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## Jen Coyne

Jen has a broad practice that extends from commercial litigation in the employment and data protection spheres, to procurement and regulatory challenges. As sole counsel, she has experience in the Court of Appeal, High Court, County Court, Employment and Information Rights Tribunals.

Jen's interest in the intersection of commercial and public law underpins her specialisms. She regularly works with her clients throughout the entire lifetime of a case, and is deeply familiar with the core and satellite issues parties will face.

Some of Jen's live and recent cases include:

- ***Various Claimants v Tesco Stores Ltd***: acting for the claimants in the multi-million-pound supermarket equal pay dispute (led by Sean Jones QC and Andrew Blake). This is one of the claims which will shape the future industrial structure of the sector in the UK.
- ***Moss v Information Commissioner***: in the Court of Appeal, acting as sole counsel for the Commissioner to oppose the appeal, and establish the correct approach to anonymisation in the Information Rights Tribunal.
- ***Excel Civil Enforcement Ltd v Ministry of Justice***: acting for the claimant (led by Joe Barrett) in a challenge to the procurement for enforcement agency services with an estimated total contract value of £280m.

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## Specialisms

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### Employment

Jen practises the full spectrum of employment law in the Tribunal and High Court. She regularly acts for both claimants and respondents.

Jen is junior counsel for the claimants in the equal pay dispute in ***Various Claimant v Tesco Stores Ltd*** (led by Sean Jones QC and Andrew Blake), one of the high-profile claims which will shape the future industrial structure of the supermarket sector in the UK.

As sole counsel, Jen has substantial experience of handling cases which relate to breach of fiduciary duties, complex allegations of whistleblowing, all heads of discrimination under the Equality Act 2010, breach of contract, holiday pay, and unfair dismissal.

In addition to her trial experience, Jen is practised in a wide range of interim matters that arise commercial employment litigation – from making and resisting anonymisation applications in the Tribunal, to costs-limitation applications in the Court of Appeal.

As sole counsel, her recent work includes:

- Acting for Lloyds of London and other respondents to strike out multiple claims of age discrimination (***Engel v Lloyds of London and others***, 2200224/2019).
- Acting for Louis Vuitton to strike out claims of disability discrimination and unfair dismissal (***Zambrou v Harrods Ltd and Louis Vuitton UK Ltd***, 2202427/2019).
- Acting for an international consultancy company to defend claims of whistleblowing and



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### Professional Summary

Called 2016

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### Contact Details

[jen.coyne@11kbw.com](mailto:jen.coyne@11kbw.com)

+44 (0)20 7632 8500

**Clerk** Michael Smith

**Clerk** Hannah Rayner

[Contact Clerks](#)

discrimination.

- Acting for a claimant, a senior female executive in a well-known international investment bank, drafting Grounds of Claim for sex discrimination (claim settled).
- Acting for a female employee of a brokerage house, drafting Grounds of Claim for sex discrimination.
- Acting for the respondent in claims for harassment, victimisation and direct discrimination, involving the successful application of s109(4) EA 2020 'the employer's defence' (***Asgari v Extreme Live Gaming Ltd***, 2303086/2017).
- Acting for the respondent, a higher education college, in a sexual harassment claim for alleged 'man-spreading' (***Neate v Peterborough Regional College***, 3400434/2017).
- Acting for the respondent company in a claim for whistleblowing and disability discrimination (***Troughton v Croner Group Ltd***, 2601846/2018).
- Acting for the health and beauty retailer Boots in claims for race discrimination and unfair dismissal (***Da Costa v Boots Management Services Ltd***, 3327712/2017).
- Acting for a train operator in claims for failure to make reasonable adjustments, disability discrimination and unfair dismissal (***Levett v London and South East Railway Ltd***, 2302286/2018).
- Acting for the claimants, former Directors, in claims for unfair dismissal, wrongful dismissal and holiday pay (***Hayler and Bretherton v Annecto UK Ltd***, 3201807/2018, 3201808/2018).
- Acting for an individual respondent, a manager, in claims for harassment and victimisation.
- Acting for the respondent company in a claim for direct disability discrimination, failure to make reasonable adjustments, sexual harassment and unfair and wrongful dismissal (***Halton v Rutland Cycling Ltd***, 3305596/2018).
- Acting for the claimant in the determination of employment status (***Waithe v Barts NHS Trust***, 3200850/2018).
- Acting for the respondent company in an unfair dismissal claim (***Chojak v Hilton Foods UK Ltd***, 3400516/2017).
- Acting for the respondent, a local authority, in an unfair dismissal on redundancy (***Hollingsworth and Lawson v Huntingdon District Council***, 3302895/2018, 3302897/2018).
- Acting for the claimant in an application to extend time to bring a claim (***Castell v Society of Motor Manufacturers and Traders Ltd***, 2200133/2019).

