

David Stephenson



Call: 2005

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Profile

David is recommended as a leading junior in employment, discrimination, and equality law with a burgeoning appellate practice. He represents individuals, charities, trade unions, and NGOs and has appeared in several landmark cases at all tiers of the judicial system, including the Supreme Court. David has been consistently ranked in the directories and recognised for his tenacious and meticulous advocacy in complex discrimination, whistleblowing, and employment status/holiday pay cases. David was nominated for Employment Junior of the Year in the 2017 Chambers UK Bar Awards, Junior of the Year and Employment Junior of the Year in the 2023 and 2024 Legal 500 UK Bar Awards. He has extensive experience representing clients in high-value and sensitive multi-day cases dealing with complex and intricate factual and legal issues. David is particularly known for his strategic thinking and fighting spirit. His advocacy and attention to detail are outstanding, complemented by his warm and exceptional client care skills. He has developed a broad practice covering all aspects of discrimination across all strands in the employment and non-employment fields with a proven track record of getting results, including securing £1million for a senior IT Manager (*Hastings v KCH Foundation NHS Trust*) and £463k for a Teacher (*Burton-York v Diocese of Westminster Academy Trust*) who were subjected to race discrimination.

David has a wealth of experience representing individuals at all levels across all sectors, including acting for a Chief Operating Officer of an English League Football Club, judges (District Judge Gilham (No 2) and Mr Recorder Herbert); Solicitors; Military Personnel (Dr Ukey v Ministry of Defence); Senior Executives and other high-net-worth individuals (Knupffer v Advanced Micro Devices (UK) Ltd; Pierre-Harvey v Oxford Brookes University); Police Officers at all ranks (Denby v the Commissioner of Police of the Metropolis and Gardner v the Chief Constable Thames Valley Police); University Lecturers, Teachers (Phillips & Others v The Diocese of Westminster Academy Trust and Burton-York v The Diocese of Westminster Academy Trust; Graphic Designers; Civil Servants (Quarccoo v The Scottish Ministers); Consultant Surgeons and other NHS staff such as Chiropractors, Nurses, Senior Management and IT Professionals (Hastings v Kings College NHS Foundation Trust).

David's non-employment work consists of discrimination in the fields of services and public functions, housing and education. He has a particular interest in disability discrimination and holding public bodies to account under the public sector equality duties contained in s.149 EqA 2010. He appeared as Junior Counsel in the important case of Pieretti v London Borough Enfield [2010] EWCA Civ 1104, concerning the application of the equality duties contained in what was then section 49A Disability Discrimination Act 1995 to individual decisions made by local housing authorities under Part VII of the Housing Act 1996. He also represented the appellants (sole counsel) in the Court of Appeal in the case of Lalil Singh v Spirita Housing[2012] Eq.L.R. 560 CA.

David has been a member of the Equality & Human Rights Commission Panel of Preferred Counsel since January 2015 and was reappointed to Panel B in February 2024.

What the directories say

"An expert on complex and novel discrimination claims. He has a bold and pleasing advocacy style, and is a great strategist, always thinking four steps ahead. "A force to be reckoned with", and is sought after for his excellent track record in handling complex whistleblowing, discrimination and worker status cases." – Legal 500 2025

"An expert in all manner of discrimination claims, with impressive knowledge of the wider aspects of employment law, including holiday pay and victimisation. He has a strong focus on claimant work but is also instructed by employers. Recent work has addressed the topical issue of worker status within the 'gig economy.'" – Chambers and Partners 2024

"Very good with written submissions as well as being very experienced. He has a good way of getting his point across while holding his ground. Clients feel he is fighting their corner, using his experience to good impact." "Very committed to fighting his client's corner and is a determined advocate." "He's got the tenacity and dedication to represent people, which is

exceptional. He's a joy to work with, getting some great results." – Chambers and Partners 2024

"A passionate and articulate advocate. He is extremely dedicated and always goes that extra mile for his clients who feel safe and reassured in his hands." – Legal 500 2024.

"David Stephenson is an expert in all manner of discrimination claims, with impressive knowledge of the wider aspects of employment law, including equal pay and maternity rights." - Chambers and Partners 2023

"He is a tenacious, brave and persuasive advocate. He is not afraid to take on difficult cases and run difficult arguments and he won't give up, and he's never daunted by acting against more senior opponents. His written advocacy is clear and comprehensive, while his oral advocacy is compelling but polite." - Legal 500 2023

"He has a tenacious fighting spirit and he will just squeeze every aspect out of a case. He will come up with knotty arguments that nobody else sees, and he is so caring and so committed to everything that he does." - Chambers and Partners 2022

"A very experienced and able employment practitioner. Easy to work with and a burgeoning reputation for complex discrimination claims." - Legal 500 2022

