



## Declan O'Dempsey

Year of Call: 1987

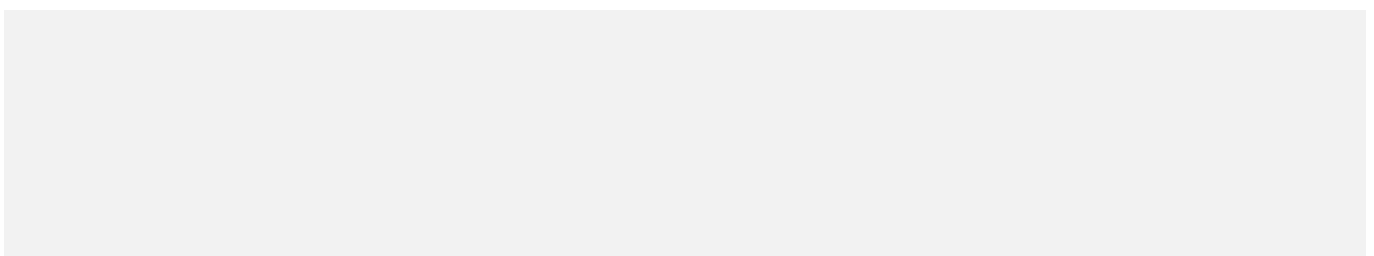
Call Clerk on 020 7827 4000

### PRACTICE AREAS

Discrimination & Equality | Employment | Human Rights | Regulatory | Sport and Entertainment

### HIGHLIGHTS

Sobhi v Met Police: using EU law & UNCRPD Declan extended the scope of the concept of disability in UK equality law. The Manchester College v Hazel & Huggins: contract harmonisation and TUPE ETO reasons narrowly construed. On the "A Panel" of EHRC counsel. "Knows employment law like the back of his hand" **Chambers and Partners.**



## OVERVIEW

Declan specialises in sensitive and difficult employment, discrimination, public and regulatory law. His practice includes all aspects of employment law including whistleblowing, the fiduciary duties of agents and directors and injunctions, trade union cases and data protection law. He has been consistently recommended as a leading employment junior by Chambers and Partners for over 16 years.

He was in *Homer v West Yorks Chief Constable* ; the Heyday case ; intervened for the EHRC in *Seldon* in the Employment Appeal Tribunal and for Age UK in the Supreme Court and acted in *Coleman v Attridge Law*. He acted for the Claimants in *Bent v Central Manchester University Hospital Trust* (concerning the correct construction of the Agenda for Change contracts of NHS staff) and intervened in *X v Mid Sussex CAB* (the scope of protection against discrimination for volunteers) in the Supreme Court.

Controversial and sensitive cases include *Azmi v Kirklees MBC* (regarding the Niqab) and the Gurkha Welfare Association pension rights case as well as highly sensitive cases relating to social workers. He was involved in the Public Inquiry into the Personality Disorder Unit at Ashworth Special Hospital. He represented the claimants in the test case concerning caste discrimination, *Begraj v Heer Manak* . He appeared in *Sobhi v Met Police* (disability discrimination) and in *The Manchester College v Hazel & Huggins* (TUPE and constructive dismissal). In 2015 he acted for the theatre figure Terri Paddock against WhatsonStage, and for cricket umpires Willey and Sharp against the ECB.

His discrimination practice includes advising and representing in goods and services cases. Along with Catherine Casserley, Barbara Cohen and Caroline Gooding, he wrote the EHRC's statutory code on Services, Public Functions and Associations . In 2013 he co-wrote the Age discrimination supplement to that Code for the EHRC.

He acts in administrative law cases for individuals and councils, advising on matters affecting councillors, politicians, businesses and public bodies. He has particular expertise in relation to the application of the Equality Duties and is one of a team of 4 drafting the controversial technical guidance (Public Sector

Equality Duty Statutory Code) for the EHRC under the Equality Act 2010. In April 2016 he addresses the Association of University Legal Practitioners in Cambridge on their duty under the government's Prevent anti radicalisation duty.

He advised the CRE on Code of Practice on Racial Equality in Employment (2005), and on their Formal Investigation into the Prison Service (2004).

