BDBF announces 2026 promotions

BDBF announces the well-deserved promotions of Esmat Faiz and Emma Burroughs to Senior Associate.

These promotions recognise their talent and the important role they play in delivering exceptional results for our clients. At BDBF, we recognise that nurturing and growing talent is key to retaining BDBF’s longstanding position as a leading employment law firm.

Emma advises employees and employers across the full spectrum of employment law, with particular strength in high-stakes disputes. She combines sharp legal acumen with strategic focus guiding clients to positive outcomes. Emma has significant experience of litigating in the Employment Tribunal and High Court, including bonus disputes and more recently an interim relief application which was widely reported across the financial press.

Esmat is an experienced employment litigator with years of experience advising both employees and employers on complex workplace issues. Clients value her legal expertise, empathy and ability to deliver clear advice that achieves their objectives, whether through negotiation or in the Employment Tribunal.

BDBF Managing Partner Gareth Brahams, said “Esmat and Emma have consistently demonstrated the highest levels of skill, dedication and client care. They embody everything we value at BDBF: technical excellence, commercial insight and a genuine passion for helping clients navigate complex employment issues. I am extremely proud of their achievements and look forward to seeing them continue to excel in their new roles as Senior Associates.”

Nick Wilcox speaking at “Do The Right Thing: non-financial misconduct for employment lawyers” ELA Webinar

On 11 March 2026, BDBF Partner Nick Wilcox will be speaking at “Do The Right Thing: non-financial misconduct for employment lawyers” a webinar with the Employment Lawyers Association (ELA).

With his deep expertise in employment law and regulatory crossovers in financial services, Nick will deliver invaluable insights on navigating complex duties, investigations, whistleblowing and more.

Nick will be joined by James Green (Burges Salmon), with the session chaired by David Rintoul (Slaughter & May).

Register here.

Employment Law Session at

InnovationRCA – 10 March 2026

On 10 March 2026, BDBF Managing Associate Tom McLaughlin will deliver a talk hosted by InnovationRCA, the Royal College of Art's renowned centre for entrepreneurship and commercialisation.

The session is aimed at founders launching design-led startups, scaling creative teams or navigating the unique challenges of innovative, high-growth environments.

International Employment Lawyer’s Spring European Employment Summit – Amsterdam

BDBF Partners Claire Dawson and Paula Chan will be attending International Employment Lawyer’s Spring European Employment Summit in Amsterdam on 4–5 March 2026.

This premier two-day event gathers private practice employment lawyers, senior in-house counsel and HR leaders and from across Europe to explore the most pressing cross-border employment challenges and strategic opportunities facing employment lawyers and their clients.

Claire and Paula look forward to connecting with colleagues and peers attending this year’s IEL Spring Summit.

BDBF further expands its employment law practice with new senior associate

BDBF, top-ranked, specialist employment law firm, welcomes Charlotte Pettman as its newest senior associate.

Her appointment demonstrates the continued growth of BDBF and brings the firm's headcount to six partners and 18 associates, in addition to its eight-strong practice team.

Charlotte's extensive experience advising senior individuals

in financial and legal services, combined with her expertise as a litigator in high-value Employment Tribunal claims, particularly involving complex discrimination issues, will further strengthen the team’s capabilities.

BDBF’s success in attracting top-tier talent reflects the strength of its client service, its outstanding litigation track record, the complexity and interest of its work, and the genuinely collaborative culture it cultivates. The firm remains a consistently top-ranked practice, holding tier-one positions in leading independent legal directories for its work on behalf of senior executives over the last 12 years, while also growing its capabilities to advise employers on complex and high-value employment disputes and advisory matters.

Gareth Brahams, Managing Partner said, *“We are delighted to bring Charlotte into the BDBF fold. Her focus on litigation, her work ethic and drive make her an excellent addition to our team as we continue to cement ourselves in the position of the leading contentious employment law firm.”*

Charlotte Pettman said, *“I am delighted to join BDBF and look forward to working with the top-ranked employment lawyers for senior executive work.”*

Reform promises to “repeal” the Equality Act 2010 on Day 1 if elected.

On 17 February 2026, Reform Party MP Suella Braverman announced that her party planned to repeal the Equality Act 2010 on the first day of a Reform government. We analyse the background to this announcement, what Reform has said it intends to do and whether the criticisms made of positive action in particular are valid.

Where has the backlash against equality law come from?

To understand the origins of the Reform Party's stance, we only have to look across the pond.

Back in January 2025, President Trump signed two executive orders targeting diversity, equity and inclusion (**DEI**) measures (the **Executive Orders**). The first directed federal agencies to dismantle all DEI programs within the Federal Government. The second prohibited private organisations from implementing DEI employment programs for positions funded by federal contracts.

