



Simon Tibbitts

Year of Call: 2006

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Overview

Simon Tibbitts is an employment law specialist. He provides advice and representation to a diverse array of clients, from individual employees through to national companies such as Wincanton and HSBC and government organisations such as the MOD and NHS. He regularly appears in employment tribunals and courts nationwide as well as having appeared several times in the Employment Appeal Tribunal.

Simon was promoted to the Attorney General's Regional Panel B of Counsel in April 2018 and has been sitting as a Panel Member on Independent Police Misconduct Hearings since November 2015. Pursuant to a clear desire to utilise his experience and expertise in innovative ways, Simon undertakes mediations, accepts direct access instructions and has conducted internal whistleblowing investigations as well as disciplinary hearings.

Simon regularly provides training and always seeks to use interactive methods, such as panel session debates, breakfast forums or group workshops.

Recommendations

'Noted for his expertise in unfair dismissal cases.'

Legal 500 2018/Regional Bar – Western Circuit, Employment, Leading juniors – Tier 1

'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 – Western Circuit – Band 2

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 – Western Circuit

'Recommended for unfair dismissal matters.'

Legal 500 2017/Regional Bar – Western Circuit, Employment, Leading juniors

'Very thorough and very bright.'

Legal 500 2016/Regional Bar – Western Circuit, Employment, Leading juniors.

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

Legal 500 2015/Regional Bar – Western Circuit, Employment, Leading juniors.

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

Legal 500 2014/Regional Bar – Western Circuit, Employment, Leading juniors.

'a safe pair of hands'

Legal 500 2013/Regional Bar – Western Circuit, Employment, Leading juniors.

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

Legal 500 2012/Regional Bar – Western Circuit, Employment, Leading juniors.

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

Direct Access

Simon Tibbitts is qualified to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme.

Employment and discrimination

Simon specialises solely in employment law and has practised in this field for nearly 10 years. He is a calm, clear and precise advocate whose questions are carefully constructed to get the best possible evidence from any witness.

He can receive instructions on a direct access basis and in addition to the more classic functions of a barrister in providing advocacy and advisory services he has been involved with mediations, chaired internal investigations and disciplinary hearings and is able to provide advice on internal policies and procedures and the conduct of grievance and disciplinary hearings 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 but he has particular interest and experience within the following areas:

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

Seminars in recent years have included:

- The Equality Act 2010
- Schedules of loss where more complex issues are involved such as career long losses and 'grossing up' for tax purposes
- 2013 ET rules reform and introduction of fees
- Conducting disciplinary and grievance hearings
- Zero-Hours contracts
- Tips and tactics for recovering costs and tribunal fees
- Collective Redundancies
- ACAS Early Conciliation
- 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

Recent Work

- 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]
- Acted for a large national Respondent employer in a 2-week trial involving numerous unspecified complaints by the claimant of disability and race discrimination, victimisation, harassment, whistleblowing and unfair dismissal. [All claims dismissed]
- Acted for the MOD in a complex 5 day disability discrimination claim. [All claims dismissed]
- Acted for a Claimant nurse in a 5-day hearing involving claims of disability discrimination, constructive unfair dismissal and victimisation. The Respondent's main witness was critically ill and on a permanent oxygen supply which clearly necessitated careful cross-examination but we were successful in achieving an overall award in the region of £60,000.

Publications

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 Publication](#)

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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