

# Robert Talalay

Call 2010



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## Robert Talalay accepts instructions in all of Chambers' main practice areas.

He specialises in the areas of police law, public law, human rights and civil liberties, data protection and information law, malfeasance claims, prison law, inquests, personal injury claims, employment law and professional misconduct.

Bobby's recent cases include:

- An appeal to the Court of Appeal concerning the principles of res judicata and Henderson abuse of process, and their interaction with CPR part 36
- Junior counsel, led by Fiona Barton KC, for Devon and Cornwall Police in the Keyham mass shootings inquests perpetrated by Jake Davison
- A contested judicial review, for the IOPC, concerning abuse of position for a sexual purpose by serving police officers
- An appeal to the Court of Appeal concerning civil restraint orders and access to justice
- Multiple jury trials for various police forces (including the MPS and GMP) in claims for false imprisonment, data protection breaches and assault.
- A high value trial on causation, apportionment and prognosis in respect of lifelong personal injury
- A contested judicial review, led by Jason Beer KC acting for the NPCC, concerning police retention of criminal records
- An Upper Tribunal information law appeal for the Metropolitan Police concerning the application of s.23 FOIA 2000
- An appeal to the Court of Appeal, led by Jason Beer KC acting for the NPCC, concerning police vetting and recruitment
- A contested judicial review concerning retention by the Metropolitan Police of a child's data and the Prevent duty
- A contested judicial review on behalf of the prison service concerning re-categorisation of prisoners
- Multiple art.2 jury inquests for the Ministry of Justice touching upon the deaths of prisoners

Bobby also regularly provides lectures and training on a range of topics including, recently: claims for stress at work, public order policing, and police misconduct.

Bobby was appointed to the Attorney General's B Panel of Counsel in August 2022.

## Expertise

### Police Law

Bobby's practice embraces all areas of civil, public and employment law relevant to policing. He acts in all types of case involving the police including judicial review, data protection claims, arrest, detention, misfeasance and malicious prosecution claims, claims for breaches of the ECHR (including claims concerning investigations (art.2 and 3), detention (art.5), and the right to privacy) freedom of information appeals, internal misconduct proceedings, inquests, discrimination, personal injury,

employment, and police involvement in family cases.

Bobby also provides training on diverse matters including police misconduct, internal staff discipline and employment law.

Bobby regularly appears in multi-track trials, judicial reviews, complex and high-profile misconduct proceedings, high-value personal injury claims, and inquests

## Notable Police Law cases

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### [Warburton v Chief Constable of Avon and Somerset Constabulary \[2023\] EWCA Civ 209](#)

Counsel for the Respondent in an appeal following strike out in a Data Protection Act claim. The case concerned the scenario where (a) there were prospective amendments being discussed prior to a claim being settled, (b) it was settled by way of Part 36 before the amendments were granted permission, and (c) a fresh claim was brought covering the same ground as those amendments. The Court of Appeal upheld the judge's decision that the new proceedings abused the *Henderson* principle and fell to be struck out.

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### [R \(Chief Constable of British Transport Police\) v Police Misconduct Panel v PC Imran Aftab v Independent Office for Police Conduct \[2023\] EWHC 589 \(Admin\)](#)

Counsel for the IOPC in judicial review brought by BTP against the decision not to dismiss an officer who had used his warrant card to engage in inappropriate behaviour with a passing female member of the public. The judge, allowing the claim, held that the Panel had failed to grasp the seriousness and significance of the officer's conduct and the impact that such conduct has upon public confidence in the police. He held that a warrant card provides an officer with the means to disable, disarm, placate and reassure members of the public so that they acquiesce to the officer in ways that they would not to a member of the public. The use of a warrant card to influence a lone woman for the officer's personal gain so seriously undermines public confidence that it is corrosive to policing by consent. He held that this conduct should properly have been characterised as APSP (abuse of position for a sexual purpose) and "serious corruption" which has no place in policing

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### [Sleeper v Commissioner of Police of the Metropolis](#)

Counsel for the Defendant in a civil claim for false imprisonment and breaches of arts. 9, 10 and 11 ECHR following the Claimant's arrest for a sign saying among other things 'Hate Islam' in front of Southwark cathedral 3 weeks after the terrorist attack in London Bridge and Borough. The claim, which raised interesting issues around the extent to which police officers have to take account of a potential arrestee's human rights when deciding whether or not to arrest someone publicly protesting.