President Trump also instructed the US Attorney General's office to look into ways that the private sector may be regulated or encouraged *"..to end illegal discrimination and preferences, including DEI".*

In any event, this strong anti-DEI stance led to an immediate chilling effect within the private sector in the US. Many major organisations pre-emptively dropped their DEI policies following his Presidential win (including the likes of Walmart, Amazon, McDonalds and Meta) with more following suit after the issuance of the Executive Orders (including PepsiCo, Alphabet, Disney, Accenture and Deloitte to name a few).

Did America sneeze and the UK catch a cold?

Within months of President Trump's actions, evidence of a private sector rollback of DEI policies was emerging among some major UK employers. For example:

- British Telecommunications plc removed DEI targets from its annual bonus awards.
- Lloyds Banking Group plc reduced diversity targets affecting its annual bonus awards.
- GSK plc removed diversity targets for leadership roles and suppliers.
- WPP removed all references to diversity, equity and inclusion from its annual report.
- Accenture began a global rollback of DEI including in the UK.

But set against concerns about this apparent ripple effect, it remained the case that UK employers were operating in a different political and legal eco-system to their US counterparts. In July 2024, a Labour Government had been elected on a mandate of strengthening equality law protection. And the UK's advanced equality law framework (set out primarily in the Equality Act 2010 (the **Act**) but supplemented by various corporate governance and reporting rules), restricted the extent to which equality in the workplace could be attacked.

However, since the rollback of DEI in the US, there has been a distinct shift in the discussion of equality law by some UK politicians.

Kemi Badenoch MP, Leader of the Conservative Party, made no bones about her dislike of DEI, having previously referred to workplace DEI training as *"snake oil."* In February 2025, she spoke at the right-wing Alliance for Responsible Citizenship convention and said: *"Whether it's pronouns or DEI or climate activism – these issues aren't about kindness, they're about control."*

In March 2025, the GB News presenter and former Conservative MP and Minister Jacob Rees-Mogg described the Act as a codification of *"woke ideology"* which had created *"…a wasteful and racist DEI industry"*.

On 27 March 2025, Nigel Farage MP, the Leader of the Reform Party, praised President Trump's attack on DEI and said: *"…the lunacies of DEI policy, of employing people on the basis of their colour, or their chosen sexuality…is coming to an end. We're seeing the tide turning…and we're moving more towards a system based on meritocracy than based on identity".*

What is the Reform Party's latest stance?

Fast forward a year, and the UK's cold appears to be at risk of developing into full-blown flu.

On 17 February 2026, Reform MP Suella Braverman said that Britain was *"being ripped apart"* by DEI policies and she promised that Reform would repeal the Act on Day 1 if Reform wins the next general election. She said: *"…we will repeal the Equality Act, because we are going to work to build a country defined by meritocracy not tokenism, personal*

responsibility not victimhood, excellence not mediocrity, and unity not division" and *"scrapping the Equality Act means getting rid of the pernicious, divisive notion of protected characteristics."*

Later interviews given by Reform MPs Zia Yusuf and Robert Jenrick homed in specifically on the positive action provisions in the Act as the key area of concern (these are the provisions which tend to underpin DEI measures). Zia Yusuf MP said: *"The current Equalities Act* (sic) *requires discrimination in the name of 'positive action'. It costs the economy billions of pounds and has become a lawyer's charter to print money. It has destroyed meritocracy, spread division and led to exclusion for some in majority groups."*

Adopting a slightly more moderate tone, Robert Jenrick MP said Reform intended to *"pass on"* important workplace rights to future generations, such as equal pay and disability discrimination rights. However, he asserted that other aspects of the Act, namely the Public Sector Equality Duty (the **PSED**) and the positive action provisions, were *"harmful"* to government, the economy and society.

It is not entirely clear whether Reform intends to repeal the entirety of the Act or just the positive action and PSED provisions. Clearly, the former is far more radical and would result in an extraordinary degradation of workplace rights in the UK.

Is Reform right about positive action?

Reform says the positive action provisions in the Act require

discrimination and are exclusionary, divisive and harmful. So, what exactly are the positive action provisions?

In the main, the Act prohibits various forms of discrimination (i.e. direct and indirect discrimination, harassment, victimisation and discrimination arising from a disability) connected to certain protected characteristics, as opposed to requiring an employer to take active measures to remove disadvantage. However, there are some limited exceptions to this including the duty to make reasonable adjustments for disabled workers and the duty to take reasonable steps to prevent sexual harassment.

Beyond this, the Act permits, but does not require, employers to take "positive action" measures in certain defined circumstances. Two types of positive action are permitted: general positive action under s.158 and positive action in recruitment and promotion under s.159. Although positive action is voluntary for private sector employers, public sector employers do have a separate duty to consider taking positive action measures as part of the PSED arising under s.149 of the Act.

