



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

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Alison Scanes, Senior Practice
Manager

European Court of Human Rights

Eremia & Ors v Republic of Moldova [2013] EqlR 911, [2013] ECHR 3564/11: whether domestic violence is a form of gender-based discrimination.

Mudric v Moldova, App No. 74839/10: gender-based discrimination.

Supreme Court

Abrahall and others v Nottingham City Council and another (decision on permission to appeal pending) variation of employment contracts, led by James Laddie QC.

Walker v Innospec Ltd & Ors [2017] UKSC 47, [2017] 4 All ER 1004, [2017] ICR 1077: whether a gay couple are entitled to pension benefits which accrued before the date when the Civil Partnership Act 2004 came into force. Junior counsel for Innospec Ltd, led by Nicholas Randall QC.

Selected Court of Appeal Cases

Krishna Moorthy v Revenue & Customs Commissioners [2018] EWCA Civ 847, [2018] STI 979: whether payments made to employees to compensate for injury to feelings were exempt from income tax, lead counsel for Appellant.

R (on the application of Thilakawardhana) v Office of the Independent Adjudicator for Higher Education [2018] EWCA Civ 13: fitness to practise of a medical student, sole counsel for the University.

Black v Arriva North East Limited [2013] EWCA Civ 1717: sole counsel for Arriva.

Selected Employment Appeal Tribunal Cases

Ministry of Justice v Blackford [2018] UKEAT/0003/17 UKEAT/0053/17 part-time workers.

The Secretary of State for Justice v Lown [2016] IRLR 22, [2015] All ER (D) 205 (Dec): ETs and substitution mindset in unfair dismissal cases.

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Higgins v Home Office & Attorney General [2015] All ER (D) 162, [2015] ICR D19: Rule 12 of ET Rules of Procedure 2013.

U v Butler & Wilson Ltd [2014] All ER (D) 34 (Sep): on ETs and disabled litigants in person.

Daler-Rowney Ltd v Revenue and Customs Commissioners [2015] ICR 632: whether National Minimum Wage Regulations 1999 compliant with EU Law.

Akanu-Otu v Secretary of State for Justice; Ahmadi-Assalemi v NCR Ltd [2014] ICR D13: non-compliance with a deposit order.

Rynda Real Estate Asset Management Limited v A Rhijnsburger [2013] All ER (D) 73 (Sep): determining the 'principal purpose' of an organised grouping of employees under TUPE.

Hill v Governing Body of Great Tey Primary School [2013] ICR 691: approach to Polkey and Article 10 ECHR.

Remiszewski v Atkins Ltd [2013] All ER (D) 206 (Feb): when to assess practicability of an order for re-engagement.

Tokyo Industries 5 Ltd v Megwa and another [2012] All ER (D) 281 (May)

Raggett v John Lewis Plc [2012] IRLR 906, [2012] 6 Costs LR 1053: whether VAT can be awarded by an ET if the receiving party is able to recover the VAT as input tax.

Enterprise Management Services Ltd v Connect-Up Ltd [2012] IRLR 190: service provision changes under TUPE.

Phillips v Xtera Communications Limited [2011] IRLR 724, [2012] ICR 171: meaning of election in s188 and s188A of the Trade Union & Labour Relations (Consolidation) Act 1992.

Tiffin v Lester Aldridge LLP [2012] 1 WLR 1887, [2012] 2 All ER 1113, [2012] ICR 647: whether partners in an LLP are employees.

J v DLA Piper UK LLP [2010] ICR 1052, 115 BMLR 107: meaning of disability.

Reddy and others v Bedfordshire & Luton Partnership NHS Trust [2010] All ER (D) 64 (Oct)

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Selected High Court and Upper Tribunal Work

Metropolitan Police & Ors v Andrea Brown, July 2018: application of QOCS to data protection, human rights and privacy claims.

R (The Governors of St Stephen's Church of England First School) v The Office for Standards in Education, Children's Services and Skills, CO/5372/2017, February 2018: whether Ofsted permitted to publish an inspection report, sole counsel for Ofsted.

R (Association of British Commuters) v Secretary of State for Transport & Govia Thameslink Railway Limited, 2017: judicial review claim brought by Southern rail commuters, junior counsel for Govia.

Cityside Primary Trust v Secretary of State for Education, Upper Tribunal, January 2017: successfully resisted appeal against the high-profile closure of a Muslim independent school in East London.

R (A) v Secretary of State for Justice CO/4210/2015, judicial review of provision of wheelchair accessible cells for disabled prisoners, for MoJ.

Nursing & Midwifery Council & Ors v Harrold [2016] IRLR 30 (QB): civil restraint orders restraining ET proceedings.

B v The London School of Economics [2014] EWHC 3853 (QB): resisting application for urgent interim relief made against the LSE.

Ashworth & Ors v Royal National Theatre [2014] IRLR 526, [2014] 4 All ER 238: representing the War Horse musicians both at the interim relief stage, and as junior counsel in the High Court litigation (now settled).

First Rate FX Limited v Trading By Telephone Limited & Ors [2014] EWHC 982 (QB) & [2014] EWHC 983 (QB): urgent interim relief including springboard relief.

R (National Secular Society & Anor) v Bideford Town Council [2012] EWHC 175 (Admin), [2012] 2 All ER 1175, [2012] LGR 211: high profile judicial review of the practice of saying Christian prayers during meetings of the Town Council.

Significant First Instance Cases

BBC equal pay dispute: acting for the National Union of Journalists, see [here](#) and [here](#) for examples of media coverage.

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, see example of media coverage [here](#), September 2017. Obtained costs order for all of employer's costs, subject to detailed assessment.

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Brown v Metropolitan police (2016): high profile workplace privacy claim. See [here](#) for example of media coverage.

Met Office equal pay claims: 77 women brought equal pay claims against the Met Office, junior counsel for the Met Office.

Trojan Horse teachers: instructed in the professional conduct proceedings in 2015-7 on behalf of one of the seniorteachers alleged to have been involved in the so-called "Trojan Horse" plot. The hearing was 7 1/2 weeks long, and involved thousands of pages of documentary evidence and 29 days of live witness evidence. See example of press coverage [here](#).

White v Ministry of Justice; John v Ministry of Justice & related claims: age discrimination challenge to the compulsory retirement age of 70 brought by Judges and Tribunal lay members.

Black v Arriva North East Ltd [2013] EqLR 558 Sole counsel for Arriva during the two week County Court 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 (withdrawn shortly before full appeal due to be heard).

Recent Articles, Talks, Podcasts and Webinars

Disclosure: justice & propriety - 167 NLJ 7768, p17

Procedural Fairness on Appeal: Is O’Cathail No Longer Good Law?, *Ind Law J* (2016) 45 (3): 423

Employment Status Update for Employment Lawyers Association, December 2017.

TUPE Update 2016 for Employment Lawyers Association, December 2016.

Webinar on Discrimination in the provision of goods and services with Annabel Mackay of Addleshaw Goddard (2016). Please click [here](#) to access this webinar (ELA members only).