

Stuart Brittenden KC

SILK: 2024 | CALL: 1999

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Overview

Stuart is an employment law specialist with extensive experience in the full spectrum of individual and collective employment law, appearing at first instance and at appellate levels. Stuart was called to the Bar in 1999 and took silk in 2024.

He is ranked by both *Chambers & Partners* and *The Legal 500*. Stuart has been commended by the former for being "... able to analyse complex matters in an extremely practical and commercial way" and is someone who "thinks ten paces ahead and is very good on his feet."

His practice areas include Employment & Discrimination, Industrial Relations, Professional Discipline, and Judicial Review.

He is regularly instructed in cases of strategic importance, including three recent appearances in the Supreme Court: *Kostal UK Ltd v Dunkley* [2022] ICR 434, [2022] IRLR 66 SC (inducements relating to collective bargaining – s. 145B TULRCA 1992); *Secretary of State for Business & Trade v Mercer* [2024] ICR 814, [2024] IRLR 599 (detriment short of dismissal for participating in industrial action/right to strike under Article 11 ECHR, declaration of incompatibility under s. 4 HRA 1998); and also in the "fire and re-hire" challenge in *Tesco Stores Ltd v USDAW & Ors* [2024] UKSC 28 where the Supreme Court granted a permanent injunction to restrain the employer from dismissing workers to remove a contractual entitlement to retained pay.

Prior to joining Old Square Chambers, Stuart attained a Masters in Labour Law (Distinction) at the London School of Economics (LSE), and worked as an Employment Law Advisor to the British Dental Association (BDA). He has lectured in Labour Law at the LSE.

Stuart is instructed from a variety of sources, including but not limited to the banking/financial, health, higher education sector, hospitality, legal, and local authorities, as well as undertaking work of strategic importance for and on behalf of a number of trade unions.

Positions of Responsibility:

- Vice Chair of Old Square Chambers Employment Law Special Interest Group
- Employment Lawyers Association (ELA): Director and Management Committee Member (2012-14)
- Bar Standards Board Qualifications Committee (2005 -2012), latterly Chairman of Transferring Qualified Foreign Lawyers Panel
- International Paralympic Committee (IPC) ad hoc disciplinary panel member, Anti-Doping Rule Violations (ADRV)

Professional Memberships:

- Employment Law Bar Association (ELBA)
- Employment Lawyers Association (ELA)
- Institute of Employment Rights (IER)
- Industrial Law Society (ILS)

Employment & Discrimination

Stuart's principal areas of practice include: collective redundancies; discrimination (all categories of protected characteristics under the Equality Act

Expertise

- Administrative & Public Law
- Commercial Law
- Education & Safeguarding
- Employment & Discrimination
- Finance
- Health
- HR Professional Support
- Industrial Relations
- Insurance
- Investigations
- Judicial Review
- Media and Entertainment
- Professional Regulatory & Discipline
- Public Law
- Retail and Consumer

Recommendations

"Stuart has the best client care of any counsel I have instructed." *Chambers & Partners* 2025

"Stuart has an exceptional work ethic. He is very charming and thoughtful, and wears his considerable talent lightly, putting his clients at ease. He has an easy style of advocacy which is respectful to both opponents and judges." *The Legal 500* 2025

"Stuart gets the full picture and is a strong tactician and very easy to work with. He will drill into necessary detail, which is often the clincher in a successful outcome." *Chambers & Partners* 2024

"Stuart is an incredibly hard-working junior with an attractive advocacy style." *The Legal 500* 2024

"He is absolutely outstanding - he cuts through the chaff, he is very analytical, he has a good client manner, he is quick in turning around work, he is strategic and he is an excellent cross-examiner so it is a joy to watch him filleting someone on the other side." "He is very good with an employment tribunal and he has a real knack of explaining things to non-lawyers." *Chambers Bar Awards*

Key contacts

2010, as well as fixed-term employees, part-time workers, agency workers, trade union members, blacklisting); equal pay; negligent references; permanent health insurance (PHI); protected disclosures/whistleblowing; TUPE; unfair and wrongful dismissal; union recognition and disclosure of information for collective bargaining (CAC proceedings). In addition, he also has experience of professional negligence (usually employment law related).

