Simon Tibbitts



Year of Call: 2006
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Employment and discrimination

Simon Tibbitts specialises solely in employment law and has done so for over 14 years. Whilst he takes instruction and has experience in all areas of employment law, his practice tends to now focus on the more complex and serious discrimination and whistleblowing complaints (often media sensitive) which necessitate meticulous preparation and attention to detail – features which Simon is renowned for.

In addition, Simon has in recent years specialised in advising and representing on high value employment disputes where career long loss and complicated pension and tax calculations are involved.

Simon can receive instructions on a direct access basis and in addition to the more classic functions of a barrister he has been involved with mediations and chaired internal investigations and disciplinary hearings. He regularly provides advice on internal policies and procedures and assists with the conduct of grievance and disciplinary hearings, typically from the early stages of a potential claim so as to ensure that the risk of a claim being brought is minimised from the outset.

Simon is a keen public speaker and is always looking for fresh and innovative ideas and ways in which to provide training to clients. He regularly provides training on all areas of employment law to in-house legal departments, HR professionals and law firms. If so desired a more specialist and bespoke training package can be provided which is tailored to the pertinent issues appropriate to each individual client and the sector within which they operate.

His knowledge and experience spans the entire spectrum of employment law disputes including but not exclusively:

- All forms of Discrimination
- Protected disclosures (whistleblowing)
- All aspects of unfair dismissal including constructive unfair dismissal
- Redundancy
- Wrongful dismissal
- All other contractual claims (unlawful deduction of wages etc.)
- Holiday pay

Seminars have included:

- Schedules of loss where more complex issues are involved such as career long losses and 'grossing up' for tax purposes
- Conducting disciplinary and grievance hearings
- Zero-Hours contracts
- Tips and tactics for recovering costs and tribunal fees

- Collective Redundancies
- Age Discrimination – from birth to death
- Bonus Payments and Maternity Leave

Recent EAT cases

- Luvualu & Ors v. Zenith Contractors Ltd UKEAT/0154/14/DM
- Holman v Devon County Council UKEAT/0127/15/BA

Examples of Recent Work

- Advised and represented Nadine Lee at an 8-day liability hearing involving claims of equal pay, sex discrimination and victimisation. Widely reported in the media due to NL's high earnings (circa £1m per annum) [Claims succeeded].
- Advised and represented at several 4-day staged remedy hearings (over last few years) a GP medical practice in respect of a GP's claim for career long loss [Settlement achieved].
- Acting for MOD in 2-week trial in respect of numerous claims of disability discrimination, trade union detriment, victimisation and unfair dismissal and involving res judicata / abuse of process legal argument. [All claims dismissed].
- Acting for the Respondent in a media sensitive 6-day whistleblowing (biosafety containment) case related to the Foot and Mouth virus [All claims dismissed].
- Instructed for a Respondent employer in a 4-week trial involving 5 claimants involving multiple strands of discrimination, whistleblowing and unfair dismissal claims [Favourable settlement achieved following 2-day Judicial Mediation].

Articles

Simon Tibbitts examines DHL Services Ltd v Pawal Ignatowicz [2026] EAT 74, in which the EAT explores the differences between basic and compensatory fault reductions in practice and highlights how conduct after even an ET finding to reinstate could end up being considered when assessing the practicability of reinstatement.

View Article

Simon Tibbitts reflects on the case of Mayanja v City of Bradford Metropolitan District Council [2025] EAT 160, a case which highlights the risks posed by broad or generalised assessments of credibility.

View Article

Simon Tibbitts reviews the case of Handa v The Station Hotel (Newcastle) Ltd & Ors [2025] EAT 62, which highlights the complexity of establishing agency within employment contexts, and emphasises the importance of authority, control, and the scope of functions in determining agency relationships.

View Article

Simon Tibbitts reviews British Airways Plc v Mello and ors [2024] EAT 53, in which useful guidance is given on the approach that should be taken when deciding what allowances are part of `normal' pay for holiday pay calculation purposes.

The EAT also examines the current legal position in relation to the concept of a 'series' of deductions following the recent decision in Agnew [2023] UKSC 33.

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Simon Tibbitts reflects on Phipps v Priory Education Services Ltd and the CoA's guidance for approaching Rule 70 applications.

