

JULIAN ALLSOP

CALL: 1999

"Brilliant technical skills and an unparalleled eye for detail. He's great with cases where there is a corporate or commercial element as well as pure employment law. Extremely articulate and provides clear, firm advice."

Chambers UK 2020

Email: julian.allsop@guildhallchambers.co.uk

Tel: 0117 930 9000



Julian has a specialist, predominantly employer focused employment and discrimination practice in the Employment Tribunal, EAT and business protection work in the High Court.

Julian is also Chambers' specialist construction practitioner.

Julian is a qualified mediator and adjudicator.

PRACTICE AREAS

- Employment & Discrimination
- Construction
- Business Protection

EMPLOYMENT & DISCRIMINATION

Julian has a specialist employment and discrimination practice which covers all aspects of the Employment Tribunal and Employment Appeal Tribunal jurisdiction. He is recommended as a Band 1 (Western) in both Chambers UK 2019 and Legal 500 2019 in the Employment category. He is also the only member of the team to be appointed as Junior Counsel to the Crown (Regional Panel) to the new 'A Panel'.

He is a highly skilled, authoritative and pragmatic employment law practitioner. He acts in high value and complex litigation in both the High Court and Employment Tribunal jurisdictions. In the Employment Tribunal he has particular expertise in complex discrimination, whistleblowing and private sector equal pay litigation.

Julian is approachable and user-friendly. He is one of the minority of Barristers who works fully paperlessly, both in Chambers and in the Employment Tribunal. He is well placed to conduct electronic hearings during the Covid-19 crisis, and is expert in the types of claims that have arisen so far during this crisis, such as Health and Safety detriment, whistleblowing, discrimination and furlough related claims.

The majority of his work is for employers. In addition to private sector businesses, his clients include Local Authorities, NHS Trusts, the Police and schools. He also regularly represents Government Departments such as the MOD, MOJ, Home Office and DWP in employment and discrimination matters.

This expertise has been recognized by the legal marketplace for many years. In addition to the recommendation for Chambers and Partners 2020 above, Chambers and Partners 2015 endorsed him as being, "...quick to respond, even late at night or early in the morning. He understands what his clients want to achieve, and puts things in place to make sure they get a result as quickly as possible, although he can be incredibly patient when required." "He is forceful when needed, but never overly so... He inspires confidence."

He was also listed nationally as a leading junior Barrister in the first Who's Who's Legal UK Bar Publication 2015 in which it is recommended that he is someone that, *'peers would also "definitely endorse"'* and noting his particular expertise in acting for businesses, he is *'recommended for his largely respondent-based practice'*.

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).

He is a co-author of the book, 'Settlement of Individual Employment Disputes' which was published by LexisNexis in 2017.

Julian was the Employment Lawyers Association South West Representative from 2018 to 2020 and regularly lectures on the ELA circuit and contributes articles to internal and external publications such as ELA Briefing.

He accepts instructions in Special Educational Needs and Disability Needs Tribunal (SEND) cases. He also advises in relation to internal disciplinary hearings.

Julian is also a qualified mediator and is listed on the Bar Council List of Barrister Mediators.

SIGNIFICANT AND REPRESENTATIVE CASES

- **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.
- **Exmoor Ales v Herriot UKEAT/0075/18/RN** successful resistance of an appeal against the finding of employment and worker status.
- **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.
- **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.
- **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.
- **Balson v Foray Motor Group [2016] UKEATPA/0259/16/RN - EAT** 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.
- **Interserve FM Ltd v Tuleikyte [2017] IRLR 615 - EAT**, 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.
- **Department for Work and Pensions v Brindley [2016] UKEATPA/0063/16/JOJ - EAT**, acted in this guideline appeal in relation to the interpretation & scope of COT3 agreements.
- **Fairlead Maritime Ltd v Parsoya [2016] UKEAT/0275/15/DA- EAT**, successfully resisted an appeal against ET's decision that discrimination was a continuing act and its discretion to extend time on a just and equitable basis.
- **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.
- **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.
- **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.
- **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.
- **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.

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

"A strong barrister with a high degree of knowledge and flexibility in his approach."
Chambers UK 2019

"He has brilliant technical skills"
Legal 500 2019

Julian Allsop is Chambers' construction law specialist and is recognised in this regard by the leading directories.

He is a highly skilled, authoritative and pragmatic construction law practitioner. He is known for being *a'born fighter whose sense of humour and charm makes him a delight to work with on construction and property matters'*(Legal 500).

He has considerable experience of advisory work and advocacy in relation to disputes that arise from a range of projects, from domestic building claims to commercial construction disputes in an industrial setting.

Julian has particular expertise in disputes involving the following:

- Contractor's payment claims and / or claims for delay and disruption, loss and expense.
- Employer's 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.
- Standard forms, such as the JCT contracts published by RIBA, the ICE & NEC3 forms and the PPC 2000.

