

Year called 2007

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Jennifer has a broad legal background, having practiced both corporate and regulatory law before being called to the Bar. That breadth is reflected in her practice, which spans public and commercial law. Jennifer is a member of the Attorney General's B Panel of Junior Counsel to the Crown. Jennifer has an active public law practice; she frequently represents central and local government and is experienced in education, immigration, prisons, information rights, local government law and regulatory law. She was instructed in a seven-week trial in the Chancery Division, on behalf of a local authority, in a fraudulent conspiracy claim involving a maintained school. Jennifer also handles, often for local and central government, employment matters.

PRACTICE AREAS

- Public Law
- Commercial
- Tax
- Employment Law
- Regulatory & Disciplinary

SECTORS

- Education
- Local Government
- Information Rights
- Previous Experience

PRACTICE AREAS

PUBLIC LAW

Jennifer's public law practice focuses on judicial review. She has particular experience in the areas of immigration, education, local government and prisons. She also has, given her background, a keen interest in commercial judicial reviews. Current and recent cases include:

- *R (BMA) v SSHD* – Represented the BMA in the High Court in a judicial review of regulations which brought back the power to suspend receipt of a public service pension to charge, rather than conviction, of a serious offence. The Claimant successfully established its claim brought under A1P1, read with Article 14, as well as Article 6 and the public sector equality duty.
- *R (Gaszony) v SSHD* – Represented the SSHD in the High Court in this unlawful detention case considering the responsibility for detention of a person who is awaiting treatment for a mental health condition
- *TT (Vietnam) v SSHD* – Represented SSHD in the High Court and Court of Appeal in this asylum/unlawful detention claim around victims of trafficking.
- *R (Adegun) v SSHD* – Represented the SSHD in this unlawful detention case regarding the treatment of mental health conditions in detention.
- *R (Drax) v HM Treasury* – Represented HM Treasury/HMRC, as a junior, in this challenge to the removal of the RSE Exemption to the Climate Change Levy in both the High Court and Court of Appeal.
- *R (AA) v SSHD* – Representing the SSHD, as junior to James Strachan QC, in this unlawful detention claim in the Court of Appeal which considers provisions of the Immigration Act 2014 which go to the detention of children.
- *R (Waheed) v SSHD* – Represented the SSHD in this unlawful detention claim around the Secretary of State's power to refuse to consent to bail.
- *R (Hacini) v SSHD* – Represented the SSHD in this challenge to a refusal of an application for naturalisation.
- *R (Shote) v SSHD* – Jennifer was instructed on behalf of the SSHD in this detention challenge, in which the construction of paragraph 24 of Schedule 2 to the Immigration Act 1971 as well as section 10 of the Immigration and Asylum Act 1999, in the context of EEA family members, were considered.
- *R (Chen) v SSHD* – Represented the SSHD in this challenge to a decision that a Chinese national would have to return to China to apply for a visa.
- *R (Bibi) v SSHD* – Represented the SSHD in a challenge to the grant of DLR rather than ILR.
- *R (Jackley) v SSHD* – Jennifer represented the SSJ in this challenge to decision-making under the Access to Justice programme.

COMMERCIAL

Jennifer has a broad background in commercial law, having advised in contractual as well as regulatory and corporate governance issues in a corporate finance context prior to coming to the Bar. She also has, given her background, a keen interest in commercial judicial reviews.

Current and recent cases include:

- *R (BMA) v SSHD* – Represented the BMA in the High Court in a commercial judicial review of regulations which brought back the power to suspend receipt of a public service pension to charge, rather than conviction, of a serious offence. The Claimant successfully established its claim brought under A1P1, read with Article 14, as well as Article 6 and the public sector equality duty.
- *Brent London Borough Council v Davies & ors* – Jennifer was instructed, as a junior to Hefin Rees QC, in a seven-week trial in the Chancery Division, by the local authority, in a fraudulent conspiracy claim made by the London Borough of Brent against senior management, and governors, of Copland School (see also Local Government Law), as well in the related professional negligence claim (against the auditors).
- *R (Drax) v HM Treasury* – Represented HM Treasury/HMRC, as a junior, in this challenge to the removal of the RSE Exemption to the Climate Change Levy in both the High Court and Court of Appeal.
- *Clark Wilmott LLP v (1) Larkfleet Limited; (2) Renpower Investments UK Limited* – Jennifer acted as junior to Hodge Malek QC in interpleader proceedings involving the construction of a share purchase agreement.
- *Diamond Jewellers v Mittal* – Instructed by the Claimant in this challenge arising out of an oral contract.

