



Alice Mayhew
Year of Call: 2001



Alice is a specialist in employment litigation. Her work covers a wide spectrum of complex cases including all types of discrimination, equal pay, whistleblowing and breach of contract claims. She regularly appears in the Employment Tribunal and High Court as well as the appellate courts. She has extensive experience acting for a wide variety of clients such as those operating within aviation, construction, financial services and multi-nationals as well as individuals, the police and government organisations. She takes a partnering approach to managing client relationships and is approachable and easy to work with.

Alice also specialises in professional disciplinary matters relating to the various disciplinary bodies. She is instructed by individuals, unions and regulatory bodies to advise and represent them at hearings.

Alice is a contributor to *Discrimination Law* (Bloomsbury Professional).

Alice has been consistently recommended as a Leading Junior by Chambers UK since 2014, and by Legal 500 since 2013. Alice was shortlisted for Employment Junior of the Year at the 2018 Chambers Bar Awards.

Recommendations

An experienced courtroom and Employment Tribunal advocate who is highly knowledgeable in matters involving restrictive covenants and contractual rights. She also handles an increasing amount of whistle-blowing litigation. **"She is an excellent advocate, she is pragmatic, she is intelligent and she can handle the toughest of cases."** **"It is very hard to get her in the diary as she is such a popular barrister. She is very supportive, she is helpful in her tactical approach and we enjoy working with her."** **"She knows when to charm and when to strike, and she ensures nothing less than the best result for her clients."** - *Employment, Chambers UK Bar 2022.*

"One of the very best senior juniors – she's clever, commercial, relatable and great on her feet – really just the whole package – Alice is the one you want in your corner." - *Employment, Legal 500 2022.*

"Fiercely intelligent, brilliant and persuasive." **"Really superb - a pleasure to work with, responsive and really 'on it'."** Acted in *Secarma and Others v Denny and Others*, a Court of Appeal case on springboard injunctions. - *Employment, Chambers UK Bar 2021*

'Has a good understanding of clients' particular characteristics, is good with witnesses and technically sound.' - *Employment, Legal 500 2021*

"Her cross-examination is a masterclass and clients love her. She's so user-friendly while being utterly focused and totally fearless." **"She's technically strong and takes a sensible and pragmatic approach to proceedings."** Represented Jackson Rowe Dispute & Claims Solutions as defendants in a High Court interim injunction application involving overlapping restrictive covenants. - *Employment, Chambers UK Bar 2020*

'An exceptional senior junior who knows when to charm and when to strike, ensuring nothing less than the best result for clients.' - *Employment, Legal 500 2020*

"Absolutely great to work with. Responsive, knowledgeable and dedicated." "A very pleasant advocate who engages really well with clients." Successfully represented Mr Nurmohamed in a case concerning the correct approach to the new public interest requirement introduced into section 43B of the Employment Rights Act, 1996. - *Employment, Chambers UK Bar 2019*

'She is clearly on top of her game.' - *Employment, Legal 500 2019*

Shortlisted for Employment Junior of the Year in the 2018 Chambers Bar Awards

"Cuts to the detail like a knife through butter. Very diligent and always prepared. She is also a terrific cross-examiner. Fearless, articulate and lethal. She inspires confidence and has a very winning way with clients." Represented Dentons in defence of a holiday pay, disability discrimination and Personal Health Insurance Income claim. - *Employment, Chambers UK 2018*

"She is responsive, knowledgeable, dedicated and good with clients." - *Employment, Legal 500 2017*

An experienced High Court advocate who is highly knowledgeable in matters involving restrictive covenants, contractual rights and whistle-blowing. Clients attest that she has a high level of client service and is a confident and impressive advocate. **"She is excellent - she is extremely good with the client and really willing to get stuck in and be a team player."** Solicitors note that **"her advocacy is great"** and that **"she is robust when she needs to be."** Acted in *Chesterton Global Limited and Neal Verman v Nurmohamed*, a complex whistle-blowing case in which the tribunal sought to ascertain the proper interpretation of the term 'public interest' in the Employment Rights Act 1996. - *Employment, Chambers UK 2017*

"She is very responsive and provides excellent legal analysis." - *Employment, Legal 500 2016*

