

Daniel Brown

Year of Call: 2012

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Overview

Daniel is a specialist Employment, Discrimination and Professional Discipline barrister. He represents individuals, businesses and other organisations in Tribunal, Court and fitness to practise proceedings.

Daniel is ranked as a 'Leading Junior' Employment and Professional Discipline barrister and serves on the Employment Law Bar Association (ELBA) management committee. Daniel is also the Deputy Head of 3PB's Professional Discipline team.

Daniel has expertise in the healthcare sector, having advised and represented professionals including doctors, dentists, nurses and midwives as well as NHS Trusts, Regulators and Care Homes.

Recommendations

Daniel Brown has a strong employment practice in areas including whistle-blowing and race discrimination claims. He is experienced in matters concerning historic allegations.

Strengths: "Daniel is an excellent barrister, who is engaging and has a strong rapport with clients."

"He is always a safe, cost-effective option for counsel and a strong addition to any case."

"Daniel is an excellent barrister, who is engaging and has a strong rapport with clients."

"Dan is exceptional for his year of call and operates well beyond that. He is always a safe, cost-effective option for counsel and a strong addition to any case."

"Daniel is very good with clients. He puts witnesses at ease, and explains things easily. Daniel is also an articulate and bright person whom you want on your side."

Chambers UK 2024/Employment/Midlands Bar

'A junior who is impressively articulate and dynamic in his advocacy.'

Legal 500 2024/Professional Disciplinary and Regulatory Law/Leading Juniors/London Bar

'Daniel's advocacy style is confident and persuasive.'

Legal 500 2024/Employment/Leading Juniors/West Midlands Circuit

'A confident and assured junior who provides pragmatic advice.'

Legal 500 2024/Employment/Leading Juniors/London Bar

'Daniel has a great analytical mind, and his real strength is assessing papers in detail at pace. He practices beyond his year of call.'

Legal 500 2023/Employment/Leading Juniors/West Midlands Circuit

'Daniel was excellent. He engaged well with the client and provided a superb strategy to a difficult claim.'

Legal 500 2023/Employment/Leading Juniors/London Bar

'Great manner with clients and very good at giving clear and thorough explanations and reasoning. Extremely helpful and genuinely interested in the progress of matters and in achieving good outcomes for clients.'

Legal 500 2022/Employment/Leading Juniors/London Bar

'Daniel puts witnesses, including those with disabilities, at their ease and client feedback is that he is a sound advocate.'

Legal 500 2022/Employment/Leading Juniors/Midlands Circuit

Academic qualifications

- LLB (Hons) University of Nottingham
- BPTC Nottingham Law School – Very Competent
- Shoosmiths' Prize (2010) – awarded by the University of Nottingham for an outstanding contribution to the School of Law

Professional bodies

- Employment Law Bar Association
- Employment Lawyers Association
- Association of Regulatory and Disciplinary Lawyers

Direct Access

Daniel Brown is qualified to accept instructions directly from members of the public and professional clients under the Direct Access (or Public Access) scheme.

Expertise

Employment and discrimination

Daniel has experience across the full spectrum of ET complaints but specialises in Equality Act 2010, whistleblowing and TUPE claims.

Daniel has delivered training on topics including unfair dismissal, redundancy and, on behalf of ACAS, 'TUPE in a day' training to managers, company directors, HR professionals and others.

Daniel also has experience of defending employment claims in the civil courts, as well as representing both claimants and defendants in Goods and Services discrimination claims.

EAT cases

Daniel's EAT cases include:

B.L.I.S.S Residential Care Ltd v Fellows [2023] IRLR 528: Appeal about the significance of errors made by a Claimant's legal representative in an application to extend time for the purpose of an unfair dismissal claim.

Earl Shilton Town Council v Miller [2023] IRLR 352: Appeal concerning the meaning of 'inherent discrimination'.

Field v Steve Pye and Co. (KL) Limited & Others [2022] IRLR 948: Represented the Appellant in an appeal brought on various grounds including a challenge to the ET's failure to apply the burden of proof in s.136 Equality Act 2010 correctly. The appeal was allowed and the case was remitted to the ET for a complete re-hearing before a different Judge.

Rainford v Dorset Aquatics Limited EA-2020-000123-BA: Represented the successful Respondent in an appeal brought by a company director and shareholder claiming to be an employee or worker of the Respondent company. The EAT upheld the ET's conclusion that the Claimant was neither an employee nor a worker.

Leeds Teaching Hospitals NHS Trust v Dearing & Others UKEAT/0344/16/LA: Represented three Claimants in an appeal concerning the law on victimisation (section 27 Equality Act 2010). The appeal was brought by the Respondent against three successful claims. The EAT dismissed the appeal in respect of one of the claims and remitted the other two claims back to the same ET.

Beaumont v Costco Wholesale UK Ltd UKEAT/0080/15/DA: Represented the Claimant in an appeal against the ET's judgment dismissing his unfair dismissal claim. The EAT allowed the appeal and ordered a fresh hearing of the unfair dismissal claim before a differently constituted ET.

Daniel Brown is committed to protecting and respecting your privacy. Please contact Daniel for a copy of his privacy policy which sets out the basis upon which any personal data he may collect about you, or that is provided to him, will be processed by him. He will provide a copy of this policy to you within five working days of its request.

Professional Discipline

Daniel is the Deputy Head of 3PB's Professional Discipline team.

