

Robert Moretto

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Overview

Robert is an expert in employment, discrimination, public law and human rights.

He is listed as a leading junior in *Chambers & Partners* and *The Legal 500*. *Chambers and Partners* has described him as “a **trusted advocate who has an excellent eye for detail**” and a “**devastating cross-examiner**”.

The Legal 500 says that he “**has as lovely manner with clients and is very approachable**”; “**has an ability to understand the issues quickly and to focus on the key areas of importance in the case**” and is “**a credit to the profession**”.

He has been involved in numerous high-profile and ground-breaking cases, in particular in cases of discrimination under the Equality Act 2010 and the European Convention on Human Rights.

Recent and ongoing cases include:

- *Oni & Others v London Borough of Waltham Forest & Others (Secretary of State for Education intervening)*, ET, 2024 – litigation concerning the status and rights of foster parents;
- *R (Peiris) v First-tier Tribunal, CICA & Secretary of State for Justice* [2023] EWCA Civ 1527, Court of Appeal – justification of eligibility criteria within the Criminal Injuries Compensation Scheme under Article 14 of the European Convention on Human Rights;
- *Thomas v Judicial Appointments Commission*, High Court, December 2023 – challenge to the failure to recommend a District Judge for appointment as a Circuit Judge;
- *Ghosh v Judicial Appointments Commission & others*, ET, 2023 – discrimination claim relating to the appointment of Deputy High Court Judges;
- *Kholi v Department for International Trade*, [2023] EAT 82, EAT – appeal considering the concept of sub-conscious discrimination;
- *Mackereth v DWP* [2022] ICR 1609, EAT – high-profile discrimination claim considering competing religious and transgender rights;
- *A & B v CICA* [2021] 1 WLR 3746, *Supreme Court* – the rights of victims of human trafficking under the Criminal Injuries Compensation Scheme;
- *NUPFC v Certification Officer and Others* [2021] IRLR 588, *Court of Appeal* – foster carers’ Article 11 rights to freedom of association;
- *McNeil & others v HMRC* [2020] 2 All ER 33, *Court of Appeal* – multi-party claim considering the correct approach to establishing particular disadvantage in equal pay claims;
- *Gourlay v Parole Board* [2020] 1 WLR 5344, *Supreme Court* – whether the Parole Board is a Court in judicial review proceedings;
- *Gilham v Ministry of Justice* [2019] 1 WLR 5905, *Supreme Court* – whether judges are “workers”, and judges’ whistleblowing / Article 10 ECHR rights;
- *DSD, NVB & Mayor of London v Parole Board & John Worboys* [2019] QB 285 – judicial review of Parole Board’s decision to release taxi cab rapist John Worboys.

Robert has been on the Attorney General’s A Panel of Counsel since 2015 and represents and advises an extensive range of government departments and agencies. He also appears on behalf of trade unions and trade union-funded clients, as well as NHS Trusts.

Appointments

Expertise

- Administrative & Public Law
- Civil Liberties and Human Rights
- Education & Safeguarding
- Employment & Discrimination
- Finance
- Health
- Insurance
- Media and Entertainment
- Professional Regulatory & Discipline
- Public Law
- Retail and Consumer

Recommendations

“He takes a meticulous approach which gives a great sense of security prior to the hearing. He is responsive to queries in preparation and has excellent cross-examination skills.” *Chambers & partners* 2024

“Robert is a methodical and diligent advocate.” *The Legal 500* 2024

“Robert is a trusted advocate who has an excellent eye for detail and extremely strong advocacy skills, particularly in cross-examination.” “He is a devastating cross-examiner who presents very persuasive submissions.” *Chambers & Partners* 2023

“Robert’s attention to detail and his preparation for a case are exemplary. He has a lovely manner with clients and is very approachable, while his cross-examination is some of the best around – clients always feel very reassured that he knows the case thoroughly.” *The Legal 500* 2023

Key contacts

William Meade

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Olivia Moliterno

Team Leader

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- Recorder, Crown Court (Midlands Circuit), January 2022 –
- Junior Counsel to the Crown (A Panel). September 2015 –
- Junior Counsel to the Crown (B Panel). March 2010 – August 2015
- Junior Counsel to the Crown (C Panel). February 2006 – March 2010

Manisha Agheda

Junior Team Leader Assistant

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Memberships

- Administrative Law Bar Association
- Employment Lawyers Association
- Employment Law Bar Association
- Industrial Law Society
- ELAAS Scheme

Employment & Discrimination

Robert represents and advises clients across a whole range of employment matters, but his particular expertise is in equal pay, discrimination, whistleblowing and claims relating to cross-workforce issues. Reported cases include:

Discrimination/European Law

- *Wilson v Health and Safety Executive* [2010] 1 CMLR 24, Court of Appeal; service-related pay schemes.
- *Attridge Law v Coleman* [2007] 2 C.M.L.R. 24, [2007] IRLR 88, EAT; associative discrimination.
- *Allonby v Accrington & Rossendale College* [2004] 1 C.M.L.R. 35, [2004] ICR 1324, European Court of Justice: comparators in equal pay claims and access to occupational pension schemes.