General positive action

General positive action may only be used where an employer reasonably thinks that persons sharing a protected characteristic suffer a disadvantage, have different needs and/or have disproportionately low participation, when compared to others. Where this is the case, the employer may elect (but is not required) to take action aimed at resolving these issues.

The Act does not prescribe what action is permitted and, in fact, there is no limit on the types of measures that may be taken. Common examples include:

- targeting advertising at specific disadvantaged groups;
- providing opportunities exclusively to the target group to learn more about particular types of work with the employer;
- creation of a work-based support group for members of staff who share a protected characteristic and who may have workplace experiences or needs that are different from other staff; and
- setting aspirational targets for increasing participation within a particular timescale;

Importantly, identifying the disadvantage, need or underrepresentation and the proposed positive action is not simply the end of the story. The employer is also expected to ensure that the proposed action is a proportionate means of achieving the relevant aim. Proportionality involves a very careful balancing of competing relevant factors. The kinds of questions an employer will need to answer are:

- how serious is the disadvantage, need or under-representation?;

- is the action appropriate to achieve the stated aim?;
- if so, is the proposed action reasonably necessary to achieve the aim, or would it be possible to achieve the aim as effectively by other means less likely to result in less favourable treatment of others?;
- if there is an adverse impact on others, what steps are being taken to mitigate that adverse impact?;
- does the measure rely on objective and transparent criteria?; and
- is there a procedure in place for reviewing the impact of, and need for, the measure? Here, the EHRC Code cautions against taking positive action indefinitely without review since the steps taken may remedy the situation meaning it is no longer proportionate to continue the action.

What is clear is that an employer must undertake considerable groundwork before rolling out any general positive action measures. It is not something the Act envisages being undertaken lightly or without a compelling rationale.

Positive action in recruitment

Section 159 has the potential for a more dramatic impact in that it allows employers to take positive action at the point of recruitment, i.e. to favour a candidate from a protected

group over others. However, it may only do this where it reasonably thinks that persons from the protected group suffer a disadvantage or have disproportionately low participation. Once that disadvantage or underrepresentation has been identified, an employer may then only use s.159 where:

- the candidate A (from the target group) is as qualified as candidate B to be recruited or promoted;
- the employer does not operate a blanket policy of positive action; and
- the action is a proportionate means of achieving the legitimate aim.

The “as qualified as” restriction is a very significant limitation on the scope of the provision. It means that if an employer recruits or promotes someone from a protected group over a *better qualified* candidate they will commit unlawful positive discrimination (rather than lawful positive action).

The result is that positive action in recruitment is used extremely rarely by employers who fear getting it wrong and inviting so-called “reverse discrimination” claims from those in the majority groups. Given that there is no obligation to do it, employers generally do not use s.159 measures. Indeed, until 2019, there were no decided cases in England and Wales at all on the application of s.159 – today, there are only two.

In February 2019, the Liverpool Employment Tribunal handed down its judgment in the case of Furlong v The Chief Constable of Cheshire Police. In that case, the Respondent misapplied s.159 by setting the bar too low when it came to treating candidates as equally qualified. This resulted in discrimination against a white, heterosexual, male applicant who won his case, brought under the very legislation that is now being criticised by Reform. In 2022, In Turner-Robson and others v Chief Constable of Thames Valley Police an Employment Tribunal held that the decision to promote a minority ethnic Police Sergeant into a Detective Inspector role without undertaking any competitive exercise was unlawful race discrimination.

Does the Act require discrimination and is positive action exclusionary, divisive and harmful?

Reform claim that the Act *"requires"* discrimination in the name of positive action is incorrect. Employers are not required to take positive action. And positive action measures in recruitment (the tiebreaker) are used vanishingly rarely. The claim that positive action has *"destroyed meritocracy"* does not withstand scrutiny.

By its very nature, action aimed at improving the position for those belonging to a specific disadvantaged group *will* exclude those outside that group. Yet the logic is that this only rebalances advantage in the workplace and offers opportunities to all to succeed on their own merit. Whether or not this should be regarded as *"divisive"* and *"harmful"* turns on whether you believe this is the right thing to do.

There have been a few examples where poorly judged DEI

messaging has led to negative fallout for UK employers (for example, Wickes, Aviva and John Lewis). Placing the spotlight on DEI may provoke a re-evaluation by employers of their approach to ensure that positive action measures are transparent, proportionate and lawful.

Repealing the Equality Act 2010: a licence for positive discrimination?