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## Public Procurement

Jen has a fast-developing practice in public procurement. Her recent work includes:

- Acting for the claimant in a challenge to the procurement by the Ministry of Justice for enforcement agency services with an estimated total contract value of £280m (***Excel Civil Enforcement Ltd v Ministry of Justice***, HT-2019-000413 & HT-2020-000130) (led by Joe Barrett). An expedited trial is listed for Autumn 2020.
- Acting for a potential claimant advising on and drafting the particulars of claim for a challenge under the PCR 2015 to the procurement of a contract in the healthcare sector worth £42m (led by James Goudie QC).
- Acting for the interested party, the successful tenderer in a procurement for a contract worth £385m, in ***MLS (Overseas) Ltd v The Secretary of State for Defence*** (2017) EWHC 3389 (TCC) (led by Joe Barrett). The challenge was brought to the contract award by an unsuccessful tenderer, under the Defence and Security Public Contracts Regulations 2011.
- As sole counsel, delivering external assurance for the procurement process for a high-profile contract worth £490m for a central government department, under the Public Contracts Regulations 2015. The procurement has stood, unchallenged.
- As sole counsel, providing urgent advice to a potential claimant on limitation and the merits

of bringing a challenge to a contract award for technology services.

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## Regulatory and Public

Jen advises and acts for both claimants and respondents in a wide range of regulatory and public law challenges. She is particularly interested in the intersection of public and commercial law, and how public law can be utilised to work for businesses which face potentially adverse regulatory decisions.

Jen's experience in advising and acting in judicial review and competition challenge claims includes:

- As sole counsel advising a company in the media and telecoms sector on how to pursue applications to, and a potential challenge against the decisions of its regulator, OfCom.
- Led by Peter Oldham QC, defending a challenge to the decision of a local authority to close a school. The challenge involved the first judicial consideration of the Well-being of Future Generations (Wales) Act 2015 and whether the duty under it was a 'target duty'. Permission for judicial review was denied at an oral hearing (***Blackmore v Neath Port Talbot County Council***, CO/4740/2018).
- Led by Jonathan Auburn, defending a challenge brought under ***Gunning*** principles and the Public Sector Equality Duty, to a consultation being conducted by a local authority on whether to close a school. Permission for judicial review was denied at an oral hearing (***AA, by her litigation friend BB v Tower Hamlets London Borough Council***, CO/2776/2019)
- As sole counsel, advising a potential claimant in the third-sector, which was having its grant reviewed by the grant-making public authority, on a judicial review strategy and preliminary tactics against the authority.
- Led by James Goudie QC, representing two claimant local authorities in a claim against the Secretary of State arising from a local government reorganisation (***Wycombe District Council and South Chiltern District Council v SoS for the Ministry of Housing Communities & Local Government***, CO/381/2019).
- Led by Peter Oldham QC and Zac Sammour, acting for the claimant, a victim of human trafficking, in a judicial review of the Legal Aid Agency's refusal to waive the statutory charge for legal aid (***R (Tirkey) v Director of Legal Aid Casework*** [2017] EWHC 3403 (Admin), QBD).

Alongside her contentious practice, Jen is currently led by Clive Sheldon QC in the high-profile **Review into non-recent child sexual abuse allegations in football** for the Football Association.

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## Commercial

Jen has experience advising and acting for clients in litigation spanning chambers' diverse commercial disputes work – from business protection to fraud. She has appeared in both the High Court and County Court. She is particularly well placed to assist with commercial matters involving elements of public or employment law, but her practice extends well beyond this.

