



Daphne Romney QC

Year of Silk/Call: 2009/1979

Call Clerk on 020 7827 4000

PRACTICE AREAS

Commercial Law | Discrimination & Equality | Employment | Professional Discipline | Sport & Entertainment

HIGHLIGHTS

"She is clever and energetic, she gets on well with clients and she is a very good advocate." "She is very pragmatic and considered, and she thinks about the bigger picture." **Chambers & Partners 2022**

"A formidable barrister - one of the employment Bar's leading lights." **Legal 500 2022**

"Exceptional at equal pay cases." "A pleasure to watch in court or tribunal. She just cuts through brilliantly when the other side is being uncooperative or disruptive." **Chambers & Partners 2021**

“An outstanding employment barrister with a phenomenal reputation.” **Legal 500 2021**

According to an article in *The Lawyer* magazine in 2019, Daphne Romney QC was one of "top 10" female silks appearing in the Court of Appeal. In a 2021 survey for the *The Lawyer* magazine Daphne was also found to have the most appearances for any female Silk in the Employment Appeal Tribunal or Court of Appeal over the past five years.

OVERVIEW

Daphne Romney QC is an expert in high-value, very complex litigation and is well 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 a large number of claimants against the Co-Op Food Stores and 1,000 claimants against Birmingham City Council, for the former HR Director of the Co-Op in the Court of Appeal (*Walker v Co-Op*) and for BNP Paribas in a claim brought by Stacey Macken. She acted successfully for the Claimants in two EAT cases, *Barnard v Hampshire Fire & Rescue* and *James v Reading BC*.

She is the author of *Equal Pay - Law and Practice* published by Oxford University Press, and chaired the Fawcett Party which drafted a bill amending the equal pay provisions of the Equality Act. The bill was given its first reading in the House of Commons in October 2020.

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 and a firm of solicitors sued for sexual harassment and victimisation by a former employee.

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 represented a former Managing Director sued for breach of his restrictive covenants and breach of contract in a substantial team move case and acted for the employee in the Court of Appeal in Adesokan v Sainsbury's (the scope of gross misconduct).

She conducted an investigation into allegations of sexual harassment and discrimination at the BMA, and her widely-publicised report was published in October 2019. Most recently, she investigated a grievance brought against the CEO of a local authority.

AWARDS

Times Lawyer of the Week May 10 2010

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

REFERENCES

Chambers & Partners 2022: "She is clever and energetic, she gets on well with clients and she is a very good advocate." "She is very pragmatic and considered, and she thinks about the bigger picture."

Legal 500 2022: "A formidable barrister - one of the employment Bar's leading lights."

Chambers & Partners 2021: "Exceptional at equal pay cases." "A pleasure to watch in court or tribunal. She just cuts through brilliantly when the other side is being uncooperative or disruptive."

Legal 500 2021: "An outstanding employment barrister with a phenomenal reputation."

Chambers & Partners 2020: "Her advocacy is extremely good; she really gets involved in the case and has a great interest in the strategy." "A fantastic lawyer and advocate who controls the witness room with warmth, real personality and authority."

Legal 500 2020: "She has a sharp brain and is a formidable advocate and cross-examiner."

Chambers & Partners 2019: "Concentrates her practice on discrimination and equal pay matters, with additional strengths in wrongful dismissals and breach of contract issues." "She has particularly strong equal pay expertise".

Legal 500 2018: "A robust and tenacious advocate."

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

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

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

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

Chambers & Partners 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

Chair of the Fawcett Society Panel on Equal Pay Reform

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

Walker v Co-Operative Group [2020] IRLR 896 (Court of Appeal)

Barnard v Hampshire Fire & Rescue [2020] IRLR 176

Butt v Reading BC UKEAT/0040/19/JOJ

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