



## Daphne Romney QC

Year of Silk/Call: 2009/1979

Call Clerk on 020 7827 4000

### PRACTICE AREAS

Commercial Law | Discrimination & Equality | Employment | Regulatory | Sport and Entertainment

### HIGHLIGHTS

"She is widely praised by respondents for her exceptional dedication to clients as well as her rigorous intellectual approach.", "Tenacious and has an exceptional grasp of the details. Stunning in relation to equal pay discrimination."

### OVERVIEW

Daphne is an expert in high-value, very complex litigation and is known as a highly skilled advocate.

She specialises in employment law, most notably discrimination, equal pay, protected disclosures, and victimisation, representing both claimants and respondents.

She acted for thousands of women in mass equal pay claims against local authorities, including Birmingham City Council (securing a record equal pay settlement), Glasgow City Council, North Lanarkshire Council and Fife Council and in the test case on the NHS's pay structure (*Hartley v Northumbria Healthcare NHS Trust*). She is currently acting for GMB claimants against Glasgow City Council following the setting aside of its job evaluation study.

Recently she represented a female officer challenging the discriminatory effect of the Police Pension Regulations, and in the EAT resisting an appeal from Reading City Council concerning the effect of a comparator leaving during the arrears period and replaced by a less well-remunerated colleague. (*Reading CC v James*).

She is the author of *Equal Pay - Law and Practice* published by Oxford University Press.

In her discrimination and protected disclosure practice, she acts for employers and employees in all kinds of claims - most recently, a partnership sued by a partner for automatically unfair dismissal, a form of solicitors sued for sexual harassment by a former employee and a former Executive Chair suing her employer for dismissal because of whistleblowing.

In 2018, she represented a multinational company claiming legal professional privilege in a disability discrimination claim (*X v Y*). Her cases in the Court of Appeal include *Manchester NHS v Fecitt* (whistleblowing) *Kemeh v Ministry of Defence* (agency and race discrimination) and *Rochford v WNS Global Services* (acquiescence in discrimination).

In non-discrimination claims, she has recently acted for an employee dismissed by JP Morgan for gross misconduct, a bank sued for unfair and wrongful dismissal by a former compliance officer and in 2018, she appeared in the EAT for the liquidator of Keeping Kids Company in a claim for a protective award (*Keeping Kids Company v Weinstock*). She is currently representing a former Managing Director sued for breach of his restrictive covenants and breach of

contract in a substantial team move case and she acted for the employee in the Court of Appeal in *Adesokan v Sainsbury's* (the scope of gross misconduct),

Daphne also appears in disciplinary hearings. She acted for Head Teacher Jo Shuter in her disciplinary hearing at Quintin Kynaston School in which Ms Shuter was reinstated, a story later featured in *The Sunday Times*. She also drafted an appeal for Ms Shuter against a life-long ban from teaching imposed by the SoS of Education following a hearing before the NCTL- the appeal was conceded without a hearing, and in a subsequent hearing, Ms Shuter's ban was lifted after two years.

Daphne also represented Maya Yassaie, formerly Chief Pharmacist of an NHS Health Trust, in a hearing before the GPC, having represented her in claims of whistleblowing and unfair dismissal before the employment tribunal, a claim resulting in a substantial settlement.

She acted for a private soldier in the final level of an Army Service Complaint in which he alleged race discrimination and victimisation on the grounds of his being injured and on restricted duties. She also chaired a disciplinary panel hearing a misconduct claim against the member of a trade union.

## AWARDS

Times Lawyer of the Week May 10 2010

<https://www.thetimes.co.uk/article/lawyer-of-the-week-daphne-romney-27lvfx5fzsw>

## REFERENCES

Chambers 2019 "She has particularly strong equal pay expertise".

Legal 500 2018 "A robust and tenacious advocate".

Chambers 2018 "Tenacious and has an exceptional grasp of the details. Stunning in relation to equal pay discrimination." "Very user-friendly".

Legal 500 2017: "A committed and expert advocate".

Legal 500 2016: "Tenacious and has an exceptional grasp of the details. Stunning in relation to equal pay discrimination." "Very user-friendly". Noted for her superb work ethic and "never-say-die" attitude; she rolls her sleeves up and supports clients admirably.

Chambers 2016: She is widely praised by respondents for her exceptional dedication to clients as well as her rigorous intellectual approach. "An intellectual powerhouse, who is great at dealing with knotty issues." "Extremely bright, totally client focused and a real fighter."

Legal 500 2015: "She does not sit on the fence, instead giving robust advice which is not only pragmatic but also commercial."

Chambers 2015: "She is incredibly versatile and can adapt her style to the audience." "She is brilliant, especially on difficult legal points".

Chambers 2014: "If I had to pick a number-one barrister for an equal pay case, it would be her." "She was absolutely terrific in recent injunction proceedings. One enjoys sitting back and watching her do what she does so tremendously well."

