

ALLAN ROBERTS

CALL: 2004

"He is astute, commercial and tenacious." "Clients find him approachable and inspiring of confidence."

Chambers UK 2017

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Allan is a specialist employment and commercial barrister recognised in both Chambers and Partners and Legal 500 where he has been described as "...astute, commercial and tenacious", "*approachable and inspiring of confidence*", and someone who is "*...very well prepared, won't stop fighting and can almost win the unwinnable*". He prides himself on being very client-friendly and takes a proactive role in case preparation and analysis. This allows him to provide clear and effective advice. At each stage of the process, Allan maintains a view on achieving a successful outcome in line with the client's objectives.

Allan has a national practice and regularly appears before the Employment Tribunal, High Court, disciplinary panels (both internal and regulatory) and at the appellate level. He has a particular expertise in complex discrimination claims, whistleblowing claims, actions for restraint of trade and breach of confidence and cases involving partnerships.

PRACTICE AREAS

- Employment & Discrimination
- Professional Negligence and Discipline
- Commercial

EMPLOYMENT & DISCRIMINATION

Allan acts for both claimants and respondents in all areas of employment law. Key clients have included:

- Royal College of Nursing;
- Several Chief Constables;
- FTSE Indexed companies, including the World's largest company for outsourced communications; and
- A class action on behalf of over 100 Claimants

Of the solicitors who regularly instruct Allan, 3 have asked him to defend employment disputes brought against their firm. Allan is frequently instructed in high value and media sensitive cases including those involving the Ministry of Defence, Crown Prosecution Service and several Police Forces.

He undertakes all aspects of employment work covered by the specialist employment team at Guildhall. He has a keen interest in the following areas:

- Discrimination;
- Whistleblowing;
- TUPE including issues of insolvency;
- Internal and Regulatory Discipline; and
- Restrictive Covenants (see also under Commercial).

Allan regularly appears before the Employment Appeal Tribunal, including having received instructions only at the appeal stage. Issues dealt with at this level include:

- Employee status;
- Whistleblowing;
- Disability discrimination;
- NHS pay policies; and
- Perversity appeals

He has also appeared before the Court of Appeal with success in *Launahurst v Larner*. In a Judgement of Underhill, J sitting in the Employment Appeal Tribunal, Allan's arguments were described as "*vigorous*" and "*effective*" and in referring to his presentation stated "*the exercise is a tribute not only to the quality of Mr Roberts' notes but also to the industry and care with which he has prepared for this appeal.*"

PROFESSIONAL NEGLIGENCE AND DISCIPLINE

Allan acts in all matters involving the performance and conduct of professionals, including both internal and regulatory proceedings as well as civil claims for negligence and misfeasance. Allan is experienced and has particular interest in dealing with the following professionals:

- Police Officers;
- Dentists;
- Social workers;
- Nurses; and
- Doctors.

Allan acts for both the individual and organisations in respect of professional disputes, including having successfully representing a social worker before a local authority's appeal and securing his reinstatement. The social worker had been dismissed over 18 months before the appeal hearing. The hearing was initially listed for a review only, but Allan persuaded the panel to conduct a rehearing. He then successfully argued the allegations of gross misconduct should be dismissed. This led to the employee being reinstated and awarded back pay from the date of dismissal.

He also acts in civil disputes between professionals, relying upon his understanding and appreciation of how the professions operation. Allan has recently acted for two dentists in a civil claim relating the apportioning of practice income and allocation of practice expenditure. Allan secured both an award of damages and costs assessed on an indemnity basis.

COMMERCIAL

Allan has a specialist commercial practice which focuses on discreet areas that compliment his employment related practice. He regularly receives instructions on the following matters:

- Restraint of trade;
- Breach of confidence;
- Shareholder and Director disputes; and
- Partnership disputes

Allan's practice involves all aspects of restraint of trade and breach of confidence in relation to both employment and commercial contracts. He also considers how best to protect a business using other claims such as economic torts including tortious interference and inducement. He recently secured an interim injunction on behalf of a UK based client seeking to protect its position from an Australian competitor. This involved careful planning within a restricted timescale so as to ensure the application was submitted expediently but effectively.

He also has an expertise in advising on the application of the Equality Act 2010 to cases involving directors and partners, particularly their removal from the company, partnership or LLP. He has recently acted in a claim of age discrimination in relation to a decision to remove a member from an LLP and instead make them an employee. He has also been instructed to advise on the removal of a director and shareholder from a company on the grounds of ill-health, requiring careful consideration of the Equality Act.

Allan's practice includes both advisory work as well as appearing in complex matters before the High Court.

RECOMMENDATIONS

- Chambers UK 2015
 - Chambers UK 2014
 - Legal 500 2014
 - Legal 500 2013
 - Legal 500 2012
 - Legal 500 2011
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MEMBERSHIPS:

- Discrimination Law Association
 - Employment Bar Association
 - Employment Law Association
 - Industrial Law Society
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EDUCATION:

- BVC, UWE Bristol
 - LLB Hons, UWE Bristol
 - Lord Diplock Scholar 2004
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RECENT NEWS

- ELA Webinar - Masterclass on Employment Claims in the Civil Courts - Feb 2016
 - ELA Masterclass - Employment Claims in the Civil Courts 2015 -Jan 2015
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