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Asda Stores Ltd v. Brierley & Ors [2019] EWCA Civ 44

Employment law barrister Simon Tibbitts analyses the judgment of the Supreme Court handed down on Friday, 26th March, outlining the clarity the case provides on the approach and principles to be adopted when dealing with cross-establishment comparisons in Equal Pay claims.

Simon highlights the clarity the Judgment brings and suggests large employers would be well advised to review their pay structures.

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Asda Stores Ltd v. Brierley & Ors [2019] EWCA Civ 44

Specialist employment law barrister Simon Tibbitts reviews Asda Stores Ltd v. Brierley & Ors [2019] EWCA Civ 44, a case concerning equal pay.

View Article

Loss of trust and confidence in an employee unfairly dismissed can be used to prevent re-engagement
Simon Tibbitts analyses Kelly v PGA European Tour; a case that widens and lowers the practicability threshold for the employer in defending against an order for re-engagement.

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Illegality and separating a PD from an underlying dispute. Simon Tibbitts analyses Robinson v His Highness Sheikh Khalid Bin Saqr Al Qasim UKEAT/0106/19/RN

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Whistle-blowers beware: just because there is a PD doesn't necessarily mean that the employer can't respond (and damage your reputation) in order to 'set the record straight' - An analysis of Jesudason v Alder Hey Children's NHS Foundation Trust [2020] EWCA Civ 73

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3PB Employment barristers Sarah Clarke and Simon Tibbitts analyse the latest employment law cases, covering:
1. Guidance of whose motivation will be taken into account in determining the "Employer's" reason for dismissal: Royal Mail Limited v Kamaljeet Jhuti [2017] EWCA Civ 1632
2. EAT find that relying on previous instances of misconduct, for which no sanction had been applied, does not render a dismissal unfair: NHS 24 v Pillar UKEATS/0005/16/JW
3. Subjecting men and women to the same detriment can be 'less favourable treatment': HM Chief Inspector of Education, Children's Services and Skills v The Interim Executive Board of Al-Hijrah school [2017] EWCA Civ 1426
4. The Advocate General has ruled that employees may qualify for protection from pregnancy discrimination before informing employer about their pregnancy: Guisado v Bankia SA (Case C-102/16)

Please click below to read the case law update.

View Article

Simon Tibbitts provides an employment case law update covering:

(1) Discrimination awards – all rise by 10%!: De Souza v Vinci Construction (UK) Ltd [2017] EWCA Civ 879
(2) Conduct of an employee does not have to be culpable (whether negligent, reckless or dishonest) in order to constitute a potentially fair reason under s.98(2)(b) ERA 1996: JP Morgan v Ktorza (UKEAT/0311/16/JOJ)
(3) Privilege against self-incrimination and when it arises in the ET: Coletta v Bath Hill Court (Bournemouth) Management Company Ltd (UKEAT/0297/16/RN)
(4) Court of Appeal reminds us again that 'because of' is not to be equated with a simple 'but for' analysis: Greater Manchester Police v Bailey [2017] EWCA Civ 425

(5) Farmah and ors v Birmingham City Council (UKEAT/0286/15/JOJ)
(6) King v The Sash Window Workshop Ltd

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Recommendations

Simon Tibbitts has a thriving practice in which he represents public sector organisations, private sector employers and employees, particularly in unfair dismissal and discrimination claims.

Strengths: "Simon handled the proceedings, the client and the loss calculations supremely - he was genuinely excellent.""Simon fully understands our clients and their needs/wants. He takes time to understand the factual nuances of each case and is able to deal with unpredictable matters with reassuring ease and calm.""Simon is incredibly intelligent and very good at grasping the law and getting to grips with complex matters very quickly: very thorough and meticulous.""We know our clients can rely on Simon for excellent representation and advice in complex employment matters. "Simon always impresses with his forensic analysis and ability to know the detail, even of the most complex cases, inside out."

Chambers UK 2025/Employment/Western Circuit

Strengths: "We have great faith in his professionalism, even in trying circumstances." "He is meticulous in his preparation and clients feel assured he is fighting their corner."

Chambers UK 2024/Employment/Western Circuit

Strengths: "Simon has demonstrated an excellent all-round ability."
"He is very reassuring to clients and great to have on your side."
"Simon is excellent, thorough and extremely diligent in his preparations."
"Simon can read a tribunal very well."
"He is very good with clients and takes a pragmatic approach to cases."
"Simon's preparation is very good."