He has recently been instructed in group equal pay litigation involving Glasgow City Council and also Sainsbury's Supermarkets.

He is frequently instructed to advise in respect of bonus/contractual disputes; confidential information; fiduciary duties; interim relief; and restrictive covenants/restraint of trade. His particular interest lies in the areas of discrimination, equal pay, and employee competition/restraint of trade/fiduciary duties.

Publications:

His principal publications in the employment field include:

- Munkman on Employer's Liability (Lexis Nexis UK) – author of 2 chapters. 18th Edition, 2024 (forthcoming)
- S Brittenden and R Arthur, 'The right to trade union representation: Kostal UK Ltd v Dunkley & Ors', UK Labour Law Blog, 14 December 2021, <https://uklabourlawblog.com>
- S Brittenden, 'The Coronavirus: Rights to Leave the Workplace and Strikes', UK Labour Law Blog, 27 March 2020, <https://uklabourlawblog.com>
- Employment Precedents & Company Policy Documents KC (1) Grievance & Disciplinary Procedures; (2) Union Recognition/collective redundancies; and (3) Works Councils
- Labour Law Highlights (2012 - 2021) Institute of Employment Rights (eds. Rebecca Tuck KC, Betsan Criddle KC, and Stuart Brittenden)

Interim relief/confidential information:

Stuart is regularly instructed on various confidential matters advising in respect of team moves, post-termination restrictions/confidential information; and dismissal in breach of contractual capability procedures.

Recent advisory/litigation experience in this field includes:

- Tesco Stores Ltd v USDAW & Ors [2024] UKSC 28: contractual interpretation, implied terms, application for declaratory relief and permanent injunction to restrain practice of "fire & re-hire" to remove permanent entitlement to retained pay;
- Bhogal v National Education Union [2024] IRLR 809: (written submissions only) instructed by NEU to defend application for interim injunction - natural justice/right to legal representation in internal disciplinary proceedings against a member;
- Greenstein v UNISON QB-2019-004352: resisted interim injunction to restrain disciplinary process;
- BALPA & Anor v BA Cityflyer [2018] EWHC 1889 (QB): instructed by BALPA in its application for interim declaratory relief. High Court provided guidance on relatively untested CPR Part 25.1(b);
- Successfully obtained ex parte injunction in the Chancery Division to restrain use of covertly recorded privileged material and delivery up of recording/transcripts: Brighton & Sussex University Hospitals NHS Trust v Zia & Ors;
- Successfully represented Trust to resist application for interim relief; alleged breach of disciplinary procedure: Dunn v Basildon & Thurrock University Hospitals NHS Foundation Trust [2013] EWHC 3636 (QB);
- Successfully defended law firm against application for interim relief preventing use of confidential information (covert recording of private discussions in collective bargaining process) Syncreon Automotive (UK) Ltd v Unite the Union & Thompsons Solicitors [2009] EWHC 437.

Industrial Relations

Stuart has extensive and diverse experience acting for trade unions including defending injunction applications; applications for interim relief; applications before the Certification Officer, and appearing before the Central Arbitration Committee (recognition, disclosure of information for collective bargaining purposes).

Rule Books

Stuart has been called upon by various trades unions to advise upon the interpretation of rule book provisions; re-drafting rules; and to undertake a wholesale review of rules. He has drafted amendments to comply with the changes introduced by TUA16 in relation to political funds.

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He successfully appeared for the union in the recent leading authority on the construction of trade union rulebooks in *Kelly v Musician's Union* [2020] IRLR 809 CA (rule books, disciplinary procedures), *Morley v UNISON* [2024] EAT 143 (alleged breach of rules relating to elections/campaigning); *Greenstein v UNISON* QB-2019-004352 (resisting interim injunction to restrain disciplinary procedure).

Industrial Action

Stuart has been instructed in the leading strike injunction cases in recent years. He is also regularly instructed to provide strategic advice in respect of industrial action ballots, picketing and the right to protest under Articles 10 - 11 ECHR. According to Legal 500: "... It is also hard to think of many recent leading cases in the industrial relations arena that he has not been involved in."

