

Spencer Keen

CALL: 1998

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Overview

Spencer is recognised by both *Chambers & Partners UK* and *The Legal 500* as a leading barrister in discrimination law, with particular expertise in disability discrimination. Both directories describe his knowledge in this area as “second to none”.

He has acted in numerous high-profile and complex cases, advising clients ranging from senior judges and part-time tribunal members to City law firms, chief executives, international organisations and companies. His work spans the full range of employment law, including claims involving unfair dismissal, discrimination, whistleblowing, redundancy, breach of contract, TUPE, working time, and complex jurisdictional disputes, as well as partnership and internal disciplinary matters.

Spencer is also frequently consulted on discrimination issues outside the employment sphere, including disputes relating to service provision.

He is a co-author of *Disability Discrimination in Employment*, published by Oxford University Press.

Discrimination, Employment & Human Rights Law

Spencer is recognised by both *Chambers & Partners UK* and *The Legal 500* as a leading discrimination barrister who has expertise in disability discrimination. Both directories list his expertise in disability discrimination as “second to none”.

He has appeared in several leading discrimination disputes and is sought after for his ability to deal with complex cases and high-profile clients. He has advised a large group of judges on their pension rights, city law firms in respect of internal partnership and disciplinary matters, a part-time judge in an unfair dismissal claim and several chief executives in their personal capacities as well as respondent companies of all sizes.

Because of his expertise, Spencer’s advice is often sought in areas outside employment, such as discrimination in the provision of services.

In 2009, Oxford University Press published Spencer’s book, *Disability Discrimination in Employment*, and he continues to contribute articles to the *New Law Journal*.

Find out more about Spencer’s [employment cases](#).

EU Law, Jurisdiction & Worker status

Spencer has significant experience in areas formerly governed by EU law and has dealt with EU law issues at all levels of the UK court system, including the Supreme Court. He continues to advise on the ongoing relevance of EU-derived rights, particularly in cross-border and jurisdictional disputes, and has represented EU missions and clients based overseas.

He also has substantial experience in litigation concerning the jurisdiction of the Tribunal and the scope of the Equality Act 2010. This includes cases addressing whether volunteers fall within the scope of the former EU Framework Directive, the interpretation of “qualifications body,” the boundaries of associative

Expertise

- Commercial Law
- Education & Safeguarding
- Employment & Discrimination
- Finance
- Health
- Insurance
- Investigations
- Judicial Review
- Media and Entertainment
- Professional Regulatory & Discipline
- Public Law
- Retail and Consumer
- Travel

Recommendations

"Spencer Keen's advocacy is very effective, coming across as being eminently reasonable and persuasive." *Chambers & Partners 2026*

"Spencer Keen has been extremely user-friendly, insightful, analytical and measured in his advice." *Chambers & Partners 2026*

"Spencer has innovative arguments. He has a direct and confident approach, and profound knowledge of discrimination law." *Legal 500 2025*

"Spencer’s knowledge of the Equality Act is invaluable." *Chambers & Partners 2025*

Key contacts

Samantha Jones (Maternity leave)

Deputy Senior Clerk

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Louis Lockwood

Senior Team Leader

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Jordan Bater

Team Leader Assistant

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discrimination and the meaning of “woman” under the Equality Act 2010.

Email: bater@oldsquare.co.uk

He has litigated the meaning of “worker” under both domestic and EU definitions in disputes involving judges, academics, foster carers, partners, and other atypical working arrangements.

Contract Disputes

As a commercial barrister, Spencer appears regularly in general contract and commercial disputes in the High Court and County Court.

For example, he has dealt with disputes:

- Concerning the supply of organic foodstuffs
- Between shareholders
- Over the liability of an information society service
- About the delivery of satellite TV services
- Over search engine optimisation (SEO) services

Employee Competition & Injunctions

Spencer is frequently instructed in both interim and final injunction proceedings, often at very short notice. A significant part of his practice involves employee competition disputes, where he is called upon to enforce or challenge contractual restraints such as:

- The implied duty of fidelity
- Non-competition clauses
- Non-solicitation and non-dealing covenants
- Non-poaching provisions
- Indirect restraints, including financial incentives not to compete

He is also experienced in a wide range of other injunction matters. He has acted for a Member of Parliament seeking relief under the Representation of the People Act ahead of a general election, and for a client attempting to prevent the broadcast of a television programme in which they appeared and in online harassment claims under the Protection from Harassment Act.

