

# Lachlan Wilson

**Year of Call:** 1996

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## Overview

Lachlan is experienced in all areas of education, employment, and professional disciplinary law. He advises and represents individuals, employers, local authorities, schools, charities, and regulatory bodies.

Lachlan has particular experience in cases of discrimination (race, religion, sex, and disability), school admissions and exclusions, special educational needs, educational negligence, whistle-blowing, and fitness to practice hearings before professional regulators and University disciplinary and conduct panels.

The common theme to all Lachlan's practice areas is *human behaviour and conduct* which requires understanding and scrutiny, whether it is exhibited by a child requiring specialist SEN provision; an individual before disciplinary proceedings, or an employer or professional carrying out their duties towards organisations and individuals.

Lachlan is also a trained mediator.

## Recommendations

Lachlan Wilson has an active practice encompassing a multitude of education issues. He is frequently instructed by individuals, institutions and school governing bodies connected with primary, secondary and tertiary education provision.

Strengths: "Lachlan brings a calm and level-headed approach."

"Lachlan is extremely likable with expert advocacy and good judgement."

"Lachlan is a charming and persuasive advocate."

### **Chambers UK 2024**/Education/London Bar

Strengths: "He provides great advice to ensure the best outcome for a client."

"He is very experienced and superb at putting clients and witnesses at ease with his personable nature, and he provides practical advice to achieve positive outcomes."

### **Chambers UK 2023**/Education /London Bar

Strengths: "He is fantastic in judicial review claims, his drafting skills are amazing and his written submissions are really persuasive." "A very good and very personable barrister."

### **Chambers UK 2022**/Education /London Bar

Strengths: "Extremely helpful, proactive, very approachable and has great insight when discussing the issues with the client."

"He has a sensible advocacy style."

#### **Chambers UK 2021/Education /London Bar**

Strengths: "A well-rounded education law barrister – he's very good with clients and is excellent at explaining complex situations." "He's extremely good at instilling confidence in clients and is a very capable advocate."

#### **Chambers UK 2020/Education/London Bar**

"He brings huge amounts of knowledge and personality to a situation. His common sense and affable manner in and out of court are great weapons to have on your side."

#### **Chambers UK 2019/Education/London Bar**

Strengths: "Lachlan is a well-rounded education law barrister with a strong focus on higher education law, and a particular interest in internal and disciplinary matters." "He is utterly charming and deals very well indeed with clients. They leave purring."

#### **Chambers UK 2018/Education/London Bar**

"He is superb with clients and has the ability to instil confidence. He is super bright, quickly gets to the nub of the issue and is a really good strategist."

#### **Chambers UK 2017/Education/London Bar**

'Highly intelligent and a very effective advocate.'

#### **Legal 500 2014**

'approachable, effective and kind'

#### **Legal 500 2013/Education.**

'Leading Junior'

#### **Legal 500 2012/Education.**

## **Academic qualifications**

- BA (Oxon) Literae Humaniores (1992)
- Dip Law, Westminster University (1995)

## **Professional qualifications & appointments**

- Accredited Mediation Advocate
- Legal Assessor to the Nursing and Midwifery Council
- Trained Mediator

# Expertise

## Education

Lachlan's public and administrative law practice is centred on the field of education and he appears in Chambers and Partners for this field. He taught for a number of years before qualifying as a lawyer and now conducts cases involving a wide range of education law issues at all levels from the Special Educational Needs and Disability Tribunal to the Court of Appeal.

Lachlan advises and represents children, parents, school proprietors and governing bodies, local education authorities, voluntary organisations and charitable trusts, further and higher education institutions, students, and universities, on the full range of education disputes, including:

- School admissions – policies and appeals (including nursery and infant class admissions)
- School exclusions – policies and appeals, and other pupil disciplinary matters
- School attendance and registration of pupils
- Discrimination (including allegations of disability discrimination before the Special Educational Needs and Disability Tribunal, and Independent Appeal Panel in cases of permanent exclusion)
- Special Educational Needs (including hearings before, and appeals from, the SENDIST)
- Local Government Ombudsman (complaints to, and challenges against decisions of)
- Negligence in the field of Education
- Employment in Education, and other education contracts
- Charitable Trusts
- Further and Higher Education – admissions, attendance, disciplinary issues
- Universities – admissions, academic and disciplinary disputes, including fitness to practice panels.

