

# Helen Bell

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Helen Bell specialises in personal injury and employment law and has particular expertise in dealing with cases where those two specialisms overlap, including claims for psychiatric injury caused by bullying and harassment (whether brought in the civil courts or the employment tribunal), occupational stress and disability discrimination.

She frequently advises on the procedural and jurisdictional issues arising from such crossover claims, for example in relation to strike out and abuse of process. Helen also specialises in claims concerning liability to and for a-typical workers given her complementary knowledge of both employment law and the law relating to vicarious liability. Helen has additionally been instructed on a number of high profile services discrimination claims in the education, transport and insurance sectors given the extensive experience of the Equality Act 2010 she has gained from her employment practice.

She is an experienced and effective advocate and negotiator and is highly regarded for her ability to apply her first class legal knowledge to high value cases involving complex issues of law, fact or expert evidence to achieve excellent results. She is adept at anticipating her clients' requirements and at tailoring her approach to the demands of the individual case. Her hard working, personable approach and ability to give clear and pragmatic advice ensures she is consistently sought after.

Having been appointed as a Deputy District Judge in 2020 sitting regularly in the civil courts, Helen is able to bring a unique and invaluable judicial perspective to her work as a barrister for clients.

Helen has been consistently ranked in Chambers & Partners and Legal 500 legal directories for both personal injury and employment law where her expertise at the crossover of these two practice areas has long been acknowledged.

Helen is passionate about promoting diversity within her profession having herself pursued a non-traditional

route to the bar, which commitment was recognised when she was selected for the Bar Council's inaugural leadership programme in 2021. She is a member of chambers' Pupillage and Equality & Diversity Committees and is a qualified Pupil Supervisor. Helen has also spoken regularly in relation to harassment and the #MeToo movement.

Helen is registered with the Bar Council as a Public Access practitioner.

## Expertise

### Personal Injury

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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 a-typical 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 a-typical 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. She has most recently presented a seminar on evidence of change in the law of workplace harassment in the light of the #MeToo movement.

### Notable Personal Injury cases

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#### L v I

Acted for the defendant to a high profile and high value work related stress claim in which the claimant claimed damages for psychiatric injury. The claim arose out of the defendant's handling a complaint in relation to the claimant's investigation of allegations of misconduct in the course of his employment. It involved an overlapping, whistleblowing employment claim.

#### P v HPKL

Acted for the defendant employer to this claim following a fall from height in the course of the claimant's

employment as a cleaner. The claimant, who has a significant and pre-existing psychiatric history, alleges that she sustained a serious arm injury and developed a chronic pain condition. The defendant conversely contended that the accident exacerbated her long term somatic symptom disorder. The claim was settled shortly prior to trial following a successful joint settlement meeting.

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J v T & S (ongoing)

Acting for the second defendant recruitment agency to this claim for damages for personal injury brought by a warehouse employee against it and his employer, the end user client. The material accident was alleged to have been caused by the negligence of an agency worker supplied by the agency to the Claimant's employer on whose premises the accident occurred. Involves complex legal issues relating to vicarious liability for agency workers.

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P v (1) MOJ (2) OHA (ongoing)

Acting for the second defendant to this claim for damages for psychiatric injury arising out of the claimant's exposure to illegal drugs in the course of his employment by the first defendant. The claimant alleges that his condition was exacerbated by the second defendant occupational health provider's handling of his case.

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A v L (ongoing)

Acting for defendant sport governing body in respect of a claim for damages for psychiatric injury allegedly resulting from harassment under the Protection From Harassment Act 1997, negligence and discrimination on grounds of race. Obtained successful strike out of the personal injury aspect of the claim on grounds of causation.

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Saunders v Care At Home

Acted for the defendant care provider in relation to this multi million pound brain injury case. The Claimant who had a pre-existing learning disability alleged that she sustained traumatic brain injury when a bariatric patient she was caring for fell on her.

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Fitzgerald v London Borough of Southwark

Acted for the defendant local authority in relation to this claim for traumatic brain injury allegedly sustained by the claimant teaching assistant in the course of her employment at the defendant's school.

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Safdar v ABM Catering

Acted for the defendant to this high value claim arising out of an accident in the course claimant's employment as a catering assistant in which the claimant alleged that she sustained an injury to her back leading to chronic pain syndrome.

