



“He is very reliable and very bright.”

Legal 500 2021

Tom Tabori is a specialist public law barrister, with expertise in human rights law, education law, electoral law, immigration law, equalities law, information rights, and regulatory law. He is a judicial review and statutory appeal specialist, but also acts and advises in damages claims against public bodies.

He is listed by Legal 500 as a Leading Junior.

PRACTICE AREAS

- Administrative & Public
- Human Rights Law
- Electoral Law
- Education
- Immigration, Asylum, Trafficking & Nationality
- Information Rights & Data Protection
- Regulatory & Disciplinary
- Actions against the Police
- Prison Law
- Equalities Law

SECTORS

- Art & Cultural Property

PRACTICE AREAS

ADMINISTRATIVE & PUBLIC

Tom is interested in all areas of public law, particularly civil liberties and human rights, equalities, education, social security, immigration and asylum, housing, community care, electoral, regulatory and disciplinary, and actions against the police.

He appears for both claimants/applicants and defendants/respondents, and was appointed to the Attorney General's London C Panel in January 2019 and the Equality and Human Rights Commission's C Panel in May 2019.

- Tom has particular expertise in **human rights law** and was on the executive committee of the Human Rights Lawyers Association (HRLA) for two years (2017-2019). His April 2019 article for Lexis analysing the principles relevant when assessing the proportionality of interference with qualified rights on the basis of pressing social need is available [here](#). His recent instructions in this area include:
 - Junior counsel for the Secretary of State in art 14 and art 8 challenge to NRPF Policy.
 - Advice on art 8 and 14 ECHR damages claim arising from asylum interview.
 - Successful internal appeal on behalf of university student against Student Finance England decision, relying on A2P1 read with art 14 ECHR.
 - Successful defence of JR of an LA's model of funding provision for visually impaired pupils (led by Deok Joo Rhee QC), C relying on A2P1 and art 14.
 - Acting for a prisoner in their art 8 JR challenge to interference with their Rule 39 correspondence, obtaining compensation and policy change.
 - Appearing for the successful university in a claim for judicial review of its decision to reject a research proposal by a master's student into 'reverse gender assignment', claiming breach of art 10 and academic freedom: [see here](#).
 - The art 2 challenge to an NHS Trust's investigation into the suicide of a psychiatric patient, commuted straight to the Court of Appeal.
 - An art 2 of Protocol 1 (right to education) claim for judicial review of a university decision to refuse an overseas student a confirmation of acceptance to study, and another seeking judicial review of an Academy School's refusal to readmit a student.
 - A claim for damages for care home abuse.
 - Arts 5 and 8 claims for unlawful detention of mental health patients and immigration detainees.

- An A1P1 claim by energy generators for removal of the renewable energy exemption to the Climate Change Levy.
- Tom takes instructions in all areas of **electoral law**. His work in this area has included:
 - Advice on the PPERA concept of ‘members associations’ and disclosure obligations under PPERA.
 - He enjoyed two successful secondments to the Electoral Commission in 2017 and 2018, advising on a range of party registration, funding and spending matters, under PPERA and the EU Referendum Act 2015.
 - His article, co-authored with Alison Foster QC and Gethin Thomas, on the electoral law reform appeared in the November 2018 issue of Counsel Magazine.
 - He has appeared on BBC News to discuss electoral law.
 - He has advised on elections within private members’ clubs.
 - He has advised on controlled donations to holders of relevant elected office, in relation to overseas visits.
 - In April 2017, his article on the Fixed Term Parliament Act, co-authored with Alison Foster QC, published in the Solicitor’s Journal. Coinciding with the 2016 UK local elections, his update article, for candidates, parties and local authority returning officers, was published by Local Government Lawyer.
 - He has advised on questions arising out of a Community Governance Review conducted under the Local Government and Public Involvement in Health Act 2007, and its interaction with the Local Democracy, Economic Development and Construction Act 2009.
- Tom’s **education law practice** spans SEN law, discrimination claims, independent school damages claims, higher education claims in contract and educational negligence, illegal schools, civil liberties and human rights-based challenges, with particular expertise in appellate and judicial review proceedings. His recent instructions include:
 - Appearing for independent school in successful application for summary judgment in civil claim against it.
 - Successful internal appeal on behalf of university student against Student Finance England decision.
 - Junior counsel for the successful claimants in judicial review of a local authority’s (i) publication of discontinuance notices in respect of three special schools and (ii) its prior pre-publication consultation, including obtaining JR protective costs order.
 - Appearing for the successful university in a claim for judicial review of its decision to reject a research proposal by a master’s student into ‘reverse gender assignment’, claiming breach of art 10 ECHR and academic freedom: [see here](#).
 - A JR of an LA’s model of funding provision for visually impaired pupils (led by Deok Joo Rhee QC).
 - Appearing for a university defending a judicial review claim for refusal to award a CAS to an

