



## Tom Brown

Year of Call: 2000

Call Clerk on 020 7827 4000

### PRACTICE AREAS

Commercial Law | Discrimination & Equality | Employment | Regulatory

### HIGHLIGHTS

'First class. He combines excellent intellect with tactical awareness and is a pleasure to work with.' **Chambers and Partners 2018**. 'A great tactician with first-rate knowledge of the law.' **The Legal 500 Bar 2017**. 'He is extremely sharp, has masses of experience and is great with clients.' **Chambers and Partners 2017**

### OVERVIEW

Tom specialises in employment, equality, human rights, and public law. He also has substantial experience and expertise in commercial, partnership, regulatory

and immigration advice and litigation. He appears regularly at all levels of courts and tribunals, often against QCs.

His clients include public authorities, companies, charities and trade unions, as well as individuals. He has been involved in cases in most major areas of industry including financial services, healthcare, media, telecommunications, sport, education, retail, leisure, and manufacture as well as police and central and local government. He has appeared as an advocate in the Certification Office, and has acted for international civil servants.

Tom has advised on legal policy for regulatory bodies, non-departmental public bodies, and trade unions, including the Equality and Human Rights Commission. He has conducted internal formal grievance and disciplinary investigations in serious cases. Tom has acted as an arbitrator in sporting disputes.

He is a member of the Attorney General's B Panel of Junior Counsel to the Crown.

Tom was appointed as a Recorder of the Crown Court in April 2018.

In appropriate cases, Tom accepts instructions directly from clients under the Bar Council Public Access Scheme.

## REFERENCES

'He is very articulate, very sharp-witted and very knowledgeable.' Chambers and Partners UK Bar Guide 2016

'He is ridiculously clever, works phenomenally hard and his ability to master complex arguments is impressive.' Chambers and Partners UK Bar Guide 2016

'Intuitive and thoughtful and a lawyer whose written work is first-class.' Chambers and Partners UK Bar Guide 2015

'He's calm and conscientious and does a masterful job.' Chambers and Partners UK Bar Guide 2015

## APPOINTMENTS AND MEMBERSHIPS

Junior Counsel to the Crown (Attorney General's B Panel)

Fee-paid Judge of the First-Tier Tribunal (Immigration and Asylum Chamber)

Fee-paid Employment Judge, East Anglia

Reviewer, Bar Pro Bono Unit

Stonewall Ambassador

Member of the Employment Lawyers Association, the Industrial Law Society, the Employment Law Bar Association and the Employment Law Advice and Assistance Scheme

British Rowing National Umpire

Independent Monitoring Board, HMP Pentonville (2003—2008)

Pegasus Scholar, Federal Court of Australia, Melbourne (2005)

Judicial Assistant to Lord Bingham of Cornhill (2002—2003)

UN International Criminal Tribunal for Rwanda (2000)

## PUBLICATIONS AND TRAINING

'Public Procurement and Transparency in the Private Sector,' in Blackstone's Guide to the Equality Act 2010, first, second and third editions (Oxford University Press, 2010, 2012 and 2016)

'The Equality Act 2010,' Presentation to Association of Her Majesty's District Judges, 7 March 2014

Co-author of *Discrimination in Employment: a Claims Handbook* (Legal Action Group, 2013)

'Parental Leave,' in *Family Rights at Work: A Guide to Employment Law* (Jordan, 2012)

'Discrimination Law Review: responding to A Framework for Fairness,' *Legal Action* (Legal Action Group, 2007)

'Disability Discrimination' in *Sweet & Maxwell's Encyclopaedia of Employment Law* (Sweet & Maxwell, 2002–2005).

Since 2012, Tom has regularly lectured and organised workshops for practitioners and judges on EU gender equality law and EU anti-discrimination law at the Europäische Rechtsakademie (Academy of European Law) in Trier.

Tom has also facilitated human rights training in Turkey, the Balkans, Egypt and Yemen under the auspices of the Foreign Office, the United Nations Development Programme and the Swedish Helsinki Committee.

Tom provided one of the two voiceovers for Samuel Dowd's film *Bare Breath*.