Equal Pay

- *Jermin & Williams v DVLA and Department for Transport* (Central London ET)(2007-2013): multi-party equal pay claims brought by claimants working in the DVLA.
- *Highland Council v TGWU and others* [2008] IRLR 272, EAT (Scotland) – multi-party equal pay proceedings concerning the extent to which unions had complied with the requirement to lodge grievances on behalf of their members.
- *Home Office v Bailey & others* [2005] ICR 1057, Court of Appeal: the circumstances in which a Tribunal can determine that there is sufficient disparate impact to require an employer to objectively justify a difference in pay.

Pay Systems

Robert also has extensive experience of public sector pay systems and has advised several government departments and agencies, and NHS Trusts, in respect of large scale pay and grading reviews, and claims relating to terms and conditions.

Professional Discipline

Robert also has experience representing staff and employers in internal disciplinary hearings, including doctors, teachers and police hearings, as well as in injunctive relief proceedings in the High Court. E.g. *Sarker v Worcester Acute Hospitals NHS Trust* [2015] EWHC 165 (QB)

Administrative & Public Law

Robert appears in both the High Court and Upper Tribunal, particularly in matters relating to human rights, employment, the Parole Board and the Criminal Injuries Compensation Scheme. Recent cases include:

- *CVP v First-Tier Tribunal and CICA* [2023] UKUT 145 (AAC) – challenge to the Criminal Injuries Compensation Scheme rule excluding claims for pre-1964 criminal injuries.
- *MP v First-Tier Tribunal and CICA* [2022] UKUT 91 (AAC) – Upper Tribunal challenge to criminal injuries compensation provisions for relatives of deceased victims of crime.
- *Morris v Parole Board, Divisional Court* [2020] ACD 119 – challenge to Parole Board's Guidance on Allegations published following the Worboys proceedings.
- *JT v CICA, Court of Appeal* [2019] 1 WLR 1313 – whether the same roof rule provisions of the Criminal Injuries Compensation Scheme breached the Article 1, Protocol 1 rights (possessions) and Article 14 rights of victims of childhood sexual abuse.
- *Criminal Injuries Compensation Authority v First-Tier Tribunal* [2018] EWCA Civ 1175: Judicial review of award of First-Tier Tribunal to firefighter injured whilst fighting a fire.
- *VG v First-Tier Tribunal and CICA* [2017] UKUT 49 (AAC): Art 2 (right to

life) challenge to a criminal injuries compensation decision.

- *RT v First-tier Tribunal and CICA [2016] UKUT 306 (AAC)* (29 June 2016). Judicial review of First-Tier Tribunal decision to reduce award where applicant has criminal convictions and/or fails to co-operate with police.
- *DT (Afghanistan) v Secretary of State for the Home Department [2014] EWCA 259*, Court of Appeal. Appeal against the Upper Tribunal's judgment that an asylum seeker was not at risk on return to Kabul.

Robert has also advised a union on employment and human rights implications of the Prevent Duty under the Counter Terrorism and Security Bill 2015. The advice was reported in *The Independent* and *The New Statesman*, and referred to in debate in the House of Lords.

Professional Recommendations



"Robert is a very able advocate who is commercially minded and pragmatic."

Chambers & Partners 2024

"He takes a meticulous approach which gives a great sense of security prior to the hearing. He is responsive to queries in preparation and has excellent cross-examination skills."

Chambers & Partners 2024

"Robert is a hugely talented barrister in every way. He is meticulously prepared in all cases and an outstanding advocate on his feet."

Chambers & Partners 2024

"Robert is a methodical and diligent advocate."

The Legal 500 2024

"He is a devastating cross-examiner who presents very persuasive submissions."

Chambers & Partners 2023

"Robert is a trusted advocate who has an excellent eye for detail and extremely strong advocacy skills, particularly in cross-examination."

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The Legal 500 2023

"A credit to the profession." "He has an ability to understand the issues quickly and to focus on the key areas of importance in the case. Good at developing a strong working relationship with the client and their witnesses in preparation for the hearing and during the hearing. Lay clients are impressed with Robert's conduct of the case at the hearing and the successful outcome."

The Legal 500 2022

"He is an experienced cross-examiner who regularly appears in the appeal courts and he has a great eye for detail." "He gets to grips with the issues, he is very clear in terms of the merits and prospects of a case and he instils clients with confidence."

Chambers & Partners 2022

"He's extremely knowledgeable and approachable and his advocacy skills are first-rate." "He works very hard, has an incredible grasp of the detail and is very bright."

Chambers & Partners 2021

"A credit to the profession." "I have immense respect for Robert, he is a credit to the profession. Conducts himself in accordance with the finest traditions of the Bar."

The Legal 500 2021

"Instructed by the government on public law matters"

The Legal 500 2020

"A robust advocate and an experienced cross-examiner with a great eye for detail."

Chambers & Partners 2020

"Incredibly hard-working and always responsive."

Chambers & Partners 2019

"He provides a voice of clarity on the grey areas of equal pay."

Chambers & Partners 2016

"Equal pay litigation is another central plank in the set's offering." "They bring a certain enthusiasm towards cases," say sources, "and they understand how to manage both clients and witnesses."

Chambers & Partners 2015