

## Ian Wright

Called: 1983  
ianwright@fivepaper.com

"An informed strategist and tenacious advocate with a personable court manner." The Legal 500



### Profile

Ian is a specialist regulatory, employment and business immigration practitioner. He is recognised in the Legal 500 as a regulatory, health and safety expert.

He is the Joint Head of the Business Immigration and Regulatory Team with Satinder Gill. He is described in the Legal 500 as 'an informed strategist and tenacious advocate with a personable court manner.' He has a reputation for working extremely hard to achieve commercial outcomes for his clients through legal proceedings or settlement.

His health and safety work is for both regulators and duty holders and he has a niche specialism on appeals under section 24 HSWA.

Ian's other regulatory work is in financial services, Care Quality Commission and professional disciplinary proceedings.

In Business Immigration he has advised employers and businesses on entry routes under and outside the PBS. He has recorded a recent webinar on the 'Right to Work and penalties for Illegal working' for LexisNexis. He has advised individual and business clients on the right to work in the UK pre and post Brexit.

His employment work has a particular focus on unfair dismissal and discrimination claims for both claimants and respondents.

### Description of Practice

Ian's regulatory health and safety work has led to him being instructed in both the Supreme Court (2017) and the Court of Appeal (2015) in cases which established the test for an employment tribunal hearing a section 24 HSWA appeal. He has been on Part A of the Combined Regulatory List of Approved Counsel for more than 10 years.

In 2018 he represented an Authorised Individual before the Financial Markets Tribunal in Dubai hearing a regulatory challenge in a financial services matter. Ian also successfully challenged the refusal of a subject access request by a Data Controller in Dubai to the Commissioner of Data Protection (June 2018).

In 2017 he represented a Head Teacher at a multi day hearing before the NCTL.

His recent Business Immigration work includes advice to employers and businesses under

Tiers 1, 2 & 5, the Business Visitor Route outside the PBS and civil penalties for illegal work. Ian has also helped businesses prepare for Brexit by advising on Appendix EU to the Immigration Rules and the 'Settled Status Scheme' for current workers, family members and prospective new arrivals into the UK.

His employment work is for both claimants and respondents to tribunal proceedings. Over many years he has built up experience and expertise particularly in unfair dismissal, discrimination and TUPE proceedings. In 2017 he appeared in the Court of Appeal over the provision of an interpreter to a party who had good written but poor spoken English. He regularly advises on employment contracts and internal disputes between employer and employee.

## Directory Quote

'An informed strategist and tenacious advocate with a personable court manner' (Legal 500-2017).

Also a recent tribute- 'A lawyer of great experience and ability' (Financial Markets Tribunal, Dubai, March 2018).

## Public Access

Ian accepts public access work in appropriate circumstances and has advised and represented businesses, employers and individual clients under the scheme.

## Seminars and Training

During 2018 Ian has delivered seminars to the HSE and the ORR on section 24 HSWA appeals following the Supreme Court decision in 'Chevron' (see below). In November 2017 he spoke at the AGM of the Health and Safety Lawyers Association on section 24 appeals.

In May 2018 he recorded a webinar for LexisNexis on 'Right to Work and Penalties for Illegal Working' which is available through the LexisNexis website. In September 2018 he will deliver a second webinar for LexisNexis as part of their Autumn 2018 'Brexit Programme'.

In June 2018, together with Satinder Gill, he presented a seminar to members of the Immigration Industry Association on 'Movement of EU Nationals: to Brexit and beyond.' He was an invited speaker and panellist at the Global Investment Immigration Summit (22 June 2018) on the same subject.

For several years he has co-written and spoken with other members of the Business Immigration Team on 'Business Immigration' for MBL at seminars held in cities across GB.

In June 2018 he discussed ill health absence with HR managers at the HSE at an employment workshop.

## Social Media

LinkedIn

## Professional Memberships

Health and Safety Lawyers Association, Employment Lawyers Association, Immigration Industry Association.

## Qualifications

BSc Biochemistry, LLB Law.

## Important Cases (since 2015)

### ***HM Inspector of Health & Safety v Chevron North Sea Ltd* [2018] UKSC 7**

The Supreme Court established that an employment tribunal hearing an appeal under section 24 of the HSWA could take into consideration evidence obtained after the service of a prohibition notice if it went to an issue before the Inspector who served the notice. The Supreme Court resolved conflicting decisions between the Court of Session (Inner House) and the Court of Appeal (see below). Ian appeared as junior counsel for the appellant in the Supreme Court.

### ***XY v Dubai Financial Services Authority* [FMT 17004]**

A regulatory challenge following a Decision issued against an investment bank in Dubai. Ian appeared at an interlocutory hearing before the Financial Markets Tribunal in Dubai and then assisted with case preparation as junior counsel before the substantive hearing starting in Dubai and to be continued in London.

### ***XY v Dubai Financial Services Authority* [Decision No. 3 of 2018]**

Ian successfully challenged the refusal of a Data Controller in Dubai to grant a subject access request. The challenge was heard by the Commissioner of Data Protection and is subject to both review and appeal by the DFSA.

### ***NCTL v Bacon (0014547/Bacon)* (May 2017)**

A multi-day hearing before the NCTL when a Head Teacher successfully resisted all contested allegations of professional misconduct. No barring order was therefore considered.

### ***Hague v Rotary Yorkshire Ltd* [2015] EWHC 696**

Ian represented the HSE in a successful appeal to the Court of Appeal which established that an appeal under section 24 HSWA was limited to the tribunal considering the evidence before an inspector before serving a prohibition notice and such evidence as should have been discovered following a reasonable investigation.

The Court of Appeal approved the approach of the High Court in *Chilcott v Thermal Transfer Ltd* [2009] EWHC 2096 in which Ian also appeared. Now see above under *HM Inspector v Chevron* (Supreme Court).