
Thomas Ogg

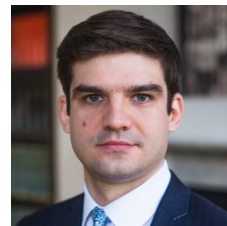
Tom is a leading junior in employment, commercial, and regulatory law.

His employment work encompasses all areas of statutory and commercial employment law, with a particular focus on cases with a regulatory angle or commercial driver. Tom's commercial work usually arises in an employment context, but not exclusively.

Tom is also a regulatory / professional discipline specialist. He is well-known for his work in financial services, and also acts in the accountancy and legal sectors. Chambers & Partners recognise Tom *"for his considerable expertise in matters at the intersection of financial services regulation and employment law."*

He has significant experience in equality law, investigation/inquiry work, and public law matters, particularly in the education sector.

Tom acts in a range of jurisdictions within and around the UK, including ETs in Scotland and Northern Ireland. Tom is registered in Part II of the DIFC's Register of Legal Practitioners. He has been instructed in a range of disputes in the Dubai International Financial Centre (DIFC) and the Qatar Financial Centre (QFC).



Professional Summary

Called 2012

Contact Details

Thomas.Ogg@11kbw.com

+44 (0)20 7632 8500

Clerk Lee Cutler

Clerk Tori Eastwick

Clerk Harry Farrow

[Contact Clerks](#)

Specialisms

Commercial

Tom acts in the full-range of commercial disputes arising out of employment, partnership and LLP arrangements. He is frequently involved in cases in the High Court concerning post- termination restraints, the protection of confidential information, team moves, wrongful termination/expulsion, the economic torts, diversion of opportunities by fiduciaries, and allegations of conspiracy or inducement. He regularly acts in injunctive proceedings and speedy trials arising from restricted covenants matters.

Tom's recent cases include:

- **AstraZeneca PLC v Christopher Sheldon** Tom was instructed for AstraZeneca in their dispute with Mr Chris Sheldon concerning his non-compete covenant, led by Amy Rogers and Dan Oudkerk KC. The High Court issued an injunction preventing Mr Sheldon joining pharmaceutical industry rival GlaxoSmithKline pending a speedy trial. See [here](#) and [here](#).
- **Aon UK Limited v Howden Insurance Brokers Limited** Tom acted for Aon UK Limited in its dispute with Howden and its former employee Mr Paul Tubb. Tom was led by Amy Rogers in this alleged team-move and conspiracy case. See [here](#).
- **Azets Holdings Limited and ors v Redwood Wales Limited** Tom acted for Azets in respect of its claim alleging an unlawful team move involving the diversion of Azets' employees and clients to Carr Jenkins & Hood, led by David Craig KC.
- **Citadel Securities v GSA Capital** . Tom was instructed for Citadel in this High Court claim. Citadel sought damages for more than \$40m for misuse of confidential information and inducement of breach of contract. Tom was led by Amy Rogers and David Craig KC. See [here](#).
- **Your Golf Travel Limited v Lewis Remington** . Tom acted as sole counsel for the Claimant in this

bitterly contested claim against a former employee for misuse of confidential information, which included an award of indemnity costs against the defendants.

- Tom was instructed in a team-move case in the technology sector in which up to 20 employees were unlawfully poached and confidential information taken to allegedly aid a start-up competitor, in breach of non-compete and non-poach restrictive covenants. Tom acted for the Claimant company and was led by Gavin Mansfield KC.
- Tom acted for the claimant company in a hard-fought LCIA arbitral claim concerning the employee's alleged disclosure of confidential information to a rival, which followed the High Court issuing an injunction against the employee in support of the arbitral proceedings.

Tom is also acting in a number of claims for negligent misstatement relating to regulatory references in the financial services industry.

Please see the 'Employment' section for details of Tom's work in the DIFC and QICDRC.