It is worth remembering, with the exception of disabled individuals and pregnant workers, the Equality Act provides protection from discrimination for everyone symmetrically whether they belong to a historically disadvantaged group or not. White workers, as well as Black and Asian workers, are protected from discrimination because of race. Men as well as women are protected from discrimination because of sex. The philosophical underpinning of the law prohibiting direct discrimination is that each person deserves to be judged as an individual on the basis of what they contribute, and not on the basis of any prejudice or stereotype related to their protected characteristics. Positive action and the law prohibiting indirect discrimination balances this out with a view that goes beyond the individual to the group and recognises that the playing field is not, or has not always been, level.

The irony of Reform's proposal to repeal the Act is that there would no longer be any legal impediment to employers rolling out "positive discrimination" measures for underrepresented and marginalised groups, the very measures Reform has criticised.

BDBF is a leading employment law firm based at Bank in the

City of London. If you would like to discuss any issues relating to the content of this article, please contact Amanda Steadman (AmandaSteadman@bdbf.co.uk**) or your usual BDBF contact.**

BDBF grows employment team with new associate appointment

BDBF, a leading employment law firm, welcomes **Ben Cowdry** who joins the firm as its newest associate.

Ben's broad experience across both employer and employee-side matters, combined with his passion for achieving strong results through negotiation and advocacy, will further enhance the team's capabilities. His addition increases the firm's team to six partners, 17 associates, and an eight-member practice team.

The firm's success in recruiting talented lawyers such as Ben reflects the firm's strong standing for delivering outstanding client service, achieving robust litigation outcomes and offering top quality work in a collaborative environment. The firm continues to be top ranked, consistently securing tier one rankings from leading independent legal directories for its representation of senior executives over the past 12 years, while also growing its offering to employers on complex, high-value employment issues.

Gareth Brahams, Managing Partner said, *"Ben's practical experience in tribunal litigation, discrimination and*

dismissal claims, together with his skill in negotiating settlements and drafting key documents, adds further bench strength. We look forward to him joining our team."

Ben Cowdry said, *"I am pleased to be joining BDBF, a market-leading employment firm recognised year after year for their elite level of advice. This continued recognition is a testament to its highly experienced team, whom I am excited to collaborate with and learn from. With many changes on the horizon in the employment sphere, I look forward to tackling these challenges together."*

On Equal Pay Day 2025, the legal sector's gender pay gap is double the average

According to recent statistics [published by Law360](), male employees at the UK's top law firms are considerably out-earning their female counterparts, with a typical 26% differential in pay. And just in time for Equal Pay Day, which took place on 22 November 2025 this year, the Bar Council published a report which demonstrates that women are earning less than men across all experience levels at the self-employed Bar.

What is equal pay and how does it relate to the gender pay gap?

The principle of equal pay refers to the concept that men and women should receive equal pay for equal work, a principle which has been enshrined in UK law for more than five decades. Concerns regarding equal pay arise where there is a disparity between what men and women earn for doing the same/similar work or work of equal value. This can be between two individuals who have the same title or substantive role or do work of equal value or by reference to groups of male and female employees who have comparable roles or who argue that they do work of equal value. There have been several high-profile cases in the retail sector where mainly female shop-floor workers have argued that their work is of equal value to higher paid mainly male warehouse workers. For further detail on those cases, see our previous briefing here.

The gender pay gap refers to the gap between the average rates of pay for all men and women in the labour market, regardless of job role. The gender pay gap in the UK as a whole in April 2025, as reported by the Office of National Statistics, was 12.8%, down slightly from 13.1% in 2024. However, the gender pay gap differs quite significantly by sector.

Since 2017, all private and voluntary sector employers with 250 or more employees have been obliged to report statistics related to their organisation's gender pay gap. These reports have tended to show the underrepresentation of women at the most senior and highly paid levels within organisations. The aim of such reporting is to shine a light on the disparity and to encourage employers to close these gaps, such as by taking proactive steps to improve progression of women to senior levels. For further information on gender pay reporting, see our more in-depth briefing here.

What is Equal Pay Day?

Equal Pay Day marks the point in the calendar when, as a result of the average gender pay gap, women are no longer earning compared to men. Each year, it is calculated by the Fawcett Society based on data obtained from the Office for National Statistics.

How does the gender pay gap affect law firms, and why?

The gender pay gap in UK law firms stands at an average of 26%. The figures and conclusions published by Law360 follow their review of gender pay gap reports from over 100 law firms, which show wide variation within the legal sector. The

data is taken from mandatory pay gap reports for employees, as well as voluntary partnership pay gap reports provided by 51 of the 100 firms (there being no legal obligation to report on partnership pay gaps).

Notably, the analysis shows that many firms report far greater pay equality at the junior level, with the median employee gender pay gap varying between 1.9% and 65.3%, but with the majority of firms' figures sitting between 20 – 30%. This is significant compared to partner-level roles, where nearly one third of the reporting firms had partnership pay gaps of over 30%, with the highest reported gap of over 100%.

