

Jamie Burton KC



Call: 1999

Silk: 2021

Email: j.burton@doughtystreet.co.uk

Profile

Head of Chamber's Community Care and Health Team, Jamie is a leading authority on health and social care, homelessness, social security and the rights of disabled people, children and migrants. He is an expert in judicial review and regularly appears in the higher courts, including the Supreme Court. Jamie acted for the Claimants in many of the highest profile cases during the pandemic and the costs of living crisis.

Jamie's civil practice encompasses high value claims in tort and contract, including group claims/class actions. He acts for public authorities and private parties. He is particularly well known for bringing civil claims against the police on behalf of victims of crime.

Jamie is a member of the Equality and Human Rights Commission's A Panel of counsel and is regularly instructed by charities and NGOs. He also advises public authorities at the level of policy in relation to their statutory and human rights obligations. He is instructed by companies in commercial judicial review and public procurement claims.

Jamie acts for families in inquests and represented residents affected by the fire at the Grenfell Tower Public Inquiry. He is instructed by the main disability charities in the Covid

Inquiry. He frequently represents families in inquests, particularly those that engage complex multi-agency cases.

Internationally, Jamie has undertaken work in Europe, India, Bangladesh and Zimbabwe.

Jamie is an accomplished public speaker. He has given lectures on human rights law, judicial review and social justice. Recently he has been invited to address conferences organised by Reb Law, Legal Action Group, Lawyers Without Borders, The Commonwealth Human Rights Initiative, the Public Law Project, Housing Rights Watch, FEANSTA, SOAS and the International Commission of Jurists.

He has written on human rights, public law and equality law. He co-authored '**Police Misconduct**', published by LAG, '**Children in Need**', published by LAG and Butterworths' PI Litigation Service, Division XXIV '**Liability of Public Authorities**'.

Jamie is also Chair and co-founder of '**Just Fair**', a registered charity that works exclusively on human rights issues, particularly economic, social and cultural rights. Just Fair has had a significant impact on the public debate on human rights in the UK. It has produced several landmark reports on the housing crisis, food poverty and disability rights. Jamie represents Just Fair at the UN and in 2016 he made submissions to the UN Committee on Economic, Social and Cultural Rights about the UK's compliance with its human rights obligations.

What the directories say

Jamie is recognised by both **Chambers and Partners** and **Legal 500** as a leader in Public/Administrative law, Human Rights and Civil Liberties, Community Care, Police Law and Social Housing:

"He is razor sharp, incredibly detailed and thorough. He shows real empathy to clients and is an impressive advocate."

"Jamie is a brilliant and fearless advocate. He is committed to social welfare and housing issues and very strong in cross-examination."

"He is superb in court and has a great tactical mind."

"Jamie has a brilliant strategic mind, is exceptionally good with clients, is approachable, and is committed to getting a good result."

"Jamie is incredibly bright, good with vulnerable clients, very detailed in his analysis, leaving no stone unturned."

"He has that rare combination of being a really accomplished advocate, whether cross-examining or making submissions, who is also great with clients, excellent in writing and has

a first-class legal mind."

"He is brilliant – he represents the high-water mark of what a client can expect from their advocate."

"He's gone really above and beyond what he would have been required to do. His advocacy was fantastic - even the other side said they thought he was absolutely wonderful."

"He is razor-sharp and incredible with clients - honest and realistic but incredibly sympathetic."

"He has a lot of presence and is highly committed and flexible to work with. He takes the strongest points but is unafraid to argue difficult cases."

Related practice areas

Administrative & Public Law

Housing, Social Welfare and Property

Community Care and Health

Actions Against the Police and Public Authorities

Anti-Trafficking

Data Protection and Information Law

Children's Rights Group

Clinical Negligence, Personal Injury & Product Liability

Discrimination

Inquests and Public Inquiries

Climate and Environmental Justice

Administrative and Public Law

The breadth of Jamie's public law work is considerable. He has acted in many cases concerning the provision of support and/or accommodation to vulnerable groups in society and has a thorough understanding of central and local government's responsibilities in all areas of the welfare state. He regularly advises on NHS continuing care, clinical provision, community care (including charging), clinical provision, children services, welfare benefits, homelessness, housing allocations and asylum support. He has been acted in numerous commercial JRs and advises public and private parties about public law disputes including around public procurement and the Public Contracts Regulations 2015.