overseas student.

- Appearing on behalf of a student claiming damages for harassment, disability discrimination, failure to make reasonable adjustments, breach of contract and educational negligence.
 - Appearing on behalf of a regulator intervening in JR proceedings brought by a student claiming breach of articles 10 and 11 ECHR by the university that had withdrawn him from his social work course.
 - A JR of an academy school refusal to re-admit student following suspension.
- Tom has a broad practice in **immigration, asylum, trafficking and nationality law**, particularly judicial review, but also in statutory appeals. His recent instructions include:
 - *R (SD) v SSHD*, CO/5213/2018, 1.10.19: successful defence of conclusive grounds decision.
 - *R (Ahmed) v SSHD* [2019] EWCA Civ 1070: the Court of Appeal holding that the Immigration Rules para 276B(v) 'disregard' did not bridge gaps between periods of lawful temporary residence such as to entitle persons to claim "10 years continuous lawful residence" under para 276B(i)(a).
 - *Bhandari v SSHD* [2019] EWCA Civ 129: Appeal to the Court of Appeal against UT PTA refusal in case concerning fairness in operation of the Points Based System, in relation to the 60-day policy applied to Tier 4 student migrants, when their college sponsors has its licence revoked.
 - A JR of a decision to refuse an EFM residence permit, granted permission on both grounds after successful appeal to the CA.
 - An appeal to the Court of Appeal in a JR of a refusal to grant leave to remain as a Tier 1 (Entrepreneur) Migrant.
 - Several JRs in challenges to curtailments of leave to remain under s 10 Immigration and Asylum Act 1999, arising out of the English Testing Service scandal discovered by BBC's Panorama, including trials on precedent fact basis.
 - Multiple JRs of unlawful detention and civil claims for false imprisonment. Tom also has particularly expertise immigration detention law, having drafted two chapters of *Detention Under the Immigrations Acts* (OUP, 2015), been instructed in two claims for damages for false imprisonment following detention for several years, and made bail applications on behalf of Bail for Immigration Detainees.
 - An asylum appeal concerning religious minorities in India and persecution of Sikh separatists.
 - Tom takes instructions in **actions against the police**, recently advising and drafting pleadings in cases involving battery, assault, articles 3 and 5 ECHR, false imprisonment, malicious prosecution and wrongful arrest. In a similar area, Tom recently advised in a negligence and false imprisonment claim against a magistrates' court, which will feature the first consideration of how the courts immunity at s 2(5) of the Crown Proceedings Act 1947 must be read to be compatible with the ECHR.
 - Tom accepts instructions in all aspects of **prison law**, and was recently instructed in the successful JR

challenge to interference with a prisoner's confidential and privileged correspondence, leading to compensation and policy change by the prison in question. He has also acted in a JR challenge to a Category A Review Team ("CART") categorisation decision.

