
Harini Iyengar

Harini Iyengar specialises in Employment, Discrimination and Equality, Regulation and Discipline, Education, Commercial, Information, Partnership, and Procurement law. She has practised at 11KBW ever since her Call to the Bar in 1999 as a seven-months-pregnant pupil barrister. Harini is a Governing Bencher of the Honourable Society of the Inner Temple, has sat for several years on the Steering Group of the Temple Women's Forum and the Bar Council Retention Panel, and was a First 100 Years Ambassador. Harini gave expert legal evidence to the House of Commons Inquiry into high heels and workplace dress codes and is regularly interviewed as a legal expert in the media, including on "Newsnight" and "Victoria Derbyshire". She is the author of "A Practical Guide to the Law of Gender Pay Gap Reporting".

Harini is also an experienced Director, currently an Independent Governor at a University, and holds the Institute of Directors Award in Finance for Non-financial Directors. She presented a paper on equal pay as part of the Women's Budget Group delegation to the International Association for Feminist Economics annual conference.

Most of Harini's instructions come through solicitors, but she also accepts instructions directly from business owners, directors and individuals under the public access rules, in suitable cases.

Specialisms

Education

Harini's extensive experience includes judicial review, governance, employment, special needs and pensions disputes involving nurseries, schools, colleges and universities. Her practice has recently been dominated by the Higher Education sector, including students' academic and disciplinary disputes, high-value contentious employment matters, and the Teaching Excellence Framework. She sat on the recent Independent Review Panel examining race equality at Cardiff University Medical School. As a Governor of London Metropolitan University, she has a sophisticated understanding of University governance structures and culture.

School Exclusion Independent Review Panel

Harini successfully persuaded an Independent Review Panel to remit a decision to a Governing Body concerning the exclusion of a pre-teen girl for "sexting" and sexual misbehaviour, who was being groomed by a third party

Independent Review of Race Equality at Cardiff University Medical School

Harini sat on the independent review panel investigating race equality at Cardiff University Medical School

Teaching Excellence Framework

Harini advised a University on a potential legal dispute concerning the Teaching Excellence Framework

Anger-Kraavi v University of Cambridge

Harini represented in the Employment Tribunal a senior woman academic who brought claims of victimisation alleging that the University had not abided by the promises made in the



Professional Summary

Called 1999

Contact Details

Harini.Iyengar@11kbw.com

+44 (0)20 7632 8500

Clerk Martin Pownall

Clerk Harry Gilson

[Contact Clerks](#)

settlement agreement for her first case, in which she had brought claims of equal pay, sexual harassment, unfair dismissal and sex discrimination.

Student v Russell Group University

Harini advised and drafted grounds of appeal for a student challenging the complex rules on borderline final degree candidates for a first class degree.

Procurement

As a senior-junior, with a wealth of broad-ranging local government and TUPE expertise, Harini has successfully diversified into procurement and represented several claimants in the criminal legal aid duty provider litigation.

Riley Hayes & Co Solicitors v Lord Chancellor

Advised a criminal legal aid firm on the merits and prospects of success of claim against Lord Chancellor concerning the 2015 criminal legal aid duty provider procurement exercise and then drafted particulars of claim, and attended and made written and oral representations in court.

BEPS v Lord Chancellor

Advised a criminal legal aid firm on the merits and prospects of success of claim against Lord Chancellor concerning the 2015 criminal legal aid duty provider procurement exercise and then drafted particulars of claim in a complicated claim involving four tender applications in different procurement areas.

AA Law v Lord Chancellor

Advised a criminal legal aid firm on the merits and prospects of success of claim against Lord Chancellor concerning the 2015 criminal legal aid duty provider procurement exercise and then drafted particulars of claim in a complicated claim involving allegations of race discrimination and subconscious bias.

Written Advice to Police Authority

Advised a police authority in writing on a very high-value procurement query concerning the lawfulness of amending call-off terms.

