

Mathew Purchase

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matrix
chambers

Registered name on the Bar Standards Board Register: Mathew John Purchase
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Year of call 2002



Main Areas of Practice

Employment law

Education law

Civil actions against the police

Discrimination and Equality

Human Rights

Public law

Mathew's practice includes all aspects of employment law, discrimination law, public law and human rights and civil liberties. He is on the Attorney General's B Panel and is a member of the Bar Pro Bono Unit and ELAAS. He is recommended in Chambers and Partners and the Legal 500 and described as: 'just superb - smooth, engaging and perfectly pitched' (C&P, 2011/12), and 'responsive, sensible, effective, incisive and clear' (Legal 500, 2009/10).

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. 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; recent cases include R (Green) v Gloucestershire County Council (libraries closures) and R (Sefton Care Association) v Sefton Borough Council (care home fees).

Mathew has a busy and varied employment law practice, acting for individual claimants, employers, and trade unions. He regularly appears before the Employment Appeal Tribunal and has made several appearances before the Court of Appeal, generally unled. Significant cases include Eweida v British Airways (CA, religious discrimination), Igen v Wong, and others (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, employment and education issues.

Publications

Contributing editor of Clayton and Tomlinson, *The Law on Human Rights* (OUP, 2nd ed)

Contributor to Simor, *Human Rights Practice* (Sweet & Maxwell)

Contributor to Burton, *Civil Appeals* (Nova Law, tbp)

'Legitimate expectations' at www.practicallaw.com

'Disability Discrimination' at 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)

Article on Secretary of State for Work and Pensions v Kehoe (Journal of Social Security Law, Vol 11, 2004, issue 4)

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Notable cases

Cases

[R \(Green\) v Gloucestershire County Council \[2011\] EWHC 2687 \(Admin\), QBD](#)

In this claim for judicial review, the High Court held that the Defendants' decisions to reduce their library services were unlawful because the Defendants had failed to comply with their public sector equality duties. Mathew acted for the Claimants, with Helen Mountfield QC.

[R \(Sefton Care Association & Ors\) v Sefton Council \[2011\] EWHC 2676 \(Admin\), QBD](#)

In this claim for judicial review, the High Court held that Defendant's decision to make no increase for the 2011/12 fees payable to care homes was unlawful because it had failed to take into account the actual cost of care, to undertake adequate risk assessments, and to consult adequately with care home providers. Mathew acted for the Claimants.

[Eweida v British Airways plc \[2010\] ICR 890 \[2010\] IRLR 322, CA](#)

This was an appeal to the Court of Appeal concerning a claim for indirect religious discrimination arising from an employee's desire visibly to wear a Christian cross. The Court held that, even though the appellant considered this to be a personal expression of her Christian faith, there was insufficient evidence to establish a group disadvantage among Christians since the claimant had failed to produce any evidence that other Christians would have felt it important to wear the cross visibly. Mathew acted for the appellant, with Karon Monaghan QC.

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

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.

[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, QBD](#)

In this judicial review, Mitting J held that the SENDIST rules laid down strict time limits which should be obeyed. The tribunal had not acted unfairly or unreasonably in refusing to admit late evidence, 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.

[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.

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

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.

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

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.

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

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

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

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.

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

Directories

Mathew Purchase is listed as a leading junior in the Legal 500 2011 for Education Law and Chambers and Partners 2012 for Education Law and Employment Law.
He is described as "just superb - smooth, engaging and perfectly pitched".

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