

Iris Ferber KC

Call 2005 | Silk 2023

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Iris Ferber KC is a specialist in Employment, Property and Social Housing law, with a particular focus on litigation involving discrimination. She was called to the Bar in 2005, and was appointed to Silk in 2023.

Iris deals with high value, legally complex, factually difficult cases – and her cases often involve vulnerable parties and witnesses.

In her Employment practice, that includes all types of discrimination, whistleblowing, trade union detriment, health and safety detriment, historic and high value wages claims, and appeals. She appears in the Employment Tribunal, the High Court and the appellate courts.

In her Property practice, and particularly her specialism of Social Housing, Iris is very often instructed in cases involving allegations of discrimination under the Equality Act.

Iris also acts in cases of tenancy fraud and serious criminal and anti-social behaviour, and in cases involving highly technical aspects of property law, such as forfeiture, service charges, boundaries and tenancies at will.

Iris regularly represents appellants and respondents in statutory homelessness appeals and judicial reviews; she also writes on homelessness and allocations for the Lexis+ service.

Iris has been recommended by both Legal 500 and Chambers UK, in both the Employment rankings and the Social Housing rankings, since 2018.

Employment Law

Iris Ferber KC conducts the full range of Employment Tribunal and appellate work, acting regularly for both employees and employers. She provides advice, and undertakes drafting work, in all aspects of Employment litigation.

Iris works with a wide range of employers, from public sector and national companies with thousands of employees, to small businesses and individuals.

She also represents claimants in complex, high value, and high-profile claims.

Iris is particularly sought after in cases requiring the handling of vulnerable parties and witnesses. Her clients often instruct her in the early stages of litigation, when she can advise not only on the shaping of the legal issues in their dispute, but also on procedure, practicalities, and litigation tactics.

Iris provides Employment Law training to solicitors and companies: both seminars on current legal issues, and practical workshops on employee management and litigation.

Notable Cases

- *Borg-Neal v Lloyds Bank plc*: Since 2023, Iris has been acting for the Respondent in the ET, in the very widely-reported case of a bank manager, dismissed for the language he had used in a race awareness training session, who claimed unfair dismissal and disability discrimination.
- *Rahman v Ford Retail Ltd* [2023] EAT 55: Iris represented the Respondent in an appeal against a Tribunal's refusal of permission to amend a claim, which grappled with the difficult question of how much a Tribunal is required to do, in order to understand a litigant in person's case, when their ET1 is lengthy, verbose and difficult to understand.
- *Hassan v BBC* [2023] EAT 48: Iris represented the Appellant in an appeal against a Tribunal's case management decision, which had significantly narrowed her claims by reference to documents produced after the close of pleadings, instead of focusing on the nature and extent of her claims as set out in her ET1.
- *Lasdas v Vanquis Bank* [2022] EAT 198: Iris represented the Respondent in an appeal against the making of a deposit order in a race discrimination claim, based on the characterisation of the claim as one of direct discrimination rather than indirect discrimination.
- *Kids Company v Smith* [2018] IRLR 484: Iris represented over 100 former employees of the charity Kids Company, seeking protective awards for the failure to consult them on redundancy before the charity's collapse. Iris won at the ET, and then successfully resisted an appeal to the EAT (resulting in a leading appellate judgment on the "special circumstances" defence in protective award claims).
- *Hartley v Foreign and Commonwealth Office Services* [2016] ICR D17: Iris acted for the Appellant at the EAT, establishing the principle that in a harassment claim, the perception of the harasser about the alleged act of harassment is irrelevant to the application of the correct statutory test.

Housing Law

Iris began her legal career in 2006 as a Housing specialist. Since then, she has always maintained a busy Housing practice and a keen interest in Housing law.

Iris regularly deals with all aspects of Housing law and has long experience in dealing with complex anti-social behaviour cases, including those involving mental health issues, on behalf of both landlords and tenants.

She is particularly good at dealing with vulnerable clients and witnesses, and managing the complex legal arguments involved in Equality Act, public law and Human Rights cases.

Iris's expertise in discrimination law generally (because of her combined practice in Housing and Employment Law) makes her particularly adept at handling Equality Act claims and defences.

Iris has extensive experience of homelessness litigation, including s204 appeals in the County Court, judicial review in the High Court, and appeals to the Court of Appeal. She regularly trains local authorities on homelessness law and procedure.

Iris also delivers very popular workshops, both online and in person to solicitors and clients at their offices, on all aspects of Housing litigation. She is a Committee member of the Social Housing Law Association.