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### [Inquests arising from the Keyham mass shootings](#)

Junior counsel for Devon and Cornwall Police, led by Fiona Barton KC, in the inquests arising from the murders perpetrated by Jake Davison. The Senior Coroner for Plymouth, Torbay and South Devon heard the inquests touching upon the deaths of the five deceased over a six-week period, with particular focus on the acts and omissions of Devon and Cornwall police, and particular the Firearms Licensing Unit and the decision to grant and then, following seizure, return his shotgun to Jake Davison.

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### [Pathan v Commissioner of Police of the Metropolis \[2022\] EWHC 3244 \(KB\)](#)

Counsel for the Respondent in an appeal against a costs order made against the Claimant following the claim being dismissed at trial (in which Bobby also represented the Commissioner). The appeal concerned (a) the correct interpretation of CPR r. 44.13, i.e. when a party obtained qualified one-way costs shifting (QOCS) protection and (b) how to approach the exercise of apportionment when considering the extent of enforcement under CPR r. 44.16(2)(b).

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### [Tayyab v Commissioner of Police of the Metropolis](#)

Counsel for the Defendant police force. The case concerned a claim valued at £1.5m for losses said to arise as a result of lifelong psychiatric injury following the Claimant's arrest. The Court heard extensive evidence from expert psychiatric witnesses, giving diametrically opposing evidence on diagnosis, causation and prognosis. The Claimant lacked capacity and his interests were represented by the Official Solicitor. In the event, the Court found that the admitted unlawful conduct was causative of only a 10-month acceleration to the Claimant's injury and he was awarded £21,000 in damages.

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### [YZ v Chief Constable of South Wales Police & National Police Chiefs' \[2021\] EWCA Civ 683](#)

Junior Counsel for the NPCC (led by Jason Beer KC) in the Court of Appeal. In the absence of a direct challenge to any of the national guidance on the retention and processing of information, the Court proceeded on the basis that both were lawful and then went on to reject the challenge on all grounds. In coming to its decision, the Court considered that the NPCC's guidance did not impose an evidential burden on the applicant but started from the position that it was strictly necessary and

proportionate to retain information on the PNC unless there were exceptional circumstances – in practice, where the record is inaccurate or where there is some wider public interest involved. The Court held that the judge below did not err either in his approach to applying the test of strict necessity or in judging the approach taken by the Respondent to the request to delete the data as satisfying the requirements of both the DPA 2018 and art.8 of the ECHR.

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Shub v Commissioner of Police of the Metropolis

Counsel for the Defendant police force in the multitrack trial, heard with a jury, in a claim for false imprisonment, personal injury and aggravated damages arising from the arrest of parents arising from concerns for the children, themselves taken into protective custody. In the event, no matters were left for the jury, the claim was dismissed, and a costs order was made in the Defendant's favour, enforceable at 50%.

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R (QSA) v National Police Chiefs' Council & Secretary of State for the Home Department [2021] EWHC 272 (Admin)

Junior Counsel for the NPCC (led by Jason Beer KC) in the Divisional Court. The case concerned the art.8 ECHR compatibility of the NPCC's policy that all convictions of recordable offences be retained on the Police National Computer until the person reached 100 years of age. The Divisional Court held that it was lawful and proportionate for the NPCC to have drawn a bright line given the importance of retaining a comprehensive register of criminal convictions for policing, criminal justice and public safety purposes.

