



CLAIRE DARWIN

MAIN AREAS OF PRACTICE:

Commercial and Corporate Law
Employment Law
EU Law
Discrimination and Equality
Education Law
Human Rights Law
Media and Information Law
Public Law

Called to the Bar: 2005

Called to the Bar (Ireland): 2018

CONTACT:

clairedarwin@matrixlaw.co.uk
+44 (0)20 7404 3447
Alison Scanes, Senior Practice
Manager
alisonscanes@matrixlaw.co.uk

Claire specialises in Employment, Discrimination and Education Law, and undertakes work in the related fields of Public, Human Rights and EU Law.

She is ranked in the leading legal directories Chambers UK Bar, Who's Who Legal and Legal 500 as one of the top lawyers in the UK in the fields of Employment Law and Education Law.

She was appointed to the Attorney General's A Panel of Junior Counsel to the Crown in June 2017, a small panel of barristers appointed to advise and represent the UK government in complex civil and EU cases. She was previously on the B and C Panels. In 2018 she was appointed to the Attorney General's Panel of Special Advocates.

APPELLATE WORK

Claire has significant experience of advocacy, advisory and drafting work at appellate level. She has appeared in over 20 full appeals in the Employment Appeal Tribunal, many of which have been reported. Claire has appeared both led and unled in the Court of Appeal, and as junior counsel in matters before the Supreme Court and European Court of Human Rights.

TRIAL WORK

Claire is an experienced and skilled trial advocate. Chambers UK Bar 2018 describes Claire as a "*highly experienced advocate*" and notes that she is "*forensic and incredibly thorough*." Chambers UK Bar 2017 recognised that Claire is a "*highly experienced advocate who is commended by clients for her extensive attention to detail and preparation for her cases*." She was further described as a "*fearsome advocate*" and "*an excellent cross-examiner*." She appears very regularly in the Employment Tribunal, the County Court and the High Court, and is often instructed alone against leading counsel. Claire has acted in a variety of mediations and other forms of Alternative Dispute Resolution.

Claire has significant experience of complex multi-party/group actions in the Employment Tribunal, County Court and High Court. She was sole counsel for Arriva during the two week trial of the disability discrimination claims brought by 16 wheelchair users concerning the use of the wheelchair space on buses, and was retained as junior counsel in the Court of Appeal. She acted for the

Claire Darwin:
clairedarwin@matrixlaw.co.uk
+44 (0)20 7404 3447
Alison Scanes, Senior Practice Manager
alisonscanes@matrixlaw.co.uk

DIRECTORIES' RECOMMENDATIONS

HERE'S WHAT THEY SAY:

"She's very approachable and has good rapport with clients. Detailed in her research, she gives clear advice and is always available to speak about cases." Chambers & Partners 2018 (Education)

"Excellent. Hard-working and fizzing with bright ideas." "Forensic and incredibly thorough." Chambers & Partners 2018 (Employment)

"A highly regarded junior with a fast-developing and varied practice." Legal 500 2017 (Education)

"She is very good for technical discrimination matters." Legal 500 2017 (Employment)

"Highly experienced advocate who is commended by clients for her extensive attention to detail and preparation for her cases. She's a fearsome advocate and is very approachable." Chambers & Partners, 2017 (Employment)

"Exceptionally bright and hardworking, and undoubtedly one of the leading lights on TUPE and discrimination" Legal 500 2016 (Employment)

"An experienced appellate advocate, who is well known for the strength of her advocacy." "A well-prepared adviser and an excellent cross-examiner." Chambers & Partners, 2016 (Employment)

"She is incredibly pragmatic and proactive in approaching cases, and very driven by the objectives that the family want." Chambers & Partners, 2016 (Education)

five War Horse musicians in their High Court claims against the National Theatre led by James Laddie QC. Claire was junior counsel for the Ministry of Justice in a series of test cases in the Employment Tribunal challenging the compulsory retirement age of 70 for judges and Tribunal lay members. She is currently instructed as counsel for the National Union of Journalists in the BBC equal pay dispute.