Examples of a few of the matters that Julian has been involved in recently have included:

- 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.
- Successful representation of an employer in a claim of professional negligence against his team of construction professionals, settlement for a six figure sum.
- Successfully acted on behalf of a building contractor in the defence of a claim for damages in the region of arising out of defective workmanship in two developments, quantum in excess of £ 600K.

He is also regularly retained to provide advice and to draft pre action correspondence and pleadings in Court, arbitration and adjudication proceedings.

Julian is also a qualified mediator and adjudicator and is listed on the TECBAR Mediator & Adjudicator Panel & Bar Council List of Barrister Mediators. He is also a member of the Adjudication Society and Construction Law Society.

BUSINESS PROTECTION

'has a national reputation for restrictive covenant expertise'. - Chambers UK

Julian Allsop is a specialist and experienced practitioner in cases involving the enforcement and protection of rights arising from the key business relationships contingent upon shareholdings, partnership and employment.

He has a particular interest in cases involving restrictive covenants in restraint of trade, confidentiality - including in relation 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.

Examples of recent and typical cases that Julian is involved with in this field include:

- **Re: L, M, N.** -advice and drafting for senior employees / directors who engaged in a team move from their employer to another entity.
- **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.
- **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.
- **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.
- **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.
- **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.
- **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.
- **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.
- **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.
- **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.

RECOMMENDATIONS

CHAMBERS UK 2020

Construction

Well-regarded barrister who specialises in construction disputes and frequently advises on claims relating to defective works, delay, disruption and loss. He is frequently instructed in contractor payment claims. His clients include contractors, employers and other third parties working in the industry.

Strengths: "He has a nice manner, knows his stuff and is reliable."

Employment

Handles employment matters in both the courts and tribunals, predominantly acting for employers. He is known for his expertise in complex disability discrimination, pregnancy or maternity discrimination, and whistle-blowing litigation. He also works in director-level remuneration claims and restrictive covenants.

Strengths: "Brilliant technical skills and an unparalleled eye for detail. He's great with cases where there is a corporate or commercial element as well as pure employment law. Extremely articulate and provides clear, firm advice."

Recent work: Acted for the appellant in *Morgan v Abertawe Bro Morgannwg University Health Board*, a Court of Appeal case considering the correct approach the Employment Tribunal should take to a reasonable adjustment claim made out of time.

LEGAL 500 2020

Construction, Planning and Environment

"Recommended for construction litigation"

Employment

"Acts for both defendants and respondents in a wide range of cases"

CHAMBERS UK 2019

Construction

Well-regarded barrister who specialises in construction disputes and frequently advises on claims relating to defective works, delay, disruption and loss. His clients include contractors, employers and other third parties working in the industry.

"A strong barrister with a high degree of knowledge and flexibility in his approach."

Recent work: Defended a charitable organisation in relation to a claim for a substantial sum arising out of a contractor's payment notice.

Employment

Handles employment matters in both the High Court and the tribunal, predominantly acting for employers. He is known for his expertise in complex disability discrimination, pregnancy or maternity discrimination, and whistle-blowing litigation. He also works in director-level remuneration claims and restrictive covenants.

"He's approachable, likeable and easy to work with." "He's very articulate and can turn on the charm with clients."

Recent work: Acted on behalf of the respondent and successfully resisted the appeal of a former employee who had failed to establish the connection between disability discrimination and his dismissal.

LEGAL 500 2019

Construction, Planning and Environment

'He has brilliant technical skills.'

Employment

'Very articulate and always approachable.'

CHAMBERS UK 2018

Employment

Junior - Band 2

Handles employment matters in both the High Court and the tribunal, predominantly acting for employers. He is known for his expertise in complex injunction cases, discrimination, whistle-blowing and private sector equal pay litigation. He also works on director-level remuneration claims and restrictive covenants.

Strengths: "He has excellent technical skills, he is great with clients and he has the ability to unravel complicated facts."

Recent work: Acted on behalf of the respondent to an appeal against a finding of indirect race discrimination and unlawful deductions from wages.

LEGAL 500 2017

Construction, Planning and Environment

Leading Juniors

'He is very detail-oriented.'

Employment

Leading Juniors

'A very safe and supportive pair of hands.'

CHAMBERS UK 2017

Employment

Junior - Band 2

Handles employment matters in both the High Court and the tribunal, predominately acting for the employers. He is known for his expertise in complex injunction cases, discrimination, whistle-blowing and private sector equal pay litigation.

Strengths: "Very articulate and able to grasp and convey complex issues." "Incredibly thorough, knowledgeable and approachable."

LEGAL 500 2016

Construction, Planning & Environment

Leading juniors

'Specialises in construction disputes.'

Employment

Leading juniors

'An organised, pragmatic and flexible advocate, who is always dependable.'

