



Robin Allen QC

Year of Silk/Call: 1995/1974

Call Clerk on 020 7827 4000

PRACTICE AREAS

Arbitration & Mediation | Artificial Intelligence & Machine Learning |
Commercial Law | Discrimination & Equality | Employment | Human Rights |
Professional Discipline | Sport & Entertainment

HIGHLIGHTS

Instructed in over 40 Supreme Court/ House of Lords test cases. Instructed in the most reported employment law cases. Twice "*Employment Law Silk of the year.*"

"He is invaluable for extremely complex analysis on the risks of using artificial intelligence in recruitment, including the incumbent risk of bias and discrimination." *"He is excellent, and he is kind and fair in how he deals with witnesses."* **Chambers & Partners 2022** (Employment)

"Robin is massively experienced and incisive and he understands the law better

than anyone else." "He is a real expert in equality law and he is really easy to deal with." **Chambers & Partners 2022** (Civil Liberties & Human Rights)

"Thorough and very knowledgeable on the issues in the claim, has good rapports with the judges and clients, and responsive and pleasant to work with." **Legal 500 2022** (Employment)

"Always responsive, helpful and prepared to go the extra mile for clients. Extremely easy to work with - so personable, thoughtful and kind. Laser sharp intelligence." **Legal 500 2022** (Civil Liberties & Human Rights)

"Robin Allen QC is a leading light in the employment law market, thanks to his extensive experience in equal pay and discrimination." **Who's Who Legal 2022**

OVERVIEW

Robin Allen QC specialises in employment, equality, equal pay, discrimination, human rights, public law, artificial intelligence and local authority work.

Legal 500 rates him as a Tier 1 Employment Law Silk and he has twice been Chambers and Partners' "Employment Law QC of the Year".

He acts for a very wide range of clients, from individuals to organisations, senior bank employees and directors to the low paid, political figures to government, FTSE companies to major trade unions, major football clubs to small sports clubs, charities and accountancy firms, universities, local authorities, and other public bodies. He is frequently involved in test case litigation.

He works across the UK and in Europe. He also undertakes cross - border and international employment and equality issues: for instance, in recent years he has advised on a major Bermuda public sector labour dispute, acted in a cross-Atlantic labour arbitration, advised a pan-European NGO on developing European law, worked up proposals for amendments to the Montreal Convention for the Unification of Certain Rules for International Carriage by Air

and advised on the regulatory control of Artificial Intelligence across Europe.

Robin has appeared in over 155 reported cases in the Industrial Relations Law Reports (more than any other barrister). These include many path-finding appellate cases at the highest level in the UK and Europe. He has been instructed in over 40 cases in the House of Lords/Supreme Court (including four cases in 2013, three in 2016, two in 2017 and 2018).

His trial practice is concerned with high value and often high profile claims, including test cases and emergency injunctions in trade disputes. He has acted in numerous multi-party cases including securing substantial awards for very many part - time judges in their £2bn pensions' claim. Other such claims include acting for all the District Judges in Northern Ireland, part-time firefighters, numerous multi-million pound collective equal pay cases, the former employees of BCCI, the Gurkhas and the Chagos Islanders.

He has undertaken many public interest amicus and intervention briefs, both in the UK and worldwide, for among others the Equality and Human Rights Commission, the Harvard University Law School, Public Concern at Work, and Liberty. He has also given evidence to Parliamentary Committees on the technical aspects of proposed legislation such as the Marriage (Same Sex Couples) Act 2013, and on behalf of the Bar Council. He advised the European Commission on the content of the first two key equality Directives.

In his advisory work he has a particular interest in corporate governance, the proper use of publicity powers, regulatory issues and the making of politically sensitive decisions by all kinds of public bodies. This includes advising the Local Government Association as to the implications of the Grenfell disaster and advising in relation to the Windrush Lessons Learned Review. Another example is the drafting of agreements between the Equality and Human Rights Commission and two police forces on protocols for stop and search. In 2018 he has advised a major football club in relation to regulatory issues, and the President of the Lawn Tennis Association in relation to disciplinary issues.

He is closely involved in the growing debate about discriminatory technology, writing and lecturing on this frontier issue. Along with Dee Masters he hosts www.ai-lawhub.com which contains information on the interface between technology and equality and human rights law. Together they have advised the

European Equality Bodies as to how to approach these issues, the TUC and Corporations. They have advised the Government and the Centre for Data Ethics and Innovation on regulatory coherence. Together they were finalists for the CogX 2021 Global Leadership Award.

