INTRODUCTION

The Employment and Discrimination Team at Doughty Street Chambers is dynamic, enthusiastic and highly experienced in all areas of discrimination law and whistleblowing cases.

We have acted for professionals from many disciplines, including law, journalism, finance, healthcare, academia, politics, the military, police and sport.

Within the team we have trained mediators, an Employment Judge and a Deputy High Court Master.

We have undertaken training for the Council of Europe, the Bar Standards Board, the TUC, the Industrial Law Society and the Discrimination Law Association, amongst other examples. Team members are on the Equality and Human Rights Commission's Panel of Preferred Counsel.

In addition to undertaking trade union funded work, we represent privately paying individuals, those with legal expenses insurance and those litigating via Conditional Fee Agreements.

As a team we benefit hugely from the multi-disciplinary nature of Doughty Street Chambers. By way of example, members of the Employment Team also practice in administrative law (including public law discrimination claims), regulatory work, high-value personal injury cases and media law.

Team members regularly write articles and books on employment, discrimination and regulatory issues.

On the following pages we provide some further detail about our recent cases and members of the team. We would be delighted to meet with you or otherwise provide any additional information that would assist.
OUR RECENT CASES

Our barristers are regularly instructed in high profile and appellate cases. Significant cases over the last few years have included:

RACE
• Singh v Reading Borough Council: where the Court of Appeal held that the doctrine of judicial proceedings immunity did not prevent a head teacher from arguing that her employer had breached the implied contractual term of mutual trust and confidence by suborning a witness to produce a false statement in defending her earlier race discrimination claim.
• Bowler v Chief Constable of Kent (ongoing): Representing a serving police officer who succeeded in complaints of direct race discrimination and victimisation and is now resisting the Chief Constable’s appeal to the EAT. This appeal raises difficult issues concerning the shifting burden of proof in discrimination and particularly victimisation claims.
• Greenland v Secretary of State for Justice: an appeal to the EAT concerning a race discrimination challenge to the Government’s practice of paying higher fees to retired judges who were members of Parole Boards as compared to non-judicial members.

RELIGION
• Representing the claimant against British Airways in claim for unfair dismissal & religious discrimination based on secret disclosure from the security services. A 7 day hearing included involvement of a Special Advocate.
• Raw-Rees v Governing Body of St Padarn’s Primary School: Represented the Claimant for direct discrimination on grounds of religion or belief. The Claimant had been prevented from applying for the head teacher post as the school only considered applications from individuals practising in the faith of the school.

AGE
• Acting for Miriam O’Reilly in her successful age discrimination case against the BBC, arising from the failure to retain her as a presenter when the “Countryfile” programme was moved from daytime television to a prime time slot. The litigation attracted huge publicity and contributed to a sea-change in the BBC’s attitudes towards selection of presenters.
• Grisanti v NBC News: Representing an experienced and respected Emmy Award winning television news producer, who claimed her employment was terminated on grounds of age and sex discrimination. The case eventually settled for substantial compensation. At a preliminary hearing various issues of law were determined, including an important decision (since reported in the IDS Guides) on the correct limitation period for bringing contractual claims in the Employment Tribunal.

SEXUAL ORIENTATION
• Black v Williams [2013] 1 WLR 2490: representing a gay couple who were turned away from a bed and breakfast establishment by its Christian owner, in their claim of discrimination on grounds of sexual orientation. They succeeded before the County Court and Court of Appeal.
• Bull v Hall [2013] 1 WLR 3741: where the Supreme Court held that the Christian owners of a hotel had discriminated against a gay couple in refusing to provide them with a double-bedded room.
OUR RECENT CASES

DISABILITY

• Brown v COLT (ongoing): A ten day liability hearing in the Employment Tribunal acting for a high earning claimant who has Asperger’s Syndrome. Followed by a 2 day reconsideration hearing and 3 day remedy hearing. The Tribunal found multiple acts of disability discrimination over a 9 month period and awarded losses of £200,000. The EAT recently heard a 1.5 day appeal on novel points concerning private health insurance and the divisibility of psychiatric losses.
• Makadam v London Underground Ltd (2013): Acting in a substantial disability discrimination case on the right of drivers with single sided deafness to drive underground trains. Claims for disability related discrimination and failure to make reasonable adjustments were successful. The judgment resulted in cases involving other single sided deaf drivers being settled, and further cases on hearing impairment being taken.
• Howarth v North Lancashire Teaching Primary Care Trust (2014): where the EAT considered the limits of the duty to make a reasonable adjustment prior to dismissing a disabled employee who had acquired a criminal conviction for a reason related to her disability.
• An Employment Tribunal case in which a police officer who was retired on grounds of ill-health succeeded in a claim based on a failure to make reasonable adjustments by finding him an alternative role. He was awarded over £240,000.