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S v T

Acted for the defendant major transport provider in this services discrimination claim. Claimant wheelchair user claimed 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.

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Parish v Allen & 2 Others

Acted for one of 3 defendants in this claim for damages for serious injury arising out of the collapse of lifting equipment during rehearsals at a theatre. Involved issues relating to the respective scope of duties owed by each party by reference to a complex contractual framework and consideration of expert evidence relating to the operation and failure of the lifting equipment in question.

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Matyoramhinga v Quinn Infrastructure Service Limited

Acted for the successful defendant to a claim for damages for a serious head injury sustained after the claimant engineering contractor fell from height from a telegraph pole whilst undertaking a wired installation. Involved consideration of complex factual issues relating to the provision and operation of PPE.

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Burnell v Howson

Acted for the defendant landlord to this claim for personal injury brought by a tenant and arising out of an accident at residential premises. Involved consideration of complex issues of law relating to the Defective Premises Act 1972.

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Elkins v Hollywood

Acted for defendant to this EL claim. After sustaining minor physical injury during her employment as a waitress, the claimant developed chronic pain. Involved consideration of complex expert medical evidence in the field of orthopaedics, pain management/rheumatology and psychiatry and arguments relating to somatic symptom disorder in view of the claimant's complex medical history.

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C v C

Acted for defendant in this PL claim for damages for psychiatric injury sustained after the claimant witnessed her son sustaining severe burns in an accident at the family home.

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Gordon v CJB Staffing Ltd & 3 Others

Acted for one of four defendants in this 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.

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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.

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### 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.

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### 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.

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### Robert Murdoch v Department for Work & Pensions

Appeal which concerned the circumstances in which a Government department will owe a duty of care to a benefit claimant for negligence in the administration of claims for incapacity benefit and income support.

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### 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.

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## Employment

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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, local education 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 as well as claims for damages for personal injury.

Helen has particular expertise and interest in claims arising out of workplace stress, harassment and disability discrimination and claims involving expert medical evidence, 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 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.

## Notable Employment cases

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C v MML & Others (ongoing)

Acting for an Employers' Liability Insurer in respect of a high value claim brought against it and its insured (in liquidation) for disability discrimination. Exceptionally, the claim is pursued against the insurer in the Employment Tribunal under the Third Parties (Rights Against Insurers) Act 2010.

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B v LBB (ongoing)

Acting for the defendant local authority to this claim for various types of disability discrimination brought by a visually impaired contact worker following her dismissal for capability.

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SVU & KS v NAPAC (ongoing)

Acted for the successful Respondent charity at a preliminary hearing to consider the Respondent's material factor defence to these claims for equal pay.

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Jayadev v AM Technology Limited

Acted for the successful Respondent technology company to this claim brought by a COO and director for automatic unfair dismissal for having made a protected disclosure.

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Tesco Underwriting Limited v (1) Mwanza (2) M S Amlin Limited

Advised as to whether the practice of charging higher motor insurance premiums to those who had not been resident in the UK since birth was discriminatory by reference to race in the context of a claim brought by a motor insurer against its insured for a declaration that it was entitled to avoid his policy of motor insurance.

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D v ESNE NHS Foundation Trust (ongoing)

Acting for the Respondent NHS Trust to this unusual claim for direct disability discrimination by perception, unfair dismissal and unlawful deduction of wages. The Claimant alleges that the Respondent wrongly perceived that she was disabled by reason of autism and treated her detrimentally as a result.

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Abdi v Deltec International Courier Limited

Acted for the Respondent courier company to this claim for substantial damages for discrimination and harassment on grounds of sex, race and religion.

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Brooks v Space Architecture Europe Limited

Acted for the successful Respondent to this claim for unfair dismissal and disability discrimination. The Claimant, who was dismissed for harassment and so gross misconduct sought substantial compensation on the basis that his conduct and so his dismissal was caused by one or more of his alleged disabilities, by medication for those disabilities and/or by alcohol consumption caused by those disabilities. Involved the consideration of expert medical evidence in relation to diagnosis and causation in the field of psychiatry.

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Thomas v Waypoints Care Group Limited

Acted for the successful Respondent to this whistleblowing claim arising out of disclosures which the claimant made during his employment as a care worker.

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Dixon v Stranton Academy Trust

Acted for the Respondent to this claim for unfair dismissal, age discrimination and part-time worker discrimination arising out of a redundancy situation at one of the schools within the Academy Trust. Obtained the dismissal of all discrimination claims and a 70% Polkey reduction.