- Tom has a busy practice in **inquest law**. He is a specialist on PIR legal questions, such as the applicability of article 2. He is also experienced in advising on ECF legal aid matters. He has acted for both bereaved family and for hospital trust and a care home. His inquest experience includes deaths in custody, in mental health detention, and in hospital (post-surgery and premature births). Again, his civil expertise has enabled him to appear for interested persons at the inquest and then to act for them in article 2 ECHR damages claim.
- Tom accepts instructions in all areas of information law, including **FOIA, GDPR/DPA 2018, the Environmental Information Regulations 2004 (EIR)**, and the torts of **misuse of private information** and **breach of confidence**. His recent instructions include:
 - Advising on liability and quantum in relation to a data breach whereby a solicitor accidentally disclosed sensitive personal data of adopting parents and child, leading to security risk.
 - Drafting pleadings in twin civil claims against an unincorporated association and Oxbridge college for disclosure, cessation and damages.
 - Drafting response to Information Rights Tribunal appeal on behalf of HM Treasury, concerning the FOIA exemptions for communications with members of the Royal Family [s 37 FOIA] and personal data [s 40 FOIA].
 - Appearing for DEFRA before the Information Rights Tribunal in an appeal against a decision of the Information Commissioner concerning its application of reg 12(4)(e) EIR ('internal communications') to a request for disclosure of ministerial briefings.
 - Advising a Government department in relation to a threatened claim for damages for breach of the GDPR/DPA and for alleged misuse of private information and confidentiality.
 - Advice on the application of the Privacy and Electronic Communications (EC Directive) Regulations 2003 ("**PECR**") and GDPR to a contract for provision of marketing services.
 - Advice on the application of the DPA 2018, sch 2 para 5, to requests for disclosure of recorded calls to an insurer.
 - Advice on the DPA implications of an employer's drug-testing policy.
 - Drafting submissions for a local authority in its FTT appeal against Information Commissioner finding that the authority could not rely on the exceptions under reg 12(5)(e) and (f) EIR.
 - Advice on a regulator's power to share data with another regulator.
 - Advice in respect of an ICO complaint concerning personal data stored in an app.
 - On behalf of GLD in the *Maurizi v CPS* appeal against the ICO's upholding of the CPS FOIA decision in respect of CPS-Sweden communications in the Assange extradition.
- Tom's **community care** practice involves all aspect of JRs of local authority Care Act 2014 and Children Act 1989 powers and duties, from eligibility assessments to withdrawing care, to NRPF

issues, ordinary residence advice and Secretary of State referrals, duties to former relevant children, location of placement of released young offenders, and age assessments. Tom spent six months on part-time second to Medway Council, advising on all aspects of its community care powers and duties. His recent instructions have included acting as junior counsel in an application for judicial review of a local authority's decision to close day centres as part of its reconfiguration of community care services, brought on grounds of breach of the public sector equality duty and duty to consult (judgment awaited) and a successful resistance to a High Court interim relief application in an age assessment JR.

- Tom has extensive experience of advice and representing in cases involving **equalities law**.

This experience includes the following:

