

## Alex Shellum

CALL: 2018

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### Overview

Alex is recognised as a "Rising Star" of the London Employment Bar in the *Legal 500* 2024, and as an "Up and Coming" leading practitioner in Employment Law in *Chambers and Partners* 2024.

Alex is a member of the Attorney General's C Panel of Counsel.

One instructing solicitor recently said of Alex: **"I instructed Alex on a hotly disputed worker status claim in the theatre industry, in which he secured the successful result against a formidable QC opponent. His cross-examination is crisp, eloquent, and where necessary: deadly. He is incredibly talented at distilling the law for the judge and delivering punchy submissions. An indispensable partner who is fiercely dedicated to his clients' cause."**

Before coming to the Bar, Alex worked as a Legal Officer for the Electoral Commission and as a Research Assistant in the International Law Programme of the Royal Institute of International Affairs (Chatham House).

For his BPTC year, in which he was graded Outstanding, Alex was awarded the Bedingfield Scholarship by Gray's Inn, the Inn's most prestigious award reserved for candidates of exceptional merit.

Alex read Law at the University of Cambridge, obtaining First class results in several papers including Labour Law and Constitutional Law, and studied for an LLM in Public and Human Rights Law at the London School of Economics, in which he achieved a Distinction and placed first and second in the year respectively in the Employment Law and Human Rights in the Workplace papers.

### Employment & Discrimination

Alex advises and represents both claimants and respondents in all areas of employment and discrimination law. He is frequently instructed in factually and legally complex multi-week trials. Alex has experience of employment litigation in the Employment Tribunal, the Employment Appeal Tribunal, and the High Court.

Alex is often instructed in, and therefore entrusted with, matters which involve an element of significant reputational risk. He prides himself on building trust with clients and witnesses by working collaboratively as part of a broader legal team, and by the grounded, user-friendly manner in which he approaches matters.

Alex continues to develop his appellate practice, having been instructed in a number of matters on appeal to the Employment Appeal Tribunal, on a led basis and as sole counsel.

#### Recent and current work

- *Dr Kamalnayan Gupta v Northampton Hospital NHS Trust*[2021] EWHC 965 (QB): successfully represented the Respondent in the High Court, led by **Mark Sutton KC**, in its resistance of an **MHPS interim injunction** requiring the Respondent to reinstate the Applicant and restraining the Respondent from contacting the Applicant's private work providers in relation to allegations of fraud;
- Successfully defended the First Respondent, an NHS Trust, in a **ten-day hearing** against various claims of **disability discrimination**. The claim

### Expertise

- Administrative & Public Law
- Civil Liberties and Human Rights
- Clinical Negligence
- Data Protection & Information Law
- Education & Safeguarding
- Employment & Discrimination
- Health
- Inquests & Public Inquiries
- Personal Injury
- Public Law
- Travel

### Recommendations

"A junior with the ability to persuade a judge and cross examine witnesses in a way which gets a case across without being at all aggressive in his approach." *The Legal 500* 2024

"Alex is an excellent barrister. He's commercial, has a great manner with clients and wins confidence easily." *Chambers & Partners* 2024

"He is very organised and on top of the law, clearly very hard-working and comprehensive in his submissions." *Chambers & Partners* 2024

"Alex is a very confident and fluent advocate." *Chambers & Partners* 2024

### Key contacts

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raised further complex issues regarding the **contract worker provisions under s.41 EqA, the vicarious liability of principals for agents under s.109(2) EqA**, and the application of these provisions to acts done by individuals who were employed by various NHS Trusts but all of whom were supplied to an unincorporated association comprised of said Trusts for the provision of integrated healthcare services across the south-east of England.

- Successfully defended the Respondent, **an internationally renowned museum**, in a **five-day hearing** against claims of **direct sex discrimination and sexual harassment** which raised issues of statutory vicarious liability under s.109 EqA. The Tribunal dismissed the freestanding claims against the museum and found that the acts of the alleged harasser were not done in the course of his employment, per s.109(2) EqA. The Tribunal stated obiter that the museum would have in any event succeeded in deploying the **reasonable steps defence under s.109(4) EqA**.
- Successfully represented a group of sixteen Claimant actors, dancers and stage managers, against the Respondent, the world's largest pantomime production company, in a claim to establish **s.230(3)(b) ERA worker status** so as to recover backdated **holiday pay under the WTR** within the context of the **theatre industry**. The Respondent was represented by a leading KC.
- Successfully represented the Claimant, **a senior police officer**, in their claim for **direct race discrimination, whistleblowing detriment and victimisation**, by settling the claim on day seven of a **ten-day hearing** following **cross-examination of several of the Respondent's witnesses**. A favourable settlement was achieved.
- Successfully represented the Claimant, assisted by an Urdu interpreter, in a three-day hearing for claims of **unfair dismissal, breach of contract, and unlawful deductions from wages** for which the Tribunal additionally awarded the full 25% uplift for the Respondent's failure to comply with the ACAS Code. The Claimant received the full value of his Schedule of Loss.
- Successfully represented the Respondent, **a West End Musical**, at a preliminary hearing at which the Claimant's claims of **direct race discrimination, harassment and whistleblowing** were struck out.
- Successfully secured, on behalf of the Respondent, **disclosure of privileged correspondence** between the Claimant and his legal representatives following a successful application for specific disclosure based on the Claimant's **collateral waiver of privilege**, leading to a significant portion of the Claimant's claim being **struck out as an abuse of process** under the rule in *Henderson v Henderson*.