Recent and current work

- [**For Women Scotland Ltd v The Scottish Ministers \[2025\] UKSC 16**](#) -This case concerned the definition of “woman” in the Equality Act 2010. The UK Supreme Court held that the terms “woman”, “man” and “sex” in the Equality Act 2010 refer to biological sex, not gender acquired through a Gender Recognition Certificate (Led by Aidan O’Neil KC).
- [**Thompson v Devon and Somerset Fire and Rescue Service \[2025\] EAT 59**](#) - The EAT considered whether the tribunal had properly exercised discretion when considering an amendment application.
- [**Higgs v Farmor’s School \[2025\] EWCA Civ 109**](#) - A teacher claimed discrimination based on belief after she was disciplined for social media posts. The Court of Appeal clarified the balance between freedom of belief and legitimate employer concerns about inclusion. (Led by Ben Cooper KC)
- [**The British Council v Sellers \[2025\] EAT 1**](#) - The EAT considered whether the tribunal had erred when ordering re-engagement following a finding of unfair dismissal.
- [**Fernandes v Department for Work and Pensions \[2023\] EAT 114**](#) - The EAT considered when time starts to run in reasonable adjustments cases.

Notable Cases

Supreme Court Cases

- [**For Women Scotland Ltd v The Scottish Ministers \[2024\] UKSC 5 \(23 April 2024\)**](#)

Concerned the definition of “woman” in the Gender Representation on Public Boards (Scotland) Act 2018. The Court held that under the Equality Act 2010, “sex” means biological sex, and that Holyrood acted outside its devolved competence in redefining the term.

- **UNISON, R (on the application of) v Lord Chancellor [2017] UKSC 51 (26 July 2017)**

The landmark decision striking down employment tribunal fees. The Court ruled that the fees order was unlawful because it restricted access to justice and was ultra vires.

- **X v Mid Sussex Citizens Advice Bureau & Anor [2012] UKSC 59 (12 December 2012)**

A seminal case addressing the breadth of “occupation” under the equal treatment directive and whether volunteers are protected as “workers” under equality law. The Court found that EU directives did not extend protection to volunteers.

Other notable cases

- [Sharma v University Hospitals Derby and Burton NHS Foundation Trust \[2025\] EWHC 2263](#)
- [Meaker v Cyxtera Technology UK Ltd \[2023\] EAT 17 \(21 February 2023\)](#)
- [Imperial College Healthcare NHS Trust & Anor v Matar \(Age discrimination – less favourable treatment because of age – section 13 Equality Act 2010 – remedy – NHS Appointment of Consultants Regulations 1996\) \[2023\] EAT 1 \(24 January 2023\)](#)
- [Plymouth City Council v ABC \[2022\] EWHC 2426 \(Ch\) \(30 September 2022\)](#)
- [Plymouth City Council v ABC \[2022\] EWHC 1670 \(Ch\) \(06 July 2022\)](#)
- [Warburton v Northamptonshire Police \(Whistleblowing, Protected Disclosures & Victimisation\) \[2022\] EAT 42 \(14 March 2022\)](#)
- [Bennett v Mitac Europe Ltd \(DISABILITY DISCRIMINATION\) \[2021\] UKEAT 2020-000349 \(20 October 2021\)](#)
- [Cumming v British Airways Plc \[2021\] UKEAT 0337_19_2201 \(22 January 2021\)](#)
- [University College London v Brown \(formal oral warning, “sole or main purpose”\) \[2020\] UKEAT 0084_19_1712 \(17 December 2020\)](#)
- [ABC v Shulmans LLP \[2019\] EWHC 2458 \(Comm\) \(25 September 2019\)](#)
- [Barrasso v New Look Retailers Ltd \[2019\] UKEAT 0079_19_2208 \(22 August 2019\)](#)
- [Foreign and Commonwealth Office & Ors v Bamieh \[2019\] EWCA Civ 803 \(09 May 2019\)](#)
- [Uwhubetine & Anor v NHS Commission Board England & Ors \(PRATICE AND PROCEDURE – Striking-out/dismissal\) \(Rev. 1\) \[2019\] UKEAT 0264_18_2304 \(23 April 2019\)](#)
- [Bamieh v Eulex \(Kosovo\) & Ors \[2018\] UKEAT 0268_16_0119 \(19 January 2018\)](#)
- [UNISON, R \(on the application of\) v Lord Chancellor \[2017\] UKSC 51 \(26 July 2017\)](#)
- [Decorus Ltd v Penfold & Anor \[2016\] EWHC 1421 \(QB\) \(20 June 2016\)](#)
- [Cousins v The Forum@greenwich \(Sex Discrimination: Direct\) \[2016\] UKEAT 0183_15_0102 \(01 February 2016\)](#)
- [Boothe v The Governing Body Of Toynbee School \(Practice and Procedure : New evidence on appeal\) \[2015\] UKEAT 0135_15_2508 \(25 August 2015\)](#)
- [Unison \(No. 2\), R \(on the application of\) v The Lord Chancellor \[2014\] EWHC 4198 \(Admin\) \(17 December 2014\)](#)
- [Re-Use Collections Ltd v Sendall & Anor \[2014\] EWHC 3852 \(QB\) \(19 November 2014\)](#)
- [Taiwo v Department for Education \(Disability Discrimination : Reasonable adjustments\) \[2013\] UKEAT 1802_11_2905 \(29 May 2013\)](#)
- [X v Mid Sussex Citizens Advice Bureau & Anor \[2012\] UKSC 59 \(12 December 2012\)](#)
- [King v Health Professions Council \(Race Discrimination : Discrimination by other bodies\) \[2012\] UKEAT 0169_11_1307 \(13 July 2012\)](#)
- [X v Mid Sussex Citizens Advice Bureau & Ors \[2011\] EWCA Civ 28 \(26 January 2011\)](#)
- [Lisboa v Realpubs Ltd & Ors \(Sexual Orientation Discrimination or Transsexualism\) \[2011\] UKEAT 0224_10_1101 \(11 January 2011\)](#)
- [Power v. Greater Manchester Police Authority \[2010\] UKEAT 0087_10_0810 \(8 October 2010\)](#)
- [Gill v Humanware Europe Plc \[2010\] EWCA Civ 799 \(03 February 2010\)](#)
- [X v Mid Sussex Citizens Advice Bureau & Anor \[2009\] UKEAT 0220_08_3010 \(30 October 2009\)](#)
- [Raggett v The Society of Jesus Trust 1929 for Roman Catholic Purposes & Anor \[2009\] EWHC 909 \(QB\) \(05 May 2009\)](#)
- [Gill v. Humanware Europe Ltd \[2009\] UKEAT 0312_08_2702 \(27 February 2009\)](#)
- [P J Drain v. Penguin Foods UK Limited \[2005\] UKEAT 0329_04_1803 \(18 March 2005\)](#)
- [The Queen on the Application of UNISON v. The Lord Chancellor and EHRC \(Intervener\)](#)
- [Hamilton College London Ltd and another v. Ahmad and another](#)

