



# PUMP COURT

## CHAMBERS

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# Contents

Employment .....	1
Selected Cases .....	2
Criminal .....	5
Selected Cases .....	5
Commercial .....	6
Regulatory & Disciplinary .....	6
Sports Law .....	6



## TIMOTHY DRACASS

"Tim is a calm, concise and persuasive advocate. He is very knowledgeable in complex areas of employment law and is always keen to get to know clients so that he can gain a greater understanding of the issues in the case."

Legal 500, 2024

Call: 1998

For enquiries please call +44 (0)20 7353 0711 or email

Tim Dracass specialises in employment law, combining his expert knowledge with many years' experience of tribunal, civil and criminal court advocacy.

He is consistently recommended in the leading directories ('Chambers & Partners' and the 'Legal 500') for his work and expertise in the employment law sphere.

## Employment

Tim is an employment law specialist with over 20 years of experience at the Bar. He is consistently recommended in leading legal directories ('Chambers and Partners', 'The Legal 500')

He acts for both claimants and respondents in the Employment Tribunal and the Employment Appeal Tribunal in a wide range of cases. His respondent clients have included notable blue-chip companies (e.g. B&Q, Sainsbury's), local authorities and regional police and fire services. He has considerable experience of all types of employment litigation including complex and multi-day hearings and cases involving substantial compensation claims.

Tim regularly advises on and appears in cases involving:

- Unfair dismissal/ constructive dismissal
- Discrimination (including harassment and victimisation)
- Redundancy
- TUPE
- Grievance and disciplinary procedures
- 'Whistle-blowing'/ health and safety cases

- Equal pay
- Breach of contract
- Unlawful deduction from wages
- Holiday pay

Tim also appears in County Court and High Court proceedings in employment-related matters such as breach of contract, stress at work/ protection from harassment, restraint of trade and negligent reference cases. Drawing on his past experience of criminal court advocacy, he has an interest in professional disciplinary and regulatory proceedings and has previously acted in directors' disqualification proceedings.

Tim is licensed to accept instructions under the direct public access scheme in appropriate cases.

## Selected Cases

### **Barnard v Hampshire Fire and Rescue Authority (Southampton ET, November/ December 2020)**

Acted for the Respondent Fire Service in a 10 day hearing for a complex equal pay/ constructive dismissal case (which has previously been the EAT twice on a preliminary time-limit issue – see below). Judgment is currently awaited.

### **West v Redditch Borough Council (Birmingham ET, June 2020)**

Represented the Respondent Borough Council in a 3 day unfair dismissal (gross misconduct) case, conducted remotely (via CVP/ Skype). The Claimant's claim was successfully resisted.

### **Barnard v Hampshire Fire and Rescue Authority (EAT, October 2019)**

Acting for Hampshire Fire and Rescue Authority on a long-running equal pay dispute raised by a former employee. The case involved consideration of the concept of a 'stable working relationship' for time limit purposes. After a preliminary hearing, at which the Respondent succeeded in establishing that part of the Claimant's claim was out of time, the Claimant appealed to the EAT. The EAT (HHJ Martyn Barklem) allowed the appeal and remitted the matter for a further hearing before the differently constituted Tribunal. At the 3 day remitted hearing, the Respondent was successful again. The Claimant appealed once again (this time instructing leading counsel Daphne Romney QC), resulting in a second EAT hearing (before Eady J). The substantive claims raise interesting and potentially important issues over the remuneration of 'green book' and 'grey book' staff within the fire service.

### **Coxhill v Unite the Union (Reading ET, July 2019)**

Represented the Claimant in a claim brought under s. 64 of TULR(C)A that she had been unjustifiably disciplined by her trade union. Case involved particularly unusual legal and factual issues (and is currently under appeal to the

EAT).

**Hopkinson v Embark Corporate Services Ltd (Southampton ET, May 2019)**

Successfully acted for the Claimant on a high value unfair dismissal case. The claim was upheld after an initial 4 day hearing on liability. At the subsequent Remedy Hearing, the Claimant was awarded £82,455.

**Huskinson v Cambridgeshire Constabulary, Hawkins and the College of Policing (Cambridge ET, March 2019)**

Successfully represented the Respondent police force in a complex, multi-party disability discrimination claim relating to the hearing test entry requirements for firearms officers. The case had important ramifications for the College of Policing guidance on such matters.

**Maharg v DMC Imaging Ltd (London South ET, August 2018/ January 2019)**

Successfully represented the Claimant in a high value unfair dismissal claim. Case involved significant disputes of fact and also legal complexities surrounding the ambit of pre-termination conversations under s. 111A ERA 1996.

**Heath v CAE (UK) Plc (London South ET, January 2019)**

Instructed to act for the Respondent on a factually complex unfair dismissal claim involving a large number of documents and multiple witnesses. The case turned on the fairness of a dismissal for an irretrievable breakdown in the working relationship as constituting 'some other substantial reason'.

**Huskinson v Chief Constable of Cambridgeshire Constabulary (EAT, November 2017)**

Instructed to advise on and represent Respondent police force in appeal to the EAT against a decision made at an earlier preliminary hearing (at which I did not appear). Advised on grounds of appeal, drafted skeleton argument and appeared at EAT hearing.

**Hedlund v London Borough of Lambeth (London South ET, November 2017)**

Instructed to act for the Respondent in resisting a 'post-employment' whistleblowing detriment claim brought by a teacher. Case was listed for 7 days. All claims were dismissed by the Tribunal following a contested hearing. Also acted for the Respondent in successfully obtaining a costs order against the Claimant.

