

# Using the law as a force for good

## A review of our litigation team's positive impact

At Bates Wells, we always strive to make a positive impact on our clients and communities. And as we reflect on our work over the last year, we are proud of the extensive impact our litigation team has made to the lives of so many people. The team has worked on landmark, ground-breaking cases across a range of sectors, including charity, media, education and employment. Here we set out some of our most impactful work from Autumn 2020 to Summer 2021.



## Representing Uber drivers in their employment case against Uber in the Supreme Court

We represented the two test Claimants taking on Uber in the Supreme Court, in a landmark case concerning the employment rights of an estimated 45,000 drivers across London. We successfully argued that Uber drivers should be classified as workers rather than independent contractors, as Uber had argued. The Supreme Court ruled decisively in our clients' favour. In response, Uber has awarded its workers many of the rights associated with being an employee, including holiday pay, automatic enrolment into a pension plan, and entitlement to the National Living Wage.

An uber result for an estimated

# 45,000

Uber drivers, which will have enormous implications for the employment status of the

# 2.8M

people working across the so-called "gig-economy"

## Defending trustees of Kids Company against disqualification proceedings in the High Court

We successfully advised five former trustees in relation to the Charity Commission and Insolvency Service inquiries into the collapse of Kids Company and the claim brought against them in the High Court by the Official Receiver seeking their disqualification as company directors.

A trial of charity trustees on these grounds is unprecedented and the message that highly qualified, diligent and honest charity trustees, doing their best to rescue a charity in difficult circumstances, might be pursued in this way by the Official Receiver had caused much disquiet in the sector.

The High Court decisively ruled in our favour, praising the 'highly impressive and dedicated' trustees. This case could have had dire consequences for the charity sector had we not won it, potentially causing many people to consider that the risk of taking up a trusteeship was too great. The judgment goes a very long way to restoring confidence the current systems of charity governance and the protection that the courts will give to volunteer trustees.

We successfully negotiated  
payment of a grant worth

**\$360M**

## Representing the chair and president of Big Win Philanthropy in the Supreme Court

We advised Jamie Cooper in a landmark case relating to the establishment of her charity, Big Win Philanthropy, and the negotiation of a grant of \$360M from the Children's Investment Fund Foundation. We successfully pursued payment of that grant before the High Court and eventually the Supreme Court.

The case was one of the most important and significant charity rulings in recent years, reaffirming that members of charitable companies have fiduciary duties and can be controlled by the courts.

## Resolving a case for Times Newspapers on success fees in the European Court of Human Rights

2020 saw the successful resolution of a ground-breaking case on whether success fees should be recoverable from publishers in defamation and privacy cases.

In November 2018, prompted by Times Newspapers' application to the European Court a year earlier, the Government conceded that success fees should not be recoverable from publishers. This decision affects the whole media landscape and is a victory for freedom of speech. The issue of damages for success fees paid, and ATE insurance premiums, remained before the European Court of Human Rights, until we negotiated a substantial financial settlement for Times Newspapers with the UK Government in September 2020.

## Representing an awarding organisation in a copyright case

We acted for a large awarding organisation (AO), which works with the vocational and technical sector to design nationally recognised qualifications, with a particular emphasis on supporting social mobility and prosperity. Our client's qualifications were copied by another AO, which was therefore able to market the qualifications more competitively.

The case raised complex questions about the subsistence of copyright in qualifications, the impact of the historical regulatory regime on licensing, and the role of the regulator, Ofqual. These issues had potentially far-reaching implications for the educational sector as a whole, in particular the ability of commercial organisations to protect the intellectual property in their qualifications.

We issued proceedings and helped our client to resolve them by agreement following mediation. The Defendant ceased use of the offending qualifications and agreed not to copy our client's qualifications in future.

### Get in touch

Should you have any questions or would like to find out how our market-leading dispute resolution and litigation team could help you, do not hesitate to get in touch.



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