Professional Recommendations



"Spencer has innovative arguments. He has a direct and confident approach, and profound knowledge of discrimination law."

The Legal 500 2025

"Spencer is an incredibly knowledgeable employment lawyer with charming manner allied to a first-rate brain."

The Legal 500 2025

"Spencer's knowledge of the Equality Act is invaluable."

Chambers & Partners 2025

"He is good at getting to the heart of the matter and will cut through to what is relevant. He produces comprehensive and strategic advice that is accessible and understandable to business."

Chambers & Partners 2024

"Spencer is always helpful and keen to assist. His availability is good and he is very knowledgeable. He is excellent when dealing with urgent work."

Chambers & Partners 2024

"Spencer is a real talent who always works hard and produces great results."

Chambers & Partners 2024

"A very methodical and responsive advocate, who is very good at putting clients at ease."

The Legal 500 2024

"He is a tenacious and fantastically well-prepared barrister."

Chambers & Partners 2023

"He is outstanding on complex disability discrimination matters."

Chambers & Partners 2023

"Spencer's submissions are superb and he is extremely responsive and commercial. He goes above and beyond to ensure that the client is getting the best advice."

Chambers & Partners 2023

"Spencer has an encyclopaedic knowledge of disability discrimination law. He is extremely personable and a persuasive advocate."

The Legal 500 2023

"Spencer's advice is clear and concise. He is also very personable with clients and witnesses."

The Legal 500 2023

"Spencer is a thoughtful and measured advocate whose intellect is obvious. His knowledge of disability discrimination law is superb." "A great thinker and high-quality appellate advocate. Highly authoritative in all things to do with disability discrimination."

The Legal 500 2022

"He offers a good exploration of legal issues on a case." "He is well prepared, he is good with clients and he gets good outcomes."

Chambers & Partners 2022

"He's incredibly detailed and very focused; nothing gets past him and he's technically very, very good." "He has a huge wealth of knowledge and is always willing to help find solutions."

Chambers & Partners 2021

"A strategic thinker who is able to identify the key issues at the heart of cases and who is forensic in his analysis." "A measured yet persuasive presence in court with experience at every tier of court."

The Legal 500 2021

"A real thinker, who is building a superlative practice and whose work is at the cutting edge of the law." "A very good cross-examiner who gets to the heart of things and makes issues simple for clients."

Chambers & Partners 2020

"A preferred counsel for disability discrimination cases with an ability to advance complex argument in a persuasive form."

The Legal 500 2020

"He is an excellent advocate and a formidable opponent."

The Legal 500 2017