- Securing the Employment Tribunal's first appointment and payment of a registered intermediary for a claimant without mental capacity.
 - Advice and pleadings in claim for damages for breach of Equality Act duties held by the managers of premises and controllers of let premises.
 - Drafting pleadings in a race and discrimination claim arising from a PhD student's viva examination.
 - Advice on the **Equality Act 2010's** interaction with the Gender Recognition Act 2004 and the consultation on amendments to the latter.
 - Civil and JR claims of breach of ECHR rights read in conjunction with **art 14 ECHR**, in educational and immigration contexts.
 - Multiple **disability discrimination** claims against schools, including, recently, *JL v GB of Cherry Lane Primary School* [2019] UKUT 223 (AAC), where he persuaded the UT(AAC) that r 12(3)(a) of the FTT(HESC) Rules was invalid and to direct that the Tribunal Procedure Committee consider the matter.
 - Tom also has particular expertise in the **PSED**, having been instructed in a number of cuts/closure JRs, including as junior counsel for the SSHD in challenge to her NRPF Policy, as junior counsel for C in a successful challenge to closure of special schools, as junior counsel for C in a challenge to closure of an adult day centre (judgment pending) [*R (oao AA) v Rotherham MBC*], and as junior counsel for D in a successful defence of a challenge to an LA's funding of special educational provision for visually impaired children [*R (oao ZK) v LB Redbridge* [2019] EWHC 1450 (Admin)].
- In **social security law**, Tom advised a disabled tenant in relation to applications for exemption from the bedroom tax and discretionary housing benefit (DHB), both proving successful. His past instructions have included an appeal to the Upper Tribunal (Administrative Appeals Chamber) of wide significance. The appeal was selected to determine a point of law arising in a number of appeals concerning the Employment and Support Allowance Regulations 2008. Tom appeared successfully on behalf the appellant applicant for ESA. He has also recently acted for appellants in housing benefit case raising interesting legal questions as to the application of the housing benefit criteria in scenarios of parents letting to their disabled children.
 - Tom accepts instructions in all aspects of **mental health law**. His recent instructions include:
 - Acting as junior counsel for an NHS Trust defending an art 2 JR challenge to its

investigation into a suicide;

- An application for a displacement order;
- Human rights damages claims for unauthorised deprivation of liberty and another for care home abuse;
- Representing applicant patients and respondent hospital trusts at mental health tribunals;
- Advice in an inter-authority s 117 aftercare dispute;
- Advice on the FTT's powers to order conditional discharge where the conditions would amount to a DOL.

HUMAN RIGHTS LAW

Tom has particular expertise in **human rights law** and was on the executive committee of the Human Rights Lawyers Association (HRLA) for two years (2017-2019). His April 2019 article for Lexis analysing the principles relevant when assessing the proportionality of interference with qualified rights on the basis of pressing social need is available [here](#). His recent instructions in this area include:

- Junior counsel for the Lord Chancellor in **art 8** and **A1P1** with **art 14** challenge to civil legal aid means test disregards.
- Acting for the claimant in false imprisonment and **art 5** claim against a magistrates' court, involving the first consideration of **art 6**'s application to the courts' immunity at s 2(5) Crown Proceedings Act 1947.
- Junior counsel for the Secretary of State in **art 14** and **art 8** challenge to NRPF Policy.
- **A2P1 ECHR** claims, including a JR (for the defendant LA) and a civil claim (for the claimant child).
- Advice on art 8 and 14 ECHR **damages** claim arising from asylum interview.
- Successful internal appeal on behalf of university student against Student Finance England decision, relying on **A2P1 read with art 14** ECHR.
- Successful defence of JR of an LA's model of funding provision for visually impaired pupils (led by Deok Joo Rhee QC), C relying on **A2P1 and art 14**.
- Acting for a prisoner in their **art 8** JR challenge to interference with their Rule 39 correspondence, obtaining compensation and policy change.
- Appearing for the successful university in a claim for judicial review of its decision to reject a research proposal by a master's student into 'reverse gender assignment', claiming breach of **art 10 and academic freedom**: [see here](#).
- The **art 2** challenge to an NHS Trust's investigation into the suicide of a psychiatric patient, commuted straight to the Court of Appeal.
- An **A2P1** ECHR claim for judicial review of a university decision to refuse an overseas student a confirmation of acceptance to study, and another seeking judicial review of an Academy School's refusal to readmit a student.
- A claim for damages for care home abuse.
- **Arts 5 and 8** claims for unlawful detention of mental health patients and immigration detainees.

- An **A1P1** claim by energy generators for removal of the renewable energy exemption to the Climate Change Levy.

