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Emmeline Plews

Year of call: **2019**
Degree: **Classics (BA Hons, Oxon), Law (BA Hons, Cantab), BCL (Oxon)**

Emmeline practises in all of Chambers' main areas of work, and has particular experience in employment, commercial disputes, public law and human rights, regulation, sport and safeguarding. She has appeared before a range of courts and tribunals, including the UK Supreme Court. She regularly appears unled in the Employment Tribunal, and has also appeared unled in the Queen's Bench Division and the Companies Court.

Highlights of Emmeline's practice include:

- acting for a number of the claimants in their judicial review challenge to the Government's policy to remove asylum seekers to Rwanda (AAA v Secretary of State for the Home Department [2022] EWHC 3230, currently on appeal);
- acting for the claimant, former CEO of Imagination Technologies, in his whistleblowing claim in relation to his high profile dismissal, following allegations he made relating to national security concerns about a proposed boardroom coup by appointees of the Chinese Government (trial re-listed for 2024, having been bumped in September 2022);
- acting unled for one of four departing employee defendants in urgent applications for delivery up, provision of information and enforcement of restrictive covenants and an application for a speedy trial (2022);
- acting for the claimant in a 6-week trial in September and October 2021 in the Employment Tribunal, bringing claims for whistleblowing and parental leave detriment;
- acting for four charities intervening in the successful appeal to the Court of Appeal in Tavistock and Portman Trust v Bell [2021] EWCA Civ 1362, regarding the right of children and young people under 18 to consent to puberty blockers;
- acting for the successful appellant in her appeal to the Supreme Court in G v G [2021] UKSC 9, regarding the interrelationship between international and European Union law protecting refugees, and international law relating to child abduction.

Emmeline has taught employment law at the Universities of Cambridge and Oxford since 2017. She has been a volunteer with the FRU since 2016, and Advocate since 2020, acting pro bono in various employment matters. She has completed Advocate's "25 for 25" this year. Before coming to the Bar, Emmeline qualified and worked as a social worker in child protection services. She went on to practice in a family court team, working with children and their families in care proceedings. She has a particular interest in legal issues relating to children's welfare and safeguarding.

EXPERIENCE

Commercial

Emmeline accepts instructions in all areas of commercial litigation, and has particular experience of advising on contractual disputes.

Cases

Film Company
(2022)
Advising a film production company regarding a contractual dispute.

Advice on credit card variations
(2022-23)
Advising a Bank in relation to proposals to re-price its credit cards (with Javan Herberg KC).

Sports Club
(2022)
Advising a sports club regarding termination of a manager's contract.

Musician
(2021)
Advising a musician regarding termination of a royalties agreement with a record company.

Sports Club
(2021)
Acted for a sports club in response to a threatened claim for inducing breach of contract in relation to a player's move.

Unfair Prejudice Petition

(2020 - ongoing)

Acting for the respondents defending an unfair prejudice petition (led by Matt Bradley QC).

Various claimants v A Bank (ongoing)

(2020 - ongoing)

Acting for a bank in litigation concerning the lawfulness of interest rate variation provisions in standard variable rate mortgages (with Javan Herberg QC and Hanif Mussa)

Sasci Ltd v Redcentric plc

County Court, 2020

Advised and drafted a pleading concerning a dispute regarding the payment of commission fees under a contract (assisting Andrew Scott).

Insurance and Covid-19 Advice

(2020)

Advice to policyholders interested in the FCA's test case regarding insurance claims for business interruption losses during the Covid-19 pandemic (assisting Hanif Mussa).

Plekhanov v Yanchenko

[2020] EWHC 1201 (Comm)

The Defendant's application for default judgment for payment of a debt was granted successfully, and the Claimant's jurisdiction challenge was dismissed (assisting Andrew Scott).

Vestel v HEVC Advance and Philips

2020

An appeal challenging the High Court's decision ([2019] EWHC 2766 (Ch)) that the English Court does not have jurisdiction to hear a claim for declaratory relief in respect of alleged abuse of dominance in global markets for licensing standard essential patents (assisting Andrew Scott).

Warranty Dispute

(2020)

Advice and pleading in response to a claim for breach of warranty in a share purchase agreement (assisting Fraser Campbell).

Unfair prejudice petition

(2020)

Advice regarding a potential unfair prejudice petition (assisting Fraser Campbell).

Employment

Emmeline accepts instructions in all areas of employment law. She has worked on employment matters in the Employment Tribunal, High Court and Supreme Court.

