



1 CROWN OFFICE ROW



## Alasdair Henderson

Call: 2009

Alasdair Henderson has a broad practice with a particular interest in public law and human rights, employment and equality, clinical negligence and environmental law. He appears regularly before a wide variety of courts and tribunals, and also has considerable experience of inquests and public inquiries.

Before coming to the Bar, Alasdair was a research fellow for the International Centre for Not-for-Profit Law in Washington DC. Following this, he worked for International Justice Mission in Kigali, Rwanda assisting in cases of land rights violations and sexual violence against children. He also acted as a consultant to the Rwandan Government on the revision of their legislation regulating charities and NGOs.

He retains an interest in both public international law and civil society law, and has advised charities and NGOs on various issues, including cross-border employment matters and the enforcement of human rights obligations.

Alasdair is a member of the Bar Pro Bono Unit and is happy to consider acting pro bono for individuals, campaigning groups or charities.

*'He has a first-class mind and gets to the heart of the matter quickly and without fuss.'*

**Legal 500 2018**

*"An all-rounder for lengthy and demanding inquiries."*

**Legal 500 2017**

*"A very good junior with a bright future ahead."*

**Legal 500 2016**

# Public Inquiries

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Alasdair has been involved in several of the most high-profile public inquiries of recent years. He was junior counsel to the Metropolitan Police in the Leveson Inquiry into the culture, practices and ethics of the press. He represented a large number of soldiers in the Al-Sweady Public Inquiry into allegations of mistreatment and unlawful killing of prisoners in Iraq. He was instructed by AWE plc and the MOD in the Inquiry into the death of Alexander Litvinenko.

He is currently acting as junior counsel to the Independent Inquiry into Child Sexual Abuse, working on the Westminster investigation, having previously been junior counsel to the Inquiry on the Cambridge House, Knowl View and Rochdale investigation.

## Selected Cases

- **The Leveson Inquiry.**
- **The Al-Sweady Inquiry.**
- **The Litvinenko Inquiry.**
- **The Independent Inquiry into Child Sexual Abuse.**

# Public Law

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Alasdair regularly appears in judicial review proceedings on behalf of both Claimants and Defendants. He has experience in a wide variety of fields, including asylum and immigration, unlawful detention, prisons, social security, defence/national security, education and healthcare.

He was appointed to the Attorney General's C Panel in 2014.

## Selected Cases

- **Dulgheriu & Anor v. Ealing LBC [2018] EWHC 1667:** Acted for the Claimants challenging a public spaces protection order banning all pro-life or pro-choice activity outside an abortion clinic
- **R (Rights of Women) v Lord Chancellor & Secretary of State for Justice [2016] 1 WLR 2543:** Acted for the Lord Chancellor in an appeal concerning the availability of legal aid in family law cases involving domestic violence.
- **MM & SI v Secretary of State for Work and Pensions [2016] UKUT 149 (AAC):** Acted for the Secretary of State in an appeal dealing with welfare payments to refugee children with disabilities.
- **In re K & Another (children) (Lord Chancellor intervening) [2015] 1 WLR 3801:** Acted for the Lord Chancellor in an appeal considering payments out of public funds to provide limited legal representation in family law cases.

# Employment & Equality

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Alasdair has extensive experience of acting for both Claimants and Respondents in a wide variety of employment and discrimination matters.

His recent cases have involved issues as diverse as rolled-up holiday pay, whistleblowing, TUPE compliance, the definition of 'employee', redundancy/restructuring and constructive dismissal. He is instructed in complex discrimination claims and has particular experience in dealing with workplace problems arising in the education and healthcare sectors.

