



Daniel Dyal

Year of Call: 2006

Call Clerk on 020 7827 4000

PRACTICE AREAS

Clinical Negligence | Discrimination & Equality | Employment | Human Rights | Personal Injury | Professional Discipline

HIGHLIGHTS

"He's an astute and very compelling advocate with a lot to offer." "Incredibly good: he's a really client-friendly barrister who is very able to get to the nub of the issue." **Chambers & Partners 2020**

"Very thorough, knowledgeable and gives some excellent guidance." **Legal 500 2020**

OVERVIEW

Daniel Dyal is a very experienced litigator and advisor. He fights supremely hard for his clients and excels at supporting them through difficult times. He is widely praised for being meticulous, responsive and tenacious but all the while down to earth.

Daniel's employment law practice encompasses all types of dispute including all forms of discrimination, unfair dismissal, whistleblowing, TUPE, redundancy, business reorganisations, holiday pay, trade union disputes, bonus claims and disputes about post-termination restrictions (including injunctive relief).

Daniel is often instructed in regulatory proceedings arising out of the employment relationship. He has been instructed in proceedings before a number of regulators including the General Dental Council, the Care Standards Tribunal and the NCTL where he is particularly experienced.

Daniel also has substantial experience of personal injury litigation and appears in disputes before both the High Court and the County Court. He also undertakes all forms of drafting and advisory work. His advice is particularly sought after in claims arising out of RTAs where there are allegations of contributory negligence and in employer liability claims.

In 2013 Daniel was appointed as a Fee-paid Employment Judge in the East-Midlands Region.

AWARDS

Daniel was awarded two Major Scholarships by the Inner Temple. He was also awarded both the Ashworth Prize and the Duke of Edinburgh Scholarship.

Daniel is also a former scholar of the Arts and Humanities Research Board

REFERENCES

Daniel is consistently ranked in **Chambers and Partners** as a leading barrister. He is also listed as leading barrister in **Who's Who Legal 2017, 2018 and 2019**.

Chambers & Partners 2020: "He's an astute and very compelling advocate with a lot to offer." "Incredibly good: he's a really client-friendly barrister who is very able to get to the nub of the issue."

Legal 500 2020: "Very thorough, knowledgeable and gives some excellent guidance."

Chambers & Partners 2019: "Has a solid employment and equality law practice and is highly sought after for advice on employment law matters with a regulatory aspect. He is regularly instructed by large employers and significant trade unions." "Insightful and excellent technically. He also has good interpersonal and client relationship skills. Incredibly easy to work with."

Chambers & Partners: "...highly sought after for advice on employment law matters with a regulatory aspect. Straight-talking, no-nonsense barrister who isn't afraid to take on difficult cases." "Really well prepared and a great advocate."

Chambers & Partners: "He is great at engaging with the client and is always up for the fight." "He is very, very thorough. You know he is going to be sensible."

Chambers & Partners: "...very thorough in his preparation and has very good cross-examination skills."

Chambers & Partners: "...has excellent legal knowledge, is highly personable and is definitely a preferred counsel. He recently acted for a group of NUT members seeking an injunction from the High Court to lift a disciplinary suspension."

Chambers & Partners: New to the rankings this year is Daniel Dyal, an "intelligent, imaginative and personable" barrister. Sources love his energy and charm and agree he is "a real rising star."

APPOINTMENTS AND MEMBERSHIPS

Fee-paid Employment Judge

Daniel is a member of ELBA, ILS, PIBA and APIL

Former director of the Discrimination Law Association

PUBLICATIONS AND TRAINING

Daniel is a co-author of the textbook *Discrimination in Employment: a claims handbook*.

Daniel is also a keen and active blogger on current legal issues.

In recent times Daniel has lectured widely on holiday pay including to the Employment Lawyers Association and a range of solicitors firms.

Daniel has published several comment pieces on discrimination and whistleblowing in the Discrimination Law Association's Briefings and the Employment Lawyers Association's Briefings.

Daniel has an article on contributory negligence in road traffic accidents forthcoming in the *Journal of Personal Injury Law*.

QUALIFICATIONS

The University of Nottingham, BA Hons, Politics: 1st Class

HIGHLIGHT CASES

EMPLOYMENT

Age discrimination: challenging the mandatory retirement age at the University of Cambridge (acting for the University and Colleges Union).

Holiday pay: acting for employers in mass holiday pay litigation involving hundreds of claimants, both in the ET and the EAT.

