

# Will Young

**Year of Call:** 2008

**Direct Access:** No

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Will's practice is divided primarily between **personal injury**, **clinical negligence** and **employment**.

He has particular interest and expertise in high value quantum matters, which is reflected in his record as having been junior counsel for the Claimant (led by Gerard McDermott KC) in both the claim involving the highest ever award of damages in a UK Employment Tribunal discrimination case (*AB v RBS* [2021] EWCA Civ 345 – £4.7m damages) and what is understood to be the largest ever periodical payment award in a UK personal injury claim (*LXD v Roscoe* [2024], £1.1m annual periodical payment).

His personal injury practice increasingly consists of serious and/or catastrophic injury cases involving brain, spinal and amputation injury cases, in which he is a well-regarded junior, working with a number of silks in chambers, and with some of the leading national firms. His cases as sole counsel involve a wide range of multi-track personal injury actions, in the County Court and High Court. He has a particular interest in industrial disease claims, equine injury claims, and personal injury claims with a **cross-border** aspect to them.

His clinical negligence practice encompasses a range of claims, from surgical negligence to delayed diagnosis, acting for Claimants and Defendants. He acts as sole counsel as well as as a junior in higher value and more complex cases. He also appears at inquests, particularly where there is a potential clinical negligence issue, acting for both families and NHS Trusts.

Will also appears in the **Employment Tribunal** on a regular basis, representing both Claimants and Respondents, as well as in the Employment Appeal Tribunal. He is regularly instructed in multi-day discrimination, whistleblowing and unfair dismissal cases, amongst others.

Within the employment sphere Will has a particular interest and expertise in claims involving psychiatric injury, in which his personal injury practice gives him particular expertise. He has acted in a number of recent cases involving claims of significant psychiatric injury caused by discrimination or detrimental treatment at work, and his personal injury experience assists him to bring to this work both particular expertise with regards to medical evidence, and sensitivity towards often very vulnerable Claimants.

Will is a tenacious advocate both orally and on paper, able to grasp complex factual situations quickly and comprehensively and to present arguments persuasively. He takes pride in providing advice that is thorough, practical, responsive and on time, and always maintains a focus on his clients' needs and priorities.

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Will studied Modern History at Oxford University, before completing his Graduate Diploma in Law. He is a Lord Denning Scholar of Lincoln's Inn. He was a Pegasus Scholar to Washington DC in 2012. Outside of the law his interests are history; politics; music; and sport, rowing in particular, having twice coxed the Great Britain Under 18 VIII at the Junior World Championships, as well as the Oxford reserve boat in the 2004 Boat Race.

## Areas of Expertise

### Personal Injury

Will accepts instructions from for both Claimants and Defendants in personal injury actions, although more often acts for Claimants. His cases involve a wide range of such claims, including road traffic accidents, claims under the Occupiers Liability Act, and the Fatal Accidents Act, as well as employers' liability claims (including stress-at-work and industrial disease claims) and cross-border personal injury claims. He also appears in claims under the Animals Act, particularly in equine cases, an area of his practice that has grown significantly in recent years.

Will is well-regarded as a junior in catastrophic brain and spinal injury, and amputation, cases, and has been led in current and recent cases by a number of silks in chambers, including [Gerard McDermott KC](#), [Nathan Tavares KC](#), [Eliot Woolf KC](#), [Matt Phillips KC](#), and [Sarah Crowther KC](#). He is also instructed as sole counsel in a number of slightly lower value brain and spinal injury cases (where his opponents are very often significantly more senior than him).

Will advises, drafts pleadings, and appears in court on a regular basis in personal injury claims, as well as attending joint settlement meetings. He is always steadfast in the pursuit of his clients' interests, but opponents find him a sensible and reasonable negotiator, and he achieves good outcomes through negotiations.

Will is experienced and comfortable dealing with the medical evidence that is always involved in such cases, and his other areas of work, particularly employment litigation, means he is also a seasoned and confident courtroom advocate.

Will also regularly provides CPD training events for solicitors' firms. Topics have included fraud in PI cases (especially in a travel context); stress-at-work claims; dealing with expert evidence; and Fatal Accidents Act cases, but he is happy to provide talks on other topics of interest.

### Notable Personal Injury cases

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Acting for the Claimant (as junior counsel to Gerard McDermott KC) in the case of *LXD v Roscoe*, in which the Claimant suffered catastrophic brain injury as a result of a road traffic accident, leading to tetraplegia. The case settled for a lump sum of £6m and periodical payments of £1.1m per year (largely to pay for an extensive care regime), which is understood to be the highest periodical payment award ever made by a UK court in a personal injury action.

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Acting as a junior to Gerard McDermott KC for the Claimant in an RTA claim involving a young child claimant, which

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settled after a Mediation for an amount which amounted, when capitalised, to around £13 million.

