

## David Tinkler

Call 2004



### Clerks' Details

 Neil Wright  
 0151 242 8814

### Memberships

Employment Law Bar Association  
Personal Injury Bar Association

### Practice Overview

David specialises in all aspects of employment law. He represents employees and employers across a wide variety of sectors including NHS, government (local and central), education, police forces and private companies. David is regularly instructed in complex and lengthy (multi-week) whistleblowing and discrimination litigation. He also has considerable experience in equal pay claims, TUPE and unfair dismissal. He is on the Attorney General A panel for employment law.

David also specialises in high value personal injury litigation on behalf of Claimants. His personal injury work overlaps with his employment practice in cases relating to the Protection from Harassment Act and stress claims.

### Education

- BA (hons) in English Literature. First class. Cardiff University. 2000
- Graduate Diploma in Law. Commendation. Nottingham Law School. 2003
- Bar Vocational Course. Very Competent. Inns of Court School of Law. 2004

### Recommendations

Ranked Tier 3 for Employment

#### **The Legal 500 2024**

David has excellent client care, is very good at dealing with clients, has excellent technical legal knowledge and is great on strategy; very much a team player and highly responsive. He is always prepared and great to work with.

#### **The Legal 500 2023**

David is clearly very bright, he is very easy to work with and always willing to help out even at an early stage. His record of accomplishments speaks for him. Being able to present technical legal arguments in a client friendly way, whilst balancing the need to be robust, but maintaining respect for all concerned, makes him an asset and a rare find.

#### **The Legal 500 2022**

## David Tinkler

Call 2004



### Clerks' Details

 Neil Wright  
 0151 242 8814

### Memberships

Employment Law Bar Association  
Personal Injury Bar Association

### Notable Cases

#### **Mutangadura v Home Office [2023]**

Acted for the Respondent in a claim for direct race discrimination. The case raised questions regarding the burden of proof provisions in circumstances where the putative discriminator had no recollection of the alleged discriminatory act. The Claimant's claim was dismissed.

#### **Jones v Kammac Ltd [2023]**

David represented the Respondent in an eight-day claim for sex discrimination and constructive dismissal. The claim concerned whether there can be an anticipatory breach of contract in circumstances where there was a genuine dispute as to the Claimant's contractual entitlement. The case also involved consideration of the last straw doctrine in circumstances where the Claimant had advanced various 'last straws.' The ET dismissed the Claimant's claims.

#### **Chow v NHS Cheshire and Merseyside Integrated Care Board [2023]**

Acted for the Respondent in a five day claim for whistleblowing detriments, race discrimination and disability discrimination (failure to make reasonable adjustments, indirect discrimination, harassment and victimisation). All claims were dismissed.

#### **Baker v Governing Body of St Charles RC Primary School [2023]**

David acted for the Respondent in a claim for unfair dismissal by a headteacher. The claim was heard over four days and was factually dense. The Claimant made wide ranging allegations of substantive and procedural unfairness. The claim was dismissed.

#### **Jackson v Greater Manchester Police [2021-2023]**

Acted for the Respondent in a whistleblowing case of utmost seriousness and complexity. The claim involved allegations of corruption by a serving senior police officer. The hearing was conducted over 160 sitting days and attracted considerable media attention. Led by Simon Gorton KC. Judgment awaited.

## David Tinkler

Call 2004



### Clerks' Details

 Neil Wright  
 0151 242 8814

### Memberships

Employment Law Bar Association  
Personal Injury Bar Association

#### **Grundy v Dodd Engineering [2021]**

David acted for the Claimant in a claim for disability discrimination heard over four days. The Claimant was successful in his claim that the Respondent breached the duty to make reasonable adjustments by failing to consult with the Claimant prior to dismissing him for redundancy.

#### **X v Y Ltd [2021]**

Acted for the Claimant in an equal pay claim heard over five days. The Claimant alleged that a historic pay disparity had become tainted by sex and could no longer be justified. The Claimant (who remained employed) was successful and was awarded pay parity with her comparator.

#### **Hyde v Secretary of State for Justice [2020]**

Acting for the Respondent in a four-week hearing. The Claimant advanced claims of detriment and dismissal for making a protected disclosure, disability harassment, discrimination arising from disability and constructive dismissal. The claim was factually dense with the Claimant alleging she had suffered over 40 whistleblowing detriments. David cross examined the Claimant for five days. All the Claimant's claims were dismissed.

#### **Knox v Chief Constable of Merseyside Police [2019]**

David represented the Respondent in a two-week whistleblowing, victimisation, and discrimination (sex and disability) claim. The Claimant advanced a claim (at that point untested domestically) of indirect discrimination by association. The Claimant's claims were dismissed save for a finding of harassment and victimisation, the latter overturned on appeal. A costs award was made in the Respondent's favour.

#### **Honeyman v Highways England Company Limited [2018]**

Acted for the Respondent in a complex whistleblowing claim involving disclosures relating to alleged technical failings by the Respondent. Hearing listed for 5 days. Following two days of cross examination, the Claimant withdrew all his claims.

## David Tinkler

Call 2004



### Clerks' Details

 Neil Wright  
 0151 242 8814

### Memberships

Employment Law Bar Association  
Personal Injury Bar Association

### Appellate Cases

#### **Chief Constable of Merseyside Police v Knox UKEAT/0300/19/JOJ [2021]**

David represented the Appellant in a successful appeal against a finding that the Respondent was liable for victimisation of the Claimant. The EAT held that the ET's finding was perverse and could not stand. The EAT further found that the ET erred in concluding that the burden of proof had passed to the Respondent.

#### **Mutangadura v The Home Office [2021] UKEAT/0954/19/BA**

Acted for the Respondent in an appeal relating to the burden of proof provisions in a direct discrimination claim. The Claimant's claim was dismissed following remittal to the same tribunal.

#### **McCrudden v St Helens MBC [2019] UKEAT**

Acted for the Respondent successfully defending a perversity appeal against the decision of ET in a whistleblowing and unfair dismissal claim.

#### **British Association for Shooting and Conservation v Cokayne [2008] ICR 185**

Acted for the Appellant in an important case on the application of Rule 25 where a Claimant withdraws a claim whilst maintaining an intention to bring a second claim. Held that the exception to the cause of action estoppel allowed in *Ako v Rothchild Asset Management* (2002) IRLR 348 is no longer available.

#### **Williams v University of Nottingham [2007] IRLR 660**

Acted for the Appellant in a widely reported case concerning the territorial jurisdiction of claims under the Disability Discrimination Act. The EAT held that the test applied in *Lawson v Serco Ltd* in respect of claims for unfair dismissal should apply to claims for discrimination.