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Jake Davies



Called: 1997
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"Jake's combination of fair play, top-notch preparation and patience make him stand out - clients could not be in safer hands in terms of legal representation." The Legal 500 UK 2023

PROFILE

Jake has been recognised as a leading junior in employment law by the Legal 500 for a number of years. His client base includes various public bodies and large corporate employers as well as directors and senior employees. Jake specialises in employment, contract, discrimination and whistleblowing claims and has successfully represented local authorities in various reported appeal cases.

He is regularly instructed by public bodies and large corporate employers to give expert advice and appear in cases relating to contracts, internal procedures, reorganisations, job evaluations, pay, employment status, discrimination, Covid-19, tax, pensions, shares and other significant issues which potentially affect the whole work force. He has represented schools and local authorities at NCTL appeals.

Jake leads the Employment group and is chair of the public access committee. He is also a member of the Banking and Finance and the Civil Fraud groups. His commercial practice includes restrictive covenants, breach of fiduciary duty and professional negligence.

EXPERTISE

Unfair, constructive & wrongful dismissal

Jake has vast experience of misconduct, capability, redundancy, some other substantial reason, constructive and discriminatory dismissal claims in the employment tribunals and at appeal level. He often deals with preliminary or appeal issues concerning employment status, time limits and early conciliation.

Reported cases include:

- **Ukegheson v London Borough of Haringey** [2017] EWCA Civ 1140 (CA) and [2015] ICR 1285 (EAT) – constructive dismissal (amongst other issues).
- **Craigie v London Borough of Haringey** [2007] EAT/0556/06 – employment status of an agency worker (an important case on tri-partite arrangements).

Recent work includes:

- Representing a firm of solicitors in a claim involving employment status and unfair dismissal. The Claimant withdrew his main claims on the first day of the trial and Jake's client was then given some of their costs.
- Striking out a claim for failure to comply with the early conciliation provisions.

Discrimination

Jake's practice includes all forms of discrimination claims (direct discrimination, indirect discrimination, victimisation, harassment, failure to make reasonable adjustments, discrimination arising from disability, equal pay, the public sector equality duty and claims against service providers in the civil courts) and all the protected characteristics (sex, race, religion or belief, age, disability, sexual orientation, pregnancy & maternity, gender reassignment marital & civil partnership).

Reported cases include:

- **Ukegheson v London Borough of Haringey** [2017] EWCA Civ 1140 (CA) and [2015] ICR 1285 (EAT). Jake represented LBH in the EAT and CA and successfully resisted appeals against a tribunal decision to strike out disability and religious discrimination claims at a preliminary hearing.
- **Mba v London Borough of Merton** [2014] ICR 357 (CA) & [2013] ICR 658 (EAT). Jake successfully represented LBM in the tribunal, EAT and the CA in a case concerning Sunday working. The main issues involved religious discrimination, group disadvantage and justification.
- **McIntosh v Governing Body of St Marks** [2014] All ER (EAT). Jake successfully represented the employer in the tribunal and the EAT. The main issues involved direct race discrimination and victimisation.
- **Durrani v London Borough of Ealing** [2013] All ER (EAT) – direct race discrimination, harassment and victimisation (amongst other issues). The EAT agreed with Jake that there was no evidence of any protected act for the victimisation claim and no evidence to shift the burden of proof for the other claims.

Recent work includes:

- A two-week trial involving reasonable adjustments and other disability discrimination claims (Jake was acting for a public body and successfully defended all the claims).
- Striking-out various discrimination claims at a preliminary hearing on the basis that the claims had no prospect of success as there was no "something else" even on the Claimant's case.
- Successfully representing a local authority in a civil claim involving alleged discrimination by a service provider (the main issue related to whether disabled persons should have adjustments made to the parking appeals process).
- Various preliminary hearings concerning equal pay claims (including whether there is a valid comparator and issues related to associated employers and public bodies).
- An 8-day tribunal hearing concerning sex, race & disability discrimination claims representing a senior public employee.
- Representing a local authority in claims made by various staff relating to alleged race discrimination as

a result of a restructure.

Pay & contracts

Jake regularly advises various public and other large employers on pay and contract issues and represents them in trials and appeals involving such issues. This includes sick pay, holiday pay, maternity pay, notice pay (& gardening leave), minimum wage claims, unlawful deductions, bonuses & commission, job evaluations, breach of contract and agency related claims.

Reported cases include:

- **Steel v London Borough of Haringey** [2015] All ER (EAT): complex unlawful deductions case involving single status evaluations, salary scales and consultation.

Recent work includes:

- Advising a large global company on the terms of their employment, agency and consultancy contracts.
- Striking-out claims for breach of contract, a share of business profits and unlawful deductions on the basis that it was essentially a partnership claim and should not have been made in the employment tribunal.
- Advising a local authority on general holiday and notice pay issues.
- Advising various local authorities on how the Covid-19 legislation, guidance and regulations impact on pay & contractual issues.

