

HELEN BELL

Call 2002

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Practice Overview

Helen joined chambers in 2002 with an outstanding academic background. She specialises in both personal injury and employment law and has particular expertise in dealing with cases where those two specialisms overlap.

Personal Injury

Helen acts primarily for Defendants through major EL and PL insurer clients upon instruction from the leading solicitors in the field in relation to substantial PI claims. She has extensive experience of litigation involving public sector bodies having served as junior counsel to the Crown (C Panel).

Helen practises in all areas of personal injury law and is regularly instructed in cases involving complex issues of law, fact or expert evidence, including cases relating to liability towards and for atypical workers and psychiatric injury sustained by secondary victims. She also specialises in high value claims involving chronic pain and allegations of fraud and malingering.

Helen has particular expertise and interest in claims at the interface between personal injury and employment law and so in claims for bullying and harassment including those brought pursuant to the Protection From Harassment Act 1997, occupational stress claims and claims for discrimination in the provision of services.

In relation to such claims, Helen is able to use her extensive experience of employment law (including experience of atypical worker status and harassment and disability discrimination under the Equality Act) to her clients' advantage. She has delivered seminars about and written extensively on the topic of managing the crossover between personal injury and employment law and is regularly instructed in cases involving issues relating to jurisdiction and strike out for abuse of process.

Practice areas

Personal Injury
Employment

Memberships

PIBA
ELBA
ELA
PNBA
LCLCBA
COAS
Advocate

Qualifications

MA (Oxon) Jurisprudence (First)

Education

Wadham College, Oxford
University
Nottingham Law School



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Notable Cases

C v C (ongoing) – acting for defendant in this ongoing PL claim for damages for psychiatric injury sustained after the claimant witnessed her son sustaining severe burns in an accident at the family home.

G v CJB & 3 others (ongoing) – acting for one of four defendants in this ongoing EL claim for damages for severe head and back injuries brought by an agency worker following his fall from height whilst working at an exhibition centre.

S v T (ongoing) – acting for defendant major transport provider in this services discrimination claim. Claimant wheelchair user claims damages for psychiatric injuries said to be caused by the defendant's failure to make reasonable adjustments by providing better accessibility to its services and by defendant's harassment on grounds of disability.

Viscardini v Southend on Sea BC & 1 other – acted for successful defendant in this claim concerning complex issues of law relating to occupiers' liability arising out of claimant's accident on a concealed surface water outlet pipe on a beach.

Achille v Oldroyd & 6 others – acted for seven successful defendants in respect of a claim for damages for psychiatric injury allegedly caused by the negligence and breach of statutory of the committee members of a tennis club. The claim was one of several which the claimant had brought against various parties following his expulsion. It involved allegations of harassment and discrimination over a significant period of time and issues relating to strike out for abuse of process.

Lamb v David Jenkins Design & 3 others – concerned an accident on a construction site where the claimant sustained a serious leg injury following a fall whilst being shown around a property that was being renovated. Acted on behalf of the successful fourth defendant architect for the project to defend a claim for breach of statutory duty.

Beel v Sodexo Limited – acted for successful claimant in this high court claim arising out of an accident occurring in the course of the claimant's employment as a chef. Involved complex issues of causation which were the subject of expert orthopaedic evidence given the claimant's pre-accident history.

Robert Murdoch v Department for Work and Pensions – appeal which concerned the circumstances in which a Government department will owe

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a duty of care to a benefit claimant for negligence in the administration of claims for incapacity benefit and income support.

Sylwester Dziennik v CTO Gesellschaft fur Container transport MBH & Co MS Juturna KG – appeal which concerned a claim for substantial damages for personal injury following an accident in the course of the claimant’s employment at sea. Among other matters, the case necessitated consideration of the deductibility of monies received by the claimant pursuant to an insurance policy taken out by his employer and order of deductibility in circumstances where there had been a finding of contributory negligence.

Employment

Helen is mainly instructed on behalf of Respondents and appears regularly in the Employment Tribunals, Employment Appeal Tribunal and the civil courts in a range of final and interim hearings. Having been appointed as junior counsel to the Crown (C panel), Helen has extensive experience of litigation involving public sector bodies and regular clients include central government departments, local authorities and NHS trusts. She accepts instructions from leading solicitors in the field and also acts on behalf of a broad range of private sector clients from city institutions and large multinationals to individual professionals, often through major insurer clients.

Helen practices in all areas of employment law and has extensive experience of handling legally and factually complex claims, frequently involving overlapping claims for constructive unfair dismissal, discrimination and whistleblowing.

Helen has particular expertise and interest in claims arising out of workplace stress, harassment and disability discrimination, given her complementary experience of personal injury litigation. She has also been instructed on a number of high profile services discrimination claims given the extensive experience of workplace discrimination claims she has gained from her employment practice.

Helen has been instructed in a number of ground-breaking cases. For example, she was instructed on behalf of the successful respondent to a claim for sex and pregnancy discrimination and harassment at first instance, and on appeal in one of the first English cases to consider the impact of the ECJ’s decision in *Mayr v Backerei und Konditorei Gerhard Flockner OHG* [2008] IRLR 387 on domestic law.

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Helen regularly gives seminars on all aspects of employment law, most recently presenting a practical guide to handling harassment claims on behalf of Chambers' Employment Group. Helen is a member of the Bar's pro bono charity, Advocate and the Court of Appeal Pro Bono Scheme through which she provides assistance to litigants in person in relation to employment law cases. She is also a member of Chambers' Equality and Diversity Committee and is registered with the Bar Council as a Public Access practitioner.

Notable cases

A v C (ongoing) – acted on behalf of the first Respondent local education authority in this factually complex high value claim for constructive unfair dismissal, victimisation and whistleblowing which the claimant brought against the LEA and 3 other respondents. Involved consideration of complex legal issues relating to the employment status of the claimant teacher vis a vis her school and the LEA

J v C (ongoing) – instructed to advise the Defendant local authority in relation to a complex and high value claim for redundancy pay and breach of contract

G & others v SA & others – concerned a claim for disability discrimination brought against the defendant association as a service provider. The Claimants claimed on behalf of themselves and their son and alleged amongst other things a failure to make reasonable adjustments leading to their son's unlawful exclusion from association activities

Probert v TSC Ltd – acted for the defendant through 2 major insurer clients in this high value claim for disability discrimination. The claimant alleged that his exposure to excessively cold temperatures in the workplace caused an exacerbation of a rare pre-existing neurological condition. Involved consideration of complex expert evidence from two consultant neurologists.

Majhu v British Airways PLC – a factually complex claim for constructive unfair dismissal and victimisation arising out of the handling of multiple allegations of misconduct

Department for Work and Pensions v Coulson – appeal which concerned the defence of contributory fault in a claim for unfair dismissal.

Anthony Neary v (1) Service Children's Education (2) Ministry of Defence (3) St John's School – appeal which concerned the Employment Tribunal's territorial jurisdiction to consider claims for disability and age

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discrimination and in particular the meaning of the phrase "ordinarily resident in Great Britain" for this purpose.

Parminder Kaur Sahota v (1) Home Office (UKBA) (2) Rick Pipkin – concerned the question whether a woman undergoing IVF treatment was to be regarded for the purposes of a sex discrimination claim as in a comparable position to a pregnant woman such that, if the reason for her treatment was IVF treatment, her discrimination claim would succeed without the need to consider how a man undergoing medical treatment would have been treated.

Total Gas & Power v Wijnja– appeal which concerned the circumstances in which the Employment Appeal Tribunal will grant an extension of time in which to file a Notice of Appeal.

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