

Simon Lewis

Call 2012



Clerks' Details

-  Ian Spencer
 0113 203 1971
-  Nicole Luna
 0113 203 1975
-  Luke Heywood
 0113 203 1970

Memberships

- Employment Lawyers Association (ELA)
- North Eastern Circuit

Beyond the Bar

Simon played first class cricket for a couple of seasons as an opening batsman, including a tour of Pakistan, is a Cambridge Blue, and captained several of the Yorkshire youth cricket teams. He played representative football, among other sports, and maintains an interest in the sporting world generally.

He grew up in Ilkley and in North Wales, and now lives in Yorkshire.

Employment CV

Overview

Simon practises mainly in employment and equality law, and in complementary areas within the fields of regulatory and professional discipline, public, commercial and sports law. He has an outstanding employment practice for a barrister of his call and has developed a strong reputation for excellent client service.

Simon was appointed Junior Counsel to the Crown in 2015 on the Attorney General's regional civil panel for a period of five years and reappointed in 2020. As such, in addition to his broader practice, he regularly advises and represents major government departments and ministers on employment and equality law matters. He also has substantial experience working with local authorities and with business more generally.

He frequently acts for both respondents and claimants in complex, multi-day employment tribunals. He has acted, as sole counsel, in appeal cases in the Employment Appeal Tribunal and the Court of Appeal, and in one case which touched the Supreme Court. He has substantial experience advising and representing across the full range of typical employment issues: unfair and wrongful dismissal, all types of discrimination, whistleblowing and victimisation, unlawful deductions, employment status, redundancy, TUPE, etc. A selection of some recent work is presented further below.

Simon is able to bring a more informed and well-balanced perspective to his employment practice because of his wider work. He continues to practise in complementary areas of public, regulatory, sports and commercial law. He sits in various judicial roles, including a number of significant professional regulatory positions (within business, healthcare, and sport). He is a Non-Executive Director for an NHS trust and a regional football association, and an independent board member of the ASDA

Foundation. Before graduating with a 1st class degree from Cambridge, he worked in one of the Prime Minister's units, as a management consultant and in an executive role. This wider experience is particularly useful within the employment law context and has helped Simon to develop a reputation for understanding the practical as well as the legal context.

Cases

FINAL HEARINGS

Acted for R in a multi-week tribunal: successfully resisted all of the various claims brought, including a number of complex discrimination claims

Acted for R in an exceptionally complex piece of employment and equality law litigation involving multiple claimants and in relation to tribunal hearing spanning several months

Acted for C in a multi-headed claim involving various sensitive matters

Acted for C in a multi-day tribunal: succeeded with claims for discrimination and effectively managed a vulnerable client

Acted for R in 12 day tribunal: direct discrimination, harassment, victimisation, unfair dismissal

Acted for R in 6 day tribunal: resisted claim for race discrimination and further remedies under the Agency Worker Regulations

Acted for 5 Cs in 8 day TUPE tribunal

Acted for C finance director in 8 day whistleblowing, constructive unfair dismissal and unlawful deduction claims

Acted for C in 6 day constructive unfair dismissal hearing against the NHS Acted for R: resisted claim for constructive unfair dismissal

Acted for 7 Cs in 3 day TUPE tribunal

Acted for C senior manager in 4 day tribunal and secured a finding of unfair dismissal against a leading retail organisation

Acted for C in 4 day tribunal: secured unfair dismissal in a "blanket dismissal" case

Acted for R over 2 days: resisted claim for discrimination by disability association

Acted for C in 5 day tribunal: presented claim for unfair dismissal and discrimination by perceived sexual orientation and race

Acted for R: achieved 100% quantum reduction on Polkey and contributory fault

Acted for C in 3 day tribunal: secured decision of discrimination by sexuality

Acted for C: secured judgment of pregnancy discrimination in the context of a redundancy situation for C requiring interpreter

Acted for C in 3 day tribunal: presented claim for detriment following a protected disclosure relating to asbestos exposure

Acted for C: judgment of sex harassment and constructive dismissal for vulnerable C

OTHER RECENT WORK

Appeal cases: (1) successfully resisted an appeal, in relation to whistleblowing, in a full hearing before the Court of Appeal; (2) successfully resisted an application for permission to appeal to the Supreme Court; (3) successfully resisted various appeals before the Employment Appeal Tribunal (including cases relating to disability, non-party rights to appeal, dismissal).

Remedy hearings: represented well-known R company and secured very favourable outcome having established C's failure to mitigate loss; acted for C in race discrimination claim; acted for C in unfair dismissal claim.

Preliminary hearings (a few examples): resisted Cs' application to add a director personally to proceedings (i.e. to "pierce the corporate veil"); established C was not disabled; resisted Cs' applications for disclosure in hearing regarding employment status; applications for strike out and deposit orders; successfully secured deposit orders for R.

Costs: secured order for costs at the maximum level allowed within the jurisdiction; advised on and dealt with costs issues within the context of settlement negotiations.

Judicial mediation: secured substantial settlement offer in case listed for 5 day hearing; resolved various cases, without the need for a full hearing, and the costs and disruption attached to the same.

Negotiation: experienced in assisting negotiation prior to hearings commencing; effective at brokering favourable agreements at the beginning of or during hearings.

Drafting and advisory work: regularly drafted documentation to assist progression of litigation; frequently instructed to provide advice at various stages in litigation lifecycle.

Seminars: delivered seminars, lectures and workshops on employment law matters.

Education

- **BPP LAW SCHOOL (LEEDS):**
Bar Course: Outstanding (ranked 1st in class)
Law Conversion Course: Distinction (ranked 1st in class)
- **CAMBRIDGE UNIVERSITY (JESUS COLLEGE):**
Social and Political Sciences: 1st Class
- **ERMYSTED'S GRAMMAR SCHOOL (SKIPTON):**
S levels, A levels, GCSEs: straight As
- **LAW SCHOLARSHIPS:**
Lincoln's Inn: Eastham, Buchanan, Cassel, Lord Haldane, Hardwicke
BPP Law School: Cohen

Appointments

- Junior Counsel to the Crown (2015 and 2020)
- Deputy District Judge (2020)
- Court Examiner (2017)
- Judicial Panel at the Football Association (2021)
- England Boxing Disciplinary Panel Member (2017)
- Sports Resolution's Panel of Mediators and Arbitrators (2018)
- British Cycling Regulatory Panel Member (2019)
- Independent Case Examiner at the General Optical Council (2016)
- Independent Case Examiner at the Nursing and Midwifery Council (2020)
- Independent Board Member and Trustee: the ASDA Foundation (2020)
- Non-executive Director: Bradford District Care NHS Trust (2018 and 2021)
- Non-executive Director: West Riding County FA (2018)