

JEFFREY JUPP KC

Year of call
1994

Silk
2024



Jeffrey Jupp KC practises in employment law, regulatory and professional discipline, and commercial litigation. He was shortlisted for Legal 500 Employment Junior Barrister of the year in 2024 and shortly thereafter elevated to Kings Counsel.

Jeffrey's practice crosses between all three areas and he is as at home in the High Court as he is in the Employment Tribunal, Employment Appeal Tribunal or in a professional regulatory tribunal. Many of his cases involve the interface between these areas. His cases are frequently factually or legally complex or are highly sensitive.

Jeffrey often acts for offshore and international clients and has been involved in cases in a number of jurisdictions including the Cayman Islands, Isle of Man, Jersey, Guernsey, and St Helena.

He is experienced at appellate level, having appeared in cases in the Employment Appeal Tribunal, Court of Appeal, and Privy Council.

Jeffrey is a former Chair of the Disciplinary Committee of the Institute of Financial Accountants and a former panel member of the Disciplinary Panel of the Bar Tribunals and Adjudication Service (formerly the Council of the Inns of Court Disciplinary Panel).

Jeffrey is qualified to accept instructions directly from clients and is registered under the Bar Council's Public Access Scheme, meaning that members of the public who seek specialist advice can come direct to him. In addition, he welcomes instructions from solicitors, in-house law departments, qualified foreign lawyers, and clients licensed by the Bar Council to give instructions direct to barristers under the Bar Council's Licensed Access Scheme. For more information please visit our Direct Access page [here](#).

LEGAL EXPERTISE

Employment

Jeffrey has practiced in this field for over 25 years and is experienced in all aspects of employment and discrimination law. He acts for private companies, local authorities, employees and trade unions. He is instructed in high value, legally complex and/or sensitive cases.

Discrimination

Jeffrey has considerable experience in all strands of discrimination. He is regularly instructed in high value complex and sensitive cases. He has particular expertise in acting in discrimination cases involving financial institutions in the city and in relation to partnerships, LLPs and other professional services firms. He has acted or is currently acting for a number of finance and other professionals bringing substantial disability, sex, race and other discrimination claims against their employers.

He has acted in several cases involving discrimination on the grounds of belief. Including the recent case of *Ali v Green Party*. He has also advised politicians and public sector bodies in relation policies and procedures in this area. Some of these cases have also involved issues of freedom of speech and data protection.

Whistleblowing

Jeffrey has recently acted in several significant whistleblowing cases, including on behalf of the general counsel of a major industry and in an appellate seeking to extend whistleblowing protection to job applicants.

Collective employment law

Jeffrey regularly acts in cases involving groups of employees concerning:

- failures to consult in relation to redundancies under the 1992 Act;
- underpayment of the national minimum wage;
- holiday pay claims, and;
- agency worker claims.

He has acted for and against trade unions in respect of industrial disputes, internal disciplinary matters and in recognition cases.

He is the Editor of *McMullen, Business Transfers and Employee Rights* and also writes the TUPE chapter in the leading practitioner textbook, *Harvey on Industrial Relations*. He regularly advises large employers and local authorities on all issues arising out of transfers of undertakings including insolvent transfers.

High Court litigation

Jeffrey also has considerable experience advising and representing clients in employment litigation in the High Court. He has acted in claims concerning bonus disputes; clawback issues, and; carried interest arrangements. He also acted in cases related to the alleged manipulation of LIBOR.

Jeffrey has been involved in several cases involving medical professionals seeking injunctions to restrain disciplinary action, as well as in cases concerning post termination restraint and issues of employee confidentiality.

Related areas of practice

Jeffrey regularly advises on matters of data protection, the Regulation of Investigatory Powers Act 2000 (RIPA), social media, and human rights issues arising out of the use of personal data in the employment context.

Selected Cases

[Ali v Reason \[2024\] 2 WLUK 163](#)

Concerning whether a political party's dismissal of its former Deputy Leader from his spokesperson role due to the manifestation of his gender critical beliefs and therefore discriminatory contrary to the Equality Act 2010

[Sullivan v Isle of Wight Council \[2024\] EAT 4](#)

Appeal concerning the extension of whistleblowing protection to job applicants.