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Commissioner of Police of the Metropolis v (1) Information Commissioner & (2) Rosenbaum (GIA/2230/2019)

Counsel for the appellant police force in the Upper Tribunal. The case concerned whether the MPS could neither confirm nor deny whether or not it held information on whether the National Front had been investigated by Special Branch. The appeal revolved around the ambit of the exception in s.23(5) FOIA 2000, where there is no requirement to confirm or deny possession of information where doing so would involve the disclosure of information that 'relates to' a listed body dealing with national security matters. The case is highly significant in the area of information law as defining the scope of s.23(5) – see the detailed analysis on the Panopticon information law blog.

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R (RD) v Secretary of State for Justice & The National Police Chiefs' Council [2020] EWCA Civ 1346

Junior Counsel for the NPCC (led by Jason Beer KC) in the Court of Appeal. The case concerned the compatibility of the Rehabilitation from Offenders (Exceptions) Order 1975 with art.8 ECHR and specifically whether it was lawful, necessary and proportionate for the legislation to require applicants to the office of constable (and other offices and professions of the utmost integrity) to disclose all cautions and convictions, including those spent or protected or given when the applicant was a child. The Court of Appeal held that it was lawful and proportionate for the legislation to have drawn a bright line (and to draw it where it did) given the nature of the offices in question, the quality of the legal framework, and the need to ensure the applicants' utmost integrity.

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R (II) v Commissioner of Police of the Metropolis [2020] EWCA 2528 (Admin)

Counsel for the Commissioner in judicial review proceedings concerning the retention of data of a child referred to the police under the Prevent duty and whether continued retention breached the child's art.8 ECHR rights and/or was a breach of the DPA or the public sector equality duty.

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Chief Constable of Avon and Somerset v Gray [2019] EWCA Civ 1675

Counsel for the Chief Constable in the Court of Appeal. The case concerning the correct interpretation of the fees regime in the Civil Proceedings Fees Order 2008 for those subject to a civil restraint order seeking permission to issue a claim and the appropriate restrictions on vexatious litigants' right to access to justice.

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## Public and Administrative

Bobby regularly appears in the Administrative Court and accepts instructions in all areas of public law. He has particular experience in claims around data retention and disclosure by public authorities, challenges to investigative decisions and decisions on whether to prosecute, and in defending judicial reviews of cautions administered by the police. Bobby also has significant experience dealing with vexatious litigants.

## Notable Public and Administrative cases

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*R (Chief Constable of British Transport Police) v Police Misconduct Panel v PC Imran Aftab v Independent Office for Police Conduct* [2023] EWHC 589 (Admin)

Counsel for the IOPC in judicial review brought by BTP against the decision not to dismiss an officer who had used his warrant card to engage in inappropriate behaviour with a passing female member of the public. The judge, allowing the claim, held that the Panel had failed to grasp the seriousness and significance of the officer's conduct and the impact that such conduct has upon public confidence in the police. He held that a warrant card provides an officer with the means to disable, disarm, placate and reassure members of the public so that they acquiesce to the officer in ways that they would not to a member of the public. The use of a warrant card to influence a lone woman for the officer's personal gain so seriously undermines public confidence that it is corrosive to policing by consent. He held that this conduct should properly have been characterised as APSP (abuse of position for a sexual purpose) and "*serious corruption*" which has no place in policing.

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*R (Baybasin) v Secretary of State for Justice* [2022] EWHC 2781 (Admin)

Counsel for the Defendant in a claim that the decision not to hold an oral hearing about a prisoner's categorisation as a Category A prisoner was procedurally improper and unlawful; with the court holding that the decision was lawful.

