

# JULIAN ALLSOP

Call 1999

✉	julian.allsop@guildhallchambers.co.uk
☎	0117 930 9000



Julian Allsop is a nationally-renowned, predominantly employer-focused, **Employment & Discrimination** barrister and Head of the Employment & Discrimination team.

Consistently ranked tier 1 in the region for his legal expertise, most recently in the 2023 editions of Chambers and Partners, Legal 500 and nationally in Who's Who Legal, his specialist Employment & Discrimination practice covers all aspects of the Employment Tribunal and Employment Appeal Tribunal jurisdiction as well as Business Protection & Injunctions work in the High Court.

Julian is also well-respected for his work in **Construction** and **Commercial** law, which is reflected in his tier 1 rankings in the most recent editions of Chambers and Partners and Legal 500 in the Construction (Western) category.

Julian sits as a Deputy District Judge (Civil) and is a qualified mediator and adjudicator.

## Expertise

### Employment & Discrimination

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Julian Allsop is a highly skilled and pragmatic specialist Employment & Discrimination barrister, with a practice spanning all aspects of high value and complex litigation in both the High Court and Employment Tribunal jurisdictions. He is Head of the Employment and Discrimination Team.

In the Employment Tribunal, Julian has particular expertise in complex discrimination and whistleblowing claims.

The majority of Julian's work is for employers. In addition to private sector businesses, his clients include the Police, Local Authorities, NHS Trusts, and schools.

Julian has been appointed as Junior Counsel to the Crown (Regional 'A' Panel). As a consequence, he regularly advises and represents Government Departments such as the MOD, MOJ, Home Office and DWP

in employment and discrimination matters.

He is a contributing editor to Harvey on Industrial Relations and Employment Law – Division C1 – Hours of Work & Holidays and Sunday Working. He is a contributing author to Tolleys Employment Law Service (Unfair Dismissal I) and co-author of Settlement of Individual Employment Disputes, published by LexisNexis in 2017.

Julian was the Employment Lawyers Association South West Representative from 2018 to 2020. He has regularly lectured on the ELA circuit and contributed articles to internal and external publications such as ELA Briefing. He has also lectured on behalf of Lexis Nexis and MBL.

## Featured Employment & Discrimination cases

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### **Kiesel v Check4Cancer Ltd (2023) ET**

Successfully acted on behalf of Check4Cancer in the defence of claims of automatically unfair constructive dismissal, detriment on the grounds of pregnancy / maternity leave and pregnancy discrimination.

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### **Re: X Recruitment (2022)**

Advice to X Recruitment on the termination and reengagement of temporary workers on harmonised terms as well as the necessary process and communications to the affected classes of worker.

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### **Ahmed v Maritime and Coastguard Agency (2022) ET**

Successfully acted on behalf of the MCA in the defence of claims of unfair dismissal, race discrimination and victimisation.

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### **Macanovic v Portsmouth Hospitals NHS Trust (2022) ET**

Successfully acted in this high-profile case on behalf of a leading renal consultant who was sidelined and eventually dismissed from the Respondent NHS Trust as a result of having made a series of protected disclosures concerning the adoption of a controversial procedure for the insertion of AV grafts into the patients for the purpose of kidney dialysis. The Tribunal upheld claims of automatically unfair dismissal, unfair dismissal and whistleblowing detriment, subsequently judgment in the region of £ 219,000.

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### **Chowdhury v Ministry of Defence (2022) EA-2022-000064-LA**

Acted on behalf of the MOD in its successful resistance to an appeal against the Registrar's order.

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### **Innot v Chief Constable of Leicestershire Constabulary (2021) ET**

Acted on behalf of the Chief Constable in relation to the successful defence of claims of unfair dismissal, wrongful dismissal and discrimination because of something arising from her mental health disability.

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**Secretary of State for Justice v Plaistow (2021) UKEAT/0016/20/VP, UKEAT/0085/20/VP**

Acted on behalf of the Secretary of State for Justice in its partially successful appeal against the Remedy Judgment and successful appeal against the Costs Judgment in a claim of career losses. Guidance on the correct approach to career loss, loss of a chance vicissitudes and ACAS Uplift. Led by Adam Tolley KC.

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**Wynn-Cowell v Valuation Office Agency (2021) ET**

Acted on behalf of the Valuation Office Agency in its successful defence of claims of race discrimination due to Welsh Nationality, victimisation and detriment arising from protected disclosures.