Recent experience includes:

- *Secretary of State for Business & Trade v Mercer* [2024] ICR 814, [2024] IRLR 599 SC (detriment short of dismissal for participating in industrial action/right to strike under Article 11 ECHR, section 3 Human Rights Act 1998 - Supreme Court granted declaration of incompatibility). Application to the European Court of Human Rights pending;
- *Ryanair DAC v Morais and others* [2022] IRLR 104: Employment Relations Act (Blacklists) Regulations 2010 - seminal decision establishing that participation in official industrial action constitutes activities of trade unions and is protected under reg. 3. Appeal to be heard by the Court of Appeal in December 2024;
- *Great Ormond Street Hospital NHS Foundation Trust v United Voices of the World & Anor*: interim injunction, right to protest, Articles 10 and 11 ECHR (freedom of expression and association);
- *Ryanair DAC v BALPA* [2020] IRLR 698: successfully resisted application for interim injunction - exclusion of new joiners from ballot, substantial compliance/de minimis;
- *Royal Mail Group Ltd v CWU* [2020] EWHC 842 (QB): resisted application for summary judgment application;
- *Secretary of State for Justice v Prison Officers Association* [2020] IRLR 196 Div Ct: contempt; Article 11 ECHR;
- *Royal Mail Group Ltd v CWU* [2020] IRLR 213 CA; [2020] ICR 940; *The Times*, March 12, 2020: industrial action - whether there was interference with the ballot under s. 230(1) TULRCA 1992; requirement to send ballot to home address (s. 230(2)); whether voting in secret - de minimis;
- *Birmingham City Council v Unite the Union and UNISON* [2019] IRLR 423: seminal decision on whether industrial action was unprotected under s.222(1)(b) TULRCA 1992 (prohibition on discrimination);
- *British Airways v BALPA*- part of legal team instructed to advise on ballot and notices;
- *Ministry of Justice v Prison Officers' Association* [2018] ICR 181; *The Times* 20 Sept. 2017 (Jay J): inducement of prison officers to withhold their services, s. 127 CJPOA 1994; collective withdrawal from non-contractual/voluntary duties did not constitute actionable inducement at common law;
- *Thomas Cook Airlines Ltd v BALPA* [2017] EWHC 2253 (QB); [2017] IRLR 1137: successfully represented the pilot union in the first decision under s. 229 (2D) TULRCA 1992 (requirement to specify expected periods of industrial action on ballot paper);
- *Merseyrail Electrics 2002 v RMT*: challenge to validity of trade dispute - s. 244 TULRCA 1992;
- *Govia Thameslink Railway Ltd v ASLEF (No. 3)* [2016] EWCA Civ 1309; [2017] 2 CMLR 24; [2017] ICR 497; [2017] IRLR 246 : art 49, 56 TFEU (leading authority examining the reach of the TFEU fundamental freedoms to industrial action, and the application of Viking, Laval, Holship to industrial action at Southern);
- *Govia Thameslink Railway Ltd v ASLEF (No. 2)* [2016] EWHC 1320 (QB); [2016] IRLR 686 (Supperstone J): 'prior call' (s. 233), ballot constituency (s. 228A), trade dispute (s. 244);
- *Govia Thameslink Railway Ltd v ASLEF (No. 1)* [2016] EWHC 985 (QB) (Langstaff J): inducement to breach contract;
- *Secretary of State for Education v NUT* [2016] EWHC 812 (QB); [2016] IRLR 512 (Kerr J): significant decision on trade dispute with Minister of the Crown (s. 244(2)(b)), locus, and interim declarations;
- POA national day of protest regarding prison safety: instructed to represent POA in short notice application by SofS (Nov 2016);
- POA Wormwood Scrubs: instructed by POA in relation to the refusal of officers to attend work on safety grounds;
- *R (on the application of Unite) v Northampton General Hospital NHS Trust*: judicial review/ interim injunction sought to restrain the use of agency staff during an employer's lock-out contrary to reg 7 of the Conduct of Employment Agencies and Employment Businesses Regulations, SI 2003/3319; and inducement of an offence under s. 5 Employment Agencies Act 1973;