Notable Cases

- Iris continues to be instructed by the tenant in the remitted claims in *Kalonga v Croydon LBC* [2022] UKSC 7, the well-known and long-running litigation relating to fixed-term tenancies, which reached the Supreme Court in 2022. Claims relating to disrepair, the Equality Act, and homelessness, remain to be decided.
- In 2023, Iris acted for a local authority in an unusual homelessness appeal, in which the applicant argued that the local authority's decision to place her within borough was unlawful, when she had expressly requested to be placed out of borough: the opposite of the usual arguments on out-of-borough placements.
- In 2023, Iris led Angela Pears of 42BR in an unusual possession claim, on behalf of a local authority, which involved the attempted assignment of a tenancy between separated spouses in order to avoid liability for substantial rent arrears.
- Since 2021, Iris has been leading Robert Winspear of 42BR, representing a local authority in a long-running, complex disrepair claim brought by a tenant with serious physical and mental health vulnerabilities. The 6-day liability trial involved complex questions of the causation of condensation mould, and the cross-examination of surveyor expert witnesses. The tenant has appealed the judgment to the High Court, and the litigation continues.
- *R (Sambotin) v Brent LBC* [2018] EWCA Civ 1826: Iris represented the local authority in an appeal against a judicial review decision about whether the authority had the power to reconsider a homelessness decision which had already been communicated to an applicant, but which was still subject to an incomplete local connection referral.

Property Law

Iris Ferber KC is a highly experienced property litigator.

She appears in the First-tier Tribunal, the County Court, the High Court and the Court of Appeal in a wide range of property disputes. She is valued by her clients for her technical expertise and her "forensic, detailed and devastating cross-examination".

Clients also value Iris's efficient turnaround of advisory and drafting work, and her thorough, practical and client-friendly advice.

Iris is instructed in a very wide range of property matters, and especially in:

- Service charge disputes

- All other aspects of residential landlord and tenant
- Commercial landlord and tenant
- Boundary disputes and adverse possession
- Disputes arising from cohabitation
- Restrictive covenant litigation
- Conveyancing-related disputes
- Property fraud

Iris is also particularly sought after in professional negligence disputes arising from the sale of land.

Notable Cases

- Since 2022, Iris has acted for the victim of a complex cryptocurrency fraud, in proceedings to recover ownership of his home of 30 years from a third party purchaser who had not been involved in the fraud; the trial involved extremely complex facts, as well as novel legal arguments about constructive knowledge of third party duress and undue influence. Iris remains instructed in a parallel professional negligence dispute with the victim's conveyancing solicitors.
- In 2023 and 2024, Iris has acted for and advised in a number of cases of conveyancing negligence and misrepresentation, arising from the sale of properties infested with Japanese Knotweed.
- In 2023, Iris acted for a defendant lacking mental capacity in the multi-track trial of a highly unusual boundary dispute: involving mirror pleadings (by both claimant and defendant) of boundary ownership, with adverse possession in the alternative.
Since 2020, Iris has been acting for the freehold company of a block of flats in North London, in FTT litigation against a leaseholder of two adjoining flats with repeated and very high service charge arrears. A series of FTT trials in respect of each flat has involved extremely serious allegations against the freeholder, all of which have been successfully resolved.

Business Law

Iris Ferber KC has a Commercial litigation practice focused principally on contractual disputes involving misrepresentation, undue influence, duress and fraud, as well as professional negligence.

Her Commercial practice also crosses over with her Employment practice in disputes relating to post-termination restrictive covenants, where Iris is valued both for her ability to provide practical, strategic advice which avoids litigation and – when a case does proceed to Court – for her exceptional Courtroom presence and “forensic, detailed and devastating cross-examination”.

Iris delivers very popular workshops, both online and in person to solicitors and clients, on all aspects of restrictive covenant disputes, contractual disputes and professional negligence.

Notable Cases

- During 2024, Iris has been leading Jonathan Davies of 42BR in long-running commercial litigation, on behalf of a company whose directors set up a rival business, resulting in claims of breach of directors' duties, breach of covenant, misuse of confidential information, and a number of other heads of claim.
- During 2023 and 2024, Iris has been instructed in a number of disputes, by both corporations and local authorities, involving serial vexatious litigants. Iris has drafted pleadings and submissions in the High Court, Court of Appeal and Supreme Court, and has advised on tactics for handling and resolving such cases.
- In 2022, Iris was instructed by the London Borough of Newham to obtain winding up orders against over 20 insolvent companies, which had been involved in the multi-million pound development of the Royal Albert Dock. Iris later successfully resisted a hard-fought application by those companies to rescind the winding up orders, involving technical questions of the service of the winding up petitions.

Direct Access

Iris Ferber is authorised to accept instructions direct from members of the public. She encourages clients who are considering this route to contact Chambers and discuss their problem.

In suitable cases, Iris can provide client conferences, written advices and representation at court. Iris accepts public access work across Chambers' areas of expertise.

Memberships & Committees

- Social Housing Law Association
- Discrimination Law Association
- Chancery Bar Association
- Property Bar Association
- Employment Law Bar Association
- Employment Lawyers Association