

Claire Darwin KC

SILK 2023 CALL 2005



Areas of Expertise

• Commercial Litigation and Disputes • Employment • Equality • Mediation • Administrative and Public Law

Claire Darwin KC is a leading silk specialising in **employment law** and **discrimination law**, with additional expertise in pensions, **education law**, **judicial review** and multi-party/group litigation. Widely regarded for her exceptional advocacy skills, Claire has had more than 40 cases reported in the law reports. A selection of her most significant reported cases is listed below.

For many years, Claire has been recognised as a leading barrister by the independent legal directories, *The Legal 500* and *Chambers & Partners*. She is ranked in their latest editions as a leading King's Counsel in Employment Law, Education Law, Pensions Law and Industrial Relations. Prior to her 2023 appointment as King's Counsel, Claire was ranked by both directories as one of the top junior employment barristers at the London Bar (in Tier 1 and Band 1 respectively).

Claire was shortlisted by *The Legal 500* as '2024 Employment Silk of the Year', and also as '2023 Public Services and Charities Silk of the Year'. Other accolades include being shortlisted for 'Employment Junior of the Year' at the Chambers UK Bar Awards 2020, as well as both 'Employment Junior of the Year' and 'Public Law Junior of the Year' at The Legal 500 UK Awards 2019. In 2020, Claire was one of only eight barristers shortlisted for *The Lawyer's* prestigious 'Barrister of the Year' award, for which she received a Commendation. That same year, *The Lawyer* magazine named her one of the UK's 'Hot 100 Lawyers.'

Chambers & Partners 2024 highlights Claire's client-focused approach, describing her as "excellent with clients, very popular, and managing a large caseload." The 2025 edition notes that

she “handles really tricky legal issues well, is really down-to-earth and a true part of the team.” Similarly, The Legal 500 2025 commends her as “a highly impressive advocate and a class act,” emphasising that her “calm and assured advocacy skills are particularly sought after”, and the 2026 edition commends her for being “totally committed to whatever case she is instructed in” and “strong and effective in court.”

In 2017 and again in 2021, Claire was appointed to the Attorney General’s A Panel of Junior Counsel to the Crown, a small panel of junior barristers selected to advise and represent the UK government in its most complex civil and EU cases. Previously, she served on the B and C Panels. Claire has also been appointed to the Attorney General’s Panel of Special Advocates and the Equality and Human Rights Commission’s Panel of Preferred Counsel for 2024-2028 (also serving on previous EHRC panels). In 2023, following a competitive selection process by the Judicial Appointments Commission, Claire was appointed a Recorder (part-time Circuit Judge).

Expertise

Recent Work

Highlights of Claire’s recent work include:

- **Lead Counsel for the Secretary of State for the Home Department in the Employment Appeal Tribunal in *Jallali v Commissioner of Police of the Metropolis* [2025] EAT 137:** successfully resisted an appeal re whether the terms and conditions set down by the Secretary of State were less favourable to part-time police inspectors. Now on appeal to the Court of Appeal.
- **Lead Counsel for Merrill Lynch/Bank of America in widely publicised trial of sex and age discrimination claims brought by a married banker**, July 2025. See examples of media coverage [here](#), [here](#) and [here](#).
- **Lead Counsel for Appellant in Royal Embassy of Saudi Arabia (Cultural Bureau) v Alhayali** [2025] EWCA Civ 1162 , [2025] IRLR 918 (Court of Appeal) (July 2025).
- **Lead Counsel for five trade unions representing c. 900,000 teachers and headteachers in a judicial review** about the alleged failure of the Teaching Regulation Agency to comply with the Public Sector Equality Duty, ongoing (see examples of media coverage [here](#) and [here](#)).
- **Lead Counsel for Protect (intervening) in the Court of Appeal in Sullivan v Isle of Wight Council** [2025] I.C.R. 1299, [2025] I.R.L.R. 520 re extending whistleblowing protection to job applicants (February 2025), see example of media coverage [here](#).

