



Toby Kempster



Call: 1980
Clerk: William Meade
Email clerk: wmeade@oldsquare.co.uk
Tel: 020 7269 0300
Email: clerks@oldsquare.co.uk

Profile

Toby specialises in employment and personal injury law and the associated areas around these specialisms. He is recommended as a leading lawyer in these fields in both the *Legal 500* and *Chambers and Partners*.

Toby's personal injury practice principally involves employer's liability claims both in respect of work related accidents and disease claims, especially those claims arising from asbestos exposure and industrial deafness. Toby regularly works for trade unions and has also developed particular expertise in stress claims. In this respect, Toby's experience in employment law enables him to advise on the alternative remedies open to claimant where discrimination or bullying and harassment is involved.

In addition to acting for claimants against their employers, Toby also has considerable experience in dealing with Fatal Accident Act claims and other serious injuries including both brain and spinal cord damage.

Toby's employment practice comprises the full range of employment law, which is complemented by his experience in dealing with quantum issues in high value personal injury claims and stress claims. He appears regularly in multi day ET claims and EAT appeals and has developed a niche practice in disability discrimination cases due to his crossover experience.

In addition to these statutory claims, Toby also deals with PHI claims and contractual issues in both the County Court and the High Court and has been involved in a number of claims (including injunctive relief), arising from the enforceability of restrictive covenants.

Recent and current work

Employment

- *Conceicao v London Borough of Camden*: Successfully acted for respondent in resisting complaints of race, sex & disability discrimination in a recently concluded 6 day hearing.
- *Denteh v South Maudsley NHS Trust*: EAT agreed that ET had correctly concluded that it has no jurisdiction to hear a race discrimination claim which had been withdrawn in earlier unfair dismissal proceedings.
- *C v London Borough*: acting for claimant post dismissal from senior post with a London Borough who, having succeeded in her race discrimination and unfair dismissal claims, but also having suffered a nervous breakdown, is now seeking compensation in excess of £500,000.
- *PHI claims*: Toby has advised in 2 recent PHI/contractual disputes for senior employees who have suffered from stress related illnesses and are no longer able to work.

Personal Injury



- *Tabberer v North Somerset NHS Trust*: Successfully representing claimant in claim for damages in respect of a stress related illness arising out of an excessive work load.
- *Scarlett v Secretary of State for Energy*: Representing family of deceased claiming damages in respect of deceased's exposure to asbestos; complex issues of causation remain having overcome a limitation defence.
- *William v Davies*: FAA claim recently settled at JSM for £500,000 +
- *Cooper v Quentor*: WRULD claim successfully settled on behalf of claimant [2015].
- *Preux v Hot Liquid*: Successfully settled claim against event organiser of offshore race where claimant suffered serious head injury when struck by boom [2014].