Trade Union Recognition/Collective Bargaining

- *Kostal UK Ltd v Dunkley & Ors* [2022] ICR 434; [2022] IRLR 66: Supreme Court, first appellate decision on scope of s. 145B TULRCA 1992 and its relationship with Article 11 ECHR;
- *Unite v Fujitsu Services Ltd* DI/10/2021 CAC: successful application for disclosure of information for collective bargaining;
- R on the application of *Condor Marine Crewing Services Ltd*, CAC and *Nautilus International* CO/2911/2020: instructed by union to resist application for judicial review of CAC decision to accept union's application for recognition;
- *BALPA v British Airways Cityflyer Ltd* 2018 EWHC 1889 (QB): instructed by BALPA in its application for interim declaratory relief. High Court provided guidance on relatively untested CPR Part 25.1(b);
- Instructed to represent *Unite* members in the Birmingham waste management dispute: (1) *Taylor & Ors*; (2) *Unite v Birmingham City Council* HQ17X03282;
- *BALPA v Jet2.com Ltd* [2017] EWCA Civ 20; [2017] ICR 457; [2017] IRLR 233: instructed by BALPA in the Court of Appeal successfully overturning the High Court ruling [2015] IRLR 543 as to the scope of negotiating rights for the purposes of statutory recognition under para 3(3) Sch A1 TULRCA 1992;
- *Unite v American Airlines* TUR1/955 (2016) CAC: successfully sought recognition of Aircraft Maintenance Technicians as a separate bargaining unit under Sch A1 TULRCA 1992 where *Unite* was already recognised for a wider bargaining group;
- *BALPA v easyJet* CAC: disclosure of information crew food costings and ancillary matters;
- *Unite v Fujitsu Services Ltd* DI/7/2014 CAC: successfully represented *Unite* in the first CAC decision seeking disclosure of information for collective bargaining under s.181(2) TULRCA 1992 from a parent company in respect of information concerning a subsidiary.

Certification Officer

Recent experience includes:

- *Morley v UNISON* [2024] EAT 143: alleged breach of rules relating to elections/campaigning;
- *Evans v Prospect* D/2-9/22-23: successfully struck out complaints concerning suspension from office and election procedures;
- *Kelly v Musician's Union* [2020] IRLR 809 CA: construction of disciplinary rules in #MeToo membership expulsion case;
- *Parlour v NASUWT* (Northern Ireland CO) D/03/2019: successfully resisted claim that National Officers held office in breach of rule;
- *Meechan & Ors v BALPA* D/15/21-22: lawfulness of appointment of General Secretary locum tenentes;
- *Hussain v CWU* D/22/20-21: alleged breach of election rules, notice for nominations;
- *Parlour v NASUWT* D/19/19-20: lawfulness of appointment of General Secretary locum tenentes;
- *Coyne & Brooks v Unite*: instructed by *Unite* in challenge to conduct of General Secretary election;
- *Penkethman & Ors v CWU*: successfully represented CWU resisting complaint of failure to comply with campaign rules, failure to receive ballot paper;
- *Abrahams & Ors v URTU*: instructed to represent Union;
- *Mr & Mrs Street v UNISON* D/1/15-16: successfully resisted complaint about not holding a branch AGM whilst placed under in regional supervision; implied terms – Rule Book; disapplication of rules – dysfunctional branch; custom and practice;
- *Chapman v Community* CO/784177/2015-16: first CO decision clarifying that the implied term of trust and confidence does not apply to a union Rule Book, but an implied duty of cooperation is engaged; expulsion of member in breach of rules.

Judicial Review

Public law experience includes:

- R. (on the application of *Associated Society of Locomotive Engineers and Firemen (ASLEF)*) v *Secretary of State for Business and Trade* [2023] ICR 1405, [2023] IRLR 823: instructed by UNISON in a successful challenge to the lawfulness of *The Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2022* – repeal of prohibition on use of agency labour during industrial action;
- R on the application of *UNISON & Ors v Minister of Housing Communities and Local Government & Ors*: instructed by UNISON in successful challenge to the public sector pay cap introduced by the *Restriction of Public Sector Exit Payments Regulations 2020*;
- R on the application of *Condor Marine Crewing Services Ltd*, CAC and *Nautilus International* CO/2911/2020: instructed by union to oppose

application for judicial review of CAC decision to accept union's application for recognition;

