



MATHEW PURCHASE

MAIN AREAS OF PRACTICE:

Community Care Law
Discrimination and Equality
Education
Election
Employment
Human Rights
Mediation

Called to the Bar 2002

CONTACT:

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Alison Scanes, Senior Practice
Manager
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Mathew's practice includes all aspects of employment law, discrimination law, public law and human rights and civil liberties. He is on the Attorney General's A Panel and is a member of the Bar Pro Bono Unit and ELAAS. He is recommended in Chambers and Partners and the Legal 500, which have described him as: 'extremely intelligent', 'just superb - smooth, engaging and perfectly pitched', and 'technically brilliant and good on his feet'.

Mathew has broad experience in public law and human rights, including community care, education, housing and civil actions against the police, from early advisory work to judicial review. Mathew has a strong interest in all aspects of education law and acts for parents/children, local authorities and schools at all levels. He has appeared in a number of judicial review claims; recent cases include R (Forge Care) v Welsh Local Health Boards (CA, NHS nursing responsibilities), R (UNISON) v Lord Chancellor (CA, employment tribunal fees), R (Care North East Northumberland) v Northumberland County Council (CA, care home fees), and R (Davis) v West Sussex Council (QBD, safeguarding of vulnerable adults).

Mathew has a busy and varied employment law practice, acting for individual claimants, employers, and trade unions. He regularly appears before the Employment Appeal Tribunal and has made several appearances before the Court of Appeal, generally unled. Significant cases include Sparks v Department of Transport (CA, incorporation of terms), Kemeh v Ministry of Defence (CA, agency), Eweida v British Airways (CA, religious discrimination), and Igen v Wong (CA, burden of proof in discrimination claims).

He regularly gives talks and seminars on a number of matters, including discrimination, employment and education issues. Mathew is an ADR Group Accredited Civil and Commercial Mediator.

PUBLICATIONS

Contributing editor of Clayton and Tomlinson, The Law on Human Rights (OUP, 2nd ed)

Contributor to Simor, Human Rights Practice (Sweet & Maxwell)

Contributor to Burton, Civil Appeals (Sweet & Maxwell)

'Legitimate expectations', 'Disability discrimination' and 'Misfeasance in public office' at www.practicallaw.com

Judicial review practice notes on LexisNexis

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DIRECTORIES' RECOMMENDATIONS

HERE'S WHAT THEY SAY:

Has a strong reputation for the high quality of his advocacy, and acts for claimants, respondents and trade unions in employment disputes. He has a reputation for being a junior who is "performing significantly beyond his level of experience.", "A fantastic appellate advocate." and "Very thorough and extremely clever. His attention to detail is like no other." (Chambers & Partners 2016, Employment)

"A sound choice on employment and education matters, who has in-depth knowledge on discrimination and equality law. His experience includes appearing in the Employment Appeal Tribunal, as well as in the Court of Appeal. He acts for claimants as well as for defendants, and is also a member of the Attorney General's 'B' [now 'A'] panel." (Chambers & Partners 2016, Education)

"Precise, considered, knowledgeable and authoritative" (Legal 500 2015, Administrative and public law (including local government))

"Recommended for his advice to claimants on disability issues." (Legal 500 2015, Education)

"He thinks quickly on his feet, and is extremely knowledgeable, diligent and focused." (Legal 500 2015, Employment)

RECENT CASES

R (UNISON) v Lord Chancellor [2017] UKSC 51 (Supreme Court)

The Supreme Court quashed the Employment Tribunals and the Employment Appeal Tribunal (Fees) Order 2013 because it effectively prevented access to justice and was indirectly discriminatory. The Court made potentially far-reaching findings about the role of the common law in protecting the right of access to a court.

Vining and others v London Borough of Redbridge [2017] EWCA Civ 1092 (Court of Appeal)

The Court of Appeal held that Article 8 ECHR did not apply to a dismissal by reason of redundancy which did not have any unusual features. However, the exclusion of Parks Police officers from the right to collective consultation under s188 of the Trade Union and Labour Relations (Consolidation) Act 1992 breached UNISON's Article 11 rights and had to be read so as to be applicable.

Essop v Home Office, Naeem v Secretary of State for Justice [2017] 1 WLR 1343, [2017] 3 All ER 551, [2017] ICR 640, [2017] IRLR 558, Times, April 18, 2017 (Supreme Court)

The Supreme Court held that in an indirect discrimination claim it is not necessary to show the reason why a provision, criterion or practice places a protected group at a disadvantage, much less to show that it is related to the protected characteristic.

R (Civil Nuclear Police Federation) v Civil Nuclear Police Authority [2016] ACD 112, 166 NLJ 7713 (QBD)

Nicola Davis J held that the Civil Nuclear Police were not members of a police force for the purposes of the Public Service Pension Act 2013 and so were not entitled to a lower normal pension age.

Hartley v Foreign and Commonwealth Office [2016] ICR D17, EAT

The EAT considered the correct approach to claims for reasonable adjustments, the causative link required in a claim for discrimination arising from disability, and reliance on lists of issues.

Department of Transport v Sparks [2015] ICR 695 [2015] IRLR 519, Court of Appeal

The Court of Appeal upheld the declaration made by Globe J that the Department of Transport's attendance management provisions were incorporated into the claimants' contracts of employment and that the Department's attempts to impose revised provisions were in breach of contract.

R (Forge Care Homes and others) v Cardiff and Vale University Health Board and others [2016] PTSR 908, (2016) 19 CCL Rep 62, (2016) 149 BMLR 98 (Court of Appeal, on appeal to the Supreme Court)

By a majority, the Court of Appeal held that the NHS had taken a lawful approach to the funding of care in care homes by refusing to pay for time spent by nurses on tasks which did not require their particular skill and expertise.

R (Baxter) v Lincolnshire County Council [2015] 1 Costs LO 37, (2016) 19 CCL Rep 160 (Court of Appeal)

The Court of Appeal gave guidance on the approach to determining costs when judicial review proceedings were settled before a hearing. The Court upheld the judge's decision to make no order as to costs.

R (Torbay Quality Care Forum) v Torbay Council [2015] BLGR 563 (QBD)

HHJ Lambert held that the Council's fees had been unlawfully set owing to an arithmetical illogicality and because local authorities were prohibited from

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offsetting fees paid by private or NHS residents against the costs of providing care for local authority residents.

Kemeh v Ministry of Defence [2014] ICR 625 [2014] IRLR 377 [2014] EqLR 625, The Times, March 11 2014 (Court of Appeal)

The Court of Appeal held that common law principles of agency applied to the vicarious liability provisions of the Equality Act 2010, and that the employee of a subcontractor of the MoD was not its agent.

McKinnon v London Borough of Redbridge [2014] ICR 834 (Court of Appeal)

The Court of Appeal held that members of a local authority's Parks Police could not bring employment tribunal claims for unfair dismissal because they were members of a constabulary maintained by virtue of an enactment.

QUALIFICATIONS AND PROFESSIONAL MEMBERSHIPS

BVC, Outstanding

Inns of Court School of Law (2001-2002)

CPE, Distinction

City University (2000-2001)

BA (Oxon), Modern History, First class

St Anne's College, Oxford (1997-2000)

Employment Lawyers Association

Industrial Law Society

Employment Law Bar Association

Administrative Law Bar Association

Human Rights Lawyers Association

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