- **Martine Croxall & Other BBC Presenters** – representing four high profile TV Presenters in their EAT appeal against the strike out of their equal pay claims by the ET (not instructed in the ET). Matter settled March 2025, see examples of media coverage [here](#) and [here](#).
- **Successfully defended a leading US brokerage against an £8 million whistleblowing and unfair dismissal claim**; following an 8-day trial all whistleblowing claims were dismissed and compensation for unfair dismissal reduced to nil (November 2024).
- **Successfully represented a senior female executive of a FTSE 250 company in significant equal pay and discrimination claims**, which settled for a seven-figure sum in autumn 2024, shortly before trial.
- **Successfully defending the Kuwaiti sovereign wealth fund, the KIA**, against a high-profile whistleblowing claim brought by its former CEO. ET win July 2024; claimant now appealing to the EAT. See example of media coverage [here](#).
- **Newell Trustees Ltd v Newell Rubbermaid UK Services Ltd [2024] EWHC 48 (Ch), [2024] All ER (D) 99 (Jan)**: successfully defending Newell Rubbermaid UK Services Ltd against complaint that the non-discrimination rule had been breached by a 1992 pension scheme amendment.
- **Advising the EHRC on its enforcement powers** under the Worker Protection (Amendment of Equality Act 2010) Act 2023, October 2023.

Employment

Described by the The Legal 500 2024 as *'a go to barrister for statutory employment law claims'*, Claire's practice focuses on high-value and high stakes litigation in the Employment Tribunal, and appellate work. She is trusted by leading employers and employees alike, representing multinational corporates, the UK and foreign governments, regulators, universities, trade unions and individual employees. According to Chambers & Partners 2024 *'Claire Darwin KC is a highly experienced employment barrister who has an extensive practice encompassing equal pay, worker status, industrial relations and discrimination claims'* and *'frequently appears before the EAT and appeal courts'*.

Employment cases in which Claire has acted include the [claims brought by the War Horse musicians](#) against the National Theatre, the test cases challenging the mandatory retirement age for judges and lay members of the Employment Tribunal, representing [Samira Ahmed in her high profile equal pay claim against the BBC](#), and a [landmark appeal](#) brought by an NHS nurse unable to work a new shift pattern as a result of her childcare responsibilities.

Claire has extensive experience of financial services work, particularly complex whistleblowing

claims (see Whistleblowing section below). She regularly acts in very high value City cases, and in sensitive disputes involving financial institutions or professional service firms.

Claire's work often concerns the **human rights** aspects of employment law, including cases about freedom of expression, discrimination, forced labour, workplace privacy, open justice and fair trial rights. She was sole counsel for PwC in *Ameyaw v PricewaterhouseCoopers Services Limited* [2019] ICR 976 on the ET's power to remove a judgment from the public register of judgments and acted for the successful appellant in *Hill v Governing Body of Great Tey Primary School* [2013] ICR 691, one of the leading cases on freedom of expression in the workplace. She has advised on matters of international human rights law arising in other common law jurisdictions, and has acted for a number of foreign governments claiming sovereign immunity in the English courts.

Claire does a great deal of work in the areas of employment law which intersect with **EU Law** and assimilated law (see the TUPE and Pensions sections below). She was junior counsel for Innospec in the Supreme Court in *Walker v Innospec Ltd & Ors* [2017] 4 All ER 1004 on whether an exception in the Equality Act 2010 was compatible with EU Law. She has experience of acting in cases in which a reference to the European Court of Justice is sought, and was called to the Irish Bar after Brexit.

Discrimination and Equal Pay

Claire's **discrimination** work spans the fields of **employment**, goods and services, pensions, premises, **education**, and **public law**. The Legal 500 2026 describes her as '*technically excellent, particularly on complex discrimination issues.*'

Claire has a particular interest, and experience in, age, sex and disability discrimination claims. According to the Legal 500 2024 '*on complex disability discrimination cases there is no one better.*' She has handled many high-stakes discrimination cases in the Employment Tribunal, the County Court and the High Court, including a number of group/multi-party claims.

Claire has valuable experience of lengthy multi-party equal pay cases in the public and private sectors, including the recent supermarket equal pay litigation. She was sole counsel for the TV presenter Samira Ahmed in her very high-profile equal pay claim against the BBC. Claire was appointed as amicus curiae to the Court of Appeal in *Graysons Restaurants Ltd v Jones and others* [2019] 3 All ER 688, an appeal concerning the interaction between the law on equal pay and the insolvency protection scheme under the ERA 1996.