TUPE

Jake's practice includes advising and representing local authorities on TUPE related issues and representing them in tribunal or other court proceedings. He also acts for companies, businesses or groups of claimants. This includes: Service provision changes, Excluded transfers (insolvency, shares & administrative functions by a public body), Right of objection & consultation, Assignation of rights & liabilities, Unfair dismissal & redundancy.

Reported cases include:

- **Durrani v London Borough of Ealing** [2013] All ER (EAT) – the EAT dismissed an appeal against a tribunal decision that the proper respondent to claims of disability discrimination and of suffering detriment as a result of having made a protected public interest disclosure was the employer of both the claimant and the alleged perpetrator, at the time the acts were committed, although the contract of the alleged perpetrator had subsequently been transferred under TUPE.

Recent work includes:

- Acting for a group of claimants against a major betting firm and associated companies where the issues involved multiple transfers and changes of company name.
- Acting for a group of claimants against a newspaper distribution company.
- Acting for a local authority defending a claim made by previously transferred employees.

Restrictive covenants and restraint of trade

Jake advises and represents employers and directors or other senior employees where there are issues concerning the incorporation and effect of post-termination clauses or current employment terms relating to duties, covenants and restraints. This includes the duty of good faith, fiduciary duties, setting up or being involved in another business and the use of confidential information.

Recent work includes:

- Advising and representing various directors in claims involving alleged breaches of restrictive covenants, non-competition clauses, fiduciary & good faith duties and counterclaims relating to EMI shares and bonuses.
- Advising a group of companies about an ex director setting up another business before termination of employment.

Whistleblowing

Jake has considerable experience of protected public interest disclosure claims given the work he does for local authorities and senior employees or directors.

Reported cases include:

- **Durrani v London Borough of Ealing** [2013] All ER (EAT)

Recent work includes:

- An 8-day tribunal hearing concerning various whistleblowing issues such as the status and significance of complaints to the public ombudsman and a public body's liability for the conduct of councillors and employees breaching guidance and codes of conduct.
- Striking-out a whistleblowing claim on the basis that the alleged detriments occurred a long time after the protected disclosures had been made and after the claimant had been on long-term sick leave (the tribunal also accepted that the dismissal was clearly because of the absence and not because of any disclosure).
- Striking-out a whistleblowing claim on the basis that there was no evidence that any information had ever been disclosed which tended to show the employer had committed any wrongdoing.
- Representing a Citizens Advice Bureau in a one-week whistleblowing trial.
- Advising a local authority on various connected whistleblowing claims.

Other employment related matters

Jake has recently advised various local authorities and other large employers about Covid-19 and related issues in respect of current or potential tribunal claims and has given various webinars dealing with the relevant issues as part of the Five Paper series of webinars. Issues include:

- Furlough.
- Providing essential public services.
- Requesting staff to return to work.
- Dealing with vulnerable staff, customers and colleagues.

- Redundancy.

Banking & Finance

Jake's practice includes the following areas:

- The banker/customer relationship, banking confidentiality, account operation and bank payments.
- Fraud by customers and third parties, including the regulatory, proceeds of crime and money laundering issues.
- Personal and corporate guarantees including undue influence, duress and misrepresentation.
- Professional negligence by solicitors, valuers and others.

Civil Fraud

Jake's practice includes the following areas:

- Deceit, fraud, bribes and conspiracy.
- Fiduciaries and breach of trust, and claims against directors and employees.
- Dishonest assistance and accessory liability.

FURTHER INFO

Directory Quotes



Jake is ranked as a Leading Junior in band 4 for Employment in **The Legal 500 UK 2027**.

"Jake is very good at getting to grips with facts quickly. He has a reassuring manner."
The Legal 500 UK 2025

"He combines razor-sharp analytical skills and advocacy with a personable rapport with clients."
The Legal 500 UK 2024

"Jake's combination of fair play, top-notch preparation and patience make him stand out – clients could not be in safer hands in terms of legal representation."
The Legal 500 UK 2023

“Ability to scrutinise large volumes of documents, and pull out the key issues and identify areas of weakness.”
The Legal 500 UK 2021

“A thorough, robust and tenacious approach to tricky cases as well as very strong advocacy.”
The Legal 500 UK 2020

“He has an incredible mind that can sort an extraordinary amount of information.”
The Legal 500 UK 2019

“He is great on his feet and achieves good outcomes for his clients.”
The Legal 500 UK 2017

“His preparation is meticulous and he always seems to find the right argument.”
The Legal 500 UK 2016

“He provides robust tactical and legal advice, and is excellent on his feet.”
The Legal 500 UK 2015

Qualifications

Jake received a First Class Degree in History from Cambridge. He worked for a number of years as a researcher for an MEP, based in Italy and Spain. He completed a law conversion course at City University and was called to the Bar in 1997.

Professional Memberships

Jake is a member of ELBA, ELA, Combar and the London Common Law and Commercial Bar Association.

Privacy Notice

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