Robin has extensive experience of media work on TV, Radio and in public issue awareness campaigns.

He both acts in, and undertakes, mediations, arbitrations (including cross-border arbitrations) and other forms of dispute resolution.

He was called to the Bar of Northern Ireland in 2009.

In the autumn of 2018 he gave the prestigious Hamlyn Lectures, published by Cambridge University Press in 2020.

AWARDS

Shortlisted for the COGX 2021 Global Leadership Award

Winner of Employment Set of the Year at the Chambers & Partners Bar Awards 2018

Times Lawyer of the Week - 3rd November 2016

Short-listed Legal 500 - Employment Silk 2015

Winner of Employment Set of the Year at the Chambers & Partners Bar Awards 2013

Short-listed for Employment Set of the Year at the Legal 500 UK Awards 2013

Chambers and Partners, "Employment Law Silk" 2012 and 2008

The Lawyer Magazine runner-up 'Barrister of the Year 2010'

REFERENCES

Who's Who Legal 2022 "Robin Allen QC is a leading light in the employment law market, thanks to his extensive experience in equal pay and discrimination."

Chambers & Partners 2022: "He is invaluable for extremely complex analysis on the risks of using artificial intelligence in recruitment, including the incumbent risk of bias and discrimination." "He is excellent, and he is kind and fair in how he deals with witnesses."

(Civil Liberties & Human Rights) "Robin is massively experienced and incisive and he understands the law better than anyone else." "He is a real expert in equality law and he is really easy to deal with."

Legal 500 2022: (Employment) "Thorough and very knowledgeable on the issues in the claim, has good rapports with the judges and clients, and responsive and pleasant to work with."

(Civil Liberties & Human Rights) "Always responsive, helpful and prepared to go the extra mile for clients. Extremely easy to work with - so personable, thoughtful and kind. Laser sharp intelligence."

Chambers & Partners 2021: "He has a great intellect." "A joy to work with and his breadth and depth of knowledge in employment law is encyclopedic." "Truly one of the absolutely outstanding discrimination silks." "A real doyen of equality law - he has a lively mind and his thinking is always ahead of the curve."

Legal 500 2021: "Very impressive and highly knowledgeable - one of the set's leading lights." "At the cutting edge of equality law and discrimination issues. He has been instructed in some of the most authoritative cases on these matters."

Chambers & Partners 2020: "A titan of employment law who is to be found in

many of the leading and cutting-edge cases." "He's encyclopaedic in his knowledge of the law, his legal analysis and in his sense of how to advance cases." "An eminent figure in equalities law."

Legal 500 2020: "Excellent at identifying and maintaining sight of key strategic issues even when swamped with the minutiae and other distractions." "A very well-respected silk."

Chambers & Partners 2019: (Employment) "Considerably experienced and eminent silk and head of chambers who frequently appears in the industry's most significant employment litigation. He is well reputed for his impressive track record in the House of Lords and the Supreme Court, and is considered to be one of the best barristers around for discrimination cases." "Very experienced, very knowledgeable and very confident. He has the judge's ear." "Very easy to work with and very clever."

(Civil Liberties) "He frequently appears in the Supreme Court on high-profile human rights test cases. He is the Chair of the Equality and Diversity Committee of the Bar and is known for his contribution to the implementation of the Human Rights Act 1998. He is an expert in all matters concerning immigration and discrimination." "He is a master of discrimination law." "He is an authority on all things to do with equality law".

Chambers & Partners 2018: (Civil Liberties) "Frequently appears in the Supreme Court on high-profile human right test cases. He is the Chair of the Equality and Diversity Committee of the Bar and is known for his contribution to the implementation of the Human Rights Act 1998." "He is an excellent advocate, who is extremely well organised and provides sound, comprehensive advice very quickly. Further to that he is excellent with clients and totally unflappable." "Knowledgeable, erudite and with a steely focus, Robin provides exceptional service."

(Employment) "Considerably experienced and eminent silk and head of chambers who frequently appears in the industry's most significant employment litigation. He is well reputed for his impressive track record in the House of Lords and the Supreme Court, and is considered to be one of the best barristers around for discrimination cases." "Incredibly knowledgeable about discrimination law. "Undoubtedly one of the best at the Bar."

Legal 500 2018: "A master silk who is a clear choice."

