



Stephen Marsh

YEAR OF CALL: 2005



Stephen has a broad practice in civil law in which issues of social welfare and discrimination are central.

He has particular interest and expertise in employment and discrimination, professional discipline, social security, community care, housing, Gypsy and Traveller law and prison law.

Stephen is also a trained mediator. Stephen is appointed to the Equality and Human Rights Commission's preferred Panel of Counsel.

If you would like to get in touch with Stephen please contact the clerking team:

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You can also contact Stephen directly:

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Stephen represents tenants in possession hearings brought by local authorities, housing associations and private landlords. He has expertise in cases which have a public law dimension and has experience of pleading public law and human rights defences in the county court. Stephen deals with a wide range of housing matters including rent arrears, anti-social behaviour, disrepair, unlawful eviction and cases linked to community care, welfare benefits and disability and capacity issues. He is regularly instructed to act on behalf of the Official Solicitor. Stephen is also experienced in homelessness issues and related appeals and mortgage possession cases.

EMPLOYMENT AND DISCRIMINATION LAW

Stephen represents employees in a wide range of employment matters including unfair dismissal, trade union issues, TUPE and wage and working time issues. He has particular expertise in discrimination issues, developed at the Bar and in his previous career. He has conducted numerous cases in the employment tribunal and has represented clients in the County Court, the Employment Appeal Tribunal and the Court of Appeal.

He is regularly instructed by trade unions to represent their members. He is on the Equality and Human Rights Commission list of approved counsel. He is an experienced trainer on employment and discrimination issues.

NOTABLE CASES

***The London Ambulance Service NHS Trust v Simon Small* [2009] EWCA Civ 220; [2009] IRLR 563:** A case addressing the correct approach of the employment tribunal in unfair dismissal cases and providing new guidance to the tribunal on how to avoid substituting their own view for that of the employer.

DISCRIMINATION

Stephen represents employees in a wide range of employment matters including unfair dismissal, trade union issues, TUPE and wage and working time issues. He has particular expertise in discrimination issues, developed at the Bar and in his previous career. He has conducted numerous cases in the employment tribunal and has represented clients in the County Court, the Employment Appeal Tribunal and the Court of Appeal.

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COMMUNITY CARE LAW

Stephen has experience of conducting community care cases in a number of different areas such as assessment and care planning, direct payments and the Independent Living Fund, care home provision and NHS continuing care responsibilities. He has expertise in mental capacity issues and has represented clients in best interest cases in both the Court of Protection and the High Court. Stephen has been instructed in cases which overlap with other areas of his practice in areas such as housing and anti-social behaviour.

Stephen has experience of representing benefit claimants in a wide range of welfare benefit matters. He has particular expertise in benefit cases which overlap with other areas of his practice such as community care, housing, Gypsy and Traveller law and prison law.

WELFARE BENEFITS LAW

Stephen has experience of conducting community care cases in a number of different areas such as assessment and care planning, direct payments and the Independent Living Fund, care home provision and NHS continuing care responsibilities. He has expertise in mental capacity issues and has represented clients in best interest cases in both the Court of Protection and the High Court. Stephen has been instructed in cases which overlap with other areas of his practice in areas such as housing and anti-social behaviour.

Stephen has experience of representing benefit claimants in a wide range of welfare benefit matters. He has particular expertise in benefit cases which overlap with other areas of his practice such as community care, housing, Gypsy and Traveller law and prison law.

ROMANI GYPSY AND TRAVELLER RIGHTS

Stephen has experience of representing clients in possession claims brought by local authorities against Gypsies and Travellers in respect of evictions from unauthorised sites and licenced sites. These almost inevitably raise public law issues in the county court. Stephen also has experience of representing clients in

planning enforcement cases brought in the Magistrates' Court and the Crown Court.

PROFESSIONAL REGULATION

Stephen has experience of advising and representing clients in discipline cases before the General Medical Council, the Nursing and Midwifery Council and the Health Professions Council. He has represented clients in appeals before the High Court and in Judicial Reviews.

MENTAL HEALTH LAW

Stephen provides representation before the Mental Health Review Tribunal (MHRT). He provides advice and representation on a wide range of matters including appeals to the Upper Tribunal and in challenges in the Administrative Court. Stephen provides advice and representation in matters relating to mental health and capacity in the County Court. This includes Nearest Relative applications as well as proceedings relating to his other areas of practice but which relate to someone with mental health issues.

ADMINISTRATIVE AND PUBLIC LAW

Stephen is experienced in making applications for Judicial Review and representing clients in the Administrative Court.

NOTABLE CASES

LBH v GP and MP (2010) 13 CCLR 171: A case in which the High Court gave guidance for cases where the police are involved in the removal of someone lacking capacity from premises and the procedure for controlling how the removal should take place.

PRISONERS' RIGHTS

Stephen is experienced in representing prisoners in adjudication hearings (relating to prison discipline matters) and at the Parole Board. He has represented clients in judicial reviews against the parole board, the individual prison establishment and the Ministry of Justice.

BACKGROUND

Stephen had ten years experience in the independent and public sectors before becoming a barrister. After graduating he began his career as a manager of a Citizen's Advice Bureau during which time he set up a specialist disability advice project. Following this, he managed Surrey User's Network, a Disabled People's Civil Rights organisation, for four years, working extensively on community care and disability equality issues.

Immediately before studying for the bar Stephen worked as an Equality Officer with Liverpool City Council and Central Liverpool Primary Care Trust.

EDUCATION

- **BA (Hons) Psychology and Sociology**
- **MA Disability Studies**
- **Graduate Diploma in Law**
- **BVC**

PROFESSIONAL MEMBERSHIP

- **Haldane Society (Member of the Executive Committee)**
- **Young Legal Aid Lawyers (YLAL)**
- **Lawyers for Liberty (LFL)**
- **Housing Law Practitioners' Association (HLPA)**
- **Friends Families and Travellers (FFT)**
- **Human Rights Lawyers' Association (HRLA)**

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