



Andrew Allen KC

Year of Call: 1995
Year of Silk: 2020
Direct Access: No

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Andrew Allen KC has a successful **employment and discrimination** practice encompassing:

- TUPE
- Whistleblowing
- Contractual disputes
- Discrimination – including within partnerships
- Equal pay
- Restrictive covenants
- Unfair dismissal
- Redundancy
- Working time
- Minimum wage,
- Parental and carer's rights
- Collective disputes
- Remuneration and bonuses.

Andrew appears in employment, discrimination and other civil matters in the ET, EAT, County Court, High Court and Court of Appeal as well as in internal and professional **disciplinary and regulatory** disputes. He has appeared in the employment tribunals in England, Wales, Northern Ireland and Scotland.

Andrew has undertaken a number of internal investigations including in a large international corporation and a charity. Andrew also acts as a mediator.

His clients include private individuals and national and international corporations, central and local government, Transport for London, Police Forces, NHS Trusts, and Housing Associations. Andrew has particular experience in cases involving members of the legal profession and the judiciary and he has advised and represented a number of firms of solicitors, barristers and sets of chambers in employment and discrimination complaints.

Andrew has been sitting as a fee paid Employment Judge since 2011. He was assigned as a fee paid Immigration Judge between 2017 and 2020. He was appointed as a Recorder in the Crown Court in 2018 and has also been sitting as a Recorder in the County Court since 2021. Andrew was appointed to the Attorney General's A Panel of Junior Counsel to the Crown in 2017.

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Andrew is the co-author of [Employment Law and the Human Rights Act 1998](#).

Expert Witness in Islamic & Middle Eastern Law

Andrew has advised as an expert witness in the courts of England and Wales in a number of cases involving the laws of Pakistan, Bangladesh, United Arab Emirates, Saudi Arabia, Somalia, Egypt, Lebanon, Jordan, Yemen, Oman, Morocco, Tunisia, Iran, Iraq, Syria and Libya. The subject matters ranged from laws regulating banking in Islam to questions relating to adoption, child custody, abortion, marriage, divorce, and inheritance.

Andrew has an MA in law from Christ's College, Cambridge; an LLM in Islamic and Middle Eastern Law from the School of Oriental and African Studies, University of London; and an MSc in Sociology from Birkbeck, University of London. Andrew was Deputy Director of the Centre of Islamic and Middle Eastern Law at the University of London 1996-1999.

Notable cases in which Andrew has been an expert witness include: [Hackney LBC v JC Family Division](#) [2015] EWHC 742 (Fam) and [Borg v El-Zubaidy](#) [2017] EWFC 58.

Areas of Expertise

Employment & Discrimination

Andrew represents both employers, employees and workers across the full spectrum of employment law issues. He is regularly in the Employment tribunal, Employment Appeal Tribunal, High Court and Court of Appeal.

Notable Employment & Discrimination Cases

[Hewston v Ofsted](#) [2023] EAT 109 [2023] IRLR 878, EAT – Instructed on behalf of the Respondent in the EAT exploring whether it is possible to dismiss for a matter for which specific forewarning had not been given.

[McDermott v Sellafield](#) [2023] EAT 60 [2023] IRLR 639, EAT – Acting for Claimant / Appellant HR Professional contractor in whistleblowing claim alleging multiple examples of a toxic work environment. This case has significance for Agency relationships in whistleblowing cases and the degree which background context can be relevant to whistleblowing allegations. See press coverage [here](#).

[Ministry of Justice v Dodds](#) [2023] EAT 31 [2023] ICR 715, EAT – Leading [Alex Line](#) in this important appeal on behalf of the Respondents in a claim under the Part Time Worker Regulations brought by numerous circuit judges acting up in the High Court. Legally significant in terms of whether these judges were part time; whether they could compare themselves with High Court Judges; whether the reason for the differential in pay was any part time status; and whether the treatment could be objectively justified.

[Syzmaniak v The Elliot Foundation Academies Trust](#) [2021] – Acting for Claimant in whistleblowing and constructive dismissal claim brought by Headteacher against Academy Trust following disclosures of financial irregularities. This case has significance for the way in which Academy Trusts are managed and the relationships between Headteachers and the increasingly large organisations that employ and control them.

