

Laith Dilaimi

CALL: 2011

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Overview

Laith specialises in employment and discrimination, education law, professional discipline, and public law.

The legal directories describe Laith as:

- **“an incredibly impressive advocate”**(*Chambers & Partners*)
- **“an excellent barrister with very strong advocacy skills”**(*Chambers & Partners*)
- **“his interpersonal and client-handling skills are first-class”**(*Chambers & Partners*)
- **“utterly unflappable”**(*The Legal 500*)
- **“very friendly [and] approachable”** (*Chambers & Partners*)
- **“he has a very assured advocacy style”** (*The Legal 500*)
- **“a true professional and a credit to the Bar”**(*Chambers & Partners*).

In his employment law practice, Laith covers the entire spectrum of employment disputes, acting for employers and employees. Laith regularly acts in multi-week hearings in the employment tribunals. In the High Court, Laith often deals with applications for injunctive relief. He has particular expertise in cases involving the healthcare sector and the education sector, as well as the public sector more generally. In the healthcare sector, he has considerable experience representing NHS trusts. In the education sector, he has experience representing schools, universities, teachers, school leaders and academics.

In his discrimination law practice, Laith appears for claimants and respondents/defendants in all forums: he has experience of cases involving discrimination in employment, discrimination in education (both schools and universities), discrimination by service providers and associations, and housing discrimination. Laith conducts cases in the County Court, the Employment Tribunals and the First-Tier Tribunal (Special Educational Needs and Disability), as well as the appellate courts and tribunals. He is on the C Panel of the Equality and Human Rights Commission (EHRC) Panel of Counsel.

In his education law practice, Laith accepts instructions across all areas of education law. He represents all types of clients, including local authorities, schools, parents, and university students. He regularly acts in SEN appeals in the First-Tier Tribunal (Special Educational Needs and Disability), often dealing with Section B, Section F and Section I appeals. He also appears in disability discrimination cases in the First-Tier Tribunal, representing both parents and schools, and appears in discrimination cases in the County Court involving higher education institutions. Laith conducts appeals in the Upper Tribunal (Administrative Appeals Chamber) and advises on judicial review proceedings in the High Court. Laith sits as an IAP/IRP chair for school admission appeals and school exclusion reviews, so he is able to bring this experience to his work in the area of school admissions and school exclusions.

In his professional discipline and regulatory law practice, Laith represents professionals in disciplinary proceedings before their regulators. In particular, Laith represents healthcare professionals in front of their regulators and represents teachers (including school leaders) in front of the Teaching Regulation Agency. He has experience of misconduct cases, lack of competence/deficient professional performance cases, conviction cases and health cases. Laith accepts instructions for multi-day and multi-week proceedings.

In his public law practice, Laith has a focus on judicial reviews in the fields of education and community care. He has particular experience in cases relating to local authorities' duties under the Children and Families Act 2014 and Care Act

Expertise

- Administrative & Public Law
- Commercial Law
- Education & Safeguarding
- Employment & Discrimination
- Investigations
- Professional Regulatory & Discipline

Recommendations

"Very approachable and extremely clever, reliable, knowledgeable and pleadings in person and writing are excellent." "Professional and friendly, easy to negotiate with, and with a knowledge of the law beyond his call." *The Legal 500 2022*

"An effective and measured advocate. His legal knowledge is excellent." *Chambers and Partners 2022*

Key contacts

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2014 and associated regulations. He accepts instructions from claimants and defendants.

Laith is also a trained and accredited mediator and enjoys conducting mediations.

Before joining Chambers, Laith read Classics at Magdalen College, Oxford, where he took a Double First, won the Fotheringham Prize for Ancient History and was made a Demy ('half fellow') of Magdalen College. Laith completed the Graduate Diploma in Law at City Law School, gaining a Distinction. He was graded Outstanding for his Bar Professional Training Course at BPP. He was awarded three scholarships by Gray's Inn.

