

# 12

King's Bench Walk

## Simon P John

Call: 1996  
sjohn@12kbw.co.uk



### AREAS OF EXPERTISE

Personal Injury, Employment & Discrimination, Clinical Negligence, Industrial Disease, Insurance, Costs, Fraud, Inquests, Public Authority Liability, Property

### Employment & discrimination

---

Simon has wide-ranging experience in employment law and regularly appears in the ET as well as having EAT and High Court experience. He represents both Claimants and Respondents and regularly represents Local Authorities and Police Authorities, as well as commercial employers. Simon also represents Union-backed Claimants and private individuals from worker to director level. He is experienced in all of the prohibited grounds of discrimination case, redundancy, wage claims, unfair dismissal, whistle-blowing claims, TUPE and bonus cases.

Simon is also experienced in drafting and representation in fitness to practice proceedings involving nurses before the Nursing and Midwifery Council, including consideration of appeals and reviews.

Simon has recently advised on difficult issues involving the transfer of traffic warden services and a complex transfer of local authority/police/private charity service provision, and has recently represented a high-profile Professor in an internal University appeal, a re-structuring company in dispute with one of its directors, and various cases involving significant sexual allegations in the workplace.

Simon is also experienced in and has provided training on Discrimination in services cases. He provides accredited CPD seminars on these topics.

Simon has featured in the Legal 500 as a recommended employment practitioner and has acted as legal panel advisor as well as legal representative at professional disciplinary/appeal hearings.

### Cases

---

*X v Swansea CC [2016]* – multi-party inquest raising some unique issues as to city centre road design as alleged contributory cause in highway deaths;

*Vaughan v CMB & ors [2016]* – case exploring the effect of *Smith v Northampton* and employer and occupier issues of control of workplace and knowledge of equipment for the purposes of PUWERegs 1998;

*Indigo v Welply [2016]* – interesting case following and distinguishing the landmark case of *Beavis v Parking Eye* in which Contractual authority and status of charges as Penalties raised;

*Agius v Spencer [2015]* – high value HAVS claim distinguishing the *O'Keefe v Isle of Man* negative inference principle and exploring Thoracic Outlet Syndrome aetiology;

*Law v Caerphilly RFC [2015]* – case alleging breach of IRB and WRU rules on Senior v Junior play and duty of care;

*Shaw v Merthyr [2014] CA* – Costs appeal on the enforceability of a purported part 36 offer wrongly adopting pre-2007 CPR wording, considering *Thewlis (HC)* and whether offer can be saved by CA purposive approach in *CvD* and *PHI* line of authority

*Bramwell v X [2014]* – £700k chronic pain case

*Smith v TT [2014]* – whether bonus discretionary or contractual, incorporation and variation issues

*Law v Caerphilly RFC [2014]* – duty to junior rugby players training with seniors

*Robinson v Stoke Hall [2014]* – constructive dismissal, undermining in role, abandoned criminal prosecution

*Bellisario v London Bus [2013]* – alleged discrimination in provision of bus services to wheelchair users

*French v Canada Life [2013]* – enforceability of PHI, extent of fitness to work clause

*Arpa v X [2013]* Solicitors negligence

*Eaton v Robinson [2012]* – foreseeability of psychiatric damage to secondary victim only witnessing hospital aftermath of accident

*Jenkins v Gwent Police [2011]* – Police Appeal Tribunal – legitimate expectation abuse of process arguments in rehearing disciplinary charges.

*X v Torfaen CBC & anor [2011]* – Extent of delegated control between employer and contractor for purposes of duty under the Workplace Regs.

*Q fever SCA litigation [2011]* – Multiple Claimant PI actions involving obscure disease and complex causation and quantification arguments.

*Sarah Knight v Cartrefi Cymru [2010]* – Repudiatory conduct by employer, final straw doctrine and waiver by delay and conduct.

*Ellen Waters v Cardiff County Council [2010]* – Duty of care to staff in dealing with violent residents in care, knowledge.

*Jacobs v Rhosserchan [2010]* – Whistleblowing, detriment causation, care standards, repudiatory breach.

*Abdelmonium v South Wales Police EAT [2009]* – Race discrimination case involving interesting comparator arguments and novel judgment delay issues.

*Rowan v the Environment Agency [2008]* – EAT IRLR 20 Appeal case on constructive dismissal, DDA reasonable adjustments and providing guidance on requisite findings for the tribunal.

*Cornwall Gardens v RO Garrard & others (CA) LTL 19/9/01: Times June 19 2001* – Million pound dispute as to rights of way and the economic tort of interference with business rights