised and thoughtful in both a technical and strategic sense. She has an ability to appreciate the ultimate client concerns and seeks to address those sensitively, while also making sure that the right steps are being taken in a case.” **Pensions, Chambers & Partners 2018**

“She pays excellent attention to detail and has great client care skills.” **Pensions, Chambers & Partners 2018**

“A tenacious advocate.” **Pensions, Legal 500 2017**

“She is clever, hardworking and knowledgeable.” **Employment, Legal 500 2017**

“She’s very thorough and user-friendly.” **Pensions, Chambers & Partners 2017**

“She’s very bright and super-reliable.” **Pensions, Chambers & Partners 2017**

“She is on top of her stuff, calm and confident in her advocacy and is unfazed in tribunal.” **Employment, Chambers & Partners 2017**

“She is very bright, very good with clients and very responsive.” **Employment, Chambers & Partners 2017**

“She has a robust and reassuring presence in court.” **Pensions, Legal 500 2016**

“She is always thoroughly prepared and instils confidence in clients through her knowledge of their case.” **Employment, Legal 500 2016**

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"She is intellectually fearsome whilst also being personable and accessible – it's a crucial mix at the modern Bar.", "One of her big strengths is her ability to cut through a large amount of information to sift out what's relevant." **Employment, Chambers & Partners 2015**

"Very knowledgeable and always prepared to put in unsocial hours and days to get the job done." **Pensions, Chambers & Partners 2015**

"She can think on her feet and is always meticulously prepared." **Employment, Legal 500 2015**

"Highly regarded for entitlements and pensions negligence." **Pensions, Legal 500 2015**

"She gets on very well with clients and is very good at tailoring her advice to suit the particular needs of the client.", "She is very good at managing fact-heavy cases." **Employment, Chambers & Partners 2014**

"Extremely diligent, clear and authoritative." **Pensions, Chambers & Partners 2014**

"Achieves excellent results." **Employment, Legal 500 2014**

Naomi Ling "Explains complex legislation in a way that is easy for clients to understand." **Pensions, Legal 500 2014**

Naomi Ling is noted for her "very good judgement, and extremely thorough approach." **Employment, Legal 500 2013**

Naomi Ling exhibits "great attention to detail, and is always prepared to put in the hours to get a job done." **Pensions, Legal 500 2013**

Highlighted as a name to watch, Naomi Ling inspires "complete confidence." **Pensions, Chambers & Partners 2013**

"Garnering praise is Naomi Ling, whom market observers applaud for her technical expertise in pensions work and strong client facing skills." **Pensions, Chambers & Partners 2012**

Naomi Ling gives "very clear advice." " **Pensions, Legal 500 2012**

"Good response times and well thought-through advice." **Pensions, Chambers & Partners 2011**

Naomi Ling is an "excellent junior who gets to the heart of the issue very quickly." **Pensions, Legal 500 2011**

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“Extremely effective and a star in the making.” **Pensions Legal 500 2010**

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