Consistently praised for her ability to work effectively as part of a wider team, she is a strong courtroom performer and an experienced tribunal and High Court advocate. **"She is very good with clients and excellent to work with as part of a team."** **"Pragmatic, highly competent and a fierce cross-examiner."** Acted successfully for the respondent, the Tullett Prebon Group, in the Employment Tribunal. The case concerned a race discrimination and unfair dismissal claim. - *Employment, Chambers UK 2016*

"She gets to grips with the key issues quickly and provides a seamless service to clients." - *Employment, Legal 500 2015*

Has a diverse employment practice, and regularly appears in the High Court, at appellate level and before the Employment Tribunal. She regularly works with market-leading private practice firms as well as in-house teams from large companies. **"Very good with witnesses, she puts them at ease and speaks to them on their level."** Advised the GMB union in relation to proposed changes to terms and conditions by Brighton and Hove City Council and on threatened strike action by cleaning staff. - *Employment, Chambers UK 2015*

"Very good with clients, and a fierce cross-examiner" - *Employment, Legal 500 2014*

A skilful junior whose practice embraces discrimination and breach of contract disputes. Sources particularly value her incisive cross-examination. **"She doesn't get way-laid by irrelevant points."** **"She becomes part of the team and readily offers support to both clients and witnesses."** She was involved in *Butler v Mellons & Another*, a discrimination case brought before the EAT. - *Employment, Chambers UK 2014*

"Alice is my first choice. She is great to work with, really understands the issues and is a formidable advocate. Alice is excellent with clients, and is a fierce and effective cross-examiner. She is extremely helpful and easy to work with, and really goes the extra mile." - *David Von Hagen, Partner and Head of Employment, Winckworth Sherwood*

"Thank you so much for all your excellent work... You were everything a needy in house lawyer could want – technical and able to cut through the morass to understand the claims, on top of the facts, and unfailingly obliging about answering my random questions and handholding as we went through the process. Thank you very much – it has been greatly appreciated and you've been a real pleasure to work with." - *Lucy Kilroy, Senior Counsel, Xerox Europe*

"She was instructed in relation to a complex discrimination and whistle-blowing case in which we acted for the Claimant. The Claim was a high value claim and involved complex issues relating to future losses."

Alice was highly responsive, extremely thorough and was strong tactically in the face of an aggressive defence. I would have no hesitation recommending Alice as counsel in complex employment tribunal litigation. - Sara Frisby, Consultant Solicitor, Morgan Russell

"Her style of cross examination effectively undermines the Claimant's case without alienating the Tribunal by being overly aggression. Client friendly and a number one choice for tricky discrimination claims." - Associate, City Law Firm

Employment

Shortlisted for Employment Junior of the Year in the 2018 Chambers Bar Awards

Alice regularly represents both respondents and claimants in the employment tribunal, county court, high court and employment appeal tribunal in all areas of employment law. Alice is instructed in multi-day discrimination and whistleblowing claims representing both Respondents and Claimants. Alice has extensive experience of financial markets and regularly acts for Respondents in the financial services sector. Alice also acts for public bodies, including various NHS organisations and police services.

Recent examples of Alice's work are as follows:

- Successfully represented a large broker firm against a complex whistleblowing claim by an FCA registered employee at an eight day hearing in the Employment Tribunal and on appeal (*Simpson v Cantor Fitzgerald Europe* [2019] 6 WLUK 380). The appeal challenged multiple aspects of the whistleblowing legal framework.
- Defending corporate and individual clients in relation to springboard and other injunctive relief. The matter was set down for a speedy 12 day high court trial (led by Tom Croxford QC) before it settled. Pending the trial Alice's clients appealed to the Court of Appeal which considered the test on interim applications for springboard relief (see *Forse & Ors v Secarma Ltd & Ors* [2019] EWCA Civ 215).
- Represented the Respondent in *McElvogue v Network Rail* [2018] EAT unreported (and in the ET). The case concerned the statutory interpretation of contractual provisions incorporated into contracts of employment from collective agreements.
- Undertook an extensive investigation into allegations of bullying and undue pressure made against the CEO of Stobart Group Plc, and reported to the Plc Board (see, for instance, the Financial Times article).
- Represented the Respondent in *Baker v Abellio London Ltd* [2018] IRLR 186 which considered the overlap between immigration documents required under immigration law and a dismissal pursuant to section 98(2)(d) of the Employment Rights Act, 1996 and for some other substantial reason.
- Represented the Claimant in the case of *Chestertons Global Ltd (t/a as Chestertons) & Anor v Nurmohamed* [2018] ICR 731 (CA) - Alice successfully represented the Claimant in the ET and the EAT ([2015] IRLR 614) (as sole counsel) and in the Court of Appeal (led by James Laddie QC). This is the leading case on the public interest test contained in whistleblowing legislation.
- In *Kuznetsov v Royal Bank of Scotland* [2017] IRLR 350 (CA) Alice represented the Respondent in an

appeal against case management decisions concerning the introduction of new issues and a whistleblowing claim. The case involved the question of remittal and when it is appropriate.