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*YZ v Chief Constable of South Wales Police & National Police Chiefs'* [2021] EWCA Civ 683

Junior Counsel for the NPCC (led by Jason Beer KC) in the Court of Appeal. In the absence of a direct challenge to any of the national guidance on the retention and processing of information, the Court proceeded on the basis that both were lawful and then went on to reject the challenge on all grounds. In coming to its decision, the Court considered that the NPCC's guidance did not impose an evidential burden on the applicant but started from the position that it was strictly necessary and proportionate to retain information on the PNC unless there were exceptional circumstances – in practice, where the record is inaccurate or where there is some wider public interest involved. The Court held that the judge below did not err either in his approach to applying the test of strict necessity or in judging the approach taken by the Respondent to the request to delete the data as satisfying the requirements of both the DPA 2018 and art.8 of the ECHR.

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*R (Hale) v Chief Constable of Devon and Cornwall Police* (unreported)

Counsel for the Chief Constable in successfully resisting a claim for judicial review of a caution, which focused on whether there had been a full and frank admission to all the ingredients of the offence and whether the acceptance of the caution was the product of undue influence.

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*R (QSA) v National Police Chiefs' Council & Secretary of State for the Home Department* [2021] EWHC 272 (Admin)

Junior Counsel for the NPCC (led by Jason Beer KC) in the Divisional Court. The case concerned the art.8 ECHR compatibility of the NPCC's policy that all convictions of recordable offences be retained on the Police National Computer until the person reached 100 years of age. The Divisional Court held that it was lawful and proportionate for the NPCC to have drawn a bright line given the importance of retaining a comprehensive register of criminal convictions for policing, criminal justice and public safety purposes.

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*Commissioner of Police of the Metropolis v (1) Information Commissioner & (2) Rosenbaum* (GIA/2230/2019)

Counsel for the appellant police force in the Upper Tribunal. The case concerned whether the MPS could neither confirm nor deny whether or not it held information on whether the National Front had been investigated by Special Branch. The appeal revolved around the ambit of the exception in s.23(5) FOIA 2000, where there is no requirement to confirm or deny possession of information where doing so would involve the disclosure of information that 'relates to' a listed body dealing with national security matters. The case is highly significant in the area of information law as defining the scope of s.23(5) – see the detailed analysis on the Panopticon information law blog.

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*R (RD) v Secretary of State for Justice & The National Police Chiefs' Council* [2020] EWCA Civ 1346

Junior Counsel for the NPCC (led by Jason Beer KC) in the Court of Appeal. The case concerned the compatibility of the Rehabilitation from Offenders (Exceptions) Order 1975 with art.8 ECHR and specifically whether it was lawful, necessary and proportionate for the legislation to require applicants to the office of constable (and other offices and professions of the utmost integrity) to disclose all cautions and convictions, including those spent or protected or given when the applicant was a child. The Court of Appeal held that it was lawful and proportionate for the legislation to have drawn a bright line (and to draw it where it did) given the nature of the offices in question, the quality of the legal framework, and the need to ensure the applicants' utmost integrity.

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*R (II) v Commissioner of Police of the Metropolis* [2020] EWHC 2528 (Admin)

Counsel for the Commissioner in judicial review proceedings concerning the retention of data of a child referred to the police under the Prevent duty and whether continued retention breached the child's art.8 ECHR rights and/or was a breach of the DPA or the public sector equality duty.

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Chief Constable of Avon and Somerset v Gray [2019] EWCA Civ 1675

Counsel for the Chief Constable in the Court of Appeal. The case concerning the correct interpretation of the fees regime in the Civil Proceedings Fees Order 2008 for those subject to a civil restraint order seeking permission to issue a claim and the appropriate restrictions on vexatious litigants' right to access to justice.

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R (Ryle) v Secretary of State for Justice [2019] EWHC 3031 (Admin)

Counsel for the Secretary of State for Justice in a claim concerning the factors that a prison governor could properly consider as part of a decision to re-categorise a prisoner upwards, and particularly the relevance of pending confiscation proceedings.