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Acting as junior counsel to Matt Phillips KC in two cases, one of which involved a spinal injury to a young boy aged 2 at the date of injury, resulting in paraplegia, which settled for a lump sum of £13.25m; and a second case involving a unilateral amputation after a road traffic accident, with significant psychiatric injuries, which is on-going, but is pleaded as being worth in excess of £17m.

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Being led by Eliot Woolf KC in a case involving severe CRPS leading to amputation. The case is pleaded at around £7m and is currently listed for a 10 day trial.

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Acting as sole counsel in an employers liability case involving a moderate brain injury, which settled shortly before a High Court trial for in excess of £1.1m.

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A stress-at-work claim involving very serious psychiatric injuries, preventing the Claimant from returning to work as a consultant physician. Will was instructed for the Claimant; the Defendant instructed a KC, and the claim settled at a mediation for £745,000.

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A case involving a paediatric nurse who suffered a moderate brain injury when she was hit by a van when cycling to work. The case settled for £535,000 at a joint settlement meeting.

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## Clinical Negligence

Will has a busy practice in this area, and he regularly advises and drafts pleadings for both Claimants and Defendants in cases involving a wide range of clinical disputes. In addition to being instructed as sole counsel, he has acted as a junior in more valuable and/or complex cases. He also appears at inquests, representing families and also NHS institutions, which has given him additional experience of questioning medical witnesses and advocacy in a health-care context.

He has experience of a wide range of clinical disputes, including negligent failures to diagnose conditions ranging from cancer and bowel obstructions to orthopaedic injuries, surgical negligence (including bowel perforations and biliary injuries), and negligent failure to treat psychiatric patients, leading to suicide or serious self-harm.

Will's advice is thorough and comprehensive, and he always aims to be practical, realistic and attuned to the needs and expectations of his client, whilst always seeking to achieve the best outcome reasonably possible. He is comfortable and

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confident in handling expert evidence in factually complex medical situations, and in dealing with medical experts. He strives to put clients at ease, and to always put them and their needs and interests at the centre of all of his work.

He is scrupulous about completing work on time, and appreciates the importance of this to those who instruct him. He prioritises responsiveness, which clients often say they appreciate.

Many of Will's clinical negligence cases involve significantly more senior counsel acting for the other party.

## **Notable Clinical Negligence cases**

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Acting as junior counsel in a case including a wrongful birth case, which settled shortly after a JSM for £3 million, and a case involving negligent psychiatric treatment leading to a suicide attempt and double amputation, which settled for around £2 million.

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Acting as junior to Nathan Tavares KC in a claim involving allegedly negligent spinal surgery leading to paralysis. The claim (valued in the multi-million pounds) is brought against the surgeon and the private hospital where the surgery took place, and is legally complex.

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Acting as junior to Eliot Woolf KC in a high value claim involving catastrophic brain injury to a newborn during birth, as well as injuries to the mother.

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Acting as sole counsel for the Defendant in a claim involving negligent failure to diagnosis post operative infection, leading to the permanent removal of the Claimant's hip replacement prosthesis, and to significant mobility difficulties. The claim was pleaded as being worth in excess of £5m, but was settled at a JSM for £1.5m.

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Acting as sole counsel for the Claimant in a claim involving negligent failure to diagnose a obstruction leading to bowel perforation. The claim was listed for a 7 day High Court trial, but settled on the eve of trial for a seven-figure sum.

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Acting as sole counsel for the Defendant in a fatal claim involving negligent failure to provide anticoagulant, leading to pulmonary embolism. The claim settled at a JSM for £410,000.

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Appearing for the Claimant at trial in an action relating to allegations of negligence during a total knee replacement. The case involved contested expert evidence concerning surgical technique and analysis of post-operative radiography.

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## International Personal Injury and Travel Law

Will has a particular interest in claims involving **cross-border personal injury and travel law**.

He acts for both Claimants and Defendants in claims with an international or cross-border element to them in a number of areas, including: package travel claims, cross-border RTAs, Athens Convention, and Montreal Convention claims.

He has been instructed in a number of cases involving catastrophic injury following RTAs abroad, or with a cross-border element to them. One recent case, in which Will is instructed as sole counsel, involves poly-trauma after an RTA in Germany.

He also acts in claims involving package holidays, including a current claim involving a serious shoulder injury suffered whilst on a cycling tour holiday in Peru, as well as on aviation claims, including a recent advice on the interpretation of the meaning of “operations of embarking” under the Montreal Convention.

