11KBW

Simon Forshaw KC

Simon is an experienced practitioner specialising in the areas of employment, commercial, business protection and public law. He is well regarded and is ranked in all the leading directories. He has recently been described in various directories as "supremely intelligent and brilliant", as taking "a robust stance in combative situations" and as managing "his clients very well". He regularly appears in the employment tribunals, the EAT, the county court, the High Court and the Court of Appeal dealing with all stages of litigation.

Specialisms

Employment

Simon is an experienced, well known and well regarded employment lawyer. He regularly appears in the employment tribunals, the EAT and the Court of Appeal as well as dealing with employment matters in the High Court.

Examples of his work in this field include:

- Shah v. Insafe International employee benefits and tax
- D v. P injunctive relief
- Suhail v. Barking Havering & Redbridge University Hospitals worker status
- Merlin Financial Consultants Ltd v. Cooper restrictive covenants
- Bon Groundwork Limited v. Foster employment tribunal practice and procedure
- Ashby v. Birmingham City Council equal pay

Commercial & Business Protection

Simon has a broad practice in commercial law. He regularly appears in the High Court and county courts dealing with all stages of litigation principally in disputes relating to commercial contract, business sale, commercial agency, partnership and professional negligence. Simon has particular experience in civil fraud claims (including the obtaining of freezing injunctions and search orders).

Examples of his work in this field include:

- Holman Fenwick Willan LLP v Samady Indemnity contract
- Kangol v. Toll multi-million pound fraud claim arising out of a business sale
- D v. P injunctive relief
- Halcyon House Limited v. Baines harassment and confidential information
- Merlin Financial Consultants Ltd v. Cooper restrictive covenants
- Aon Limited v. JLT Reinsurance Brokers Limited interim disclosure orders
- Capital for Enterprise Fund LP v. Malik freezing injunction in the context of a fraud claim



Professional Summary

Called 2004 Appointed KC 2024

Contact Details

Simon.Forshaw@11kbw.com +44 (0)20 7632 8500 Clerk Martin Pownall Clerk Harry Farrow Contact Clerks Simon receives regular instructions in the field of public law. Examples of his work in this field include:

- R (Kilroy) v. Governing Body of Parrs Wood High School judicial review of a decision to suspend a school governor
- Booth v. Oldham MBC local government pension scheme
- R (Gurung) v. Secretary of State for Defence judicial review of decisions taken in relation to Gurkha pensions

Recommendations

"He has an encyclopedic knowledge of employment law." Chambers & Partners

"Simon is excellent all round. He is a go-to junior for complex discriminatory and whistle-blower claims." Chambers & Partners

"He is an exceptional advocate, able to digest and understand complex background and legal facts quickly." **Chambers & Partners**

"He is a guru for complicated matters, he is practical, he is extremely commercial and he is an outstanding advocate. I am always in awe of his methodical cross-examination technique, and I wouldn't want to be on the wrong side of it." **Chambers & Partners**

"His drafting is clear and concise, and he picks up the most complex facts and legal issues very quickly." **Chambers & Partners**

"Very bright and really robust. A brilliant cross-examiner, tremendous team player and very good with clients." **Legal 500**

"He's very practical, responsive and has a wealth of experience." Chambers & Partners

"He's immensely hard-working and approachable, and always remains calm and composed under pressure." **Chambers & Partners**

"Incredibly intelligent and hardworking, and incredibly good both on paper and on his feet." Legal 500

"He's very hard-working and has good judgement, and his technical ability is super strong." Chambers & Partners

"He's a fantastic team player who is really supportive and has a good instinct for what works in court." **Chambers & Partners**

"Inspires great confidence in clients and is really impressive in tribunal." Legal 500

"Amazing on his feet and fantastic on paper." Chambers & Partners

"Very clever and very analytical." Chambers & Partners

"An extremely bright, robust and effective advocate." Legal 500

"Extremely impressive both on the technicalities of the law and on his feet." Chambers & Partners

"An intellectual titan. Extremely responsive and hard-working." Chambers & Partners

"Highly rated" Legal 500

"An excellent junior who is on the rise. Clients never fail to be impressed by his advocacy." "Simon takes a robust stance in combative situations." **Chambers & Partners**

"Very detailed and not afraid to challenge strategy." Legal 500

"He is supremely intelligent and brilliant in tribunal." Chambers & Partners

Recent Cases

Holman Fenwick Willan v Samady

[2023] EWHC 125 (KB), KBD, February 6 2023, [2023] Costs LR 195 The requirements in respect of solicitor's invoices in the Solicitors Act 1974 did not apply to an indemnity agreement entered into by the solicitors and an individual whereby the solicitors waived a portion of their fees, in exchange for an agreement by the individual to pay by instalments.