Jamie acted for the Claimants in many of the highest profile cases during the pandemic and the costs of living crisis. The directories note that Jamie is involved in *“significant challenges to central government and local authority decisions on the provision of public services and welfare benefits”* and is *“particularly skilled in public law and policy challenges”*.

Recent cases include:

R (T & Wayland) v. Secretary of State for Work and Pensions [2023] EWCA Civ 24

Jamie led Desmond Rutledge in this claim for judicial review against the Government’s decision not to uplift benefits for 2 million legacy benefit claimants in line with Universal Credit as part of the response to the pandemic. Jamie was instructed by Will Ford at Osbornes.

R (CB) v. Secretary of State for the Home Department [2022] EWHC 3329 (Admin)

Leading Michael Spencer, Jamie successfully challenged the rates of asylum support paid to 85,000 people on the grounds that they were too low and the mechanism for assessing the correct amount irrational. Jamie was instructed by Kathleen Cosgrove at Manchester Law Centre.

R (ZLL) v. Secretary of State for the Communities, Housing and Local Government [2022] EWCA Civ 1059

Jamie leading Joshua Hitchens and Sian McGibbon, Jamie maintained that the Government acted unlawfully when it ended the “Everyone In” scheme, whereby the Government purported to accommodate all rough sleepers during the pandemic. The appeal was unsuccessful on the grounds that it had become academic by the time it was heard by the Court of Appeal. Jamie was instructed by Camden Law Centre.

R (LK) v. Secretary of State for the Home Department [2023]

This case concerns the decision to suspend thousands of applications for leave to remain by EEA nationals pursuant to the EU Settled Status Scheme pending criminal prosecutions. Jamie leads Adrian Berry from Garden Court chambers and is instructed by Ellen Fotheringham of Public Interest Law Centre.

R (Leadbetter) v. Secretary of State for Transport [2023]

This judicial review concerns the Secretary of State’s policy about the height of kerbs and in particular the maximum height of kerbs than can be detected by blind people who use white canes and/or guide dogs. The claim is bought by all the charities who work on behalf visually impaired people, all of which maintain that the government’s maximum height is too low,

endangering 2m blind people who use the roads. Jamie leads Sarah Steinhardt and is instructed by Elizabeth Cleaver at Bindmans.

R (Laines Roman) v. Southwark LBC [2022] PTSR 591

In this landmark case regarding overcrowding and housing allocation schemes, Jamie successfully represented a homeless family who were denied assistance on the basis that they had become overcrowded by their decision to emigrate to the UK to take up work. The successful argument maintained that this was a reasonable choice for an impoverished family to make and it was not their fault that they could not afford more suitable accommodation because of their low wages. The decision was therefore irrational. Jamie was instructed by Helen Mowat Public Interest Law Centre.

R (TRX) v. Network Homes [2022] EWHC 456 (Admin)

Network Homes is a registered provider of social housing. The claimant was a tenant and a survivor of domestic violence. She applied for a transfer and was denied. She brought a claim for judicial review. Network Homes contended that it was private company and not susceptible to judicial review. The Claimant won on this point and the challenge to the decision not to provide the Claimant with a transfer. Jamie was instructed by Helen Mowat Public Interest Law Centre

R (Hotta) v. Secretary of State for Health for Social Care [2021] EWHC 3359 (Admin)

This judicial review concerned the government's hotel quarantine scheme that requires persons entering the UK from certain "red list" countries to spend ten days in hotels designated by the Government irrespective of whether they are vaccinated or not. The claim maintained that the scheme breaches article 5 ECHR, the right to liberty. Jamie led Adam Wagner, Juliet Wells, Cian Murphy and was instructed by Tom Ainsworth at PGMBM.

R (OK) v. Secretary of State for Health [2021] EWHC 3165 (Admin)

This judicial review concerned the charging of a person from abroad for health services that they needed. The challenge alleged the legislation was being misapplied by the defendants and meant that persons from abroad were being wrongly denied essential health care. common law principles of consultation were not complied with and the results of the consultation were misrepresented to the decisions maker. Jamie led Admas Habteslasie and instructed by Janet Farrell at Bhatt Murphy.

