



“5 Essex Court’s barristers are at
the cutting edge of everything”

Chambers UK

Top-tier civil law set of chambers recognised for
our exemplary client service, depth and breadth of
experience in our specialist areas and the
outstanding quality of our counsel

5 Essex Court
Temple, London
EC4Y 9AH

T: 020 7410 2000
E: clerks@5essexcourt.co.uk
W: 5essexcourt.co.uk



Alex Ustych

Call: 2010

Alex specialises in police law, inquests/inquiries, data protection/information law, employment law, public law and workplace stress/psychiatric injury claims. He has been a member of the Attorney General's C Panel of Counsel since 2015.

Recent cases/matters of interest include:

- Alex successfully represented (led by Fiona Barton QC) West Midlands Police in high-profile judicial review and injunction proceedings arising from misconduct proceedings against an assistant chief constable.
R (Beale) v. Special Case Panel [2018] EWHC 759 (Admin);
- Grenfell Tower Inquiry (Junior Counsel to the Inquiry);
- Several unled hearings in the Court of Appeal which resulted in important guidance in their respective areas of law: employment law (*Way v. Spectrum Property Care Limited [2015] EWCA Civ 381*) and negligence (*Flanagan v. Greenbanks Ltd. [2013] EWCA Civ 1702*);
- Civil jury claim involving two co-defendants, where Alex successfully secured dismissal of the claim against his client, Serco;
- High Court claim, for £1 million, in respect of psychiatric injuries;
- The full spectrum of high-profile Article 2 jury inquests, representing law enforcement agencies, Prisons, local authorities and healthcare providers.
- Judicial review proceedings challenging the segregation of prisoners (including cases of TACT/terrorism prisoners, involving sensitive material, as well as transgender cases);
- Litigation in the High Court concerning the correct ambit of the Data Protection Act 1998, in respect of Subject Access Requests and inter-agency disclosures of material;
- **Re X and Y (Children) [2015] EWHC 2358 (Fam)** - Representing the Government in the leading case on the novel use of GPS tagging in cases of radicalisation.

Alex has undergone both Recruitment Vetting and Counter-Terrorism Check vetting.

He is Public Access accredited and is frequently instructed by individuals and companies directly. He also undertakes cases on behalf of the Bar Pro Bono Unit and the Employment Law Association.

Police Law

Police law is at the core of Alex's practice and he undertakes complex civil claims, including High Court claims for false imprisonment/malicious prosecution and claims arising from deaths in custody and police contact. He is instructed in cases involving human rights, such as in respect of the right to protest, vetting decisions and Zenati Article 5 claims (both by police and the CPS). Alex is instructed by law enforcement and prosecution authorities such as police forces, the National Crime Agency and the CPS. He has particular experience in Article 2 claims arising from deaths following police contact or in detention.

Alex has experience of civil jury trials. He regularly appears in the High Court, for example in relation to false imprisonment claims, Civil Restraint Orders and in claims concerning malicious prosecution, both on behalf of law enforcement and the CPS. He has particular aptitude for dealing with vexatious litigants and has successfully obtained a number of General and Extended Civil Restraint Orders, as well as having been instructed by the Attorney General in respect of High Court proceedings for a vexatious litigant order.

Alex has also advised police forces on proposed policies, public law aspects of enforcing confiscation orders, Data Protection Act obligations and disclosure issues arising from inquests.

Alex has extensive experience of working as part of a team on complex and high-profile matters, as Junior Counsel to the **Grenfell Tower Inquiry**, having been instructed by the Metropolitan Police in relation to the phone hacking investigations and having worked on secondment to Her Majesty's Inspectorate of Constabulary, Surrey Police and Greater Manchester Police.

Information Law

Alex is regularly instructed by government departments, police forces, companies and private individuals in both contentious and non-contentious data protection matters. He frequently appears before the Information Tribunal in Freedom of Information Act cases.

In 2017, Alex successfully represented several government agencies in High Court data protection claims. He has particular experience of dealing with persistent litigants who make repeated information/subject access requests, followed by litigation.

Alex's role as Junior Counsel to the Grenfell Tower Inquiry focuses on data protection and public interest immunity issues.

In non-contentious matters, Alex recently advised a leading 'lone worker' alarm provider on the extent of its DPA obligations and a Harley Street clinic on the interaction between its contractual and data protection duties.

Alex regularly provides lectures on the DPA, FOIA and the GDPR. He advises on the impact of GDPR on private and public sector organisations.

