Twitter Thread by Safe Schools Alliance

Safe Schools Alliance
@SafeSchools_UK

We are today attending the virtual hearing for #AllisonBailey's claim against Stonewall & Garden Court Chambers.

Discussions on redactions in papers.

Ben Cooper QC for @BluskyeAllison arguing against redactions.

#AllisonBailey

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Ben Cooper trying to establish communications between individuals at Stonewall & individuals at Garden Court Chambers. Arguing names of individuals is relevant and they put in public domain.

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Robin Moira White arguing private Facebook group is not public domain.

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Ben Cooper QC discussing individuals who had made complaints to Garden Court Chambers. Discussion is can these individuals be publicly named or should they be redacted in papers. These individuals have connections with Stonewall.

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Judge Stout asking what relevance these identities have to today's hearing.

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Judge Stout asking if individuals are members of Stonewall's trans advisory group.

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Robin Moira White confirming that the three individuals under discussion ARE members of Stonewall's trans advisory group. They have assisted Stonewall but are not employees. RMW saying their names should not be public domain.

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Ben Cooper QC these individuals roles are important. It's not normal to redact names. There is a public interest in public justice.

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Robin Moira White why should these individuals be put in public domain?

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Judge Stout, we will take a short break and reconvene with decision at 11.

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Ben Cooper QC and Robin Moira White making final points.

Judge Stout talking about importance of open justice.

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Judge Stout: For this hearing only I have decided that the three individuals will remain redacted

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Judge Stout: Stonewall has not produced evidence to show that principal of open justice should be discarded. If this was a full hearing my judgement would be different.

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Judge Stout: If their names were made public their article 8 rights would be impacted. Order of redaction only for this hearing. May be different at full hearing.

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Ben Cooper QC: question re should Miss Khan give evidence.

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Ben Cooper QC: We only received Mr Johnston's skeleton argument on Monday.

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Ben Cooper QC: Only this week has claimant received application to strike out. Disclosure has yet to be completed. Some things are still redacted which shouldn't be.

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Ben Cooper QC: I shouldn't be expected to cross examine without preparation.

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Judge Stout: Are you saying you haven't had a chance to respond?

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Ben Cooper QC: I can't begin to embark on cross examination in a hearing of this kind. There isn't the time. It would be a 2-3 day exercise. Please rule she can't be called at this time.

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Anthony Johnston: Claimant has still not named those she accuses of discrimination/victimisation. Do these individuals have authority to act for chambers. Wants Miss Khan called.

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Judge Stout: If Miss Khan was called, she would have to be cross examined.

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We are experiencing sound issues.

Discussion on strike out continues.

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Ben Cooper QC: some of Miss Khan's evidence is hearsay.

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Judge Stout: I don't think calling Miss Khan and having her cross examined would assist me in what I need to decide on today.

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Judge Stout: There would not be a fair opportunity to test Miss Khan's evidence today. Disclosure has not been completed.

Application to call Miss Khan today denied.

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Ben Cooper QC: Until disclosure has been completed it may not be possible for claimant to set out all protagonists.

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Ben Cooper QC: This hearing is about whether the core pleaded statements have more than no chance of success.

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Sound issues are ongoing. Apologies for disjointed tweeting.

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We have lost sound completely. Apologies.

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Still discussing the fact that claimant has not named individuals who discriminated at this stage (unable to name all individuals without disclosure being completed).

Sound still intermittent.

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Ben Cooper QC is taking the judge through the bundle.

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Ben Cooper QC talking about collective action of the chambers against the claimant (@BluskyeAllison), withholding work during 2019.

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Ben Cooper QC: Gender critical beliefs held/expressed by claimant are those held by a women's movement of female feminists. Indirect discrimination on grounds of sex, also on grounds of sexual orientation, many that hold these beliefs are lesbians.

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Ben Cooper QC: Did Stonewall induce, instruct or cause the discrimination against the claimant?

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Ben Cooper QC: I will be demonstrating this case is way beyond the strikeout threshold.

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Ben Cooper QC is reading from an email sent by @BluskyeAllison in December 2018 objecting to Garden Court Chambers association with Stonewall due to them breaching Equality Act.

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Ben Cooper QC: reading from redacted email, only person named from chambers at this stage is Michelle Brewer

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Ben Cooper QC: It is the claimants case that through the membership of the Stonewall diversity champion programme, Stonewall enforced its views on Garden Court Chambers

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Ben Cooper QC going through claimants loss of earnings since openly expressing gender critical views

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Ben Cooper QC: Stephen Lui (SP?) is the Barrister who was liaising with Stonewall re what Garden Court Chambers could offer re Stonewall Diversity Champions scheme.

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Ben Cooper QC showing evidence that Michelle Brewer was acting in a Garden Court Chambers capacity and not an individual practitioner capacity.

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Ben Cooper QC speaking about WhatsApp messages discussing claimant, can see which is Michelle Brewer but not who all others are. Language towards claimant @BluskyeAllison is described as ‘fruity’

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Judge Stout asking if employees of Garden Court Chambers (in the marketing department?) have been redacted.

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Ongoing discussion between Ben Cooper QC and Judge Stout re who are the redacted individuals in Michelle Brewers text/WhatsApp messages. Are they members of Garden Court Chambers?

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Ben Cooper QC explains that #TERF is a derogatory term used to describe someone with claimants (@BluskyeAllison's) beliefs

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Ben Cooper QC: plainly nonsense, as can be seen from texts, that Garden Court Chambers didn't realise that putting out a tweet was 'making a public statement'

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Discussion re how longer different counsels will need to speak for. Who will we hear from this afternoon and who tomorrow.

Breaking for lunch. Will resume at 2.

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Hearing resumed.

Ben Cooper QC still going through papers with Judge Stout.

Emails are heavily redacted. Some of the emails may be by Michelle Brewer.

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Ben Cooper QC: redacted email from someone in chambers addresses someone named Judy (presumed to be Miss Khan head of chambers)