## Selected Cases

- **Griffiths v Great Places Housing Group Ltd. UKEAT/0097/16/BA:** Acted for the appellant in an appeal considering whether new evidence would have had an important influence on the outcome of the case.
- **Staph v Norgren Ltd. UKEAT/0211/16/BA:** Acted for the appellant in an appeal concerning discriminatory constructive dismissal.
- **Swanbridge Hire and Sales Ltd v Butler & others UKEAT/0056/13/BA:** Acted for the Claimant trade union in an appeal concerning the meaning of the "single specific event or task of short-term duration" exception to service provision change TUPE transfers.
- **Gloucestershire Primary Care Trust v Sesay UKEAT/0004/13/MC:** Acted for the Claimant successfully resisting the employer's appeal against the exercise of discretion by an employment judge on time limits, amendment of the claim form and a deposit order application in a complex and lengthy race discrimination and harassment claim.
- **Williams v Ystrad Mynach College [2012] EqLR 89:** Acted for a Claimant suffering from hydrocephalus in a successful claim for unfair dismissal and disability discrimination.
- **Schafer v Royal Holloway and Bedford New College [2011] EqLR 429:** Acted in a three-week equal pay claim for the Claimant, who was a female university professor claiming 'like work' with male professors. This was a test case in respect of the issue of 'like work' and some elements of the 'genuine material factor' defence in the context of higher education.

## Clinical Negligence

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Alasdair is regularly instructed by Claimants and Defendants in clinical negligence cases, drafting pleadings and appearing before the County Court and High Court in applications and trials. He has dealt with a broad range of cases including birth injuries, surgical problems, errors in diagnosis and dental negligence.

## Selected Cases

- **FB v Princess Alexandra Hospital NHS Trust [2017] EWCA Civ 334:** Junior counsel for the Defendant hospital trust, led by John Whitting QC, in an appeal concerning whether or not the standard of care to

be applied in relation to history-taking differs depending on the post of the doctor concerned.

- **Wake (A Child) v Johnson [2015] EWHC 276:** Acted as junior counsel for the Defendant GP successfully defending a claim arising out of failure to diagnose pneumococcal meningitis in a four-year-old boy.
- **Orwell v Salford Royal NHS Foundation Trust [2013] EWHC 3245 (QB):** Acted for the Defendant hospital trust successfully defending a claim arising out of compartment syndrome following abdominal surgery.

## Environmental Law

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Alasdair has a keen interest in environmental matters, particularly the regulation of renewable energy and the protection of consumers in this rapidly growing area. He has experience of matters involving windfarms and solar photovoltaic technology.

He has also advised on planning disputes and appeared in planning inquiries, including those into major projects.

### Selected Cases

- **R (Bent) v Cambridgeshire County Council (2017):** Represented the claimant in a judicial review of the grant of planning permission for a significant extension to a quarry, where there was insufficient consideration of the National Planning Practice Guidance on noise levels.
- **M4 Relief Road Inquiry (2017):** Acted for the Gwent Wildlife Trust, objecting to the proposal to build an M4 relief road in South Wales which would destroy part of the Gwent Levels, a designated Site of Special Scientific Interest and an area of wetland which is a crucial habitat for many species of bird, animal and insect.

## Inquests

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Alasdair regularly represents families, doctors, public bodies and other properly interested persons at inquests. He has particular experience of inquests arising out of deaths in prisons or mental health institutions.

He wrote the chapters on 'Police Inquests' and 'Deaths in the Workplace' in *The Inquest Book* (ed. Cross and Garnham, 2016, Hart, Oxford)

### Selected Cases

- **Inquest investigating the Vauxhall helicopter crash (2015).**

# Professional Discipline & Regulation

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## Selected Cases

- **GMC v. Saha (2015)**: successful judicial review of GMC's decision to extend an interim order.
- **NMC v. Hayes (2014)**: represented a senior nursing manager in a lengthy hearing before the NMC's Conduct and Competence concerning a decision not to close down a care home where there was poor quality care
- **NMC v. Morris (2013)**: represented a registrant before the NMC's Conduct and Competence Committee in a case involving inadequate supervision of midwifery students, unprofessional behaviour towards patients and incorrect prescription of syntocinon.

## Appointments

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- Commissioner of the Equality and Human Rights Commission (EHRC)
- Attorney General's C Panel of Junior Counsel to the Crown (2014 – present)
- Legal Services Board Panel of External Legal Advisors (2012 – present)

## Awards

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- Inner Temple Princess Royal Scholar, BVC
- Thouron Scholar, University of Pennsylvania
- Gluckstein Scholar & Hanbury Scholar, Lincoln College, Oxford

## Education

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- BVC, BPP Law School (2009)
- LL.M, University of Pennsylvania (2007)
- BA (Hons) Jurisprudence, University of Oxford (2006)

## Memberships

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- ALBA
- ELBA
- PNBA
- UKELA
- HRLA
- BEG
- LCF
- A4ID

- YLAL