Inquests

In addition to Alex's work as Junior Counsel to the Grenfell Tower Inquiry, about half of Alex's trial work is accounted for by complex jury inquests. Alex is often instructed at an early stage and works closely with the client throughout the preparation process, including in respect of any organisational learning relevant to pre-empting Regulation 28 reports. His clients include police forces, prisoners/government departments, local authorities, Transport for London, private firms and NHS bodies. Alex is accustomed to dealing with inquests attracting significant media coverage. Alex's recent inquests include:

- Two complex inquests involving the impact of unconventional road design on pedestrian deaths, involving detailed analysis of the design process spanning several decades;

-
- Death in custody inquests involving New Psychoactive Substances, bullying, mental health issues, drug interaction etc;
 - Acting on behalf of a police force (and one of its police officers) in a 7-day Article 2 jury inquest, involving seven Interested Parties;
 - Representing a police force in an inquest following a high-speed police pursuit death;
 - Inquest relating to the murder of a young man, where several police forces are alleged to have responded inadequately to warnings from his family;
 - Inquest relating to the death of a young woman following a drugs overdose, involving issues of multi-agency cooperation and where approximately ten public authorities were interested parties;
 - Acting for local authorities in inquests concerning care assessments, placement in care homes, deaths related to hoarding while living in the community etc.

Alex has been instructed to provide training in relation to inquests to several police forces, including for members of their firearms units. Alex is very interested in expanding the inquests part of his practice further, including in relation to taking instructions on behalf of Families and commercial Interested Persons.

Personal Injury

Alex is frequently instructed in complex/catastrophic personal injury claims (both by claimants and defendants). He has particular expertise of workplace stress claims, high-value psychiatric injury, cases where fundamental dishonesty is alleged and fatal accident claims. He recently represented a public authority in a High Court claim, for £1 million, in respect of psychiatric injuries.

Alex delivers lectures on workplace stress claims and fundamental dishonesty issues. He is often instructed by defendants when evidence of potential fraud arises in a claim. His extensive experience of psychiatric injury cases and experts in this area means that he is often instructed when new medical evidence emerges to suggest the claim will be of a very high value.

Alex also represents defendants in clinical negligence claims, including the Ministry of Defence and the Ministry of Justice.

Human Rights

Alex frequently deals with novel human rights claims, often intersecting with claims under the Equality Act 2010.

Recent examples include:

- Article 2 claims, including those which follow inquests;
- Article 5 *Zenati* claims by defendants on remand, where it is alleged that investigations or the prosecution were not conducted properly;
- Group litigation pursuant to Article 9 ECHR concerning food in prisons;
- Claims pursuant to Articles 3 and 8 in relation to segregation, including by transgender prisoners;
- Article 8 claims concerned with disclosure and retention of records.

Public / Administrative

Alex successfully represented both individuals and organisations in judicial review proceedings, including those in respect of decisions reached by police authorities in respect of ill health pensions for police officers, removal of cautions and the policing of protests.

Alex successfully represented (led by Fiona Barton QC) West Midlands Police in high-profile judicial review and injunction proceedings arising from misconduct proceedings against an assistant chief constable. *R (Beale) v. Special Case Panel* [2018] EWHC 759 (Admin).

Alex successfully represented Prisons in high-profile judicial review cases involving segregation in terrorism and transgender cases.

He also advised and represented a healthcare charity in respect of judicial proceedings which challenged the part-closure of a hospital. Alex regularly advises police forces in respect of judicial review claims on matters such as handling of complaints, retention of personal and arrest data etc.

He also has particular experience of and interest in providing advice in respect of proposed national policies on matters as varied as the impact of energy efficiency schemes, the retention of electronic data and inter-agency assistance in respect of enforcing confiscation orders. Alex spent 3 months on secondment to Her Majesty's Inspectorate of Constabulary where he advised on public law issues and the interaction of various agencies within the policing landscape.

Employment

Alex has extensive experience of complex employment law claims, both on behalf of individuals and organisations (including government departments). He appears at multi-day discrimination hearings (with particular expertise in disability, age and sex discrimination). He has particular experience of advising and representing individuals working within the financial services industry, including in relation to restrictive covenants and exit negotiations. He has represented a range of individuals, from a head teacher to the ex-CEO of a publically listed company bringing a whistleblowing claim for several million pounds.

Alex is frequently involved in drafting pleadings in employment matters (in particular discrimination cases) as well as advising in such cases. Having worked on employment matters in-house, Alex is particularly aware of commercial considerations that apply to such cases.

He has significant appellate experience both in the Employment Appeal Tribunal and the Court of Appeal.

Alex advises on all aspects of employment law, including on non-contentious issues such as the impact of the recently introduced Agency Workers Regulations as well as Transfer of Undertakings (Protection of Employment) Regulations 2006 issues. He has experience in delivering seminars to businesses on topics such as TUPE, with a focus on practical guidance.

Alex co-authored a textbook on Tribunal litigation.

Direct Public Access

Alex accepts Public Access instructions from individuals and companies, across the range of his practice. Alex has been instructed in relation to commercial/contract disputes, including High Court litigation.

Alex is regularly instructed by Small and Medium Enterprises in respect of claims involving debt recovery, breaches of contract and Equality Act 2010 matters (for example, by a boutique hotel in respect of a disability discrimination claim concerning the services of its restaurant). Alex appeared in the Court of Appeal in a complex matter dealing with *novus actus* causation issues.

Public Inquiries

Alex is keen to build on his experience in this area. He has been appointed as Junior Counsel to the **Grenfell Tower Inquiry**.