Where partner figures are included within a firm's overall figure this leads to a stark increase in their median pay gap; the highest combined employee and partner pay gap reported was 48%, and even firms whose employee gap was as low as 2.4% reported a much higher combined pay gap of 27.7%.

Statistics for the gender bonus gap also varied significantly, with eight firms reporting a 0% difference but over 20 firms reporting a gap of at least 40%.

Putting the very wide-ranging variations between law firms to one side, it is clear that the overall pay gap within law firms is considerably higher than the current UK average pay gap of 12.8%. So why is the legal sector lagging so far behind when it comes to pay equality?

Law360's analysis suggests several key factors that may be contributing to this.

Lack of leadership representation

While improvements are slowly being made, law firms have historically been (and largely remain) male-dominated at the senior levels. This can, in itself, be a factor that deters women from seeking promotion, as they are less likely to see themselves taking on those roles in future. Equally, it may contribute to attrition away from male-dominated firms towards firms that already have a strong female leadership presence, or even towards other industries that are seen as offering more opportunities for advancement. It is worth noting that smaller firms are not required to produce gender pay gap reports (although many do voluntarily), and, therefore, the available figures are skewed towards larger firms where the senior leadership has been dominated by men.

Law360’s analysis notes that women in leadership positions are more likely to encourage enhancements to benefits and policies, such as parental leave and flexible working. The lack of representation at decision-making levels may mean slower improvements to those benefits which may directly impact the ability or motivation of women to remain at certain firms long enough to reach a senior role and access the highest levels of pay. This is a problem across many sectors but the slow speed of change in the legal profession may mean that its impact is more pronounced.

Unique promotion cycle

The slow rate of progress to improve the gender pay gap within law firms may also be impacted by the difference between many firms’ partnership processes and traditional promotion paths in other sectors. Partnership processes in larger firms are

often only run annually, with opportunities in many cases depending on the retirement or departure of another partner. There is often fierce competition between candidates (including external candidates) for only a few potential roles and, depending on business demand, in some years there may be no opportunities available at all.

A considerable amount of work is often required to prepare a business case to join a partnership and, as noted by those interviewed by Law360, the timing of partnership will often coincide with motherhood. Periods of time spent on maternity leave at this crucial career juncture may mean a candidate is "out of sight and out of mind" and/or their business case appears less compelling. Undoubtedly, the fact that women still bear a higher proportion of responsibility for childcare within families – and may work part-time as a result – has an impact too. While many law firms have taken steps to address the impact on candidates for partnership, it remains a factor. Could an uptick in men taking longer periods of shared parental leave and assuming greater childcare responsibilities level the playing field?

Or are these just attempts to explain away systemic discrimination and the general undervaluing of what women do?

As noted by the Financial Times, men are more likely to be optimistic about their client book, which can lead to them being more successful in landing available roles, as well as demanding higher compensation, particularly when moving firms.

And becoming a partner is only the starting point: remuneration between partners within a practice area or more widely across a firm continues to vary greatly.

Practice area disparities

Differences in the level of fees earned across practice areas can be stark. This can disproportionately benefit men, who are both more likely to be hired into the most profitable practices within firms, and more likely to stay in those areas long-term. As published by the Financial Times, 80% of partners hired between 2019 and 2024 into corporate and finance practices (often the highest-billing departments in commercial law firms) were male. By contrast, employment and private client practice areas were closer to 50/50 in terms of partners hired but higher billing practices such as private equity had a significant majority of male compared to female partnership hires.

It is clear that lack of participation in these more lucrative practice areas has an impact on women's ability to achieve the highest levels of remuneration. At the employee level, this is particularly notable when it comes to bonuses. As Law360 noted, even objective factors such as billing targets can indirectly disadvantage women. Such targets tend to favour the highest-billing (and most likely male-dominated) teams, where there is generally a steady demand for long hours of work or a lot of ebb and flow of work with periods of time when exceptionally long hours are required (on deals for example). Women (especially mothers) may face more practical challenges in reaching their targets if they are juggling the competing demands of caring responsibilities.

In addition, discretionary bonuses have a big impact on overall pay which can be difficult to unravel, particularly where there is a culture of avoiding pay transparency and colleagues are discouraged from comparing remuneration. This can make it harder for women to identify any disparities, to

advocate for themselves and call out unequal treatment. We know that any difference in pay early in a lawyer's career is likely to compound over time and affect the starting point for any pay or bonus negotiations in subsequent years and on moving firms.

Not just law firms: the gender pay gap at the Bar

It is not only women working in law firms who are affected by the legal sector's gender pay gap. The Bar Council's recent report found that:

- Women were earning less than men across all experience levels at the self-employed Bar.
- Junior women were earning 76% of what junior men were earning.
- Women silks were earning on average 72% of their male colleagues' median gross earnings.
- Earnings gaps persist across every level of seniority at the Bar: the highest earning men were consistently earning more than the highest earning women.
- There were earnings gaps in every area of practice. The widest gaps were in commercial and Chancery practice, where women at 11-15 years PQE were earning 63% of their male colleagues' median fee income.

