

DR GREGORY BURKE

Year of call
2012



Dr Gregory Burke is Head of the Employment Law at 7BR.

He is described by clients as “extremely calm and kind”, with “amazing skill” delivering results which “restore faith in the justice system”.

Gregory has an unusually advantageous background to becoming a barrister having founded the UK’s largest disability-access information website, the award-winning: www.disabledgo.com.

He has employed over 100 people over the last decade providing services to blue-chip clients including Marks & Spencer, BT, Land Securities and over 200 Local Authorities, Universities and Colleges. Gregory ran DisabledGo for 12 years, leading to Cranfield MBA magazine to name him one of the UK’s “top social entrepreneurs”.

Gregory utilizes that experience predominately in employment and commercial work. His extensive experience of disability – both professional and personal – provides added-value in personal injury and clinical negligence cases.

LEGAL EXPERTISE

Clinical Negligence

Gregory is a junior clinical negligence barrister at 7BR. He is currently instructed by both claimants and defendants in clinical negligence claims by providing opinions, drafting pleadings and appearing in court.

Gregory is successfully building his practice with growing experience in oncology, negligent orthopaedic surgery and failure to diagnose claims.

His extensive experience of disability – both professional in a 12-year career before the bar and personal – provides added value in settlement negotiations: “it is like having an OT in the room”.

Selected Cases

Successfully representing a claimant at multi-track who had been subject to surgical negligence.

Successfully representing a claimant whose throat cancer was misdiagnosed.

Advising a claimant exposed to unnecessary injury when given an injection erroneously to the sciatic nerve.

Advising a claimant who was left with surgical instrument in their stomach after surgery.

Employment

Gregory has been described as “having a very impressive depth of knowledge and a natural ability to make sense of serious issues.”

Gregory has an unusually advantageous background to becoming a barrister having founded the UK’s largest disability-access information website: the award-winning [AccessAble](#).

While Chief Executive of AccessAble, Gregory employed over 100 people over the last decade providing services to blue-chip clients including Marks & Spencer, BT, Land Securities and over 200 Local Authorities, Universities and Colleges. Gregory ran AccessAble for 12 years, leading to Cranfield MBA magazine to name him one of the UK’s “top social entrepreneurs”. He remains owner and director of the business which serves over 1.5m people each year and turns over >£2m.

Gregory’s practice ranges from unfair dismissal to TUPE, whistleblowing to holiday pay. As well as less complex short cases, Gregory is regularly instructed on multi-week cases and has a growing reputation in intricate discrimination hearings. He has been praised for his “very careful and forensic” cross-examination.

Seminars & Experience

- October 2013 ‘*Remedies in the Employment Tribunal*’ (co-presenter).
- September 2014 ‘Introduction to Wrongful and Unfair Dismissal’ (co-presenter).
- March 2015, ‘Discrimination arising from Disability: Section 15, The New Frontier’.
- He recently chaired the Office for Disability Issues Annual Event on behalf of the Department of Works & Pensions.
- He was also Chair of the UK Conference on the UN Convention on the Rights for People with Disabilities.
- Gregory has been interviewed on disability issues live on multiple occasions including Radio 4’s Today;

Radio 5 Wake up to Money, 3 times from the London Stock Exchange on BBC Breakfast and twice on the BBC Breakfast's red sofa.

Selected Cases

Risby v London Borough of Waltham Forest UKEAT/0318/15/DM

Successfully defended the Local Authority against claims of disability discrimination when an employee was dismissed for using racist language. The judgment referred to Gregory's "telling critique" of an expert Professor of Psychiatry who had contended C had a depressive disability which made him susceptible to losing his temper. The Tribunal found he did not. The case was appealed on the causal link between the 'something arising' and the claimant's disability. An application to the Court of Appeal was successful and the Claimant withdrew his claim.

F v VCM

Successfully acted for a claimant in a £1 million claim. Successfully argued for the claim to be amended when claim was prima facie 2 months out of time. C was a partner in a LLP and claimed his dismissal to be a result of making protected disclosures. Gregory's opponent was a Chambers & Partners Band 1 barrister of 18 years call.

Hart v Westminster Council

Successfully represented a claimant with a profound learning disability who had a deposit order made against him prior to the merits hearing. Over a four-day hearing the Tribunal was persuaded that C had been discriminated against on the grounds of his disability. Gregory's opponent was a part-time employment judge and barrister of 15 years call.

Tavernier v Mears

Successfully represented R by persuading the Tribunal of C's 100% contributory fault. The Tribunal found that C's dismissal was automatically unfair by reason of depriving C of her chosen representative. The Appeal was a nullity for reasons of bias and breach of ACAS guidelines. Notwithstanding these flaws the Tribunal were persuaded that C was at 100% contributory fault and disqualified from receiving any compensatory award.

Valentine v Kent County Council

Successfully defended the Local Authority against claims of disability discrimination over a 4 day hearing. The Tribunal were persuaded that C did not have a disability and the claims therefore fell away.

A v JS Law

Successfully defended a boutique employment law firm against the claimed wrongful dismissal of an Associate Solicitor over a 5 day hearing.

Milward v Worcestershire County Council

Successfully defended the Local Authority against constructive unfair dismissal and whistleblowing claims. Originally scheduled for 7 days, the Claimant's case collapsed at the end of 2 days of cross-examination. Gregory's cross-examination was praised by Employment Judge Gaskell as "very careful and forensic".

Personal Injury

Dr Gregory Burke has been described as "having a very impressive depth of knowledge and a natural ability to make sense of serious issues."

Gregory is successfully building a personal injury litigation practice acting for both claimants and defendants.

He regularly appears in county courts in fast track and multi track trials. Gregory is particularly experienced in RTA, Occupiers' Liability and highway authority claims.

Gregory's experience in the Employment Tribunal jurisdiction, where he has fought complex multi-week cases, is beyond his call and complements his work in EL claims.

More generally, Gregory's extensive experience of disability – both professional and personal – provides added-value in personal injury cases, particularly at the negotiated settlement stage.

Gregory has an unusually advantageous background to becoming a barrister having founded the UK's largest disability-access information website; the award winning www.disabledgo.com.

He built and led a multi-disciplinary team of over 30 people with a turnover of £2million while at DisabledGo leading Cranfield MBA magazine to name him one of the UK's "top social entrepreneurs". Overall, Gregory has employed over 100 people during the last decade providing services to blue-chip clients including Marks & Spencer, BT, Land Securities and over 200 Local Authorities, Universities and Colleges.

Gregory is passionate about providing excellent service in all that he does.

Selected Cases

Winning a multi-track case for a defendant local authority against a highways claim where the pleaded damages exceeded £50,000.

Successfully making a half-time submission of no case to answer in an old-style CFA fast-track tripping claim in which the alleged defect had been measured by the senior partner of the claimant's law firm, a district judge by the time of trial.

Successfully making another half-time submission of no case to answer in an old-style CFA high value fast-track tripping claim in which the claimant could not identify the defect.

Advising to settlement a claimant who had been injured on a bus journey.

Advising to settlement a claimant who had slipped on water in a supermarket aisle.

Court of Protection

As part of his busy and varied practice, Gregory has a range of experience in matters involving vulnerable adults. He has an interest in cases involving questions of capacity, in particular in respect of welfare decisions. Prior to coming to the Bar, Gregory established a successful business assisting disabled people, their families, carers and friends and so has an unusual and valuable insight into the requirements and best interests of clients with additional needs. He accepts instructions from the local authority, family members and the Official Solicitor. Clients value his empathy, approachability and good sense.

Memberships

- Professional Negligence Bar Association