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R (P & G) v Secretary of State for the Home Department [2017] 2 Cr. App. R. 12

Junior counsel for the Chief Constable of Surrey (led by Anne Studd KC) in both the High Court and the Court of Appeal concerning a challenge to the administering of a reprimand for sexual offending and the legality of the scheme of retention and disclosure under the relevant guidance, the Police Act 1997 and the Rehabilitation of Offenders Act 1974 obliging the Chief Constable to disclose the reprimand.

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## Human Rights

Bobby represents and advises public bodies in all matters relating to human rights. He has particular expertise in

- Right to life issues, both directly at the hands of the state and in respect of the negative obligations on the state, in both civil proceedings and inquests (art.2)
- Allegations of torture of detainees and prisoners (arts.3 and 8)
- **Zenati** claims (art.5)
- Data retention and disclosure (art.8)
- Misuse of private information and data protection (art.8)
- Disability discrimination and articles 8 and 14
- Freedom of religion, especially in prison (art.9)
- The interaction of police powers and the right to freedom of speech (arts.10 and 11), especially in the context of policing protests
- A1P1 claims

For case details, see experience under Police Law and Public Law.

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## Personal Injury

Bobby undertakes court, mediation, and written work in a broad range of personal injury matters, including high-value personal injury claims and with a particular focus on complex psychiatric injury. Bobby has particular expertise in stress at work claims and regularly advises and provides training on the same.

Bobby regularly acts in JSMs for his clients, recently settling claims for (a) a child's loss of vision in one eye arising from a bouncy castle accident, which included a claim for provision damages, (b) life-long loss of earnings arising from a Ghurkha's injury on an army base, and (c) PTSD arising from a prison officer witnessing a number of traumatic incidents in prison, with the added complexity of his advancing (unrelated) degenerative disease.

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## Notable Personal Injury cases

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Tayyab v Commissioner of Police of the Metropolis

Counsel for the Defendant police force. The case concerned a claim valued at £1.5m for losses said to arise as a result of lifelong psychiatric injury following the Claimant's arrest. The Court heard extensive evidence from expert psychiatric witnesses, giving diametrically opposing evidence on diagnosis, causation and prognosis. The Claimant lacked capacity and his interests were represented by the Official Solicitor. In the event, the Court found that the admitted unlawful conduct was causative

of only a 10-month acceleration to the Claimant's injury and he was awarded £21,000 in damages.

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**Crowley-Mattar v Commissioner of Police of the Metropolis**

Counsel for the Defendant in an employer's liability claim brought by a police officer who had been injured by a fellow officer during the take-down of a strong detainee. In due course, the Claimant was awarded damages for personal injury and limited special damages.

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**Pathan v Commissioner of Police of the Metropolis**

Counsel for the Defendant police force in the multitask trial in a claim for false imprisonment and personal injury. The claim was dismissed with a mixed QOCS costs order, which was the subject of an appeal heard by the High Court in December 2022 ([2022] EWHC 3244 (KB)).

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**Khanna v Home Office**

Counsel for the Defendant in the trial for damages arising from stress at work, where the Claimant went off sick in the context of a disciplinary process and where there were limitation issues in play.

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## Information Law

Bobby has significant experience in dealing with all matters of information law and data protection. He has appeared in judicial reviews on the legality of data retention, trials for claims made under the DPA, injunction applications to prevent disclosure, and appeals to the First Tier and Upper Tribunals. He also regularly advises on matters of information law, including recently claims for breaches of the DPA and claims for misuse of private information.

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### Notable Information Law cases

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**Warburton v Chief Constable of Avon and Somerset Constabulary [2023] EWCA Civ 209**

Counsel for the Respondent in an appeal following strike out in a Data Protection Act claim. The case concerned the scenario where (a) there were prospective amendments being discussed prior to a claim being settled, (b) it was settled by way of Part 36 before the amendments were granted permission, and (c) a fresh claim was brought covering the same ground as those amendments. The Court of Appeal upheld the judge's decision that the new proceedings abused the *Henderson* principle and fell to be struck out.

