

Betsan Criddle QC

SILK: 2022 | CALL: 2002

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Overview

Betsan Criddle QC, who took silk in March 2022, is a specialist in employment and regulatory law. Her expertise is recognised by her ranking as a leading junior by *Chambers & Partners*, *The Legal 500* and *Who's Who Legal*. She is described as having a **"formidable court room presence"**, as well as being **"tenacious, sharp and very user-friendly"** and as being **"immeasurably intelligent"**. Experienced at the full range of employment and regulatory disputes, she has appeared in some of the cutting edge cases of recent years. Her clients include banks, niche recruitment consultancies, leading public schools, household name transport businesses, NHS Trusts, trades unions, senior employees and the leading medico-legal defence organisations.

Betsan is particularly well regarded for the breadth and depth of her experience in medico-legal work. She is an acknowledged market leader in High Court contractual disputes over doctors' disciplinary procedures and she is regularly called upon to advise in the handling of complex disciplinary proceedings, particularly where there is a regulatory cross-over. Betsan also acts for medical professionals in regulatory proceedings before the MPTS, the GDC and the HCPC as well as in performers' list cases.

Betsan also has a thriving practice in primarily employment based commercial work, where she advises and represents clients in a wide range of disputes, including restrictive covenant cases, issues relating to termination of Board level employment and high value redundancy and negligent reference claims.

Betsan's leading discrimination work also encompasses goods and services claims, in which she has a particular interest and expertise in reasonable adjustments. She also has a thriving practice in public law.

Betsan speaks Welsh fluently and regularly advises on and conducts litigation through the medium of Welsh.

Betsan is able to accept instructions under the Bar's Public Access Scheme in suitable cases.

Memberships and publications

- Member of the Employment Law Bar Association
- Member of the Employment Lawyers' Association: former member of Training Committee and Management Committee
- Member of the Industrial Law Society
- Member of the Association of Regulatory and Disciplinary Lawyers
- Co-author of annual *Labour Law Highlights* (Institute of Employment Rights)
- Contributor to *Employment Precedent and Company Policy Documents* (Sweet and Maxwell)

Employment & Discrimination

Betsan is a specialist in employment law. Her expertise is recognised by her ranking by *Chambers and Partners*, *The Legal 500* and *Who's Who Legal*. She is described as having a **"formidable court room presence"** and as being **"tenacious, sharp and very user-friendly"**. Experienced at the full range of employment and regulatory disputes, she has appeared in some of the cutting edge cases of recent years. Her clients include banks, niche recruitment consultancies, leading public schools, household name transport businesses, NHS

Expertise

- Commercial Law
- Employment & Discrimination
- Investigations
- Professional Regulatory & Discipline

Recommendations

"A fiercely intelligent barrister who is delightful to work with." *Chambers & Partners 2022*

"A formidable advocate, whose advice is robust, practical, approachable, accessible, and extremely client friendly." "Betsan is phenomenally clever. She is great at coming up with new legal points and really knows her stuff." *The Legal 500 2022*

Key contacts

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Trusts, trades unions, senior employees and the leading medico-legal defence organisations.

Betsan is particularly well regarded for the breadth and depth of her experience in medico-legal work. She is an acknowledged market leader in High Court contractual disputes over doctors' disciplinary procedures and she regularly called upon to advise in the handling of complex disciplinary proceedings, particularly where there is a regulatory cross-over.

Betsan also has a thriving practice in primarily employment based commercial work, where she advises and represents clients in a wide range of disputes, including restrictive covenant cases, issues relating to termination of Board level employment and high value redundancy and negligent reference claims.

Notable cases include:

High Court disputes

- Advising in various disputes between consultants and NHS Trusts including alleged whistleblowing disputes
- Acting for private sector consultant seeking career losses for withdrawal of practising privileges: whether consultant handbook is a contract.
- *Smo v Hywel Dda University Health Board* [2020] EWHC 727 (QB) (led by [Mark Sutton QC](#) at trial). First High Court dispute concerning the Welsh consultant contract. Successfully obtained permanent injunction to prevent Board from proceeding with working relationships investigation as side-stepping the contractual disciplinary process.
- *Chhabra v West London Mental Health NHS Trust* [2014] ICR 194. Successfully represented doctor in leading Supreme Court case establishing that an employment contract includes an implied contractual right to a fair disciplinary process and that an injunction may be granted to restrain an employer from charging an employee with gross misconduct where this is unwarranted by the findings of a disciplinary investigation.
- *Kerslake v North West London Hospitals NHS Trust* [2012] Med LR 568. Successfully represented Trust in significant case determining that dismissal of a consultant outside the MHPS disciplinary scheme is permissible where there is a breakdown of trust and confidence.
- *Lim v Royal Wolverhampton Hospitals NHS Trust* [2012] Med LR 146. Successfully represented doctor in important case establishing that an NHS Trust may not dismiss a doctor by reason of capability without first referring the case to NCAS (now PPA) for assessment and consideration of an action plan.

