



Tom Gillie

Year of Call: 2013

Call Clerk on 020 7827 4000

PRACTICE AREAS

Clinical Negligence | Commercial Law | Discrimination & Equality | Employment
| Personal Injury | Regulatory | Sport and Entertainment

HIGHLIGHTS

Tom specialises in equality, employment, regulatory and clinical negligence law, combining expert knowledge with highly skilled advocacy in court. His advice is sought by employers, employees and political parties.

OVERVIEW

Tom is an expert in equality, employment and regulatory law and clinical negligence law. His advice is sought by a wide range of clients including political parties, trade unions, multinational corporations and vulnerable

individuals.

EQUALITY AND LABOUR LAW

Tom's practice comprises multiday trials and advisory work in complex employment and discrimination claims, including modern slavery litigation. Tom is currently representing a vulnerable victim of domestic slavery and human trafficking in the High Court. He has extensive advocacy experience in the Employment Tribunal and the EAT, having represented and advised clients in the following sectors:

- Health
- The armed forces
- Housing
- Retail and energy
- Charities
- Education
- Policing
- Logistics
- Local government
- Trade Unions and political parties

REGULATORY AND POLICY WORK

Tom acts in regulatory cases, specialising in investigations and representation in the health, education and armed forces sectors. Recently, he represented members of the army and RAF before the Service Complaint Appeal Panel and the Employment Tribunal; acted in cases concerning regulated health professionals and advised teachers subject to misconduct complaints. Tom is currently advising the Labour Party on sensitive internal complaints of alleged antisemitism and sexual harassment, including those before the Party's National Constitutional Committee.

Due to his expertise, Tom also advises national organisations on policy work. He has co-ordinated policy round-tables at the Law Society and the House of Commons and has advised the Equality and Diversity Forum and the Government Equalities Office on proposed government guidance about dress codes at work for employers.

HOUSING

Tom has particular interest in the housing sector having advised on discrimination issues in the employment field as well as claims in the County Court. He has extensive knowledge of the housing sector having previously worked both for a large housing association and in a law centre homelessness team. In addition to representing housing providers and their employees in employment law disputes, Tom also acts for tenants in discrimination cases against landlords in the county court. Tom is extensively involved in housing policy matters; he has addressed a round table in Parliament on tenants' rights and housing in the UK; and is working with policy partners including the IPPR, the Equality and Human Rights Commission, the National Housing Federation and trades unions. He is the Chair of Home: The Tenants Foundation and The Tenants Foundation Policy Network.

GOOD, FACILITIES AND SERVICES

Tom also advises on sexual orientation and sex discrimination claims. In 2017, he advised one of the world's best known department stores about sex discrimination in a goods and services context, and obtained a generous settlement for a vulnerable claimant in a sexual orientation discrimination case.

APPELLATE WORK

To date, Tom has been instructed in his own right in three appeals at EAT level. Tom successfully obtained judgment from the EAT for a claimant in a significant case about the Employment Tribunals' approach to amendment applications.

PUBLIC LAW

Tom has advised clients on claims for Judicial Review and has assisted clients in applications for emergency injunctions in the High Court, including on behalf of a vulnerable refugee.

SCHOOL EXCLUSION CASES

Tom recently represented a GCSE pupil in an appeal against permanent exclusion, securing the pupil's re-admittance to the school and a complete overhaul of the school's disciplinary policy. Tom is also familiar with drafting grounds of Judicial Review for school exclusion cases.

CLINICAL NEGLIGENCE AND PERSONAL INJURY

Tom acts for claimants in clinical negligence cases, including 'never event' cases. Tom's recent clinical negligence advisory work includes advising claimants in cases involving:

- necrotising fasciitis;
- wrong site surgery and negligent anaesthesia;
- negligent heart surgery.

Tom has extensive experience of drafting Schedules of Loss and Particulars of Claim in complex and high value PI cases. Tom also has experience representing clients in costs applications and RTA hearings in the County Court.

AWARDS

Inner Temple Major Exhibition Award

Churchill College Cambridge Scholarship Award

APPOINTMENTS AND MEMBERSHIPS

Industrial Law Society

ELA

PIBA

Franco-British Lawyers Society

HOME: The Tenants Foundation (Chair)

Bar Human Rights Committee

PUBLICATIONS AND TRAINING

Bar On Straight Civil Partnerships is Lawful

Settling Injury to Feelings: A Taxing Time

Race Discrimination and Housing in Post Brexit Britain

Housing, Race and the Right to Rent post Brexit

Can Judicial Assessment help Claimants and Respondents in the Employment Tribunal?

Bakers lose 'Gay Cake' case

'2017: the year of the discount rate: a claimant's perspective' (co-author with Martyn McLeish), *Journal of Personal Injury Law*, (2017) No.2 Pages 109-117

A guide to using statistics in equality and employment litigation

QUALIFICATIONS

BA First Class with mark of Special Excellence in Modern Languages,
University of Cambridge

BPTC

Tom speaks fluent French and Italian

HIGHLIGHT CASES

Gillett v Bridge 86 Limited, EAT, UKEAT0051/17/DM

In-time amendment applications should not usually be refused where the merits of the proposed amendment cannot be said to have “no reasonable prospects of success”. The fact that the merits of a proposed claim are merely ‘weak’ should not be taken into account when deciding whether to grant an in-time application to amend. The fact that an amendment application is in time may not always be decisive, but “it must be a factor carrying considerable weight”; a claimant should not be placed in a worse position by making a timely application to amend than if he/she had taken the alternative course of issuing a fresh claim.