#### Appellate work

- *Henna Jaleel v Southend University Hospital NHS Foundation Trust* [2023] EAT 10: successfully appeared for the Respondent before the EAT, as **sole counsel**, in an appeal regarding the application of the **shifting burden of proof under s.136 EqA**.
- *Reuser v University Hospitals Birmingham NHS Trust* UKEAT/0020/19/BA: appeared for the Appellant before the EAT, led by **Nadia Motraghi KC**, in a complex **serious procedural irregularity** appeal and **s.103A ERA protected disclosure** dismissal cross-appeal.
- Instructed as **sole counsel** by the Respondent trade union steward resisting the Appellant employer's appeal against an adverse finding of **s.146 TULRCA trade union detriment**. Alex advised on prospects, drafted the Respondent's Answer, and was instructed to represent the Respondent at the appeal hearing. The Appellant withdrew the appeal shortly before the hearing.
- Instructed as **sole counsel** by Unite the Union to draft its Notice of Appeal against the Employment Tribunal's decision to reject its claims under **TUPE Reg.13** for failure to comply with the requirement at **Rule 10(1)(c) of the ET Rules** – the rule relating to early conciliation numbers and claim forms. The Employment Tribunal corrected its error by reconsideration prior to the appeal being heard.

As a pupil, under the supervision of **Rebecca Tuck KC** and **Katharine Newton KC**, Alex gained exposure to high-profile and complex employment litigation and sensitive internal investigations, including leading 'gig economy' employment status cases, multi-week discrimination complaints, and industrial action injunction applications.

Alex has a particular interest in employment and discrimination cases which engage the Human Rights Act 1998. Alex was instructed by the British Association of Physicians of Indian Origin ('BAPIO'), led by **Nadia Motraghi KC**, in a judicial review challenging the lawfulness of the Government's PPE Guidance in the context of the COVID-19 crisis (click [here](#)). Alex is a member of the Attorney General's C Panel of Counsel.

## Personal Injury & Clinical Negligence

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Alex is regularly instructed on behalf of both Claimants and Defendants in Fast Track trials involving personal injury arising out of road traffic accidents, accidents at work and occupiers' liability.

Alex regularly advises on personal injury matters and drafts pleadings on behalf of both Claimants and Defendants. He has experience of advising on quantum in relation to Multi Track claims, which he is well-placed to do having gained exposure to a variety of complex and high value personal injury and clinical negligence claims under the supervision of Christopher Edwards during pupillage.

Alex has experience of costs and case management conferences in the Multi Track, in addition to experience of making and responding to a broad range of interim applications on behalf of both Claimants and Defendants.

## Public Law & Human Rights

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Alex has a developing practice in this area and welcomes instructions relating to public law and human rights matters. Alex has a particular interest in the intersection between public law, human rights and employment law – a subject on which he has been published in the LSE Law Review. Alex's article 'The case for a Human Rights Act based approach to unfair dismissals engaging Convention rights: challenging judicial attitudes and assessing potential' received the Francis Taylor Building Prize for Best Overall Submission.

Recently, Alex was instructed by the British Association of Physicians of Indian Origin ('BAPIO'), led by [Nadia Motraghi](#), in a judicial review challenging the lawfulness of the Government's PPE Guidance in the context of the COVID-19 crisis (click [here](#)).

Before coming to the Bar, Alex read for an LLM in Human Rights Law at the LSE, in which he was awarded a Distinction. He built on this academic experience by spending a year working as a Legal Officer for the Electoral Commission prior to commencing pupillage.

Alex is a member of the Attorney General's C Panel of Counsel.

## Inquests and Public Inquiries

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Alex has been instructed as part of the counsel team in two major public inquiries:

- As junior counsel to the London Fire Brigade in the Grenfell Tower Inquiry; and
- As junior counsel, led by Charlie Cory-Wright KC, to NHS Blood and Transplant in the Infected Blood Inquiry.

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## Professional Recommendations

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**The Legal 500 2024**