Employment Tribunal disputes

- Acting for NHSI in high-profile religious discrimination dispute over removal of Non-Executive Director from office in connection with remarks about same-sex adoptions
- Successfully defended local authority in multi-million pound discrimination claim involving serious allegations of criminal wrongdoing.
- Successfully defended trade union in complex complaint to Certification Officer.
- *Town v Chief Constable of Devon and Cornwall Police* UKEAT/0194/19/LA. Successfully defended ET's decision that compulsory transfer of pregnant officer from front line duties amounted to pregnancy discrimination.
- *Uddin v London Borough of Ealing* [2020] IRLR 332. First appellate case to consider the implications of *Jhuti v Royal Mail* in determining whether a dismissal is fair.
- *Coletta v Bath Hill Court (Bournemouth) Management Co Ltd* [2020] ICR 703 (leading [Ben Jones](#)). Acting pro bono in the Court of Appeal, successfully establishing that there is no backstop on the recovery of compensation for a series of deductions from wages.
- *McNeil v Commissioners for Her Majesty's Revenue and Customs* [2020] ICR 515 (led by [Ben Cooper QC](#)). Acting for the appellants in the first equal pay case to consider the approach to establishing "particular disadvantage" where pay is variable.
- *Galilee v Commissioner of Police of the Metropolis* [2018] ICR 634. Key decision on applications to amend in the ET: established that amendment takes effect from date of permission and that permission to amend can be granted subject to the time point being decided at full hearing. Significant authority in discrimination cases involving disputes over "continuing act".
- *Vining v London Borough of Wandsworth* [2018] ICR 499. Important Court of Appeal decision recognising the right to consultation as a core aspect of Article 11 ECHR. Successfully represented UNISON and the individual appellants, establishing that the statutory exclusion of parks police from the scope of the Trade Union and Labour Relations (Consolidation) Act 1992 is an unjustified interference with Article 11

rights.

- *Edwards v Encirc Ltd* [2015] IRLR 528. Whether time spent by an employee on trade union duties is “working time” for the purposes of the Working Time Regulations 1998. Implications of case required specific guidance on whether trade union work meant that an employee could not be furloughed.

Judicial Review

Betsan enjoys a thriving practice in public law proceedings which intersect with her employment and regulatory expertise.

Notable recent work includes:

- *PF v Disclosure and Barring Service* [2020] UKUT 256 (AAC) (leading [Ben Jones](#)). Test case before Upper Tribunal (Administrative Appeals Chamber) on the scope of the UT’s powers to interfere with the DBS’ findings of fact in an appeal against barring.
- *Dr MS*. Acted for doctor in challenge to GMC Registrar decision to direct a review hearing without a change of circumstances as ultra vires and in breach of legitimate expectation
- *Howard v Chief Constable of Greater Manchester Police*. Successfully represented Chief Inspector in challenge to Force’s failure to pay him the value of his rest days in lieu as a breach of his legitimate expectations.
- *R (FBU) v South Yorkshire Fire and Rescue Authority* [2018] 3 CMLR 27 (led by [Oliver Segal QC](#)). Successful judicial review challenge to Fire and Rescue Authority’s continued use of a shift pattern breaching the Working Time Regulations 1998.

Professional Regulatory & Discipline

Betsan enjoys a thriving practice focused on representing medical professionals before their regulators. Her cross-over expertise between employment law, contractual disciplinary disputes and the regulatory arena gives her an acute understanding of the various considerations in play for doctors in difficulty.

Notable Cases

- *PF v Disclosure and Barring Service* [2020] UKUT 256 (AAC) (leading [Ben Jones](#)). Acting for doctor in connection with decision to bar as unsuitable to work with vulnerable adults in connection with alleged misconduct in clinical practice.
- *Dr MS* (2020). Successfully argued before MPTS that decision of Registrar to direct a review hearing could not give rise to review in absence of change of circumstances and where substantive MPT had decided that there should be no hearing.
- *Dr LW* (2019). Whether dental records could be admitted in evidence before IOC when supplied to GDC in breach of GDPR.
- *General Dental Council v Ufondu* [2018] EWHC 3727 (Admin). Successfully established that admissibility of evidence before High Court on application to extend interim order is governed by CPR, not GDC Rules.
- *Dr UG* (2017). Successful defence of dentist charged with multiple counts of mixing private and NHS dental treatment.

Commercial Law

Betsan has a thriving practice primarily in employment based commercial work, where she advises and represents clients across a broad range of disputes, including

- Restrictive covenant cases;
- Data theft and database claims;
- Issues relating to termination of Board level employment;
- High value redundancy and negligent reference claims.

Investigations & In-House work

Betsan is a skilled investigator with a breadth and depth of experience in complex grievance, disciplinary and business disputes. Recent examples of her work include:

- Conducting an investigation into complaints about gender pay disparity

- at a global philanthropic institution;
- Hands on advisory role in the conduct of an investigation into serious safeguarding concerns at a public school;
- Acting for a hedge fund in investigating multiple complaints about bonus payments;
- Advising on the conduct of an investigation into a complaint of race discrimination by a pupil at a public school;
- Acting for a university in the conduct of an investigation into alleged racist behaviour by students towards contractor staff during a protest;
- Conducting an investigation into allegations and counter-allegations involving sexual assault, bullying, harassment and negligence at a well-known insurance company;
- Conducting an investigation into allegations and counter-allegations of sexual harassment, breach of confidentiality and mismanagement at a public school;
- Conducting an investigation into an alleged breach of directors' duties at a leading cremation company.

Betsan is regularly called upon to advise in the handling of complex disciplinary proceedings. She regularly presents disciplinary cases before internal panels, with specific expertise in the health and higher education sectors.

She also regularly sits on panels in a variety of internal hearings, including regularly acting as an independent panel member for stage 3 appeals in parental complaints against independent schools.

Recent and current work

- *Town v Chief Constable of Devon and Cornwall Police* UKEAT/0194/19/LA. Successfully defended ET's decision that compulsory transfer of pregnant officer from front line duties amounted to pregnancy discrimination.
- *PF v Disclosure and Barring Service* [2020] UKUT 256 (AAC) (leading [Ben Jones](#)). Test case before Upper Tribunal (Administrative Appeals Chamber) on the scope of the UT's powers to interfere with the DBS' findings of fact in an appeal against barring.
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