Employment

Tom advises and acts in the full range of Employment Tribunal, County Court and High Court proceedings, including on appeal to the EAT and beyond. He regularly appears in multi-day trials in the Employment Tribunal, particularly in relation to whistleblowing and discrimination matters. He also acts in industrial relations and strike matters.

Tom acts for clients in all industries, but he is particularly sought-after for financial services cases account of his expertise in both financial regulation and employment law, on which Tom frequently advises in tandem (such as in relation to regulatory references). Tom is the co-editor of *Conduct and Pay in the Financial Services Industry: the Regulation of Individuals* (link), with Richard Leiper KC.

Examples of Tom's work include:

- **Bradley Jones v JP Morgan**. A landmark claim in which Mr Jones was awarded c.£1.6m in back-pay on account of his re-engagement following his claim for unfair dismissal. The Financial Times headline at the liability stage was "*Ex-JPMorgan trader wins unfair dismissal case over alleged spoofing... Tribunal rules that Bradley Jones did not deserve to be fired and bank acted 'to appease its regulators'*". See [here](#) and [here](#).
- **X v Private Equity Firm A**. Tom acted for the Respondent in this significant sex discrimination claim, in which he was led by Sean Jones KC. The case entailed extensive disputes regarding disclosure and further information, across multiple PHs, and settled prior to trial.
- **Paul Stephany v Newton Investment Management Limited**. An unfair dismissal claim in the context of an FCA individual disciplinary case against Mr Stephany, and the FCA's first Competition Act 1998 proceedings against a firm (link).
- **Y v Private Equity Firm B**. Tom acted for a leading private equity firm in a whistleblowing claim brought against it, led by Richard Leiper KC, which settled prior to trial.
- **Dipak Khot v HSBC Bank Plc**. Tom acted for Dipak Khot in his claim against HSBC (see [here](#)). Mr Khot was a prosecution witness for the US Department of Justice in Mark Johnson's trial for 'front running' a \$3.5bn order in the FX market.
- **Wallace v Apple Europe Ltd**. Tom acted successfully for Apple in this claim for unfair dismissal in a redundancy context. See [here](#)
- **Kendall v West Ham United FC Limited**. Tom acted for West Ham Football Club in this redundancy / TUPE claim (an instruction which delighted his WH-supporting clerks). See [here](#).
- **Mills v East Sussex NHS Healthcare NHS Trust**. Tom for the Respondent in this unfair dismissal claim in which the claimant secured a re-engagement order. See [here](#).
- Tom advises a national airport in relation to industrial action by a trade union.
- Tom acted for a leading bank in a claim for sex discrimination brought by a man, instructed by a magic circle firm. The case settled prior to trial.
- Tom acted for a leading energy industry company in a complex whistleblowing claim, in which serious health & safety breaches were alleged.
- Tom acted against a FTSE 100 company in a health & safety whistleblowing claim, including at an interim relief hearing.

Details of Tom's commercial employment law work are set out in the 'commercial' section above. Tom is also acting in a number of claims for negligent misstatement relating to regulatory references in the

financial services industry.

Examples of the kinds of issues which Tom's recent ET cases have involved are: • the agency worker regulations / Fixed Term Workers; • equal pay; • the ET's jurisdiction in relation to unjust enrichment and breach of contract claims; • rule 50 or 'privacy' orders; • rule 35 'intervenor' in ET proceedings (see here); • the admissibility of evidence in ET proceedings; • cross-border and jurisdictional issues including territorial jurisdiction and applicable law • disclosure and further information, including third-party disclosure orders under rule 31 of the ET rules; • interim relief; • applications for reconsideration of a rejected claim; • the rules concerning ACAS conciliation and certificates; • stays; • costs (including wasted costs); • amendments; • limitation.