- *Mosekari v Lewisham LBC* [2015] ELR 31: successfully represented Lewisham in resisting application brought by a long-serving teacher for exemption from mandatory induction period following award of QTS;
- *DC Dawes v Chief Constable of South Yorkshire Police (Admin)* CO/1025/2016: obtained permission from Kerr J to challenge the Chief Constable's refusal to allow an officer to retire upon reaching compulsory retirement age under A18 of the Police Pension Regulations 1987;
- Represented an office holder seeking to judicially review their removal from office in breach of requirements of natural justice (applying the principles in *Ridge v Baldwin* [1964] AC 40; *Malloch v Aberdeen Corporation* [1971] 1 WLR 1578; *McLaughlin v Governor of the Cayman Islands* [2007] 1 WLR 2839 PC; and *Shoemith*);
- *R (on the application of Unite) v Northampton General Hospital NHS Trust*: judicial review/interim injunction sought in the Admin Court to restrain the use of agency staff during an employer's lock-out contrary to reg 7 of the Conduct of Employment Agencies and Employment Businesses Regulations, SI 2003/3319; and inducing an offence under s. 5 Employment Agencies Act 1973;
- Advice in relation to the application of 149 EqA 2010 (public sector equality duty) in the transport sector;
- Advice in relation to whether the decision of the Home Secretary to revoke licences for Detention Custody Officers under the Immigration & Asylum Act 1999 (Sched 11 para 7 (1)) was art. 6 ECHR compliant;
- Advice on judicial review of the education Admissions Code and Guidance in relation to summer born babies, and placement of children outside of normal age group.

Professional Regulatory & Discipline

Prior to joining chambers, Stuart worked as an employment law advisor to the British Dental Association (BDA).

Stuart has experience of internal and professional disciplinary proceedings particularly involving matters of clinical law and practice, and compliance with research protocols and associated regulatory requirements. He frequently provides employment advice and representation within the health sector (including NHS Foundation Trusts and GP/Dental Practices) and is instructed by the leading firms of solicitors operating in this field.

He has experience of providing representation and advice in internal and professional disciplinary proceedings under Maintaining High Professional Standards in the Modern NHS (MHPS), and in respect of applications for interim injunctions seeking to compel compliance with MHPS.

Stuart has acted for registrants before the Health and Care Professions Council (HCPC) and is familiar with the HCPC Standards of Conduct, Performance, and Ethics, having undertaken cases involving the HCPC Standards of Proficiency in respect of psychologists and speech therapists. He has also appeared before the Nursing and Midwifery Council (NMC).

Outside of the health sector, Stuart has recently appeared before the Teaching Regulation Agency, and appeared in other internal procedures, for example providing representation in University disciplinary matters (under University Statutes), and has acted on behalf of Essex Fire Authority in disciplinary proceedings. He has also appeared before the Institute of Management Consultants.

He also sits as an occasional member of the International Paralympic Committee (IPC) disciplinary panel member adjudicating upon anti-doping rule violations (ADRV).

HR Professional Support

Stuart is an employment law specialist with extensive experience advising in respect of disciplinary and grievance matters, particularly involving dishonesty/breach of trust and confidence, discrimination (including harassment and victimisation) and whistleblowing.

He has been instructed to conduct grievance investigations into bullying and harassment in the education, financial, and sporting sectors, as well as for trade unions; supported disciplinary and grievance investigations undertaken in house; acted as chair in internal appeals against dismissal, and has also acted as adviser to internal disciplinary panels. Stuart has on numerous occasions presented the Management Case in the health and HEI sectors.

He is an ad hoc panel member on the International Paralympic Committee (IPC)

Anti-Doping Committee which involves adjudicating upon anti-doping rule violations and determining sanctions (ADRV).

Stuart has provided training on investigations and disciplinary procedures (to NHS Trusts and the Probation Service), and has published extensively on both disciplinary and grievance procedures (Employment Precedents Grievance and Disciplinary procedures; and Westlaw Insight). He is able to accept public access instructions.

