

# McAlpine denies high court claim it had major role in 'blacklist scandal'

Value of action against construction firm estimated to be about £17m with more expected to add their names to allegations



📷 Ian Kerr died last month shortly after giving evidence to the parliamentary committee. Photograph: Ian Vogler/The Daily Mirror

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## Daniel Boffey

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Construction firm Sir Robert McAlpine played a central role in a "conspiracy to blacklist" 3,300 people from working on Britain's major building projects, according to a multimillion-pound high court claim against the firm.

Executives at the company, including Cullum McAlpine, a director and member of its founding family, were allegedly "intimately" involved in the operation of a "clandestine" organisation holding a list of people barred from the industry.

McAlpine was in communication with Ian Kerr, the director of the Consulting Association (TCA), the organisation which held the list on behalf of construction firms, up until it was dissolved, it is alleged.

It is further claimed that Kerr, when he was exposed and prosecuted in 2009, was warned of possible commercial repercussions for Sir Robert McAlpine Ltd if Cullum McAlpine's name emerged in public.

The claims, which are disputed, are contained within legal documents lodged at the high court last Monday by Sir Hugh Tomlinson QC, the barrister acting for 81 alleged victims of the "blacklist" run between 1993 and 2009, who has represented victims of phone hacking by the *News of the World*.

Workers allege that TCA, funded by around 20 major names in the construction industry, ran a database of names for the industry for more than 30 years. It was seized more than three years ago, but the extraordinary nature of the information held only fully emerged following an employment tribunal against a different construction firm last year for one of the victims, Dave Smith, 46, an engineer who had a 36-page file against his name and was victimised for highlighting safety hazards on sites.

The Information Commissioner's Office (ICO) said at Smith's tribunal that it believed some of the information held by the covert organisation and accessible to companies that subscribed to the service "could only have been supplied by the police or the security services".

The information contained within the TCA database related to the trade union activity of various workers in the construction industry, according to the legal claim. It allegedly included detail on industrial action, political views and affiliation, and membership of unions.

The legal document alleges: "Some entries were made because workers had made complaints about matters relating to health and safety. The files regularly included recommendations as to whether an individual should be employed. Typical entries were in terms such as 'Do not employ and 'Above not recommended by Amicus'."

It is further alleged that the database was run secretly, and that measures were taken to keep it clandestine.

And it is claimed that Sir Robert McAlpine, and in particular Cullum McAlpine, a relative of the former Tory chairman Lord McAlpine, had a central role in the establishment and operation of TCA. It claims: "[Cullum] McAlpine was the founding chairman at the organisation's inception in 1993. He was intimately involved in the foundation and operation of TCA. He formally offered Mr Kerr the position of director in August 1993. He finalised the written particulars of Mr Kerr's employment, sending them to members for approval and obtaining legal advice in relation to them. He oversaw the arrangement of life and health insurance for Mr Kerr as part of his remuneration."

It further alleges that when the database was exposed and Kerr was prosecuted by the ICO in 2009 he was warned that if McAlpine's name was mentioned, the company "might encounter serious difficulty in obtaining major construction contracts".

The claims suggest that Sir Robert McAlpine Ltd paid Kerr's winding up costs, legal costs and a fine imposed by the ICO through cheques not paid to him directly. Kerr publicly disclosed his contact with the company and other TCA members at his appearance in front of a parliamentary select committee examining the scandal last month, shortly before he died.

The company categorically denies "that any payments made to Mr Kerr were in any way linked to his taking responsibility or protecting Sir Robert McAlpine Ltd or any member of The Consulting Association". They said they were preparing a defence against the action and so were unable to comment further.

The alleged victims say the "conspiracy to run the blacklist" caused them to suffer "loss and damage" by preventing them from obtaining employment.

The value of the initial claim for loss of earnings and damages is estimated to be around £17m, but many more of the victims are expected to add their names to the action in the coming months.

A Sir Robert McAlpine spokesman said: "TCA was established by a large group of construction companies. All the member companies contributed to, and accessed information from, the TCA from time to time. Directors and representatives of a number of major construction firms chaired TCA over the years. These include Mr Cullum McAlpine who was chairman for a period in the 1990s. Sir Robert McAlpine Ltd has never operated a 'blacklist'. We are, and have always been, wholly committed to maintaining good relationships with our workforce and to responsible trade unionism."

- This is the archive of The Observer up until 21/04/2025. The Observer is now owned and operated by Tortoise Media.

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