



Robin Pickard

Year of Call: 2022

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Overview

Robin Pickard is a barrister who specialises in employment and discrimination law. He joined 3PB in March 2024, having completed an employment law pupillage at a boutique employment law firm in London.

Robin has a busy practice and regularly appears for claimants and respondents in preliminary and final merits hearings (including open preliminary hearings, e.g., in relation to disability status).

Robin's recent highlights include a successful appeal before the President of the EAT (*in Ballerino v The Racecourse Association Ltd [2024] EAT 98*) and securing an award of close to £70,000 in an unfair dismissal claim.

During his pupillage, Robin advised senior executives and other regulated professionals in high-value employment litigation involving discrimination, whistleblowing and misconduct in the workplace. 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). Robin prides himself on his strategic approach and his ability to integrate into legal teams and put his clients at ease.

Robin can also be instructed through the Direct Access Scheme and is happy to discuss potential cases with clients without obligation.

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.

Academic qualifications

- BTC, Distinction, BPP Law School
- Master of Laws, LL.M, 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

Direct Access

Robin Pickard is qualified to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme.

Expertise

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:

- Successfully acted for a Claimant in a claim for unfair dismissal and unlawful deduction of wages. The Tribunal found that the Claimant had been unfairly dismissed and awarded her close to £70,000. The Tribunal also ordered the Respondent to pay £20,000 to the Secretary of State as a financial penalty.
- Robin recently appeared before the President of the EAT in **Ballerino v The Racecourse Association Ltd [2024] EAT 98**. The Claimant appealed on the basis that the Tribunal had not applied the definition of redundancy under section 139 of the Employment Rights Act 1996 when considering whether her dismissal was tainted by maternity discrimination. Robin successfully appealed the Employment Tribunal's determination and is currently instructed in the remitted case before the ET.
- Acting as sole counsel in the reported case of **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 alongside Karon Monaghan KC (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)(b) 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.
- 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).

Articles

Robin Pickard considers the case of *South Gloucestershire Council v Ms Hundal* [2024] EAT 140, which provides a useful reminder of the distinction between sections 13 and 15 of the Equality Act 2010 in relation to dismissals due to absences.

The EAT also clarifies that a failure to make reasonable adjustments (FMRAs) may inform the ET's analysis of justification under s. 15(1)(b), notwithstanding that a claimant has not brought a separate claim for FMRAs.

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Robin Pickard considers *Ballerino v The Racecourse Association Ltd* [2024] EAT 98, a case which highlights the legal difference between a business reorganisation and a redundancy; and the care that the ET and practitioners need to take when approaching redundancy situations in the context of a claim for maternity discrimination.

Robin acted for the successful claimant in the EAT.

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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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