SEX AND GENDER

• Ministry of Defence v Cartner [2012] ICR D17: Acting for the respondent military office in resisting an appeal to the Court of Appeal. She had succeeded in claims for direct and indirect sex discrimination arising from the MoD’s failure to promote her. The appeal was dismissed on two grounds, but remitted on a third ground. The parties subsequently settled. The case had significant implications for the way that the MoD conducted their promotions procedure.
• Copple v Littlewoods [2012] ICR 354: a Court of Appeal sex discrimination case involving reliance on EU law to challenge the use of the opt-out principle to limit access of part-time employees to their employer’s pension scheme.
• A 2016 Employment Tribunal case involving allegations of sex discrimination and sexual harassment brought by a senior in-house lawyer against a number of her managers. The case settled for a six figure sum.
• Representing the claimant police officer in an Employment Tribunal claim concerning complaints of sex and disability discrimination arising from her suffering menstrual migraines, the effects of which are seriously debilitating.
• A sex discrimination claim brought by a female senior executive in a high level corporate role after she was purportedly made redundant. The case settled at a mediation meeting for a substantial six figure sum.
OUR RECENT CASES

TAXATION

- **Moorthy v HMRC** [2016] IRLR 258: a test case on the taxation of injury to feelings awards in discrimination cases, litigated in the Upper Tribunal.

WHISTLEBLOWING

- **E v L** (ongoing): an Employment Tribunal hearing listed for four weeks in late 2017 involving allegations of whistleblowing, sex and race discrimination brought by a senior female figure within an otherwise very male industry.
- Representing a highly paid senior Chief Executive who was dismissed on grounds of gross misconduct and brought a claim for whistle-blowing. At the time of the hearing of his application for interim relief the case settled for a substantial six figure sum.
- **Isherwood v Sale Grammar School** (2014) a whistleblowing claim in which allegations were made that the claimant teacher was dismissed because she made a series of protected disclosures concerning exam malpractice.
- Representing employees in a complex whistle-blowing and unfair dismissal case, concerning alleged assaults by two prison officers on a detainee. The employees were successful at first instance; the matter was then appealed and was remitted to the Employment Tribunal for further consideration. The case then settled.
- **X v Y** (ongoing): involving representation of a senior police officer working in covert police operations, who has made a series of allegations about more senior ranking officers.
- **El-Megrisi v Azad University** [2009] All ER (D) 293: where the EAT held that when considering whether a dismissal was unfair it was the cumulative impact of a number of protected disclosures that should be considered.
HEATHER WILLIAMS QC (Call: 1985 Silk: 2006)

Heather has been described in the Chambers & Partners Directory as “a leader in the field of discrimination”; an experienced opponent referred to her as “one of the best advocates I’ve ever appeared against”. She is a ranked Silk for Employment Law, Police Law, Inquest & Inquiries, Civil Liberties and Human Rights work. She has extensive experience of bringing discrimination claims both in the employment and in the public law and services contexts.

In terms of her employment work, she represented television presenter Miriam O’Reilly in her successful, landmark age discrimination claim against the BBC and City analyst Julie Bowyer in her then record £1.4 million sex discrimination award. She has acted in a number of significant appellate cases, including Singh v Governors of Moorlands Primary School [2013] ICR 1158 (whether employer’s conduct in defence of discrimination claims was caught by judicial proceedings immunity in respect of a subsequent constructive unfair dismissal claim); Ministry of Defence v Cartner [2011] EWCA Civ 1516 (sex discrimination in relation to a non sea-going female naval officer), Oyarce v Cheshire County Council [2008] EWCA Civ 434 (burden of proof in victimisation claims) and O’Hanlon v Revenue & Customs Commissioners (2007) ICR 1359 CA (sick pay policies and disability discrimination).