Partnership

Harini's partnership work has involved complex, sensitive, high-value disputes in both traditional partnerships and LLPs, concerning remuneration, discrimination, whistleblowing, fiduciary duties, restrictive covenants, and expulsion from the partnership.

Performance Management and Substance Addiction in a Traditional Partnership

Advising the managing partners of a traditional partnership on a sensitive and complex matter involving performance management and substance addiction relating to a senior equity partner.

Senior Finance Partner v Financial Services LLP

Advising a senior female partner in a financial services limited liability partnership on high-value disputes relating to expulsion from the partnership, partnership remuneration structures, profit-sharing rules, pregnancy and sex discrimination and victimisation.

Solicitor Partner v Solicitors LLP

Represented a solicitors limited liability partnership facing high-value and bitterly-contested claims from a partner involving serious allegations of financial and regulatory impropriety against the LLP, whistleblowing and expulsion from the partnership.

Employment & Equality / Discrimination

Harini has extensive experience and expertise, acting for both employers and employees, in cases of discrimination on each of the protected grounds, whistleblowing, bullying and harassment, TUPE, maternity, paternity and parental rights, equal pay, contractual disputes, data protection, confidential information, restrictive covenants, complex disciplinary and grievance matters, working time, trade unions, redundancy, and of course unfair dismissal.

Her employer clients include City financial institutions, manufacturing and IT businesses, law firms, public bodies, universities, retail giants, charities, health authorities, local councils, and small businesses. She has represented workers from all walks of life, from City traders and elite professionals through to low-paid council workers bringing multiple union-backed claims and a victim of human trafficking held in domestic servitude. In July 2016, Harini gave expert legal evidence to the House of Commons inquiry into high heels and workplace dress codes.

Whistleblowing

Beatt v Croydon Health Services NHS Trust

[2017] EWCA Civ 401

Harini won in the Court of Appeal, having represented Dr Beatt (the consultant interventional cardiologist) in the Employment Tribunal and the Employment Appeal Tribunal. In their judgment in the long-running widely-reported whistleblowing case, the Court of Appeal gave important guidance on the differences between the tests for unfair dismissal and unfair dismissal for making a protected disclosure.

Senior Banker v Major Investment Bank

Harini advised a senior banker bringing very high-value claims of whistleblowing, disability discrimination, failure to make reasonable adjustments, indirect discrimination, harassment, victimisation and unlawful deduction from wages. The case settled shortly before a multi-day hearing.

Teacher v Further Education College

Advised in conference and drafted claim for a teacher bringing whistleblowing claims against a further education college, with complicated facts including a complex disciplinary matter.

Sex Discrimination and Victimisation:

Annals v Commissioner of Police of the Metropolis

Harini successfully defended the Met Police from an unusual claim of sex discrimination brought by a male firearms officer who had been refused a career break.

Bouabdillah v Commerzbank AG

[2013] EqLR 651

Harini represented the successful Claimant, Ms Latifa Bouabdillah, who brought a widely-reported claim of victimisation against Commerzbank AG

Pregnancy and Maternity Discrimination:

Stokes v Smart Education Ltd

Successfully represented respondent teacher recruitment business for pregnancy and maternity discrimination, pregnancy harassment, unfair dismissal, and failure to pay sick pay.

Senior Partner v Financial Services LLP

Advised on complicated dispute involving complaints of pregnancy and maternity discrimination, sex discrimination, victimisation and expulsion from partnership.

C v Investment Bank: high value sex discrimination involving maternity and bonus issues

Equal Pay

Project and Export Financier v Major Investment Bank

Harini advised and drafted a very high-value complex equal pay claim for a woman financier in project and export, including claims for like work and work of equal value, and a novel claim under s 71 of the Equality Act 2010. The case settled at the door of the court before a multi-day hearing.

Written Opinion for Public Authority: costs in civil courts

Advised public authority facing mass equal pay claims in the civil courts on novel issues of costs in equal pay claims in the aftermath of *Birmingham City Council v Abdulla*.