APPOINTMENTS AND MEMBERSHIPS

Current Appointments

- Bencher of Middle Temple.
- Member of the Queen's Counsel Complaints Committee
- A member of the A List - EHRC Panel of counsel
- Qualified Personal Injury Claims Arbitration Service Arbitrator
- Trustee of the London Emergencies Trust and the Equal Rights Trust

Former appointments

- Recorder (Part-time judge of the Crown Court) 1998 - 2021
- Head of Chambers 2002 - 2018
- Trustee of London Bombings Relief Charitable Fund, 2005 - 8
- Special legal adviser to Disability Rights Commission, 2002 - 2007
- Chairman of Bar Pro Bono Unit and Bar in the Community, 2000 - 2002
- Chairman of Bar Conference, 2002
- Represented Bar Council on Home Office Human Rights Task Force, implementing the Human Rights Act 1998, 1998 -2000
- Chaired Home Office Sub-Committee Publicity Committee for the launch of the Human Rights Act 1998
- Chairman of Employment Law Bar Association, 1996 - 8
- Founder member of Discrimination Law Association

QUALIFICATIONS

MA - Philosophy Politics and Economics: University College, Oxford

HIGHLIGHT CASES

A sample of recent work -

Administrative Law

No jurisdiction of the Administrative Court in employment related regulatory matters - GMC v. Michalak - Judgment of the Supreme Court 1st November 2017.

Age

Age, police training and indirect discrimination - Homer v. Chief Constable of West Yorkshire - Supreme Court 25th April 2012 - First indirect age discrimination case to reach the Supreme Court.

Age, solicitors and partnerships - Seldon v. Clarkson Wright & Jakes (A Partnership) - Supreme Court - 25th April 2012 - First direct age discrimination case to go to the SC. Justification for direct age discrimination in the retirement rules of a solicitors' partnership.

Retirement ages - The Incorporated Trustees of the National Council on Ageing (Heyday) v BERR ECJ [2009] IRLR 373, Admin Court [2009] EWHC 2336 (Admin) (judgment 25 September 2009) Judicial review of the exclusion of those aged 65 and over from the protections in the Age Regulations.

Aircraft

Air safety - Baker v. National Air Traffic ET 20 February 2009 Unjustified age discrimination in the maximum age for recruitment as an air traffic controller.

Montreal Convention - Stott v Thomas Cook Tour Operators Ltd - Supreme Court 5th March 2014 - Impact of the Montreal Convention on rights of disabled while flying.

Artificial Intelligence

Advice to companies, equality bodies, regulatory bodies, NGOs in relation to the proper use of Artificial Intelligence and Machine Learning.

Developed and maintained [AI Law Hub](#).

Advised Council of Europe, Equinet - the European Network of Equality Bodies, the Trades Union Congress, the Legal Education Trust and others on AI regulation.

Worked with the UN Special Rapporteur on Disability in relation to Report on worldwide effects of AI on Disability.

Advised government and the Centre for Data Ethics and Innovation on regulatory coherence.

Banks

LIBOR and Banks - 2014 acted for trader caught up in LIBOR affair.

Banks and ramps - Royal Bank of Scotland Group Plc v Allen CA [2009] EWCA Civ 1213 (20 November 2009) Wheel chair using disabled RBS client successfully defended order for injunction to make main Sheffield branch accessible.

Bipolar disorder

Bipolar disorder - Aylott v. Stockton-On-Tees Borough Council CA [2010] EWCA Civ 910 Direct disability discrimination and bipolar disorder.

Buses

Buses, wheelchairs and buggies - Paulley v. First Buses - judgment of the SC 18 January 2017.

Child abuse

Child abuse allegations - E R.K. and A.K. v. United Kingdom European Court of Human Rights (2009) 48 E.H.R.R. 29 Article 8 and 13 ECHR - Right to an

effective remedy for false accusation of child abuse.

Closed hearings

Closed hearings and special advocates - Tariq v Home Office [2011] UKSC 35.

Supreme Court approves use of special advocates in Employment Tribunals.

Disability cases

ADHD - X Endowed Primary School v Special Educational Needs and Disability Tribunal & Ors Admin Ct [2009] EWHC 1842 (Admin) (23 July 2009), [2009] IRLR 1007 School obligations to child with Attention Deficit Hyperactivity Disorder.

Deduced effects SCA v. Boyle HL [2009] IRLR 746 Disability and deduced effects - intervention for EHRC at request of the HL.

Disaster management

Active trustee of the London Emergencies Trust - devising policies, managing risks and identifying beneficiaries of disaster fund etc.

