

# Tom Webb

**Year of Call:** 2010

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## Overview

Tom Webb is a civil practitioner specialising in personal injury, clinical negligence and related matters. He has established a busy practice encompassing both advocacy and advisory work, appearing at all levels up to and including the Court of Appeal. He is recognised as a leading junior in the Legal 500.

In personal injury matters, Tom represents both claimants and defendants on the multi-track. Instructions frequently concern six and seven figure claims. Tom is experienced at all stages of such litigation, from pre-action advice and drafting, through to CCMC and trial. Amongst other areas, cases regularly arise from road traffic accidents, occupier's liability and claims against employers. Please refer to Tom's personal injury page for details of some other recent and notable cases. His reported cases are listed below.

Additionally, Tom has built a substantial practice representing defendants where fraud and/or fundamental dishonesty is alleged. Tom has much experience in the application of s.57 CJCA and CPR r.44.16.

Tom's clinical negligence practice encompasses a wide range of claims. As well as matters arising from hospital and GP treatment, Tom has dealt with claims against a range of medical professionals. This includes those providing cosmetic treatments. Tom has experience of clinical negligence claims arising in the context of military service.

Aside from his practice at the bar, Tom has lectured part-time at the Winchester University Law School and provided moot coaching. He is a former Western Circuit Mooting Champion (2008) and Middle Temple Lowry Scholar (2009/10).

In 2016 Tom was appointed as a panel member to the Thames Valley Police Disciplinary Tribunal. In 2019 Tom was appointed as a Fee-Paid Judge of the First Tier Tribunal and assigned to the Social Entitlement Chamber. In 2023, Tom was appointed as a Recorder, sitting on the Western Circuit.

### Reported Cases

Caterham School Ltd v Rose [2019] 8 WLUK 277

Pearson v Secretary of State for Defence [2024] EWCA Civ 150

## Recommendations

'Tom is an exceptional personal injury barrister. He is extremely knowledgeable and couples a pragmatic and constructive approach with forceful and well-reasoned advocacy. He is also well liked by clients and is very empathetic.'

**Legal 500 2024**/ Personal Injury/ Western Circuit/ Leading Junior

Tom Webb is instructed by insurers in multi-track cases involving allegations of fundamental dishonesty.

'Tom is an excellent communicator. His advice is clear and definitive. All work prepared is detailed and always on time. Clients like him as he has a very calm manner about him.'

**Legal 500 2023**/Personal Injury/Western Circuit

## Academic qualifications

- LLB (Hons)
- BVC (BPP London)
- Middle Temple Lowry Scholar

## Professional qualifications & appointments

- Recorder, Western Circuit
- Fee-Paid Judge of the First-tier Tribunal, Social Entitlement Chamber
- Thames Valley Police Disciplinary Hearing Independent Panel Member
- Part-time lecturer 2014/2015, Winchester University

## Professional bodies

- Personal Injuries Bar Association
- Western Circuit

# Expertise

## Personal Injury

Tom Webb conducts multi-track personal injury litigation for both Claimants and Defendants. Tom has a wide experience of all aspects of proceedings, from early advice on liability and the initial drafting of pleadings and schedules, through to representation at trial.

Tom is recognised in the Legal 500 as a leading junior for PI.

Instructions frequently concern claims arising from road traffic accidents (including claims against the MIB), public liability matters (including Highways Act claims), occupier's liability and accidents at work (including noise-induced hearing loss). Where such matters have resulted in death, Tom is experienced in dealing with claims under the Fatal Accidents Act and related provisions. The claims arising from road traffic accidents regularly contain credit hire elements and Tom is well-versed in the law arising from such matters.

Tom is frequently instructed on behalf of Defendant insurers on both the fast and multi-tracks in cases where LVI and/or fraud are alleged and has significant trial experience of such matters. Consequently, Tom is also experienced in cases where findings of fundamental dishonesty are pursued in order to overcome QOCS protection. Tom has related experience of appearing at committal hearings.

Aside from his PI practice, Tom is experienced in matters related to the PI field, including disputes concerning contracts of insurance, usually involving property damage arising from road traffic accidents.

Tom is experienced in dealing with costs matters, usually arising from PI claims, including provisional and detailed assessment.

Similarly linked to his PI practice, Tom has experience of representing current and former service members before the War Pensions and Armed Forces Compensation Tribunal. In January 2024, Tom represented the successful appellant before the Court of Appeal in *Pearson v Secretary of State for Defence* [2024] EWCA Civ 150.

