Deshpal Panesar KC

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Overview

Deshpal Panesar KC is a leading employment silk. His speciality is complex employment disputes, investigations with a heavy (successful) appellate practice.

Deshpal is renowned for his class leading cross examination, work ethic and handling of difficult cases. He is described by Chambers and Partners as '*the barrister of choice for a difficult case*'.

Deshpal's reported cases include:

- **Garrod v Riverstone Management Limited [2022] EAT 131** on without prejudice matters in discrimination and victimisation cases.
- **Cadent v Singh Gas [2020] IRLR 86** on the attribution of liability for dismissal for the actions of non-dismissing managers.
- **Ali v Capita Management [2020] ICR 87**, included in 'Six employment law decisions that will shape 2019'on discrimination between payments for shared parental leave and maternity leave).
- **Saad V Southampton University Hospitals NHS Trust [2019] ICR 311** on bad faith in victimisation calms.

Other appellate decisions include **Imperial College v Matar [2022] EAT** on age discrimination ultra vires contracts and **McDermott v Sellafield [2023] EAT** on what constitutes information in protected disclosures.

Deshpal is instructed on behalf of the largest companies to trade unions and local authorities to the entire breadth of claimants, from multi-claimant representative actions to individual claimants.

Deshpal is a member of the Bar Council, a former Chair of the Employment Law Bar Association (ELBA), Chair of the EAT Users Group and a member of both the Industrial Law Society and the ELA.

His recent directory quotes include:

- *'His cross examination is absolutely exceptional'* **Legal 500**
- *'He has exceptional commercial awareness, advocacy and client service skills. He will always go the extra mile to deliver results and clients have the utmost faith in his abilities'* **Chambers and Partners**
- *'Outstanding Work ethic'* **Legal 500**
- *'Superb-Brilliant at getting right to the nub of the case'* **Chambers and Partners**
- *'Absolutely on top of the detail: A fantastic advocate and brilliant cross examiner'* **Chambers and Partners**
- *'Exceptionally well prepared' 'Very clear thinking and able to get to the heart of the issue very speedily'* **Legal 500**
- *'Razor sharp'* ***Chambers and Partners***
- "*An excellent advocate, whose cross examination always yields results; he is someone you can always rely on*" **Legal 500**.

Employment & Discrimination

A supremely effective advocate both in the employment tribunal and appeal courts in all aspects of employment and discrimination law. He is consistently praised for his sure handling of clients, his firm grasp on a case and above all his ability to achieve excellent results in court. He works closely as a team with

Expertise

- Education & Safeguarding
- Employment & Discrimination
- Health
- HR Professional Support
- Investigations
- Professional Regulatory & Discipline
- Public Law

Recommendations

"A very skilled, responsive and effective advocate." The Legal 500

"Deshpal is extremely able, bright and pleasant to work with." "He has exceptional commercial awareness, advocacy and client service skills. He will always go the extra mile to deliver results, and clients have the utmost trust in his abilities." "He provides good client service and strategic advice." Chambers & Partners

"Deshpal's cross-examination is absolutely exceptional and his preparation is extremely thorough." The Legal 500

Key contacts

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solicitors and lay clients, bringing exceptional commitment and experience to each case.

Age discrimination

- **Woodcock v Cumbria PCT EWCA Civ 330; I.C.R.** 1126; I.R.L.R. 491; Eq. L.R. 463; Times, June 21; on when age discrimination can is justified;
- **Court v Dennis Publishing (IDS Brief 840, November)** Age discrimination in redundancy;
- **Selden v Clarkson Wright and Jakes C.R. 716** on age discrimination, compulsory retirement and justification, in which case he provided the first advice;
- **Games v University of Kent (Times Higher Education Supplement)** on whether mandatory doctorate requirements are unlawfully age discriminatory.

Collective agreements

- **Gilgrove Ltd & Another v Hay & Others EWCA Civ 412**, ICR 1139, on the enforceability of traders collective agreements;
- **George v Ministry of Justice EWCA Civ 324** on the principles of construction of collective agreements generally.

Contracts of employment

- **Qantas Cabin Crew (UK) Ltd v Lopez and Hooper I.R.L.R. 4,** on airline staff contracts of employment and the doctrine of mistake.

Unfair dismissal

- **Bowater v Northwest EWCA Civ 63; [2011] I.R.L.R. 331; 118 B.M.L.R. 163.**

Race discrimination

- **Nazir v Aslam & Others I.C.R 1225** on the burden of proof in race discrimination.

Professional Regulatory & Discipline

Deshpal's experience in employment and discrimination law is of considerable assistance in his professional discipline practice. He has particular experience in cases involving professionals in the healthcare industry and has extensive experience of acting on behalf of a wide range of NHS Trusts as well as professionals.

Deshpal has appeared on professional disciplinary matters in Employment Tribunals, the Employment Appeal Tribunal, The Health and Care Professions Council, the GMC and has had the benefit of being junior to John Hendy KC in respect of numerous doctors' disciplinary matters in the Queen's Bench Division. Most notably in **Lakshmi v. Mid Cheshire Hospitals NHS Trust IRLR 956 (QB)** – Contract of employment, duty of mutual trust **and confidence; doctor – breaches of procedure including internal appeal.**

Investigations

Deshpal is an ACAS trained investigator with extensive experience in the conduct, practice and law of investigations.

