

HELEN WOLSTENHOLME

Call 2002

Get in touch

hwolstenholme@2tg.co.uk

+44 (0)20 7822 1200



"A thorough and competent barrister with a good eye for detail."

(Chambers UK)

Practice Overview

Helen specialises in clinical negligence, personal injury and travel law. She is described in Legal 500 as having "excellent knowledge of clinical negligence law" and in Chambers and Partners as "firm but pragmatic, and very good at what she does", "very experienced, trustworthy and approachable" and "thorough and competent with a good eye for detail". Helen has a reputation for sound judgement, together with a calm, assured manner.

Personal Injury

Helen has a broad personal injury practice covering catastrophic injury; employer's liability (including industrial disease and psychiatric injury); occupiers' liability and defective premises; accidents abroad; RTAs (including claims involving allegations of fraud); and the Animals Act. She excels when analysing complex issues and provides well-structured and succinct advice which recognises the commercial realities of civil litigation.

Helen enjoys acting for both claimants and defendants in the County Court and High Court and has experience of inquests, mediations and specialist tribunals such as the Criminal Injuries Compensation Authority.

She has a particular interest in cases involving psychiatric injury or thorny questions of causation and has published articles in the New Law Journal and the Solicitors Journal.

Practice areas

Personal Injury
Clinical Negligence
Travel
Employment

Memberships

PIBA
PNBA

Qualifications

MA (Oxon) Jurisprudence

Education

Hertford College, Oxford University



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Current and Recent Work

A v (1) B (2) X NHS Trust:

Acting on behalf of the defendants and led by Christopher Russell in this claim for damages arising out of a road traffic accident and subsequent clinical treatment causing spinal cord injury. Claim settled for a sum in excess of £4 million shortly before trial.

C v D:

Acting on behalf of the defendant and led by Benjamin Browne QC in this claim arising out of a modest road traffic accident but resulting in alleged multiple life-changing injuries, including the development of pseudo-seizures and chronic pain. Case raised complex issues of causation.

E v F:

Acting on behalf of the claimant in a substantial claim for damages arising out of the development of complex regional pain syndrome following a trip at work.

G v Secretary of State for Justice:

Acting on behalf of the defendant in this claim for false imprisonment, assault, battery and personal injury arising out of the claimant's stay at a detention centre pending deportation. Claim dismissed following a multi-day trial in the High Court (QBD).

Clinical Negligence

Substantial clinical negligence work constitutes the lion's share of Helen's thriving practice. Acting on behalf of both claimants and defendants, she has considerable experience of claims related to obstetrics and gynaecology (eg wrongful birth; maternal sepsis; PTSD following traumatic labour; stillbirth); orthopaedics; cardiology; infection control (eg sepsis, necrotising fasciitis, discitis following neurosurgery); cosmetic surgery; podiatric surgery; emergency medicine; mental health (including the management of patients with suicide ideation); spinal injuries (including cauda equina syndrome); and general practice.

Current and Recent Work

L v East Kent NHS Trust (2018) HHJ Robinson, Sheffield CC

Helen acted for the defendant in this tragic claim arising out of a stillbirth at 39 weeks. The claimant alleged that the defendant failed to diagnose pre-eclampsia and that this caused her baby to die in utero. The claim was dismissed at trial, the court having accepted that the claimant did

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not have pre-eclampsia and that the baby's death could not have been foreseen or avoided.

H v Salford Royal NHS Trust (2018) HHJ Platts, Manchester CC

Helen acted for the defendant in this case of alleged negligence during spinal surgery. The claimant suffered a pulmonary embolism and consequential hypoxaemia after being anaesthetised. The claim was dismissed at trial, the court having accepted that the clinicians acted entirely reasonably.

K v B NHS Trust (2019)

Helen acted for the defendant in this FAA claim. It was alleged that the deceased, who suffered from Becker's muscular dystrophy and heart failure, should have had a CRTD implanted and that this would have avoided his death at the age of 45. Liability was denied and the claimant discontinued the claim on the day before trial.

Z v L NHS Trust (2019)

Helen, led by Michael de Navarro QC, acted for the defendant in this wrongful birth claim, C's child having been born with Down's Syndrome. The claim settled at a JSM.

B v B NHS Trust (2019)

Helen acted for the defendant NHS Trust in this FAA claim arising out of maternal death, it being alleged that the defendant's community midwife failed to identify signs and symptoms of sepsis.

D v N NHS Trust (2018)

Helen acted for the defendant in this FAA claim arising out of the dependants' father's suicide. It was alleged that the defendant's Crisis team had failed to assess the risk of suicide accurately.

A v B NHS Trust (2019)

Helen acted for the claimant in this case arising out of community midwives' failure to identify signs of DVT. The claimant developed post-thrombotic syndrome and was permanently disabled. The claim settled at a JSM shortly before trial, with an order for provisional damages agreed.