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**Niedzielska v Faccenda Foods Ltd (2021) EA-2019-001204-VP**

Acted on behalf of the Respondent to an appeal against the Tribunal's strike out of a disability discrimination claim.

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**Bhullar v Devon Partnership NHS Trust (2021) ET**

Acted on behalf of the NHS Trust in its successful defence of whistleblowing constructive dismissal and detriment claims that were brought against it by its former Principal Forensic Psychologist.

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**Martin v City and County of Swansea (2021) EA-2020-000460-AT**

Following the defence of the claim before the Tribunal, successfully acted for the Local Authority in relation to its resistance of the appeal on the basis that all reasonable adjustment had been made for her in the lead up of her dismissal under the attendance management policy.

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**De Lacey v Wechseln Ltd (t/a Andrew Hill Salon) [2021] IRLR 547**

Acted on behalf of the salon to an appeal which provided guidance as to the correct approach to a last-straw constructive discriminatory dismissal.

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**Clarkson-Palomares v Secretary of State for Justice (2021) ET**

Acted on behalf of the Secretary of State for Justice in the defence of disability discrimination and harassment claims brought by a fee paid Judge, a high-profile case.

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**Exton v Chief Constable of Leicestershire Police (2020) ET**

Acted on behalf of the Chief Constable in the successful defence of claims of automatically unfair dismissal and detriments on the grounds of protected disclosures, health and safety reasons.

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**Morgan v Abertawe BRP Morgannwg University Local Health Board [2019] All ER (D) 98 (Sep)**

Appeal on the correct approach that an Employment Tribunal should take in considering whether to admit expert evidence.

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**Exmoor Ales v Herriot UKEAT/0075/18/RN**

Successful resistance of an appeal against the finding of employment and worker status.

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**Abertawe Bro Morgannwg University Local Health Board v Morgan [2018] ICR 1194 CA**

Appeal on the correct approach to ascertaining time limits in reasonable adjustment discrimination claims, and the just and equitable discretionary extension of time.

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**St Nicholas School (Fleet) Educational Trust Ltd v P Sleet (2017) UKEAT/0118/17 UKEAT/0138/17**

Successful appeal on behalf of the school against a finding of unfair dismissal.

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**Clarke v Abertawe Bro Morgannwg University Health Board (2017) UKEAT/0311/15 UKEAT/0312/15**

EAT appeal in relation to whether or not there had been a serious procedural irregularity in the ET's conduct of a review hearing.

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**Balson v Foray Motor Group [2016] UKEATPA/0259/16/RN**

Successfully resisted an appeal based on the premise that the ET had not properly considered the impact of the Claimant's disability when it rejected his claim of discrimination under s.15 EqA 2010.

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**Interserve FM Ltd v Tuleikyte [2017] IRLR 615**

Successfully appealed against the ET judgment that held that a blanket policy was inherently discriminatory against the protected characteristic of maternity leave contrary to s.18(4) EqA 2010.

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**Department for Work and Pensions v Brindley [2016] UKEATPA/0063/16/JOJ**

Acted in this guideline EAT appeal in relation to the interpretation & scope of COT3 agreements.

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**Fairlead Maritime Ltd v Parsoya [2016] UKEAT/0275/15/DA**

Successfully resisted an EAT appeal against ET's decision that discrimination was a continuing act and its discretion to extend time on a just and equitable basis.

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**Abertawe Bro Morgannwg University Local Health Board v Morgan [2016] All ER (D) 168 (Mar)-EAT**

Appeal against the Employment Tribunal's judgment in respect of remitted issues.

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**H v CF Ltd [2016] ET**

Successful defence of a complex and high value (in excess of £ 150K) Agricultural Wages enforcement action brought by the Rural Payments Agency on behalf of the complainant, H.

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**Z v P & Q [2014] ET**

Represented the Claimant in a complex private sector equal pay claim against her current and former employers, value in excess of £ 300K. After successfully defeating P's challenge which took place over the first year of the litigation to the effect that it was not liable for accrued liabilities under TUPE the matter was resolved favourably.

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**X v Y [2014] ET**

Acted on behalf of the Claimant who was a senior director level employee who was dismissed on the grounds of her disability / whistleblowing. Case settled for a substantial six figure sum.

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**Abertawe Bro Morgannwg University Local Health Board v Morgan [2014] All ER (D) 56 (May) EAT**

Successful appeal against the Employment Tribunal's judgment in a complex disability discrimination case, judgment of Langstaff P is regularly cited as to the correct approach to the just and equitable extension of time in discrimination cases.