- During the previous 4 years (2021-2024), median earnings at the Bar increased for both men and women. However, women’s earnings increased by less than men’s. This means the gap is still increasing.

There is always a temptation to speculate about the “reasons” for the gender pay gap, but where it is so significant and persistent, is it not reasonable to assume that it arises from a difference in value assigned to work depending on whether it is done by a man or a woman – the very evil that equal pay law has been attempting to address for over five decades?

How does gender pay reporting help?

In addition to revealing the limited level of progress made in closing the gender pay gap within UK law firms, Law360’s analysis of law firm pay gaps reveals an element of scepticism within firms towards gender pay reporting. They note that gender pay gap reporting can be seen as a “blunt tool” incapable of fixing a complex and historic cultural problem for firms, and a sense that statistics can be too easily skewed.

Reporting is seen by some as a ‘tick box’ exercise rather than an active commitment towards closing the gender pay gap. On International Women’s Day this year, the Law Society Gazette noted a report from 2022 by the ‘Next 100 Years Project’ which revealed that while 92% of legal professionals agreed that the gender pay gap is a concern, 62% said that fixing it is not a priority for their firm’s senior management. This report also

noted that 84% of female lawyers believed they would not see true gender pay equality in their working life and that, at the current rate of change, the legal sector remained 86 years away from achieving pay equity.

This lack of faith in the effectiveness of gender pay reports is particularly interesting in the context of the Government's plans to expand pay reporting obligations even further. Under the Equality (Race and Disability) Bill, employers will be required to report on their ethnicity and disability pay gaps as well as their gender pay gap. Whilst some firms have already made such reports voluntarily, it appears that most are unprepared and there are significant concerns around firms' abilities to obtain the required data. In addition, through the Employment Rights Bill a new obligation will be introduced to produce gender equality plans to explain what steps are being taken to address the gender pay gap, as well as simply reporting it.

While there is scepticism about the value of gender pay gap reports, it is clear that the current Government sees pay gap reporting as a mechanism to drive pay equity: shining a light on the problem in the hope that what gets measured gets managed.

BDBF is a leading employment law firm based at Bank in the City of London. If you would like to discuss any issues relating to the content of this article, please contact Claire Dawson (ClaireDawson@bdbf.co.uk), Rose Lim (RoseLim@bdbf.co.uk) or your usual BDBF contact.

BDBF wins Senior Executive Team of the Year at IEL Awards 2025

BDBF has been named **Senior Executive Team of the Year** at the prestigious International Employment Lawyer (IEL) Awards 2025.

These annual awards celebrate the very best private practice and in-house legal teams from across the globe, honouring excellence, innovation and outstanding contributions to the field of employment law.

This recognition underscores our unwavering commitment to delivering powerhouse results in high-stakes employment disputes, and we are grateful to our dedicated team and valued clients.

Christmas parties: Top tips for avoiding the HR hangover 2025

The party season is here, and it's time to celebrate. But before the mulled wine flows and the dance floor calls… ho-ho-how do you keep the festivities merry, bright and free of the dreaded HR hangover?

BDBF double milestone: 13 years of excellence and 30 years of expertise

This month, BDBF celebrates its 13th anniversary – thirteen years of delivering outstanding results for senior executives, partners and employers in the highest-stakes employment disputes.

BDBF has been independently top ranked by Chambers and Partners and Legal 500 year after year throughout its existence. We are proud to be the only firm in its category with all six of our partners individually ranked as employment law experts for Employment: Senior Executives. We were also featured as one of The Times Best Law Firms 2026 for employment law, as endorsed by our peers and have been shortlisted by the International Employment Lawyer as Senior Executive Team of the Year 2026.

Over the past 13 years, BDBF has secured precedent-setting

judgments, negotiated life-changing exits and protected reputations in the most complex and sensitive cases. We treat every client as if their career depends on it, because it does. We know that clients come to us in a time of acute need, and it is a privilege to be able to help them.

Whilst we still settle the vast majority of the cases we deal with discreetly and elegantly, we do have a market leading track record in litigation. For example, recently, BDBF represented Sebastian Lapinski in a high-stakes disability discrimination claim against Triton Investment Advisers LLP and Swedish respondents. Overcoming jurisdictional disputes, BDBF secured a Tribunal victory and EAT appeal dismissal, reinforcing employee rights under the Equality Act 2010 and Brussels Regulation. BDBF also successfully represented Rob Gagliardi in the first employment anti-suit injunction obtained under the new jurisdictional regime that applies post-Brexit. This injunction halted his former employer, Evolution, from pursuing claims against him in New York, setting a precedent in employment law. In a recent high-profile case against Facebook, BDBF's client alleged that Facebook inflated advertising product performance metrics, misleading customers and investors, and attempted to conceal this by integrating the flawed metric into its standard products. After receiving a poor appraisal, they were terminated, prompting them to seek interim relief in the Employment Tribunal. The case garnered widespread attention, including coverage in the Financial Times. You can read more about BDBF's client successes here.

