

Robin Pickard

Year of Call: 2022

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Overview

Robin Pickard is a barrister and probationary tenant/3rd Six pupil, specialising in employment and discrimination cases. He joined 3PB in March 2024, having completed a specialist employment law pupillage at a boutique employment law firm in London.

During his pupillage, Robin advised senior executives and other regulated professionals in high-value employment litigation involving discrimination, whistleblowing and misconduct in the workplace. Robin has also advised and represented those who are the subject of internal investigations – he understands how to put a client’s case robustly and to steer cases towards a successful resolution. His in-house experience developed his tactical awareness and ability to deal with procedural matters, including whether correspondence is covered by differing forms of legal privilege and making successful applications for specific disclosure (including for pay information in an equal pay complaint).

Before coming to the Bar, Robin was a Research Assistant at the Law Commission of England and Wales, where he received a prize for exceptional contributions to the “Simplifying the Immigration Rules” project. Robin also had the privilege of being a Judicial Assistant to Lord Justice Hickinbottom in the Court of Appeal: this afforded him the opportunity to draft bench memoranda in high profile public law appeals (such as the challenge to the third runway at Heathrow), and provide summaries in permission to appeal applications.

Outside of work, Robin regularly boulders and climbs (with ropes) at his local climbing centres – he has ambitions of leading some of the UK’s crags in the near future. Robin also enjoys hosting dinner parties and spending time with friends and family.

Employment and discrimination

Robin Pickard acts for both claimants and respondents in preliminary and final hearings in the Employment Tribunal, as well as drafting and advising on the full range of employment disputes and issues.

Notable examples of Robin’s work include:

- Acting as sole counsel in the reported case of *Mrs N Moustache v Chelsea and Westminster NHS Foundation Trust [2022] EAT 204*. Robin successfully argued that the ET had failed to identify a discriminatory dismissal claim which an unrepresented party had pleaded in her ET1. He is currently co-instructed on behalf of the Claimant in the Respondent’s appeal to the Court of Appeal, due to be heard in January 2025.
- Drafting a skeleton argument that persuaded an Employment Tribunal Judge to strike out a claim because the Claimant had destroyed key evidence (r 37(1)(a) and (1)(e) of the ET Rules 2013). The strike out decision was upheld by the EAT in *Kaur v Sun Mark Ltd and Others [2024] EAT 41*.
- Securing a six-figure award for his client in a claim of disability discrimination (three-day trial and consequential

remedies hearing). The core and medical bundles ran to more than 2,000 pages in length.

- Successfully applying to amend his client's pleadings at a Preliminary Hearing. Thereafter, Robin submitted a schedule of loss which led to a favourable settlement for his client (these instructions included advising on the terms of the COT3 agreement).
- Successfully achieving a finding of unfair dismissal after a two-day hearing (liability and remedies).
- Robin recently appeared before the President of the EAT, in May 2024, in an appeal concerning the definition of redundancy under section 139 of the Employment Rights Act 1996 (reserved judgment).

Articles

Robin Pickard considers the case of *Z v Y* [2024] EAT 63, which addresses the importance of accurately identifying a litigant in person's pleaded claims and ensuring that lists of issues mirror the pleadings.

The case also provides a useful recap of the principles that govern "conduct extending over a period" under s.123(3)(a) of the Equality Act 2010.

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Robin Pickard on the case of *Kaur v Sun Mark Ltd and Others* [2024] EAT 41, in which the deliberate destruction of evidence to prevent its inspection ahead of a remedies hearing led to the claim being struck out.

Further, the EAT's adoption of authorities from the civil courts in relation to the suppression of evidence, and its relationship with the ability to hold a fair hearing, is noted.

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Robin Pickard reviews the case of *Scottish Water v Edgar* [2024] EAT 32, in which the EAT reminds us that there is no substitute for a full and thorough consideration of all of the evidence when determining "the cause of the difference in pay".

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Academic qualifications

- BTC, Distinction, BPP Law School
- Master of Laws, LLM, Distinction, London School of Economics and Political Science (LSE)
- LLB/Hons, Law, First Class, University of Sussex

Scholarships

- Middle Temple's Lechmere Essay Competition Winner
- Inns of Court Major Scholarship for the BTC
- Middle Temple's Certificate of Honour for excellent results on the Bar Course
- BPP Excellence, Advocacy and Pro Bono Awards
- The Law Commission Prize for exceptional research contributions
- European Human Rights Moot Competition
- LSE's Anniversary Scholarship to pursue postgraduate study

Professional bodies

- Employment Lawyers Association (ELA)
- Middle Temple