Appointments & Other

- Leading junior, *Chambers & Partners* and *The Legal 500*
- Equality and Human Rights Commission (EHRC) Panel of Counsel
- Lay chair of investigatory panels and disciplinary panels, Institute of Physics and Engineering in Medicine (IPEM)
- Panel chair, Independent Appeal Panels for London borough councils
- Panel chair, Independent Review Panels for London borough councils
- Reviewer Member, Advocate (formerly the Bar Pro Bono Unit)
- Mediator, accredited by ADR Group
- Direct access registered

Professional Memberships

- Administrative Law Bar Association (ALBA)
- Association of Regulatory and Disciplinary Lawyers (ARDL)
- Discrimination Law Association (DLA)
- Employment Law Association (ELA)
- Employment Law Bar Association (ELBA)
- Education Law Association (ELAS)
- Industrial Law Society (ILS)

Employment & Discrimination

Laith has an employment practice which covers all aspects of the Employment Tribunal and Employment Appeal Tribunal jurisdiction as well as employment and discrimination claims in the High Court and County Courts. Laith mainly represents employers, but he also acts for and advises employees and trade unions.

Laith is experienced in dealing with discrimination cases, whistleblowing cases and TUPE issues, among other areas. He is also experienced in dealing with unfair dismissal claims in the employment tribunals and wrongful dismissal claims in the High Court, County Courts and Employment Tribunals.

Laith has considerable experience of employment law in the healthcare sector, especially representing NHS trusts: in particular, he has experience of aspects of employment litigation unique to NHS trusts, such as Treasury/NHS Improvement approval and doctors' banding disputes. He is familiar with doctors' disciplinary cases, and represents NHS trusts in MHPS hearings and in High Court injunctive relief proceedings.

Laith frequently represents clients in the education sector. Laith acts for and/or advises educational institutions (including universities, independent schools and academy trusts) and educational professionals (including teachers, school leaders and academics). Laith's expertise in the field of education law often proves useful when dealing with employment cases in the education sector: his knowledge of special educational needs provision, safeguarding procedures, examination administration, professional regulation of teachers, and internal disciplinary proceedings in educational institutions has been of help in various cases.

Also, Laith is often instructed by police forces, local authorities and other employers in the public sector, the financial services sector and the retail, consumer brands and leisure sector, among other sectors. Laith has represented the Metropolitan Police, London borough councils, Barclays Bank, Tesco, Asda, Harrods and Hilton among others.

Examples of Laith's work include:

- Successfully defended an NHS trust in a High Court trial where an employee consultant had claimed breach of contract and was seeking injunctive relief (*Al-Obaidi v Frimley Health NHS Foundation Trust* [2019] I.R.L.R. 1065; [2019] EWHC 2357 (QB), led by [Mark Sutton QC](#)).
- Successfully represented an NHS trust in a five-day race discrimination, harassment and victimisation claim brought against it by a current employee;
- Successfully represented a claimant in claims involving TUPE and

redundancy brought against two respondents, one of which was insolvent;

- Successfully resisted a specific disclosure application in the High Court. Laith acted on behalf of two employers resisting six-figure claims of unlawful deductions from wages brought by several former employees. Laith also amended the defences of the employers (acting as junior to [Melanie Tether](#));
- Successfully acted on behalf of the Secretary of State for Health at the EAT in resistance to an appeal against an order striking out the Claimant's claim following payment of a deposit order out of time;
- Successfully defended an NHS trust against claims of whistleblowing dismissal and detriment. Laith successfully applied for costs to be awarded to the Respondent by reason of the Claimant's unreasonable conduct.

Discrimination outside the employment context

Laith is often instructed in discrimination cases outside the employment context. Laith appears in education discrimination cases involving universities and schools in the County Court, and acts in education discrimination cases involving schools in the First-Tier Tribunal and in the Upper Tribunal. Laith acts in discrimination cases involving service providers and associations in the County Court. Laith has also advised on judicial reviews involving discrimination arguments, including arguments relating to the Public Sector Equality Duty. Laith has particular expertise in disability discrimination, and gives talks on this topic.