Tom's experience in the Courts in the Middle East include:

- **Roig v MATCH Hospitality Consultants LLC**. Tom acted for the Defendant in this whistleblowing claim brought against the hospitality contractor for the FIFA World Cup in Qatar 2022, in the Qatar International Court in the Qatar Financial Centre. The Claimant withdrew his claim prior to trial, and the Court awarded costs against the Claimant. See here.
- **As'ad vs Fields Investment (DIFC) Limited**. Tom acted for the Claimant in this claim in the DIFC Courts. See here.
- **A Partner v Management Consultancy**. Tom acted for the Claimant in this intended discrimination and whistleblowing claim against a leading consultancy in the Middle East, in the DIFC Courts.
- **Employer A v Employer B**: Tom advised on the prospects of success of an injunction in the DIFC Courts and a subsequent damages claim as regards the employee's alleged breach of restrictive covenants.
- **UK LTIPs and bonus schemes for DIFC-based employees**: Tom has advised on a number of bonus schemes / LTIPs governed by UK law in respect of employees based in Dubai and the DIFC.

Investigations and inquiries

Tom accepts instructions to undertake investigations and inquiries, either as sole investigator or as part of a team of professionals. Tom's recent investigations include:

- Investigating the alleged conduct of a senior manager in a regulated financial services firm;
- Investigating an alleged child protection matter for a well-known boarding school;
- Tom was instructed by the FICC Market Standards Board to investigate whether a senior member of its staff had *inter alia* failed to disclose a conflict of interest, namely acting as an expert witness for Deutsche Bank in US civil proceedings (see the subsequent ET proceedings here);
- Investigating allegations that a director was bullying and undermining staff, for an employer in the leisure industry;
- Investigating allegations that a school chaplain had spoken inappropriately to young women in his care;
- Tom completed a long-running inquiry as sole investigator into accounting issues relating to the payment of injury awards at Buckinghamshire and Milton Keynes Fire Authority;
- Tom regularly conducts investigations for a leading professional regulatory body into allegations of misconduct by its members.

Tom also has experience of investigations and proceedings arising from investigations relating to the Financial Conduct Authority.

Professional Discipline and Regulatory Law

Tom acts in a range of industries for individuals and regulators in both professional discipline and general regulatory matters, with a particular specialism in financial services, accountancy and the legal sector.

Financial Services

Tom acts for and against the Financial Conduct Authority and Prudential Regulation Authority in a range of matters, and provides advice in relation to such matters on a regular basis.

Tom is the co-editor of *Conduct and Pay in the Financial Services Industry: the Regulation of Individuals* (link), with Richard Leiper KC.

In 2013/14 Tom was seconded to the FCA, during which he sat in the Enforcement Division's Legal Group and in the General Counsel Division. Whilst on secondment, Tom drafted submissions to the Regulatory Decisions Committee and appeared at the FCA's Regulatory Transactions Committee. In GCD, Tom drafted sections of the FCA Handbook.

Examples of Tom's recent financial regulatory work includes:

- Advising a firm in respect of sexual harassment allegations against its CEO, in circumstances in which the regulator has taken a significant interest in the matter.
- Acting for a range of individuals bringing commercial claims for negligent misstatement as regards regulatory references provided by their former employers.
- Advising a CEO of a UK Bank in relation to his potential claims and his regulatory position, including as regards regulatory references.
- Advising a UK Bank in respect of the exit of its CRO, including as regards regulatory references.
- Tom acted for an individual facing disciplinary proceedings brought by the Qatar Financial Centre Regulatory Authority.
- Tom advised a UK broker in relation to allegations of historic misconduct.
- Tom acted for Paul Stephany (Final Notice) in the disciplinary proceedings brought against him by the FCA. Mr Stephany's case was the first individual disciplinary case to arise from the FCA's new competition jurisdiction, and the first case to address the conduct of the buy-side in IPOs. Tom also represented Mr Stephany in his Employment Tribunal proceedings.
- Tom acted for a CEO and finance director a firm accused of breaches of the market abuse regime and the listing rules.
- Tom also secured a discontinuance of proceedings in an individual approval context, following Enforcement's consideration of Tom's written submissions for an RDC hearing, following which the individual was approved.
- Tom acted *pro bono* for VIP Wealth Ltd at the RDC in their unsuccessful application for Part 4A permission, the final notice in relation to which is here.
- Tom has worked on LIBOR cases and disciplinary proceedings brought against senior individuals, both in private practice and whilst seconded to the FCA.
- He assisted the FCA disciplinary proceedings against the directors of Swinton Group Limited (*Peter Halpin, Nicholas Bowyer and Anthony Clare*).