TAX

Jennifer is regularly instructed by HMRC in VAT and customs and excise cases before the First-tier Tribunal (Tax), the Upper Tribunal (Tax and Chancery Chamber) as well as in judicial reviews in the High Court.

Current and recent cases include:

- *Lloyds Bank v HMRC (First tier Tribunal)* – Represented HMRC in a challenge to a VAT assessment which centred on the meaning of consideration for supply.
- *Corporate Messenger v HMRC (First tier Tribunal)* – Represented HMRC in a challenge to a customs assessment under the Internal Processing regime.
- *Brookes v HMRC (Upper Tribunal & First tier Tribunal)* – Represented HMRC in a challenge to a FTT's decision which considered the dishonesty of the director.
- *Boxmoor Construction v HMRC (Upper Tribunal)* – Represented HMRC in a challenge to a VAT decision regarding whether or not construction works were excluded from zero-rating.
- *R (on the application of) Checkprice (UK) Ltd v HMRC* – Junior to Philip Coppel QC for the defendant in judicial review proceedings challenging a detention of excise goods.
- *Checkprice (UK) Limited v HMRC (First tier Tribunal)* – Junior for the Defendant in a challenge (First-tier Tribunal, Tax Chamber) to an assessment for excise duty and VAT based on an irregularity in the movement of excise goods. Jennifer has recently been instructed on a similar case (*Connection Import & Export v HMRC*) which also involves a challenge to the revocation of a WOWGR registration.

EMPLOYMENT LAW

Jennifer regularly appears for both claimants and respondents in Employment Tribunals in cases concerning:

- discrimination including disability, sex, equal pay, race and age, as well as harassment and victimisation;
- unfair dismissal (including constructive unfair dismissal);
- public interest disclosures;
- redundancy; and
- wrongful dismissal and breach of contract.

A large number of Jennifer's claims involve central or local government. Jennifer recently appeared, as a junior to Andrew Tabachnik QC, for central government in a two-week hearing of an unfair dismissal and public interest disclosure claim. She is currently representing a local authority in a two-week unfair dismissal claim, where the claimant has been found (separately) liable for knowing receipt.

Jennie appeared before the Employment Appeal Tribunal in the matter of *Howells School v Gerrard* on behalf of the Appellant. The EAT allowed the appeal, clarifying that in making a "Polkey" deduction the anticipated level of salary of the employee must be taken into account.

REGULATORY & DISCIPLINARY

Jennifer has been instructed by economic regulators, including Ofgem and the Office of the Rail Regulator, as well as appearing before the Enforcement Committee of the Gas and Electricity Markets Authority. She has been seconded to the legal departments of Ofgem (2010) and the Office of the Rail Regulator (2012). She also advised electricity generators on their obligations under the renewables regulatory framework.

SECTORS

EDUCATION

Jennifer regularly appears both in the High Court, Upper Tribunal (Administrative Appeals Chamber) and the First-tier Tribunal (Special Educational Needs and Disability) in education law matters. Jennifer has appeared on behalf of appellants and local authorities in challenges to statements of special educational needs and disability claims. She has represented local authorities as well as central government in a variety of education-related matters, including challenges to restrictions imposed on independent schools, A2P1 claims, school re-organisations, exclusions, disciplinary matters and discrimination claims. Jennifer has also been instructed in a number of higher education claims involving discrimination, breach of contract as well as internal appeals. Jennifer regularly speaks on matters of educational law. Current and recent cases include:

- *Old Co-operative Day Nursery v HM Chief Inspector of Education, Children's Services & Skills (Ofsted)* – Instructed by Ofsted in the challenge to a grading of a nursery.
- *SM v Hackney Learning Trust* – Jennifer was instructed to represent the local authority in the Court of Appeal in this matter concerning the correct test to apply when comparing costs between two schools maintained by different local authorities.