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**Fernandez v Allied Healthcare Group Ltd [2014] ET**

Acted for the Claimant who was employed under an alleged zero hours contract who had been dismissed as a result of having made whistleblowing complaints about how planned changes to the care package would be detrimental to the patient. Successful in persuading the Employment Tribunal that the zero hours contract did not reflect the true contractual position, that she had been subjected to whistleblowing detriment and as a result she recovered the full extent of her loss and subsequently awarded her costs. Media interest in the nursing sector.

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**Rodriguez Noza v Abertawe Bro Morgannwg University NHS Trust [2013] All ER (D) 13 (Aug) [Court of Appeal - 27.11.13]**

Acted on behalf of Respondent Health Board at the EAT and Court of Appeal in an appeal which involved consideration of whether it was permissible for the ET to accept the Respondent's concession as to the date of disability, and the ET's approach to reasonable adjustments, in the light of expansive Burns Barke replies. Succeeded in resisting the appeal in relation to the first ground of appeal at the EAT. Despite this, the EAT remitted the whole disability discrimination claim to be reheard by a new ET. Successfully represented the Health Board before the Court of Appeal on its appeal against the scope of the remission.

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**Langton v Secretary of State for Health [2013] All ER (D) 170 (Oct) [2014] ICR D2**

Successfully represented the Claimant in her appeal at the EAT against the judgment of the ET to decline to entertain her application for interim relief (i.e. a continuation order) on the basis that the Secretary of State could not be her employer in the place of the dissolved NHS Trust for the purposes of ss128-130 ERA 1996.

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**Oyesanya v Aneurin Bevan Local Health Board [2013] UKEATPA/1134/12/DM**

Successfully acted on behalf of the Respondent Local Health Board at the EAT in the resistance to an appeal against the Registrar's order that ruled the appeal out of time.

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**Osborn v Abertawe Bro Morgannwg Local Health Board [2012] UKEAT /0330/12/CFA**

Successful defence of a complex £ 300K disability discrimination claim in the ET and resistance of the appeal that was brought at the EAT against that judgment.

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**D v E and F [2012] ET**

Representing the Claimant in a sex harassment and victimisation claim that is subject to Rule 54 (national security proceedings), considerable national media interest.

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**Gosnold v BA Securities [2011] All ER (D) 110 (Sep)**

Successful appeal at the EAT against procedurally irregular ET judgment which defied the norms of natural

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justice, subsequently successful for the Claimant upon remission to the ET.

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### **Cave v Portsmouth City Council [2008] All ER (D) 313 (May)**

Appeared on behalf of the Respondent City Council in the EAT in relation to the appeal against the Employment Tribunal's judgment which decided that the Appellant was neither an employee nor a worker. Succeeded in defeating the claim upon remission to the Employment Tribunal.

## Construction Law

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Julian Allsop is recognised as being a highly skilled, authoritative and pragmatic Construction law barrister. He has considerable experience of advisory work, drafting pre-action correspondence and pleadings, advocacy in Court, arbitration and adjudication proceedings in matters ranging from domestic building claims to commercial construction disputes in an industrial setting.

Julian has particular expertise in disputes involving contractors' payment claims and/or claims for delay and disruption, loss and expense; employers' claims arising out of defective workmanship and/or delay; professional negligence against architects, quantity surveyors and project managers; adjudication pursuant to the Housing Grants, Construction and Regeneration Act 1996 and the Construction Act 2009; arbitration of construction disputes; injunctions and interim remedies; and standard forms, such as the JCT contracts published by RIBA, the ICE & NEC3 forms and the PPC 2000.

Julian has been appointed as Junior Counsel to the Crown (Regional 'A' Panel). As a consequence, he advises and represents Government entities such as the Ministry of Defence and the Environment Agency in construction disputes.

Julian sits as a Deputy District Judge (Civil) and is a qualified mediator and adjudicator.

### Featured Construction Law cases

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Advised the Ministry of Defence in relation to the settlement of a £ 9.7M Compensation Event.

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Acted on behalf of the Environment Agency in an Early Neutral Evaluation and Adjudication in respect of the assessment of the impact of a Compensation Event under NEC3, value circa 1M.

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The successful defence of an application for summary judgment for the sum of £ 357K in the High Court on the basis of a contractor's alleged payment notice.

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Successful representation of an employer in a claim of professional negligence against his team of construction professionals, settlement for a six figure sum.

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Successfully acted on behalf of a building contractor in the defence of a claim for damages arising out of defective workmanship in two developments. Quantum in excess of £600K.