Recent and current work

Tesco Stores Ltd v USDAW & Ors [2024] UKSC 28 Supreme Court: contractual interpretation, implied terms, application for declaratory relief and permanent injunction to restrain practice of “fire & re-hire” to remove permanent entitlement to retained pay;

- Secretary of State for Business & Trade v Mercer [2024] ICR 814 Supreme Court (detriment short of dismissal for participating in industrial action/right to strike under Article 11 ECHR, section 3 Human Rights Act 1998 – Supreme Court granted declaration of incompatibility). Application to European Court of Human Rights pending;
- Groom v Maritime and Coastguard Agency [2024] IRLR 618: test litigation concerning whether a “volunteer” coastguard rescue officer was a “worker” for the purposes of s.230(3)(b) ERA 1996 and s. 13(1)(a) Employment Relations Act 1999 (right to be accompanied at disciplinary meeting) – listed for hearing before the Court of Appeal in 2025;
- Ryanair DAC v Lutz [2024] IRLR 299: test litigation on worker status and meaning of agency worker for the purposes of reg. 3 Agency Workers Regulations 2010 – listed for hearing before the Court of Appeal in 2025;
- Bhogal v National Education Union [2024] IRLR 809: (written submissions only) instructed by NEU to defend application for interim injunction – natural justice/right to legal representation in internal disciplinary proceedings against a member;
- Morley v UNISON [2024] EAT 143: alleged breach of rules relating to elections/campaigning;
- Ajaz v Homerton University Hospital NHS Foundation Trust [2024] ICR 413: effect of dismissal of proceedings under r.52 of ET Rules of Procedure 2013 on later claim relying upon same protected disclosures but different detriments; abuse of process;
- Ryanair DAC v Morais and others [2022] ICR 565; [2022] IRLR 104: Employment Relations Act (Blacklists) Regulations 2010 – whether participation in official industrial action constitutes activities of trade unions and is protected under reg. 3 – listed for hearing before the Court of Appeal December 2024;
- R. (on the application of Associated Society of Locomotive Engineers and Firemen (ASLEF)) v Secretary of State for Business and Trade [2023] ICR 1405, [2023] IRLR 823: instructed by UNISON in a successful challenge to the lawfulness of The Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2022 – repeal of prohibition on use of agency labour during industrial action;
- Pilkington UK Ltd v Jones [2023] EAT 90: unfavourable treatment arising in consequence of disability – s. 15 EqA 2010; whether employer’s misplaced perception of the effect of a condition can amount to “something” arising from disability;
- Instructed by RMT in relation to mass redundancies at P&O Ferries;
- Kostal UK Ltd v Dunkley & Ors [2022] ICR 434; [2022] IRLR 66 Supreme Court, seminal decision on scope of s. 145B TULRCA 1992 (inducements relating to collective bargaining) and the interplay with Article 11 ECHR;
- Great Ormond Street Hospital NHS Foundation Trust v United Voices of the World & Anor: interim injunction, right to protest, Articles 10 and 11 ECHR (freedom of expression and expression);
- Carillion Services Ltd (in compulsory liquidation) and others v Benson and others [2022] IRLR 39: collective redundancies, special circumstances defence;
- Dobson v North Cumbria Integrated Care NHS Foundation Trust (Working Families intervening) [2021] ICR 1699; [2021] IRLR 729: indirect sex discrimination, childcare, working patterns, group disadvantage;
- R on the application of UNISON & Ors v Minister of Housing Communities and Local Government & Ors: instructed by UNISON in successful challenge to the public sector pay cap introduced by the Restriction of Public Sector Exit Payments Regulations 2020;
- Kelly v Musicians’ Union [2020] IRLR 809 CA: trade union rulebooks, construction, disciplinary procedures;
- Harris & Ors v Kaamil Education Ltd; Diligent Care Services Ltd; Premier Carewaiting Ltd – home carers, national minimum wage test litigation (£100,000 award);
- Carluccio’s Ltd (In Administration) [2020] EWHC 886 (Ch) [2020] IRLR 510: first case on COVID-19 Job Retention Scheme;
- Ryanair DAC v BALPA [2020] IRLR 698: successfully resisted application for interim injunction – exclusion of new joiners from ballot, substantial