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**YZ v Chief Constable of South Wales Police & National Police Chiefs' [2021] EWCA Civ 683**

Junior Counsel for the NPCC (led by Jason Beer KC) in the Court of Appeal. In the absence of a direct challenge to any of the national guidance on the retention and processing of information, the Court proceeded on the basis that both were lawful and then went on to reject the challenge on all grounds. In coming to its decision, the Court considered that the NPCC's guidance did not impose an evidential burden on the applicant but started from the position that it was strictly necessary and proportionate to retain information on the PNC unless there were exceptional circumstances – in practice, where the record is inaccurate or where there is some wider public interest involved. The Court held that the judge below did not err either in his approach to applying the test of strict necessity or in judging the approach taken by the Respondent to the request to delete the data as satisfying the requirements of both the DPA 2018 and art.8 of the ECHR.

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**R (QSA) v National Police Chiefs' Council & Secretary of State for the Home Department [2021] EWHC 272 (Admin)**

Junior Counsel for the NPCC (led by Jason Beer KC) in the Divisional Court. The case concerned the art.8 ECHR compatibility of the NPCC's policy that all convictions of recordable offences be retained on the Police National Computer until the person reached 100 years of age. The Divisional Court held that it was lawful and proportionate for the NPCC to have drawn a bright line given the importance of retaining a comprehensive register of criminal convictions for policing, criminal justice and public safety purposes.

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**Commissioner of Police of the Metropolis v (1) Information Commissioner & (2) Rosenbaum (GIA/2230/2019)**

Counsel for the appellant police force in the Upper Tribunal. The case concerned whether the MPS could neither confirm nor deny whether or not it held information on

whether the National Front had been investigated by Special Branch. The appeal revolved around the ambit of the exception in s.23(5) FOIA 2000, where there is no requirement to confirm or deny possession of information where doing so would involve the disclosure of information that ‘relates to’ a listed body dealing with national security matters. The case is highly significant in the area of information law as defining the scope of s.23(5) – see the detailed analysis on the Panopticon information law blog.

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R (II) v Commissioner of Police of the Metropolis [2020] EWHC 2528 (Admin)

Counsel for the Commissioner in judicial review proceedings concerning the retention of data of a child referred to the police under the Prevent duty and whether continued retention breached the child’s art.8 ECHR rights and/or was a breach of the DPA or the public sector equality duty.

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Privacy International v (1) ICO and (2) the Commissioner of Police of the Metropolis (EA/2018/0164)

Counsel for the MPS, the lead Respondent, in a high-profile FOIA appeal where multiple police forces ‘Neither Confirmed Nor Denied’ possession of various types of information said to relate to Covert Communications Data Capture using International Mobile Subscriber Identity (IMSI) catchers, relying on s.23, s.24 and s.31 FOIA exemptions. The FTT refused the appeal and upheld the decision to neither confirm nor deny possession of the information in question.

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R (R) v The National Police Chiefs’ Council & Anor [2017] EWHC 2586 (Admin)

Junior counsel (led by Jason Beer KC) for the NPCC in a challenge under art.8 to both the NPCC’s policy on retention of criminal record data and the legislation on disclosure of criminal records. The case also concerned national vetting policy.

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R (P & G) v Secretary of State for the Home Department [2017] 2 Cr. App. R. 12

Junior counsel for the Chief Constable of Surrey (led by Anne Studd KC) in both the High Court and the Court of Appeal concerning a challenge to the administering of a reprimand for sexual offending and the legality of the scheme of retention and disclosure under the relevant guidance, the Police Act 1997 and the Rehabilitation of Offenders Act 1974 obliging the Chief Constable to disclose the reprimand.

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## Inquests

Bobby is regularly instructed to represent public bodies at inquests, often concerning deaths in custody, road traffic incidents, and deaths after police contact.

Bobby also frequently represents the Ministry of Justice, for both the prison service and the National Probation Service, in inquests involving suicide in prison and suicides and killings following the release of prisoners.

