



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

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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, led by Helen Mountfield QC.

Mudric v Moldova, App No. 74839/10: gender-based discrimination, led by Helen Mountfield QC.

Supreme Court

Abraham and others v Nottingham City Council and another (2018): assisted with preparing application for permission to appeal, 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

Nursing and Midwifery Council v Somerville: whether mutuality of obligations is a prerequisite for establishing worker status. Due to be heard by the Court of Appeal in February 2022. Lead counsel for Appellant.

Gwynedd Council v Barratt and another [2021] IRLR 1028, [2021] E.L.R. 747: requirements of fair redundancy exercise undertaken by maintained schools. Sole counsel for successful claimants.

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Heskett v Secretary of State for Justice [2021] ICR 110, [2021] IRLR 132, [2021] 3 All E.R. 36: when costs factors can constitute a legitimate aim for the purposes of justifying indirect discrimination. Lead counsel for successful Respondent, the Secretary of State.

Brown v Commissioner of Police of the Metropolis & Anor [2020] 1 WLR 1257, [2020] 3 All ER 273, [2019] Costs L.R. 1633: application of QOCS to mixed claims, lead counsel for Appellant.

Graysons Restaurants Ltd v Jones [2019] 3 All ER 688, [2019] ICR 1342, [2019] IRLR 649: whether equal pay claims are arrears of pay within the insolvency protection scheme. Sole counsel for the Court.

Krishna Moorthy v Revenue & Customs Commissioners [2018] 3 All ER 1062, [2018] IRLR 860, [2018] ICR 1326, [2018] STC 1028: 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, [2018] ELR 223: fitness to practise of a medical student, sole counsel for the University.

Selected Employment Appeal Tribunal Cases

Dobson v Cumbria Partnership NHS Foundation Trust [2021] IRLR 729, [2021] ICR 1699: role of judicial notice in indirect sex discrimination claim by nurse challenging irregular weekend shifts.

Nursing and Midwifery Council v Somerville [2021] ICR 1448: whether mutuality of obligations is a prerequisite for establishing worker status.

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Gwynedd Council (appellant) v Barratt and another (respondents) [2020] IRLR 847: requirements of fair redundancy procedure in maintained schools context.

Heal v Chancellor, Masters and Scholars of the University of Oxford and others [2020] ICR 1294: whether reasonable adjustment to grant leave under Contempt of Court Act 1981 to make an unofficial recording of an ET hearing. Sole counsel for ten colleges of Oxford University.

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.

Ameyaw v PricewaterhouseCoopers Services Limited [2019] IRLR 611, [2019] ICR 976: whether an ET has the power to exclude or remove a judgment from the public register of judgments. Sole counsel for PwC.

Ministry of Justice v Blackford [2018] IRLR 688 part-time workers.

The Secretary of State for Justice v Lown [2016] IRLR 22: ETs and substitution mindset in unfair dismissal cases.

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.

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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.

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 (led by Anthony White QC).

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 (led by James Laddie QC).

Selected High Court and Upper Tribunal Work

Judicial review of the Restriction of Public Sector Exit Payments Regulations 2020, the Regulations were revoked in February 2021 shortly before the hearing.

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Pensions Regulator v Hermes Parcelnet Ltd [2021] UKUT 20 (AAC): approach of FTT to ET judgments.

Citron Hygiene LP & Ors v AB, successfully resisted urgent application for a computer imaging order and related inspection and information orders sought against former employee, June 2020.

Proprietor of Ashdown House School v JKL [2019] UKUT 259 (AAC), [2019] ELR 530, Upper Tribunal, whether First-tier Tribunal had jurisdiction to order an independent school to reinstate a disabled pupil.

R (on the application of Police Federation for England & Wales & Ors v Secretary of State for the Home Department [2019] EWHC 1308 (Admin): disclosure issue arising in judicial review of pay award for 120,000 police officers. Junior counsel for Police Federation, led by Helen Mountfield QC.

Secretary of State for Justice v Prison Officers' Association: injunction to restrain the Prison Officers' Association from calling industrial action by prison officers in Liverpool, junior counsel for SoS, led by Paul Nicholls QC, February 2019.

R (S) v Camden Borough Council [2018] EWHC 3354 (Admin), [2019] ELR 129: judicial review of decision by Camden to amend an EHC Plan.

R (on the application of FDA, PCSU and Prospect) v Minister for the Cabinet Office [2018] EWHC 2746 (Admin), [2018] All ER (D) 138 (Oct): consultation of recognised trade unions over pay guidance. Junior counsel.

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

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), led by James Laddie QC.

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, led by David Wolfe QC.

Significant First Instance Cases

Successfully defending a leading global financial services group during a 3 week whistleblowing trial involving over 300 disputed protected disclosures in late 2021.

Acting for The Pensions Regulator in a test case re the automatic enrolment of gig economy workers in a pension scheme.

Representing 36 Respondents, including a number of the top-ranked Universities in the UK, in a series of hearings before the Employment Tribunal in 2020/1 to establish whether it had jurisdiction to hear sixteen linked sets of proceedings.

Representing an LLP member whose claims settled mid-trial for approximately £4 million, late 2020.

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Representing a senior executive whose sex discrimination claim settled on the eve of a 7-day trial for just over £2 million, Spring 2020.

BBC equal pay dispute: acting for the National Union of Journalists in respect of claims brought by 121 women at the BBC, including successfully representing Samira Ahmed in her equal pay claims. See [here](#) and [here](#) for examples of media coverage.

Wisbey v Commissioner of the City of London Police & Ors, acting for College of Policing. Test sex discrimination case brought by firearms officer with colour vision deficiency, May 2019. See [here](#) for example 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, totaling approx. £400k.

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 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](#).

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, led by Anthony White QC, (withdrawn shortly before full appeal due to be heard).

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