



## 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:

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

Claire Darwin is a highly regarded specialist in Employment and Discrimination Law. She was named as one of the UK's "Hot 100 Lawyers" by The Lawyer magazine in January 2020. Claire was shortlisted for both Employment Junior of the Year and Public Law Junior of the Year in the Legal 500 UK Awards 2020.

Claire is recognised as a leading barrister by the independent legal directories. The Legal 500 2020 lists her as one of the top ten leading employment juniors at the London Bar. According to recent editions, Claire is a "go-to barrister" who "has a complete forensic understanding of her cases" and "always gives it her all." The Directories highlight that she is a "fearsome advocate" and "an excellent cross-examiner".

### APPELLATE WORK

Claire has significant experience of advocacy, advisory and drafting work at appellate level. She 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. Claire has appeared in dozens of full appeals in the Employment Appeal Tribunal, many of which have been reported.

Recent highlights of her appellate work include junior counsel in the Supreme Court in *Walker v Innospec Ltd and others* [2017] UKSC 47; and sole counsel or lead counsel in four recent Court of Appeal cases: *Graysons Restaurants Ltd v Jones* [2019] 3 All ER 688 (appointed as amicus curiae to Court of Appeal); *Brown v Commissioner of Police of the Metropolis* [2019] Costs L.R. 1633; *Thilakawardhana -v- Office of the Independent Adjudicator and University of Leicester* [2018] ELR 223; and *Moorthy v Revenue & Customs Commissioners* [2018] 3 All ER 1062.

### TRIAL WORK

Claire is a highly experienced and skilled trial advocate. She appears very regularly in the Employment Tribunal, the County Court and the High Court, and is often instructed alone against leading counsel. She has significant experience of complex multi-party/group actions in the Employment Tribunal, County Court and High Court, including:

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## DIRECTORIES' RECOMMENDATIONS

### HERE'S WHAT THEY SAY:

"Absolutely exceptional on her feet." Chambers UK Bar 2020.

"She has a complete forensic understanding of her cases and will fight to the end." "She's prepared to get off the fence and provides very clear and straightforward advice." "Very knowledgeable in the field, able to come up with very novel points and a good person to have on the team." (Chambers UK Bar 2020)

"Tenacious and up for a fight; always gives it her all." (**Legal 500 2020**)

"She is a very good advocate who has very good judgment. Her decision-making is first class."

Chambers & Partners 2019  
(Education)

"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)

- **BBC Equal Pay Claims:** counsel for the National Union of Journalists in the BBC equal pay dispute. Successfully represented Samira Ahmed in her high-profile equal pay claim.
- **Trojan Horse Teachers:** 7 ½ week long hearing, acting for one of the senior teachers alleged to have been involved in the so-called 'Trojan Horse' plot.
- **War Horse litigation:** acted for the five War Horse musicians in their High Court claims against the National Theatre, led by James Laddie QC.
- **Judicial retirement age:** junior counsel for the Ministry of Justice in a series of test cases challenging the compulsory retirement age of 70.
- **Group litigation by wheelchair users:** 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. Retained as junior counsel in the Court of Appeal.

Claire has acted in a variety of mediations and other forms of Alternative Dispute Resolution.

A list of Claire's significant cases can be found on the Matrix website.

## DISCRIMINATION AND EQUAL PAY

Claire's discrimination work spans the fields of employment, goods and services, premises, education, and public law, and she has appeared in some of the leading cases in these fields.

**Disability Discrimination:** *Proprietor of Ashdown House School v JKL* [2019] ELR 530, whether First-tier Tribunal had jurisdiction to order an independent school to reinstate a disabled pupil; *Black v Arriva North East Ltd* [2013] EqLR 558: disability discrimination claims brought by 16 wheelchair users concerning the use of the wheelchair space on buses; *J v DLA Piper UK LLP* [2010] ICR 1052, 115 BMLR 107: meaning of disability.

**Age Discrimination:** *Heskett v Secretary of State for Justice* [2020] ICR 359, [2019] All ER (D) 12 (Jul): whether public sector pay freeze discriminated against younger workers; *Krishna Moorthy v Revenue & Customs Commissioners* [2018] 3 All ER 1062, [2018] IRLR 860, [2018] ICR 1326: nature of injury to feelings awards.

**Sex Discrimination / Equal Pay / Part-time Working:** *Graysons Restaurants Ltd v Jones* [2019] 3 All ER 688, [2019] IRLR 649: whether equal pay claims are arrears of pay within the insolvency protection scheme; *Ministry of Justice v Blackford* [2018] IRLR 688: part-time workers; *Eremia & Ors v Republic of Moldova* [2013] ECHR 3564/11: whether domestic violence is a form of gender-based discrimination.

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**Religious Discrimination:** *R v Bideford Town Council* [2012] 2 All ER 1175: high-profile judicial review of the practice of saying Christian prayers during meetings of the Town Council.

## EMPLOYMENT

Claire's practice covers all areas of individual and collective employment law, including the following areas:

**Human-rights:** *Ameyaw v PricewaterhouseCoopers Services Limited* [2019] ICR 976: Article 6 ECHR and the ET's power to remove a judgment from the public register of judgments; acting for the successful claimant in *Andrea Brown v Met Police* the high-profile workplace privacy claim. *Hill v Governing Body of Great Tey Primary School* [2013] ICR 691: approach to Polkey and Article 10 ECHR.