Discrimination in Goods and Services and Accessibility

Claire has wide experience of advising on discrimination in the provision of goods and services across a range of sectors, including technology, transport, aviation, retail, entertainment, and financial services. She is regularly instructed on matters with business-wide implications, including advising on potential or actual enforcement action by the Equality and Human Rights Commission.

She has acted in numerous cases concerning the rights of disabled passengers on transport, notably successfully defending Arriva North East against group litigation brought by wheelchair

users in Darlington, and advising a well-known budget airline facing threatened disability discrimination claims. During the Covid-19 pandemic, Claire advised several of the UK's largest retailers on alleged disability discrimination said to arise from reduced access to online shopping and the requirement to wear facemasks.

Claire has a particular interest in web accessibility and the accessibility of digital products and services. She has advised public-sector bodies on compliance with the Accessibility Regulations and on related standards. She successfully defended a national broadcaster in litigation on the scope of the content service exception in the Equality Act 2010. She is co-author of [an article on the European Accessibility Act 2025](#), written with members of Hogan Lovells' Digital Accessibility team, which was published in the July 2025 edition of PLC Magazine.

Her recent goods and services work includes advising on assistance cats, advising a prominent entertainment sector client on alleged disability discrimination arising from its processes, advising the government on whether BSL interpreters should be permitted to enter jury deliberation rooms as a reasonable adjustment (now permissible following a change to the law), and the potential closure of ticket offices at train stations. She acted for Fitzwilliam College Cambridge, in the [religious discrimination claim brought against the College by Christian Concern](#), and successfully resisted a potential appeal in the recent case of *Johnston v Giving.com Ltd* [2024] EWHC 944(KB).

TUPE

Claire has significant experience of advising on TUPE issues. According to Chambers UK Bar she is "well known for her strength in ... claims concerning TUPE." Claire is regularly instructed in very high value multi-party TUPE litigation, including the high profile and lengthy litigation after Jarvis Rail Ltd went into administration. More recently she successfully defended the litigation arising out of the 'pre-pack administration' of Thomson Local, advised on the TUPE transfer of approximately 500 employees in Northern Ireland, and defended the owner of an energy company against claims that a change in ownership, and consequent change in responsibility for the business, had amounted to a TUPE transfer (settled prior to final hearing in ET). In 2025 she was instructed in a complex case concerning whether the sale of a substantial private residence with staff constituted an economic entity capable of transfer under TUPE which settled shortly before hearing. More recently, she has advised on the Regulation 3(5) 'administrative reorganisation' exception, and its interaction with Part 2 of the Levelling-up and Regeneration Act 2023.

Claire has appeared in a number of important cases on TUPE including *Rynda (UK) Ltd v Rhijnsburger* [2013] All ER (D) 73 (Sep) and *Enterprise Management Services Ltd v Connect-Up Ltd* [2012] IRLR 190. She was appointed as amicus curiae to the Court of Appeal in *Graysons Restaurants Ltd v Jones and others* [2019] 3 All ER 688, an appeal concerning the interaction between equal pay law, TUPE, and the insolvency protection scheme under the ERA 1996.

Whistleblowing

Claire has extensive experience handling complex whistleblowing claims, with a particular focus on those arising in the financial services and technology sectors. In November 2021, she

successfully defended a leading global financial services group in a three-week trial involving over 300 disputed protected disclosures. In July 2024, Claire secured a significant victory for the Kuwaiti sovereign wealth fund, the Kuwait Investment Authority, in a high-profile whistleblowing claim brought by their former CEO. The case received significant media attention, see for example [here](#).

Industrial Relations

Claire has wide experience of industrial relations issues including collective bargaining, works councils, industrial action and statutory recognition applications before the Central Arbitration Committee. She advises both trade unions and employers on industrial disputes. In February 2019 she successfully obtained an injunction to restrain the Prison Officers' Association from calling industrial action by prison officers in Liverpool. In February 2022 she successfully represented Great Ormond Street Hospital in the High Court, obtaining interim relief restricting pickets and protests in the immediate vicinity of the hospital.

