

Tom Draper

Partner

"Tom Draper continues to build an outstanding employment team in Sheffield. The bench strength of the team from partner down is exceptional and evident in the development and progression from trainees through to senior positions, a responsibility for which Tom Draper takes personal ownership."

(The Legal 500, 2024)



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Tom has developed detailed and in-depth experience of all areas of employment law from advice on TUPE transfers to defending employers against allegations of discrimination and whistleblowing since he qualified as a solicitor in 2008.

Tom also has experience of advising on complex company reorganisations often involving collective redundancy consultation. He specialises in negotiating the exit of senior executives and Employment Tribunal litigation. He conducts his own advocacy, appearing in person at Tribunals throughout the country.

Tom provides responsive and commercially focused employment law advice and HR support in a pragmatic and straight forward way. Tom adds value to his clients' organisations by developing and leading tailored training sessions and seminars on a variety of topical employment law issues.

Since starting at Freeths in 2018 Tom has grown a team of dedicated, specialist, Employment lawyers. The team are pragmatic, commercially aware, astute and informed. They take the time to understand the intricacies of their clients' organisations to deliver an informed perspective on issues, acting as a true business partner. By knowing their clients and what is important to them it allows Tom's team to pre-empt issues and address them proactively.

Tom is listed as a Recommended Lawyer and recognised as a Next Generation Partner by The Legal 500 (2024 edition) in Employment.

Tom has been ranked as 'Up and Coming' in Chambers & Partners (2024 edition).

Legal Services

Employment

Selected Cases

- Tom advised a client following a catastrophic fire at their tyre recycling facility. The fire caused the closure of the site for a number of weeks and the client required urgent business-critical advice about their ability to temporarily lay-off their employees. As a result of Tom's advice the client was able to permanently retain the vast majority of the workforce at a minimal cost to the business which enabled the company to continue to trade and retain the majority of their employees following the re-opening of the site.
- Tom was instructed by a national company operating in the construction industry to defend an Employment Tribunal claim for alleged whistleblowing detriments and unauthorised deduction from wages. The claims were brought by multiple Claimants who were backed by a trade union. Tom persuaded the Tribunal to strike out the whistleblowing allegations and reduced the number of Claimants by nearly half at an early stage in proceedings. Tom conducted the advocacy himself at the final hearing where the Tribunal found in favour of the Respondent in the vast majority of the claims with only limited compensation being awarded to two of the Claimants.
- Tom advised a client after a number of their employees left to join a competitor in a team move. The employees were contacting customers with a view to soliciting our client's business. Our client was concerned that this could result in the loss of a substantial amount of business and could lead to other employees leaving. Following Tom's advice the employees were placed on garden leave and the client was able to use the restrictive covenants in the employment contracts Tom had drafted to threaten the former employees with a court injunction to protect our client's business. The employees were required to enter into settlement agreements for minimal compensation which protected our client's legal and financial position.
- Defending a claim for unfair dismissal on behalf of a national facilities management company. The claim involved allegations of unfair dismissal following pressure placed on the client by a third party not to employ the Claimant. In order to successfully defend the claim Tom provided bespoke advice on the practical application of the law on unfair dismissal for Some Other Substantial Reason. Tom appeared in person at a two day Employment Tribunal hearing and by deploying complex legal arguments he persuaded the Judge to reject the unfair dismissal claim and find that the dismissal had been fair due to third party pressure.
- Representing a travel company against an Employment Tribunal claim for unfair dismissal resulting from a TUPE transfer. Tom provided technical advice on the application of TUPE and used his skill and experience as a Tribunal advocate to defend this complicated claim involving multiple Respondents. Tom conducted his own advocacy on behalf of the seller of the business and following his closing submissions the Judge confirmed that he had "little hesitation" in concluding that TUPE applied to the sale, meaning that his client successfully avoided liability for the claim.
- Advising an employer on the exit of their CEO. Tom attended a Board meeting in order to advise the client in person on the variety of legal options open to them. Tom needed to be responsive to the needs of the

client, who required immediate assistance on what had the potential to be an acrimonious and destabilising situation. He advised on the potential financial liability and made a strategic analysis of the situation in order to conduct successful severance negotiations. He was able to reduce the expectations of the departing CEO significantly and minimise the financial and reputational risk to the client by ensuring a prompt resolution of the matter.

Sectors

Care

Selected Cases

- Advising a domiciliary care business on a disciplinary process which resulted in the dismissal of an employee for gross misconduct. The employee claimed unfair dismissal and Tom was instructed to defend the claim. At an initial preliminary hearing Tom successfully argued that the Employment Tribunal should issue a deposit order against the Claimant on the basis that the claim had little prospect of success. The employee did not pay the deposit and the claim was struck out without a payment being made to the employee. It is unusual for a deposit order to be granted at such an earlier stage in proceedings. The client was pleased not only that the claim had been struck out before significant legal fees had been incurred but also that the disciplinary process we had advised them to follow put them in a strong position to robustly resist the claim.
- Assisting a national care business with an HMRC investigation into a potential breach of the National Minimum Wage regulations. Tom advised in detail in relation to the practical application of the law on the National Minimum Wage to put the client in the best possible position to assist HMRC with their investigation and to minimise the possibility that the client would fall foul of these complex regulations.

Public Sector