Race Discrimination:

Account Manager v Information Sector Business

Represented information sector business facing claim of direct race discrimination and unfair dismissal from an account manager.

Senior University Academic v Well-Known University

Represented at preliminary hearing a renowned senior university academic bringing very high value claims of sex, race and disability discrimination against a well-known university and named professors

Disability Discrimination:

Burke v Camden and Islington NHS Foundation Trust

Harini defended an NHS Foundation Trust facing complex disability discrimination claims from a current and long-term employee, who had a very unusual and complicated mental health condition, whose vulnerabilities also necessitated reasonable adjustments to be made in the Tribunal to the method of cross examination. Harini has been trained to work with vulnerable witnesses.

Dean v Abercrombie & Fitch: direct disability discrimination, harassment and failure to make reasonable adjustments

Successfully represented claimant with prosthetic arm in a high-profile case against fashionable clothing store Abercrombie & Fitch.

Discrimination in Education / the Provision of Services:

Disabled Medical Student v Russell Group University

Successfully represented a disabled medical student at an unusual appeal to the Appeal Committee of a Russell Group University in which the challenge was based on the student's rights to receive educational services under the Equality Act 2010.

Disabled Student v College (County Court)

Advised disabled student with claims of disability discrimination in provision of services by college and direct discrimination through stereotyping.

Religion or Belief Discrimination:

Advised a Christian charity

On lawfulness of a requirement in a job specification to be a practising Christian.

Domestic Migrant Worker v Employer

Harassment on ground of religion and sex through unwelcome requirement to wear hijab

Sexual Orientation Discrimination:

Kistruck v Battersea Dogs' Home: harassment on ground of sexual orientation

Successfully represented Respondent in claim involving allegations that a lesbian junior employee had been sexually harassed at work by her lesbian boss, following the break up of their former romantic relationship.

Age Discrimination:

B v Local Authority

Age discrimination in redundancy context

Transfer of Undertakings:

Townend v Unite the Union

Successfully represented large trade union in multi-day case raising complex issues of TUPE, employment status, and employer's counterclaims, in addition to critical factual disputes.

Dismissal contrary to TUPE Protections

Service provision change

Unfair Dismissal and Disciplinary Issues:

Beatt v Croydon Health Services NHS Trust

[2017] EWCA Civ 401; CA, May 23 2017; [2017] IRLR 748

The EAT had been wrong to overturn an employment tribunal's finding that a consultant cardiologist had been dismissed because he made protected disclosures

Legal Advisor to Disciplinary Panel

Harini acted as the legal advisor to a disciplinary panel of a public body considering very sensitive allegations of serious misconduct against a senior officer.

Peak v South Buckinghamshire County Council

Harini successfully defended a county council from a sensitive claim of unfair dismissal brought by a senior officer who had been dismissed for serious sexual misconduct towards a vulnerable service user.

Contractual Disputes including Bonus, Pensions Issues, Strikes and Living Wage:

Advice on National Living Wages

Harini advised a local authority in writing on a series of difficult questions involving the implementation of the National Living Wages, its interaction with the National Minimum Wage, and how payscales would be affected.

Senior Underwriter v Insurance Business

Drafted High Court claim for senior underwriter concerning unpaid bonus

Investigations & Inquiries

Harini Iyengar is a popular choice as Independent Investigator with a range of prestigious companies and institutions because of her many years of expertise in complicated fact-based discrimination claims and her ability to establish a good rapport with witnesses in order to ask penetrating questions on sensitive topics. Clients also appreciate her skill and experience in working with vulnerable witnesses, for example, witnesses suffering from stress, depression or other mental health conditions and those who have experienced bullying and discrimination.

Whistleblowing at Well-known University

As Independent Investigator, Harini recently conducted an independent investigation for a well-known university into very serious whistleblowing allegations of improper and unlawful conduct on the part of very senior staff.