## Business Protection & Injunctions

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Julian Allsop is a specialist and experienced Business Protection barrister with expertise in advising on cases involving the enforcement and protection of rights arising from the key business relationships contingent upon shareholdings, partnership and employment.

He has a particular expertise in cases involving restrictive covenants in restraint of trade and confidentiality as well as those relating to social media in the workplace and the Database Right.

Julian has considerable experience in advising on the meaning and effect of shareholders' agreements, partnership agreements and restrictive covenants contained in employment and consultancy contracts and in cases involving the enforcement of the rights arising out of those contracts, such as breach of contract claims, breach of fiduciary duties by directors and the enforcement of minority shareholder rights.

### Featured Business Protection & Injunctions cases

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#### **GH Engage v Reed, Grainger, RG Associates (HC) (2023)**

Advice and drafting on behalf of the Defendants in the defence of a claim of £ 727K that was brought against them by their former employer due to alleged breaches of contract whilst employed by it and pursuant to allegedly enforceable post termination restrictions.

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#### **L Recruitment v A, B and C (2022)**

Advice to L Recruitment on the options open to it to enforce post termination restrictions against three former employees who left to join a competitor agency.

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#### **Randstad CPE Ltd v Weintraub (2022) HC**

Advice and drafting of proceedings for interim injunctive relief and an imaging order on behalf of Randstad. Matter resolved by the provision of comprehensive undertakings that broadly reflected the post termination restrictions in the employee's employment contract as well as provision for the preservation of evidence, including by way of the taking of an image.

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### **Q Plc v W, X (2021)**

Advice to Q Plc ,a leading pharmaceuticals company, on the prospects of an application for injunctive relief against two (then current) employees who were discovered to have set up a competing entity that was to offer an innovative fertility screening test in breach of their duties of fidelity and by misusing confidential information.

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### **Eville & Jones v Aldiss, Melero, Cabo and Vetline (2021) HC**

Acted on behalf of Vetline in the defence of an application for an imaging order and other interim relief.

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### **M v H (2020)**

Acted on behalf of the employer M, a company specialising in sports broadcasting graphics in a claim against a former director and employees in relation to their setting up of a competitive entity using confidential information and in breach of post termination restraints.

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### **Re: L, M, N**

Advice and drafting for senior employees / directors who engaged in a team move from their employer to another entity.

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### **L Ltd v B**

Successfully acted on behalf of the employer to obtain a settlement that involved undertakings, damages and costs against a senior employee who set up a competing company and diverted clients using confidential information.

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### **G & H Ltd v C**

Obtained Pre Action Disclosure and a neutral costs order against a former quasi partner who had appeared to breach the terms of a Sale and Purchase Agreement under which he had transferred his shareholding.

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### **D v E, F, G**

Advice in relation to the enforceability of a shareholders agreement in a quasi partnership and potential remedies under that document and the underlying articles of association.

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### **Re: P & Q**

Advice to a senior consultant solicitor and his potential new employer on the meaning and effect of covenants contained in his service agreement with his former employer.

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### **X Ltd v Y and Z**

Successfully acted for the employer who sought interim injunctive relief in the High Court against two former employees who had misused confidential information acquired during the course of their employment and breached the restrictive covenants in the contracts of employment during the course of their new employment.

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### **Banks v Skydive**

Acted on behalf of the Claimant to an employment tribunal claim to secure a freezing injunction to prevent the dissipation of assets pending the resolution of the employment tribunal claim.

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### **Pegasus Corporation Ltd v Richards & another**

Successfully obtained interim injunctive relief in the High Court against former director, consultant and shareholder to prevent misuse of confidential information & client contact.

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### **A v J and others**

Acted in contested complex partnership proceedings, before and after dissolution, and also in relation to the reconciliation of the Partnership account.

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### **L v M**

Acted on behalf of the Claimant who was the senior employee in his claims in the High Court and Employment Tribunal arising out of the termination of his employment and non-payment of bonuses, successful resolution for six figure sum.

## Education

- LLM, Commercial Law, University of Bristol
- LLB Hons, King's College London
- Clifton College, Bristol

## Appointments

- Head of the Employment and Discrimination Team
- Regional Panel Junior Counsel to the Crown (A Panel)
- TECBAR adjudicator and mediator
- ELA Regional Representative (South West) (2018-2020)

## Memberships

- Discrimination Law Association
- Employment Lawyers Association
- Employment Law Bar Association
- Industrial Law Society
- Adjudication Society
- Construction Law Society
- TECBAR