Examples of Laith's work include:

- Successfully represented a chain of independent schools in a four-day disability discrimination claim brought against them in the First-Tier Tribunal (Special Educational Needs and Disability) by a former pupil, and successfully resisted both the claimant's appeal against the judgment at the Upper Tribunal and the claimant's application to the Court of Appeal for permission to appeal (*ND v the Responsible Body for Cognita Schools (Upper Tribunal: HS/3340/2017; Court of Appeal: C3/2019/1637)*);
- Successfully defended a service provider and association against a disability discrimination claim and religion or belief discrimination claim in the County Court. The religion or belief discrimination claim related to the Defendant Youth Hostel Association's alleged failure to provide kosher food to guests;
- Obtained court approval of a settlement for a school pupil with afro hair in a race discrimination claim against her secondary school in the County Court. The case received nationwide press attention;
- Successfully defended a disabled PhD student from strike out and/or summary judgment of her County Court claim for disability discrimination and breach of contract against her university. Laith was unled against a silk. The case later settled;
- Represented a disabled medical student who had been deregistered by his university. Laith advised the student in County Court proceedings (disability discrimination and breach of contract) and represented the student in internal appeal proceedings against the university. A favourable settlement was achieved; the student returned to his course and has now qualified as a doctor;
- Acted for a young person with an EHC Plan in contemplated judicial review proceedings against his local authority for failure to provide transport to and from the educational placement named in his EHC Plan. The case involved arguments under the Equality Act 2010, including arguments relating to the Public Sector Equality Duty. On receipt of the letter before action, the local authority agreed to provide transport.

Education

Laith has a wide-ranging education law practice: he accepts instructions across all areas of education law. His practice covers (in no particular order) SEN appeals, disability discrimination, school admissions, school exclusions, judicial reviews, safeguarding, examination malpractice, school funding, claims against universities, and teacher misconduct, among other areas.

SEN appeals

Laith regularly acts in SEN appeals in the First-Tier Tribunal (Special Educational Needs and Disability). He frequently deals with Section B, Section F and Section I appeals, often involving requests for residential placements with a waking day curriculum. He is used to cross-examining expert witnesses and to getting the best evidence from his clients' expert witnesses. He represents local authorities and parents.

Laith has particular experience of representing children and young people with Autistic Spectrum Disorder, and is familiar with approaches for getting the best evidence from people with Autistic Spectrum Disorder.

Laith advises on applications for permission to appeal and Upper Tribunal appeals where necessary to do so.

Discrimination cases involving schools

Laith appears in disability discrimination cases in the First-Tier Tribunal, representing both parents and schools. Laith also appears in the Upper Tribunal in such cases.

Laith has considerable experience of disability discrimination cases and has a keen interest in disability discrimination. He has written a handbook on disability discrimination law for the National Deaf Children's Society. He has also given talks on disability discrimination, including to the Education Law Association.

Examples of Laith's disability discrimination work in the First-Tier Tribunal include:

- Successfully represented a chain of independent schools in a four-day disability discrimination claim brought against them by a former pupil. The claimant brought claims of indirect discrimination and failure to make reasonable adjustments in relation to teaching methods, among other things.
- Represented a child with autism and physical disabilities in a disability discrimination claim against his former school. The claims involved the school's failure to include the child in school trips, among other things. Laith reached a settlement with the school on the day of the hearing in respect of most parts of the claims.

Laith also appears in discrimination cases involving schools in the County Court. He recently obtained court approval of a settlement for a school pupil with afro hair who had brought a race discrimination claim against her secondary school in the County Court; the case received nationwide press attention: see article [here](#).

University students

In cases involving further and higher education institutions, Laith has:

- appeared in front of County Courts in claims against universities;
- drafted and amended County Court pleadings in claims against universities;
- advised on settlement negotiations in claims against universities;
- drafted submissions to the Office of the Independent Adjudicator;
- advised on judicial review proceedings;
- advised on the meaning of university regulations;
- drafted submissions to university appeal panels;
- assisted in fitness to practise cases.