R (Joint Council for the Welfare of Immigrants) v. Secretary of State for the Home Department [2021] 1 W.L.R 1151

The Government's scheme banning landlords from renting to undocumented migrants was declared to be incompatible with Article 14 in the High Court but the Secretary of State's appeal was allowed by the Court of Appeal. Jamie acted for the Claimant charity and was led by Phillippa Kaufmann KC, instructed by Rowan Smith at Leigh Day.

R (SB) v. Tower Hamlets LBC Court of Appeal [2021] 1 All E.R. 654

Jamie leading Dan Clarke on behalf of SB, a victim of domestic violence, who was found to be intentionally homeless, argued that the law should be interpreted in a manner to protect victims of domestic violence. This argument succeeded but was lost on the facts. Jamie was instructed by Lou Crisfield at Miles and Partners.

R (Sustain and Good Law Project) v. Secretary of State for Education [2020]

The Defendant had refused to extend Free School Meals to school children during the 2020 summer vacation despite the adverse circumstances caused by the pandemic. Jamie, leading Daniel Clarke and Sam Jacobs, advised the Claimants.

R. (on the application of JD) v Secretary of State for Work and Pensions [2020] EWHC 1976 (Admin)

Jamie, leading Daniel Clarke, acted for the Claimant in this disability discrimination claim by which it is alleged features of the Secretary of State's mortgage interest loan scheme disadvantage disabled claimants. The case is due to be heard by the Court of Appeal in June 2021.

R (DA/DS) v. The Secretary of State for Work and Pensions & Equalities Human Rights Commission & Shelter & Just Fair [2019] 1 WLR 3289 Supreme Court

These appeals challenged the Government's flagship reform to social security, the "benefit cap", which placed a single cap on all benefits a recipient can receive irrespective of their level of need. Jamie acted as lead counsel for the Second Intervenor, Just Fair. Dan Clarke was junior counsel.

Ward v. Borough of Poole [2019] - Successfully compromised before trial

Jamie acted pro-bono for Ms Ward (instructed by Liberty) in her challenge to local bylaws that outlaw rough sleeping and begging. In response to the case the Council withdrew the bylaws.

R(AA) v. Rotherham BC (2020) 23 C.C.L. Rep. 41

This challenge was to the closure of a day care centre in Rotherham that had previously been used by many disabled people. The case concerned the common law on consultation.

R (Liberty) v. Director of Legal Aid Casework [2019] 1 WLR 5185

Jamie acted for Liberty in this challenge about access to legal aid for homeless persons criminalized by Public Spaces Protection Order. The case raises serious issues about access to justice, civil liberties and human rights. Angela Patrick was junior counsel.

Seepersad (A Child) v Ayers-Caesar [2019] UKPC 7

The Privy Council dismissed an appeal against the decision of the Caribbean Court of Appeal which maintained the detention of a minor in an adult's prison did not violate the Constitution. Jamie was junior counsel to Richard Clayton KC and Anand Ramlogan SC.

R (Gullu) v. London Borough of Hillingdon & Equality and Human Rights Commission [2019] PTSR 1738 Court of Appeal

This case concerned discrimination against refugees in the provision of public housing. It raised important issues about the extent to which residency requirements can be applied to refugees who by definition cannot choose which country they live in. The Claimant successfully appealed to the Court of Appeal.

R. (on the application of Underwritten Warranty Co Ltd (t/a Insurance Backed Guarantee Co)) v FENSA Ltd [2017] EWHC 2308

Jamie acted for the successful Defendant in a commercial judicial review arising out the Defendant's status as a Competent Persons Scheme. The Claimant maintained that the Defendant's decision making was unlawful and motivated by the commercial interests of its parent company. The Defendant argued that its decisions had been legitimately and lawfully made, and, in any event, it was not exercising public functions when it made them. The Defendant was successful on all grounds.

LL v Lord Chancellor [2017] EWCA Civ 237 | [2017] 4 W.L.R. 162

This is the only successful case for damages pursuant to s.9 HRA and Article 5(5) in relation to a judicial act. A High Court judge sentenced the claimant to a lengthy period of imprisonment for contempt of court but, in the course of doing so, made such egregious errors that the Claimant was exceptionally entitled to damages for unlawful detention.

