



DARRYL HUTCHEON

MAIN AREAS OF PRACTICE:

Discrimination and Equality
Employment
EU Law
Human Rights
International Law
Public Law

Called to the Bar 2014

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Darryl's practice focuses primarily on [employment law](#) and on [public & human rights law](#). He also advises and appears in actions against the police and matters raising issues of criminal law, [media & information law](#) and sports law. He is often instructed in cases which sit at the boundaries between these overlapping fields.

EMPLOYMENT AND DISCRIMINATION LAW

In the field of employment and discrimination law Darryl is regularly instructed as sole counsel for multi-day trials and preliminary hearings in claims spanning the full range of employment litigation, from discrimination and whistleblowing to breach of contract and trade union detriment.

He is regularly instructed (both led and as sole counsel) in group litigation supported by leading UK trade unions. He has specific expertise and experience of appearing in employment cases which raise conflict of laws, worker status and privacy issues. He has appeared on several occasions in the Employment Appeal Tribunal. He is also regularly instructed in County Court discrimination litigation.

Notable cases include:

- **Nicholls & ors v Croydon London Borough Council** [2019] ICR 542. At first instance and on appeal, Darryl represented twelve claimants who faced dismissal and other detriments after their employment was transferred from Croydon Primary Care Trust to Croydon LBC. The EAT accepted the claimants' arguments that on review of extensive Court of Justice case-law, the ET had erred in its interpretation of regulation 3(5) of the 2006 TUPE Regulations, and delivered a leading judgment on the scope of TUPE's application to government entities;
- **Prescott v Commissioner of the Metropolitan Police** [ET, 2018]: Darryl represented the successful claimant police officer in a two-week whistleblowing detriment trial pertaining to data retention practices on the part of the Metropolitan Police;
- Darryl represented a national trade union and a large group of individual claimants in ET proceedings brought challenging the procedure by which three English local authorities created a private company to which they sought to transfer their social care functions;
- Darryl represented two male police officers challenging the compatibility of their force's mandatory workplace transfers with the Equality Act 2010, resulting in a substantial settlement;

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- Darryl represented a trade union official at trial in his successful claim for compensation after he was obstructed from taking time to carry out trade union duties;
- **Fallows v NGN [2016] ICR 801.** Darryl appeared as junior counsel for the successful party, a media organisation which resisted reporting restrictions imposed in employment tribunal proceedings brought against Sir Elton John by his former hairdresser.

PUBLIC AND HUMAN RIGHTS LAW

Darryl has an equally active (and sometimes overlapping) practice in public law and human rights. He is frequently instructed as sole counsel in High Court proceedings and in claims before both the First-Tier and Upper Tribunals.

With regards to public law, Darryl's areas of particular expertise include:

- **Prison and Parole Board:** Darryl regularly advises and appears in High Court judicial review proceedings on behalf of detainees challenging the Parole Board, prisons and/or the Secretary of State for Justice in relation to their treatment, conditions and progression in detention (see e.g. *R (Green) v Parole Board and SSJ [2017] EWHC 2612 (Admin)*). He also has extensive experience of hearings before the Parole Board.
- **Education:** Darryl acts for children and families in judicial review and Tribunal claims addressing issues such as the preparation and contents of EHC Plans, home-to-school transport provision and disability discrimination. In the context of higher education, he has often been instructed in County Court discrimination litigation and judicial reviews (for example, in challenges to the decisions of the OIA). He has appeared before the First-Tier Tribunal and independent review panels.
- **Community Care & Asylum Support:** Darryl has substantial experience of advising and representing clients bringing claims relating to various aspects of the community care and asylum support framework (including under the Care Act 2014, the Children Act 1989 and the Immigration and Asylum Act 1999).
- **Public Interest:** Darryl is increasingly involved in judicial review proceedings challenging cuts to community resources owing to government spending reductions, for example, advising a group of parents who successfully challenged local authority plans to close council-funded children's centres and working on challenges to school closures.

More generally, Darryl advises and appears in a wide range of cases raising issues about the Human Rights Act 1998 and the European Convention on Human Rights. By way of example:

- Darryl was part of the counsel team in long-running High Court litigation brought by a group of Iraqi civilians against the Ministry of Defence, alleging that they had been tortured and subjected to other human rights abuses during the occupation of Iraq (see e.g. *XYZ and ors v MOD [2017] EWHC 547 (QB)*). The proceedings raised complex issues about the application of foreign law, the doctrine of Crown act of state, and the application of the closed material procedure regime in the Justice and Security Act 2013;

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- Darryl is currently instructed in County Court HRA proceedings raising the interplay between rights under articles 9 and 10 ECHR and local authority duties under the Equality Act 2010;
- Darryl represented a group of anti-arms sales activists in their criminal trial after they protested at a London arms exhibition (reported [here](#));
- Darryl advised a national human rights organisation on the ECHR-compatibility of buffer zones around abortion clinics;
- Darryl worked on behalf of a group of claimants challenging alleged Russian atrocities in Abkhazia before the ECtHR.

Darryl has substantial experience in police actions, particularly in the growing body of police action litigation involving victims of human trafficking. He accepts instructions from claimants in police action cases.

MEDIA/INFORMATION AND SPORTS ISSUES

Darryl regularly advises and appears in cases relating to media and information law, especially in the context of privacy claims (having been instructed in the MGN phone hacking litigation) and claims under data protection legislation. He has also acted in FA arbitral proceedings.

Darryl regularly writes on legal issues, including on such blogs as *Inform*, the UK Supreme Court blog and the Oxford Human Rights Hub blog. He wrote a chapter on jurisdiction and choice of law in *Online Publication Claims: A Practical Guide* (Matrix, 2017). He recently spent a year working in north Africa in refugee advocacy.

EDUCATION

BA (Hons) Law, St Catharine's College Cambridge, First Class (ranked third in the University)

Bachelor of Civil Law (BCL), Lincoln College Oxford, Distinction

SELECTED PRIZES

Oxford University Eldon Scholar (awarded to the most promising Oxford graduate embarking on a career at the Bar), 2014

Prizes for the best performance in three courses on the BCL (Conflict of Laws, International & European Employment Law, Comparative Equality Law), 2012

St Catharine's College Gooderson Memorial Scholarship, 2011

Darryl 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](#).