- compliance/de minimis;
- Royal Mail Group Ltd v CWU [2020] EWHC 842 (QB): successfully resisted summary judgment application;
- Secretary of State for Justice v Prison Officers Association [2020] IRLR 196 Div Ct: contempt; Article 11 ECHR;
- Royal Mail Group Ltd v CWU [2020] IRLR 213 CA; [2020] ICR 940; The Times, March 12, 2020: industrial action – whether there was interference with the ballot under s. 230(1) TULRCA 1992; requirement to send ballot to home address (s. 230(2)); whether voting in secret – de minimis;
- Mears Homecare Ltd v Bradburn [2020] ICR 31; [2019] IRLR 882 EAT: NMW production notices, TUPE;
- Birmingham City Council v Unite the Union and UNISON [2019] IRLR 423: seminal decision on whether industrial action was unprotected under s.222(1)(b) TULRCA 1992 (prohibition on discrimination);
- Reading Borough Council v James and others [2018] ICR 1839; [2018] IRLR 790: equal pay; choice of comparator, operation of equality clause;
- Ministry of Justice v Prison Officers' Association [2018] EWHC 3672 (QB): – collective agreements;
- Coyne & Brooks v Unite the Union D/12-20/18-19 – Certification Office – challenge to general secretary election;
- London Care Ltd v Henry & Ors UKEAT/0219/17/DA – TUPE, largest NMW group litigation in social care sector;
- Blakely v On-Site Recruitment Solutions Ltd UKEAT/ 0134/17/DA – test litigation on worker status; service companies; construction sector;
- Fleming v East of England Ambulance Service NHS Trust UKEAT/0054/17/BA- admissibility of covert recordings, legal professional privilege;
- Ministry of Justice v Prison Officers' Association [2018] ICR 181- inducement of prison officers to withhold their services, s. 127 CJPOA 1994; withdrawal from non-contractual duties did not constitute actionable inducement at common law;
- Thomas Cook Airlines Ltd v BALPA [2017] EWHC 2253 (QB); [2017] IRLR 1137: successfully represented the pilot union in the first decision under s. 229 (2D) TULRCA 1992 (requirement to specify expected periods of industrial action on ballot paper);
- Govia Thameslink Railway Ltd v ASLEF (No. 3) [2017] 2 CMLR 24; [2017] ICR 497; [2017] IRLR 246 CA: art 49, 56 TFEU – seminal decision examining the reach of the TFEU fundamental freedoms to industrial action, and the application of Viking, Laval, Holship to industrial action at Southern;
- BALPA v Jet2.com Ltd [2017] EWCA Civ 20; [2017] ICR 457; [2017] IRLR 233 CA: : instructed by BALPA in the Court of Appeal successfully overturning the High Court ruling [2015] IRLR 543 as to the scope of negotiating rights for the purposes of statutory recognition under para 3(3) Sch A1 TULRCA 1992;
- Govia Thameslink Railway Ltd v ASLEF (No. 2) [2016] EWHC 1320 (QB); [2016] IRLR 686 (Supperstone J): 'prior call' (s. 233), ballot constituency (s. 228A), trade dispute (s. 244);
- Govia Thameslink Railway Ltd v ASLEF (No. 1) [2016] EWHC 985 (QB) (Langstaff J): – inducement to breach contract;
- Secretary of State for Education v NUT [2016] EWHC 812 (QB); [2016] IRLR 512 (Kerr J): seminal decision on trade dispute with Minister of the Crown (s. 244(2)(b)), locus, interim declarations;
- McFarlane & Ambacher v Easyjet Airline Co Ltd [2016] IDS Brief 1058: test litigation concerning adjustments to rostering arrangements to permit breastfeeding mothers to express milk, indirect sex discrimination, H&S, s. 63 ERA 1996;
- Plumb v Duncan Print Group Ltd [2016] ICR 125: accrual of right to paid annual leave during long-term sickness absence – EAT held that the carry over period was subject to an 18 month temporal limit;
- Land Registry v Houghton [2015] IDS Brief 128: one of the first EAT decisions to examine the scope of s. 15 EqA 2010 (unfavourable treatment arising in consequence of disability; withholding of bonus payments; sickness absence);
- Mosekari v Lewisham LBC [2015] ELR 31 (Admin): successfully represented Lewisham resisting a judicial review challenge brought by a teacher seeking exemption from mandatory induction period following award of QTS;
- Virulite LLC v Virulite Distribution Ltd [2015] 1 All E.R. (Comm) 204 (QBD): represented defendant in multi-million pound commercial action – wrongful repudiation of distribution agreement for cold sore treatment; promissory estoppel; repudiation; termination; variation clauses; waiver;
- Thorne v House of Commons Commission [2014] EWHC 93 (QB); [2014] IRLR 260: public sector pay freeze; breach of contract – progression payments; incorporation;
- Vaughan v London Borough of Lewisham [2013] IRLR 720: concurrent ET and High Court proceedings; refusal to stay High Court proceedings; defamation – justification defence;
- Anderson & Ors v LFEPa [2013] EWCA Civ 321; [2013] IRLR 459 CA: collective agreement 3 year pay deal; construction; incorporation;