A sample of Jen's recent work includes:

- As sole counsel in the High Court, acting for an Applicant for an injunction to restrain the presentation of a winding up petition (***Tasty Tasty Ltd v Simon Rowell*** (2019) Business and Property Courts).
- Assisting the Claimant in case preparation in the high-profile ***Bank Mellat v HM Treasury*** litigation (a \$4bn claim against the UK Government for loss in relation to breach of A1P1 ECHR rights by unlawful sanctions, in the Commercial Court).
- Led by Julian Wilson, advising a foreign client on defending a £100,000 claim for breach of contract arising out of an employment relationship.

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## Data Protection and Information

Jen has experience in all areas of chambers' data protection and information work. She regularly acts for the Information Commissioner, and utilises her perspective gained from this work to assist her private-sector clients.

Jen's recent work includes:

- As sole counsel in the Court of Appeal, acting for the Commissioner in the case establishing the correct approach to making anonymity orders in the Information Tribunal (***Moss v Information Commissioner*** [2020] EWCA Civ 580).
- As sole counsel, acting for the global logistics company DHL, defending claims of defamation and breach of Article 15 GDPR, under sections 167 and 168 Data Protection Act 2018 (***Badiia v DHL Services Ltd***, claim no. F90BM256).
- As sole counsel, advising a client on whether a data breach had occurred within its organisation, remedial action to take, and possible regulatory outcomes.
- As sole counsel, advising a client on the application of exemptions under the DPA 2018, in response to a subject access request made during litigation.
- In the First-tier Tribunal, in two separate cases, acting for the Information Commissioner to resist appeals against a Monetary Penalty Notices for breaches of PECR 2003 in ***Holmes Financial Solutions v Information Commissioner***, EA/2018/0030 and ***D M Design Bedrooms Ltd v Information Commissioner***, EA/2018/0287.
- Led by James Goudie QC, assisting a public authority to draft a response to the Information Commissioner's investigation in an appeal against the authority's decision under FOIA 2000 and DPA 1998. The appeal was dismissed by the Commissioner.

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## Investigations

Jen's investigations practice is grounded in her expertise in employment and regulatory law.

Led by Charles Bourne QC, Jen recently completed two separate large-scale internal investigations for an employer. One concerned allegations of discrimination in a restructure of a department. The other concerned ten allegations against multiple individuals of misfeasance, discrimination and failures to follow policy in recruitment decisions and governance of whistleblowing complaints.

Jen is also one of a small team the barristers appointed by the Football Association (led by Clive Sheldon QC) in the high-profile **Independent Review into non-recent child sexual abuse allegations in football**. The Review is investigating what the FA and football clubs knew and did about allegations of child abuse between 1970 and 2005.

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## Recommendations

"She performs brilliantly with her seemingly instant grasp of complicated facts and her insightful advice" **Chambers & Partners**

"She grasps complex matters very quickly, is exceptionally bright and a pleasure to work with" **Chambers & Partners**

"An excellent lawyer, very thorough, innovative and user friendly" **Legal 500**

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## Other

Jen is a former Grand Finalist of the World University Debating Championship 2012, for the Oxford Union Debating Society.

Prior to becoming a barrister, Jen worked with international NGOs in Delhi, Berlin and London, as well in diversity outreach at the London School of Economics and Political Science.

Whilst training for the Bar, Jen acted as an appeal advocate for excluded school students, through the Communities Empowerment Network. She is now a mentor on 11KBW's School Exclusion Project.

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## Awards

2016, Administrative Law Bar Association Annual Summer Conference Scholarship

2015, Bedingfield Scholarship (top BPTC award, The Honourable Society of Gray's Inn)

2015, BPTC Scholarship (BPP Law School)

2014, David Karmel Award (top GDL award, The Honourable Society of Gray's Inn)

2014, Full GDL Tuition Pro Bono Scholarship (top GDL award, Kaplan Law School)

2012, Brasenose College Prize for Finals Results (Brasenose College, University of Oxford)

2012, Grand Finalist, World University Debating Championship

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## Education

2016, BPTC, BPP University, as a Bedingfield Scholar for The Honourable Society of Gray's Inn

2015, GDL, Kaplan Law School, as a Karmel Scholar for The Honourable Society of Gray's Inn

2013, MSc International Relations Research (Distinction), London School of Economics and Political Science

2012, BA Philosophy Politics and Economics (First Class), University of Oxford, Brasenose College

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### 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

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