

## ALLAN ROBERTS

CALL: 2004

"Allan is robust and commercial, and provides reassurance to our clients in highly pressurised situations."

*Chambers UK 2020*

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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.

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## PRACTICE AREAS

- Employment & Discrimination
- Professional Negligence and Discipline
- Commercial

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## 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.*"

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## 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.

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## 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.

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## RECOMMENDATIONS

CHAMBERS UK 2020

## Employment

Respected for his expertise in whistle-blowing and discrimination matters, he predominantly deals with high-level tribunal claims and High Court cases. He is particularly noted for dealing with complex police cases and often represents constabularies. He appears regularly in the Employment Appeal Tribunal and the Court of Appeal.

Strengths: "Allan is robust and commercial, and provides reassurance to our clients in highly pressurised situations." Recent work: Acted for Leicestershire Police in its response to claims brought by officers for race and disability discrimination.

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## LEGAL 500 2020

### Employment

"Particularly notable for his work on behalf of respondent police forces."

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## CHAMBERS UK 2019

### Employment

Respected for his expertise in whistle-blowing and discrimination matters, he predominantly deals with high-level tribunal claims and High Court cases. He is particularly noted for dealing with complex police cases and often represents constabularies. He appears regularly in the EAT and the Court of Appeal.

"He's personable, straightforward and good at keeping things simple." "I can't stress enough how responsive and reactive he is. He's very knowledgeable but he can break it down for the client."

Recent work: Successfully represented a senior executive in an unfair dismissal claim. The claimant had been dismissed for gross insubordination after going against the parent company's instructions not to provide a quote to a certain client, which the claimant had disregarded on the basis that he had received new information about the client.

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## LEGAL 500 2019

### Employment

Noted for his expertise in whistleblowing cases.

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## CHAMBERS UK 2018

### Employment

Leading Junior - Band 3

Respected for his expertise in whistle-blowing and discrimination matters, he predominantly deals with high-level tribunal claims and High Court cases. He is particularly noted for dealing with complex police cases and often represents constabularies.

Strengths: "His advocacy ability, and in particular his cross-examination skills, are second to none. He is very confident and able to think on his feet. He quickly digests information."

Recent work: Acted in *Bampton v Chief Constable of Nottinghamshire Police*, a case concerning whether police pensions indirectly discriminate against female and part-time workers.

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## LEGAL 500 2017

### Employment

Leading juniors

'Very bright and impressive on his feet.'

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## CHAMBERS UK 2017

### Employment

Leading Junior - Band 3

Respected for his expertise in whistle-blowing and discrimination claims, and especially for dealing with complex police cases.

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

Recent work: Acted for two social workers, including the deputy head of social services, in a high-profile whistle-blowing claim. The claimants contend they were victimised for whistle-blowing and sought compensation of £500,000 and £170,000 respectively during the ten-day trial.

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## LEGAL 500 2016

### Employment

Leading juniors

'He combines legal gravitas with commercial understanding, a sense of humour and immense energy.'

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## CHAMBERS UK 2016

### Employment

Junior - Up and Coming

Experienced in handling complex matters for well-known public sector clients including a number of police constabularies, and has particular expertise in discrimination and whistle-blowing.

Strengths: "He's very well prepared, won't stop fighting, and can almost win the unwinnable."

Recent work: Acted for members of the Royal College of Nursing in *Miles et al v Turning Point*, a multiple action from more than 100 claimants alleging that the employer had refused to recognise the RCN or consult with unions other than Unite.

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## LEGAL 500 2015

### Employment

Leading juniors

'He has a remarkable ability to pick up complex issues and novel points quickly.'

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## CHAMBERS UK 2015

### Employment

Leading Junior - Band 3

A widely admired employment practitioner with considerable expertise in whistle-blowing and discrimination cases. He has built up a significant reputation for handling employment disputes for police forces.

Expertise: "He is very good with witnesses, brilliant with clients, and very courteous to his opponent - he secures the sympathy of the tribunal." "Not only is he a trial advocate of absolutely amazing ability, but he's also really good with the clients."

Recent work: Acted for Chief Constables of Derbyshire and Nottinghamshire as respondents in a whistle-blowing case against a counter-terrorist officer, concerning operational decisions associated with the Olympic Games.

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## LEGAL 500 2014

### Employment

Leading juniors

'He is noted for his expertise in discrimination and acting for police constabularies'.

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## CHAMBERS UK 2014

### Employment

"He grasps issues very quickly and impresses with his preparation and cross-examination techniques." "He is extremely client-friendly."

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## LEGAL 500 2013

### Employment

Allan Roberts is "always completely on top of the case".

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## LEGAL 500 2012

### Employment

Allan Roberts has a "particular expertise in discrimination and whistle-blowing claims".

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## LEGAL 500 2011

### Employment

Allan Roberts is "courteous, well prepared and professional".

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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

- 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
- Supreme Court quashes ET fees
- 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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