

## JOSHUA YETMAN

Year of call  
2018



Joshua specialises in employment and discrimination law, clinical negligence, personal injury and public law. The nature of his practice allows him to deploy his experience in complex areas that overlap. He has extensive experience of both multi-day trials and appellate work. He is ranked as a tier 1 Rising Star in the Legal 500 2024 and as Up and Coming by Chambers and Partners 2024.

In addition, Joshua has a busy inquest practice and is currently instructed in two public inquiries. He acts on behalf of Core Participants in both the UK Covid-19 Inquiry and in the recently announced Independent Inquiry Relating to Afghanistan.

Joshua often advises and represents on appeal and in relation to judicial reviews. In June 2023 he appeared as second junior for the Appellant before the Court of Appeal in *RN v CICA*. He is currently instructed in a range of matters as sole counsel in the High Court, the Employment Appeal Tribunal and Upper Tribunal (Administrative Appeals Chamber) and has appeared successfully in each.

Thanks to past criminal and regulatory law experience Joshua is also adept at working as part of teams of counsel in complex and high-profile transnational litigation. For example, he has worked on document-heavy offshore matters and national security-related litigation involving international law and welcomes such instructions.

Joshua was recently appointed to the Attorney-General's London C Panel of Counsel (term commencing 1 September 2023). He has also obtained Security Clearance (UKSV).

Prior to studying for his LLB, Joshua was a semi-professional cyclist. This saw him race at national and international level in the UK, France and Belgium.

## LEGAL EXPERTISE

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## Employment and discrimination

For employment law, Joshua is ranked both as a tier 1 Rising Star in the Legal 500 2024 and as Up and Coming by Chambers and Partners 2024.

Joshua has significant experience of Employment Tribunal proceedings and regularly acts in matters before the Employment Appeal Tribunal. He accepts instructions in all areas of employment law but often advises in relation to high value and legally complex workplace disputes.

Recent cases of note have seen him instructed in relation to discrimination and whistleblowing claims involving senior executives and institutions such as the Bank of England, AIB (UK) and BMW. He also acted as junior to the claimant in the case of *Bamieh v FCDO*, which raised complex questions under section 47B(1A) of the ERA 1996 concerning employers' vicarious liability for torts carried out by co-workers within foreign jurisdictions and received national press attention.

Joshua regularly advises on redundancy claims and in particular the complexities surrounding collective consultation under s.188 TULRCA. He has also conducted training on holiday pay in the context of agency workers following the Supreme Court decision in *Harpur v Brazel* and welcomes related instructions.

Joshua mixes this with a broader discrimination practice concerning the Equality Act 2010 and Human Rights Act 1998 within civil courts. This means he is well-placed to advise confidently on the correct forums for such claims whilst also drawing from complementary jurisdictions in order to strengthen his arguments.

Joshua has contributed to the Discrimination Law Association's "*Briefings*" editions and is a member of the Employment Lawyer Association.

## Selected Cases

### Tradition Management Services Ltd v Taylor (2023) – EAT

Acting for the Claimant in an appeal which addresses the weight tribunals are to give to hearsay evidence in cases involving sexual harassment where the complainant does not give live evidence.

### Northern Building Design v Harris (2023) – EAT

The appeal raised issues concerning the need for the EAT to provide guidance in the context of the reasonable practicability test, where a Claimant is operating under the mistaken belief that an ACAS Early Conciliation Certificate will be extended despite the fact that one has already been correctly issued. The matter did not proceed to final hearing.

### Bamieh v FCDO (2022) – ET

Acted for the claimant who alleged that the FCDO failed to provide support after she attempted to expose possible collusion between EU officials and suspected criminals in Kosovo when she worked as a prosecutor for the EU's rule of law mission (EULEX). The facts raised complex questions under section 47B(1A) of the ERA 1996 concerning employers' vicarious liability for torts carried out by co-workers within foreign jurisdictions. The matter settled for over £400,000.

### **Collins v Ultimate Finance Group Limited UKEAT/0165/20/OO (2021)**

Joshua successfully represented the appellant before the Employment Appeal Tribunal. The appeal concerned the application and interpretation of Rule 37(2).

## **Inquests**

Joshua welcomes instructions in relation to coronial proceedings. He has significant experience of representing interested parties across all care settings and in relation to persons detained. He is presently instructed in several Article 2 inquests involving multi-day hearings and welcomes such instructions. Joshua has obtained a number of findings of neglect in addition to securing Prevention of Future Deaths reports.

His work in this area is complemented by his broader work civil work where personal injury and clinical negligence is concerned. Not only does this breadth see him regularly handle witnesses and complex evidence in a clinical setting, but it also attunes him to the sensitivities required in cases that are inevitably distressing and emotional for those involved.

## **Inquiries**

Joshua has long-standing experience in public inquiry work. He currently acts on behalf of Core Participants in both the UK Covid-19 Inquiry and in the recently announced Independent Inquiry Relating to Afghanistan. Due to the latter in particular, he is well-versed with the processes and complexities involved in closed material proceedings.

Joshua worked with William Chapman on behalf of Core Participants in the Independent Inquiry into Child Sex Abuse (IICSA), in relation to two of IICSA's investigations: "The Roman Catholic Church", and "Institutional responses to allegations of child sexual abuse involving Lord Janner". Joshua was then instructed on behalf of a Local Authority as part of IICSA's "Effective leadership of child protection" module.

