



Paul Livingston

Year of Call: 2012

Direct Access: Yes

	paul.livingston@outertemple.com
	+44 (0)20 7353 6381



Paul is a civil practitioner specialising in **Employment & Discrimination/Harassment**, **Public Inquiries** and **Child Abuse**.

His work includes both written and oral advocacy in the Employment Appeal Tribunal, Employment Tribunal, County Courts, and in Public Inquiry hearings.

He also accepts instructions in Chambers' core areas and has undertaken a wide variety of other work, including advising, drafting and acting in **personal injury** and **clinical negligence claims**, and has also appeared in **bankruptcy proceedings**, bail hearings for immigration detainees, and in a claim for **unjust enrichment**.

Paul was appointed to the C Panel of the Attorney General's Counsel to the Crown in 2020 and undertakes public law work in his areas of specialism.

Paul studied law at the University of Cambridge, where he received a Senior Honorary Exhibition. He continues to play football regularly and follows his beloved Celtic from afar.

Areas of Expertise

Employment & Discrimination

Paul regularly acts and advises in a range of Employment Tribunal claims and other employment matters.

He is regularly instructed to advise or represent large companies, SMEs, local authorities, individuals, charities and trade unions across a variety of sectors – including telecommunications, transport, healthcare, housing, retail, energy and education.

Paul is currently instructed on behalf of the Claimants in the landmark Asda equal pay litigation – the largest ever such claim against a private employer. One aspect of the case is due to be heard in the Supreme Court in the summer of 2020.

He has also appeared in a number of Employment Appeal Tribunal cases, those being:

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

Level 15, The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584
F: +971 4401 9578
E: OTC-UAE@outertemple.com

- [Q v Secretary of State for Justice \[2019\] UKEAT/0120/19/JOJ](#) – on the consideration of a claim for unfair dismissal against a public sector employer where Article 8 ECHR is engaged.
- [Oyesanya v The Pennine Acute Hospitals NHS Trust \[2017\] UKEAT/0126/17/LA](#) – on the refusal of permission to submit a witness statement.
- [Daly v Northumberland Tyne & Wear NHS Foundation Trust \[2016\] UKEAT/0109/16/JOJ](#) – on the striking out of whistleblowing claims.
- [Home Office v Kuranchie \[2016\] UKEAT/0202/16/BA](#) – on the use of statistical evidence to shift the burden of proof in a claim for direct discrimination, and the need to take a holistic approach to consideration of reasonable adjustments.
- [Geller v Yeshurun Hebrew Congregation \[2016\] ICR 1028](#) – on the need to consider unconscious discrimination in a direct discrimination claim.

His caseload also includes acting in full merits hearings and preliminary hearings, advice, negotiations, and drafting. For example, Paul has appeared in multi-day Tribunal hearings on the following issues:

- A claim for disability discrimination. The Tribunal found that the Claimant has been subjected to harassment related to her disabled, discrimination arising from disability, failure to make reasonable adjustments, and unlawful deductions from wages: [Bari v Metropolitan Police \[2019\]](#)
- Trial on unfair dismissal, whistleblowing and unlawful deductions from wages. Unfair dismissal claim was primarily about whether a dismissal had occurred when the Claimant was demoted: [Khan v Govia Thameslink \[2019\]](#)
- Represented the Claimant in about whether he had been constructively dismissed. This after he had resigned following an internal investigation into allegations of sexual harassment against him: [El Kachtoul v Alaraby Television Network Ltd \[2019\]](#)
- A claim for disability discrimination and harassment against a transportation company: [Birmingham v Abellio \[2019\]](#).
- A claim for a working-time-related dismissal against a large online supermarket: [James v Ocado \[2019\]](#).
- A claim for unfair dismissal and disability discrimination against a telecommunications company: [Bennett v British Telecommunications plc \[2019\]](#).
- A claim for trade union detriment in the energy sector: [Richardson v Esso Petroleum Company Ltd \[2018\]](#).
- A claim for race discrimination and unlawful deductions from wages against a private hospital: [Bogdan v Hospital of St John and St Elizabeth \[2018\]](#).
- A claim for disability discrimination against an education provider: [Bartosiewicz v Aspect Education Ltd \[2018\]](#).
- A claim for religious discrimination and harassment against a large logistics company: [Lucas v Southampton Containers Ltd \[2017\]](#).
- A claim for race discrimination and victimisation in the postal services industry: [Ladeinde & ors v Royal Mail \[2017\]](#).
- A claim for an enhanced redundancy payment against a local authority housing management organization: [Emmanuel v Clapton Park \[2017\]](#).
- He has also advised on, negotiated in, and appeared at preliminary hearings on various TUPE-related matters, territorial jurisdiction, sexual orientation discrimination and harassment, sex discrimination and harassment, religious discrimination and harassment, whistleblowing detriment and dismissal, holiday pay, liability for acts of agency workers, pregnancy discrimination and sexual harassment.

Additionally, he has:

- Advised a large facilities management company facing an application for statutory recognition of a trade union, including [appearing before the Central Arbitration Committee](#).

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

Level 15, The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584
F: +971 4401 9578
E: OTC-UAE@outertemple.com

- Advised on the development of the discrimination and harassment reporting tool 'Talk to Spot', used by several large organisations including Davita, Monzo and the Bar Council.
- Offered training to prospective Claimant and Respondent witnesses prior to their evidence at forthcoming trials.
- Frequently done Pro Bono work for Advocate, ELIPS for 'Bail for Immigration Detainees'.
Given Paul's extensive experience in both employment law and Public Inquiries, he is ideally suited to carrying out internal investigations and inquiries. He has experience appearing in Scottish Tribunals and prior to joining Outer Temple, Paul worked in the Employment Team at BT Legal, where he represented the company in around 20 Employment Tribunal cases.

Public Inquiries

Paul has been continuously instructed in public inquiries since the very beginning of his tenancy and therefore has significant experience.

He is currently instructed as Junior Counsel to the Independent Inquiry into Child Sexual Abuse, the largest Public Inquiry ever in the UK. He has been instructed as Junior Counsel to the Inquiry on three different strands:

- **The Child Migration case study** – looking at the responsibility of UK institutions for the sexual abuse of children who were part of the child migration programmes, in which children were moved from the UK to Australia and Canada. Public hearings, at which Paul was involved in oral advocacy, were held in 2017 and the Inquiry **published its report in March 2018**.
- **Children in the care of Nottinghamshire Councils** – looking at the sexual abuse of children in the care of Nottinghamshire County and Nottingham City Councils over the previous four decades. The investigation focused particularly on the institutional responses to sexual abuse of children at Beechwood children's home, in foster care, and harmful sexual behaviour. Three weeks of public hearings were held in October 2018, at which Paul was responsible for the oral questioning of several witnesses. The Inquiry **published its report in July 2019**.
- **Child sexual exploitation by organised networks** – looking at the sexual exploitation of children across six different areas in England and Wales. The investigation is due to hold public hearings in Spring 2020.

He was also instructed for three years as Junior Counsel to the Independent Jersey Care Inquiry, which investigated the abuse of children in Jersey's care system over many years.

Paul's role in these public inquiries has involved inquisitorial advocacy, oral submissions, drafting, strategy, providing advice and analysing millions of pages of documentary evidence.

Memberships

- [Employment Lawyers Association](#)
- [Industrial Law Society](#)
- [Employment Law Bar Association](#)

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

Level 15, The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584
F: +971 4401 9578
E: OTC-UAE@outertemple.com

Recommendations



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

Level 15, The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584
F: +971 4401 9578
E: OTC-UAE@outertemple.com