

ELAINE BANTON

Year of call
1996



Elaine Banton has specialised in employment, equality and discrimination law from the outset of her career.

Elaine frequently represents both Claimants and Respondents in long running multi-strand discrimination matters and advises public bodies on high level strategic/policy matters such as the TUPE consequences of various contracting arrangements and on equality issues such as equal pay/harmonisation. She also has experience of mediation, executive termination, restrictive covenants and injunctions.

She is regularly instructed in high value and complex trials by private companies, public sector bodies, charities and individuals. Appearing at all levels of tribunals and courts often against QCs. Her practice also includes disciplinary, regulatory, sports law, human rights, harassment and stress at work claims.

She speaks and writes regularly on her specialist areas of the law for various practice publications. Elaine is a co-author of the chapter on Human Rights and Employment Law for Tolley's Employment Law.

An active member of the Discrimination Law Association, she was Treasurer of the DLA for 6 years. In 2009 Elaine was named a 'Pro Bono Hero for 2009' by the Attorney General's Office. From 2011 to 2014 Elaine was a Barrister member of the Bar Standards Board's Complaints Committee. Elaine is a member of the Bar Council's Equality Diversity and Social Mobility Committee and a member of the Temple Women's Forum Committee. Elected Bencher at Middle Temple March 2019.

Head of 7BR's Employment team and Chair of 7BR's internal EDSM committee.

Chair of the Board of Talawa Theatre

Trustee of Youth Charter, a United Nations Accredited NGO

Governor of St James' C of E Primary School

Co-Chair of Middle Temple's Race Equality, Inclusion and Anti-Racism Working Group

Elaine is the Co-Chair of the Bar Council's EDSM Committee and on the Bar Council's GMC.

She was also a Finalist for the 'First 100 Years Inspirational Woman of the Year Award', Barrister of the Year 2019

Elaine featured on BBC One's Panorama episode "Belly Mujinga: Searching for the Truth" on 12th October 2020. She discussed the importance of the Employers responsibility during the COVID -19 pandemic. You can view the episode [here](#).

LEGAL EXPERTISE

Employment

Elaine has specialised in employment and discrimination law from the outset of her career. Her practice covers the broad range of employment and discrimination law. Elaine represents both Claimants and Respondents in long running multi-strand discrimination matters and advises public bodies on high level strategic/policy matters such as the TUPE consequences of various contracting arrangements and on equality issues such as equal pay/harmonisation.

Elaine also has experience of mediation, executive termination, restrictive covenants and injunctions. She appears regularly in the Employment Tribunal, EAT, the High Court and Court of Appeal in employment matters, acting for both claimants and respondents including group litigation.

She is regularly instructed in high value and complex trials by private companies, public sector bodies and individuals. Her practice also includes disciplinary, regulatory, sports law, human rights, harassment and stress at work claims including health and safety and Covid-19 related matters.

Elaine speaks and writes regularly on her specialist areas of the law for various practice publications. Elaine is a member of the Bar Council Equality Diversity and Social Mobility Committee.

Selected Cases

[Shah v TIAA \[2020\] UKEAT/0180/19 \[2020\] 1 WLUK 82](#)

Disability discrimination, unfair dismissal and long service; Harassment; Reasonable adjustments.

[Kilraine v Lion Academy Trust \[2020\] CA/0194/17/BA \[2020\] 2 WLUK 221](#)

Fixed-term contract, expiry, notice and termination of employment. Collective agreements (Teachers, Burgundy Book).

[Park Chinois Ltd v Ozkara & Cakir \[2019\] UKEAT/0224/18/DA, UKEAT/0225/18/DA,](#)

UKEAT/0017/19/DA, [2019] 7 WLUK 600

Extension of time just and equitable, reinstatement, breach of contract.

Commerzbank AG v Ms J Rajput [2019] UKEAT/0164/18, [2019] ICR 1631, [2019] IRLR 772, [2019] 6 WLUK 468 [2019] All ER (D) 55 (Jul)

Stereotypes in sex discrimination and maternity discrimination.