**Bilson v Bournemouth Borough Council (Southampton ET, November/ December 2017)**

Represented the Respondent council in race discrimination/ victimisation hearing which took place over 3 days. Case was further complicated by various disclosure issues that arose during the hearing. However, all claims were successfully resisted in the end and a costs order was made against the Claimant.

### **Morrison v Leicester City Council (Leicester ET, February/ March 2017)**

Represented the Claimant in complex unfair dismissal, race discrimination and victimisation hearing lasting 10 days, involving multiple allegations and a large number of witnesses and documents. Claim was successful in part (unfair dismissal claim upheld) resulting in a further 2 day Remedy hearing in August 2017.

### **Baker v Sussex Police (London South ET, November 2016)**

Successfully represented Sussex Police on a complex disability discrimination claim brought by an existing employee involving multiple factual/ legal complaints spanning several years. The hearing lasted 10 days with 12 witnesses giving evidence and over 2000 pages of documents.

The case is particularly notable because he subsequently assisted the police force in obtaining a £20,000 costs order against the Claimant:

[https://assets.publishing.service.gov.uk/media/5bee99f4e5274a0829c9fc0a/Ms\\_M\\_Baker\\_v\\_Sussex\\_Police\\_2301883-2015\\_Cost\\_12-11-2018.pdf](https://assets.publishing.service.gov.uk/media/5bee99f4e5274a0829c9fc0a/Ms_M_Baker_v_Sussex_Police_2301883-2015_Cost_12-11-2018.pdf)

### **Jahn v Bissett Adams (London Central ET, February/ October 2016)**

Acted for the Respondent company in successfully defending claims for automatically unfair dismissal, race discrimination and victimisation over a 5 day hearing. All of the Claimant's complaints were dismissed, with costs being awarded in Respondent's favour at a subsequent hearing.

### **Lewis v London Borough of Newham (East London ET, December 2014)**

Instructed to represent the Respondent at a 6 day hearing involving multiple and historical allegations of discrimination. Claims for disability discrimination and unfair dismissal were successfully resisted.

### **Feng v British American Tobacco (Southampton ET, April 2014)**

Acted for the Respondent company who faced claims brought by a former employee for unfair dismissal, race discrimination / victimisation and disability discrimination. Successfully defended all claims after a contested 5 day hearing.

### **Hunt v Southern Health NHS Foundation Trust (Southampton ET, January 2014)**

Acted for the Claimant in a whistle-blowing constructive dismissal claim against the NHS. After a four day liability hearing the Claimant succeeded in her constructive unfair dismissal claim and was awarded substantial compensation at a subsequent remedies hearing.

### S v M Ltd (Southampton ET, December 2013)

Advised and represented a senior health and safety manager in a high value unfair dismissal and whistle-blowing claim. The case was listed for a 5 day ET hearing and was settled on the second day.

### Boeree v Spine Clinic Ltd (in liquidation) & Others (Southampton ET, July 2013)

Instructed on behalf of the administrator in a complex a multi-party TUPE case, which resulted in a further contested costs hearing before Southampton ET. Successfully resisted the application for costs and managed to win a 'cross-costs application'.

## Criminal

Tim has many years experience of criminal advocacy having appeared in numerous Crown Court jury trials and Court of Appeal hearings.

His cases have covered the full range of criminal allegations in nature, complexity and severity including violence, drugs, dishonesty and fraud, sexual offences and road traffic offences. A number of his cases have attracted considerable media attention (examples include a case involving a well-known musician and a high profile bomb hoax case).

## Selected Cases

### R v Cross, May 2009, Court of Appeal Criminal Division

Represented Crown on an appeal against conviction following what appeared to be inconsistent verdicts by the jury at trial.

### R v F, November 2007, Court of Appeal Criminal Division

Successfully appealed against a sentence imposed for robbery.

### R v Freeman [2007] EWCA Crim 407, [2007] All ER (D) 246 (Feb)

Successfully resisted an appeal against conviction involving the law relating to inferences from silence.

### R v Lewendon [2006] 1 WLR 1278

Successfully resisted an appeal against conviction involving the law in relation to proof of previous convictions for

bad character applications.

**R (on application of W) v Southampton Youth Court [2003] 1 Cr App R (S) 87**

Appeared for the Crown on a judicial review case relating to 'grave crime' arguments.

## Commercial

Tim also regularly appears in County Court and High Court proceedings, particularly in employment-related matters such as breach of contract, stress at work/ protection from harassment claims, restraint of trade and negligent reference cases.

## Regulatory & Disciplinary

Drawing on his experience of criminal advocacy, he has an interest in professional disciplinary and regulatory proceedings.

## Sports Law

Tim Dracass brings to our sports law team a wealth of knowledge and experience as both an employment law specialist and a criminal court advocate, areas of practice which dovetail well with sports law cases.

Over the years, he has dealt with a vast number of tribunal hearings, many involving scrutiny of disciplinary issues and processes and/ or contested allegations of discrimination. He is a highly skilled and successful tribunal and appellate court advocate and has acted for many high-profile companies and individuals.

Tim has a personal interest in this area of law, being lover of all things sport-related, with a particular passion for football (playing and watching) and a long-standing (and long-suffering) supporter of Southampton FC.