Bishopsgate Contracting Solutions v O'Sullivan

[2021] EWHC 2628 (QB), [2021] Costs LR 1357, QBD, September 16 2021 The conduct of an unsuccessful claimant warranted an order that it pay the costs of the defendant on an indemnity basis

Alemi v Mitchell

UKEAT/0042/20/AT, EAT, January 8 2021, [2021] IRLR 262 Whether a locum doctor was an 'employee' of a medical practice

Sattar v Citibank NA

[2020] IRLR 104, [2019] EWCA Civ 2000, CA, November 19 2019 Guidance on operating disciplinary procedure.

R (Carter) v Crown Court at Chelmsford

[2019] EWHC 1484 (Admin) QBD, June 13 2019 [2019] ICR 1470
Police pensioner and wife challenging fairness of pension provison for wife if pensioner predeceasing her
Whether outside scope of statutory appeal to Crown Court
Simon appeared for the Chief Constable of Essex Police, interested party

Av. B

[2019] EWHC 2089 (Ch) Ch Div, July 25 2019 [2019] 1 WLR 5832 Search and seizure order providing for imaging of defendants' digital devices – Whether claimants or defendants to carry out first inspection of imaged documents

Nicholls v London Borough of Croydon

[2018] IRLR 988

Employment tribunal's decision that the transfer of a public health team from a primary care trust to a local authority did not fall within the TUPE regulations was remitted for reconsideration.

Shah v. Insafe International

[2016] EWHC 1036 (Ch); Ch Div, May 12 2016; [2016] STI 1657 Employee benefits and tax – payments by an employer into employee benefit trusts represented earnings and were therefore liable to income tax and NI.

D v. P

[2016] EWCA Civ 87, [2016] IRLR 355; Times, March 31 2016, CA, February 12 2016 Confidential Information, business protection, remedies – guidance on issuing a prohibitory injunction.

Suhail v. Barking Havering & Redbridge University Hospitals

[2015] UKEAT 0536_13_1106 Employment law, worker status – worker status of a doctor who performed out of hours services on an 'as and when' basis.

Halcyon House Limited v. Baines

[2014] EWHC 2216 (QB) Business protection, protection from harassment – 11 day trial involving allegations of breach of contract, breach of confidence and harassment.

Merlin Financial Consultants Ltd v. Cooper

[2014] EWHC 1196 (QB), [2014] IRLR 610, HC April 16 2014 Business protection and restrictive covenants – financial advisor had been in breach of restrictive covenant by leaving employer and setting up own business.

Abertawe Bro Morgannwg University Local Health Board v. Korashi

[2012] EWHC 448 (QB) Confidential information – injunction sought and obtained against a doctor who threatened misuse of confidential information.

Bon Groundwork Limited v. Foster

[2012] EWCA Civ 252, [2012] IRLR 517 Employment law, practice and procedure – whether employee's claims could continue having regard to the principles of res judicata and *Henderson* abuse of process.

Ashby v. Birmingham City Council

[2011] EWHC 424 Employment Law, equal pay – claimants were entitled to pursue equal pay claims in the civil courts where they were out of time to do so in the employment tribunals.

Aon Limited v. JLT Reinsurance Brokers Limited

[2010] IRLR 600 Business protection, team move, interim relief – guidance given as to matters to be considered where a party sought an interim disclosure order.

News, Articles & Publications

Blackstone's Employment Practice (Contributor)

Tolley's Employment Handbook (Contributor)

Education

MA (Oxon), First Class, Jurisprudence

St. John's College, University of Oxford

Littleton Chambers Award for Labour Law 2000

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