She has acted for the Respondent in successfully resisting an interim relief application (led by Diya Sen Gupta KC); has acted for the Claimant in a 6-week whistleblowing and parental leave detriment trial in the Employment Tribunal (led by Craig Rajgopaul); and has recently prepared for a 4-week whistleblowing trial which was due to be heard in September 2022 but has been re-listed for 2024 (led by Craig Rajgopaul).

She regularly appears unled in the Employment Tribunal, dealing with both substantive preliminary issues on issues such as jurisdiction and strike out, and final hearings.

Emmeline has taught Employment Law at the Universities of Cambridge and Oxford since 2017.

Cases

Black v Imagination & others

(ongoing)

Acting (led by Craig Rajgopaul) for the former CEO of Imagination Technologies in his whistleblowing claim in relation to his high-profile dismissal, following allegations he made relating to national security concerns about a proposed boardroom coup by appointees of the Chinese government. The four-week trial was due to commence in September 2022 but has now been re-listed for 2024.

Beydoun v Hummingbird Technologies Ltd

(July 2022)

Acted for the successful Respondent in a preliminary hearing to determine whether the Tribunal had jurisdiction to hear the Claimant's claims. The issues included whether the Tribunal had (a) territorial jurisdiction; (b) employment status and (c) was brought within time. The judgment can be found here: https://assets.publishing.service.gov.uk/media/62d7cf628fa8f50c0a8a4028/Mr_A_Beydoun_v_Hummingbird_Technologies_Ltd_.pdf

[An individual] v [A company]

(2022)

Acted for the respondent company, resisting claims of disability and sex discrimination by a former employee. The matter settled following several preliminary hearings.

[A Headteacher] v [Education provider]

(2022)

Acted for a headteacher in a claim for constructive unfair dismissal as a result of bullying and harassment. The claim settled.

Recruitment consultants

(2022)

Acted for one of four defendant employees facing urgent applications for delivery up, provision of information and enforcement of restrictive covenants, and an application for a speedy trial. The employer brought claims for breach of contract, misuse of confidential information, unlawful conspiracy and inducing breach of contract. The matter settled before the speedy trial.

IT supply company

(2022)

Acting for an employer in relation to former employees' potential breaches of their duties while on garden leave, their restrictive covenants, and their use of confidential information.

IT service company

(2021)

Providing advice to an employer on the availability of injunctive relief in respect of confidential information retained by a former employee and the enforceability of restrictive covenants.

Sports Club

(2022)

Advising a sports club regarding termination of a manager's contract.

Sports Club

(2021)

Acted for a sports club in response to a threatened claim for inducing breach of contract in relation to a player's move.

Employee Competition Dispute

(2021)

Emmeline (led by Diya Sen Gupta QC) acted for the insurance broker defendants in a dispute which included claims for breach of a non-solicitation covenant and misuse of confidential information. The matter settled shortly before the expedited trial.

Digital media team move

(2020)

Emmeline (led by Diya Sen Gupta QC) acted for a digital media company where there had been a team move.

Zarembok v BP Plc and others

(2021)

Emmeline (led by Craig Rajgopaul) acted for the claimant, a senior trader, in a 6-week trial in the Employment Tribunal during September and October 2021, bringing claims for whistleblowing and parental leave detriment.

[Former employee] v [A company]

(2020-21)

Emmeline (with Kerenza Davis) acted for the employer against claims for maternity discrimination and unfair dismissal.

Uber BV v Aslam and others

(2020)

Appeal by Uber concerning whether drivers who use the Uber app are "workers", and if so, how working time should be measured for the purposes of calculating entitlements under employment protection legislation (assisting Dinah Rose QC and Fraser Campbell).

[Trade union] v [Educational Institution]

(2019)

Assisted Diya Sen Gupta QC with advice on employment status and part-time workers' rights.

Jefferies International Limited and others v Cantor Fitzgerald and others

(2019)

High Court, 2019

Assisted Diya Sen Gupta QC in seeking a stay of English High Court proceedings on behalf of three Cantor Fitzgerald employees on the basis that any such proceedings should be brought in the State of New York.

Owen v Amec and others

(2019)

Employment Tribunal, 2019

Assisted Diya Sen Gupta QC with a successful strike out application in a victimisation claim.

Employee Competition

Emmeline accepts instructions in relation to all employee competition issues and has experience (led and unled) of acting for both employers and employees, including in injunctive relief applications.

