



### Background

Alex graduated with a First in Law from Durham University. He worked within the asylum/human rights litigation sector for several years. He attained a Distinction in his LLM (with a dual focus on disability discrimination under the Equality Act 2010 and Coroners' Inquests involving police/public authorities) and completed the Bar Vocational Course at BPP (London).

He was called to the Bar by Gray's Inn in November 2010 and was awarded the Inn's Bedingfield Scholarship as well as an LLM scholarship.

Alex was appointed to the Attorney General's C Panel of Counsel in 2015. 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; he was nominated for the Bar Pro Bono Prize 2013.

The focus of Alex's practice is on Article 2 jury inquests, complex human rights and public law litigation, information law/data protection cases and civil claims against the police, the CPS and the MOD. Recent matters of interest include:

### Practice Areas

EMPLOYMENT LAW  
POLICE LAW  
PUBLIC / ADMINISTRATIVE LAW  
LICENSING LAW  
PERSONAL INJURY LAW  
INQUESTS  
OTHER SPECIALISMS

### Clerks

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- Several unled appearances at full appear hearings in the Court of Appeal which resulted in important guidance in their respective areas of law (*Way v. Spectrum Property Care Limited* [2015] EWCA Civ 381; *Flanagan v. Greenbanks Ltd.* [2013] EWCA Civ 1702);
- The full spectrum of Article 2 jury inquests covering issues such as custody in prisons/police stations, novel drugs, high-speed police pursuits, treatment in care homes, provision of medical care as well as deaths related to road design. Alex has experience of dealing with inquests involving up to ten represented Interested Persons and inquests involving sensitive material, for example in the context of organised crime;
- Judicial review proceedings challenging the segregation of prisoners (including cases of TACT/terrorism prisoners, involving sensitive material, as well as transgender cases);
- Complex litigation concerning Public Interest Immunity, such as methods and technology used in detecting criminal activity online.
- *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 and where parents sought to remove children to Syria. The case involved a substantial amount of sensitive material;

- Group litigation by prisoners pursuant to the Human Rights Act 1998 in respect of religious observance in prison and the ambit of Article 9 ECHR;
- High-value Article 2 and 3 claims against the police and government departments following inquests, as well as claims against the MOD in relation to incidents abroad;
- 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.

Alex has extensive experience of working as part of a team on complex and high-profile matters, 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, Greater Manchester Police etc.

Alex also has a large employment law practice with a particular focus on whistleblowing and disability discrimination cases, including successfully appearing in the Employment Appeal Tribunal and the Court of Appeal several times in recent years. He is an author (with Alan Payne and John Paul-Waite) of a book on employment litigation. In addition to cases in the Tribunal/EAT, Alex has a particular interest in High Court injunctive proceedings linked to investigations and suspensions, having successfully represented several individuals (such as healthcare workers and a senior investment banker) in challenging such suspensions.

#### **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 public law/human rights overlap, such as in respect of the right to protest and vetting decisions. Alex is instructed by law enforcement and prosecution authorities such as police forces, the National Crime Agency and the CPS.

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 (including those relating to the Olympics), public law aspects of enforcing confiscation orders, Data Protection Act obligations and disclosure issues arising from inquests.

#### **Public Law**

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.

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.

## **Inquests:**

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:

- Alex represented South Wales Police in two inquests into the deaths of pedestrians (Daniel Foss and off-duty police officer Louise Lucas) following collisions with busses on the Kingsway, Swansea. The inquests focused on the contributory role of the unconventional street design of the Kingsway as well as the safety warnings given to the local authority prior to the deaths. The Acting Senior Coroner, Colin Phillips, concluded that the counterintuitive road layout contributed to both deaths. There was no criticism of the police. Following a Regulation 28 report by the Coroner, the road layout has since been changed.
- Death in custody inquests involving New Psychoactive Substances, bullying, mental health issues, drug interaction etc.
- Two complex inquests involving the impact of unconventional road design on pedestrian deaths;
- Acting on behalf of a police force (and one of its police officers) in a 7-day Article 2 jury inquest into the death of Lee Friend, involving seven Interested Parties.
- 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 lectures and 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 non-police Interested Persons.

## **Employment Law**

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 is the co-author of a book on employment litigation, published by Bloomsbury Professional.

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. Along with Victoria von Wachter, Alex has published an article examining the impact Article 6 on 'career-ending' disciplinary proceedings.

### **General common law and Personal Injury**

Alex has been instructed in relation to commercial/contract disputes, including High Court litigation. While working in-house, he acquired experience of high-value negligence/contract claims and injunctions, as well as highly technical claims involving significant expert evidence.

Alex is frequently instructed in complex/catastrophic personal injury claims (both by claimants and defendants). He has particular expertise of workplace stress claims and fatal accident claims.

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 front of three judges) in a complex matter dealing with *novus actus* causation issues.

### **Publications**

Alex is a co-editor of the Police Law Update.

Other publications include:

"The Employment Tribunals Handbook: Practice, Procedure and Strategies for Success" by John-Paul Waite, Alan R. Payne and Alex Ustych (2014).

Westlaw Encyclopedia entries concerning civilian police staff (issues of vicarious liability and employment law)—2013-2016.

'No Uniform Approach' *New Law Journal* Vol 161, Issue 7482 (September 2011)—analyses impact of Article 6 ECHR on legal entitlements during disciplinary proceedings (co-authored with Victoria von Wachter).

#### [No Uniform Approach article](#)

'Developments in the Law on Legal Representation and Admissibility: Potential Impact on the Police' 5 EC Police Law Newsletter (October 2011, with Victoria von Wachter)—considers the impact of recent case law on disciplinary proceedings against civilian police staff as well as the admissibility of evidence given in police misconduct hearings within subsequent Employment Tribunal claims.

### **Personal**

Alex is a keen debater and a finalist of the Gray's Inn Debate Competition. He has undertaken internships at Olswang (2009), Macfarlanes (2009) and Clarion Solicitors (2008). Alex enjoys fencing, rock climbing, history, scuba-diving, photography and jazz. He is currently learning to play the guitar (much to the chagrin of his neighbours).