Described by the directories as 'Incredibly bright', 'Brilliant at getting to the heart of matters speedily' and 'Excellent with clients', he is noted for his ability to deal clearly with complex evidence

His expertise and reported cases span all forms of discrimination including Race and Sex, Religion and belief, age and disability discrimination as well as in relation to whistleblowing and victimisation.

Recent investigation and cases work include:

- A very wide ranging and complex investigation of bullying and harassment in relation to the senior leadership of a national institution, involving multiple parties, allegations of bullying and harassment on social media, fundamental issues of free speech and democratic process.
- An investigation of the health and safety issues at a leading school involving a review of the practices of teachers and safety of students.
- The reported cases of **Singh v Cadent Gas [2020] IRLR** (with regard to the role, scope and liability of investigators), **Fanutti v University of East Anglia** [2017] WLUK 279 with regard to investigations in universities.

Recent first instance cases testing the integrity of investigations include **Matar v Imperial College Healthcare NHS Trust** (investigations of surgeons in clinical matters) **McDermott v Sellafield** (investigations of allegations of bullying, harassment and sex discrimination in the nuclear industry) **Howard v IPCC** (investigations in race discrimination in relation to Independent Police Complaints Commission) **Unison v Kelly** (investigation in Unions of, race and religion and belief discrimination as well as and trade union detriment) as well as multiple cases in relation to the police.

HR Support

Deshpal specialises in employment law. He is a skilful adviser with many years of experience providing advice and support to companies and individuals in employment matters. Recent training for employers and managers includes:

- High Heels and Headscarves: the changing fashion of discrimination and dress codes in the work place;
- Disability discrimination for managers;
- Age discrimination and retirement.

Deshpal is ranked as a **leading junior** in both *The Legal 500* and *Chambers and Partners.*

Recent comments about him in the legal directories include:

- **"An excellent advocate, whose cross examination always yields results; he is someone you can always rely on"** *(The Legal 500).*
- **"Prepares his cases in a meticulous way. He is razor sharp and willing to assist at all times"** *(Chambers and Partners).*
- **"Well liked by clients and very responsive"** *(The Legal 500).*
- **"Exceptionally well prepared"** *(The Legal 500).*
- **"Admirable client care skills"** *(Chambers and Partners).*

Deshpal regularly advises companies and institutions, from the smallest to multinational ones. He acts for both employers and employees. He has an in-depth knowledge of disciplinary proceedings and extensive experience acting for commercial organisations, healthcare institutions and educational institutions including universities.

He specialises in taking complex legal and factual situations and providing a clear analysis and strategy for the best possible outcome.

He accepts direct access instructions.

Recent and current work

- *Games v University of Kent*
- *GMB & Ors v Remploy & Ors*
- *Mihaj v Sodexo Limited*
- *Udwin v National Gallery*
- *Mbuyi v Newpark Nursery*

Professional Recommendations



"He provides good client service and strategic advice."

Chambers & Partners 2024

"Deshpal is excellent in court and with clients."

Chambers & Partners 2024

"Deshpal provides excellent and practical legal advice."

Chambers & Partners 2024

“A very skilled, responsive and effective advocate.”

The Legal 500 2024

“Deshpal is extremely able, bright and pleasant to work with.”

Chambers & partners 2023

“He has exceptional commercial awareness, advocacy and client service skills. He will always go the extra mile to deliver results, and clients have the utmost trust in his abilities.”

Chambers & Partners 2023

“Deshpal’s cross-examination is absolutely exceptional and his preparation is extremely thorough.”

The Legal 500 2023

“Deshpal has excellent advocacy skills, is persuasive in all arguments, and can think extremely quickly when under pressure. His written submissions are clear, detailed and convincing, and he has the ability to grasp complex evidential points quickly and to adapt tribunal strategy to deal with unexpected developments, always acting in the best interests of the client. Deshpal’s work ethic is also outstanding – the amount of preparation and work dedicated to a case is impressive and reassuring to the client.”

The Legal 500 2022

“He is excellent, he is witty, he gets on really well with clients, you are in good hands with him and he is very good with tribunals.” “He is great with clients, he is hugely responsive, he is user-friendly and he is a team player.”

Chambers & Partners 2022

“He’s incredibly bright, very commercial and a brilliant advocate; his cross-examination is superb.” “Brilliant at getting right to the nub of the issue.”

Chambers & Partners 2021

“A first-rate advocate who is fantastically committed and really willing to work as part of the team.” “Absolutely on top of the detail; a fantastic advocate and a brilliant cross-examiner.”

Chambers & Partners 2020

“Very clear thinking and able to get right to the heart of the matter very speedily.”

The Legal 500 2020

“A cracking cross examiner” with “admirable client care skills”

Chambers & Partners

“Exceptionally well prepared”

The Legal 500

“He knows his stuff and can handle difficult judges with ease”

Chambers & Partners