

John Goss

Call 2015



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John accepts instructions in police law, public/administrative matters including judicial review and human rights, inquests and inquiries, data protection and information law, and personal injury.

He is ranked as a Leading Junior for Police Law (Band 3), Inquests & Inquiries (Band 4) and Data Protection (Band 3) by Chambers UK, and as a Leading Junior for Police Law (Band 3) by Legal 500.

John's clients include police forces, Government departments, local authorities, regulators and other public bodies as well as individuals, private companies and charities. He is a member of the Attorney General's B Panel (appointed 2024). He has appeared in the Supreme Court and the Court of Appeal, and regularly appears in the High Court and a wide variety of other jurisdictions.

John joined 5 Essex Chambers in September 2016 after successfully completing pupillage. Previously, he spent six years as a Royal Engineer officer in the British Army, including service in Iraq and Afghanistan.

John accepts instructions via Direct Public Access.

Expertise

Police Law

John is ranked as a Leading Junior (Band 3) for Police Law by both Chambers & Partners and the Legal 500.

He advises and represents police forces defending damages claims brought in the High Court and County Court for false imprisonment, negligence, assault/battery, malicious prosecution, misfeasance in public office and breaches of the Human Rights Act 1998, the Equality Act 2010, and the GDPR and Data Protection Act 2018. He is regularly instructed on multi-track claims arising out of arrests, stop and search, property seizures, and alleged malfeasance in criminal investigations and prosecutions.

He frequently acts in civil jury trials on wrongful arrest and other malfeasance claims, as well as multi-track trials relating to assault claims against police officers. He has also appeared in wrongful arrest cases in the High Court (*Fittschen v Chief Constable of Dorset Police* [2022] EWHC 399 (QB)).

He has particular experience in claims of malicious prosecution, misfeasance in public office and misuse of private information/breach of the Data Protection Act, both against the police and the Crown Prosecution Service, including *XGY v Crown Prosecution Service* [2024] EWHC 1963 (KB) on immunity from suit for misuse of private information/DPA claims.

He regularly acts for and advises police forces and Counter-Terrorism Units in respect of the various Terrorism Acts, including on notification requirements, in damages claims following stop and search under s.43 Terrorism Act, and on public law challenges to investigations. He recently obtained a terrorism notification order in the High Court (*Chief Constable of West Midlands Police v Geele* [2023] EWHC 2819 (KB)) and is instructed on a number of similar claims.

He has also appeared for a police force in the High Court to resist an injunction sought by individuals within witness protection, and has broad experience in personal injury and other claims brought against forces by police officers and staff. He is regularly instructed for CCMCs, strike out/summary judgment applications and on other interim hearings. He has extensive experience of civil restraint orders and issues relating to costs.

John acts for police forces bringing or defending judicial review claims or appeals by way of case stated in relation to decisions of the Crown Court and Magistrates' Court on civil applications, including decisions under the Dangerous Dogs Act 1991 (*R (Chief Constable of Avon & Somerset v Crown Court at Bristol* [2022] EWHC 1771 (Admin)), the Proceeds of Crime Act 2002 (*R (Chief Constable of Greater Manchester Police v Crown Court at Manchester Minshull Street*, Divisional Court, 2022), the Anti-terrorism, Crime & Security Act 2001, and in relation to firearms appeals.

John often acts for law enforcement agencies in data protection and information law matters, including in respect of RIPA and IPA in the Investigatory Powers Tribunal. He is acting for the Chief Constable of Hampshire Constabulary in Upper Tribunal proceedings relating to the interaction between FOIA and police misconduct hearings, and regularly appears in the FTT on FOIA matters relating to policing, as well as in the High Court and County Court on claims against the police under Part 3 DPA.

John regularly appears in the High Court, Family Court and Court of Protection on behalf of police forces seeking or resisting disclosure of information from family proceedings. He is very familiar with this complex area, having acted for the Home Secretary in the High Court and Court of Appeal in relation to disclosure into family proceedings, *Re H* [2020] EWCA Civ 1001. He also represents police forces in the High Court and Family Court on applications for Forced Marriage Protection Orders relating to both capacity and coercion.

He has an in-depth understanding of the Determinations relating to police pay and has advised on challenges to decisions under those Determinations, on recoupment of overpayments made in respect of police injury pensions, and on the application of those Determinations to officers deployed overseas.

Information Law

John has an extensive practice in relation to information law claims. He acts for both claimants/data subjects and defendants/data controllers. He appeared for the Home Secretary in the Court of Appeal in relation to the confidentiality of asylum files: *Re H* [2020] EWCA Civ 1001. He regularly appears in trials, strike out/summary judgment applications and other hearings in relation to misuse of private information, breach of confidence and (UK) GDPR/Data Protection Act claims in the High Court and County Court. He is often instructed to provide advice and drafting in this field, including in respect of data breaches and data subject access requests. His information law practice includes acting for commercial organisations, local authorities, regulators, and other public bodies, including the police, and central Government.