Legal

Tom appears in the Solicitors Disciplinary Tribunal and has advised both the Solicitors Regulation Authority and individuals. Tom represented the Solicitors Regulation Authority in *Fessahaye v SRA* and has acted for the SRA in a number of other appeals.

Tom acts for the Bar Standard Board in cases brought against members of the Bar. He represented the BSB in its case against Nicola Cain (link), who was disbarred having forged a court order in civil proceedings brought against Christopher Steele – author of the so-called 'Steele dossier' on Donald Trump.

Accountancy

Tom has:

- been instructed in disciplinary proceedings brought by the ICAEW against partners in a leading accountancy firm;
- been instructed by the Financial Reporting Council to draft sections of its rules;
- advised a firm on challenging supervisory decisions of the ICAEW;
- acted in a range of cases concerning questions of compliance with accountancy standards, including the International Financial Reporting Standards.

Membership disputes

Tom appears in domestic tribunals of all kinds. He represented the National Executive Committee of the Labour Party in National Constitutional Committee proceedings in which a member was accused of anti-Semitic abuse.

Education

Tom has advised on matters including disciplinary proceedings against by Ofqual against recognised bodies, National College of Teaching and Leadership proceedings against teachers, and a variety of matters relating to the governance of academies and local authority maintained schools.

Public, Equality and Education Law

Tom acts in a range of administrative law matters, particularly those relating to equality law, regulatory matters, and education.

Tom has experience of the Firefighters Pension Schemes and issues relating to injury awards. He completed a lengthy investigation in relation to the payment of injury awards at Buckinghamshire and Milton Keynes Fire Authority. He has advised a number of fire authorities on similar matters.

Equality law

Tom acts in a range of discrimination and equality matters in the County Court, Employment Tribunal and First-Tier Tribunal. Examples of Tom's cases include:

- brought against it in the County Court by Mr James Plummer, which was funded by the Equality and Human Rights Commission. The main issues were whether Royal Herbert was a service provider, and whether it had failed to make reasonable adjustments to its premises to permit Mr Plummer, a wheelchair user, to access the swimming pool on the estate.
- Tom advised a leading bank on the question of reasonable adjustments in the context of a consumer redress exercise.
- Tom represented a leading independent school in a challenge in the First-Tier Tribunal to its use of an aptitude test in its admissions arrangements.
- Tom represented a leading university in defending a reasonable adjustments claim in the County Court in respect of its admissions procedures.
- Tom represented a national supermarket in a disability discrimination and harassment claim brought against it.
- Tom has advised the Flying Disabled campaign, which aims to ensure that wheelchair users can travel in aeroplanes using their own wheelchair, without having to transfer to a seat (problems relating to which BBC journalist Frank Gardiner has documented).
- **R(C) v Secretary of State for Work and Pensions** [2014] EWHC 2403 (Admin). Tom was instructed by the Treasury Solicitor to assist in the preparation of the evidence for the judicial review.

Public and regulatory law

Tom regularly advises clients in a contested disciplinary context as to their options in public law vis-à-vis regulatory action: see the 'regulatory' section above.

R (Admiral Wealth Management) v Financial Ombudsman Service. In 2016, Tom was instructed to act for the FCA, which was an interested party in a judicial review of the brought by Admiral.