LOCAL GOVERNMENT

Jennifer regularly advises on matters of public and local government law. She has acted for a number of local

authorities in respect of matters before the Information Rights tribunal and advises regularly on governance issues. She has also advised on ratings. She has recently acted, as a junior to Fenella Morris QC, on a challenge to a special school reorganisation for a local authority. Current and recent cases include:

- *Brent London Borough Council v Davies & ors* – Jennifer was instructed, as a junior to Hefin Rees QC, in a seven-week trial in the Chancery Division, by the local authority, in a fraudulent conspiracy claim made by the London Borough of Brent against senior management, and governors, of Copland School.
- *R (on the application of B) v Essex County Council* in which Jennifer was instructed as a junior to Philip Coppel QC on a judicial review of a decision to close care homes.
- *R (on the application of Long) v Monmouthshire CC* in which Jennifer was instructed as a junior to John Steel QC on a judicial review of a grant of planning permission to develop a livestock market.

INFORMATION RIGHTS

Jennifer frequently advises on matters involving information rights, including matters arising under the GDPR, Data Protection Act and the Freedom of Information Act. She regularly appears before the First-tier Tribunal (GRC) on appeals from Decisions of the Information Commissioner on behalf of both central and local government. She has recently appeared in a sequence of cases involving the exemption, provided by the Freedom of Information Act, for commercially sensitive material. She regularly appears in, and advises on, court claims challenging compliance with subject access request and seeking damages for data protection breaches. Current and recent cases include:

- *Greenwood v Information Commissioner* (2019) – Instructed by DHCLG in a section 36 appeal under FOIA.
- *Khosravi v Information Commissioner* (2017) – Instructed by BEIS in a matter regarding whether or not information is held under FOIA.
- *Ministry of Justice v Information Commissioner* (2017) – Instructed by MOJ in a matter regarding personal data, commercial information and information which related to national security or law enforcement.
- *Council of the Borough and County of the Town of Poole* (2016) – Instructed by Poole in matter regarding commercial information.
- *Home Office v Information Commissioner* (2016) – Instructed by the Home Office in a matter regarding personal information.
- *Home Office v Information Commissioner* (2015) – Instructed by the Home Office in a matter in which the exemption relied upon protected the formulation of government policy.

Jennifer has extensive experience advising on the GDPR since it came into force, including advising on information sharing agreements, joint controller agreements, the use of social media, including Facebook and WhatsApp. She has also conducted numerous training sessions on the GDPR and Data Protection Act 2018.

PREVIOUS EXPERIENCE

Between 2000 and 2008 Jennifer was an associate in the corporate group at Linklaters advising on US securities and corporate law matters, including multi-jurisdictional equity and debt securities offerings, and cross-border mergers and acquisitions. Between 1997 and 2000 she worked as an associate in the litigation group at Arnold & Porter, New York, where her areas of practice included environmental and planning litigation and regulatory

compliance, general commercial litigation and product liability.

QUALIFICATIONS

- 2008: BPP Law School, Graduate Diploma in Law.
 - 1993-1996: Harvard Law School, Juris Doctor, cum laude.
 - 1989-1993: Miami University, B.Phil, magna cum laude.
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ADDITIONAL INFORMATION

Publications

Harris on Disciplinary & Regulatory Proceedings (contributor to chapter on Information Rights)

Atkin's Court Forms volume on Human Rights (Butterworths, 2010) (with Hodge Malek QC, Jenni Richards QC and Annabel Lee)

School Exclusions: The New Regime (Encyclopaedia of Local Government Law: Bulletin, 2012, Aug, 14-17)

Atkin's Court Forms volume on Tort (Butterworths, 2011) (with Philip Coppel QC)

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