

T. 020 7404 3447 (Practice Manager, David Parker)  
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Year of call 2002



## Main Areas of Practice

Education law	Discrimination and Equality
Employment law	Public law
Civil actions against the police	Human Rights

Mathew's practice includes all aspects of employment law, discrimination law, human rights and civil liberties, and public law. He is on the Attorney General's C Panel and is a member of the Bar Pro Bono Unit and ELAAS. He is recommended as 'responsive, sensible, effective, incisive and clear' by the Legal 500 and as 'rated by the market' by Chambers and Partners.

Mathew has broad experience in public law and human rights, including community care, education, housing and civil actions against the police, from early advisory work to judicial review. He is a contributing editor of *The Law on Human Rights* (OUP, 2nd ed) and a contributor to *Human Rights Practice* (Sweet and Maxwell). Mathew has a strong interest in all aspects of education law and acts for parents/children, local authorities and schools at all levels. He has appeared in a number of judicial review claims.

Mathew has a busy and varied employment law practice, acting for individual claimants, trade unions, and employers. He regularly appears before the Employment Appeal Tribunal and has made several appearances before the Court of Appeal, generally unled. Significant past cases include one of the conjoined cases in *Igen v Wong* (CA, burden of proof in discrimination claims) and *M&P Steelcraft v Ellis* (EAT, employment status of prisoner).

He regularly gives talks and seminars on a number of matters, including discrimination, TUPE and education issues.

## Publications

Contributor to J. Simor and B. Emmerson *Human Rights Practice* (Sweet & Maxwell)

Co-author of updating supplement to Clayton & Tomlinson's *Civil Actions Against the Police* (Sweet & Maxwell)

Article on *Secretary of State for Work and Pensions v Kehoe* [2004] EWCA Civ 225, concerning the application of Article 6 to the current child maintenance scheme (*Journal of Social Security Law*, Vol 11, 2004, issue 4)

'Disability Discrimination' (with James Laddie and Garreth Wong) at [www.practicallaw.com](http://www.practicallaw.com)

'Part 7: the impact of the Human Rights Act 1998' [on employment law] in Butterworths encyclopedia of precedents (with Tom Linden and Dan Squires)

'Administrative law' in Burton, *Civil Appeals* (EMIS) (with Antony White QC and Tom Linden)

## Cases

*A v Chief Constable of West Yorkshire Police* [2004] UKHL 21, [2005] 1 AC 51

In this appeal, the House of Lords confirmed that the EC law had rendered discrimination against transsexuals in the field of employment unlawful before the European Court of Human Rights decision in *Goodwin*.

*Igen v Wong* (*Chamberlin Solicitors v Emokpae*) [2005] EWCA Civ 142, [2005] ICR 931, [2005] 3 All ER 812

These three joined cases were the first cases on the new burden of proof in discrimination claims to reach the Court of

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## Notable cases

**Appeal.** In the particular appeal in which Mathew appeared, the Court held that a dismissal of a female employee by her manager, which took place because of office rumours of an affair between them, was not sex discrimination.

[R \(Parents for Legal Action Ltd\) v Northumberland County Council \[2006\] EWHC 1081 \(Admin\), \[2006\] ELR 297](#)

In this judicial review, Munby J held that a consultation on a county-wide reorganisation of schools must permit comment in relation to particular schools, rather than just the county as a whole. However, there was no legitimate expectation that the Council would obtain an independent financial evaluation.

[B v A \[2007\] IRLR 576, EAT](#)

In this case, the EAT controversially held that the dismissal of a female employee by reason of her employer's jealousy at seeing her with another man after the breakdown of their relationship was not sex discrimination.

[Harrison v Gupta \(London Borough of Brent election petition\) \(Election Court, 15 March 2007\)](#)

In this case, the Election Commissioner held that a candidate for election must not be disqualified at the date of nomination, as well as at the date of election, and that a part-time tutor engaged on a course-by-course basis was employed by the Council at the relevant time and accordingly disqualified.

[M & P Steelcraft v Ellis \[2008\] IRLR 355, EAT](#)

The EAT held that a tripartite arrangement between a prison, a prisoner and a local business designed to allow the prisoner to gain paid, rehabilitative work experience was not a contract of employment because personal service was not its primary purpose. However, had it been, a clause purporting to deny any intention to create legal relations would have been void for attempting to contract out of the Employment Rights Act 1996.

[R \(R\) v SENDIST and Bournemouth County Council \[2008\] EWHC 473 \(Admin\) \[2008\] ELR 291](#)

In this judicial review, Mitting J held that the SENDIST rules laid down strict time limits which should be obeyed. Late evidence had to be lodged five clear days before the hearing. The tribunal had not acted unfairly or unreasonably in refusing to admit evidence produced after that date, or in refusing an adjournment to allow the appellant to instruct a new expert because she was not happy with the original expert's report.

[Eweida v British Airways \[2009\] EWCA Civ 1025](#)

The Court of Appeal held that Protective Costs Orders are not available in private employment law proceedings, because they may only be obtained in public law claims.

## Scholarships and Awards

Buchanan Prize for BVC results, Lincoln's Inn

Everard ver Heyden Foundation Prize for BVC results, Inns of Court School of Law

Lord Mansfield Scholarship, Lincoln's Inn

Lord Haldane Scholarship, Lincoln's Inn

Hardwicke Award, Lincoln's Inn

11 King's Bench Walk Essay Prize for Public Law

Worshipful Company of Arbitrators Prize for best performance in City University CPE exams

## Qualifications and Professional Memberships

BVC, Outstanding

Inns of Court School of Law (2001-2002)

CPE, Distinction

City University (2000-2001)

BA (Oxon), Modern History, First class  
St Anne's College, Oxford (1997-2000)

Employment Law Bar Association

Administrative Law Bar Association  
Human Rights Lawyers Association