



Daniel Brown

Year of Call: 2012

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Overview

Daniel is a specialist Employment and Discrimination barrister. He represents individuals, businesses and other organisations in the Employment Tribunal (ET) and Employment Appeal Tribunal (EAT). He also has experience of goods and services discrimination claims.

Daniel also has substantial experience of professional regulatory/disciplinary proceedings and police law; he has handled cases from across the spectrum of fitness to practise concerns.

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
- Member of the British Fencing Disciplinary Panel

Direct Access

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

Expertise

Employment and discrimination

Daniel's interest in Employment and Discrimination law began before he was called to the Bar and he undertook a unique pupillage scheme, which involved spending six months at the Free Representation Unit ('FRU'), representing Claimants in the ET, prior to undertaking 12 months in chambers.

Daniel has broad experience of ET proceedings, including expertise in unfair/constructive dismissal, wages, breach of contract and whistleblowing claims. He is frequently instructed in discrimination claims, having been involved in cases concerning almost all types of 'prohibited conduct' and protected characteristics. He is also experienced in handling claims involving multiple Claimants and/or Respondents. In light of this experience, Daniel has been instructed in relation to goods and services discrimination claims.

Daniel also has experience of acting for both Claimants and Respondents in TUPE claims including failure to inform and consult claims and Regulation 7, unfair dismissal claims. He has represented a group of Claimants in a hearing to determine the identity of their employer following a relevant transfer and a Claimant arguing that the reason for her dismissal was a TUPE transfer 10 years before the effective date of termination.

Daniel has appeared before the EAT on numerous occasions including several Rule 3(10) hearings and five full hearings including:

Leeds Teaching Hospitals NHS Trust v Dearing & Others UKEAT/0344/16/LA

Daniel 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

Daniel 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.

Dr Rajaratnan v Care UK Clinical Services Ltd UKEAT/0435/14 & UKEAT/0076/15

Appeal involving various legal issues including indirect sex discrimination and costs.

Thomas v Samurai Incentives and Promotions Ltd UKEAT/0006/13/RN

Appeal concerning the principles governing applications to amend an ET1.

Articles

Daniel has had the following employment law articles published:

- Overview, Employment law (2015) 6 UK Supreme Court Yearbook 370
- Overview: Employment law (2015) 5 UK Supreme Court Annual Review 318
- Overview: Employment law (2014) 3(1) UK Supreme Court Review (Cambridge Journal of International and Comparative Law) 272

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Publications

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)

[View Publication](#)

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

[View Publication](#)

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

[View Publication](#)

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

[View Publication](#)

Public and Regulatory

Daniel has experience of fitness to practise investigations/proceedings before a number of regulators including the Nursing and Midwifery Council ('NMC'), Health and Care Professions Council ('HCPC') and the General Medical Council ('GMC'). He represents both regulators and individuals/regulated bodies.

Through a secondment at the NMC, Daniel gained experience of handling all types of hearing including: interim order applications, reviews, restoration applications, registration appeals and fraudulent entry cases, in addition to numerous substantive hearings concerning allegations related to ill health, misconduct, lack of competence and criminal convictions/cautions. Daniel has been instructed by the NMC in several lengthy and complex cases involving multiple parties, contested expert evidence, death and serious harm, dishonesty and matters arising from CQC inspections.

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