- *Dunn v Basildon & Thurrock University Hospitals NHS Foundation Trust* [2013] EWHC 3636 (QB): successfully represented Trust to resist application for interim relief; alleged breach of disciplinary procedure;
- *Working Links (Employment Ltd) v PCS* UKEAT/0305/12/RN; [2013] IDS Brief 971: collective redundancy consultation; trade union recognition for collective bargaining; s. 188;
- *Vaughan v LB Lewisham* UKEAT/0534/12/SM: admissibility of covert recordings;
- *HM Land Registry v Benson* [2012] ICR 627; [2012] IRLR 373: early retirement; age discrimination; justification.

Professional Recommendations



“Stuart has an exceptional work ethic. He is very charming and thoughtful, and wears his considerable talent lightly, putting his clients at ease. He has an easy style of advocacy which is respectful to both opponents and judges.”

The Legal 500 2025

“Stuart is an incredible barrister.”

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“Stuart has the best client care of any counsel I have instructed.”

Chambers & Partners 2025

“Stuart is unbeatable in every way.”

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“Stuart gets the full picture and is a strong tactician and very easy to work with. He will drill into necessary detail, which is often the clincher in a successful outcome.”

Chambers & Partners 2024

“Stuart is brilliant at the law and superb with clients. He is very much the team player. Nothing is too much trouble.”

Chambers & Partners 2024

“Stuart is one of the best juniors at the employment Bar. He is outstanding in every respect.”

Chambers & Partners 2024

“Stuart is an incredibly hard-working junior with an attractive advocacy style.”

The Legal 500 2024

“He is an expert advocate: witnesses are put to the test with Stuart and his friendly demeanour belies a heavyweight in cross-examination.”

Chambers & Partners 2023

“Stuart provides excellent all-round advice on complex issues.”

Chambers & Partners 2023

“A true specialist on trade union-related claims, whistle-blowing and complex discrimination claims.”

Chambers & Partners 2023

“Stuart is the best junior at the employment Bar. He is fiercely intelligent, hugely responsive, and always willing to go the extra mile for clients. It is also hard to

think of many recent leading cases in the industrial relations arena that he has not been involved in."

The Legal 500 2023

"The best junior in the business by a distance. Always mucks in, is incredibly speedy and always right - a go-to for difficult issues."

The Legal 500 2022

"He is absolutely outstanding - he cuts through the chaff, he is very analytical, he has a good client manner, he is quick in turning around work, he is strategic and he is an excellent cross-examiner so it is a joy to watch him filleting someone on the other side." "He is very good with an employment tribunal and he has a real knack of explaining things to non-lawyers."

Chambers & Partners 2022

"He combines his high intellect and sharp mind with a warm and approachable manner." "He's very approachable, great with clients, very bright and clever - the go-to barrister for complex matters."

Chambers & Partners 2021

"The best junior at the employment bar, without exception. He is intelligent, pragmatic and you could not find a more responsive barrister, who is ready to roll his sleeves up and become an integral extension to your own team."

The Legal 500 2021

"Rare breed of barrister who is extremely good both legally and also in dealings with clients."

The Legal 500 2020

"Incredibly clever, hard-working, inventive and very, very good with clients." "Stuart is like an encyclopaedia of case knowledge, who always provides great advice and guidance whenever needed."

Chambers & Partners 2020

"He is able to analyse complex matters in an extremely practical and commercial way" "thinks ten paces ahead and is very good on his feet." "Excellent advocate with an eye for detail and commercially astute." "an academically terrific opponent."

Chambers & Partners 2017

"WWL acknowledges "his strong expertise in the equality act 2010 and equal pay matters."

Who's Who Legal 2018