- Successfully represented an NHS Trust in a ten day hearing involving a Lead Clinician alleging whistleblowing. Alice represented the Trust at a preliminary hearing at the EAT to consider the Claimant's appeal during which the appeal was dismissed.
- Attended an injunction hearing for a recruitment consultant and her new employer, and advised extensively on the implementation of the undertakings thereafter.
- Undertook an investigation for an investment firm concerned about potential gross misconduct by a CF-30 FCA registered employee.

Equality

Alice has extensive experience of equality claims in all areas of discrimination. She has represented both respondents and claimants in the Employment Tribunal, County Court and Employment Appeal Tribunal in complex discrimination claims, and is regularly instructed in multi-day discrimination claims before the Employment Tribunal. Examples of recent cases are as follows:

- Advised a large private organisation on how to manage a disabled person re-entering the workplace. This is ongoing.
- Represented a large public body in a 10 day disability discrimination claim which is currently awaiting a decision on appeal.
- Represented a large multi-national at a 12 day hearing alleging victimisation. The Claimant had previously brought a race discrimination claim whilst employed (in which Alice had also successfully acted for the respondent) and thereafter had brought complex allegations of victimisation.
- Represented a high-end retailer facing allegations of sex and disability discrimination (including indirect discrimination). Alice successfully advised on, and assisted in, settlement of the claim before a 6 day hearing.
- Successfully represented a small IT firm facing allegations of disability discrimination in a 5 day hearing.

Dismissals & Employment Rights

Alice has extensive experience of dismissal claims and related employment rights, regularly appearing in complicated claims before the Employment Tribunal and Employment Appeal Tribunal. Many of Alice's claims

involve redundancy or some other substantial reason dismissals and/or whistleblowing. Recent cases include:

- Successfully represented a large broker firm against a complex whistleblowing claim by an FCA registered employee at an eight day hearing in the Employment Tribunal and on appeal (*Simpson v Cantor Fitzgerald Europe* [2019] 6 WLUK 380). The appeal challenged multiple aspects of the whistleblowing legal framework.
- Represented the Respondent in *McElvogue v Network Rail* [2018] EAT unreported (and in the ET). The case concerned the statutory interpretation of contractual provisions incorporated into contracts of employment from collective agreements.
- Represented the Respondent in *Baker v Abellio London Ltd* [2018] IRLR 186 which considered the overlap between immigration documents required under immigration law and a dismissal pursuant to section 98(2)(d) of the Employment Rights Act, 1996 and for some other substantial reason.
- Represented the Claimant in the case of *Chestertons Global Ltd (t/a as Chestertons) & Anor v Nurmohamed* [2018] ICR 731 (CA) - Alice successfully represented the Claimant in the ET and the EAT ([2015] IRLR 614) (as sole counsel) and in the Court of Appeal (led by James Laddie QC). This is the leading case on the public interest test contained in whistleblowing legislation.

Restrictive Covenants & Injunctions

Alice regularly advises clients on the enforcement of restrictive covenants and implied contractual terms providing early advice aimed at reducing the likelihood of costly injunction or other proceedings. She has also advised on the impact of garden leave provisions on restrictive covenants, the duty of fidelity, trust and confidence and fiduciary duties. Recent cases include:

- Defending corporate and individual clients in relation to springboard and other injunctive relief. The matter was set down for a speedy 12 day high court trial (led by Tom Croxford QC) before it settled. Pending the trial Alice's clients appealed to the Court of Appeal which considered the test on interim applications for springboard relief (see *Forse & Ors v Secarma Ltd & Ors* [2019] EWCA Civ 215).
- Represented the Defendants at an interim hearing for injunctive relief based on a Consultancy Agreement, Settlement Deed, Business Transfer Agreement and Contract of Employment. Alice worked with solicitors to draft the defence to the High Court claim and the matter is currently pending.
- Attended an injunction hearing for a recruitment consultant and her new employer, and advised extensively on the implementation of the undertakings thereafter.
- Represented a specialist pharmaceutical company in obtaining an interim injunction (dealing with misuse of confidential information and restrictive covenants). The matter was settled before the return date. Alice represented the claimant in relation to an application that terms of the undertakings had been breached in contempt of court.
- Advised on potential injunction proceedings regarding an ex-employee's move to a rival company in the building industry.

