

Daisy van den Berg

CALL: 2017

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Overview

Daisy accepts instructions in all of chambers' practice areas.

Before coming to the Bar, Daisy was the Judicial Assistant to the Vice-President of the Court of Appeal, Lord Justice Underhill. During this time, she worked on prominent employment cases including *Asda Stores Ltd v Brierley* [2019] EWCA Civ 44 and *Uber BV v Aslam* [2018] EWCA Civ 2748.

Daisy has also worked as a Research Assistant in the Commercial and Common Law Team at the Law Commission. She assisted with drafting a paper on the rights of investors under contract and trusts law.

Employment & Discrimination

Daisy regularly appears in multi-day final hearings, remedies and costs hearings, and judicial mediations. Daisy is experienced in drafting pleadings, advices and skeleton arguments in a range of employment matters including TUPE, trade union dismissals, unlawful inducement, whistleblowing, discrimination, flexible working, unlawful deductions from wages, and claims involving jurisdictional and applicable law disputes. Daisy has also advised on employment matters in the civil courts.

Recent work

- Successfully represented the respondent in an appeal against a Registrar's Order in the EAT.
- Successfully represented a **respondent GP Practice** in an **eight-day hearing**. An ex-Partner of the Practice brought a claim (with a pleaded value of over £150,000) for **sex and maternity/pregnancy discrimination and constructive expulsion under ss.44 and 46 Equality Act 2010**. The claim involved allegations that **Covid-19 related decisions** made by the Practice during the first lockdown (and while the claimant was on maternity leave) were discriminatory.
- Successfully represented the claimant in **four-day reasonable adjustments claim**. The claimant's employer had refused to move him to another role despite evidence that his role was exacerbating his anxiety.
- Successfully represented the respondent in a **five-day religious discrimination** hearing. The claimant, **a social worker, made allegations that she had been instructed by her employer, a Council, to wear a rainbow-coloured lanyard** at work. She claimed she had refused to do so on the basis of her faith.
- Assisted [Nadia Motraghi](#) in drafting allegations in preparation for a **disciplinary hearing under a Trust's MHPS policy**.
- Successfully represented the claimant in a **four-day disability discrimination and unfair dismissal hearing**. This claim involved **long term sickness absence during the pandemic**. At a separate remedy hearing the claimant was awarded his full Schedule of Loss. This included **compensatory losses for a period of more than one year** post-dismissal (despite the claimant not having applied for any other jobs) on the basis that he could not reasonably be expected to look for work earlier. The tribunal also awarded the **full 25% Acas uplift** on the basis of a failure by the respondent to conduct the necessary investigations to establish the claimant's medical position.
- Successfully represented a respondent NHS Trust in a **four-day sexual harassment** hearing. The claimant, a trainee, made various allegations of sexual harassment against her supervisor.

Expertise

- Clinical Negligence
- Education & Safeguarding
- Employment & Discrimination
- Personal Injury
- Professional Regulatory & Discipline

Recommendations

"They have good coverage at all levels, meaning you can always find the right barrister for the case in question." Chambers & Partners

"Old Square are my preferred set of chambers and have been throughout my career. They will always try to accommodate needs and the set are very down to earth and approachable. We have developed very good working relationships with the team over the years." The Legal 500

Key contacts

Lee Jennings

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Team Leader Assistant

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Joe Kallas

Team Leader

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- Successfully represented the claimant, a **minister of religion**, in a **three-day hearing to establish worker-status**, cross examining multiple witnesses with the assistance of a Punjabi translator.
- Established **employee-status** for a claimant employed by a specialist recruitment company involved in a **complex web of agencies**.
- Assisted [Rebecca Tuck KC](#) in preparing for a **three-week race discrimination** hearing. This included **interviewing fifteen witnesses** and drafting their witness statements.

Personal Injury & Civil

Daisy has a busy court practice encompassing trials and interim hearings. Daisy is regularly instructed to draft pleadings and advices in fast-track and multi-track cases involving road traffic accidents, employers' liability, public liability, occupiers' liability, the Package Travel Regulations, and breach of contract.

Daisy has represented parties at inquests and advised on fatal accident claims. She has experience in advising in cases involving young people, vulnerable individuals, and claimants who lack capacity.

During pupillage, under the supervision of [David Cunningham](#), Daisy attended expert conferences, CCMC hearings, application hearings, mediations and joint settlement meetings. She gained experience in drafting pleadings and schedules of loss in personal injury, clinical negligence, professional negligence, occupiers' liability and employers' liability. She has also drafted advices on insurance law and product liability.

Professional Discipline & Regulator

Daisy welcomes instructions at all stages of fitness to practise proceedings. Daisy has experience in representing professionals at interim order hearings. In particular, Daisy has succeeded in ensuring that no interim order was imposed in cases where there were ongoing police and/or internal investigations into serious allegations of sexual assault.

Daisy recently assisted [Nadia Motraghi](#) in preparing for a disciplinary hearing under a Trust's MHPS policy.

Data Protection

Daisy has advised on liability and quantum in claims involving GDPR breaches, misuse of private information and breach of confidence. She has also advised employers on dealing with data subject access requests.

Further information

Appointments and Memberships

- ELA
- ARDL
- PIBA
- Daisy accepts instructions through the Attorney General's Junior Junior Scheme.

Academics

- LLM in Public International Law (Leiden University, 2018)
- BPTC, Very Competent (BPP University London, 2017)
- GDL, Distinction, 2nd in year (Oxford Brookes University, 2016)
- BA Hons in English Literature and Politics (The University of York, 2013)

Awards

- Winner of a Kalshoven Advocacy Prize and finalist in the Kalshoven International Humanitarian Law Moot (Leiden University, 2018)
- Runner-up in the national round of Telders International Law Moot Court Competition (Inner Temple, 2017)
- 2nd place in the Inner Temple Lawson Moot (2017)
- BPTC Exhibition Award and Duke of Edinburgh Entrance Award (Inner Temple, 2016)
- Academic BPTC Scholarship (BPP University, 2016)
- The School of Law Diploma Prize (Oxford Brookes University, 2016)

Languages

- Dutch

Voluntary work

While on the BPTC, Daisy was a Mentor for the Gray's Inn programme Vocalise, teaching prisoners to debate.

During the GDL, Daisy volunteered as a qualified Adviser at the Citizens Advice Bureau in Oxford.

Articles:

- *Flexible Working - Topic Overview* (Westlaw, 27 September 2022)
- *Who to sue? Non-delegable duties of care to patients and vicarious liability for self-employed dentists (Hughes v Rattan)* (Lexis PSL, 30 July 2021)

Recent and current work

- *Flexible Working - Topic Overview* (Westlaw, 27 September 2022)
- *Who to sue? Non-delegable duties of care to patients and vicarious liability for self-employed dentists (Hughes v Rattan)* (Lexis PSL, 30 July 2021)