CHAMBERS UK 2016

Employment

Junior - Band 2

Handles complex claims of victimisation and discrimination, and also tackles contract-related cases. He frequently represents both claimant and respondent clients including NHS trusts, corporations and government departments.

Strengths: "I've been very impressed with his fantastic attention to detail; he can cut through the mountain of paperwork and really get to the heart of the issues." "He really knows his stuff, but he's helpful with it."

Recent work: Acted for the claimant in *Langton v Secretary of State for Health*, concerning an application for interim relief which was declined, a decision which was subsequently brought to the Employment Appeal Tribunal.

LEGAL 500 2015

Construction, Planning & Environment

Leading juniors

'He has extensive knowledge of construction law'.

EMPLOYMENT

Leading juniors

'His advice is always clear, and stated with authority and conviction'.

WHO'S WHO LEGAL - UK BAR 2015

Peers would also "definitely endorse" Julian Allsop is recommended for his largely respondent-based practice.

CHAMBERS UK 2015

Employment

Leading Junior - Band 2

Focuses his employment practice on representing respondents, and has substantial experience of representing public sector clients, including government departments and NHS trusts. He also has a national reputation for restrictive covenant expertise.

Expertise: "He is quick to respond, even late at night or early in the morning. He understands what his clients want to achieve, and puts things in place to make sure they get a result as quickly as possible, although he can be incredibly patient when required." "He is forceful when needed, but never overly so. He is a safe pair of hands for all employment matters, offering pragmatic advice. He inspires confidence."

Recent work: Represented a claimant against the Secretary of State for Health in an appeal at the EAT against a tribunal decision. The original judgment had declined to entertain the client's application for interim relief on the basis that the Secretary of State could not be her employer in the place of a dissolved NHS trust.

LEGAL 500 2014

Construction

Leading Juniors

"A construction specialist."

Employment

Leading juniors

'Recommended for his defence practice.'

CHAMBERS UK 2014

Employment

Leading Junior - Band 2

An employment practitioner whose practice is principally focused on Respondents. He receives regular instructions from SMEs, government departments, local authorities, and NHS Trusts.

Expertise: "He is very commercially astute. He is good at recognising what an employer needs to achieve, and can achieve it."

Recent work: He successfully acted in the ET and EAT on behalf of the Respondent in *Osborn v ABMU Local Health Board*, a complex and high value claim concerning the failure to make reasonable adjustments.

LEGAL 500 2013

Employment

Julian Allsop is noted as: 'combines incisive cross-examination with impressive technical know-how';

Construction

Julian Allsop is noted as: 'very conscientious, attentive and efficient'...who has a notable construction practice.

CHAMBERS UK 2013

Employment

Leading Junior - Band 3

Julian Allsop is a "thorough and very experienced" junior who "always provides excellent responses and good, commercial advice." He predominantly works on the respondent side and is also a regional Junior Counsel to the Crown.

LEGAL 500 2012

Employment

Julian Allsop is noted as acting primarily for respondents.

LEGAL 500 2011

Employment

Julian Allsop is a 'safe pair of hands, and adopts a solid and robust approach'.

LEGAL 500 2010

Employment

'Provides very efficient and straightforward advice, and adopts a no-nonsense approach, which is appreciated by commercial clients'.

Construction

Julian Allsop is a 'born fighter whose sense of humour and charm makes him a delight to work with on construction and property matters'.

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 to 2020)
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MEMBERSHIPS:

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

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

- Debbie Grennan appointed as South West representative for the Employment Lawyers Association for 2020-2022
 - Employment & Discrimination Team Business Continuity and Support Arrangements – Covid-19
 - Julian Allsop & Debbie Grennan to speak at the ELA Solent Employment Law Conference 2019
 - Julian Allsop becomes ELA South West Representative
 - Appointments to the Attorney General's Regional Civil Panel of Junior Counsel
 - Debbie Grennan and Julian Allsop are delighted to be able to assist the Employment Lawyers Association
 - Liverpool Law Society - Julian Allsop & Douglas Leach Speaking at the Employment Law Conference 2016
 - Julian Allsop to speak at the ELA Solent region annual training day
 - ELA Webinar - Masterclass on Employment Claims in the Civil Courts - Feb 2016
 - Debbie Grennan & Julian Allsop: A Masterclass - EMPLOYEE COMPETITION - Sept 2015
 - ELA Training Cardiff - Masterclass - Employment claims in the Civil Courts
 - Debbie Grennan and Julian Allsop to speak at DASLS Employment Law Update, Exeter Racecourse on 13 April 2015.
 - ELA Masterclass - Employment Claims in the Civil Courts 2015 -Jan 2015
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Guildhall Chambers, 23 Broad Street, Bristol BS1 2HG Tel: 0117 930 9000 DX: 7823 Bristol

julian.allsop@guildhallchambers.co.uk | www.guildhallchambers.co.uk