### Significant cases

- R v Wakefield MDC ex p G ( LTL 30/1/98 : Times, February 10, 1998)
- R v Wakefield LEA ex p K (LTL 24/6/99)
- R v Oxfordshire CC Exclusions Appeal Panel, ex p P [2001] ELR 631
- R v S Gloucestershire Education Appeals Committee, ex p B [2001] ELR 53
- R (ota) Wakefield MDC v E and SENT (2002) ELR 2003
- Olchfa Comprehensive School Governors v (1) IE & EE (2) Helen Rimington (Chair Of Special Educational Needs & Disability Tribunal) [2006] EWHC 1468 (Admin)
- Centrepont Soho Ltd v Ms S Omaboe [2017] UKEAT/0129/17/BA
- East Sussex County Council v JC [2018] UKUT 81 (AAC)
- The Harpur Trust v Brazel [2019] EWCA Civ 1402

Lachlan regularly advises both informally, and in formal presentations, on latest developments in Education Law.

## Employment and discrimination

Lachlan is regularly and frequently called upon to advise and represent Claimants and Respondents in disputes before employment tribunals throughout the country, and before the Employment Appeal Tribunal.

He was recently counsel for music teacher Mrs Lesley Brazel in her claims before the Court of Appeal and UK Supreme Court in the leading holiday pay case of *The Harpur Trust v Brazel* [2019] EWCA Civ 1402/*The Harpur Trust v Brazel* [2022] UKSC 21, regarding the statutory paid holiday entitlement of “part-year” workers on permanent contracts.

He specialises in areas of discrimination and public interest disclosure, but his extensive experience in employment litigation includes:

- Unfair Dismissal claims (substantive and procedural, constructive, automatic)
- Wrongful dismissal claims
- Discrimination claims (disability, sex, sexual orientation, race, religious beliefs, gender reassignment)
- Maternity rights
- Equal Pay claims
- Holiday pay and rights for part-year or part-time workers
- Public Interest Disclosure claims (whistle-blowing)
- Redundancy payment claims (statutory and contractual)
- National Minimum Wage and Working Time disputes
- Transfer-of-Undertakings (TUPE) disputes
- Unlawful wage deduction claims
- Employment Tribunal jurisdiction and procedural disputes
- High Court and County Court litigation, including:
  - contractual bonus and share issues
  - restrictive covenants
  - employers’ references
  - vicarious liability for professional negligence
  - fiduciary obligations of senior employees and directors.

In addition, Lachlan has advised extensively on the effective drafting of:

- Contracts of employment, including restrictive covenant clauses
- Confidentiality clauses
- Disciplinary and grievance procedures
- Compromise agreements.

As a trained mediator, Lachlan is also frequently called upon to act as counsel in mediations concerning employment disputes.

#### **Recent cases**

- *Perkin v St George’s Healthcare NHS Trust* [2005] EWCA Civ 1174
- *Akhavan-Moossavi v Association of London Government* (2005) UKEAT/0501/04
- *Vasquez-Guirado v Wigmore* (2005) UKEAT/0033/05
- *Olechfa Comprehensive School Governors v (1) IE & EE (2) Helen Rimington (Chair Of Special Educational Needs & Disability Tribunal)* [2006] EWHC 1468 (Admin)
- *Centrepont Soho Ltd v Ms S Omaboe* [2017] UKEAT/0129/17/BA
- *East Sussex County Council v JC* [2018] UKUT 81 (AAC)
- *The Harpur Trust v Brazel* [2019] EWCA Civ 1402/*The Harpur Trust v Brazel* [2022] UKSC 21

Lachlan is pleased to advise professional clients both informally, and in formal presentations, on latest developments in employment law. Further details can be obtained from the specialist clerk to the Employment Group.