## Recent or ongoing high-value cases have included:

- Complex causation dispute (multiple accidents) with pleaded value of two million pounds
- £700,000 complex PTSD case settled at JSM
- Counsel for the Appellant in the Court of Appeal in a case concerning interpretation of the 'Mental Disorder' tariff of the AFCS
- Junior counsel in child brain injury case pleaded circa.£10,000,000
- Broken foot in accident at work with requirement for lifelong orthotics, pleaded at £500,000
- Shoulder injury at work pleaded in excess of £500,000
- Post-accident concussion claim pleaded at approximately £300,000
- Back injury in RTA pleaded in excess of £300,000
- Fatal Accident claim pleaded at more than £200,000
- Representing the defendant in a PL matter pleaded in excess of £200,000; settled for £25,000 at JSM
- Road traffic accident with liability denied on the basis of automatism – settled for £130,000
- Client with brain injuries sustained in accident during a sword fighting drill
- Multi-day liability and quantum multi-track trial (occupier's liability)
- Complex matter concerning an uninsured EU-National, killed on a road in the UK, but without a personal representative in

the jurisdiction

- Successful representation at appeal concerning the quantum of losses arising from a cancelled holiday
- Appeal arising from refusal to join two related claims where it is said that the alleged dishonesty in one is relevant to the other

## **Recent LVI/fraud/fundamental dishonesty work:**

- Success on appeal in case concerning allegation of pre-action dishonesty.
- Successful defence (claim abandoned) in £250,000 claim where Claimant's employment evidence was found to have been fabricated.
- Costs recovered on behalf of Defendant insurer in employer's liability claim that was abandoned pre-trial. Application for finding of fundamental dishonesty (CPR PD44 paragraph 12.4) was successfully pursued resulting in recovery of an enforceable costs order.
- Finding of fundamental dishonesty secured at trial resulting in enforceable costs order of more than £30,000. Key evidence being Instagram Reels.
- Successful strike out of claim where LVI alleged and subsequent recovery of costs on basis that Claimant's conduct was likely to disrupt the just disposal of proceedings.
- Success at trial (for Claimant) where conspiracy alleged.
- Claim pleaded at £200k abandoned due to surveillance evidence.
- Claim including allegations of LVI, staged accident and phantom passenger. Key evidence included Facebook pages and address history.
- Dismissal of claim by 3 claimants in an LVI matter.

## **Related cases of interest:**

- Representing the Defendant insurer in claims arising where vehicles had collided with a 3-bed home, an historic railway bridge and a road bridge
- Representing the Defendant at multi-track trial concerning the spillage of oil onto the North Circular Road
- Written representations to the Court of Appeal in a case concerning alleged GDPR breaches and breach of contract arising from the cancellation of a contract of insurance for material misrepresentation
- Appearing for Appellants before the War Pensions and Armed Forces Compensation Tribunal (and above) in claims arising from:

o Non-Freezing Cold Injury

o A heart condition exacerbated by the trauma of service

o Atypical facial pain

o PTSD and related mental health conditions

- Presently seeking permission from the Court of Appeal in a psychiatric injury AFCS case

# Clinical Negligence

Tom Webb is experienced in a variety of clinical negligence matters, including claims arising from dental, GP, hospital and physiotherapy treatment. Instructions have included requests to draft pre-action correspondence under the protocol, as well as conduct of matters once issued. As well as claims against the NHS, Tom has experience of claims concerning private hospitals, partnerships and the military.

Tom acts for both claimants and defendants.

Tom's PI practice has involved matters whereby cosmetic surgery is in issue (either in terms of injury undermining such previous surgery or where cosmetic surgery is recommended in the future) and so he is well placed to deal with clinical negligence claims arising in the cosmetic field.

In 2018 Tom was instructed as a junior in an ongoing multi-million pound child brain injury case. The claim arises from a negligent failure to respond to hypoglycaemia shortly after birth.

## Examples of recent cases include:

- Junior in multi-million pound child brain injury case (claimant)
- Child brain injury at birth case, presently in early stages, with pleaded value likely to be in the millions (defendant)
- Further child brain injury case, arising from alleged negligence by both ambulance service and maternity unit Value to be ascertained (defendant)
- Claim against dentist arising from allegedly negligent placing of implants
- Allegedly negligent laser removal of tattoo
- Claim against IVF clinic concerning testing of embryos
- Bowel injury sustained during an appendectomy
- Haemophiliac suffering extensive bleed during surgery due to alleged failure to adequately plan the operation
- Allegedly negligent conduct of a caesarean section
- Allegedly negligent failure to detect an ectopic pregnancy
- Negligent division of thumb tendon in a minor
- Failure to diagnose swine flu and pneumonia
- Wrong-level spinal surgery claim
- Brachial plexus injury at birth
- Still-birth following allegedly negligent care during pregnancy

## Articles

In January, 3PB's [Tom Webb](#) appeared for the successful appellant in the Court of Appeal in the matter of Pearson -v- Secretary of State for Defence [2024] EWCA Civ 150. In this article, Tom discusses the case and the AFCS itself: required reading for those dealing with cases concerning current and former members of the Forces.

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3PB personal injury and clinical negligence barrister Tom Webb attended Winchester County Court on Thursday 28th May in what is believed to have been one of the first civil trials to be heard in person since lockdown began. His observations on what fellow barristers, solicitors, lay clients, witnesses and judges will be going back to in the coming weeks are set out in this article.

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