Housing and Social Welfare

Jamie is a housing specialist and is recognised as a 'star individual' in Chambers and Partners.

In Phase 1 of the **Grenfell Tower Public Inquiry** Jamie acted for various bereaved, survivors and residents affected by the fire.

Recent cases include:

R (Zaman) v. Waltham Forest BC [2023] Court of Appeal

Jamie, leading Sian McGibbon, acts for the Appellant and maintains that the Council's policies regarding the provision of accommodation out of borough policies are unlawful as irrational and in breach of law. He is instructed by Marcin Brajta at Camden Law Centre

R (Wellington) v. Lambeth Borough Council [2023]

This case concerns the practice of numerous local authorities of persuading young care leavers to forego their statutory entitlements in return for being given independent accommodation and less supervision by social workers. Tempted by this taste of freedom, many children accept this offer, without perhaps fully realising what they are giving up in terms of long term assistance including financial support until they are 25. This practice is widespread and is further worsening outcomes for care leavers, who often experience particular hardship. Jamie leads Connor Johnson of Garden Court Chambers and is instructed by Dan Rosenberg at Simpson Millar.

R (ZLL) v. Secretary of State for the Communities, Housing and Local Government [2022] EWCA Civ 1059

Jamie leading Joshua Hitchens and Sian McGibbon, Jamie maintained that the Government acted unlawfully when it ended the "Everyone In" scheme, whereby the Government purported to accommodate all rough sleepers during the pandemic. The appeal was unsuccessful on the grounds that it had become academic by the time it was heard by the Court of Appeal. Jamie was instructed Derek Barnardi by Camden Law Centre.

R (Laines Roman) v. Southwark LBC [2022] PTSR 591

In this landmark case regarding overcrowding and housing allocation schemes, Jamie successfully represented a homeless family who were denied assistance on the basis that they had become overcrowded by their decision to emigrate to the UK to take up work. The successful argument maintained that this was a reasonable choice for an impoverished family to make and it was not their fault that they could not afford more suitable accommodation because of their low wages. The decision was therefore irrational. Jamie was instructed by Helen Mowat Public Interest Law Centre.

R (TRX) v. Network Homes [2022] EWHC 456 (Admin)

Network Homes is a registered provider of social housing. The claimant was a tenant and a survivor of domestic violence. She applied for a transfer and was denied. She brought a claim for judicial review. Network Homes contended that it was private company and not susceptible to judicial review. The Claimant won on this point and the challenge to the decision not to provide the Claimant with a transfer. Jamie was instructed by Helen Mowat Public Interest Law Centre

R (Joint Council for the Welfare of Immigrants) v. Secretary of State for the Home Department [2021] 1 W.L.R 1151

The Government's scheme banning landlords from renting to undocumented migrants was declared to be incompatible with Article 14 in the High Court but the Secretary of State's appeal was allowed by the Court of Appeal. Jamie acted for the Claimant charity and was led by Phillippa Kaufmann KC, instructed by Rowan Smith at Leigh Day.

LB v Tower Hamlets LBC Court of Appeal (Civil Division) [2021] 1 All E.R. 654

This statutory appeal concerned the proper meaning of intentional homelessness under the Housing Act 1996 in the context of woman experiencing domestic violence. Jamie was instructed by Lou Crisfield at Miles and Partners.

R (Gullu) v. London Borough of Hillingdon & Equality and Human Rights Commission [2019] PTSR 1738 Court of Appeal

This case concerned discrimination against refugees in the provision of public housing. It raised important issues about the extent to which residency requirements can be applied to refugees who by definition cannot choose which country they live in. The Claimant successfully appealed to the Court of Appeal.

Ward v. Borough of Poole [2019] - Successfully compromised before trial

Jamie acted pro-bono for Ms Ward (instructed by Liberty) in her challenge to local bylaws that outlaw rough sleeping and begging. In response to the case the Council withdrew the bylaws.

John Romans Park Homes Ltd v Hancock Upper Tribunal [2018] UKUT 249 (LC)

The appeal raised an important issue regarding the meaning of 'protected site' in the Mobile Homes Act 1983 and the Caravan Sites Act 1968. The UT decided a 'mixed use' site could be a protected site and therefore all eligible agreements were protected under the 1983 Act.