Heather sits as an Employment Judge, Assistant Coroner and a Chair of the Royal Mail’s National Appeals Panel. She is a trained commercial and judicial mediator. She is Head of Doughty Street Chamber’s Employment and Discrimination Team. She regularly writes and lectures on discrimination law. “An absolute brainbox – she is extortionately intelligent and brings solid legal arguments which are difficult to break down in the court room.” Chambers & Partners 2017
HENRIETTA HILL QC (Call: 1997 Silk: 2015)

Henrietta specialises in representing claimants in discrimination and whistleblowing claims. Her clients have included senior police officers, legal, IT and healthcare professionals, a head teacher, the manager of a football club and a well-known celebrity who runs a charity. Henrietta is well used to handling complex discrimination cases with overlapping claims and potentially career-ending financial losses. She represented the claimant in Lynford v Chief Constable of Sussex, a widely publicised sex discrimination claim, in which the Claimant was awarded over £350,000 in damages. She also appeared in the leading cases of Bull v Hall [2013] 1 WLR 3741 SC and Black and Morgan v Wilkinson [2013] 1 WLR 2490 (litigation involving gay couples denied access to Christian run hotel/bed and breakfast accommodation).

Henrietta is on the Equality and Human Rights Commission’s panel of counsel and was instructed in its investigation into the Metropolitan Police Service’s handling of fairness at work complaints, which reported in 2016. She also represented the Commission in Moorthy v HMRC [2016] UKUT 0013 TCC, an important test case on the taxation of discrimination awards.

Henrietta has been recognised in Chambers and Partners where referees have described her as “excellent...very experienced in employment work”, “a conscientious, hard-working individual who is good with clients and enjoyable to work with”, and “a real presence in court”. She is co-author of Promoting Equality and Diversity: A Practitioner’s Guide and author of The Blackstone’s Guide to the Race Relations (Amendment) Act 1998 (both published by Oxford University Press) and the Right to Equality section in Halsbury’s Laws: Rights and Freedoms. She also sits as a Deputy Master in the High Court (Queen’s Bench Division) and as an Assistant Coroner.

PAUL DRAYCOTT (Call: 1994)

Paul regularly represents employees and trade unions before Employment Tribunals, the Employment Appeal Tribunal and County Court in relation to claims of unfair dismissal, unlawful detriment, Wages Act, breach of contract, breach of collective consultation rights, trade union rights, equal pay and discrimination.

“He’s incredibly bright and has a really good grasp of the law.” Chambers & Partners 2017
ALTHEA BROWN (Call: 1994)

Althea is a specialist in employment, discrimination law, professional regulation and disciplinary proceedings. She is experienced in bringing complex and lengthy cases involving discrimination in regulatory, employment and civil jurisdictions.

Althea is also regularly instructed where disability discrimination is an issue in cases alleging breaches of professional standards: examples include KM v HPCC (allegations of lack of competence against a physiotherapist with dyslexia); and TY v HPCC (allegations of lack of competence / misconduct against a paramedic with a history of depression).

Her recent employment discrimination cases have included T v NCC where she successfully represented a social worker with dyslexia; MG v WMP, an ongoing direct discrimination and victimisation claim brought by a police officer with PTSD; and L v EB, a race discrimination and whistleblowing case involving a care home manager.

NICHOLAS TOMS (Call: 1996)

Nick is an experienced specialist in employment and discrimination law. He primarily represents claimants and has appeared regularly in the Employment Tribunal, EAT and Court of Appeal. He has extensive experience representing Claimants supported by their trade union.

His current cases include: Peninsula Business Services Ltd v Baker, an EAT hearing on disability discrimination including whether harassment applies to asserted/perceived disability and the liability of/for the acts of agents; Baruwa v London Underground Ltd a six day ET hearing concerning disability discrimination where judgment awaited; Afari v Royal Mail plc representing the claimant in a three day hearing concerning alleged race discrimination and victimisation following him giving evidence in a previous claim brought by some of his colleagues; and Morgan v Virgin Atlantic Airlines representing a deaf employee in a claim concerning alleged failure to make reasonable adjustments to enable him to work as a member of the cabin crew, discrimination arising from disability and disability related harassment.