Wood v Durham County Council [2018] UKEAT/0099/18/OO

Disability discrimination involving claimant's "tendency to steal" excluded condition.

Kilraine v Lion Academy Trust [2018] UKEAT/0194/17/BA

Successful cross appeal and defence of appeal. Fixed-term contract and protected disclosures.

O'Brien v Bolton St Catherine's Academy [2017] EWCA Civ 145, [2017] 3 WLUK 386, [2017] ICR 737, IRLR 547 CA S15 EA 2010 Times, May 8, 2017

s15 EA 2010 Disability discrimination dismissal claim dealing with long term sickness absence of more than 14 months. Guidance provided.

Look Ahead Housing & Care Ltd v Chetty [2015] ICR 375 EAT

Race discrimination remedy and ET fees.

Chawla v Hewlett Packard [2015] IRLR 356 EAT

Disability discrimination compensation 10% uplift Simmons v Castle.

O'Brien v Bolton St Catherine's Academy [2015] UKEAT 0051

Disability discrimination arising from disability, unfair dismissal long absence. Case listed in the Court of Appeal.

A v The Chief Constable of West Midlands Police [2015] UKEAT 0313/14

Sexual harassment practice and procedure.

Mruke v Khan [2014] UKEAT 0241/13

Forced labour trafficking employment case. Constructive dismissal ruling. Claim in Court of Appeal and race claim possibly Supreme Court.

Podkowka v Kensington and Chelsea RBC [2014] UKEAT 0433/12

Practice and procedure. Bias, misconduct and procedural irregularity.

Plymouth CC v White [2013] UKEAT 0333/13

Practice and Procedure. Guidelines for disclosure disputes on confidentiality.

Kapoor v Barnhill Community High School Governing Body [2013] UKEAT 0352/13

Practice and procedure. Striking out or dismissal.

Dr Bijlani v 4 New Square Chambers (2009-2010)

Five week Employment Tribunal hearing. Successfully represented the Respondent, New Square Chambers, in this widely reported £30m discrimination claim, and complex case and the first of its kind involving an established barrister claiming race and disability discrimination against former Heads of Chambers and Senior Clerk.

Ibekwe & Others v Transport & General Workers Union [2001] EWCA Civ 432

Represented a group of Claimants in CC and successfully in Court of Appeal in breach of contract/procurement to commit breach of contract claim.

Regulatory & Professional Discipline

Elaine has an established background encompassing advice and litigation relating to the regulation of professionals including police officers, teachers, social workers, medics and sports people. In the case of police officers Elaine has acted for police officers at both Misconduct Hearings and Police Appeal Tribunals (PAT). Elaine's practice also includes judicial review where applicable.

Elaine served as a Barrister member of the Bar Standard's Boards' Complaints Committee from 2011-2014.

Financial Services Regulation & Enforcement

Elaine has experience in advising and appearing in a wide range of financial services regulatory matters. In the past Elaine has carried out training for the IFA (Institute of Financial Accountants) Elaine also sits as a Legal Assessor for the IFA.

Sports Law

Elaine's practice covers a variety of aspects of sports law encompassing the interests of sports organisations, coaches, teachers and managers in addition to individual sportsmen and women. Elaine has a particular interest in football and athletics and in issues involving all forms of discrimination and harassment. Such as

advising and training Kick It Out, football's forerunner in equality and diversity inclusion issues.

Elaine also writes and speaks regularly on her areas of legal speciality. She is happy to take cases on a direct access basis.

Regulatory & Disciplinary In Sport

Elaine has considerable experience of appearing on behalf of dentists and medics in respect of fitness to practice and disciplinary matters.

Appointments

- Bencher (2019)

Memberships

- Association of Regulatory & Disciplinary Lawyers (ARDL)
- Bar Council Equality Diversity & Social Mobility Committee
- British Association for Sport & Law (BASL)
- Discrimination Law Association (DLA)
- Employment Law Bar Association (ELBA)
- Employment Lawyers Association (ELA)
- Temple Women's Forum Committee