Daniel has advised and represented a wide range of healthcare professionals including doctors, dentists, nurses and

midwives as well as NHS Trusts, Regulators and Care Homes in proceedings before the: General Medical Council/MPTS, General Dental Council, Health and Care Professions Council, Nursing and Midwifery Council, British Association for Counselling and Psychotherapy, the British Psychoanalytic Council, Social Work England and others. In addition, Daniel has experience of Teaching Regulation Agency proceedings.

Daniel has experience of cases involving allegations of misconduct, lack of competence/deficient professional performance, ill-health and criminal convictions/cautions and has handled numerous serious, lengthy and complex cases involving: patient deaths, serious harm, dishonesty, CQC inspections, multiple parties and contested expert evidence. In addition to substantive hearings, Daniel has appeared in many interim order applications, reviews, restoration applications, registration appeals and fraudulent entry hearings.

Daniel's recent work includes advising a healthcare regulator regarding amendments to its Fitness to Practise Procedure.

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Articles

Daniel Brown analyses *Meade v (1) Westminster City Council & (2) Social Work England* (Case Numbers: 2201792/2022 and 2211483/2022), in which the Employment Tribunal found that Social Work England seriously abused its power as a regulatory body, violating a Social Worker's Convention rights and unlawfully discriminating against her.

This case is a useful reminder of the Supreme Court's confirmation in *Michalak* that the ET has jurisdiction to consider claims against professional regulators, unless a complaint about the matter in question may be pursued via a statutory appeal.

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Daniel Brown reviews the case of *Alcedo Orange Ltd v Mrs G Ferridge-Gunn* [2023] EAT 78 in which the EAT allowed an appeal against a finding that an employee's dismissal was because of her pregnancy (contrary s.18 Equality Act 2010) on the ground that the ET had not considered *Reynolds v CLFIS (UK) Ltd* [2015] ICR 1010.

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Daniel Brown analyses *Sainsbury's Supermarkets Limited v Clark & Others* [2023] EWCA (Civ) 386 in which the Court of Appeal overruled *E.ON Control Solutions Ltd v Caspall* and *Sterling v United Learning Trust* and set out how arguments about non-compliance with Rules 10 to 12 of the ET Rules of Procedure, in relation to early conciliation, should be dealt with in future.

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Daniel Brown analyses *Mr A Rehman v DHL Services Ltd* [2022] EAT 90, a case which highlights the importance of making sure that technical terms are explained.

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Daniel Brown reviews *Rainford v Dorset Aquatics Limited* (EA-2020-000123-BA), a case which demonstrates that the mere fact that a director has done work for and received payment from a company will not always be sufficient to establish a

worker or employment relationship.

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Daniel Brown reviews P2CG Limited v Davis (Appeal No. EA-2019-000762-AT), a judgment that provides useful guidance as to the matters to be considered when an allegation is not put to a witness in court.

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Daniel Brown analyses the landmark case of Forstater v CGD Europe & Others UKEAT/0105/20/JOJ, in which the London EAT found Maya Forstater's view of transgender people to be protected as a "philosophical belief" under the Equality Act.

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Can an individual be a 'worker' if they are not obliged to accept any work at all?

Daniel Brown analyses the decision in Nursing and Midwifery Council v Somerville UKEAT/0258/20/RN(V), which puts the spotlight on the Uber judgment and its impact on determining employee/worker status, in this case for one of the numerous regulatory bodies that operate panels of individuals to determine allegations of professional misconduct.

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Can a dismissal without any procedure be fair?

Daniel Brown reviews Gallacher v Abellio Scotrail Limited, a relatively rare case in which the employer decided, prior to dismissal, that a procedure would serve no useful purpose and the ET agreed.

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Post-termination Restrictive Covenants & Constructive Dismissal - Square Global Limited v Leonard [2020] EWHC 1008 (QB)

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Following the recent decision of Re Debenhams Retail Ltd (In Administration) [2020] EWHC 921 (Ch) which applied Re Carluccio's Limited [2020] EWHC 886 (Ch), 3PB's specialist Employment and Commercial Barristers Daniel Brown and Rebecca Farrell join forces to review the Carluccio's decision.

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EAT Case Summaries by Daniel Brown and Naomi Webber.

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Is a belief that there are only two sexes and that it is impossible to change sex a belief protected by the Equality Act 2010? - Daniel Brown analyses Forstater v CGD Europe & Others

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Forbes v LHR Airport Limited UKEAT/0174/18/DA: Offensive image shared on Facebook not 'in the course of employment' (s.109 Equality Act 2010) - An analysis by Daniel Brown.

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Tillman v Egon Zehnder Ltd [2019] UKSC 32: The Supreme Court gives its view on restrictive covenants - an analysis by Daniel Brown

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Series of deductions: a new chapter? Daniel Brown analyses Chief Constable of the Police Service of Northern Ireland & Northern Ireland Policing Board v Agnew & Others [2019] NICA 32

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Injury to feelings and the need to focus on the particular Claimant: Daniel Brown analyses Base Childrenswear Limited v Otshudi UKEAT/0267/18/JOJ

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Daniel Brown analyses Meade v (1) Westminster City Council & (2) Social Work England (Case Numbers: 2201792/2022 and 2211483/2022), in which the Employment Tribunal found that Social Work England seriously abused its power as a regulatory body, violating a Social Worker's Convention rights and unlawfully discriminating against her.

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