ELECTORAL LAW

Tom takes instructions in all areas of **electoral law**. He is the author of '[A Practical Guide to Election Law](#)' (Law Brief Publishing: September 2020). His work in this area has included:

- Advice on the donations-reporting obligations of a registered party, breach, regulatory enforcement, and county court appeal prospects.
- Advice on the PPERA concept of '**members associations**' and disclosure obligations under PPERA.
- Advice on the application of **equalities law** to party registration provisions.
- S 86 RPA 1983 High Court application for relief to a Parliamentary candidate and their agent in respect to errors in a **return** as to election expenses.
- He enjoyed two successful secondments to the Electoral Commission in 2017 and 2018, advising on a range of **party registration, funding and spending** matters, under PPERA and the EU Referendum Act 2015.
- His article, co-authored with Alison Foster QC and Gethin Thomas, on the electoral law reform appeared in the November 2018 issue of Counsel Magazine.
- He has appeared on BBC News to discuss electoral law.
- He has advised on elections within **private members' clubs** and is Assistant General Editor of Shackleton on the Law and Practice of Meetings, 15th Edition (Thomson Reuters: 2020).
- He has advised on controlled **donations** to holders of relevant elected office, in relation to overseas visits.
- He has advised on **parish council elections** and the scope for **co-opting**.
- In April 2017, his article on the Fixed Term Parliament Act, co-authored with Alison Foster QC, published in the Solicitor's Journal. Coinciding with the 2016 UK local elections, his update article, for candidates, parties and local authority returning officers, was published by Local Government Lawyer.
- He has advised on questions arising out of a **Community Governance Review** conducted under the Local Government and Public Involvement in Health Act 2007, and its interaction with the Local Democracy, Economic Development and Construction Act 2009.

EDUCATION

Tom's **education law practice** spans SEN law, discrimination claims, independent school damages claims, higher education claims in contract and educational negligence, illegal schools, civil liberties and human rights-based challenges, with particular expertise in appellate and judicial review proceedings. His recent instructions include:

- Acting for the defendant professional examination body in JR of its decision that doctor candidate had failed intercollegiate speciality examination for promotion to consultant.
- **A2P1 ECHR** claims, including a JR (for the defendant LA) and a civil claim (for the claimant child).
- Multiple **disability discrimination** claims against schools, including, *JL v GB of Cherry Lane Primary School* [2019] UKUT 223 (AAC), persuading the UT(AAC) that r 12(3)(a) of the FTT(HESC) Rules

was invalid and to direct that the Tribunal Procedure Committee consider amendment.

- Successful internal appeal on behalf of university student against **Student Finance England** decision.
- Junior counsel for the successful claimants in judicial review of a local authority's (i) publication of **discontinuance notices** in respect of three special schools and (ii) its prior pre-publication consultation, including obtaining JR protective costs order.
- Appearing for the successful university in a claim for judicial review of its decision to reject a research proposal by a master's student into 'reverse gender assignment', claiming breach of **art 10 ECHR** and **academic freedom**:
<https://www.telegraph.co.uk/news/2019/02/19/proposal-research-trans-regret-rejected-university-fear-backlash/>.
- A JR of an LA's **model of funding** provision for visually impaired pupils (led by Deok Joo Rhee QC), and in the pending appeal.
- Appearing for a university defending a judicial review claim for refusal to award a **CAS** to an overseas student.
- Appearing on behalf of a student claiming damages for **harassment, disability discrimination, failure to make reasonable adjustments, breach of contract** and **educational negligence**.
- Appearing on behalf of a regulator intervening in JR proceedings brought by a student claiming breach of **articles 10 and 11 ECHR** by the university that had withdrawn him from his social work course.
- A JR of an academy school **refusal to re-admit** student following suspension.