NOTABLE CASES

Claire's notable cases in 2017/8 include:

- *Moorthy v HMRC*: Court of Appeal, February 2018, whether all payments made to settle discrimination claims are subject to income tax. Lead counsel for the Appellant.
- *BBC equal pay complaints*: Claire is instructed by the National Union of Journalists in this dispute. See here for an example of media coverage.
- *Thilakawardhana -v- Office of the Independent Adjudicator and University of Leicester* [2018] EWCA Civ 13, Court of Appeal: whether a decision by a University that a student was unfit to practise medicine was lawful. Sole counsel for the University. See here for example of media coverage, and here for judgment.
- *Montero v J Stern*: acting for employer at 7-day trial of unfair dismissal and victimisation claims, reported in the Evening Standard and Sunday Times, September 2017. The employer was awarded all of its costs, subject to detailed assessment.
- *Walker v Innospec Ltd and others* [2017] UKSC 47, Supreme Court: whether a gay couple are entitled to pension benefits which accrued before the date when the Civil Partnership Act 2004 came into force. Claire represented Innospec Ltd, led by Nicholas Randall QC. See here for example of media coverage.
- *Judicial Review brought by Southern Rail commuters*: junior counsel for Govia Thameslink Railway in this matter. See here for example of media coverage.

APPOINTMENTS

Claire has been appointed to the Attorney General's A Panel of Junior Counsel to the Crown and was previously on the B and C Panels.

EMPLOYMENT

Claire has a wealth of experience of litigating complex individual and collective employment disputes in the Employment Tribunal and the High Court. She is often instructed in multi-jurisdictional employment disputes, and in complex cases which arise in a regulatory context. She has been instructed in a number of claims arising from director, LLP and partnership disputes, notably *Tiffin v Lester Aldridge*. Her recent work has included acting in a number of very high value whistleblowing claims for and against financial and retail institutions.

Claire Darwin:
clairedarwin@matrixlaw.co.uk
+44 (0)20 7404 3447
Alison Scanes, Senior Practice Manager
alisonscanes@matrixlaw.co.uk

Claire has extensive experience across the Employment Tribunal's statutory jurisdiction, including individual and collective consultation claims, applications for interim relief following an automatic unfair dismissal, the rights and duties of trade unions and their members, National Minimum Wage enforcement, working time and 'time off' claims.

Claire has a particular interest in and experience of advising on TUPE, having appeared in a number of the leading cases on service provision changes. According to Chambers UK Bar 2018 she is "*well known for her strength in discrimination cases and claims concerning TUPE.*" Claire is regularly instructed in very high value multi-party TUPE litigation, including the high profile and lengthy litigation after Jarvis Rail Ltd went into administration. More recently she successfully defended the litigation arising out of the 'pre-pack administration' of Thomson Local, and advised on the TUPE transfer of approximately 500 employees in Northern Ireland. She has a good understanding of related aspects of corporate insolvency law.

Claire is often instructed in Employment Tribunal cases where there are linked High Court proceedings. She regularly appears in the High Court, including in wrongful dismissal, restrictive covenant, bonus and commission claims. Her recent significant High Court instructions include the high profile War Horse litigation: *Ashworth v Royal National Theatre* [2014] IRLR 526 and *Nursing & Midwifery Council v Harrold* [2016] IRLR 30. Claire is regularly instructed to seek or resist applications for injunctive relief. She has considerable experience of advising on the protection of confidential or sensitive information, and on workplace privacy issues. She acted for the successful claimant in the high-profile workplace privacy claim: *Andrea Brown v Met Police*.

DISCRIMINATION AND EQUAL PAY

Chambers UK Bar 2017 records that Claire is "*well known for her strength in discrimination cases.*" Her discrimination work spans the fields of employment law, pensions, goods and services, premises, education and judicial review. She has particular experience of acting in complex disability and age discrimination cases, and of multi-million pound equal pay litigation. Claire successfully represented the Ministry of Justice (as junior counsel) in related test cases challenging the compulsory retirement of Circuit Judges and Employment Tribunal lay members aged 70, and she was sole counsel for Arriva in the high-profile disability discrimination claims brought by 16 wheelchair users.

She undertakes a significant amount of advisory work in this area, particularly in the transport and infrastructure, retail, broadcasting, education and financial services sectors. She is the editor of the Practical Law Company's guide to discrimination in the provision of goods and services. Recent significant instructions have included advising one of the largest staff associations in the UK on positive action, advising a multinational insurance company on the duty to make reasonable adjustments when providing services, and defending an employer's pay progression policy in the Employment Tribunal.