Cases

Recruitment consultants

(2022)

Acted for one of four defendant employees facing urgent applications for delivery up, provision of information and enforcement of restrictive covenants, and an application for a speedy trial. The employer brought claims for breach of contract, misuse of confidential information, unlawful conspiracy and inducing breach of contract. The matter settled before the speedy trial.

IT supply company

(2022)

Acting for an employer in relation to former employees' potential breaches of their duties while on garden leave, their restrictive covenants, and their use of confidential information.

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Employee Competition Dispute

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Digital media team move

(2020)

Emmeline (led by Diya Sen Gupta QC) acted for a digital media company where there had been a team move.

Discrimination

Emmeline has experience in advising and acting for clients in relation to discrimination issues in the spheres of employment and service provision. Her clients include employers, employees, sports clubs and bodies, and charities.

Cases

[An individual] v [A company]

(2022)

Acted for a respondent company in relation to a dispute with a customer about whether it had complied with its duty to make reasonable adjustments. The matter settled.

[An individual] v [A company]

(2022)

Acted for the respondent company, resisting claims of disability and sex discrimination by a former employee. The matter settled following several preliminary hearings.

[Former employee] v [A company]

(2020-21)

Emmeline (with Kerenza Davis) acted for the employer against claims for maternity discrimination and unfair dismissal.

Owen v Amec and others

(2019)

Employment Tribunal, 2019

Assisted Diya Sen Gupta QC with a successful strike out application in a victimisation claim.

Tavistock and Portman Trust v Bell

[2021] EWCA Civ 1363

Emmeline (with Jason Pobjoy) acted for four charities granted permission to intervene in the appeal from the High Court's decision regarding the right of children and young people under 18 to consent to puberty blockers.

Public & Regulatory

Emmeline accepts instructions in all areas of public law and regulation. She has a particular interest in issues impacting children's rights having previously qualified and worked as a child protection social worker.

Cases

Havant Biogas and others v OFGEM

(2022 - ongoing)

Acting (with Emily Neill) for Ofgem following the judgment of Mr Justice Fordham in a judicial review of its refusal to accredit the Claimants as participants in a state subsidy scheme for renewable energy production ([2021] EWHC 84 (Admin)). A claim for compensation for breach of the right to property (A1P1) is now proceeding in the TCC.

R (Annington Property Ltd & ors) v Secretary of State for Defence

[2023] EWHC 1154 (Admin)

Acting (led by Monica Carss-Frisk KC and Jason Pobjoy) for the Claimants in this commercial judicial review challenging the Secretary of State's decisions relating to enfranchisement of Service Family Accommodation.

C3 and C4 v Secretary of State for Foreign, Commonwealth & Development Affairs

[2023] EWCA Civ 444

Acted for the successful Respondent in response to two habeas corpus applications brought by two British citizens detained in North-East Syria in the Divisional Court ([2022] EWHC 2772 (Admin)) and in the Court of Appeal (with Sir James Eadie KC and Jason Pobjoy).

R (AAA (Syria)) v Secretary of State for the Home Department

[2023] UKSC 42

Acted for the AAA Claimants, individuals who have sought asylum in the UK, and who were subject to decisions by the Secretary of State to remove them to Rwanda, before the Divisional Court ([2022] EWHC 3230), the Court of Appeal ([2023] EWCA Civ 745) and the Supreme Court (with Jason Pobjoy, Will Bordell and Rayan Fakhoury).

Afghan Relocations and Assistance Programme

(2021-2022)

Acting pro bono in relation to several applications under the Afghan Relocations and Assistance Programme following the collapse of the Islamic Republic of Afghanistan.

Statutory injunction

(2022)

Acted for a regulator in an application for a statutory injunction to enforce compliance with regulatory requirements (led by Alan Maclean QC).

RIIO-2 energy price controls

(2021)

Emmeline acted for Ofgem in the RIIO-2 energy price control appeals (with Emily Neill and Natasha Simonsen). The CMA's final determinations can be found here: https://www.gov.uk/cma-cases/energy-licence-modification-appeals-2021

Tavistock and Portman Trust v Bell

[2021] EWCA Civ 1363

Emmeline (with Jason Pobjoy) acted for four charities granted permission to intervene in the appeal from the High Court's decision regarding the right of children and young people under 18 to consent to puberty blockers.

Challenge to Parole Board Rules 2019

(2021)

Representing the Secretary of State for Justice in using the 21-day reconsideration mechanism introduced following the Warboys case (led by Jason Pobjoy).