Legal 500 2014: "exceptional both in court and in conference"

Chambers 2013: "Daphne Romney QC has a notable expertise in discrimination and equal pay"

Chambers 2012: "A great team player...clients love her "robustness and her devastating cross-examination technique"

Legal 500 2011: "absolutely brilliant - not just well prepared but intuitive and doesn't let any point pass"

Chambers 2011: "lauded for her ferocious cross-examination skills which she combines with a straightforward and client-friendly demeanour."

Legal 500 2010: "popular amongst solicitors"

Chambers 2010: "celebrated for her 'spirited approach to cases.' Recently elevated to silk, she is a noted expert in discrimination cases"

Chambers 2009: "a fantastic advocate who is good on her feet, a great cross-examiner and someone who pays attention to detail."

Chambers 2008: "Also acting for hundreds of claimants in cases against local authorities is "equal pay expert" Daphne Romney, who is a "fantastic advocate", admired by clients for her "willingness to go the extra mile." Peers say: "She is a rottweiler - if you want somebody to make absolutely sure that no stone has been left unturned, then go to her"

## APPOINTMENTS AND MEMBERSHIPS

Member of the Panel, Fawcett Society Review of Sex Discrimination Laws, published January 2018

Employment Law Bar Association (Chair 2007-2009)

Employment Law Association (Committee Member 2014-2016)

Industrial Law Society

## PUBLICATIONS AND TRAINING

Daphne is the author of "Equal Pay - Law and Practice" published by Oxford University Press (November 2018).

Daphne regularly lectures on employment law, including annually for Michael Rubenstein's "22 QCs" series, and for ELA and Cloisters. In 2017, she lectured for ELA in seven venues across the UK on the new Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 and spoke on the topic at the ELA Conference 2018.

She contributed articles Gender Pay Gap Reporting for Green's Employment

Bulletin in March 2017 and "Northern Ireland: Gender Pay Reporting with Real Teeth" for the ELA Briefing in June 2017.

'Ramifications of the "gay cake" case', an article on Ashers v Lee, Counsel Magazine December 2018

Daphne had regularly appeared on radio and television commenting on legal matters, including Today, Sky News, BBC World Service, Sunday Morning Live, Woman's Hour and Iain Dale on LBC.

## QUALIFICATIONS

B.A. (Cantab)

## HIGHLIGHT CASES

X v Y Ltd UKEAT/0261/17/JOJ - scope of legal professional. privilege in discrimination claims

Keeping Kids Company v Smith [2018] IRLR 484 (EAT) - duty to consult before mass redundancies, discretion on awarding compensation

Reading Borough Council v James [2018] ICR 1839; [2018] IRLR 790 (EAT) - applicability of the modification clause in equal pay

Chard v Trowbridge Office Cleaning Services UKEAT/0254/16/DM; [2017] ICR D21 - exercise of discretion when there is a minor error in a claim form (early conciliation)

Adesokan v Sainsbury's [2017] ICR 590; [2017] IRLR 346 (CA) - negligence and gross misconduct in wrongful dismissal

Kemeh v Ministry of Defence [2014] ICR 625; [2014] IRLR 377 (CA) - ambit of vicarious liability and agency in discrimination claims

- Fox Cross Claimants v Glasgow City Council [(EAT) [2013] ICR 1584 [2013] Eq. LR 460 (EAT) - meaning of 'company' in associated employer equal pay claims
- Manchester NHS v Fecitt [2012] IRLR 64; [2012] ICR 372 (CA) - causation and vicarious liability in whistleblowing claims
- Lew v Board of Trustees of United Synagogue [2011] IRLR 664 (Q.B) - contractual right to a disciplinary hearing
- Barker v Birmingham City Council (Birmingham employment tribunal, 2009-2011) - equal pay, bonus and challenging the new job evaluation study
- Tariquez Zaman v University of London [2010] 2 ALLER (D) 181 (Q.B) - abuse of the process and duplication of claims in employment tribunal and High Court
- Evershed v New Star Asset Management [2010] 2 ALLER (D) 322 (CA) - amendment of claims to add a whistleblowing claim to a claim of unfair dismissal
- Hartley v Northumbria NHS Trust, Unison and Secretary of State for Defence (2008-2009) (Newcastle ET) - national test case on the new NHS job evaluation study and equal pay
- Carl v University of Sheffield [2009] IRLR 616 [2009] ICR 1286 (EAT) - hypothetical comparators in part-time discrimination claims
- Dattani v Chief Constable of West Mercia [2005] IRLR 327 (EAT) - drawing inferences from misleading further and better particulars in discrimination claims
- Brand v Compro Computer Services [2005] IRLR 196 (CA) - right to claim bonus post-dismissal
- Sivanandan v L.B. Enfield Borough Council [2005] ALLER (D) 159 (CA) - abuse of the process and duplication of claims in employment tribunal and High Court
- Williams v Ferrosan [2004] IRLR 607 (EAT) - exercise of discretion to order a review in cases of error

