

Aileen McColgan KC

Silk: 2020 Call: 2001

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Aileen is recommended by the directories as a leading silk in administrative & public law, education law, civil liberties & human rights, employment law and independent investigations. She has particular interests in discrimination/equality and human rights law, including the law relating to information/ freedom of expression, and extensive experience in conducting independent investigations for a variety of bodies including FTSE 100 and multinational companies, local authorities and national charities, law firms, political parties, religious organisations and universities.

Aileen's interests in human rights and discrimination law have been reflected in litigation and investigations concerning the boundaries between free speech and alleged antisemitism and transphobia as well as between religious freedom and anti-discrimination rights. She has extensive experience on advising in relation to trans-related issues in the context of education, employment and policing. Recent cases include *XTX v Mazars* (successful defence against allegations of race discrimination in the context of sanctions) and *Newman v Metropolitan Police* (successful defence against allegations of discrimination based on gender critical beliefs). Aileen has also advised many organisations on the investigation and management of complaints of sexual harassment/ assault and harassment/ bullying, including at the highest levels.



'stellar academic background [which] means that she is totally on top of the law, and [who] draws on that fountain of knowledge to provide comprehensive but commercial advice'

CHAMBERS & PARTNERS 2022

Aileen is recommended by Chambers & Partners (2026) as 'incredibly approachable and client-focused', combining 'great communication skills with pre-eminent expertise of her specialism', 'absolutely top class'; 'very articulate and unshowy' and 'brilliant academically'. Legal 500 (2026) praises her 'razor sharp intellect' and 'brilliant' 'ability to assimilate vast amounts of information'. Previous editions have praised her as 'very responsive and very good with clients... tactically astute and able to cut through large quantities of information and provide clear, strategic and commercial advice quickly'; 'really able to think outside of the box'; 'exceptional in every aspect of advice and client relationships... a true expert' (Chambers and Partners 2024); 'an expert on discrimination law' whose 'no-nonsense approach gives confidence to the client' (Legal 500, 2024), 'a top-class practitioner', 'an excellent KC and a pleasure to work with' and 'a leading lawyer [whose] understanding of the key issues and fundamental principles really sets her apart' (Legal 500 2023); 'a fierce advocate' who 'distils complicated issues into manageable areas ... has a phenomenal ability to cut through swathes of information to get to the heart of the matter and has a genuine partnership approach' (Legal 500, 2022), and as having a 'stellar academic background [which] means that she is totally on top of the law, and [who] draws on that fountain of knowledge to provide comprehensive but commercial advice' (Chambers & Partners 2022).

Aileen has a distinguished history as an academic and is internationally recognised as a leading academic in discrimination, equality and human rights law. Her academic work has been cited in the ECHR and the domestic courts. She is the former Chair of the Human Rights Lawyers Association (2019-2021); a current or former member of the editorial committees of Public Law, European Human Rights Law Review, International Journal of Discrimination and the Law and Education Law Reports and former Executive Committee Member of the Industrial Law Society. She has been trustee of the British Institute of Human Rights and was until 2016 the UK's National Expert on the European Networks of Legal Experts in the Field of Gender Equality and of Experts in the Non-discrimination Field. She has published very widely on human rights, discrimination and employment law.

Expertise

Education Law (non-university)

Aileen has extensive experience in advising and representing universities as well as in litigation and advisory work relating to schools and local authorities' education-related functions. Her background as an academic gives her a particular insight into disputes arising in the context of higher education. She has appeared in many higher education judicial review challenges for universities as well as for the Office of the Independent Adjudicator; has undertaken investigations for universities including in relation to sexual harassment and antisemitism complaints; has represented universities in employment-related and other claims brought by academics; and has acted for academics in internal disciplinary procedures relating to allegations of antisemitism and harassment. Aileen recently represented the University of Bristol in *University of Bristol v Abrahart* [2024] EWHC 299 (KB), which concerned the duties of universities under the Equality Act 2010 and common law. She has also represented schools and local authorities in cases arising in connection with trans pupils and students (see eg *R (AI) v LB Wandsworth* [2023] EWHC 2088 (Admin) and *R(AB) v A County Council & Anor* [2022] EWHC 2707 (Admin)) and also advised numerous organisations, including local authorities, on policies and guidance relating to trans children in schools. She has acted in cases concerning the termination of academy funding and appeared for Southall Black Sisters and Inspire in the Court of Appeal in *HM Inspector of Education, Children's Services & Skills v Al-Hijraj School* [2017] EWCA Civ 1426, [2018] 1 WLR 1471, a challenge to sex segregation in schools. Aileen was editor of the *Education Law Reports* until 2020 and argued the first successful challenge by a school to a local authority decision to name it in an EHC Plan (*R (An Academy Trust) v Medway Council* [2019] EWHC 156 (Admin)).



Aileen is absolutely top class!

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Achievements

Books

Labour Law, with Hugh Collins and Keith Ewing (multiple editions currently CUP, 2025)

Discrimination Law: Text, Cases and Materials (multiple editions, currently Bloomsbury, 2024)

Special Educational Needs and Disability Discrimination in Schools (LAG, 2017) with Sarah Hannett and Elizabeth Prochaska

Discrimination, Equality and the Law (Hart: 2014)

Discrimination Law Handbook(ed.), (LAG, 2005 and 2002)

Women under the Law; the False Promise of Human Rights (Essex: Longman, 1999)

Equal Pay: Just Wages For Women (Clarendon Press, 1997)

The Case For Taking the 'Date' out of Rape (London: Pandora, 1996)

Selected Articles / Chapters in Books

Labour Law, with Hugh Collins and Keith Ewing (multiple editions currently CUP, 2025)

Discrimination Law: Text, Cases and Materials (multiple editions, currently Bloomsbury, 2024)

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LEGAL 500 (2026)



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CHAMBERS & PARTNERS (2026)



Great communication skills

CHAMBERS & PARTNERS 2026



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LEGAL 500 2026



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CHAMBERS & PARTNERS 2026