

# Tessa Hetherington

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**matrix**  
chambers

Registered name on the Bar Standards Board Register: Tessa Mary Hetherington  
VAT Number: 877109203

Year of Call: 2004 (Lincoln's Inn)



## Main Areas of Practice

Discrimination & Equality  
Education law  
Human Rights law  
Public law

Tessa Hetherington's principal areas of work are public law, human rights and civil liberties, and discrimination and equality law.

Tessa does a wide range of public law work, and has appeared in the High Court in judicial review proceedings, and as a junior in the Court of Appeal and House of Lords. She has a particular interest in cases involving human rights and/or equality elements, and recently acted (with Helen Mountfield QC) for service users in *R(Rahman) v Birmingham City Council*, a successful challenge to a local authority's decision to cease funding voluntary sector advice services, reached without compliance with its public sector equality duties.

From 2008-2011, Tessa was junior counsel for the victims in the Baha Mousa Public Inquiry, and in 2010 was awarded the JUSTICE Peter Duffy Award for her "brilliant and extraordinarily hard work" on this case. Tessa is recommended by Chambers and Partners in the fields of Administrative & Public Law and Civil Liberties & Human Rights, with comments including "a future star of the Public Law Bar" and "she is not only bright but the hardest working Counsel I have ever come across". Tessa is on the Equality and Human Rights Commission's list of approved counsel and is one of the contributing editors of the 2nd edition of Clayton & Tomlinson's Law of Human Rights. She is also a member of the Attorney General's 'C' Panel, and is currently teaching Constitutional Law at Trinity College, Cambridge.

Tessa is regularly instructed in a wide variety of education law work, including special educational needs, exclusion, and school reorganisation. Tessa appeared (with David Wolfe) in the first judicial review to examine the process of setting up Academy schools, and has been instructed in a number of other cases involving Academies. She is deputy editor of the Education Public Law and the Individual journal.

In addition to general community care work, Tessa has experience of Court of Protection work, including welfare issues and deprivation of liberty, and other cases involving the protection of vulnerable adults.

## Notable cases in which Tessa has appeared include:

**The Baha Mousa Public Inquiry (2008-2011)** Tessa was junior counsel (led by Rabinder Singh QC and Danny Friedman) for the victims in this inquiry, which examined the circumstances of the death of Baha Mousa, a hotel worker captured by British troops in Basra in September 2003, and the mistreatment of him and his fellow captives whilst in British custody. This was the first public inquiry to examine the conduct of British troops on operations overseas and resulted in hard-hitting findings on both individual culpability and systemic failures, together with important recommendations for the future.

***R(Rahman) v Birmingham City Council* [2011] EWHC 944 (Admin)** Tessa appeared (with Helen Mountfield QC) in this successful judicial review challenge to a decision to suspend funding for legal entitlement advice services. The case resulted in an important judgment regarding the requirements of the public sector equality duty in the context of the current government spending cuts.

***LB v Kent* [2011] UKUT 405 (AAC)** Tessa acted for the Appellant in this case, which concerned the interaction between the learning difficulty assessment ('LDA') regime in the further education system and the special educational needs ('SEN') regime at secondary school level.

***Action Contracts v Ablitt* (2008) UKEAT/0568/07** Tessa appeared for the employment agency in this EAT appeal concerning the employment status of agency workers.

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*Edwards & Another v Environment Agency, FSS and SSEFRA* [2008] 1 WLR 1587 Tessa appeared (with David Wolfe) in this case concerning environmental impact assessments, the pollution prevention and control regime and the common law duty of fairness.

*R (Murungaru) v Secretary of State for the Home Department* [2008] EWCA Civ 1015 Tessa was instructed (with Rabinder Singh QC) for the claimant in this case, which dealt with the principles of natural justice in the context of the exclusion of a Kenyan national from the United Kingdom.

*P v Schools Adjudicator and others* [2006] ELR 557 (QB) Tessa appeared (with David Wolfe) in this case concerning the schools adjudicator's decision to approve proposals to discontinue a maintained school in anticipation of the establishment of an Academy.

*Barracks v Chief Superintendent John Coles* [2007] ICR 60 Tessa appeared (with Karon Monaghan QC) for the appellant in this case concerning the right to a fair trial in the context of race discrimination proceedings and the Regulation of Investigatory Powers Act 2000.

*R (Limbuela, Tesema & Adam) v Secretary of State for the Home Department* [2006] 1 AC 396 Tessa was instructed by Liberty and JUSTICE to intervene in the House of Lords in this case, which concerned the correct analysis of Article 3 ECHR in the context of support for destitute asylum seekers.

## Publications

*What Not To Wear: Religious symbols and school uniform* (2009) 13(1) EPLI 8

*Madarassy v Nomura: Beast of Burden?* ELA Briefing March 2007

*Spaghetti Junction: The New School Transport Provisions* (2006) 10(3) EPLI 9

*Academies* (2006) 10(1) EPLI 9 (with David Wolfe)

*Employment Protection and Territorial Effect* ELA Briefing March 2006 (with Tom Linden QC)

*Schools and Human Rights: The Denbigh High School Case* [2005] Ed. Law 229 (with Tom Linden QC)

## Directories

Chambers & Partners 2012 recommend Tessa as a leading junior in Administrative and Public Law; a "future star of the Public Law Bar". "Commentators highlight her written work in particular as being beautifully detailed and elegant. She is also praised for her talent and commitment, evidenced by her ability to work around the clock." She is also recommended as a leading junior in Civil Liberties and Human Rights; "she is not only bright but the hardest-working counsel I have ever come across."

Chambers & Partners 2011 ranked Tessa Hetherington as an 'Up and Coming' junior, describing her as having received "much praise for her growing public law practice."

## Qualifications, Scholarships and Awards

Bairstow Prize, Inns of Court School of Law (2004)

Lord Denning Scholarship, Lincoln's Inn (2003)

Whittaker Scholarship, Trinity College, Cambridge (2003)

Hardwicke Award, Lincoln's Inn (2001)

Hollond Fund Travelling Scholarship, Trinity College, Cambridge (2001)

Senior Scholarship, Trinity College, Cambridge (2001)

Runner-up, Cambridge University Inter-Collegiate Mooting Competition

Lizette Bentwich Prize, Trinity College, Cambridge (2001, 2000, 1999)

Lovells Prize, Trinity College, Cambridge (2000)

Clark Miller Prize, Trinity College, Cambridge (1999)

Rebecca Flower Squire Scholarship, Cambridge University (1999)

## Education

**BVC - Outstanding**

Inns of Court School of Law (2003-4)

**LL.M (Harv)**

Harvard Law School (2002-3)

**BA (Cantab) Law - First Class**

Trinity College, Cambridge (1998-2001)