Examples of Laith's work in this area include:

- Represented a disabled medical student who had been deregistered by his university. Laith advised the student in County Court proceedings (disability discrimination and breach of contract) and represented the student in internal appeal proceedings against the university. A favourable settlement was achieved; the student returned to his course and has now qualified as a doctor;
- Represented a disabled PhD student who was bringing County Court proceedings (disability discrimination and breach of contract) against her university. Laith successfully defended his client from the university's strike out/summary judgment application. The case later settled;
- Achieved the reinstatement of a student nurse who failed to disclose a conviction to his university and who was then deregistered by his university following fitness to practise proceedings. Laith drafted the appeal documentation for the student nurse as a matter of urgency. The university upheld the appeal.

Judicial review

Laith often advises on judicial review in education matters.

Laith acts for children and young people in judicial reviews about local authorities' duties under the Children and Families Act 2014 and associated regulations, the Care Act 2014 and associated regulations, and the Equality Act 2010. Laith has experience of judicial reviews involving local authorities' transport duties.

Laith has advised on judicial reviews against Independent Review Panels which have upheld a governing board's decision to exclude a pupil and against Independent Appeal Panels which have upheld a decision not to admit a child as a pupil.

School admissions and school exclusions

Laith sits as a panel chair for Independent Review Panels and Independent

Appeal Panels in school exclusion cases and school admission cases respectively for the London Borough of Hammersmith and Fulham and the Royal Borough of Kensington and Chelsea, so he is able to bring this experience to his work in the area of school admissions and school exclusions.

He also advises on school exclusion reviews, drafts submissions for IRPs, appears in front of IRPs, and advises on judicial review of IRP decisions.

An example of Laith's work in this area: Laith represented the mother of a 6-year-old boy with SEN who had been permanently excluded from his mainstream primary school. The school retracted the permanent exclusion after receiving Laith's written submissions on behalf of the mother.

Talks and articles

Laith enjoys giving talks and training on education law. He gave a talk on examinations at the Education Law Association (ELAS) annual conference in 2018 and he gave a talk on parents and students as consumers at the ELAS annual conference in 2019.

Laith also writes on education law issues: he has written a handbook on disability discrimination law for the National Deaf Children's Society, and he has written an essay on the place of mediation in education law.

Professional Regulatory & Discipline

Laith has a broad-ranging professional discipline and regulatory law practice.

Healthcare professionals

Laith provides representation to healthcare professionals in disciplinary proceedings before healthcare regulators. He has experience of misconduct cases, lack of competence/deficient professional performance cases, conviction cases and health cases. Laith acts in multi-week proceedings. Laith has in the past acted as a presenting officer for a healthcare regulator, and he makes use of this experience to help defend his clients.

Also, in relation to doctors' disciplinary matters, Laith has knowledge of MHPS, has acted in internal disciplinary proceedings under MHPS, and has acted in injunction applications before the High Court in relation to doctors' disciplinary matters.

Laith recently represented a doctor in a permission hearing in the Court of Appeal. The doctor, who was a long-serving registrar, was appealing the GMC's decision to refuse his application to be added to the Specialist Register. Arden LJ (as she then was) refused permission to appeal, but accepted one of Laith's arguments.

Teachers (including school leaders)

Laith represents teachers (including school leaders) in proceedings in front of the Teaching Regulation Agency. He also represents teachers in internal disciplinary proceedings, and advises teachers facing investigation by exam boards. He has particular experience of acting for teachers accused of examination malpractice and teachers who are in a personal relationship with someone accused or convicted of child pornography offences.

Laith has experience of advising teachers on appeals to the High Court against a prohibition order. Laith is familiar with High Court procedure for such appeals.

Laith brings to his TRA work his experience as an advocate representing teachers in employment tribunal proceedings and healthcare professionals in front of their regulators. Laith has experience of doing multi-week hearings in front of regulators.

Police officers

Laith has experience of disciplinary matters involving police officers: among other things, he has assisted in advising on a case involving the Police Regulations 2003.

Administrative & Public Law

Laith advises on and acts in judicial reviews on behalf of both claimants and respondents. He has a particular interest in judicial reviews in the fields of education and community care, and he has experience in cases relating to local authorities' duties under the Children and Families Act 2014 and Care Act 2014 and associated regulations. He also has particular expertise in equality issues, including arguments relating to the Public Sector Equality Duty.