John was sole counsel at first instance and on appeal for the Crown Prosecution Service in *XGY v Crown Prosecution Service* [2024] EWHC 1963 (KB), on immunity from suit in the context of misuse of private information and Data Protection Act claims. He remains instructed as junior to Fiona Barton KC on the second appeal to the Court of Appeal.

He regularly advises on the compatibility of decisions about the collection, handling and sharing of information with the data protection regime, Article 8 ECHR and the common law. He is happy to advise on drafting information sharing agreements, including for international data transfers. He advised a major public body on the re-purposing of personal data collected for one purpose for use in an innovative pilot scheme, and another major public body on a data sharing scheme relating to conviction data and children's safeguarding.

Additionally, John often advises on matters arising under RIPA/IPA and acts in Investigatory Powers Tribunal proceedings.

John regularly appears for both public authorities and the Information Commissioner in appeals in the FTT and Upper Tribunal relating to ICO decisions under the Freedom of Information Act 2000, as well as providing advice at all stages of the FOIA process. He was counsel for the police in the lead decision on the interaction between FOIA and police misconduct proceedings, *Kanter-Webber v Information Commissioner & Chief Constable of Hampshire Constabulary*, and remains sole counsel for the police on the appeal to the Upper Tribunal. He has also appeared for requesters in the FTT on cases under the Environmental Information Regulations.

He has delivered training to police forces, Government departments and other agencies on information sharing between public bodies, on data protection in the context of fighting anti-social behaviour, and on RIPA/IPA, and is one of the founding editors of chambers' monthly 'Data Brief' newsletter.

Inquests

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John acts for a wide variety of interested persons in both jury and non-jury inquests, including family members, but has particular experience representing police forces and Government departments in both Article 2 and non-Article 2 inquests.

He is presently instructed by Counter Terrorism Policing on an inquest into the self-inflicted death of a child who had previously been investigated for terrorism offences and referred to Prevent, by the Ministry of Defence as leading counsel on an inquest relating to the death of a soldier in live-firing training, and by the Ministry of Justice on a number of inquests into deaths in prison custody.

Recent cases in which he has appeared have included the Article 2 inquests into the 2020 Reading stabbings (for the Chief Constable of Thames Valley Police), an inquest into the suicide of a young employee of a major supermarket chain (for her employer), a jury inquest into a death following a police pursuit (for a police force), joined inquests into a domestic murder-suicide (for a police force), a six-day Article 2 inquest into the death of a British soldier on counter-poaching operations overseas (for the Ministry of Defence), a jury inquest into the death by drowning of a woman who had absconded from a mental health assessment (for a police force), an Article 2 inquest into the suicide of a 14 year old boy who absconded from a foster placement (for a police force), numerous inquests into deaths in prison custody (for HMPPS), inquests relating to deaths following Covid-19 vaccines (for the MHRA), and an inquest into the death of a young British woman in a road traffic collision in Qatar (for her family).

He is also familiar with issues around resumption of inquests and applications under s.13 of the Coroners Act 1988 for fresh inquests.

Public Inquiries

John is instructed (as sole junior to Jason Beer KC) by Counter-Terrorism Policing South East in the public inquiry into the death of Dawn Sturgess as a result of novichok poisoning, chaired by Lord Hughes of Ombersley. He is instructed (as sole junior to Francesca Whitelaw KC) by Counter-Terrorism Police Headquarters and the Metropolitan Police's Counter Terrorism Command (SO15) in the Omagh Bombing Inquiry, chaired by Lord Turnbull.

He is also instructed as first junior counsel for the Royal Military Police and Defence Serious Crime Command in the Independent Inquiry relating to Afghanistan, chaired by Sir Charles Haddon-Cave, which is investigating alleged unlawful killings by UK Special Forces in Afghanistan and the RMP investigations into those allegations.

Previously, John acted for the Mayor of London on Phase 1 of the Grenfell Tower Inquiry (led by Anne Studd KC) and in large-scale disclosure and LPP reviews in respect of the Renewable Heat Incentive Inquiry.

John's extensive public law and inquest experience make him well-suited to advise and represent clients involved in public inquiries. In particular, his military background is invaluable for any inquiries involving the Armed Forces.

Public & Administrative

John is regularly instructed to draft summary and detailed grounds and to appear on behalf of public bodies in hearings in the Administrative Court.