**Multi-party TUPE Litigation:** high profile and lengthy litigation after Jarvis Rail Ltd went into administration; successfully defended the litigation arising out of the 'pre-pack administration' of Thomson Local; advised on the TUPE transfer of approximately 500 employees in Northern Ireland; *Rynda Real Estate Asset Management Limited v A Rhijnsburger* [2013] All ER (D) 73 (Sep): 'principal purpose' of an organised grouping of employees under TUPE; *Enterprise Management Services Ltd v Connect-Up Ltd* [2012] IRLR 190: service provision changes.

**EU Law:** *Walker v Innospec Ltd & Ors* [2017] UKSC 47, [2017] 4 All ER 1004 (sexual orientation discrimination and EU Law); *Daler-Rowney Ltd v Revenue and Customs Commissioners* [2015] ICR 63 (compatibility of the National Minimum Wage Regulations 1999 with Article 45 TFEU).

**Unfair Dismissal/Employment Status:** *The Secretary of State for Justice v Lown* [2016] IRLR 22 (substitution mindset); *Phillips v Xtera Communications Limited* [2011] IRLR 724, [2012] ICR 171 (meaning of elections); *Tiffin v Lester Aldridge LLP* [2012] 2 All ER 1113 (status of LLP members); *Rembiszewski v Atkins Ltd* [2013] All ER (D) 206 (Feb) (re-engagement orders).

**ET Procedure:** *Higgins v Home Office & Attorney General* [2015] All ER (D) 162, [2015] ICR D19 (ET initial sift); *Akanu-Otu v Secretary of State for Justice*; *Ahmadi-Assalemi v NCR Ltd* [2014] ICR D13 (deposit orders); *Raggett v John Lewis Plc* [2012] IRLR 906, [2012] 6 Costs LR 1053 (VAT and ET Costs).

**High Court employment litigation/injunctions:** *Secretary of State for Justice v Prison Officers' Association* (2019): injunction to restrain the POA calling industrial action by prison officers; *Nursing & Midwifery Council v Harrold* [2016] IRLR 30: civil restraint orders; *Ashworth v Royal National Theatre* [2014] IRLR 526: high profile War Horse litigation; *First Rate FX Limited v Trading By Telephone Limited & Ors* [2014] EWHC 982 (QB) & [2014] EWHC 983 (QB): springboard relief.

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## PUBLIC LAW AND JUDICIAL REVIEW

Claire is a member of the Attorney General's A Panel and has been instructed in a wide range of public law cases both for and against local and central government, particularly cases which raise issues of discrimination and EU Law. Her recent public law work has included a successful challenge to pensions regulations which treated men taking unpaid paternity leave and women taking unpaid maternity leave differently (see further details here), the judicial review of the pay award for 120,000 police officers (led by Helen Mountfield QC) and representing Govia in the judicial review claim brought by Southern rail commuters alleging disability discrimination.

## EDUCATION LAW

Claire 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, including university regulation and discipline, Ofsted inspections, school closures, early years provision and local authority interventions. Her recent education work has included successfully representing Leicester University in the Court of Appeal in *Thilakawardhana v Office of the Independent Adjudicator and University of Leicester* [2018] ELR 223 and successfully challenging a decision by a local authority to amend an EHC Plan in *R (S) v Camden Borough Council* [2019] ELR 129.

## SELECTED APPOINTMENTS and NOMINATIONS

2020	Named as one of the UK's "Hot 100 Lawyers" by The Lawyer magazine.
2019	Shortlisted for Employment Junior of the Year in the Legal 500 UK Awards 2020.
2019	Shortlisted for Public Law Junior of the Year in the Legal 500 UK Awards 2020.
2019	Equality and Human Rights Commission's Panel of Preferred Counsel.
2018	Attorney General's Panel of Special Advocates.
2017	Attorney General's A Panel of Junior Counsel to the Crown (previously on the B and C Panels).

## EDUCATION

1998- 2002	History, St Catharine's College, Cambridge University.
2000-2001	Heidelberg University, Germany.
2003-2004	CPE, City University, London.

## LANGUAGES

Good working knowledge of German and Spanish.

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## SELECTED SCHOLARSHIPS AND AWARDS

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

## SELECTED JOURNAL ARTICLES AND BOOKS

*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.

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.

## COMMITTEES/ PROFESSIONAL MEMBERSHIP

Elected member of the Employment Law Bar Association Committee (ELBA) responsible for ELAAS (2019/2020).

Bar Council’s Equality and Diversity Committee (sub-committee).

Matrix’s Governance Committee from 2018.

Association of Partnership Practitioners

Bar European Group

Education Law Association

Employment Lawyers Association (ELA)

European Employment Lawyers Association (EELA)

Industrial Law Society

Claire is regulated by the Bar Standards Board and accepts instruction under Standard Contractual Terms. To find out more information on the way we work at Matrix, including our fee transparency statement, please see our [service standards](#).