

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, contractual disputes, discrimination – including within partnerships, equal pay, restrictive covenants, unfair dismissal, redundancy, working time, minimum wage, breach of contract, parental and carer’s rights, remuneration and bonuses. He has significant experience of **professional negligence** claims relating to providers of legal services, trade unions and other employment advisers.

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.

His clients include national and international corporations, Transport for London, various NHS Trusts, Housing Associations and private individuals. Andrew has advised and represented a number 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 in 2017 and he was appointed as a Recorder in the Crown Court in 2018. Andrew was appointed to the Attorney General’s A Panel of Junior Counsel to the Crown in 2017.

Andrew is the co-author of *Employment Law and the Human Rights Act 1998* and writes the chapters on Qualification and Compensation for Unfair Dismissal in Tolley’s *Employment Law* Loose-leaf.

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, abortion, marriage, divorce, and inheritance.

Andrew has an LLM in Islamic and Middle Eastern Law from the School of Oriental and African Studies, University of London and was Deputy Director of the Centre of Islamic and Middle Eastern Law at the University of London 1996-1999.

Notable cases include: *Hackney LBC v JC Family Division* [2015] EWHC 742 (Fam) and *Borg v El-Zubaidy* [2017] EWFC 58.

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Areas of Expertise

Employment & Discrimination

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

Notable Employment & Discrimination Cases

High Court

Antuzis & Others v DJ Houghton Catching Services Ltd & others [2019] EWHC 843 (QB), High Court

A leading authority on the interaction between a Director's personal liability and his/her duties under the Companies Act 2006

Grainger v North East London NHS Foundation Trust [2017] I.R.L.R. 981, High Court

Interpretation of NHS contracts

Court of Appeal

Ishola v Transport for London [2020] EWCA Civ 112

Jesudason v Alder Hey Children's NHS Foundation Trust [2020] EWCA Civ 73

The Mayor & Burgesses of the London Borough of Lambeth v Agoreyo [2019] EWCA Civ 322

Ahir v British Airways Plc [2017] EWCA Civ 1392

Strike out of discrimination claims

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

Working time, interpretation of contracts

Dynamex Friction Ltd v Amicus [2009] ICR 511, Court of Appeal

Circumvention of TUPE, administrator as unwitting tool

Employment Appeal Tribunal

Park Chinois Limited v Ozkara & others [2019] UKEAT 0224/18/DA, EAT

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Canning v National Institute for Health and Care Excellence [2019] UKEAT/0241/18, EAT

Lofty v Hamis [2018] IRLR 512, EAT

Definition of cancer for the purposes of disability discrimination

Kansal v Tullett Prebon UKEAT/0147/16/DM, EAT

Race discrimination – drawing of inferences

Gareddu v London Underground Ltd [2017] IRLR 404, EAT

Indirect religious discrimination – manifestation of belief

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] I.C.R. D19, EAT

Time limits, early rejection of claim forms

Mihaj v Sodexho Ltd [2014] I.C.R. D25, EAT

Interim relief, trade union activities

Meter U Ltd v Ackroyd [2012] I.C.R. 834, EAT

TUPE – sham transactions

Central Manchester University Hospitals NHS Foundation Trust v Browne [2012] Eq. L.R. 318, EAT

Race discrimination – construction of a hypothetical comparator

Kimberley Group Housing v Hambley [2008] ICR 1030, EAT

TUPE, multiple respondents and apportionment of liabilities

Robinson v Tescom Corporation [2008] IRLR 408, EAT

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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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Outer Temple Chambers



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