## ADR/NCDR

Lachlan is an Accredited Mediator.

## Public and Administrative Law

Lachlan Wilson's public and administrative law practice is focused in the field of education law disputes. He taught for a number of years before qualifying as a lawyer and now conducts cases involving a wide range of education law issues at all levels from the Special Educational Needs and Disability Tribunal to the Court of Appeal. This includes dealing with teachers' disciplinary and regulatory cases.

### Articles

Lachlan Wilson argues for parents before the Upper Tribunal that a powered wheelchair constitutes special educational provision. This article was first published on Lexis®PSL Local Government on 27 April 2018.

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### Articles

The counsel team for Mrs Brazel in the much publicised Harpur Trust v Brazel case, [Mathew Gullick KC](#), [Lachlan Wilson](#) and [Naomi Webber](#) reflect on the recent Government consultation paper looking at holiday pay for part-year workers.

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*Royal Mail Group Ltd v Efobi [2021] UKSC 33 – on appeal from: [2019] EWCA Civ 18*

[Lachlan Wilson](#) considers Royal Mail Group Ltd v Efobi [2021] UKSC 33, in which the Supreme Court ruled on whether a change in the wording of equality legislation has altered the burden of proof in employment discrimination cases, and when a tribunal may draw adverse inferences from the absence of a potential witness.

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A case on practice and procedure

Lachlan Wilson reflects on C v D, a case on practice and procedure involving an appeal against a refusal to allow amendments to add claims of harassment and reasonable adjustments.

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A case of age and indirect discrimination

Lachlan Wilson provides an update on Ryan v South West Ambulance Services NHS Trust, an important and timely age discrimination and indirect discrimination case involving a Claimant in her 60s, who alleged that she was indirectly discriminated against and missed on promotion because she was not in the Respondent's "Talent Pool".

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## Restriction of Public Sector Exit Payments Regulations 2020

Lachlan Wilson analyses the Restriction of Public Sector Exit Payments Regulations 2020 (SI 2020/1122) which apply from 4 November 2020 to cap exit payments in the public sector to a maximum of £95,000.

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3PB Barrister Lachlan Wilson outlines the essential contents of a furlough letter/email/agreement under the Coronavirus job retention scheme.

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3PB barristers Lachlan Wilson and Sarah Bowen analyse the latest employment law cases, covering:

- Harassment – Evans v Xactly Corporation Ltd UKEATPA/0128/18LA
- Whistleblowing: Timis & Sage v Osipov [2018] EWCA Civ 2321
- Direct Discrimination – Lee v Ashers Baking Company Ltd and others [2018] UKSC 49
- Good faith/Bad faith – Saad v Southampton University Hospitals NHS Trust UKEAT/0276/17/JOJ
- Amendments – Pruzhanskaya v International Trade Exhibitors (JV) Ltd (2018) UKEAT/0046/18/LA
- Philosophical Belief – A Gray v Mulberry Co (Design) Ltd (2018) UKEAT/ 0040/17/DA
- Practice and Procedure – X v Y Ltd (2018) UKEAT/0261/17/JOJ
- Vicarious liability – Bellman v Northampton Recruitment Ltd [2018] EWCA Civ 2214

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## Articles

Our legal assessors – David Swinstead, Peter Jennings, Nicholas Leviser, Timothy Bradbury, Lachlan Wilson and Mark Sullivan – share with you hints and tips from their own experience, focused for the second time on the use of language: the different ways in which people use language, and which words can mean different things to different people.

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3PB legal assessors [David Swinstead](#), [Peter Jennings](#) and [Lachlan Wilson](#) provide their top 10 tips on case preparation and advocacy, focusing this time on 'minding your language'.

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### *Legal Assessors' Hints and Tips on Case Preparation and Advocacy*

Four of 3PB's specialist regulatory law barristers and legal assessors David Swinstead; [Peter Jennings](#); Jane Rowley and [Lachlan Wilson](#) have joined forces to create an article with detailed advice on case preparation and advocacy for legal professionals.

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