R (Hoebeck) v Financial Ombudsman Service. Tom represented the FOS in defending this judicial review of the ombudsman's decision.

Education

Tom's education law practice concentrates on discrimination claims, exclusions, and contractual/negligence issues, particularly in a University context. Tom appears in the High Court, First-Tier Tribunal and the County Court in relation to his education work. Many of his cases have an equalities angle; see the 'Equality Law' section above.

R (J) v Ofsted. Tom has acted for a nursery seeking an interim injunction against Ofsted seeking to restrain the publication of a critical Ofsted report.

R (ME) v Cornwall Council. Tom acted for the interested party in this judicial review challenging the funding decisions relating to the provision of special education at a sixth-form college.

Tom has been instructed by the University of Oxford in a range of High Court and County Court claims brought against it by current and former students.

Tom has particular expertise in school exclusion matters on account of his previous work as a teacher, and his continued pro bono work on the School Exclusion Project, of which he is a barrister director.

Prior to joining the Bar, Tom was a teacher at the London Boxing Academy Community Project, for teenage boys, many of whom had been permanently excluded from school.

Recommendations

“Tom is a sophisticated litigator and particularly good on FCA matters.” **Chambers & Partners**

“From a pure technical legal analysis standpoint, his judgement is excellent.” **Chambers & Partners**

“He is technically excellent, hard-working, responsive and confident in his advice. He is the barrister that springs to mind for a complex employment dispute in the financial services industry, as he really adds value and is a brilliant team player.” **Chambers & Partners**

“He is a really accessible and approachable barrister with huge expertise in employment issues for regulated financial services employers.” **Chambers & Partners**

“Tom is very professional, offers sound and thorough advice, also strikes a good rapport with the client” **Legal 500**

“He is very accessible and down to earth in his approach, yet comprehensive and confident in his advice” **Legal 500**

“He’s incredibly perceptive, very bright and gets the job done; he’s a go-to on very technical matters.” **Chambers & Partners**

“Very bright and technically astute.” **Legal 500**

“He’s really good in technical terms and is very responsive and very calm with clients.” **Chambers & Partners**

“He does an excellent job of making the dry and labyrinthine regulations clear.” **Chambers & Partners**

News, Articles and Publications

Tom is the co-editor of *Conduct and Pay in the Financial Services Industry: the Regulation of Individuals* (link) (with Richard Leiper KC), Informa from Routledge, 2017.

Boxing Clever, (2012), Civitas. This book describes Tom’s career prior to the Bar, in which he was a teacher at the London Boxing Academy Community Project in Tottenham, North London, a school which catered for teenagers who had been expelled from mainstream schools.

A New Secret Garden? Alternative Provision, Exclusion and Children’s Rights, (2010), Civitas.

Tom Ogg, Anna Zimdars, and Anthony Heath (2009) ‘*Schooling effects on degree performance: a comparison of the predictive validity of aptitude testing and secondary school grades at Oxford University*’, British Journal of Educational Research, Vol. 35(5) pp.781 – 807 (concerning the impact of attending either a state school or an independent school upon performance in final examinations at Oxford University).

Education

University of Oxford, BA (Hons) Politics, Philosophy and Economics (PPE), Corpus Christi College.

University of Oxford, MSc Sociology, Nuffield College.

City, University of London, Graduate Diploma in Law.

City, University of London, Bar Professional Training Course.

Other

Tom is a Barrister Director of the School Exclusion Project ([link](#)), and an Honorary Visiting Lecturer at the City Law School, University of London in relation to the same.

Tom is a member of the 'C Panel' for both the Attorney General's and Equality and Human Rights Commission's Panel of Counsel.

ADDRESS

11KBW
11 King's Bench Walk
Temple
London
EC4Y 7EQ

CONTACT US

T +44 (0)20 7632 8500

OUT OF HOURS CLERK

T +44 (0)7824 365 991

EMAIL

clerksroom@11kbw.com