In 2011, with Anna Beale, he co-authored a Thematic Report on Age Discrimination in the European Union for the European Commission. He has an international reputation as an expert on European anti-discrimination law, training lawyers, judges, civil servants and trade unionists in accession and existing member states on this subject most recently giving a speech to the Equinet network of equality bodies from across Europe. Domestically has worked closely with the Law Centres Federation to provide training to law centre workers on the new strands of anti discrimination protection both in employment and in relation to goods facilities and services and public functions.

For his introduction to how to instruct a barrister under the public access scheme see here: <https://www.youtube.com/watch?v=WXd90qwRbsk>

## AWARDS

## REFERENCES

"Reassuringly experienced and very good with clients"

Known for his "incisive cross examination"

"knows employment law like the back of his hand."

He recently impressed with his performance in the ground-breaking Heyday case. Chambers and Partners 2011

Chambers and Partners: “the claimant's rottweiler (2006-2007);

“particularly recommended for discrimination cases...

Clients find that he “uses his knowledge to good effect and achieves positive results for clients.”” (2009).

## APPOINTMENTS AND MEMBERSHIPS

Former member of the Bar Council's Law Reform Committee, former vice chair of the Bar Standards Board's Equality and Diversity Committee and of the Bar Council's EDC and now member of the latter. Member of the Practical Law Company's Employment Law Consultative committee. Founder member of Halsbury's Law Exchange, legal think tank. (see his blog on law reform here). Fee Paid Part Time employment judge.

## PUBLICATIONS AND TRAINING

Discrimination in Employment: a Claims handbook (Legal Action 2013) (see reviews on Amazon.co.uk here and for more information see here)

Law Centres Federation Handbook on Goods Facilities and Services  
Discrimination (2009),

Age Discrimination Law Handbook (Legal Action 2006),

Employment Law and the Human Rights Act 1998 (Jordans, 2001),

Supperstone and O'Dempsey on Immigration and Asylum,

Disability Discrimination: The Law and Practice (Sweet & Maxwell)(praised by Baroness Hale in *Malcolm v Lewisham* [2008] UKHL 43)).

Thematic report from the European Network of Legal Experts in the non-discrimination field, "Age and Employment" Available at [http://74.54.218.82/~migpolgr/news\\_detail.php?id=189](http://74.54.218.82/~migpolgr/news_detail.php?id=189)

## QUALIFICATIONS

MA (Cantab) (Philosophy); Dip Law.

## HIGHLIGHT CASES

- *Begraj & Anor v Heer Manak Solicitors & Ors* (Practice and Procedure : Bias, misconduct and procedural irregularity) [2014] UKEAT 0496/13 (17 June 2014)  
[http://www.bailii.org/uk/cases/UKEAT/2014/0496\\_13\\_1706.html](http://www.bailii.org/uk/cases/UKEAT/2014/0496_13_1706.html)
- *Manchester College v Hazel & Huggins* (EWCA)
- Lockwood v DWP & Cabinet Office* (EWCA)
- *Sobhi v Met Police* (EAT)
- *The Manchester College v Hazel & Huggins* (EAT)
- *X v Mid Sussex CAB*
- *Homer v West Yorks Chief Constable* (SC)
- *R (ota Brigade of Gurkhas Welfare Society) v MOD* (EWCA)
- *Seldon v Clarkson Wright & Jakes* (SC)
- *Bent v Central Manchester University Hospital Trust*  
<http://www.bbc.co.uk/news/uk-england-manchester-17147235>
- *R (on the application of the Incorporated Trustees of the National Council on Ageing (Age Concern England)) v. Secretary of State for Business, Enterprise and Regulatory Reform* HC and CJEU
- *Azmi v Kirklees MBC* (EAT)
- *R (Kaur & ors) v Ealing Borough Council* (HC)
- *CPL Distribution Ltd v Todd* (EWCA)
- *Mugford v Midland Bank Plc* (EAT)
- *Goodwin v Patent Office* (EAT)
- *Shawkat v Nottingham City Hospital NHS Trust* (EWCA)
- *High Table v Horst* (EWCA)
- *Higham v Horton* (EWCA)