Equal pay

Equal Pay and local authorities - North v. Dumfries and Galloway Council - Supreme Court 26th June 2013 - equal pay comparisons when the comparator would not work at the same place as the claimant.

Bonuses - Sunderland Council v. Brennan - CA 3 April 2012 - historical pay disparity caused by productivity bonuses held sex discriminatory.

Men and equal pay - Hartlepool Borough Council v Llewellyn & Ors EAT [2009] ICR 1426 Equal Pay Act and male "piggy back" claims.

Pay Increments - Health and Safety Executive v. Wilson CA [2009] EWCA Civ 1074 (judgment 20 October 2009) Sex discrimination and long service pay increments in the civil service.

Advising Northern Ireland Executive on pay equality.

European law

General principles for interpreting European law- the Future Effects Principle - O'Brien v MOJ- CJEU judgment 7 November 2018.

European Court of Human Rights

Various cases before the ECHR - currently acting for Mr Lee in his application no. 18860/19 concerning the Supreme Court's judgment in Lee v Ashers, the Gay Cake Case.

Gypsies and Travellers

Gypsies and Travellers and local authorities - R. (on the application of McCarthy) v Basildon DC CA [2009] J.P.L. 1074; [2009] 4 E.G. 117 (C.S.) Local authority obligations to comply with the equality duties.

Gig economy

Test case litigation for cycle couriers claiming holiday pay.

Harassment

Harassment, crime and freedom of expression - Willoughby v Hayes - Supreme Court 20th March 2013 - Secured a ruling limiting the defence under the Protection from Harassment Act 1997 of protecting and detecting crime to "rationale" acts.

Interim Relief

Defended NASUWT against interim relief action: Harris v NASUWT judgment EAT 21 November 2019.

International

Judging a Mauritian law dispute between a CEO and company.

Appeal to Bermuda Court of Appeal in relation to labour injunction following dispute affecting whole of the public sector.

Transnational Arbitration of US and UK law age discrimination claim by former partner of magic circle firm.

UN Disability Convention and the ECtHR - Alajos Kiss V Hungary, first case in ECtHR in which the UN Convention on the Rights of Persons with Disability was relied - intervention for Harvard Project on Disability.

Inquiries

Counsel to the Windrush Lessons Learned Review 2019.

Joint Liability

Joint tort liability - London Borough of Hackney v. Sivanandan - CA 29th January 2013 - Joint liability and apportionment between employer and employee.

Judges

Advice to the Council of Circuit Judges.

Pensions and primary time-limits in equality law: Miller v MOJ, Supreme Court, July 2019.

Equal treatment for District Judges in Northern Ireland acting as Deputy County Court Judges - Keegan and others v Ministry of Justice - Northern Ireland Court of Appeal and Industrial Tribunal.

Pensions and judges - O'Brien v MOJ - ET 19th August 2013 - Decision in test case litigation for part-time judges that their pensions should take into account service prior to 2000 and should be based on a 4.8% higher figure.

Judges and Pensions - O'Brien v. Ministry of Justice - Supreme Court 6th February 2013 - After three SC hearings and one visit to the CJEU the SC held that Mr O'Brien, who had been a Recorder, was entitled to a pension pro rata to that enjoyed by full time Circuit judges.

Local Government

Advising the Local Government Association about the implications of the Grenfell Disaster. Advising in relation to local authorities' pensions issues.

Advising in relation to the merger of police and fire authorities.

Mediations

Acted as a mediator and participated in numerous high value mediations.

Migrant workers and race equality

Servitude and migrant workers - Taiwo v. Olaigbe, Onu v. Akwivu SC 20th April 2016 - Damages claim by migrant held in domestic servitude.

Mortgages

Mortgages and disability; no right to change from repayment to interest only - Green v. Southern Pacific Mortgage Company - CA judgment 20th April 2018.

Part-time workers

Multiple actions for part-time judges and advice in relation to part-time issues. Litigated the rights of CJs acting as High Court Judges.

Pensions

Multiple advice in relation to pensions issues. Date on which equal treatment in pension cases must be assessed - Miller v. Ministry of Justice - Judgment of the Supreme Court postponed til the questions referred in O'Brien are answered.

Police

Police and discrimination - Assistant Commissioner Tariq Ghaffur v Commissioner Sir Ian Blair.

Advising a former Deputy Chief Constable in relation to employment issues.

Regulatory enforcement

Multiple actions in relation to regulatory enforcement.

