



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.

'A very clever, hardworking and reliable member of the Bar, who excels in public law and inquiry and inquest work – a future star.'

Legal 500 2021

'He provides very good written material and is canny in his approach to litigation. A pleasure to work with and a good team player who works well with me on thrashing out an issue.'

Legal 500 2021

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

Legal 500 2018

Public Inquiries

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

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.

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

- **R(ota) Mrs A, and Sue Evans v. Tavistock and Portman NHS Foundation Trust (2020):** Challenge to the legality of transgender treatment for children.
- **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

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

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

- **False Imprisonment Claim (2019)**: Represented family in deprivation of liberty safeguards (DoLS) requirements in the Mental Capacity Act 2005 (MCA) claim.
- **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

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.

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

Selected Cases

- **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)**: 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

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 Max Clifford (2019)**
- **Inquest investigating the Vauxhall helicopter crash (2015).**

Professional Discipline & Regulation

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

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. He accepts instruction from lay clients in all these areas.

Alasdair is a Commissioner of the Equality and Human Rights Commission and frequently advises charities and NGOs on civil and public international law.

Direct Access

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

Appointments

- 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

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

Education

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

Memberships

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

Publications

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