[Nursing and Midwifery Council v Somerville \[2022\] EWCA Civ 229; \[2022\] ICR 755; \[2022\] IRLR 447](#)

Worker status of Regulatory Panel Chair: Whether an irreducible minimum of obligation is a requirement to establish limb (b) worker status.

[Royal Cayman Islands Police Association & Ors v Royal Cayman Islands Police Service \[2021\] UKPC 21, \[2021\] IRLR 819, \[2022\] ICR 117.](#)

Human Rights: Whether a mandatory retirement age breaches Article 8 of the European Convention on Human Rights

[Mears Homecare Ltd v Bradburn \[2020\] ICR 31; \[2019\] IRLR 882](#)

Whether, following a relevant transfer within the meaning of TUPE, the transferor continues to be bound by the duty, pursuant to s.9 of the National Minimum Wage Act 1998.

[Hinrichs v Oracle Corp UK Ltd \[2019\] IRLR 1051](#)

Acting for European Works Council in appeal from CAC under the Transnational Information and Consultation of Employees Regulations 1999

[Ardron v Sussex Partnership NHS Foundation Trust QBD \[2019\] IRLR. 233 \(QB\)](#)

Acting for the NHS Trust successful in resisting a final injunction to stop disciplinary proceedings brought against a doctor.

Al-Obaidi v Frimley Health NHS Foundation Trust [2018] EWHC 2494 (QB)

Successful application for an injunction to lift an exclusion imposed on a consultant cardiologist by his hospital employer.

Romero v Nottingham City Council [2018] UKEAT 0303_17_2604

ACAS EC process. Only one ACAS certificate is permitted in relation to the same matter.

Green v Mears Ltd Court of Appeal [2019] ICR 771

The test for extending time for EAT appeals *Tabberer v Mears Ltd* [2018] UKEAT 0064_17_0502 – TUPE: Transferee’s variation of the employees’ contracts was not because of the transfer.

Tabberer v Mears Ltd [2018] UKEAT 0064_17_0502

TUPE: Transferee’s variation of the employees’ contracts was not because of the transfer.

Born London Ltd v Spire Production Services Ltd [2017] ICR. 998

TUPE: whether employee liability information is required to state whether a bonus is contractual.

Mist v Derby Community Health Services NHS Trust [2016] ICR 543

Whether EC Procedure applies to joinder of respondent.

Edie v HCL Insurance Services [2015] ICR 713

Indirect age discrimination; changing terms and conditions and the correct approach to the PCP.

Garrard v Governing Body of University of London [2013] EqLR 746

Jurisdiction of the county court to hear a claim of disability discrimination related to a doctor’s medical training.

Baxter v Titan Aviation Ltd UKEAT (2011) 0355/10/SM

Whether driver entitled to National Minimum Wage during layover.

Agbodo v Hertfordshire County Council [2010] All ER (D) 232

Whether concessions made before ET were binding on unrepresented Claimant.

Duncan v Secretary of State for Defence [2009] EWCA Civ 1043, [2009] All ER (D) 121

Whether Sec of State’s interpretation of the armed forces compensation scheme for injured soldiers was

correct (with Derek Sweeting QC).

[Johnson v Edwardian International Hotels \[2008\] All ER \(D\) 23, UKEAT/0588/07](#)

Mental capacity in the employment tribunal.

[John McCarthy v McCarthy & Stone plc \[2007\] EWCA Civ 664, \(2008\) 1 All ER 221](#)

Discretion and taxation in share option schemes (with Derek Sweeting QC).

Commercial

Jeffrey has practised in commercial litigation, arbitration and mediation for 18 years. His practice routinely involves the following:

- Breach of Warranty
- Conflict of Laws
- Fraud and Breach of Fiduciary Duty
- Insurance Law
- Minority shareholder rights
- Partnership
- Professional Negligence
- Sale of Goods

Jeffrey is currently instructed in a substantial professional negligence claim involving the provision of allegedly negligent tax advice and a number of minority shareholder cases. He has acted or advised in international and offshore cases in the following jurisdictions: DIFC; Jersey; Guernsey; Isle of Man; and the Cayman Islands.