As of today, BDBF has 23 employment lawyers in our team (comprising six partners in addition to 17 other lawyers) supported by our eight-strong practice team that is wholly dedicated to client service.

BDBF has recently bolstered its team with the promotion of senior associates Blair Wassman and Theo Nicou to managing associates, and associate Connie Berry to senior associate. We

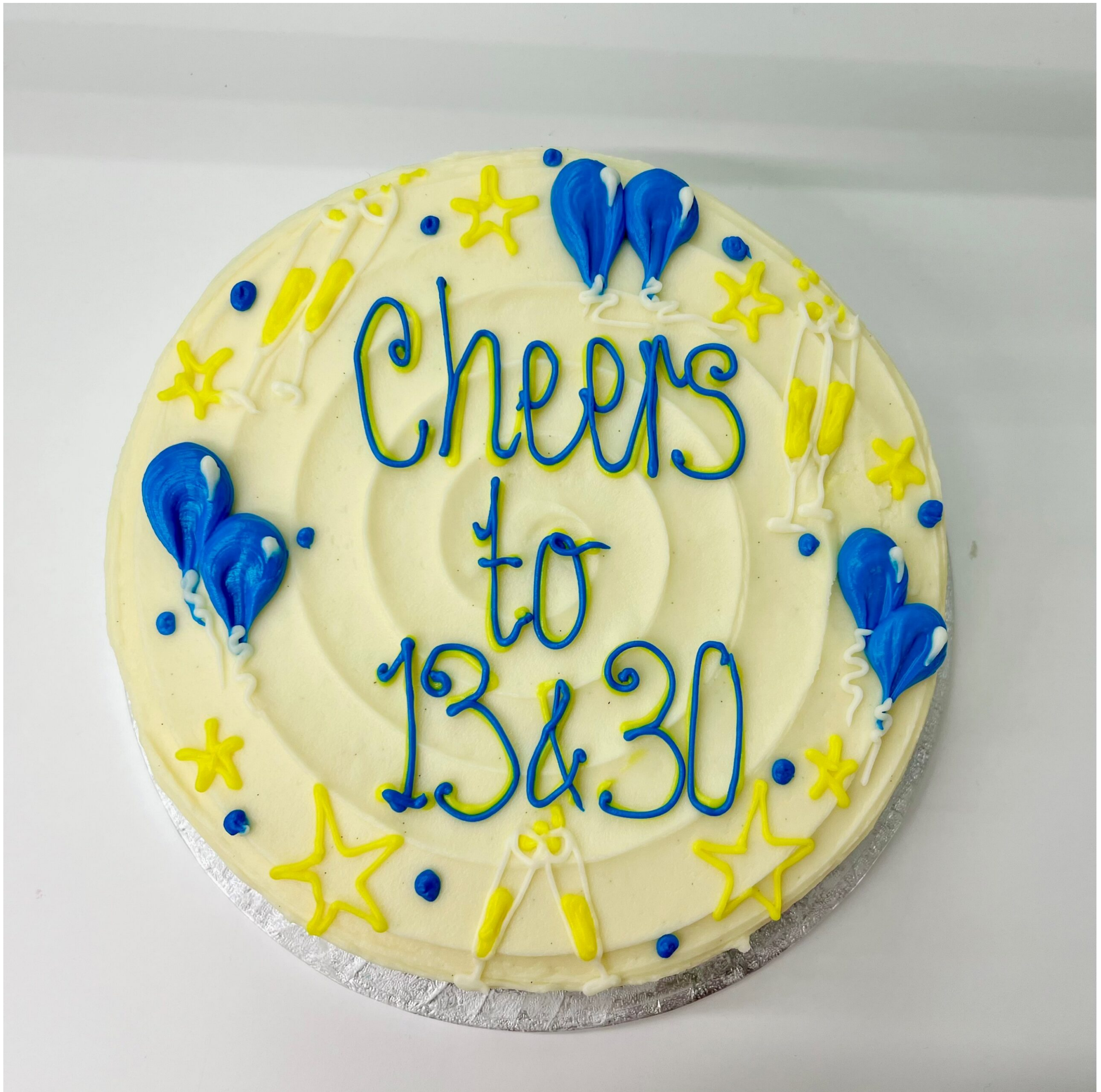
further strengthened our leadership by promoting Samantha Prosser to partner level in spring 2025, bringing fresh perspectives to our dynamic practice. We were delighted to welcome the return of managing associate Jamie Barton, and to welcome Rose Lim as our new Knowledge Lawyer and senior associate Leigh Janes.