Chambers UK 2023/Employment/Western Circuit

Strengths: "He went beyond the call of duty and his level of preparation against a QC was remarkable. He is a QC in the making."
Recent work: Successfully represented Nadine Lee, a high-earning IT software sales professional, in claims of sex discrimination, victimisation, equal pay and constructive unfair dismissal.

Chambers UK 2022/Employment/Western Circuit

Strengths: "I had an excellent experience working with him. He is meticulous on detail, an excellent reassuring voice to clients and prepares extremely thoroughly. He is willing to go the extra mile."
Recent work: Defended the MoD in numerous race discrimination, victimisation and harassment claims.

Chambers UK 2021/Employment/Western Circuit

Strengths: "An excellent barrister who is well prepared and has great attention to detail." "Engaging and sensible."

Chambers UK 2020/Employment/Western Circuit

'Simon is an excellent and confident advocate. His preparation is immaculate, and he quickly grips with complex legal matters.'

Legal 500 2025/Employment/Leading Juniors/Western Circuit

'Simon has excellent strategic thinking abilities and quickly gets to grips with even the most complex of issues. He is excellent in cross-examination and summation, carefully treading the line between robustly asserting a client's case and displaying

empathy to the position of the other side.'

Legal 500 2024/Employment/Leading Juniors/Western Circuit

'Simon is incredibly diligent and knowledgeable, with a good eye for detail and identifying novel legal points.'

Legal 500 2023/Employment/Leading Juniors/Western Circuit

`He goes the extra mile and is unafraid to take a robust position where merited. Clients always know their corner is being fought.'

Legal 500 2022/Employment/Leading Juniors/Western Circuit

`Simon is an excellent advocate. He has superb attention to detail and is meticulous in his preparations. He is willing to go the extra mile. I have found him always to be a very safe pair of hands and he is able to get to grips with complex cases very quickly.'
"Simon Tibbitts represented the Crown Prosecution Service in defeating a disability discrimination case in which the claimant was unusually subjected to a costs order."

Legal 500 2021/Employment/Leading Juniors/Western Circuit

`Noted for his expertise in unfair dismissal cases.'

Legal 500 2018/19/Employment/Leading Juniors/Western Circuit

'Simon frequently represents clients in tribunal courts nationwide, as well as at the EAT, in complex employment matters. He acts largely for respondents, with particular expertise in discrimination and whistle-blowing cases.'
'He always has the confidence and respect of the tribunal.'
'He is practical, and good at explaining difficult concepts in simple terms.'

Chambers UK 2015/Employment/Leading Juniors/Western Circuit

Simon Tibbitts `has been instructed on a number of difficult cases with poor prospects, but he won those employment disputes against the odds'

Chambers UK 2014/Employment/Leading Juniors/Western Circuit

`Recommended for unfair dismissal matters.'

Legal 500 2017/Employment/Leading Juniors/Western Circuit

'Very thorough and very bright.'

Legal 500 2016/Employment/Leading Juniors/Western Circuit

'He goes above and beyond what one would expect.'

Legal 500 2015/Employment/Leading Juniors/Western Circuit

`He has vast knowledge of employment law, and is always on hand to answer queries.'

Legal 500 2014/Employment/Leading Juniors/Western Circuit

`a safe pair of hands'

Legal 500 2013/Employment/Leading Juniors/Western Circuit

`incredibly diligent and knows the papers inside out and backwards'

Legal 500 2012/Employment/Leading Juniors/Western Circuit

Client Testimonials – Seminars:
Simon regularly provides tailored in house seminars and workshops to clients on a range of employment law issues.

"Excellent – let's do it again!"

"Zero Hours contracts particularly useful"

"Really valuable information, thought provoking, really relevant topics which are going to be useful in day to day HR issues"

Academic qualifications

- University College London, LLB in law (Upper Second Class Honours)
- Inns of Court School of Law, Bar Vocational Course (Very competent)

Professional qualifications & appointments

- Attorney General's Regional Panel of Counsel (Panel B) (April 2018)
- Panel Member - Independent Police Misconduct Hearings (November 2015)

Professional bodies

- Employment Lawyers Association