IMMIGRATION, ASYLUM, TRAFFICKING & NATIONALITY

Tom has a broad practice in **immigration, asylum, trafficking and nationality law**, particularly judicial review, but also in statutory appeals. His instructions have included:

- Country guidance cases concerning Iraq and Sri Lanka (sur place activities).
- Country guidance cases concerning Iraq and Sri Lanka (sur place activities).
- *R (SD) v SSHD*, CO/5213/2018, 1.10.19: successful defence of conclusive grounds decision.
- *R (Ahmed) v SSHD* [2019] EWCA Civ 1070: the Court of Appeal holding that the Immigration Rules para 276B(v) 'disregard' did not bridge gaps between periods of lawful temporary residence such as to entitle persons to claim "10 years continuous lawful residence" under para 276B(i)(a).
- *Bhandari v SSHD* [2019] EWCA Civ 129: Appeal to the Court of Appeal against UT PTA refusal in case concerning fairness in operation of the Points Based System, in relation to the 60-day policy applied to Tier 4 student migrants, when their college sponsors has its licence revoked.
- A JR of a decision to refuse an EFM residence permit, granted permission on both grounds after successful appeal to the CA.
- An appeal to the Court of Appeal in a JR of a refusal to grant leave to remain as a Tier 1 (Entrepreneur) Migrant.
- Several JRs in challenges to curtailments of leave to remain under s 10 Immigration and Asylum Act 1999, arising out of the English Testing Service scandal discovered by BBC's Panorama.

- Multiple JRs of unlawful detention and civil claims for false imprisonment. Tom also has particularly expertise immigration detention law, having drafted two chapters of *Detention Under the Immigrations Acts* (OUP, 2015), been instructed in two claims for damages for false imprisonment following detention for several years, and made bail applications on behalf of Bail for Immigration Detainees.
- Asylum appeals concerning religious minorities in India and persecution of Sikh separatists.

INFORMATION RIGHTS & DATA PROTECTION

Tom accepts instructions in all areas of **information law**, including **FOIA**, **GDPR/DPA**, the **Environmental Information Regulations 2004 (EIR)**, and the torts of **misuse of private information** and **breach of confidence**. His recent instructions include:

- Acting for the Committee on Climate Change in appeal against Information Commissioner decision notice.
- Acting for HMT in a FOIA appeal against ICO dismissal of complaint against its handling of FOI request.
- Appearing for DEFRA before the Information Rights Tribunal in an appeal against a decision of the Information Commissioner concerning its application of reg 12(4)(e) EIR ('internal communications') to a request for disclosure of ministerial briefings.
- Advising a Government department in relation to a threatened claim for damages for breach of the GDPR/DPA and for alleged misuse of private information and confidentiality.
- Advice on the application of the Privacy and Electronic Communications (EC Directive) Regulations 2003 ("PECR") and GDPR to a contract for provision of marketing services.
- Advice on the application of the DPA 2018, sch 2 para 5, to requests for disclosure of recorded calls to an insurer.
- Advice on the DPA implications of an employer's drug testing policy.
- Drafting submissions for a local authority in its FTT appeal against Information Commissioner finding that the authority could not rely on the exceptions under reg 12(5)(e) and (f) EIR.
- Advice on a regulator's power to share data with another regulator.
- Advice in respect of an ICO complaint concerning personal data stored in an app.
- On behalf of GLD in the *Maurizi v CPS* appeal against the ICO's upholding of the CPS FOIA decision in respect of CPS-Sweden communications in the Assange extradition;
- Advice on subject access rights and procedures for an architects firm, arising out of a building dispute, and another for a surveyor, arising out of Party Wall dispute;
- Advice to a local authority in separate FOIA requests;
- Advice to an ex-students on FTT and UT appeals against ICO decisions on her FOIA request;
- Appearing on behalf of a mental health social care team against a vexatious litigant.

REGULATORY & DISCIPLINARY

Tom accepts instructions in all areas of regulatory and disciplinary matters.

