



Patrick Tomison

Year of Call: 2018

Direct Access: No

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Patrick has developed a broad commercial practice, with a particular focus on **pensions, employment**, information law and **financial services**.

He has appeared before the High Court, County Court, First-tier Tribunal (Information Rights), Employment Appeal Tribunal and Employment Tribunal. Patrick also has experience in group litigation with a **professional negligence** and fraud focus.

Patrick has a particular interest in data protection, where he has experience of litigation involving the GDPR and the data protection framework, and in the regulatory aspects of both pensions and financial services matters. He has been on secondments to the FCA and TPR and continues to be instructed by them.

Prior to joining chambers, Patrick worked in the Court of Appeal as the judicial assistant to Sir Ernest Ryder, the Senior President of Tribunals.

Areas of Expertise

Pensions

Patrick provides advice and representation across all areas of pensions law. He has experience in Part 8 claims, professional negligence actions, advisory work, complaints to the Pensions Ombudsman and in regulatory aspects of pensions law.

Patrick is a contributor to the Pensions chapter of Atkin's Court Forms and a member of the Association of Pension Lawyers. He has completed secondments to the Pensions Regulator, where he worked on pensions superfunds, and the FCA, where he worked on the Handbook rules for pensions dashboards. He has given talks on pensions law, including on actuarial confirmation in the context of section 67 of the Pensions Act 1995 and Pensions Ombudsman decisions.

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Notable Pensions cases

- Junior Counsel for the representative beneficiary (led by **Andrew Short KC**) in *Virgin Media Ltd v NTL Pension Trustees II Limited and others* [2023] EWHC 1441 (Ch). The claim concerns the consequences for contracted-out schemes of making amendments to scheme rules without obtaining the statutory actuarial confirmation

- Junior Counsel for the trustee and company (led by **Richard Hitchcock KC**) in a professional negligence claim brought against former solicitors in relation to a failed amendment due to a fetter on the scheme's power of amendment

- Instructed as part of the counsel team in relation to the appeal against the judgment in *Railways Pensions TCL v Atos IT Services UK Ltd and another* [2022] EWHC 3236 (Ch)

- Counsel (unled) for the trustee in two claims for recovery of overpayments made to former members of an occupational pension scheme

- Advising a pensioner and drafting pleadings in a complaint to the Pensions Ombudsman regarding the application of the Firefighters' Compensation Scheme

Commercial and Chancery

Patrick is developing a broad commercial practice and has appeared in court in a variety of contractual claims. Patrick's advisory and drafting work has covered breach of contract, insolvency and restitution claims.

Examples of recent instructions include:

- Advice on liability and drafting of pleadings in a breach of contract claim against the former director of a company which had been dissolved
- Advisory work on breach of contract claims involving issues of contractual interpretation
- Acting for the Claimant, former director and shareholder, in a dispute over remuneration involving allegations of illegality and breaches of the Companies Act.

Information rights

Patrick is experienced in information law and data protection. His experience stems from his secondment to the FCA during which he advised on:

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- The handling of subject access requests and requests under the Freedom of Information Act 2000.
- The processing and sharing of information under the DPA 1998 and 2018 and the GDPR.
- Referrals to the ICO for alleged failures to comply with FOIA and subsequent appeals to the First-tier Tribunal
- Litigation involving allegations of breach of the GDPR and misuse of private information.

He continues to be instructed on data protection and FOIA matters. Examples of recent instructions include:

Notable Information rights cases

Burton v IC (FtT, 2021)

Successfully advising and representing the FCA in this FOIA appeal relating to the application of s348 of the Financial Services and Markets Act to mutual societies.

Khan v IC (FtT, 2021)

Successfully acting for the FCA in this FOIA appeal concerning the proper scope of the request and adequacy of searches.

X v IC (FtT, 2023)

ongoing advice and representation in relation to two FOIA appeals concerning the application of section 14 FOIA (vexatiousness).

Advice on various FOIA internal reviews and referrals to the ICO.

Advising the FCA on the data protection, and privacy and electronic communication, matters arising from the regulatory framework for pension dashboards.

Financial Services

Patrick is experienced in the financial services regulation having been seconded to the General Counsel's Division of the FCA. He gained experience across the breadth of financial services regulation.

Patrick continues to be instructed by the FCA on a range of matters. Most recently he has been advising and assisting on the drafting of the Handbook rules for pension providers and dashboard providers in relation to pension dashboards.

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Employment & Discrimination

Patrick acts for both Claimants and Respondents in all areas of employment and discrimination law, in addition to providing written advice and drafting pleadings. Patrick is experienced in appellate matters, including being instructed on appeals in Employment Appeal Tribunal and assisting with appeals in the Court of Appeal.

Patrick is also experienced in advice and representation in relation to goods and services discrimination claims in the civil courts, particularly in relation to discrimination claims brought against financial institutions.

In December 2022 Patrick was named the Times 'Lawyer of the Week' for his representation of a Claimant in Employment Tribunal proceedings.

Notable Employment & Discrimination cases

Reed v Thorney Golf Club (ET/EAT, 2022)

Acting unled in several linked appeals in the Employment Appeal Tribunal concerning costs orders, postponements and Rule 21 judgments.

Lancashire and South Cumbria NHS Foundation Trust v Moon (EAT, 2023)

Acting (led by **Will Young**) for the Respondent in important appeal concerning the worker status of Associate Hospital Managers appointed under section 23 of the Mental Health Act 1983

Jandu v Marks & Spencer plc (ET, 2022)

Successful representation of a Claimant in her claim against a multinational retailer for disability discrimination and unfair dismissal. Successfully obtained an award of aggravated damage and an order for costs

A v An NHS Trust (2022)

Acting (led by **Andrew Allen KC**) for the Defendant NHS Trust in a High Court claim for an injunction to restrain ongoing disciplinary proceedings.

Flanagan v London Fire Commissioner (ET, 2022)

Successful representation of a Claimant against the fire service for trade union detriment

Palihakkara v Robertson Bell Ltd and anr (EAT, 2021)

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Acting (led by Jeremy Lewis KC) in the Employment Appeal Tribunal in an appeal concerning the application of time limits under the Equality Act.

Rooney v Leicester City Council (EAT, 2021)

Acting (led by **David E Grant KC**) in the Employment Appeal Tribunal in an appeal concerning whether menopause amounted to a disability and the issue of strike out in discrimination claims.

Nolan v East of England Ambulance Service NHS Trust (ET, 2021)

Successful representation of a paramedic against an NHS Trust in her claims for constructive discriminatory dismissal due to disability.

Memberships

- Association of Pension Lawyers
- COMBAR

Awards

- The Cynthia Terry award (Gray's Inn, 2016)
- BPP Excellence Award (2016)
- Alan Urbach Memorial Prize for Jurisprudence (for highest mark in the paper in University College, Oxford) (2014)
- Rowley Prize for Land Law (for highest mark in the paper in University College, Oxford) (2014)
- Exhibition (awarded by University College, Oxford, for academic achievement) (2011-2014)

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