Claire Darwin:
clairedarwin@matrixlaw.co.uk
+44 (0)20 7404 3447
Alison Scanes, Senior Practice Manager
alisonscanes@matrixlaw.co.uk

EDUCATION

Chambers UK Bar 2018 (Education) highlights that Claire “*has a track record of acting in high-profile cases and was instructed to appear in two of the biggest education appeals of the year*”. Much of Claire’s Education work is in the High Court and County Courts, and she has wide experience of university regulation and discipline, Ofsted inspections, school closures and local authority interventions. She regularly advises and represents schools, colleges, universities, the Office of the Independent Adjudicator, OFSTED, the Department for Education and individual students in relation to a wide range of education matters. Her recent education work has included successfully representing Leicester University in the Court of Appeal and representing one of the senior “Trojan Horse” teachers during lengthy professional conduct proceedings in 2015-17. Chambers UK Bar 2017 (Education) noted that Claire is “*A real team player whose [education] sector knowledge is excellent.*”

PUBLIC AND EU

Claire is a member of the Attorney General’s A Panel and has wide-ranging public law and judicial review expertise, particularly where issues of EU law, Human Rights or Discrimination law are concerned. She was junior counsel in *R v Bideford Town Council* [2012] 2 All ER 1175, the high profile judicial review of the practice of saying Christian prayers during meetings of the Town Council. Claire represented Govia in the judicial review claim brought by Southern rail commuters in 2017. Her public law expertise includes prisons, transport, regulatory & disciplinary law, and human rights. She has been instructed both for and against the UK government in judicial reviews challenging government policy on labour market regulation.

Many of Claire’s cases involve EU law. Recent significant instructions include acting for HRMC as junior counsel in a group of related appeals, in which a reference to the CJEU is sought. She acted for the Appellant in *Daler- Rowney Ltd v Revenue and Customs Commissioners* [2015] ICR 63, on the compatibility of the National Minimum Wage Regulations 1999 with Article 45 of the Treaty on the Functioning of the European Union.

Claire is a member of the European Employment Lawyers Association, the UK Association for European Law (UKAEL) and the Bar European Group.

LANGUAGES

Claire has a very good working knowledge of German and Spanish.

SCHOLARSHIPS AND AWARDS

Claire was awarded a number of scholarships by the Inner Temple including the Sir Joseph Priestly Scholarship, a Duke of Edinburgh Scholarship, an Inner Temple Internship Award, and CPE and BVC Exhibitions. She was also awarded the Kurt Hahn Trust Scholarship by Cambridge University.

Claire Darwin:
clairedarwin@matrixlaw.co.uk
+44 (0)20 7404 3447
Alison Scanes, Senior Practice Manager
alisonscanses@matrixlaw.co.uk

ARTICLES AND PUBLICATIONS

Claire has lectured and written widely on matters within her expertise, including as a contributor to the uksblog.com and eutopialaw.com blogs.

Disclosure: justice & propriety - 167 NLJ 7768, p17

Procedural Fairness on Appeal: Is O’Cathail No Longer Good Law? Industrial Law Journal (2016) 45 (3) pp 423-43.

Employment Status Update for Employment Lawyers Association, December 2017.

TUPE Update 2016 for Employment Lawyers Association, December 2016.

Contributing Editor of the Education Law Journal from 2012-5.

Co-author of the chapter on Discrimination at Work in Bullen & Leake & Jacob’s Precedents of Pleadings, 18th edition.

Editor of the Practical Law Company’s guide to discrimination in the provision of goods and services.

Co-author of the chapter on the Relationship between Freedom of Information and Data Protection in the Law Society’s Freedom of Information Handbook (3rd edition, December 2012)).

Contributor to the Human Rights Review 2012, Equality and Human Rights Commission, May 2012.

PROFESSIONAL MEMBERSHIPS

Bar European Group

Discrimination Law Association

Education Law Association

Employment Lawyers Association (ELA)

Employment Lawyers Appeals Advice Scheme (ELAAS)

Employment Law Bar Association (ELBA)

European Employment Lawyers Association

Industrial Law Society

UK Association for European Law (UKAEL)

EDUCATION

MA (Cantab), History, St Catharine’s College, Cambridge University (1998-2002)

Heidelberg University, Germany (2000-2001)

CPE, City University, London (2003-2004)

Claire accepts instructions under Standard Contractual Terms, details of which can be found on our website under Our Service.