- Advice to the **Equality and Human Rights Commission** on a threatened judicial review of decision not to take formal investigative or enforcement proceedings.
- He has acted as **Independent Counsel**, instructed by the **Competition and Markets Authority**, to advise on a dispute as to the application of legal professional privilege to documents obtained under warrant.
- In healthcare law, he recently prosecuted on behalf of the **General Chiropractic Council** at its Professional Conduct Committee. He has represented the **General Dental Council** at the Interim Orders Committee. He recently appeared on behalf of the **Health and Care Professions Council**, intervening in a JR of a university decision to withdraw a student from a course on fitness to practise grounds.
- In financial services law, he spent six months at the **FCA**, advising on a wide range of regulatory and disciplinary matters. He also successfully represented the FCA at its Regulatory Decisions Committee.
- In electoral law, he was seconded to the **Electoral Commission** for two days per week in July and August 2017, advising the regulator on a range of matters, from party registration, to party officers, to the scope of the regulator's powers. For more detail on recent instructions, see above section on electoral law under 'Public Law'.
- In the (8th) edition of Harris on 'Regulatory and Disciplinary Proceedings', he drafted the 'Healthcare' chapter (with Alison Foster QC and Peter Mant), the chapter on 'The Hearing' (with Gregory Treverton-Jones QC and Jonathan Auburn), and the chapter on Disclosure and Confidentiality (with Gregory, Alexis Hearnden and Peter Mant). He also contributed to the healthcare chapter of the recent re-edit.
- In disciplinary law, he drafted the pleadings and appeared at the preliminary hearings on behalf of a major international **charity's** defending a claim by an expelled former trustee, involving issues of contract law, disciplinary procedures, natural justice and human rights. He has also acted as legal adviser to a **university** student disciplinary committee at an internal disciplinary hearing.

ACTIONS AGAINST THE POLICE

Tom takes instructions in **actions against the police**, including claims involving battery, assault, breach of arts 3 and 5 **ECHR**, **false imprisonment**, **malicious prosecution** and **wrongful arrest**. In a similar area, Tom has also advised in a **negligence** and false imprisonment claim against a **magistrates' court**. He has also advised in proposed civil actions against the Home Office arising from arrest by **UK Border Force** officers.

PRISON LAW

Tom accepts instructions in all aspects of **prison law**. He has acted for the successful claimant in JR challenge to interference with a prisoner's confidential and privileged **correspondence**, leading to a change of policy within the prison. He has also drafted grounds in a JR challenge to a Category A Review Team ("CART") **categorisation** decision.

EQUALITIES LAW

Tom has extensive experience of advice and representing in cases involving **equalities law**, from the Equality Act 2010's interaction with the Gender Recognition Act 2004 and the consultation on amendments to the latter, to disability discrimination claims against schools, race discrimination by universities, local authority administration of disabled parking bays, and in the employment law context.

- Tom has extensive experience of advice and representing in cases involving **equalities law**. This experience includes the following:
 - Representing the Secretary of State in challenge to the lawfulness of her **NRPF** policy.

- Securing the Employment Tribunal’s first appointment and payment of a **registered intermediary** to assist a claimant lacking mental capacity to give and follow evidence.
- Advice and pleadings in claim for damages for breach of Equality Act duties held by the **managers of premises** and **controllers of let premises**.
- Drafting pleadings in a race and discrimination claim arising from a PhD student’s **viva examination**.
- Advice on the **Equality Act 2010**’s interaction with the **Gender Recognition Act 2004** and the consultation on amendments to the latter.
- Civil and JR claims of breach of ECHR rights read in conjunction with **art 14 ECHR**, in educational and immigration contexts.
- Multiple **disability discrimination** claims against schools, including, recently, *JL v GB of Cherry Lane Primary School* [2019] UKUT 223 (AAC), where he persuaded the UT(AAC) that r 12(3)(a) of the FTT(HESC) Rules was invalid and to direct that the Tribunal Procedure Committee consider the matter.
- Multiple Tom also has particular expertise in the **PSED**, having been instructed in a number of **cuts/closure JRs**, including as junior counsel for C in a successful challenge to closure of special schools, as junior counsel for C in a challenge to closure of an adult day centre (judgment pending) [*R (oao AA) v Rotherham MBC*], and as junior counsel for D in a successful defence of a challenge to an LA’s funding of special educational provision for visually impaired children [*R (oao ZK) v LB Redbridge* [2019] EWHC 1450 (Admin)].