Laith's recent cases have included:

- *R (Calle and ors) v The Prime Minister, The Lord Chancellor and Her Majesty's Attorney General for England and Wales (CO/3907/2019)*: Laith, led by **Ben Collins QC** and **Eleena Misra**, represented the claimants in this application for judicial review relating to the prime minister's public statements that the United Kingdom would leave the European Union no later than 31 October 2019;
- Instructed by a teaching union on a judicial review about school funding, led by **Ben Cooper QC**;
- Acted for a young person with an EHC Plan in contemplated judicial review proceedings against his local authority for failure to provide transport to and from the educational placement named in his EHC Plan. The case involved arguments under the Equality Act 2010, including arguments relating to the Public Sector Equality Duty. On receipt of the letter before action, the local authority agreed to provide transport;
- Produced a Statement of Facts and Grounds on behalf of a young person with SEN whose local authority was failing to provide him with all of the special educational provision set out in his EHCP. Upon receiving the grounds, the local authority immediately settled the case and compensated the young person;
- Advised a child on a judicial review against an Independent Review Panel which upheld a governing body's decision to exclude them from school.

Commercial Law

Laith's commercial practice intersects with his employment work. He has experience of contractual disputes in the High Court and County Court. His cases include:

- A claim for a debt owed to an employment agency by an employer which had made use of the agency's services;
- A claim which revolved around whether the claimant had contracted to do work for a business (which was insolvent by the time of the proceedings) or for the owner of the business. Issues of novation were involved;
- Advising and representing a multinational company in relation to a bonus claim by an employee;
- Advising an employee on a seven-figure remuneration package in relation to restrictive covenants.

HR Professional Support

Laith has hands-on experience of supporting HR in employment matters.

He has experience of:

- Providing practical advice on handling grievance and disciplinary procedures;
- Assisting with investigations;
- Presenting employers' cases at internal disciplinary hearings;
- Sitting on interview panels;
- Sitting as a disciplinary panel chair;
- Sitting as an appeal decision maker; and
- Mediating disputes.

Laith is able to accept public access instructions.

He is also an accredited mediator.

Mediation

Laith trained as a mediator via ADR Group in 2011.

He specialises in conducting mediations where there is an ongoing relationship between the parties. He has particular experience of conducting mediations where one party is a public body.

His experience as a lay chair for appeal panels and disciplinary panels can prove helpful in the mediations he conducts.

Laith generally adopts a mix of the facilitative and evaluative approaches towards mediation, but he is happy to adapt his style where appropriate and/or where requested by both parties.

He is happy to conduct mediations where the parties are represented by counsel or other representatives, or where they are unrepresented.

Notable Cases

- *Al-Obaidi v Frimley Health NHS Foundation Trust* [2019] I.R.L.R. 1065; [2019] EWHC 2357 (QB): led by **Mark Sutton QC**, successfully defended an NHS trust against a claim for breach of contract brought by a consultant cardiologist
- *M v Hertfordshire County Council* [2019] E.L.R 238; [2019] C. L.Y. 855; [2019] UKUT 37 (AAC): successful Upper Tribunal appeal in this special education needs (SEN) case involving Education Otherwise Than At School (EOTAS)
- *R (Calle and ors) v The Prime Minister, The Lord Chancellor and Her Majesty's Attorney General for England and Wales* (CO/3907/2019): led by **Ben Collins QC** and **Eleena Misra**, represented the claimants in this application for judicial review relating to the prime minister's public statements that the United Kingdom would leave the European Union no later than 31 October 2019
- *ND v the Responsible Body for Cognita Schools* (Upper Tribunal: HS/3340/2017; Court of Appeal: C3/2019/1637): successfully represented an international chain of independent schools in this disability discrimination case brought by a former pupil
- *Shalaby v General Medical Council* [2017] EWCA Civ 1693: represented a doctor appealing the GMC's decision to refuse his application to be added to the Specialist Register
- *Turley and ors v Felixstowe Dock and Railway Company*: Laith is representing around 800 employees in this multiple claim for holiday pay and unauthorised deduction from wages.