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## Notable Inquests cases

### [Inquests arising from the Keyham mass shootings](#)

Junior counsel for Devon and Cornwall Police, led by Fiona Barton KC, in the inquests arising from the murders perpetrated by Jake Davison. The Senior Coroner for Plymouth, Torbay and South Devon heard the inquests touching upon the deaths of the five deceased over a six-week period, with particular focus on the acts and omissions of Devon and Cornwall police, and particular the Firearms Licensing Unit and the decision to grant and then, following seizure, return his shotgun to Jake Davison.

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### [Inquests touching upon the death of Christine Lee and Lucy Lee](#)

Junior Counsel for the Chief Constable of Surrey (led by Jason Beer KC) in these art.2 inquests. Following the murders by John Lowe of Christine and Lucy Lee in 2014, and after multiple investigations by the state into the actions of Surrey Police and a murder trial in which Lowe was convicted, the Senior Coroner for Surrey heard these inquests into the deaths of Christine and Lucy Lee over five weeks, focusing on an examination of the assessment by Surrey Police of the risk posed by Lowe, with particular scrutiny of firearms licensing systems and decisions.

## Professional Discipline and Regulatory

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Bobby is regularly instructed to represent Appropriate Authorities in complex misconduct hearings and the PAT, as well as by forces and the IOPC in consequent judicial review proceedings. Bobby was also instructed by the Home Office to advise on the 2020 statutory Guidelines reissued along with the 2020 statutory instruments and has given lectures and training on the new misconduct regime.

### Notable Professional Discipline and Regulatory cases

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Re Ch. Supt. Ovens

Presenting counsel for the Appropriate Authority in IOPC directed proceedings concerning allegations of dishonesty in respect of the information given to the officers investigating the allegations against Supt. Robyn Williams.

Re PS Nash

Presenting counsel for the Appropriate Authority in an IPCC led investigation concerning allegations of sexual touching of a suspect in a criminal investigation.

Re A/Insp. French

Presenting counsel for the Appropriate Authority in a high profile IPCC led investigation around the death of James Herbert

Re PS Treasure

Presenting counsel for the Appropriate Authority in a two-week police discipline where a sergeant was dismissed for failing to respond to a stabbing incident, bullying, and using racist and homophobic language.

## Employment

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Bobby is regularly instructed in a wide range of employment matters in both the ET and the EAT. He has experience defending claims for discrimination and whistle blowing and successfully defended a constabulary in the largest tribunal proceedings in its history. Bobby has also represented both Claimants and Respondents in the ET and EAT, and has experience of drafting advices and pleadings in all employment matters.

Bobby's recent cases include a trial for race discrimination, a trial for disability discrimination, an appeal against a National Minimum Wage notices of underpayment, a constructive dismissal trial, an appeal in the EAT against a finding that the Appellant had been fairly dismissed, and an appeal to the EAT arising from a finding that dismissal was automatically unfair by reason of maternity.

### Notable Employment cases

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Parker v BC Software Ltd (UKEAT/0213/17/BA)

Counsel for the Appellant in the Employment Appeal Tribunal. The appeal concerned what behaviour constituted a breach of the implied term of trust and confidence and also the fairness of finding that an employee had been dishonest by preferring one person's account over another's absent a wider investigation.

Smart Medical Clinics Ltd v Naraine (UKEAT/0233/17/DM)

Counsel for the Appellant in the Employment Appeal Tribunal. The appeal concerned the law surrounding a finding of automatically unfair dismissal for maternity where the Tribunal had not rejected the employer's evidence that the dismissal was for conduct.



## Education & Qualifications

- 2010 - Called to the Bar by Gray's Inn
- 2010 – Awarded the David Karmel and Bedingfield Scholarships (Gray's Inn)
- 2008 - University College London, BA (Hons) History (1st)

## Awards & Scholarships