SECTORS

ART & CULTURAL PROPERTY

Tom is an experienced public and civil law practitioner, on the C-Panel of both the Attorney General and the Equality and Human Rights Commission. He has particular expertise in judicial review, but also civil claims in contract and tort. His recent cases include claim in the tort of conversion, where he acted for the successful regulator defendant. He is assistant editor of Shackleton on the Law of Meetings, editing chapters including charity law. Before coming to the Bar, he had a number of jobs in the arts, including as Arts Promotions Officer at The Black-E in Liverpool, during European Capital of Culture 2008, which involved liaising with funding bodies including Arts Council England, and clients including the BBC.

RECOMMENDATIONS

“He is very reliable and very bright.” (Legal 500, 2021)

MEMBERSHIPS

- Gray's Inn
- Liberty

QUALIFICATIONS

LSE, LLM

BPP University College, BPTC (VC)

City University, GDL (C)

University of Glasgow, MLitt (Distinction), MA Hons (First)

Scholarships and Awards

Gray's Inn Prince of Wales Award

Gray's Inn CPE Scholar

Glasgow University Arts Faculty Scholar

ADDITIONAL INFORMATION

Publications

- 'What principles should be considered when assessing proportionality of interference with qualified rights on the basis of pressing social need?', on LexisNexis, 16/04/2019: [see here](#).
- 'Electoral law: unfit for the 21st century?', in Counsel Magazine (Nov 2018), with Alison Foster QC and Gethin Thomas: [see here](#).
- 'Political reality vs constitutional aims', on the Fixed Term Parliament Act, co-authored with Alison Foster QC, published in the Solicitor's Journal, April 2017: [see here](#).
- 'Certainty over regular attendance', on the Isle of Wight v Platt school-attendance judgment, April 2017, for the Solicitor's Journal.
- 'Tackling illegal schools', published in Local Government Lawyer and the iNewspaper, October 2016: <https://inews.co.uk/opinion/crack-illegal-schools/>.
- Coinciding with the 2016 UK local elections, an article updating candidates, parties and local authority returning officers on recent ECtHR and High Court decisions, published by Local Government Lawyer.
- Tom's article on the Care Act 2014 appeared in the August 2014 edition of the Encyclopedia of Local Government Law Bulletin.
- 'The Charter of Fundamental Rights of the EU: the Growing Realisation', in Administrative Law 2014

(Sweet & Maxwell, 2014)', as one of three "leading authors in Administrative Law"

- 'Immigration Detention' (OUP, 2014) – chapters on human rights and damages'
- 'Growth Industry: Article 1 of the First Protocol to the ECHR' (JR, June 2013)
- 'Socioeconomic Rights for Public Wrongs' (Gray's Inn Law Journal, October 2010)
- 'Versteckspiel' (Der Tagesspiel, 21 August 2010)

Languages Tom is proficient in Spanish, deployed during his instruction in the Ocesa Pipeline Group Litigation, brought by 84 Colombian farmers against BP.

LONDON

81 Chancery Lane,
London
WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

MANCHESTER

82 King Street,
Manchester
M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE

Maxwell Chambers,
28 Maxwell Road,
04-03 & 04-04, Maxwell Chamber
Suites
Singapore 069120
Tel: +65 6320 9272

KUALA LUMPUR

#02-9, Bangunan Sulaiman,
Jalan Sultan Hishamuddin,
50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085