## QUALIFICATIONS

MA (Oxon) - Music - First-class honours and winner of the Gibbs prize

DipLaw (City) - commendation

## HIGHLIGHT CASES

- *R (on the application of ZV) v Secretary of State for the Home Department* [2018] EWHC 2725 (Admin) - Administrative Court - judicial review considering the Secretary of State's obligations under Article 4, European Convention on Human Rights, the Council of Europe Convention on Action Against Trafficking in Human Beings, and Modern Slavery Guidance

- Haywood v Newcastle upon Tyne NHS Foundation Trust [2018] UKSC 22 - Supreme Court - junior counsel (with Caspar Glyn QC) for the successful respondent employee; sole counsel for the successful employee in the High Court and Court of Appeal - wrongful dismissal - receipt of notice of dismissal required as a matter of contract law - pension loss - NHS Pension Scheme Regulations 1995
- Venuprasad v Commonwealth Secretariat (2018) - Commonwealth Secretariat Arbitral Tribunal - junior counsel for the successful applicant - claim by an international civil servant blamed for leaking stories to the press and forced to resign from his position
- Donelien v Liberata UK Ltd [2018] EWCA Civ 129 - Court of Appeal - disability discrimination - reasonable adjustments - constructive knowledge of disability - Tom acted for the successful respondent employer
- R (on the application of ZA) v Secretary of State for the Home Department [2018] EWHC 183 (Admin) - Administrative Court - judicial review of immigration detention in an asylum claim based on sexual orientation
- Barron v University and College Union (2017) - Certification Officer - complaints about alleged breaches of trade union rules
- University and College Union v University of Ulster (2017) - Northern Ireland Industrial Tribunal - collective redundancy consultation. Tom acted for the successful claimant trade union. The tribunal found that there had been a serious failure to consult and made a maximum protective award of 90 days' pay for 143 staff, worth over £1.6m
- McBride v Scottish Police Authority [2016] UKSC 27 - Supreme Court - junior counsel for the Scottish Police Authority - reinstatement
- University and College Union v University of Stirling [2015] UKSC 26 - Supreme Court - junior counsel for the successful appellant (and counsel for the successful union from first instance) - whether the collective redundancy consultation duty applies to fixed-term employees
- Dyer v London Ambulance Service (2014) - Employment Appeal Tribunal -

whether an employer was under a duty to make reasonable adjustments for an employee with a life-threatening sensitivity to aerosol sprays

- Khan v Royal Mail Group [2014] EWCA Civ 1082; [2014] IRLR 947; [2014] EqLR 700 - Court of Appeal - burden of proof in complaints of race and religion discrimination and victimisation
- RR Donnelly Global Document Solutions v Besagni - [2014] ICR 1008 - Employment Appeal Tribunal - one of Michael Rubenstein's Key Employment Cases of 2014 - whether a change in location of a transferring workforce can amount to an economic or organisational reason entailing changes in the workforce
- Lambeth College v University and College Union (2014) - High Court (Chancery Division) - one-day contested interim injunction application to restrain strike action before Peter Smith J
- Whyte v London Borough of Lewisham (2013) - IDS Employment Law Handbook on Unfair Dismissal - Employment Appeal Tribunal - recoupment
- Olenloa v North West London Hospitals NHS Trust [2012] EqLR 864 - Employment Appeal Tribunal - time limits for complaints of failures to make reasonable adjustments
- Buckland v University of Bournemouth [2011] QB 323 - Court of Appeal - leading authority on constructive dismissal and whether a repudiatory breach of contract can be 'cured'
- Smith v London Borough of Greenwich [2011] ICR 277 - Employment Appeal Tribunal - procedural consequences of a party walking out during an employment tribunal hearing
- Steer v BBC (2011) - Employment Tribunal - unfair dismissal complaint brought by a former employee dismissed for harassment
- Thaine v London School of Economics [2010] ICR 1422 - Employment Appeal Tribunal - apportionment in awards of damages for psychiatric injury in discrimination complaints

- Croal v Network Rail Infrastructure Ltd [2008] All ER (D) 411 - Employment Appeal Tribunal - definition of disability
- Stansbury v Datapulse plc [2004] ICR 523 - Court of Appeal - fair trials in employment tribunals, the Human Rights Act 1998 and article 6, European Convention on Human Rights