Various cases in the sports sector: acted for a claimant in acrimonious litigation against Leeds United Football Club; advised a senior coach at a Premier League Club in relation to whistleblowing; acted for Silverstone Circuit in discrimination and whistleblowing proceedings.

Advised a local authority on proposed strike-action called by a major trade union. Gave tactical advice which resulted in the union calling the strike off.

Advised a major national trade union on strike-action in relation to another bitter industrial dispute.

Acted for a transferee in a TUPE dispute in litigation brought by about 200 claimants. Succeeded ultimately in having the claims struck-out.

Acted for a major national trade union in bitter litigation brought by a former employee who alleged sex discrimination against the General Secretary, Assistant General Secretary and others. Successfully defended the union and its officers following a two week trial and secured a substantial costs award against the claimant.

Appeared successfully at trial in civil proceedings for a Band 1 firm of solicitors alleged to have failed to make reasonable adjustments in the provision of services to a lay-client

Acted for a Lloyd's of London brokerage house and an associated investment company in a complex commercial dispute between those entities and four former (alleged) employees

Advised a major trade union in relation to the judicial review of a Chief Constable, the Disclosure and Barring Service and the Independent Monitor. Succeeded in persuading the Chief Constable to remove adverse information from the client's disclosable data.

Appiah v Compass Group UK & Ireland Ltd [2016] All ER (D) 98 (Sep): acting for the successful employer in an appeal that gives guidance on the extent to which tribunals must consider previous warnings in unfair dismissal proceedings.

A v B & C [2013] All ER (D) 220 (Sep): acting for the successful appellant in this important appeal on the admissibility of apparently without prejudice material. The case makes an essential contribution to the concept of 'dispute' in the law of privilege.

Macaulay & ORS v LB Newham [2012] EWHC 4371 (QB): acted for five senior teachers in an application for a High Court injunction to lift a disciplinary suspension and reinstate to duties.

Russo v British Airways [2012] EqLR 987: advised cabin crew in class action discrimination litigation arising out of the withdrawal of travel benefits from strikers.

Ahmed v Metroline Travel [2011] EqLR 464: acting for the successful employer in the EAT in this important disability discrimination claim dealing with the test for disability.

Deman v Equality and Human Rights Commission [2011] EqLR 36: acting for the Equality and Human Rights Commission and 17 others to defend them in what would almost certainly have been the largest and most complex

discrimination claim ever brought in the civil courts had the claim not been successfully struck-out. The appeal against strike-out was dismissed by the Court of Appeal.

Preston v Bedford Borough Council [2011] EqLR 1019: acting for the successful employee in this 10 day disability discrimination trial who was awarded in excess of £77,000 in compensation.

Spencer v Lehman Brothers Ltd (in administration) [2011] EqLR 319: acting in a test discrimination case arising out of the collapse of Lehman Brothers which tested the boundaries of equality law protection in insolvency situations.

Gavin v EHRC, UKEATPA/0221/10: acting for the Equality and Human Rights Commission and others, both at first instance and on appeal in the EAT, to defend them against multiple discrimination claims brought by a former employee and serial litigant.

Fareham College v Walters [2009] IRLR 991: acting for the successful employee in this important disability discrimination appeal. The decision mitigates many of the obstacles to succeeding in a disability discrimination claim posed by *Lewisham v Malcolm*.

Dansie v Commissioner of the Metropolitan Police [2009] All ER (D) 117 (Dec): acting at first instance and in the EAT for a police officer in a dress-code sex-discrimination claim.

Ma v Merck Sharp & Dohme Ltd [2008] All ER (D) 158 (Dec): acting as junior counsel in the Court of Appeal in an appeal that considered the law relating to continuing acts of discrimination.

Acting for an employee in a major whistleblowing claim against a FTSE 100 company. The claim was compromised with a package worth c.£250,000.

PERSONAL INJURY

Acted as junior counsel to William Latimer-Sayer QC, in a liability disputed catastrophic spinal injury claim. Achieved multi-million pound settlement.

Acting as junior counsel to Simon Dyer QC, in a high-value dispute for a client who suffered complete blindness whilst serving time in prison for murder.

Acting in various road traffic accident claims that involve serious to catastrophic injuries but with allegations of contributory negligence.

REGULATORY

Successfully defended a teacher before the NCTL who was accused of inappropriate relationships with students; successfully defended another teacher in a case involving complex allegations of fraud; successfully defended yet another teacher accused of serious sexually motivated misconduct with students.