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John-Paul Waite
Call: 1995



John-Paul 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.

Recommendations

“He is very practical, fair and sensible in his approach to litigation.” (Immigration)
Chambers UK 2018

“John-Paul is a sound-minded opponent. He’s an excellent advocate and produces high-quality written work.” (Immigration)
Chambers UK 2017

“Effective, quick in his turnaround of papers and very pleasant in his demeanor.”
Chambers UK 2014

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 is the founding author of the Employment Tribunals Handbook, published by BloomsburyProfessional (5th edition published in 2017).

Significant cases include the following:

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.

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. The Claimant was supported by the Equality and Human Rights Commission:

Watts v High Quality Lifestyles [2006] IRLR 850 – test case for determining the meaning of direct discrimination under the DDA. Acted for the Claimant, an HIV sufferer who was dismissed from his employment

UK Power Networks Ltd – advised on the TUPE implications arising from the insourcing and reassignment of a major contract.

Rashid and Others v EDF Energy– successfully acted for EDF Energy in multiple unfair dismissal claims arising from a major restructuring exercise.

Pope and Buckley v Department for Transport Vehicle Operating Services– successfully acted for the Respondent in a claim relating to the imposition of a pay settlement and its resultant impact upon individual contracts of employment.

Stevens v Ministry of Defence - acted for the Ministry of Defence in relation to a major claim for whistleblowing and unfair dismissal brought by a former employee of the department. The claim is currently part-heard and is due to be completed in May of this year.

Kidson v UK Power Networks Ltd –advised the Respondent in relation to a high value claim by a former consultant of the company who claimed that he was an employee who had been unfairly dismissed.

Public / Administrative

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

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.

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.

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.

Rahman and Others v SSHD [2011] All ER (D) 155 – challenge to withdrawal of policy.

DS Afghanistan v SSHD [2011] EWCA – compatibility of SSHD's policy on unaccompanied minors with domestic and international law. Opposed by silk and junior.

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.

Police Law

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

Examples of significant cases include:

- Advising the Home Office and Department for Education in relation to the new police apprenticeship scheme.
- Acting for Northumbria Police in relation to a high profile informer.
- Acting for Lancashire Police in relation to a major whistleblowing claim.
- 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.
- 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.
- Advising a Constabulary on an equal pay issue involving hundreds of employees and officer.
- 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.
- 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.
- Acting for Dorset Police in relation to a series of consolidated claims alleging that an unsafe control and restraint technique was taught to officer.
- Advising a Constabulary on the public procurement requirements relating to the provision of courses to the public.
- 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.
- 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.

Inquests

John-Paul represents public bodies in Coroners' Inquests, with a particular expertise in death in custody cases.

Recent examples include:

- Acting for the Metropolitan Police in a two week death in custody case (2016)
- Acting for West Midlands Police in a three-week death in custody case (2015).
- Acting in multiple inquests for the Ministry of Justice, including a three week inquest due to start in June of this year.

Public Inquiries

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

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.