Injunctions and racists - Equality and Human Rights Commission v. British National Party [2010] - Action by the ECHR to force the BNP to amend its constitution to conform to the Race Relations Act.

Religion and belief, Sexual Orientation and Conflicts of rights

Religion, sexual orientation, freedom of expression and the Northern Ireland Constitution - The Gay Cake Case- The Supreme Court heard the appeal in

Ashers v Lee, and two Devolution References by the Attorney General for Northern Ireland, when sitting for the first time in Belfast, on the 1st and 2nd of May 2018.

Gays and Religion - Bull and Bull v. Hall and Preddy - Supreme Court 9th October 2013 - Sexual orientation discrimination against couple in a civil partnership in the supply of hotel facilities and services.

Religion and schools - R(ota E) V. JFS school and others Supreme Court [2009] UKSC 15, [2010] IRLR 136, [2010] 2 WLR 153.

Intervened on behalf of the ECHR in this appeal to the Supreme Court on the meaning of ethnic group in the context of an Orthodox Jewish school policy.

Sport

Advising a major Premier Football Club on disability stadium access.

Advising a major Premier Football Club on supporter issues.

Advising the President of the Lawn Tennis Association.

Strikes

Strikes and railways - East Midlands Trains v. RMT - CA 15th August 2013 -

Emergency injunction to stop industrial action causing major train disruption.

Teachers

Teachers and immunities - Singh v Moorlands Primary School - CA 25th July 2013 - Judicial proceedings immunity in the context of a dispute between a head teacher and the education authorities.

Trade Unions

Acting for NATFHE and its General Secretary in relation to major litigation by a former Regional Officer.

Acted for UNITE in relation to disclosure issues.

Volunteers

X v. Mid - Sussex Citizen's Advice Bureau - Supreme Court 12th December 2012 - Intervened for the Equality and Human Rights Commission on the question whether unpaid workers at the CABx are protected by European equality law.

Whistleblowing

Fecitt v. NHS Manchester CA - [2011] EWCA Civ 1190; [2012] I.R.L.R. 64
Causation; Protected disclosures; Standard of proof; Vicarious liability; Victimisation.

PUBLICATIONS AND TRAINING

Reports for AI Law Consultancy with Dee Masters:

- *Technology Managing People - The Legal Implications* - TUC - 2021
- *Regulating For an Equal AI: A New Role for Equality Bodies* - Equinet - 2020

Books:

Robin has contributed to numerous books, and journals and reports -

- Comparisons in Equality Law, the Hamlyn Lectures
- *Human Rights and Employment Law* (with Rachel Crasnow QC, Anna Beale, Claire McCann and Rachel Barrett of Cloisters), 3rd edition OUP 2018
- General Editor of Vol 33 of *Halsbury's Laws of England - Discrimination*
- *Stop and think again: Towards race equality in police PACE stop and search*, ECHR 2013
- *Family Rights at Work* (with Rachel Crasnow QC and a team from Cloisters), Jordans 2012.

Lectures:

Robin delivered the prestigious Hamlyn Lectures Series in Belfast, Edinburgh and London.

- Berlin - UN's Internet Governance Forum Annual Conference, on the role of Equality Bodies in relation to Artificial Intelligence
- Brussels - Equinet's AGM
- Brussels - The Academy of European Law's conference on Artificial Intelligence and Human Rights
- Stockholm - The European Trade Union Congress (ETUC) Netlex conference in on the Right to protection against discrimination in automated decision-making

Other recent national and international conferences include speaking at

- The Annual Conference of the Scottish Employment Judges in Dundee
- Age Europe's Annual Conference in Brussels
- The Annual Conference of the Association of Women Judges on "Religion in the Workplace"
- Liverpool John Moores University Annual Diversity Conference
- The Industrial Law Society Annual Conference.
- The Bar European Group Annual Conference in Sorrento, Italy,
- The HelpAge International conference for the European Year of Active Ageing in Osnabrück, Germany,
- The European Employment Law Association's Annual Conference in Dublin,
- The Association of Council Secretaries and Solicitors Annual Conference in

Southampton, and

- A conference organised by the Ford Foundation in Delhi on developing gender equality in India

He has given oral evidence to Parliamentary Committees on several occasions, most recently to the Constitution Committee on the crisis in the appointments to the judiciary and to the European Parliament on proposals for a new Equality Directive, and is a regular speaker at Michael Rubenstein Publishing's Annual Discrimination Law Conference and the EHRC's Scottish Discrimination Law Conference.