He regularly provides CPD training for solicitors’ firms, with recent talks having covered group claims; Forum Non Conveniens; fundamental dishonesty” in package travel claims; jurisdiction after *Brownlie v Four Seasons*; and *X v Kuoni*. He regularly speaks at Outer Temple’s annual Travel Law seminar and was the co-author of the Athens Convention chapter in the 2018 APIL Accidents Abroad book.

## Employment

Will appears regularly in the Employment Tribunal (acting both for Claimants and Respondents), as well as the Employment Appeal Tribunal. He also provides written advice and drafts pleadings when required.

Will has a particular interest in employment cases involving allegations of psychiatric injury caused by discrimination or whistleblowing detriment, often in high-pressure legal, financial services, or similar employment. His personal injury experience is extremely valuable in this area, since it has given him both familiarity with medical expert evidence and skill at handling experts (to a greater extent than is usual in Employment Tribunal litigation), but also sensitivity towards often very vulnerable Claimants. He has a number of on-going cases involving these kind of issues, and has advised at an early stage on both stress-at-work claims in the civil courts and claims in the Employment Tribunal for personal injury flowing from discrimination. It is not uncommon in these kind of cases for Will to be instructed opposite more experienced counsel, including KCs.

He has a very broad experience of employment disputes, however, ranging from claims against small private companies to large national and international employers, both public and private sector, and including in the field of financial and professional services. He is particularly interested in discrimination and whistle-blowing claims of all types, and has a significant amount of experience in his field.

He also has experience of employment and employment-type claims in the civil courts; two recent examples being: advising a senior consultant in the healthcare field working in the Middle East in relation to claims for sums due under his

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contract of employment; and advising directors of a media company on an injunction to restrain a former employee from making unauthorised use of intellectual property owned by the company.

## **Notable Employment cases**

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**AB v RBS [2021] EWCA Civ 345**

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Will was sole counsel for the (3 week) liability hearing and junior counsel (led by Gerard McDermott KC) for the remedy hearing in this disability discrimination case, which resulted in the Claimant being awarded £4.7 million, understood to be the highest award ever made in any discrimination claim in the UK Employment Tribunal system. Appeals by the Respondent were dismissed by the EAT and the Court of Appeal.

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**Kong v Gulf International Bank (UK) Ltd [2022] ICR 1513**

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Will acted (unled) as counsel for the Claimant in her appeals to the EAT and then the Court of Appeal concerning the rejection of her claim for automatic unfair dismissal as a result of whistleblowing. This is now the leading case on the extent to which the manner in which protected disclosures are made can be separated from the disclosures themselves.

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**Moon v Lancashire and South Cumbria NHS Foundation Trust [2024] EAT 4**

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Will was instructed (pro bono) by the Claimant in this appeal by the Respondent concerning whether Hospital Managers who decide appeals against detention under the Mental Health Act 1983 have worker status for the purposes of whistleblowing claims. The Respondent was represented by a KC. The appeal was successfully resisted, and the claim allowed to proceed.

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**Edward v Tavistock and Portman NHS Foundation Trust [2023] IRLR 463**

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Will acted for the Respondent in this appeal by the Claimant against a remedy judgment. The EAT considered departing from long-standing authority on the test for whether compensation should be reduced as a result of failure to mitigate (but in the end did not do so).

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Will was instructed as sole counsel for the Claimant in a case involving alleged disability discrimination and unfair dismissal by a well-known international company. Shortly before a trial (at which the Respondent was due to be represented by a KC and a junior) the claim settled for over £2 million.

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A stress-at-work claim (with claims issued in the Employment Tribunal as well as the High Court) involving very serious psychiatric injuries, preventing the Claimant from returning to work as a consultant physician. Will was instructed for the

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Claimant; the Defendant instructed a KC, and the claim settled at a mediation for £745,000.

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Will was instructed by the Respondent financial services company in a claim brought by an employee alleging unfair dismissal and whistleblowing detriment. The claim was said to be worth multiple millions of pounds, and the Claimant was represented by a KC.

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**Prasad v Epsom & St Helier NHS (2019)**

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Successful appeal to the EAT overturning the dismissal of the Claimant's claim for harassment on grounds of sex. The Respondent was represented by a QC.

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**Rana v London Borough of Ealing [2018] EWCA Civ 2074**

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Will was sole counsel in this Court of Appeal case (acting pro bono), which gave guidance on the correct approach to applications for extensions of the time limit for appeals to the EAT where the ET's judgment has not been sent to one of the parties.

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## Memberships

- APIL
- PIBA
- ELBA
- ELA

## Publications

- Co-Author of APIL Guide to Accidents Abroad, chapter on Athens Convention.

## Awards

- Lord Denning Scholarship (Lincoln's Inn)
- Pegasus Scholarship (Washington DC, 2012)

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## Recommendations



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## Privacy Policy

Read Will's [Privacy Policy](#).

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