Public Law and Judicial Review

Until she took silk, Claire spent six years as a member of the Attorney General's A Panel. She was a member of the B and C Panels before that. She has been instructed in a wide range of public law cases both for and against local and central government, particularly cases which raise issues of discrimination and retained EU Law. Her recent public law work has included acting for an intervener in a challenge to the Restriction of Public Sector Exit Payments Regulations 2020 which resulted in the Regulations being revoked in February 2021 (see [here](#) for an example of media coverage), the judicial review of the 2018 pay award for 120,000 police officers (led by Helen Mountfield QC), and representing Govia in the judicial review claim brought by Southern rail commuters alleging disability discrimination.

Education Law

Claire regularly advises and represents schools, colleges, universities, the Office of the Independent Adjudicator, OFSTED, the Department for Education and individual students in relation to a wide range of education matters, including university regulation and discipline, Ofsted inspections, school closures, enforcement action under the Education and Skills Act 2008, early years provision and local authority interventions. Claire has acted in a number of significant education appeals, including *Proprietor of Ashdown House School v JKL* [2019] ELR 530 on discriminatory exclusions, and *R.(on the application of Thilakawardhana) v Office for the Independent Adjudicator for Higher Education* [2018] E.L.R. 223 on student fitness to practise proceedings.

Reflecting her expertise in this field, The Legal 500 2026 notes: "*Claire has experience especially in ... equality cases. She is a strong and powerful advocate.*" Her recent education work has included representing the Department for Education in *R. (on the application of Sharp) v Office of the Schools Adjudicator* [2023] EWHC 1242 (Admin), a judicial review of school admission arrangements; and defending Fitzwilliam College, Cambridge against a claim for religious

discrimination brought by Christian Concern, see links to media coverage [here](#) and [here](#).

Pensions

In recognition of her pensions law expertise, The Legal 500 2025 praises Claire as “a powerful advocate and totally committed to whatever case she is instructed in. She is strong and effective in court.” Claire was junior counsel for Innospec in the Court of Appeal and Supreme Court in *Walker v Innospec Ltd & Ors* [2017] UKSC 47. She has subsequently been involved in a number of pensions discrimination cases, including acting for the Secretary of State in *Secretary of State for Work and Pensions v Beattie* [2023] IRLR 13, [2023] Pens. L.R. 3 on whether the Age Exceptions Order is compliant with retained EU Law. She represented the employer in *Newell Trustees Limited v Newell Rubbermaid UK Services Limited & Ors* [2024] EWHC 48 (Ch), successfully persuading the High Court that the automatic transfer of employees from a final salary pension scheme into a money purchase scheme had not amounted to unlawful age discrimination. Claire acted for The Pensions Regulator in its enforcement action against Hermes (now Evri) which resulted in its couriers being auto-enrolled into a pension scheme (see media coverage [here](#) and [here](#)). Read her recent piece on litigating historic issues in pensions discrimination claims for the Pensions Barrister blog [here](#), and her recent article for PLC Magazine on pensions discrimination is [here](#).

Multi-party and Group Litigation

Claire has substantial experience of large scale, multi-party and test case litigation in the Employment Tribunal, County Court and High Court, including lengthy and complex equal pay cases involving thousands of employees in the public and private sectors. Claire is also well versed in the particular procedural and strategic issues that arise in group claims brought in the High Court.

Appointments

- Appointed as a Recorder (part-time Circuit Judge) on the South East Circuit (London) in May 2023, assigned to Family Law.
 - Appointed to the Equality and Human Rights Commission’s Panel of Preferred Counsel (2024-2028) (and previous panels).
 - Attorney General’s A Panel of Junior Counsel to the Crown, also appointed to the Attorney General’s Panel of Special Advocates.
-

Academic

- Claire was awarded a number of scholarships by Inner Temple, including the Sir Joseph Priestly Scholarship, a Duke of Edinburgh Scholarship, an Inner Temple Internship Award, and CPE and BVC Exhibitions. She was also awarded the Kurt Hahn Trust Scholarship by Cambridge University.
-

Awards