Race Discrimination Investigation at Listed National Infrastructure Business

Harini was the sole Investigator for a Listed National Infrastructure business, appointed in accordance with an out of court settlement of very high value race discrimination litigation. It was a substantial investigation which required her to hear witness evidence and consider extensive documentary evidence in order to make findings of fact about 44 allegations of bullying and race discrimination.

Market-sensitive Allegations at Finance Business

Harini conducted an independent investigation into market-sensitive allegations of misconduct and inappropriate behaviour in a high profile finance business, which arose out of a clash between two very senior personalities.

Independent Review Panel on Race Equality at Cardiff University

Harini was instructed as a member of the Independent Review Panel set up by Cardiff University Medical School to examine race equality following the disciplining of 31 medical

students after their performance in a student revue which included “blackface” and other offensive aspects. The Panel considered extensive documentary evidence and spent two days hearing witness evidence. All 13 recommendations were publicly accepted by Cardiff University.

Recommendations

“She’s a powerfully strong advocate and very clever” **Chambers & Partners**

“She’s a very thorough and technically excellent lawyer” **Chambers & Partners**

“Extremely good” **Chambers & Partners**

“A technically excellent, tenacious, skilled advocate.” **Legal 500**

“Harini is very calm under pressure and has a wealth of knowledge and experience. Very quick to grasp both the legal issues and commercial realities.” **Legal 500**

“A very engaging speaker whose advocacy shines; she is also excellent with her clients and really good at client management.” **Chambers & Partners**

“She’s very personable and really knows her stuff.” **Chambers & Partners**

“Listens carefully to clients and reflects their instructions with well-constructed advice.” **Legal 500**

“Very calm under pressure and has a wealth of knowledge and experience.” **Legal 500**

“Very methodical and bright. She is confident, really easy to deal with and very client-friendly.” **Chambers & Partners**

“She’s well prepared, robust and committed to her clients.” **Chambers & Partners**

“She is very accessible and focused on achieving the best outcome.” **Chambers & Partners**

“She is extremely responsive and has great attention to detail.” **Legal 500**

“She is very quick to grasp both the legal issues and commercial realities.” **Legal 500**

“She is knowledgeable about the subject and provides clear, comprehensive and helpful advice.” **Chambers & Partners**

“She is excellent. Extremely cool under pressure and not fazed by anything.” **Chambers & Partners**

“She is very passionate about what she does” **Legal 500**

“She provides thoughtful advice that goes beyond the law” **Legal 500**

“She is extremely responsive and has a great attention to detail. She is also really client-friendly.” **Chambers & Partners**

“She is a pleasure to deal with, and shows conscientiousness and knowledge of her subject” **Legal 500**

“She listens carefully to clients and reflects their instructions with well-constructed advice” **Legal 500**

“Unflappable and solid at handling partnership cases” **Chambers & Partners**

“She is sharp-witted, perceptive and an experienced cross-examiner” **Chambers & Partners**

“Undertakes a wide range of employment law work with particular focus on complex disputes, including remuneration and restrictive covenant enforcement issues. Her employment practice is bolstered by her extensive knowledge of education and procurement law.” “She is extremely responsive and has a great attention to detail. She is also really client-friendly.” **Chambers & Partners**

“She listens carefully to clients and reflects their instructions with well-constructed advice” **Legal 500**

“Unflappable and solid at handling partnership cases” **Chambers & Partners**

“She is sharp-witted, perceptive and an experienced cross-examiner” **Chambers & Partners**

“She is very good at getting to the issues that matter quickly, and presents her cases to best advantage” **Legal 500**

“She brings confidence to both instructing solicitor and client” **Legal 500**

“She provides high-quality advice, and is genuinely interested in her clients” **Legal 500**