Poshteh v Kensington and Chelsea RLBC [2017] A.C. 624

The Supreme Court dismissed the Appellant's appeal and found that decisions about homelessness assistance under Part VII Housing Act 1996 do not engage Article 6 ECHR

Community Care and Health

Jamie regularly undertakes judicial reviews concerning community care and health law and also acts in civil claims concerning children and health authorities in particular. Jamie advises on NHS funding and treatment decisions as well as NHS Continuing Healthcare. The directories quote that *"He has encyclopaedic knowledge of social care law and he's in all the big cases"* and *"Jamie is barrister of choice for complicated community care and housing. He is brilliant - really responsive and down to earth, and also creative at coming up with solutions"*.

Recent cases include:

R (AP) v. Oxford Health Trust [2023]

This judicial review and civil claim pursuant to Article 3 concerns the treatment of an autistic man with learning difficulties who was detained in a tiny room with no access to the outside or recreation, with a 10:1 staffing team, for a year. The case maintains that this 'treatment' was unnecessary, counterproductive and hence contrary to his human rights. This is a national issue and therefore the case is of very significant importance to the hundreds of autistic people left languishing on psychiatric wards, despite not being mentally unwell. Jamie leads Oliver Lewis and is instructed by Elizabeth Cleaver of Bindmans.

R (Wellington) v. Lambeth Borough Council [2023]

This case concerns the practice of numerous local authorities of persuading young care leavers to forego their statutory entitlements in return for being given independent accommodation and less supervision by social workers. Tempted by this taste of freedom, many children accept this offer, without perhaps fully realising what they are giving up in terms of long term assistance including financial support until they are 25. This practice is widespread and is further worsening outcomes for care leavers, who often experience particular hardship. Jamie leads Connor Johnson of Garden Court Chambers and is instructed by Dan Rosenberg at Simpson Millar.

R (T & Wayland) v. Secretary of State for Work and Pensions [2023] EWCA Civ 24

Jamie led Desmond Rutledge in this claim for judicial review against the Government's decision not to uplift benefits for 2 million legacy benefit claimants in line with Universal Credit as part of the response to the pandemic. Jamie was instructed by Will Ford at Osbornes.

R (CB) v. Secretary of State for the Home Department [2022] EWHC 3329 (Admin)

Leading Michael Spencer, Jamie successfully challenged the rates of asylum support paid to 85,000 people on the grounds that they were too low and the mechanism for assessing the correct amount irrational. Jamie was instructed by Kathleen Cosgrove at Manchester Law Centre.

R (Hotta) v. Secretary of State for Health for Social Care [2021] EWHC 3359 (Admin)

This judicial review concerned the government's hotel quarantine scheme that requires persons entering the UK from certain "red list" countries to spend ten days in hotels designated by the Government irrespective of whether they are vaccinated or not. The claim maintained that the scheme breaches article 5 ECHR, the right to liberty. Jamie led Adam Wagner, Juliet Wells, Cian Murphy and was instructed by Tom Ainsworth at PGMBM.

R (OK) v. Secretary of State for Health [2021] EWHC 3165 (Admin)

This judicial review concerned the charging of a person from abroad for health services that they needed. The challenge alleged the legislation was being misapplied by the defendants and meant that persons from abroad were being wrongly denied essential health care. common law principles of consultation were not complied with and the results of the consultation were misrepresented to the decisions maker. Jamie led Admas Habteslasie and instructed by Janet Farrell at Bhatt Murphy.

National Union of Professional Foster Carers (NUPFC) v. Certification Officer [2021] EWCA Civ 548 | [2021] 4 All E.R. 826

Foster carers are not permitted worker status and cannot join unions. They persuaded the courts that this amounted to unlawful discrimination under Article 14. Jamie acted on behalf of the intervenor, the European Children Rights Unit.

R (SN) v. Nottingham CC [2020] - Settled before trial

This case concerned the status of EEA nationals who have applied for leave to remain under the EU settled status scheme and are deemed to be excluded from state support in the meantime. Jamie acted for the Claimant and established that the Claimant was entitled to receive support until a decision under the EUSS was made.