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- Advised on the enforceability of restrictive covenants contained in solicitors' Partnership Agreements relating to both equity and salaried partners.
 - Advised on restrictive covenants in a Senior Accountant's employment contract and the enforceability of those covenants in light of a breach of the employment contract by the employer.

Investigations

Alice is a specialist in employment litigation whose work covers a wide spectrum of complex cases. Alice has conducted several investigations for large multinational companies into grievances brought by senior employees or investigating serious disciplinary matters.

She recently undertook an extensive investigation into allegations of bullying and undue pressure made against the CEO of an international company, interviewing 28 people including the senior leadership teams of four companies and reporting to the Group Board.

Other recent investigations have featured allegations of bullying and harassment (for a world leading research company), and concerns regarding potential gross misconduct by a CF-30 FCA registered employee.

Commercial Litigation and Disputes

Alice regularly advises and represents both employees and employers on commercial aspects of employment work including:

- Advised a large utility company on its ability to change the executive bonus scheme part way through it.
- Drafted a Part 20 Defence on behalf of a Part 20 Defendant in a commercial claim arising from the sale and purchase of a financial services company.
- Represented the company in proceedings against an ex-employee whom it is believed has taken confidential information in order to compete with the company. Obtained orders for delivery up of devices and instruction of a single joint expert to carry out forensic examination of the devices.
- Provided advice on whether contracts of employment had come into effect in relation to a brokers team move.
- Advised on the likelihood of recovering a non-contractual, discretionary bonus.
- Led by Andrew Burns QC - advising on the impact of restrictive covenants and contractual issues in relation to two sets of broker moves to a rival company.

Industrial Relations

Alice has represented employers, unions and individuals in relation to industrial relations and collective

consultation requirements relating to TUPE and redundancy. Cases of interest include:

- Acted for a union to advise on equal pay implications of council-wide pay proposals to change the terms and conditions of all its employees. Advised the union in relation to refuse and similar workers. Subsequently attended high level negotiations with the Council to achieve settlement of those pay issues in circumstances where the workers were out on strike.
- Successfully represented the individual employee at a PHR considering whether the individual had locus standi to bring a claim under TUPE where there had been no effective collective consultation under TUPE.
- Represented the Respondent at a PHR in which an individual's rights to elect the staff body was considered under the collective redundancy requirements.
- Advised a local authority on the collective consultation requirements of a mass redundancy process.
- Advised a union on the equal pay implications of proposed changes to terms and conditions post single status.

Regulatory & Professional Discipline

Alice has experience of regulatory and professional discipline issues both from an employment perspective and from a regulatory perspective. For instance, she represented the General Dental Council in the cases of *Orback v GDC*, and *Alkhasawneh v GDC*; both of which involved the question of whether qualifications obtained overseas qualified the individual to work in the UK.

Alice successfully represented a paramedic in a 12 day hearing dealing with complex fitness to practice proceedings before the Conduct and Competence Committee of the Health and Care Professions Council. Her Client has this to say:

'Whatever the outcome I want you to know that I will be eternally grateful for everything that you have done for me. I know how hard you have fought to clear my name. Thank you Alice from the bottom of my heart' - Mr C.

Memberships and Associations

ELBA, ELA

Awards and Scholarships

Scholarships from Inner Temple

Pegasus Scholarship, working in Sri Lanka

Ede and Ravenscroft Prize for Student of the Year (2001)

Major Scholarship

Duke of Edinburgh Scholarship

Academic

Inns of Court School of Law, Bar Vocational Course (Very Competent)

Cambridge University - LLM, First Class

Lauterpacht Prize for International Law. Received awards from the Gooderson Fund and the Alex Jacobson Fund

Exeter University - LLB Class Two Division One

Christina Sachs Memorial Prize for Family Law

Gordonstoun School, Elgin