



Paul Livingston

Year of Call: 2012

Direct Access: Yes

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

His work includes both written and oral advocacy in the Employment Appeal Tribunal, Employment Tribunal, County Courts, and in Public Inquiry hearings. He also advises on a wide range of employment and discrimination issues and has been continuously instructed as Counsel to the Inquiry on at least one Public Inquiry since beginning tenancy.

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.

He is ranked as a Leading Junior in Inquests and Inquiries by both the Legal 500 and by Chambers & Partners guides, in which he is described as an "Extremely bright and gifted barrister" and as "the best junior you can ask for".

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. He was Junior Counsel for the Claimants when one aspect of the case was heard the

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Supreme Court in the summer of 2020, and the case remains ongoing.

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

- *Q v Secretary of State for Justice* [2019] (awaiting judgment) – 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 constructive dismissal against a government department: *Edwards v Secretary of State for Justice* [2022]
- A claim for constructive dismissed and disability discrimination against an NHS Trust: *Parker v Central and North West London NHS Foundation Trust* [2022]
- A claim against a group of schools for unfair dismissal arising from a redundancy: *Dowd-Miller v Montessori St Nicholas* [2021]
- Two separate claims for unfair dismissal arising from allegations of sexual harassment – against a local authority and a television network respectively : *W v Leicester City Council* [2021] and *El Kachtoul v Alaraby Television Network Ltd* [2020]
- A claim for disability discrimination and harassment against a police force: *Bari v Commissioner of the Police of the Metropolis* [2020]
- 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

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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**.
- 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 and 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 **UK Covid-19 Inquiry**, which has been set up to examine the UK's response to and impact of the Covid-19 pandemic, and learn lessons for the future.

He is also instructed as Junior Counsel to the **Brook House Inquiry**. This is a public inquiry into the mistreatment of individuals who were detained at Brook House Immigration Removal Centre in 2017, set up following a Panorama broadcast in September 2017. Paul's role included questioning a large number of witnesses, as well as strategic planning and advice to the Chair.

Paul was, for several years, working on the **Independent Inquiry into Child Sexual Abuse**, the largest Public Inquiry ever in the UK at that time. He was 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 held public hearings in October 2020, at which Paul questioned multiple witnesses. The Inquiry published **its investigation report in February 2022**.

He was also instructed for three years as Junior Counsel to the Independent Jersey Care Inquiry, which investigated the

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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](#)

Recommendations



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