



Kashif Ali

Email: clerk@stjohnsbldings.co.uk

Phone: 0161 214 1500

Year of Call: 2003

“Experienced in representing both claimants and defendants in complex employment cases. He is frequently sought after for his insights into equal pay, whistle-blowing, unfair dismissal and discrimination law. He has notable experience working on cases in the education sector.”

Strengths: “He is a thorough and genial advocate.”

Recent work: “Represented Wrexham County Borough Council in a local test case involving a claim of unfair dismissal by a teacher dismissed on performance and competency grounds.” **Chambers & Partners 2018**

Kashif is an experienced Employment Law and Personal Injury Barrister and has been at St John's Buildings since January 2005, before which he worked briefly as a Law Clerk at the Office of the Prosecutor of the International Criminal Court in The Hague and completed pupillage at 2 Harcourt Buildings in London. He studied Law at the University of Oxford before undertaking a Masters in Law at the University of Cambridge.

Memberships

- Employment Law Association

Legal Directory Recommendations

“*Experienced in representing both claimants and defendants in complex employment cases. He is frequently sought after for his insights into equal pay, whistle-blowing, unfair dismissal and discrimination law*”. – **Chambers & Partners 2017**

“*Highly experienced in complex cases of unfair dismissal, as well as discrimination, whistleblowing and*

unlawful deduction of wages. He acts on behalf of both claimants and defendants.

Strengths: "Kashif Ali is always contactable and provides concise, accurate advice. He grasps the crux of a matter and explores all angles in order to provide sound advice."

Recent work: Instructed in the case of Alan Thornton v Governing Body Of The Skerton Community High School and Lancashire County Council, cases concerning a claim of unfair dismissal brought by a former teacher who resorted to physical violence in order to control a student." – Chambers & Partners 2016

"Acts for Claimants and Respondents across the full spectrum of employment law matters, including unfair dismissal and race and religious discrimination." – Chambers & Partners 2015

"Has particular expertise in unfair dismissal matters, and is regularly instructed on complex discrimination claims." – Chambers & Partners 2014

"The charismatic and passionate Kashif Ali continues to make a name for himself in the field, impressing instructing law firms with his ability to get to grips with the facts and law quickly. Although he keeps a mixed practice, he has extensive employment experience, and is an expert on constructive dismissal cases." – Chambers & Partners 2013

"A promising young lawyer with a particular interest in constructive dismissal cases. He often acts on the claimant side, and comes recommended for his 'highly reasonable and sensible approach.'" – Chambers & Partners 2010

EXPERTISE

Employment

Kashif regularly acts for both respondents and claimants. He has extensive experience of difficult unfair dismissal claims and a particular interest in constructive unfair dismissal cases. He also has considerable experience of claims in all areas of discrimination law, whistleblowing, unlawful deduction of wages, and wrongful dismissal.

Additionally he has been instructed in many hearings involving preliminary issues such as time limits, employment status, strike-out and deposit applications, and review hearings.

Further, Kashif has significant experience in negotiation, and has represented parties effectively in mediations, including the ET Judicial Mediation Scheme. He himself is a fully trained Mediator and can be instructed to help resolve employment disputes between parties.

Kashif accepts public access instructions in employment law matters for the purposes of advising and representing clients at trials and hearings.

Cases

Appeal Cases

Hargreaves v The Governing Body of Manchester Grammar School [UKEAT/0048/18/DA, HHJ Eady QC]: Representing the Respondent in a case challenging a fair dismissal finding and concerning the issue of obtaining witness evidence.

Tunstall Group Holdings Limited v (1) Trela (2) Javaid [UKEAT/0171/17/DA, HHJ Eady QC]: Representing the Claimant in a case concerning the correct interpretation of a contractual bonus scheme.

F v (1) G (2) H [UKEAT/0047/17/JOJ, HHJ Richardson]: Representing the Claimant in her appeal against the findings of the Employment Tribunal on her reasonable adjustments claim.

Elmore v (1) Governing Body Of Darland High School (2) Wrexham County BC [UKEAT/0209/16/DM, Simler J DBE (President)]: Representing the Respondent in an appeal on whether in the absence of a reasoned appeal decision or evidence from a member of the appeal panel, the Employment Tribunal was entitled to infer that the appeal panel upheld a capability dismissal for the same reasons as those relied on by the capability panel itself.

Hughes & Others v GMB & Others (Unreported 06/09/11, EAT, Richmond J); Hughes & Others v GMB & Others (Unreported 04/06/09, EAT, HHJ Peter Clark); and Hughes & Others v GMB & Others (Unreported 02/08/06, EAT, Elias J): These EAT appeals and numerous related hearings arose from representing three former branch secretaries of the GMB Union in their complex claims against the GMB union and others for unfair dismissal, whistleblowing and sex discrimination.

Chouafi v London United Busways Ltd [2006] EWCA Civ 689: Representing the Claimant in the Court of Appeal in an appeal from a preliminary hearing concerning the extension of the three-month time limit for bringing a claim.