Recent Cases

Beatt v Croydon Health Services NHS Trust CA
[2017] IRLR 748

Bouabdillah v Commerzbank AG
[2013] EqLR 651

Croydon Health Services NHS Trust v Beatt (Unfair Dismissal: Automatically unfair reasons)
[2016] UKEAT 0136_15_1901

Carmelli Bakeries Ltd v Benali
[2013] UKEAT 0616_12_3107

Otobor V Croydon College & Ors (Practice and Procedure : Striking-out/dismissal)
[2013] UKEAT 0285_13_0609

Beijing Ton Ren Tang (UK) Ltd v Wang
[2009] UKEAT 0024_09_1410

Skipaway Ltd v. Sidhu
[2006] UKEAT 0629_05_0803

Easter v Notre Dame High School
[2004] UKEAT 0615_04_1111

Theophilus, R (on the application of) v London Borough of Lewisham
[2002] EWHC 1371 (Admin)

News, Articles & Publications

Harini is regularly asked to provide expert legal comment to the media including, most recently, Sky News (watch the interviews [here](#), [here](#), [here](#), [here](#), [here](#), [here](#) and [here](#)), LBC radio, (listen [here](#)), and for the Independent newspaper, (read [here](#)).

- Legal expert: regularly interviewed on Sky, BBC, LBC, Times, Independent, Telegraph
- Contributor: Tolley’s Employment Law Handbook for over a decade; Local Government Law encyclopaedia; Administrative Court Digest
- Author: Practical Law Company, Westlaw Insight, The Lawyer, Counsel
- Presenter: four LexisNexis webinars on: Transfer of Undertakings, Gender Pay gap, Public

Sector Equality Duty, High Heels and Workplace Dress Codes

- Legal blogger: 11KBW Blog, Chambers & Partners, Progressive Women, Hard Labour; Michael Rubenstein, Bar Council
- Professional Twitter profile @Harini_lyengar

Harini lyengar appeared on Newsnight on 24 October to discuss compensation and non-disclosure agreements in sexual harassment cases in light of the Harvey Weinstein allegations.

[Click here to watch](#) (Harini's item is from 34 mins)

Education

- Brasenose College, University of Oxford
- Scholar and Exhibitioner
- MA in Jurisprudence 1993-1996
- Two-year Bachelor of Civil Law postgraduate degree (thesis in addition to examined courses) 1996-1998
- Inns of Court School of Law, Bar Vocational Course 1999

Other

Professional Committee Work:

Steering Group of Temple Women's Forum

Retention Panel of Bar Council Equality and Diversity Committee

Employment Lawyers' Association Working Groups on Gig Economy, Briggs, EHRC and Procurement

Professional Memberships:

- Employment Lawyers' Association
- Employment Law Bar Association
- Court of Appeal Advice Scheme
- Employment Law Appeal Advice Service
- Temple Women's Forum
- Association of Partnership Practitioners
- Procurement Lawyers' Association

Lecturing & Public Speaking:

- Experienced and popular speaker at conferences and seminars for specialist solicitors and senior managers
- Popular keynote speaker: Bar Council annual conference, Brasenose College graduate students' dinner, City University, Peerless Women, Oxford Women in Law network, Million Women Rise in Trafalgar Square

More about Harini:

- Independent Governor of London Metropolitan University
- External Trustee of Oxford University Student Union
- Trained interviewer for Inner Temple Oral History Project
- Mentor of professional working parents with Cityparents
- Parliamentary Candidate for Vauxhall, former Candidate for Greater London Assembly for the Women's Equality Party
- Harini's portrait is displayed in Brasenose College, Oxford as one of 12 "Amazing BNC Women" chosen out of 105 nominations to represent 40 years of co-education.



ADDRESS

11KBW
11 King's Bench Walk
Temple
London
EC4Y 7EQ



CONTACT US

T +44 (0)20 7632 8500

F +44 (0)20 7583 9123

OUT OF HOURS CLERK

T +44 (0)7824 365 991



EMAIL

clerksroom@11kbw.com

DX NUMBER

LDE 368
