



# Rachel Best KC

**Year of Call:** 2006

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## Overview

Rachel Best KC is an associate member of 3PB and has nearly 20 years experience as a barrister specialising in employment and discrimination disputes, judicial reviews, inquests and personal injury cases. She was called to the Bar of Northern Ireland in 2006, the Bar of Ireland in 2021 and was called to the Bar of England & Wales in 2022. She was promoted to Silk in 2024.

Rachel has extensive experience in advising and conducting litigation in a wide range of courts whether Employment Tribunals, County Courts, Coroners' Courts, the High Court and the Court of Appeal.

Rachel regularly acts on behalf of Government Departments in the UK including the Department of Justice, Department of Infrastructure, Police Service of Northern Ireland as well as representing a host of businesses, insurers and private clients.

She recently produced a major amended report for the UK Covid-19 Inquiry which was a "Fact-finding investigation on behalf of the Head of the Civil Service."

An experienced speaker on employment law and employers' liability, Rachel has been invited to speak by the IPLS (QUB), Employment Lawyers Association (UK), Education Authority and Department for Infrastructure. She was also a regular contributor to - and a former sub-editor of - the Bulletin of Northern Ireland Law.

## Academic qualifications

- LLB Law, 2:1, Queen's University, Belfast
- MSSC Criminal Justice, Queen's University, Belfast
- Level 4 Diploma in Management

## Professional qualifications & appointments

- Trainer, Advocacy Training Board, Bar Council for Northern Ireland
- Qualified Mediator
- Counsel Panel, Government Legal Services

## **Professional bodies**

- Medico-Legal Society (Committee Member 2016-2019, Honorary Secretary 2018-present)
- Employment Lawyers Group Northern Ireland (Committee Member 2009-present)
- Sub-Editor, Bulletin of Northern Ireland Law (2007-2012)
- Commercial Bar Association

# Expertise

## Employment and discrimination

Rachel Best KC is a formidable employment silk with an exceptional track record in employment cases acting primarily as a respondent's counsel and also occasionally as claimant's counsel.

### Reported cases include:

**TF v Northern Ireland Public Services Ombudsman [2022] NICA 17:** successful appeal for dyslexia-sufferer in disability discrimination claim on grounds of procedural unfairness.

**Bronckaers, Dr Tamara Bertha Johanna v Department of Agriculture, Environment and Rural Affairs (5980/18IT):** successfully acted for a claimant who had made whistleblowing claims about livestock market and biosecurity and her constructive dismissal.

**Sweetlove, Julie v Ministry of Defence (22467/19IT):** successfully acted for respondent in rejecting claim of disability discrimination and sex discrimination and unauthorised deduction of wages.

**Boyle, Shona v Caterpillar (NI) Limited (9986/18IT):** successfully acted for claimant in equal pay claim brought by a program specialist. Tribunal ruled that claimant was engaged in like-work to her comparators at Caterpillar (NI).

**Chief Constable of the Police Service of Northern Ireland (PSNI) & another v Agnew (Alexander) and others; [2019] NICA 32:**

**Clough, Laura v Education Authority 2824/16 IT:** claimant held not to have been discriminated against on grounds of maternity leave, so claim of sex discrimination dismissed. Acted for successful Education Authority.

**Cook, Jonathan; in re application for judicial review [2016] NIQB 38 (for the Respondent):** senior police officer had unsuccessfully sued Rachel's client, the Police Service of Northern Ireland (PSNI), as he had expectations that he would remain on select list for promotion without needing to take further examinations. Temporarily promoted on a six-month contract. Application for a judicial review was dismissed.

**X v Ministry of Defence [2015] NICA 44:** unfair dismissal claim by civilian security guard who had made erroneous travel claims for additional hours service. Rachel acted for the respondent MoD in this Court of Appeal case. Original trial decision was upheld and no leave to appeal was given.