R. (on the application of JD) v Secretary of State for Work and Pensions [2020] EWHC 1976 (Admin)

Jamie, leading Daniel Clarke, acted for the Claimant in this disability discrimination claim by which it is alleged features of the Secretary of State's mortgage interest loan scheme disadvantages disabled claimants unreasonably. The case is due to be heard by the Court of

Appeal in June 2021.

R(AA) v. Rotherham BC (2020) 23 C.C.L. Rep. 41

This was a challenge to the closure of a day care centre in Rotherham that had previously been used by many disabled people. The case concerned the common law duty of consultation.

R. (on the application of Davey) v Oxfordshire CC & EHRC & Inclusion London Court of Appeal [2017] EWCA Civ 1308; [2018] P.T.S.R. 281

This case is one of the leading cases on the Care Act 2014. Jamie acted for the unsuccessful Claimant.

R. (on the application of SG) v Haringey LBC [2017] EWCA Civ 322

This case established that local authority social services departments must provide accommodation to asylum seekers who have accommodation related needs for care and support and is also a leading case on the Care Act 2014.

R (on the application of GS) v Camden LBC [2016] EWHC 1762 (Admin); [2017] P.T.S.R. 140

Jamie acted for the Claimant in this landmark case that established that local authorities may be under a duty to accommodate homeless migrants who have no right to be in the UK but cannot be removed.

Equality and Discrimination

Jamie regularly acts for individuals and NGOs in high profile discrimination challenges and is a leading expert on the intersection between social rights and discrimination. He is on the EHRC A Panel of counsel.

Recent cases include:

R (T & Wayland) v. Secretary of State for Work and Pensions [2023] EWCA Civ 24

Jamie led Desmond Rutledge in this claim for judicial review against the Government's decision not to uplift benefits for 2 million legacy benefit claimants in line with Universal Credit as part of the response to the pandemic. The claim alleged disability discrimination contrary to Article 14 ECHR. Jamie was instructed by Will Ford at Osbornes.

Abrahart v. University of Bristol – Court of Appeal [2023]

By this claim the parents of a 20 year old student who committed suicide whilst studying at University claim damages for discrimination and breach of their rights. The case was successful and the first of its kind. As such it attracted significant media attention. The University has appealed to the Court of Appeal. Leading Sarah Steinhardt, Jamie is instructed by Gus Silverman at Irwin Mitchell

R (Leadbetter) v. Secretary of State for Transport [2023]

This judicial review concerns the Secretary of State's policy about the height of kerbs and in particular the maximum height of kerbs than can be detected by blind people who use white canes and/or guide dogs. The claim is brought by all the charities who work on behalf visually impaired people, all of which maintain that the government's maximum height is too low and in breach of PSED, endangering 2m blind people who use the roads. Jamie leads Sarah Steinhardt and is instructed by Elizabeth Cleaver at Bindmans.

R (AP) v. Oxford Health Trust [2023]

This judicial review and civil claim pursuant to Article 3 and Article 14 concerns the treatment of an autistic man with learning difficulties who was detained in a tiny room with no access to the outside or recreation, with a 10:1 staffing team, for a year. The case maintains that this 'treatment' was unnecessary, counterproductive and hence contrary to his human rights. This is a national issue and therefore the case is of very significant importance to the hundreds of autistic people left languishing on psychiatric wards, despite not being mentally unwell. Jamie leads Oliver Lewis and is instructed by Elizabeth Cleaver of Bindmans.

Saluika v. Ministry of Justice [2023]

The claimant committed suicide when in Belmarsh Prison. He was seriously disabled and the prison failed to make reasonable adjustments to take account of his needs. This affected his mental health and led to his suicide. This is the first known case of disability discrimination arising from a death in prison. Jamie is instructed by Jo Eggleton at DPG solicitors.

R (Joint Council for the Welfare of Immigrants) v. Secretary of State for the Home Department [2021] 1 W.L.R 1151

The Government's scheme banning landlords from renting to undocumented migrants was declared to be incompatible with Article 14 in the High Court but the Secretary of State's appeal was allowed by the Court of Appeal. Jamie acted for the Claimant charity and was led by Phillippa Kaufmann KC, instructed by Rowan Smith at Leigh Day.

