



## 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 is recommended as a leading junior in Employment Law in Chambers & Partners UK, the Legal 500, and Who's Who Legal (UK Bar). 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.

### EMPLOYMENT & DISCRIMINATION

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

Claire was recognised by the UK Legal 500 2016 as "*undoubtedly one of the leading lights on TUPE and discrimination.*" She 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.

Claire's 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. 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, defending an employer's pay progression policy alleged to indirectly discriminate against younger employees in the Employment Tribunal, and litigating part-time workers pay and pension claims in the Employment Tribunal and the Employment Appeal Tribunal.

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## DIRECTORIES' RECOMMENDATIONS

### HERE'S WHAT THEY SAY:

**"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)

**"She genuinely cares about her clients and their cases, and is not afraid to push boundaries"**

Legal 500, 2015  
(Employment)

**"An impressive advocate on special educational needs cases for appellants. She is confident and assertive, and takes a proactive approach to case strategy."**

Chambers & Partners, 2015  
(Education)

**"A very quick thinker on her feet, she is a rising star at the set."**

Chambers & Partners, 2015  
(Employment)

## TRIAL WORK

Claire is an experienced and skilled trial advocate. 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." Claire appears very regularly in the Employment Tribunal, the County Court and the High Court, and is often instructed alone against leading counsel. Claire has significant experience of complex multi-party/group actions, and has acted in a variety of mediations and other forms of Alternative Dispute Resolution.

## SELECTED FIRST INSTANCE CASES

**Montero v J Stern:** acting for employer at 7-day trial of unfair dismissal and victimisation claims, reported in Evening Standard and Sunday Times, September 2017.

**Met Office equal pay claims:** equal pay claims brought by 77 women against the Met Office. Junior counsel for the Met Office, ongoing.

**Judicial Review brought by Southern Rail commuters:** Junior counsel for Govia Thameslink Railway, defending allegations of inter alia disability discrimination, June 2017.

**Nursing & Midwifery Council v Harrold [2016] IRLR 30:** High Court application for a Civil Restraint Order.

**Andrea Brown v Met Police:** high-profile workplace privacy claim brought by a police officer, August 2016.

**"Trojan Horse" teachers:** instructed in the professional conduct proceedings in 2015-7 on behalf of one of the senior teachers alleged to have been involved in the so-called "Trojan Horse" plot. The hearing was 7 weeks long, and involved thousands of pages of documentary evidence and 29 days of live witness evidence.

**War Horse litigation:** representing the "War Horse Musicians" in their High Court breach of contract claims against the National Theatre. The interim relief judgment is reported at *Ashworth v Royal National Theatre* [2014] IRLR 526.

**White v Ministry of Justice; John v Ministry of Justice & related claims:** Junior counsel for 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.

**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.

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Retained as junior counsel in the Court of Appeal.

## 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.

## SELECTED APPELLATE CASES

**Walker v Innospec Ltd and others [2017] UKSC 47, Supreme Court:** discrimination and pensions, junior counsel for Innospec.

**Moorthy v HMRC, Court of Appeal:** whether all payments made to settle discrimination claims are subject to income tax. Sole counsel for the Appellant, February 2018.

**Thilakawardhana -v- Office of the Independent Adjudicator and University of Leicester:** Court of Appeal: whether a decision by a University that a student was unfit to practise medicine was lawful. Sole counsel for the University, November 2017.

**Secretary of State for Justice v Lown [2016] IRLR 22, EAT:** role of Employment Judges and a "substitution mindset" in unfair dismissal misconduct cases.

**Rhijnsburger v Rynda (UK) Ltd [2013] All ER (D) 73 (Sep), EAT:** on the correct approach to determining the 'principal purpose' of an organised grouping of employees.

**Daler-Rowney Ltd v Revenue and Customs Commissioners [2015] ICR 632, EAT:** EU free movement and interpretation of the National Minimum Wage Regulations.

**Akanu-Otu v Secretary of State for Justice; Ahmadi-Assalemi v NCR Ltd [2014] ICR D13, EAT:** on the enforcement of deposit orders.

## APPOINTMENTS

Claire has been appointed to the Attorney General's Panel of Junior Counsel to the Crown (A Panel), and was previously a member of the B and C Panels.

## LANGUAGES

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

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## 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.

## 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.

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.

## 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.