Adding a special layer to this year's celebration, BDBF's Managing Partner, Gareth Brahams, marks 30 years post-qualification experience (PQE) this month. Gareth's unparalleled expertise and visionary leadership have been instrumental in shaping BDBF from its inception, guiding us through complex disputes and fostering a culture of excellence. On reaching this milestone, Gareth comments that "*the great privilege of being a solicitor is that you come into people's lives at the critical moments, whether it is because they are starting or selling their business, buying a house, have suffered a catastrophic personal injury, been accused of a crime, getting divorced or, yes, in my case, helping people whom after a stellar career have often hit the first bump in the road in their work lives. These amazingly successful and talented people have turned to us for help, and it is a privilege to help them. If we ever forget that, and ever do anything less than our best for them, then we pull the thread that pulls the whole thing apart*."

As BDBF steps into its 14th year, our founding goal endures – delivering outstanding outcomes for clients with brilliance, integrity and openness.

A heartfelt thanks to our colleagues, peers and above all, our clients, for the trust you place in us every day.

Here's to the next chapter.



Maximum ACAS Early Conciliation period to double

from six to twelve weeks from 1 December 2025

From 1 December 2025, the maximum period for ACAS Early Conciliation will increase from six to twelve weeks. The Government's stated aim is to ease the growing pressure on ACAS and allow parties greater scope to resolve workplace disputes before they reach the Employment Tribunal.

What is ACAS Early Conciliation?

Before most claims can be brought in the Employment Tribunal, prospective claimants must first notify ACAS (the Advisory, Conciliation and Arbitration Service). ACAS acts as an independent conciliator, helping parties explore whether their dispute can be settled without the need for litigation.

The process begins when the claimant (or respondent) submits an early conciliation form online or provides details by telephone. ACAS will then allocate a conciliator who contacts the claimant or their representative to discuss the issues in dispute and the potential for settlement. If both sides agree, ACAS will facilitate discussions aimed at resolving the dispute. ACAS will issue a certificate at the end of the conciliation period (or before if settlement is not possible) which enables the claimant to proceed with an Employment Tribunal claim.

At present, the conciliation process can last for up to six weeks, though it can (and often does) end earlier if either

party wishes. Importantly, this conciliation period "stops the clock" on the usual limitation deadline for bringing a claim (but only where the claimant has instigated the process). While the calculation of the new limitation date can be complex, claimants will always have at least one month from the date of the certificate to present their claim.

What is changing and why?

On 3 November 2025, new regulations were unexpectedly introduced to extend the maximum early conciliation period to twelve weeks. The regulations are due to come into force on 1 December 2025.

According to the accompanying Explanatory Memorandum, the policy objective is to reduce strain on ACAS and allow parties to make fuller use of the opportunity to settle disputes. The Government has cited rising demand and increasing case complexity as the key drivers of this change. With the Employment Rights Bill expected to introduce a wave of new employment rights, demand is likely to rise further.

The regulations have been laid before Parliament and are expected to come into force automatically on 1 December 2025 (unless rejected, which is unlikely). Where early conciliation is started before this date the current six-week conciliation period will apply. The regulations make no other changes to the ACAS early conciliation process, so it remains the case that either party may end the process at any time.

Potential implications for employers and claimants

Although this appears to be a straightforward procedural change, it could have a number of practical effects:

- **Greater scope for settlement:** A twelve-week window may make it easier to resolve complex disputes that would otherwise proceed to litigation. This could, in turn, help reduce the existing backlog of Employment Tribunal claims.

- **Reduced pressure on ACAS:** The longer period should give ACAS more time to allocate conciliators and manage workloads, albeit that some complex cases may occupy conciliators for twelve rather than six weeks.

- **Shift in negotiating dynamics:** Claimants may gain leverage in settlement discussions since the longer window prolongs the uncertainty for employers, leaving them with litigation hanging over their heads for longer periods of time.

- **Impact on limitation periods:** Where the full twelve weeks are used, the limitation period for issuing a

claim could be extended considerably. Given that it can already take a year or more to reach a final hearing, this extension could make managing evidence and witnesses more challenging for employers.

Next steps

The Government has confirmed it will review the change in October 2026 to determine whether the twelve-week period should remain in place.

The Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) (Amendment) Regulations 2025

BDBF is a leading employment law firm based at Bank in the City of London. If you would like to discuss any issues relating to the content of this article, please contact Amanda Steadman (AmandaSteadman@bdbf.co.uk) or your usual BDBF contact.