R. (on the application of JD) v Secretary of State for Work and Pensions [2020] EWHC 1976 (Admin)

Jamie, leading Daniel Clarke, acted for the Claimant in this disability discrimination claim by which it is alleged features of the Secretary of State's mortgage interest loan scheme disadvantage disabled claimants. The case is due to be heard by the Court of Appeal in June 2021.

R (DA/DS) v. The Secretary of State for Work and Pensions & Equalities Human Rights Commission & Shelter & Just Fair [2019] 1 WLR 3289 Supreme Court

These appeals challenged the Government's flagship reform to social security, the "benefit cap", which placed a single cap on all benefits a recipient can receive irrespective of their level of need. Jamie acted as lead counsel for the Second Intervenor, instructed by Bindmans.

National Union of Professional Foster Carers (NUPFC) v. Certification Officer [2021] EWCA Civ 548 | [2021] 4 All E.R. 826

Foster carers are not permitted worker status and cannot join unions. They persuaded the courts that this amounted to unlawful discrimination under Article 14. Jamie acted on behalf of the intervenor, the European Children Rights Unit.

R (Gullu) v. London Borough of Hillingdon & Equality and Human Rights Commission [2019] PTSR 1738 Court of Appeal

This case concerned discrimination against refugees in the provision of public housing. It raised important issues about the extent to which residency requirements can be applied to refugees who by definition cannot choose which country they live in. The Claimant successfully appealed to the Court of Appeal.

International Law

Jamie regularly advises international organisations about international human rights law. He has provided training to organisations in India, Bangladesh and Zimbabwe.

Jamie has acted for the claimants in an international tort claim arising from the alleged mistreatment of local inhabitants of Madagascar by an international mining company.

In 2009 Jamie spent six months working on welfare and environmental issues in India. He was involved in a group action concerning the largest anti-poverty scheme in the world ("the

Right to Food") and assisted in various claims relating to environmental damage caused by mining in south India.

Prison Law and Criminal Justice

Jamie has been instructed on numerous judicial reviews relating to prison conditions, the release of prisoners and issues arising out of the criminal justice system. He advises both victims and suspects in relation to decisions of the CPS.

Jamie acted for a group of inmates at Wandsworth prison and other prisoners in relation to the provision of inadequate healthcare in prison.

Actions Against the Police and Public Authorities

Jamie has acted for claimants in actions against the police and public authorities since he commenced practise. He has particular expertise in the field of damages claims under the Human Rights Act 1998 arising from defective investigations into serious allegations regarding Articles 2, 3, 4 and 8 of the European Convention of Human Rights. He co-authored '**Police Misconduct**', published by LAG, '**Children in Need**', published by LAG and Butterworths' PI Litigation Service, Division XXIV '**Liability of Public Authorities**'. The directories quote that Jamie is "*An absolute authority on failure to investigate claims*".

Recent cases include:

R (AP) v. Oxford Health Trust [2023]

This judicial review and civil claim pursuant to Article 3 and Article 14 concerns the treatment of an autistic man with learning difficulties who was detained in a tiny room with no access to the outside or recreation, with a 10:1 staffing team, for a year. The case maintains that this 'treatment' was unnecessary, counterproductive and hence contrary to his human rights. This is a national issue and therefore the case is of very significant importance to the hundreds of autistic people left languishing on psychiatric wards, despite not being mentally unwell. Jamie leads Oliver Lewis and is instructed by Elizabeth Cleaver of Bindmans.

VSW v. A Girls School [2023]

Jamie advised the claimant in relation to a claim for damages under the HRA. The claimant experienced extensive sexual and physical abuse at the hands of her stepfather and

maintained that her previous school failed to take steps to safeguard her after she made disclosures. The claim was settled for a significant sum. Jamie was instructed by Sophie Naftalin at Bhatt Murphy.

Abrahart v. University of Bristol – Court of Appeal [2023]

By this claim the parents of a 20 year old student who committed suicide whilst studying at University claim damages for discrimination and breach of their rights. The case was successful and the first of its kind. As such it attracted significant media attention. The University has appealed to the Court of Appeal. Leading Sarah Steinhardt, Jamie is instructed by Gus Silverman at Irwin Mitchell

Dawood v. Home Office [2023]

The claimant was killed when being pursued by Home Office immigration officers who were investigating illegal working.