Offshore & International Disputes

Jeffrey practices or undertakes work in several offshore jurisdictions, including the Cayman Islands, the Isle of Man, Jersey, Guernsey and the DIFC. He has particular expertise in employment, commercial and judicial review and constitutional matters and the interrelationship between these areas.

Jeffrey appeared in the Privy Council on appeal from the Cayman Islands as lead counsel in a case involving human rights, constitutional and employment issues. He has acted in several judicial review matters or related appeals in the Cayman Islands. These include a case in the Court of Appeal of the Cayman Islands concerning a decision of the Commissioner of Police regarding uniformed police officers shift policy and also a case involving the Companies Registrar. In the Isle of Man, Jeffrey acted for a former law officer in relation to his loss of office and in St Helena, he acted in claims by multiple individuals against a public body.

Jeffrey has also been instructed in a range of employment and commercial matters in Jersey and in a civil fraud arising out of an alleged Ponzi scheme.

Selected Cases

Royal Cayman Islands Police Association & Ors v Royal Cayman Islands Police Service [2021] UKPC 21, [2021] IRLR 819, [2022] ICR 117

Human Rights: Whether a mandatory retirement age breaches Article 8 of the European Convention on Human Rights

Regulatory & Professional Discipline

Jeffrey was formerly the Chair of the Disciplinary Committee of the Institute of Financial Accountants. He has also been a member of the Disciplinary Panel of the Bar Tribunals and Adjudication Service (formerly the Council of the Inns of Court Disciplinary Panel).

Healthcare

Jeffrey has acted for a number of doctors in Medical Tribunals Practitioners Service (MTPS) proceedings examining fitness to practice, including successfully representing a senior consultant in a lengthy investigation. This included appearing successfully before Interim Orders Tribunals on two occasions. Eventually the proceedings were discontinued. Jeffrey has also represented pharmacists before the Disciplinary Panel of the Royal Pharmaceutical Society.

Veterinary Surgeons

Jeffrey acted for the successful veterinary surgeon in the *Privy Council case of Samuel v Royal College of Veterinary Surgeons* [2014] UKPC 13. This is a key regulatory case on dishonesty in a private capacity and its effect on impairment.

Financial

Jeffrey has many years of financial regulatory experience. This includes prosecuting public sector accountants before the disciplinary tribunal of the Chartered Institute of Public Finance and Accountancy on numerous occasions including complex cases arising out of the Icelandic banking scandal. He has defended both individuals, LLPs and Companies in financial regulatory proceedings. He has advised on regulatory issues involving the Financial Conduct Authority, in relation to collective investment schemes, bonus claw backs and matters arising out of the Senior Managers' regime. He has also acted in a number of cases concerned with the scope of the Financial Ombudsman Service.

Legal

Jeffrey has recently acted in several regulatory cases before the Solicitor Disciplinary Tribunal (SDT) and advised firms on their obligations to the Solicitors Regulatory Authority (SRA).

Discrimination

Because of his extensive experience in cases of discrimination in the employment context Jeffrey has been instructed to act for and against regulators in cases of alleged discrimination on the grounds of race and disability.

Selected Cases

[Samuel v Royal College of Veterinary Surgeons \[2014\] UKPC 13](#)

[Nursing and Midwifery Council v Somerville \[2022\] EWCA Civ 229; \[2022\] ICR 755; \[2022\] IRLR 44](#)

Worker status of Regulatory Panel Chair: Whether an irreducible minimum of obligation is a requirement to establish limb (b) worker status.

Memberships

- Association of Regulatory & Disciplinary Lawyers
- Association of Regulatory & Disciplinary Tribunals
- Discrimination Law Association
- Employment Law Bar Association
- Employment Lawyers Association
- Football Association Regulated Lawyer
- Industrial Law Society
- London Common Law & Commercial Bar Association