



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.

In addition, Alasdair is a Commissioner for the Equality and Human Rights Commission (EHRC) and recently led the investigation into antisemitism in the Labour Party.

*"Super bright and super easy to work with. An absolute star, who is a very focused and talented advocate."*

**Legal 500 2023**

*"Utterly dependable, particularly in matters of healthcare and discrimination." "His advocacy is extremely persuasive."*

**Chambers & Partners 2023**

*"Alasdair has a creative legal brain and is a very intelligent, committed and hardworking advocate, who*

*brings calm assurance to the task at hand. Good on their feet and able to break down complex legal arguments into simple structured points."*

Legal 500 2022

## Public Inquiries

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Alasdair has been involved in several of the most high-profile public inquiries of recent years, with extensive experience of acting both as Counsel to the Inquiry (CTI) and as counsel for Core Participants.

He was junior counsel to the Metropolitan Police in the Leveson Inquiry into the culture, practices and ethics of the press. He was instructed by AWE plc and the MOD in the Inquiry into the death of Alexander Litvinenko. 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 CTI in the inquiry for the Independent Inquiry into Child Sexual Abuse for its investigations into Westminster and Cambridge House, Knowl View and Rochdale. He is currently CTI in the Manchester Arena Inquiry and is acting for the Department for Business, Energy and Industrial Strategy in the Post Office Horizon IT Inquiry.

### Selected Cases

- **The Post Office Horizon IT Inquiry**
- **Manchester Arena Inquiry**
- **The Independent Inquiry into Child Sexual Abuse**
- **The Leveson Inquiry**
- **The Litvinenko Inquiry**
- **The Al-Sweady Inquiry**

## 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 B Panel in 2019.

Listen to Alasdair discuss the M4 relief road in episode 85, human trafficking in episode 50, and unlawful detention in immigration cases in episode 14 of our podcast [Law Pod UK](#).

### Selected Cases

- **MA (Iraq) v. Secretary of State for the Home Department [2021] EWCA Civ 1467**: Asylum appeal concerning country guidance on returns to Iraq and how the Upper Tribunal (Immigration and Asylum

Chamber) should approach appeals on a point of law.

- **EP (Albania) v. Secretary of State for the Home Department [2021] UKUT 233 (IAC)**: Test case concerning error of law appeals in the Upper Tribunal (Immigration and Asylum Chamber) being determined during the COVID-19 pandemic without an oral hearing.
- **R(Bell) v. Tavistock and Portman NHS Foundation Trust [2021] EWCA Civ 1363**: Challenge to the legality of puberty blocker treatment for children with gender dysphoria.
- **Asbestos Victims Support Groups' Forum v Lord Chancellor [2020] EWHC 2108 (Admin)**: Challenge to the Government's review of the impact which the LASPO has had on access to justice.
- **Dulgheriu & Orthova v. Ealing LBC [2019] EWCA Civ 1490**: Challenge to a public spaces protection order banning all pro-life or pro-choice activity outside an abortion clinic.

## 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

- **Esegbona v. Kings College Hospital NHS Foundation Trust [2019] EWHC 77:** Represented family in case involving both clinical negligence and negligent failure to apply the deprivation of liberty safeguards (DoLS) requirements in the Mental Capacity Act 2005 (MCA).
- **FB v Princess Alexandra Hospital NHS Trust [2017] EWCA Civ 334:** Acted the Defendant hospital trust 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 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:** Acted for the Defendant hospital trust successfully defending a claim arising out of compartment syndrome following abdominal surgery, where breach of duty was admitted but causation denied.

# Environmental Law

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Alasdair has a keen interest in environmental matters and experience of both private law claims and judicial review involving environmental issues. He has advised on the regulation of renewable energy and the protection of consumers in this rapidly growing area, with 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. He edits the Environmental Claims section of *Bullen & Leake & Jacob's Precedent of Pleadings*.

Listen to Alasdair discuss the M4 relief road on episode 85 on our podcast Law Pod UK [here](#).

## Selected Cases

- **Jones v. Ministry of Defence [2021] EWHC 2276:** Nuisance claim concerning noise created by RAF jets overflying a holiday part in Anglesey.
- **M4 Relief Road Inquiry (2017-2019):** 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.

- **R (Bent) v Cambridgeshire County Council [2017] EWHC 1366 (Admin)**: 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.

## 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 into the death of Belly Mujinga (2021)**: which raises issues around the causation of COVID-19 infection.
- **Inquest into the death of BL (2020)**.
- **Inquest into the death of Max Clifford (2019)**
- **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.

## Direct Access

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Alasdair accepts [direct access](#) instruction from lay clients in suitable cases. Visit his profile to find out more [here](#).

## Appointments

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- Commissioner of the Equality and Human Rights Commission (EHRC)
- Attorney General's B Panel of Junior Counsel to the Crown (2019 – present)
- Attorney General's C Panel of Junior Counsel to the Crown (2014 – 2019)
- 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

## Publications

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- Contributor to the 1COR Quarterly Medical Law Review (QMLR)
- Contributor to the [UK Human Rights Blog](#).
- Law Pod UK, Episodes 14, 50, 85.