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Ishola v Transport for London [2020] EWCA Civ 112 [2020] ICR 1204, Court of Appeal – Acting for Transport for London in this successful appeal concerning the meaning of ‘provision, criterion or practice’ (PCP) for employers when making reasonable adjustments in respect of a disabled person. Important guidance given on when a ‘one off’ act can constitute a PCP.

Jesudason v Alder Hey Children’s NHS Foundation Trust [2020] EWCA Civ 73 [2020] ICR 1226, Court of Appeal – Whistleblowing appeal which clarified the law as to whether the manner in which an employer responds to a whistleblower can amount to a potential detriment. This will have implications on how a whistle-blower is treated when making protected disclosures.

The Mayor & Burgesses of the London Borough of Lambeth v Agoreyo [2019] EWCA Civ 322 [2019] ICR 1572, Court of Appeal – Led **Stephen Butler** in this appeal concerning implied term of mutual trust and confidence.

Antuzis & Others v DJ Houghton Catching Services Ltd & others [2019] EWHC 843 (QB), [2019] IRLR 629, High Court – A leading authority on the interaction between a Director’s personal liability and his/her duties under the Companies Act 2006.

Park Chinois Limited v Ozkara & others [2019] UKEAT 0224/18/DA, EAT – Practicability of reinstatement.

Canning v National Institute for Health and Care Excellence [2019] UKEAT/0241/18, EAT – Age discrimination and interviews in reorganisations.

Lofty v Hamis [2018] IRLR 512, EAT – Acting on behalf of the claimant employee. Successfully argued the definition of pre-cancer for the purposes of disability discrimination. More on the case can be found, [here](#).

Ahir v British Airways Plc [2017] EWCA Civ 1392, Court of Appeal – Strike out of discrimination claims.

Grainger v North East London NHS Foundation Trust [2017] IRLR 981, High Court – Successful in defence of allegations of breach of contract by failing to carry out a formal job evaluation which would have resulted in an increase in pay. This decision clarifies the contractual effect of the Job Evaluation handbook and interpretation of NHS contracts.

Gareddu v London Underground Ltd [2017] IRLR 404, EAT – Successful for the respondent employer in this case which concerned a Catholic London Underground worker, who sued TFL when they refused to give him five weeks holiday entitlement for religious festivals. The employment tribunal rejected his religious discrimination case, which was then dismissed by an appeal judge. Press coverage, regarding this case can be found [here](#).

Kansal v Tullett Prebon UKEAT/0147/16/DM, EAT – Race discrimination – drawing of inferences.

Rowe v London Underground Ltd UKEAT/0125/16/JOJ, EAT – Whether injury to feelings must be awarded as a remedy in health safety cases.

Lamb v The Business Academy Bexley UKEAT/0226/15/JOJ, EAT – Disability discrimination – reasonable adjustments.

Kibirango v Barclays Bank Plc UKEAT/0234/14/JOJ, EAT – Direct race discrimination – adequacy of reasons.

Higgins v Home Office [2015] ICR D19, EAT – Time limits, early rejection of claim forms.

Mihaj v Sodexho Ltd [2014] ICR D25, EAT – Interim relief, trade union activities.

Meter U Ltd v Ackroyd [2012] I.C.R. 834, EAT – TUPE – sham transactions.

Deakin v Kuehne & Nagel Drinks Logistics Ltd [2012] I.R.L.R. 513, Court of Appeal – Working time, interpretation of contracts.

Central Manchester University Hospitals NHS Foundation Trust v Browne [2012] Eq. L.R. 318, EAT – Race discrimination – construction of a hypothetical comparator.

Dynamex Friction Ltd v Amicus [2009] ICR 511, Court of Appeal – Circumvention of TUPE, administrator as unwitting tool.

Kimberley Group Housing v Hambley [2008] ICR 1030, EAT – TUPE, multiple respondents and apportionment of liabilities.

Robinson v Tescom Corporation [2008] IRLR 408, EAT – Unfair dismissal – amendment to terms and conditions.

Draper v Mears [2006] IRLR 869, EAT – Unfair dismissal – sufficiency of reasons.

Memberships

- Industrial Law Society
- Fee Paid Employment Judge
- Recorder
- Employment Law Bar Association
- Employment Lawyers Association
- Discrimination Law Association

Recommendations

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