Tribunal Cases

School Cases

Kashif has represented respondent schools and local authorities in a number of unfair dismissal claims where a teacher was dismissed for using physical force to manage a school pupil.

Hargreaves v The Governing Body Of Manchester Grammar School (2017) in the Manchester Employment Tribunal

Spedding v (1) Governing Body Of The Rose School (2) Lancashire County Council (2016) in the Manchester Employment Tribunal

Moorhouse v (1) Governing Body Of Norden High School (2) Lancashire County Council (2014) in the Manchester Employment Tribunal

Thornton v (1) Governing Body Of The Skerton Community High School (2) Lancashire County Council (2013) in the Manchester Employment Tribunal.

More generally Kashif has considerable experience of claims in the education sector:

Jungeling v Academies Enterprise Trust (2016): Represented a Learning Support Assistant in a 5

day disability discrimination and constructive unfair dismissal trial brought against a School in the East London Employment Tribunal.

Walker v Brookfields Community School (2016): Represented the Respondent School in a 7 day complex whistleblowing, disability discrimination and constructive unfair dismissal trial brought by a school teacher in the East Midlands Employment Tribunal.

Elmore v (1) Governing Body Of Darland High School (2) Wrexham County BC (2016): A 3 day trial in the Cardiff Employment Tribunal (sitting in Wrexham) representing the Respondent in an unfair dismissal "local test case" where a school teacher had been dismissed on grounds of lack of capability.

Police Cases

Kashif is often instructed to act in cases involving police forces:

Awan v Chief Constable of Greater Manchester Police (2015): A 15-day trial in the Manchester Employment Tribunal representing the Respondent Police Force in a complex race discrimination trial.

Reynolds v Police and Crime Commissioner for Greater Manchester Police (2015): Representing the Respondent Police Force in a four-day whistleblowing and unfair dismissal claim in the Manchester Employment Tribunal.

Moonesamy v Leicestershire Police (2014): Representing the Claimant in a five-day disability discrimination trial in the Leicester Employment Tribunal.

Other cases of interest include:

Piotrowska v Cheltenham & Gloucester Omnibus Co Ltd (2017): A 5 day trial in the Bristol Employment Tribunal representing the Respondent in a claim involving serious sexual abuse and harassment allegations.

McCull v Denbighshire County Council (2014): A trial in the Cardiff Employment Tribunal (sitting in Wrexham) representing the Respondent in an unfair dismissal claim where an employee claimed he had been unfairly dismissed following serious sexual abuse allegations against him by a vulnerable adult.

Hussain v (1) Linklaters (2) Bayat (2013): In the Central London Employment Tribunal at a five-day trial representing a paralegal in his claim against a magic circle law firm alleging constructive unfair dismissal, discrimination on grounds of race and religion and detriment for whistleblowing. Reported in Legal Week and The Lawyer.

Nikiel-Wolski v Burton's Foods Limited [2013] EqLR 192: A preliminary hearing in the Manchester Employment Tribunal on whether a very strong belief in personal freedom and privacy, respect for personal property, freedom from authoritarianism including in the workplace, and respect for human rights and human dignity constituted a 'belief' within the meaning of section 10 of the Equality Act 2010.

Baladi v Leicestershire Partnership NHS Trust (2012): A five-day trial in Leicester Employment Tribunal representing a District Nurse in a complex unfair dismissal and breach of contract case against

the NHS Trust she worked for.

Snodgrass v Lothian NHS Board (2012): The determination at a two-day hearing in Edinburgh Employment Tribunal of whether a person operating a day-care nursery for staff from hospital premises was an 'employee' of that hospital NHS Trust for the purposes of section 230(1) of the Employment Rights Act 1996.

Personal Injury

Kashif has a strong civil/common law practice, with a particular emphasis on Personal Injury litigation. He regularly represents both Defendants and Claimants and undertakes various levels of trial work, including lower value multi-track cases.

He also has broad experience in all areas of interim applications, allocation hearings, case management conferences, disposal hearings, infant approvals, etc.

And Kashif frequently advises on liability and quantum, drafts pleadings and other statements of case, and deals with procedural issues. He is also familiar with undertaking negotiations, mediations and joint settlement meetings.

Education

Kashif has regularly represented schools, local authorities, employees and others in cases related to the education sector, specifically in cases involving employment law and discrimination issues. And so he is well versed in how schools operate.

He is now fully trained and growing his practice in the area of education law with a particular emphasis on primary and secondary school education. Kashif is direct access qualified and is available to act for parents and local authorities in a range of education cases including:

- Admission and exclusion appeals in front of independent panels.
- Appeals to the Special Educational Needs and Disability Tribunal ('SEND' Tribunal) concerning EHC assessments and/or exclusions.
- Advice and representation regarding a whole range of education law matters.
- Issues in transitioning SEN students to EHC assessments.

ADR and Mediation

Kashif is a qualified mediator.

Public Access

Kashif is accredited to receive instructions directly from members of the public through the Public Access Scheme.

[Click here](#) to view our Public Access pages and details of the process for instructing

public access accredited barristers.