



MARK GREAVES

MAIN AREAS OF PRACTICE:

Education Law
Employment Law
Inquests and Inquiries
Public Law

Called to the Bar 2016

CONTACT:

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Mark has a busy practice with a particular focus on Employment and Discrimination, Education and Public Law. Prior to joining Matrix in November 2018, Mark was a member of Old Square Chambers.

EMPLOYMENT LAW

Mark is regularly instructed by both claimants and respondents as sole counsel for multi-day Employment Tribunal hearings across the full spectrum of employment litigation.

Since January 2017, Mark has been the author of the Working Time chapter within Tolley's Employment Law (loose-leaf, last updated in July 2018) and is consequently regularly instructed in claims in developing areas of law concerning the Working Time Regulations. He successfully represented a claimant in a worker-status case which was one of the first domestic cases to apply the CJEU's judgment in *King v The Sash Window Workshop Ltd* [2018] IRLR 142. The respondent has applied for permission to appeal. He also recently advised an organisation with over 1000 employees on amendments to their flexible working and annual leave policies.

Mark has a growing practice acting in matters involving trade unions and their members. He successfully represented a trade union-supported claimant in a three-day claim for both unfair dismissal and discrimination arising from disability. He acted for the successful claimant in a multi-day age discrimination case concerning a mandatory retirement age imposed by a union. Mark has also been instructed directly by the RMT to advise on a potential breach of a collective agreement by a major train operating company.

Mark's commercial approach and negotiation skills has enabled him to break the deadlock and obtain favourable settlements for his clients at court in a number of sensitive cases. He represented the respondent in an unfair dismissal claim listed for seven days which settled on day four, following XX of the claimant. He also acted for the respondent in a claim concerning a commission payment of over £100,000 which settled at court after the exchange of skeleton arguments.

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In addition to his employment practice, Mark has experience of matters which involve a cross-over with other areas of law. Mark is currently instructed by the defendant in an ongoing case pleaded in excess of £100,000 arising from disability discrimination in the provision of services. He also drafted the defence and provided advice to a company in a civil claim brought under the Protection from Harassment Act 1997 arising out of alleged sexual harassment in the workplace.

During pupillage at Old Square Chambers, Mark gained experience of cases in the Tribunals, High Court, Court of Appeal and the Supreme Court. He assisted members at Old Square Chambers in a number of high profile cases including the following:

Brierley & others v ASDA Stores Ltd (on-going): the largest private sector multiple equal pay claim of its kind;

Hartley & others v King Edward VI College [2017] UKSC 39: a test case before the Supreme Court concerning the correct pay deduction for participation in strike action;

Adeshina v St George's Healthcare NHS Trust & others [2017] EWCA Civ 257: a complex discrimination and unfair dismissal case before the Court of Appeal

EDUCATION LAW

Schools and further education

Mark has experience before the First-Tier Tribunal (Special Education Needs and Disability) in appeals relating to the contents of EHC Plans (Sections B, F and I). Mark has also acted in exclusion cases involving both maintained and independent schools.

In a recent post-19 case featuring a young person with multiple learning difficulties, 11 experts across 6 different disciplines provided reports included in the bundle. Mark successfully persuaded the Tribunal to order a 38 week residential placement at a specialist independent college offering a waking day curriculum, together with a 14-week residential social care placement. The total cost of this placement (together with the provision ordered) was over £140,000 per year. Mark also obtained provision costing over £60,000 per year in another post-19 case.

Prior to commencing pupillage, Mark was the Chief Student Director of the School Exclusion Project, an award-winning pro bono unit providing advice and representation to families at all stages of the exclusion process. His article on the impact of the exclusion system on children with SEN was published in The Telegraph and he has provided comments on similar issues for several articles published in The Guardian. He has also worked as a caseworker for SOS!SEN for a number of years and ran a focus group on exclusions at the SOS!SEN 15th Anniversary Conference hosted by Amnesty International UK. He has had exclusions even for serious physical assaults successfully overturned due to disability discrimination and procedural unfairness.

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Ofsted

Mark has spent the past year on a part-time secondment at Ofsted where he leads Ofsted's legal services team in advising on issues concerning independent schools and equality law.

Mark works closely with the inspectorate and policy teams and has provided training and advice to senior leaders, including Her Majesty's Chief Inspector, on topics such as the PSED and gender reassignment discrimination. He also provides advisory services on a range of public and education law matters, including judicial review challenges to inspection judgments.

Independently of his secondment, Mark has been instructed by Ofsted to assist with the preparation of witness statements for the Independent Inquiry into Child Sexual Abuse (IICSA).

Higher Education

Mark has advised the claimant on an application for judicial review of the decision by his university to penalise him for plagiarism, and the decision of the Office of the Independent Adjudicator that his complaint about the penalty was not justified. He has also advised the claimant in a disability discrimination case brought against a qualifications body in the Employment Tribunal.

PUBLIC LAW

Mark welcomes instructions in relation to all areas of public law but has a particular interest in, and experience of, cases in an education law context. Mark has a strong academic grounding in this area: he ranked first out of 190 students in the public law exam on the GDL and was awarded the Michael Beloff QC Administrative Law Essay Prize by Gray's Inn for his piece on reform of the Human Rights Act 1998.

Mark was instructed by Ofcom to assist James Chegwidden of Old Square Chambers in judicial review proceedings brought by Bill Emmott, challenging the decision as to how his appointment should be formally brought to an end. He has advised the

claimant on bringing judicial review proceedings against his university and the Office of the Independent Adjudicator arising out of an allegation of plagiarism. He has also provided advice to Ofsted on a number of judicial review challenges to inspection judgements brought in the High Court.

During pupillage, Mark assisted in the case of *R (on the application of Mandic-Bozic) v British Association for Counselling and Psychotherapy & Anor* [2016] EWHC 3134 (Admin), judicial review proceedings concerning the law of abuse of process.

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Whilst a student, Mark acted pro bono for three families in separate Independent Review Panel challenges to school exclusions (which apply the principles applicable on an application for judicial review). He successfully persuaded the IRP to quash the exclusion in two of these cases – in one case due to procedural impropriety and in another for being ultra vires.

QUALIFICATIONS

Before coming to the Bar, Mark read Classics at Jesus College, Oxford where he received several academic honours, including the Holbrooke Scholarship, the Viscount Sankey Scholarship and the William Montgomerie Prize for Greek Philosophy. At City University, Mark completed the GDL (Distinction, fifth overall and first in Public Law) and the BPTC (Outstanding) as a Bedingfield Scholar of Gray's Inn, the top merit-based award. He also completed a 12-week Mandarin Chinese course at Beijing Language and Culture University.

In his spare time, Mark enjoys rock climbing, cycling and theatre.

Mark is regulated by the Bar Standards Board and accepts instruction under Standard Contractual Terms, details of which can be found on our website under Code of Conduct.