

# John-Paul Waite

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**John-Paul Waite is ranked as a leading junior and specialises in employment, police and public / administrative law.**

He has also acted in high profile inquests and public inquiries as well as undertaking work in the VAT and Duties Tribunal and the Immigration Services Tribunal on a regular basis. John-Paul also has experience of personal injury law.

He has a broad client basis including government departments and police forces as well as private companies who consider him to be “very practical, fair and sensible” (Chambers UK).

John-Paul represents clients in all courts including the Supreme Court, Court of Appeal and Employment Tribunals. Notable recent cases include **Essop (others) v Home Office (UK Border Agency) [2017]** an indirect discrimination case in the Supreme Court.

John-Paul is on the A Panel of Treasury Counsel.

## Expertise

### Employment

John-Paul has extensive experience acting for public bodies and private companies in the Employment Tribunal, Employment Appeal Tribunal and Court of Appeal. He conducts a wide range of advisory work on all aspects of employment law and has a particular knowledge and expertise of the energy sector, having been instructed to act for a major energy distribution company in multiple cases since 2010. He also has extensive experience in acting for police forces across the UK and is the founding author of the Employment Tribunals Handbook, published by Bloomsbury Professional (5th edition published in 2017).

John-Paul is currently acting for the Ministry of Defence in the first case to deal with the construction of paragraph 18(2) of Schedule 9 to the Equality Act 2010, the provision which permits indirect discrimination on grounds of sexuality arising from a requirement to be married (and is alleged by the Claimant to be incompatible with the Equal Treatment Directive). He has appeared in dozens of contested employment claims since being called to the Bar, including claims in the areas of unfair dismissal, discrimination, whistleblowing and TUPE.

## Notable Employment cases

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Essop (others) v Home Office (UK Border Agency) [2017] UKSC 27

acted in the Supreme Court as junior counsel for the Home Office in relation to 50 Trade Union backed claims in which it is alleged that an internal assessment is indirectly discriminatory. The Home Office was successful before the Employment Tribunal whose decision was then overturned by the EAT. The Court of Appeal allowed the Home Office's appeal before the Claimants were successful in the Supreme Court.

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Cordell v Foreign and Commonwealth Office [2012] ICR 280

successfully acted for the FCO in the Employment Tribunal and Employment Appeal Tribunal in a test case concerning the correct choice of comparator in a claim for direct disability discrimination. Th

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Watts v High Quality Lifestyles [2006] IRLR 850

successfully acted for the Claimant test case dealing with the meaning of direct discrimination under the DDA. Acted for the Claimant, an HIV sufferer who was dismissed from his employment.

## Public & Administrative

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John-Paul has extensive experience and been involved in some significant cases including in the Supreme Court and House of Lords.

## Notable Public & Administrative cases

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Jamil Ahmed v Secretary of State for the Home Department [2017] EWCA Civ 118

acting for the Government in relation to an assertion that the Claimant was the victim of an "historic injustice" such that he should be granted leave to remain.

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LR v Chief Constable of West Midlands Police [2016]

acting for West Midlands Police in relation to a challenge to a refusal to refer historic rape allegations.

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Sehwerert, McDonnell and Others v Entry Clearance Officer [2016] Imm AR 253

acting for the Government in relation to a challenge brought by John McDonnell, Jeremy Corbyn and others to the refusal to grant entry clearance to a Cuban national whom they wished to meet in the Houses of Parliament.

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Rahman and Others v SSHD [2011] All ER (D) 155

challenge to withdrawal of policy.

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DS Afghanistan v SSHD [2011] EWCA

compatibility of SSHD's policy on unaccompanied minors with domestic and international law. Opposed by silk and junior.

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Anam v Secretary of State for the Home Department [2010] EWCA Civ 1140

ruling on the extent to which a failure to comply with departmental policy undermined the lawfulness of detention. Not led and opposed by a silk and junior.

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## Police Law

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John-Paul is instructed in relation to all aspects of Police Law.

### Notable Police Law cases

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Advising the Home Office and Department for Education in relation to the new police apprenticeship scheme.

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Acting for Northumbria Police in relation to a high profile informer.

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Acting for Lancashire Police in relation to a major whistleblowing claim.

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Acting for the Serious and Organised Crime Agency (SOCA) in relation to an application in the Chancery Division for production of original documents held on a Court file in related bankruptcy proceedings.

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Acting for the Ministry of Defence police in relation to a major incident involving the shooting of live ammunition which has resulted in the bringing of multiple charges against the officers concerned.

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Advising a Constabulary on an equal pay issue involving hundreds of employees and officer.

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Defended a claim for unfair dismissal brought by an employee who was dismissed by the Chief Constable after being the subject of criminal charges of which he was later acquitted.

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Jointly instructed by a City Council and Chief Constable to advise upon the legality of governance arrangements in relation to a pioneering community safety project.

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Acting for Dorset Police in relation to a series of consolidated claims alleging that an unsafe control and restraint technique was taught to officer.

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Advising a Constabulary on the public procurement requirements relating to the provision of courses to the public.

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Acted for a Constabulary relation to a prospective claim for judicial review brought by a high profile individual who alleges that he was improperly issued with a police caution.

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Acted in a claim for unlawful arrest which involves an issue as to the proper construction of s24(5) of PACE. John-Paul also has extensive experience of unlawful detention claims in a public law context.

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## Inquests

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John-Paul represents public bodies in Coroners' Inquests, with a particular expertise in death in custody cases. Cases in the previous 12 months include the following (with relevant links to the relevant media publicity in each case):

Recent instruction include:

Instructed by the Ministry of Justice in forthcoming high-profile inquest relating to the death of an inmate in Chelmsford Prison.

### **Inquest touching upon the death of Oscar Okwurime:**

Acted for the Home Office in relation to death of a detainee in an Immigration Removal Centre. The Coroner declined to issue a PFD report in the light of the improvements outlined by the Home Office in custody.

[Nigerian man who died in detention centre 'had been unwell for weeks but not seen by a doctor' | The Independent | The Independent](#)

### **Inquest touching upon the death of John Coysh:**

Acting for Devon and Cornwall Police in relation to a death in police custody. The IOPC had made a number of criticisms, but none of the acts or omissions were found by the jury to have caused or contributed to death and no PFD report was issued.

[Failings and errors led to custody death of 35-year-old Devon man John Coysh – Devon Live](#)

- Inquest touching upon the death of Joshua Sanna –

Acting for West Midlands Police in relation to a death which occurred after a police chase. The police were found not to have contributed to the death and no PFD report was issued.

[Police-chase cops cleared of any wrongdoing over death of teenager in A50 smash – Stoke-on-Trent Live](#)

## Public Inquiries

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John-Paul has acted in the following three public inquiries:

**Billy Wright Inquiry** – junior counsel acting for 80 prison officers.

**Robert Hamill Inquiry** – counsel for the forensic science service.

**Rosemary Nelson Inquiry** – counsel for individual members of the armed services.

## Personal Injury

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John-Paul undertakes defendant personal injury work for multi-national companies and Government departments, including stress at work claims, claims involving complex brain injuries and claims under the Fatal Accidents Act.

## Education & Qualifications

- 1995 – Called to the Bar by Middle Temple
- 1995 – Bar Vocational Course
- 1994 – City University Diploma in Law (CPE)
- 1992 – University of Leeds, BA History

## Memberships

- Employment Lawyers Association

## Appointments

- 2014 – Appointed to the A Panel of Treasury Counsel.

## Publications

- The Employment Tribunals Handbook, Fifth Edition, (2017, BloomsburyProfessional) – founding author

## Awards