**McKinstry (Philip) v Moy Park, Gary Maxwell and Brian Johnston [2015] NICA 12:** successfully acted for respondent food manufacturer Moy Park in a case considering "without prejudice" conversations and communication with the production planner employee, who was registered as disabled.

**Mihail, Andreas v Lloyds Banking Group [2014] NICA 24:** successfully acted for Lloyds Banking Group in the Court of Appeal against applicant's claims of unfair dismissal, disability discrimination and breach of contract by a Customer Sales Adviser. Appeal dismissed.

**Moore, William v Michelin Tyre Plc [2014] NIIT 847/13IT:** acting for Michelin Tyre in successfully defending them against unfair dismissal claim. Claimant had pleaded guilty to seven charges of public indecency. Court ruled that claimant had been fairly dismissed and denied his claim.

**Wojcik, Malgorzata v Moy Park Limited [2013] NIIT 01289/11IT:** successfully acted for food manufacturer Moy Park in dismissing claimant's claim for race discrimination, sexual harassment and less favourable treatment on grounds of her part-time worker status and constructive dismissal. Holiday pay claim of £26.20 allowed.

**PH v Department for Social Development (II) [2013] NICom 50:** successfully represented the applicant police officer in this appeal to a Social security Commissioner. Held that appeal tribunal had made an error of law and that the claimant had

satisfied the conditions of entitlement to injuries benefit.

## Administrative and Public Law

Rachel Best KC is a very experienced public law barrister who has acted in many judicial review cases for both respondents and claimants.

### Reported cases include:

**Belo v Secretary of State for the Home Department [2023] NIKB 20:** judicial review of a Timor-Leste national who had originally been interviewed without an interpreter by immigration officer. Acted for Home Office and judge upheld applicant's refused application to apply to visit the UK.

**Ryan, Veronica & anor v Secretary of State [2021] NICA 42 :** acted for respondent in the judicial review of a decision by the Secretary of State for Northern Ireland refusing the applicant's application for compensation for miscarriage of justice.

**In The Matter Of An Application By Veronica Ryan For Judicial Review [2020] NIQB 47:** initial trial judge decision to refuse the application for compensation for miscarriage of justice (see above).

**Tadeusz Stach V Department For Communities And Department For Work And Pensions [2020] NICA 4:** Court of Appeal case, acting successfully for the respondent Crown, in a case brought by a Polish national who was a jobseeker to get housing benefit as well.

**O'Neill, Luke; in re application for judicial review [2017] NIQB 68:** Judicial Review of a decision to refuse to transfer a prisoner to a separate landing for Republican Prisoners. Acted for Prison Service of Northern Ireland and Secretary of State for NI. Decision upheld.

**Cook, Jonathan; in re application for judicial review [2016] NIQB 38 (for the Respondent):** senior police officer had unsuccessfully sued Rachel's client, the Police Service of Northern Ireland (PSNI), as he had expectations that he would remain on select list for promotion without needing to take further examinations. Temporarily promoted on a six-month contract. Application for a judicial review was dismissed.

## Inquests

Rachel Best KC has acted in a number of inquests, typically representing Police Authorities, Prison Boards, HM Government departments and agencies. This includes the high-profile recent case of:

**Inquest touching upon the death of Lillian Marjorie Cawdery & anor [2023] NICoroner 22:** acted for the Police Service of Northern Ireland (PSNI) at the inquest to review the actions of mental health professionals, hospitals and the police. This followed the deaths of a 83-year old couple in their homes by a man who was later found guilty of their manslaughter by reason of diminished responsibility.

## Personal Injury

Rachel Best KC represents local authorities, insurers and government departments and their agencies and contractors in personal injury disputes. These have included the reported case of:

**McMullan, Patricia Ann v The Department for Regional Development; [2017] NIQB 4:** successfully acted for the DRD in a case where plaintiff claim of tripping in a pothole on a country road. Contested by DRD and claim was refused by the court after

evidence of how accident occurred was considered.