The claimant ran from the officers and scaled a tall building. The officers continued the pursuit and drew their batons. The claimant, who was a young asylum seeker from Eritrea, fell to his death. Jamie's clients are suing the Home Office on behalf of the claimant's estate. He is instructed by Olivia Anness Bhatt Murphy.

Saluika v. Ministry of Justice [2023]

The claimant committed suicide when in Belmarsh Prison. He was seriously disabled and the prison failed to make reasonable adjustments to take account of his needs. This affected his mental health and lead to his suicide.

This is the first known case of disability discrimination arising from a death in prison. Jamie is instructed by Jo Eggleton at DPG solicitors.

BAMN v. A Police Force [2023]

This case is a highly sensitive case concerning an historic allegation of rape that was not properly investigated at the time or since. The case also involved multiple other failings, including the breaches of the client's confidentiality. Jamie is instructed by Sasha Barton at Hodge Jones Allen.

MK v Buckinghamshire CC [2020] EWHC 2989

This claim in negligence concerns alleged failures by the Defendant social services department in relation to a care leaver.

SCC v. (i) Telford Borough Council (ii) West Mercia Police (iii) Royal Borough of Greenwich and (iv) Commissioner of the Police for the Metropolis [2019] – Settled pre-trial

This case concerns failures by four different Police and social service departments to protect the Claimant and her siblings over many years after she had been trafficked to the UK from Haiti. She suffered years of sexual exploitation, forced pregnancy and forced labour.

Tomaszewski v. Chief Constable of Nottinghamshire Police [2019]

The claimant suffered a psychiatric episode when he became psychotic. Whilst in police custody he gouged out his eye and is now blind. He claimed the police were negligent in failing to recognise his risk.

SJ Moore (Jeweller) Ltd v Squibb Group Ltd [2018] EWHC 2731

This multi-million pound tort claim arose out of the 2011 London riots and the theft of jewellery from a shop in Tottenham.

Wills & Others v. Commissioner for Police of Metropolis [2018]

The police assaulted and dispersed a group of anti-fascist protestors who wished to counter-demonstrate against a British National Party march in central London. This group claim is for damages for assault and a breach of their right to protest under the Human Rights Act. The case is important because it considers the extent to which the counter-demonstrators had a right to demonstrate as close as possible and with maximum disruption of the BNP march.

SJ Moore (Jeweller) Ltd v Squibb Group Ltd [2018] EWHC 2731

This multi-million pound tort claim arose out of the 2011 London riots and the theft of jewellery from a shop in Tottenham.

T v Chief Constable Staffordshire Police CO/OBMO4476

Jamie successfully sued Staffordshire Police on behalf of a Claimant who maintained that the Police failed to investigate an allegation of rape adequately and as a consequence breached her Article 3 right to an effective investigation. The case was the first to be determined at trial

Freedom of Information and Data Protection

Jamie acts for Claimants and Defendants in cases which concern potential breaches of the right to privacy/confidentiality under Article 8 ECHR/DPA in the multiple different context,

including sensitive information included in applications for Public Interest Immunity and Closed Material Procedure. He has intervened in proceedings in order to protect the privacy of third parties and appeared in several judicial reviews which involved privacy and data issues. He advises agencies and international organisations on issues pertaining to sensitive data issues.

Clinical Negligence and Personal Injury

Jamie regularly advises on NHS continuing care and clinical provision. He regularly advises clients in civil claims about quantum in relation to the personal injuries they have suffered.

Personal Injury

Jamie regularly acts for claimants in personal injury claims often, but not exclusively, against public authorities.

Inquests and Public Inquiries

Jamie acted for survivors and bereaved families in Part 1 of the Grenfell Tower Public Inquiry. He is currently instructed on behalf of a consortium of disability charities in the UK Covid-19 Inquiry.

Jamie also regularly acts for families in inquests. In 2022 he acted for the families of a young man and care leaver murdered whilst in supported living accommodation, an asylum seeker killed when escaping UK Border Forces, a disabled prisoner who took his own life and asylum seekers who took their own lives when under the care of local authorities. In all these inquests the jury or coroner returned narrative conclusions which identified causative failings by public bodies. He currently acts for the grandmother of Asiah Kudi, a 20 month old baby who died whilst residing in supported accommodation with her young mother.