"An expert in all manner of discrimination claims with impressive knowledge of the wider aspects of employment law, including equal pay and maternity rights. He has a strong focus on claimant work."; *"Absolutely brilliant. Client-friendly, passionate about his work and highly knowledgeable. He really does fight the client's corner."* *"A real advocate of equality and employment rights and a very personable barrister who is well liked by clients."* - Chambers and Partners 2018

"An expert in all manner of discrimination claims with impressive knowledge across the wider aspects of employment law. He is instructed by both employers and senior executives, representing his clients in both tribunal and appellate cases. He is excellent with clients and he goes above and beyond." - Chambers and Partners 2017

"Specialises in discrimination disputes of all flavours, and is very highly rated by his clients and peers for his stylish advocacy, clear thinking and extensive experience." - Chambers and Partners 2016

"A brilliant discrimination advocate. His strength lies in being creative and resourceful with case law." - Chambers and Partners 2016

"A very skilled advocate with particularly impressive knowledge." - Legal 500 2017

"An exceptionally determined, committed and proactive advocate." - Legal 500 2016

"A formidable opponent, a polished and persuasive advocate, and a tough negotiator who goes the extra mile for his clients." - Legal 500 2015

His client care is *"second to none."* - Legal 500 2014

Notable cases

- Martin v St Francis Xavier Sixth Form College Board of Governors [2024] EAT 22 (Comparators in discrimination cases)
- Jakkhu v Network Rail Infrastructure Ltd [2023] EAT 77 (Burden of proof);
- A v Carers Trust South East Wales [2023] EAT 80 (Whistleblowing);
- Smith v Pimlico Plumbers (No:2) [2022] IRLR 347 CA (the right to paid annual leave);
- Wisbey v The Commissioner of the City of London [2021] IRLR 691 (correct approach to remedies under s.124 EqA 2010);
- NUPFC v Certification Officer & Interveners [2021] IRLR 588 CA (the meaning of workers in s.296 TULRCA 1992);
- Robinson v Highness Sheikh Khalid Bin Saqr Al Qasimi [2021] IRLR 774 CA (restated the common law illegality test);
- Robinson v His Highness Sheikh Khalid Bin Saqr Al Qasimi [2020] IRLR 345 EAT: (multiple communications and protected disclosures);
- Jakkhu v Network Rail [2019] 8 WLUK 284 EAT (correct application of the burden of proof in discrimination cases).
- Pimlico Plumbers v Smith UKSC/2017/0053; [2017] EWCA Civ 51
- His Highness Sheikh Khalid Bin Saqr Al Qasimi v Robinson UK/EAT/ 0238/17 (The level of fact-finding required on an application for interim relief);
- Edwards v Home Lettings and Another UK/EAT/ 0147/17;
- The Commissioner of Police of the Metropolis v Denby [2017] All ER (D) 173 (Oct; UKEAT/0314/16/RN);
- Yasin v The Secretary of State for Justice UK/EAT/0074/16;

- *Elijah-Jacobs v South West London & St Georges Mental Health Trust* UKEAT/0379/14 (reasonableness of investigation);
- *Ukey v Ministry of Defence* UKEAT/0225/14 (race discrimination and burden of proof);
- *Odu-Obi v Interserve FM Ltd* UKEAT/0206/13 (victimisation, issue estoppel and abuse of process);
- *Lalil Singh v Spirita Housing* [2012] Eq.L.R. 560 CA.
- *Alam v London Probation Trust* UKEAT/0016/12 (race discrimination and continuing act);
- *Edwards v London Borough of Sutton* UKEAT/0111/12 (new claim by way of amendment);
- *Durrani v London Borough Ealing* UKEAT/0454/12 (race discrimination and victimisation/protected act);
- *Chatwal v Wandsworth Borough Council* EqLR [2011] 939 EAT (group disadvantage in indirect discrimination);
- *Mahood v Irish Centre Housing Ltd* EqLR [2011] 586 EAT (employer's liability for harassment by an agency worker);
- *Martin v Devonshire Solicitors* [2011] I.C.R. 352 EAT (victimisation when features of a protected act can be genuinely and properly severable)
- *Pieretti v London Borough Enfield* [2010] EWCA Civ 1104 (CA, concerning the application of s.49A DDA to part VII HA 1996. Court of Appeal held that the obligation on a Local Authority applies to individual decisions and requires that authority to make enquiries as to the nature and extent of a service user's disability)
- *Simpson v Endsleigh Insurance Services* [2011] I.C.R. 75 EAT (Meaning of Reg 10 (3) MPLR 1999).

Related practice areas

Employment, Discrimination and Equality Law

Discrimination

Investigations