He acted for the Home Secretary in *R (City of Wolverhampton Council) v SSHD* [2022] EWHC 1721 (Admin), both on the compromised substantive claim about procurement of asylum dispersal accommodation and on the subsequent costs proceedings, and in numerous challenges by local authorities to the procurement of asylum accommodation. He has acted for a police force on a substantive judicial review relating to the handling of public complaints under the Police Reform Act 2002, (*R (S) v Chief Constable of West Midlands Police* [2018] EWHC 1709 (Admin)) and has been instructed on other similar matters. He also successfully resisted a challenge to the outcome of cash forfeiture proceedings in *R (Etienne) v MPS* [2019] EWHC 804 (Admin).

He is often instructed by police forces who want to challenge decisions of the Crown Court or Magistrates' Courts on civil applications or orders, as in *R (Chief Constable of Avon & Somerset v Crown Court at Bristol)* [2022] EWHC 1771 (Admin) and *R (Chief Constable of Greater Manchester Police v Crown Court at Manchester Minshull Street* (Divisional Court, 2022), and is adept at drafting claims forms and grounds as well as advising on the procedural aspects of bringing judicial review claims as well as defending them.

Other cases in which he has acted include claims relating to the execution of County Court warrants, information sharing between police and other government agencies in the context of human trafficking and the National Referral Mechanism, decisions about bail, decisions under the Victims' Right of Review scheme, police vetting decisions, and decisions in relation to the retention of police information, including information about children. He has also acted in various decisions relating to prisons, including in relation to recalls from licence, re-categorisation decisions, and searches.

In 2020-21, John acted in a number of cases on the relationship between asylum claims and family proceedings: *G v G* [2021] UKSC 9 (in the Supreme Court and Court of Appeal) and *Re H* [2020] EWCA 1001 (in the Court of Appeal and, unled, in the High Court).

Human Rights

Many of John's instructions raise human rights issues, particularly under Articles 2, 3, 4, 5, 6, 8 and 10 of the ECHR. He advises on liability and damages under the Human Rights Act 1998, and often acts in cases where human rights are engaged – either on a freestanding basis or in conjunction with other issues – in a wide range of courts and tribunals.

Professional Discipline & Regulatory

John has a busy disciplinary practice appearing in police misconduct proceedings, primarily acting for the Appropriate Authority.

His discipline practice covers everything from allegations of police corruption and other serious criminal offences to cases relating to misuse of force or other police powers, operational dishonesty, financial impropriety, improper access to police information, sexual misconduct and racist or other discriminatory misconduct. He drafts Reg 30 notices, and advises on the conduct of misconduct investigations, hearings and appeals. He has also acted in appeals to the Police Appeals Tribunal, and on judicial review claims relating to the handling of public complaints.

Significant cases for the AA are listed below.

Notable Professional Discipline & Regulatory cases

The misconduct proceedings and appeal of PC K, who was dismissed without notice after he was proven to have used excessive force against a Black child with learning difficulties);

The misconduct proceedings of PC R, who was dismissed without notice after failing to investigate allegations of domestic harassment and making dishonest entries on the crime log;

The misconduct proceedings of PC M, who was dismissed without notice for racist and homophobic behaviour while off-duty;

The misconduct proceedings and appeal of PC L, who was dismissed without notice for attempting to cover up a minor collision in a police vehicle, including by pressuring a more junior officer to lie about what occurred;

The misconduct proceedings of PC S, who was dismissed without notice after he misused police systems to find out information about a missing person, and then formed an emotional relationship with that person.

Personal Injury

John appears in multi-track and fast-track personal injury cases involving occupier's liability, employer's liability and public liability, and the liability of highways authorities under the Highways Act 1980, as well as contested interim applications and CCMCs. He regularly advises on both liability and quantum. Many of his public law and police cases have a substantial personal injury aspect, and he is regularly instructed to draft pleadings, advise, and appear in personal injury matters for Government departments and local authorities.

Education & Qualifications

- 2015 – Called to the Bar by Gray's Inn
- 2015 – Nottingham Law School, BPTC (Outstanding)
- 2014 – Nottingham Law School, Graduate Diploma in Law (Distinction)
- 2013 – Open University, BA (Hons) in International Studies (1st)
- 2007 – Commissioning Course, Royal Military Academy Sandhurst
- 2006 – Pembroke College, Cambridge University MA (Cantab) in Classics

Memberships

- Administrative Law Bar Association
- Personal Injury Bar Association
- Institution of Royal Engineers

Awards

- 2024 – Appointed to the Attorney General’s B Panel of Counsel
- 2015 – Taylor Prize for best performance on BPTC
- 2014 – Law School Prize for best performance on GDL
- 2013 & 2014 – David Karmel Entrance Award and Bedingfield Scholarship from Gray’s Inn
- 2007 – Queen’s Medal, Trust Medal and various other awards at RMAS

Awards