B v X NHS Trust (2019)

The claimant developed necrotising fasciitis following an elective circumcision. He required substantial urological and cosmetic surgery and suffered PTSD. The claimant was a successful businessman and the claim for loss of earnings was complex and based on the "loss of a chance" of business development. Helen acted for the defendant and the claim settled at a mediation.

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Travel

Helen's travel and jurisdiction practice is built on her personal injury and clinical negligence expertise. She was involved in the leading case of Wall v MPA (practical application of Rome II) and has particular experience of cases involving Spanish law.

Current and Recent Work

Acting for the claimant, an engineer, who suffered catastrophic injuries to the hands while working on a yacht in Italy, as well as associated psychiatric injury. Case raised complex issues relating to loss of earnings and was settled for a sum in excess of £450,000.

Acting for the claimant, who suffered severe facial injuries while being treated for anaphylactic shock as a result of an allergic reaction to penicillin while on holiday in Spain. Clinical negligence claim against Spanish doctor settled before trial.

Acting for the claimant family who were all injured in a serious road traffic accident whilst holidaying in France. Valuation and settlement of the 7 year old son's case was particularly challenging because of a thorny legal issue regarding provisional damages.

Acting for the defendant insurer in a claim for damages arising out of a catastrophic road traffic accident in Spain.

Employment

Helen acts for a broad range of clients across the whole range of employment law, including large multinationals, NHS Trusts and charities as well as for individual claimants, both independently and as Junior Counsel. She is usually instructed on cases involving complex and overlapping claims of discrimination or whistleblowing, and has significant experience of restrictive covenant claims in the High Court.

While Helen has a thriving practice in the civil courts, employment tribunals and EAT, she recognises the advantage of early resolution of disputes and has significant experience of advising employers and employees before litigation has arisen and of representation at internal hearings.

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Current and Recent Work

Smith v Pertemps: A

Acting for the respondent, led by Paul Downes QC, in this high-profile claim of sex discrimination, harassment, victimisation and unfair dismissal. The claims were dismissed and an unreasonable costs award in the respondent's favour was made in the sum of £100,000.

Royal Free Hampstead NHS Trust v Shah:

Acting for the Respondent in this claim arising out of dismissal for gross misconduct (taking blood without patient's consent) and alleged discrimination. EAT upheld Respondent's appeal on ET's failure to apply the range of reasonable responses test.

L v PQ Sixth Form College:

Acting for the respondent in this claim of discrimination on the grounds of religious belief, brought by a chaplain of a Catholic Sixth Form College.

Dr U v Ministry of Defence:

Acting for the Ministry of Defence in this ongoing claim of race and sex discrimination, harassment and victimisation brought by a doctor serving as an Officer in the Army and arising out of her time on the Officer-training course at Sandhurst.

Secretary of State for Business, Innovation & Skills v Studders & others (2011) EAT: test for employment status.

Hardeman v Cosgrove & Cosgrove Ltd (2011) EAT: test for redundancy.

Sunley v Ministry of Justice (2009) EAT: correct application of power to review strike out decision.

Significant cases

Shah v The Royal Free Hampstead NHS Trust (2014) EAT: unfair dismissal, application of BHS v Burchell test.

Secretary of State for Business, Innovation & Skills v Studders & others (2011) EAT: employment status.

Hardeman v Cosgrove & Cosgrove Ltd (2011) EAT: redundancy.

Smith v Pertemps (2011) ET: unreasonable costs award of £100,000

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following dismissal of the claimant's claim for sex discrimination, harassment, victimisation and unfair dismissal.

Rashford v Secretary of State for the Home Department [2010] EWHC 2200 (QB): claim for damages for false imprisonment and assault by detainee awaiting deportation.

Sunley v Ministry of Justice (2009) EAT: review of strike out.

R (on the application of UMBS Online) v Serious Organised Crime Agency [2007] EWCA Civ 406: Judicial review of decision by SOCA refusing to grant consent to a bank to carry out the banking mandate of one of its customers.

Recommendations

Chambers UK 2021:

"She is very attentive and clients really like her."

"Helen has a wonderful advocacy style."

"Excellent in her analysis of both liability and quantum."

"Very thoughtful, intelligent and organised. Her written work is very impressive."

"Easy to work with and excellent with clients."

Legal 500 2021:

"A thoughtful barrister with a real enthusiasm for the work."

Chambers UK 2020:

"She is extremely incisive in terms of both her paperwork and her cross-examinations. She's client-friendly and gives very practical and accurate advice."

Legal 500 2020:

"She has excellent knowledge of clinical negligence law."

Chambers UK 2019:

"She's firm but pragmatic, and very good at what she does."

"She's very experienced, trustworthy and approachable."

Chambers UK 2018:

"A thorough and competent barrister with a good eye for detail."

"She dealt beautifully with a tricky case."

"Reputed for her ability to address allegations of exaggeration."

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