Nick is recommended by Chambers and Partners: where he is described as ‘an extremely committed advocate for his clients’.

“Experienced employment barrister with expert knowledge of unfair dismissal, redundancy and discrimination work.” Chambers & Partners 2017
PROFILES

JOHN HOBSON (Call: 1999)

John undertakes work in all areas including unfair dismissal, redundancy, Working Time Regulations 1998, National Minimum Wage Regulations 1999 and all aspects of discrimination pertaining to the workplace. John has been involved in a number of successful women's part-time pensions claims.

DAVID LEMER (Call: 2000)

In employment David works in the fields of racial and sexual discrimination, unfair dismissal, working time regulations and unlawful deduction of wages, both for Claimants and Respondents. As well as appearing at Tribunal and Employment Appeal Tribunal levels, David has a particular interest in the increasingly complex interrelationship between immigration and employment law.

AMANDA HART (Call: 2001)

Amanda is a highly experienced lawyer in employment and equality & discrimination. She is ranked as third tier leading junior in Legal500 which refers to her “extremely good judgment”.

Amanda has represented clients from all disadvantaged groups: race, sex, disability, religion, sexual orientation, and age.

Since being called to the Bar Amanda has specialised in employment and discrimination law. She has successfully represented clients in employment tribunals, the Employment Appeals Tribunal and at the Court of Appeal. She also has a thriving regulatory law practice.

‘She has great skill at getting into the detail of a case, and is also very accessible’ Legal 500 2016.
SUE SLEEMAN (Call: 2001)

Sue represents Claimants bringing claims in the Employment Tribunals on a wide range of issues including unfair dismissal, contract claims, collective redundancy consultation and transfer of undertakings. In recent years the focus of her work has been on complex discrimination cases and whistleblowing. While Sue’s employment work is primarily at first instance she also appears in the Employment Appeal Tribunal and the High Court.

Sue’s recent work has included: Williams v HLHS, representing a school supervisor in claims for pregnancy / maternity discrimination; Hendy v Chief Constable of Hampshire Police, a disability discrimination and harassment claim; and acting for a music teacher in his complex disability discrimination case.

LOUISE PRICE (Call: 2006)

Louise has a depth of experience of both advisory work and representation in the field of employment law, with a particular emphasis on discrimination law. She regularly appears in the Employment Tribunal and her appellant practice includes the EAT and the Court of Appeal.

Louise has both considerable knowledge and experience of the Equality Act 2010, including issues arising out of the public section equality duties and across the spheres of employment, education, service provision and public functions. She regularly advises and provides training to public bodies how to meet their duties under the Equality Act 2010.

She currently acts for ATLEU in a test case on the discriminatory implications of the limitation period for national minimum wage claims.

KATE ANNAND (Call: 2007)

Kate’s practice includes employment cases involving age, disability, sex, and race discrimination. She also regularly appears in Employment Tribunals and the EAT in relation to claims for unfair dismissal, TUPE transfers, whistleblowing claims, and breach of contract. She is experienced in representing employees at mediations in relation to employment disputes.

Kate’s recent cases include: acting for a police officer in his successful disability discrimination claim concerning his dismissal from his force, where compensation of £240,000 was awarded; representing a senior executive who worked in a high level corporate role – the case settled at a mediation for a substantial six figure sum; and representing a highly paid senior Chief Executive in his whistleblowing claim, which settled following the interim relief hearing for a six figure sum.
CONTACT US

To discuss the work of our Employment team, please contact the clerks:

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“The set provides an excellent and cost-effective service through the really friendly, helpful and responsive clerks’ room, which is rated by some as second to none.”  
- Legal 500

“Sources are keen to highlight that the clerks are invariably very helpful.”  
- Chambers & Partners

“A "high calibre" set of staff led by the "extremely helpful" business development director Maurice MacSweeney, who attracts high praise from sources. One commentator states: "Maurice is very business-minded, and I think he's a massive credit to Doughty Street." The clerks here are described as user-friendly and organised.”  
- Chambers & Partners