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Melendez v Kepler Chevreux

Acted for the Respondent Financial Services Company to this claim for unfair dismissal, sex discrimination and harassment arising out of a redundancy exercise.

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Angel v Cambridgeshire County Council & 2 Others

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.

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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.

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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.

Department for Work & Pensions v Coulson

Appeal which concerned the defence of contributory fault in a claim for unfair dismissal.

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

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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.

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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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## Significant Cases

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**Department for Work and Pensions v Coulson UKEAT/0572/12LA**

Concerning the defence of contributory fault in a claim for unfair dismissal.

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**Anthony Neary v (1) Service Children's Education (2) Ministry of Defence (3) St John's School UKEAT/0101/10, [2010] ICR 1083, [2010] IRLR 1030**

Concerning the Employment Tribunal's territorial jurisdiction to consider claims for disability and age discrimination and in particular the meaning of the phrase "ordinarily resident in Great Britain" for this purpose.

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**Robert Murdoch v Department for Work and Pensions [2010] EWHC 1988**

Concerning the circumstances in which a Government department will owe a duty of care to a benefit

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claimant for negligence in the administration of claims for incapacity benefit and income support.

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### **Parminder Kaur Sahota v (1) Home Office (UKBA) (2) Pick Pipkin UKEAT 0342/09/LA, [2010] ICR 772**

As to 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.

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### **Total Gas & Power v Wijnja UKEAT/0059/06**

Concerning 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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### **Sylwester Dziennik v CTO Gesellschaft fur Containertransport MBH & Co MS Juturna KG [2006] EWCA Civ 1456**

Concerning 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 decision of the Court of Appeal in *Gaca v Pirelli* [2004] EWCA Civ 373 and 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.

## Appointments

- Treasury C Panel (2008-2014)

## Awards

- Harmsworth Scholarship, Middle Temple
- Hammond Suddards Edge Prize for Copyright & Moral Rights
- Slaughter & May Prize for Legal History
- Wadham College Scholar

## Education

- MA, Wadham College, Oxford University
- Jurisprudence (First), Nottingham Law School

## Memberships

- Personal Injury Bar Association (PIBA)
- Employment Law Bar Association (ELBA)
- Employment Lawyers Association (ELA)
- Professional Negligence Bar Association (PNBA)
- London Common Law & Commercial Bar Association (LCLCBA)
- Court of Appeal Pro Bono Scheme (COAS)
- Advocate

## Publications

- New Law Journal (published 4.11.16 volume 166): Managing the Crossover relating to the overlap between Personal Injury and Employment Law

## Recommendations

*“Helen is a superb advocate who is thorough, tenacious and intelligent.”*

*“Helen is very good with clients and has a knack for putting complex legal issues in an easily digestible manner. She’s hands-on and a pleasure to work with.”*

**Chambers UK 2024**

*“Helen’s attention to detail is brilliant. She excels in dealing with complex claims and always provides pragmatic and commercial advice.”*

*“Helen’s advocacy is assured and impressive.”*

**Legal 500 2024**

*“Helen is very approachable and an easy fit with clients.” “She cuts through to the relevant points and is able to take a commercial view.” “She manages expectations well, delivers excellent client service and is always so personable.” “Helen is an excellent advocate. She has a great manner with clients and gets good results.”*

*“Helen is a very sharp barrister who is very quick to grasp the issues.”*

**Chambers UK 2023**

*“Helen is always incredibly well prepared and is a tenacious advocate.” “Helen is quick to grasp the issues, efficient and knowledgeable.”*

**Legal 500 2023**

*“She has the ability to grasp the facts, she is lovely to deal with and she’s very thorough – she is a supremely impressive barrister.” “She is very tenacious, she is completely prepared and she will go the extra mile to get the best result possible.” “Technically excellent and very personable. She is extremely organised and very methodical.” “She is so detailed and doesn’t miss a trick.”*

**Chambers UK 2022**

*“She has a good grasp of the case, and is concise, well-informed and legally sound. Also pragmatic, which is needed in many cases.”*

**Legal 500 2022**

*“She’s empathetic and grasps the main issues in the case quickly.” “She’s exceptionally bright, very thorough and understands the client’s needs.”*

**Chambers UK 2021**