As a result, Joshua has direct experience of public inquiries from both a technical perspective, insofar as the operation of Inquiries Act 2005 is concerned, and more broadly, in terms of how document-heavy inquiry work functions in practice.

## **Personal Injury and Clinical Negligence**

Joshua is currently instructed in a number of multi-track matters ranging from high value injuries at work to delayed cancer diagnoses and surgical negligence. He welcomes instructions across these areas. His overlapping expertise means he is well-placed to advise on multijurisdictional issues in any factual context. For

example, his inquest experience means he often advises tactically, but tactfully, during coronial proceedings and with a view to a subsequent civil claim. He has also appeared in multi-track trials concerning stress at work claims that have required him to deploy his employment law expertise whilst dealing with complex medical evidence.

Joshua often undertakes civil applications in relation to Fast-Track claims in the County Court and Multi-Track claims before the High Court. He frequently acts both for and against local authorities where public liability claims are concerned.

Joshua also has experience of abuse claims. He has worked as the Point of Contact for the Lambeth Redress Scheme since 2020, which is a bespoke scheme designed to compensate those abused whilst in the care of Lambeth Council. He also is currently instructed in a failure to remove case involving 3 children and serious allegations spanning 15 years whilst in the care of a local authority.

## Public Law

Joshua has a broad public law practice and accepts instructions across all forums. His experience has seen him act as both sole and led counsel in a number of complex statutory appeals and judicial reviews in both the Upper Tribunal (Administrative Appeals Chamber) and recently in the Court of Appeal in the case of *RN v CICA*.

These matters have raised issues cutting across human rights law (in particular Article 14 ECHR discrimination), EU law and welfare benefits law. As a result, he is well placed to advise on the application of public law principles in a range of contexts. For example, he recently provided comprehensive advice to a government department concerning the interpretation of retained EU law in the context of the Environmental Information Regulations 2004, so as to advise upon the impact of the REUL Bill. This involved an analysis of domestic and EU case law in addition to the UK's continuing international obligations in this area under the Aarhus Convention (a UNECE Treaty).

Joshua often provides written advice concerning the merits of proceedings in a range of areas in the Administrative Court and welcomes such instructions.

Joshua was recently appointed to the Attorney-General's London C Panel of Counsel (term commencing 1 September 2023). He has also obtained Security Clearance (UKSV).

## Selected Cases

### [R\(RN\) v CICA \[2023\]](#)

Acted as second junior in this judicial review before the Court of Appeal on behalf of the Appellant. The appeal was allowed. The case concerned whether child grooming is a crime of violence for the purposes of the 2012 Criminal Injuries Compensation Scheme. The judgment is of particular significance to victims of modern forms of violent crime which are likely to cause psychiatric injury, but which do not necessarily involve or require touching.

## PK v SSWP (2023)

Upper Tribunal appeal raising issues of discrimination under Art.14 ECHR in relation to Bereavement Benefit, in the context of Article 8 and 9 ECHR. Joshua acts for the appellant as sole counsel.

The Court of Appeal is currently considering the appellant's application for permission to appeal.

## HCL (2023)

Advised as to the merits of seeking to challenge a local NHS health board's procurement process by way of judicial review in the High Court. The case raises issues concerning whether or not the pool of successful applicants had been intentionally artificially narrowed due to a lack of transparency and fairness so as to favour certain providers. The advice addressed the complexities surrounding the Public Contracts Regulations 2015.

## DS v CICA [2022]

Joshua is being led by Adam Weitzman KC on behalf of the appellant in the Upper Tribunal, with a final hearing yet to be listed. The appeal concerns the application of the 2012 Criminal Injuries Compensation Scheme to secondary victims of crime and a discrimination claim under Art.14 ECHR.

## IL v SSWP (JSA) [2019] UKUT 200 (AAC)

Successfully represented the appellant before the Upper Tribunal. The appeal addressed the interpretation and application of Section 71 of the Social Security Administration Act 1992

## JG v Secretary of State for Work and Pensions (CA) [2019] UKUT 83 (AAC)

Acted in one of several linked appeals selected as lead cases for the determination of issues concerning the exportability of benefits arising from the judgment of the CJEU in Secretary of State for Work and Pensions v Tolley (C-430/15).

## VMcC v SSWP (IS) [2018] UKUT 63 (AAC)

Successfully represented the appellant before the Upper Tribunal. The appeal addressed the operation of a Quistclose trust in the context of a claim for Income Support.

## CICA v First-tier Tribunal and SN [2018] UKUT 248 (AAC)

Represented the interested party in a judicial review addressing the operation of the 2008 Criminal Injuries Compensation Scheme and where there could be a reduction in awards due to the claimant's criminal convictions.

## Education

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Before coming to the Bar, during the 2016-17 academic year Joshua was a Visiting Lecturer at the University of Westminster, teaching undergraduate tort and criminal law to first year LLB students.

Joshua holds a First-Class degree in Law from the University of Westminster (LLB) and a Distinction in International Law from University College London (LLM). He completed the BPTC at BPP Law School (Very Competent).

## Scholarships & Awards

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- BPP Excellence Award (2016-17)
- Hardwicke Entrance Award (2016, Lincoln's Inn)
- UCL-FRU Scholarship (2016)
- 1st place, Francis Taylor Building-UCL Moot (2016)