G v G

[2021] UKSC 9

Successfully acted for the mother in her appeal against the Court of Appeal's decision that her daughter had to have made a separate independent asylum application in order to be entitled to protection from refoulement. The Supreme Court held that a child will be an asylum applicant, and be entitled to protection from refoulement, where he or she is objectively understood to be making an application, regardless of whether a separate application is made in the child's own name (with Jason Pobjoy).

Halabi v The Crown Court at Southwark

(2020)

Following the Divisional Court’s judgment dismissing the claimant’s challenge to the Crown Court’s decision to impose notification requirements under s.97 of the SOA 2003, the application for permission to appeal under the AJA 1962 was successfully dismissed (assisting Hanif Mussa).

Civil Liberties & Human Rights

Emmeline accepts instructions in relation to civil liberties and human rights. She has a particular interest in issues impacting children's rights, and the right to family life, having previously qualified and worked as a child protection social worker.

Cases

Havant Biogas and others v OFGEM

(2022 - ongoing)

Acting (with Emily Neill) for Ofgem following the judgment of Mr Justice Fordham in a judicial review of its refusal to accredit the Claimants as participants in a state subsidy scheme for renewable energy production ([2021] EWHC 84 (Admin)). A claim for compensation for breach of the right to property (A1P1) is now proceeding in the TCC.

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Advice on the policing of protests

(2020-21)

Emmeline (with Iain Steele) advised Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services in relation to its thematic inspection on the policing of protests. This involved reviewing existing police powers and criminal law, and advising on the compatibility of reforms with the European Convention of Human Rights.

Sport

Emmeline is growing a strong sports practice, and has experience advising on commercial, governance, regulatory and employment issues for professional sports bodies. She has appeared regularly before a range of sports disciplinary tribunals, particularly in disciplinary and safeguarding matters, drawing upon her previous experience in social work practice.

Cases

Sports Club

(2021)

Acted for a sports club in response to a threatened claim for inducing breach of contract in relation to a player's move.

Sports Club

(2022)

Advising a sports club regarding termination of a manager's contract.

PGA European Tour

(July 2022 - 2023)

Acted (with Ravi Mehta) for the successful European Tour in relation to challenges brought by professional golfers against their suspensions from playing in the Scottish Open and two other DP World Tour tournaments.

[A sports body] v [Individual]

(2021)

Successfully represented a sports body at an oral hearing in relation to a safeguarding incident.

[A sports body] v [Multiple individuals]

(2021)

Acting for a sports body in relation to a complex safeguarding investigation involving sexual abuse and multiple defendants.

Safeguarding

Emmeline accepts all instructions involving safeguarding matters. She has a particular interest in this area, drawing on her previous professional experience as a child protection social worker.

Cases

[A sports body] v [Individual]

(2021)

Successfully represented a sports body at an oral hearing in relation to a safeguarding incident.

[A sports body] v [Multiple individuals]

(2021)

Acting for a sports body in relation to a complex safeguarding investigation involving sexual abuse and multiple defendants.

ACHIEVEMENTS

Education

- Classics BA (Oxon, Congratulatory First)
- Law BA (Cantab, First)
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BCL (Distinction)

- Masters in Social Work (Bedfordshire, Distinction)

Prizes and scholarships

- Peter Taylor Scholarship (Inner Temple, 2018-19)
- Human Rights at Work Prize (BCL, University of Oxford, 2018)
- Children, Families and the State Prize (BCL, University of Oxford, 2018)
- BCL Scholarship (Jesus College and Law Faculty, 2017-18)
- Wade Prize for Administrative Law (Part II, University of Cambridge, 2015)
- Littleton Chambers Prize for Labour Law (Part II, University of Cambridge, 2015)

Publications

- 'Lift the Ban: A Right to Work for Asylum Seekers,' (UK Labour Law Blog, 15 November 2018).
- 'The 2014-15 Legal Year in Overview: Criminal Law. Evidence and Procedure' (The UK Supreme Court Yearbook, 2015).
- 'Profiting from Punishment: should the private sector run children's prisons?' (John Howard Essay Prize, 2012).

Research interests

Emmeline has worked with Professors Catherine Barnard and Amy Ludlow on research projects on EU-8 migrants' use of employment tribunals, and with Professors Jeremias and Abi Adams-Prassl on the impact of digital court reforms on access to justice.

Volunteering and Pro Bono

Emmeline interned at the Texas Defender Service, which provides legal services and representation for prisoners on death row in Texas, USA. She has also been a volunteer at FRU since 2016.

VAT registration number: 447008068

Barristers regulated by the Bar Standards Board