



Barrister

DANIEL GRÜTTERS

Call: 2017



Specialist in  
Housing & Community Care

Personal Immigration  
Business Immigration  
Prison Law  
Public Law  
Civil Law  
Civil Actions Against Public Authorities  
Court Of Protection  
Inquests & Public Inquiries Team  
Modern Slavery & Trafficking Team  
Direct Access Trained

## Experience

Daniel is ranked in the Legal 500, and has a civil and public law practice. He is a specialist in the following areas: housing and community care, civil actions against the State, police and prison inquests, and immigration and asylum. Daniel acts for claimants, appellants and bereaved families. He has particular experience in cases involving discriminatory conduct by public authorities. Before coming to the Bar, Daniel was the international law adviser at the British Red Cross.

Daniel specialises in homelessness appeals and is especially knowledgeable about the relief and prevention duties, including their interaction with other duties under the Housing Act 1996. He regularly represents tenants in possession claims and claimants in judicial review proceedings. He has notable experience in assisting vulnerable clients and handling cases concerning capacity, the Equality Act 2010 and human rights issues.

Daniel is regularly instructed in judicial reviews involving unique and complex civil liberties and human rights points. He represents bereaved families in police and prison related inquests. He has a particular interest in actions against the State, including claims involving unlawful imprisonment, assault and battery by police officers, and malicious prosecution. He regularly appears in contested multi-track trials.

Daniel acts for claimants in appeals and judicial reviews, and has notable experience in relation to unlawful detention, deportation and asylum claims. He has particular expertise in EEA-related matters, including on the interaction between the Withdrawal Agreement and the Immigration Rules.

## Pro Bono

Daniel is passionate about access to justice and does a significant amount of pro bono work. At the annual Bar and Young Bar Conference 2021, Daniel was awarded the Young Pro Bono Barrister of the Year Award.

## Notable cases

[Poplar HARLCA v Kerr \[2025\] 2 WLR 503 \(CA\)](#)

The tenant held the property on an assured tenancy. The landlord obtained an order for possession on the discretionary ground for possession, which the court suspended pursuant to section 9 of the 1988 Act. Subsequently, the landlord sought possession on the mandatory ground for possession and applied for the suspended order to be made into an outright order. The district judge granted the landlord's application. The circuit judge dismissed the tenant's appeal, holding that a suspended order

for possession carried with it an implicit liberty to apply which gave the court power to vary it in the manner sought by the landlord. The tenant appealed, contending that neither section 9 nor an implied liberty to apply empowered the court to vary a suspended order for possession originally made on a discretionary ground by making an unconditional order on a mandatory ground.

Lewison LJ, with whom Newey and Arnold LJ agreed, dismissed the appeal, agreeing with the approach of the district judge. An application for permission to the Supreme Court is outstanding.

[R \(oao ZRR\) v Bexley LBC \[2024\] EWHC 2073 \(Admin\)](#)

The claimant applied for judicial review of the defendant local authority's alleged failure to secure suitable accommodation for her and her children under s.190 of the Housing Act 1996, and to conduct a lawful needs assessment of her children under s.17 of the Children Act 1989.

*Ground 1: Whether the defendant's decision that the B&B was suitable accommodation was irrational.*

Where a local housing authority was satisfied that an applicant was homeless and eligible for assistance but became homeless intentionally, then the duty it owed depended on whether the applicant had a priority need. If so, then pursuant to s.190(2)(a) of the 1996 Act, it had to secure accommodation for such period as would give the claimant a reasonable opportunity of securing accommodation. The B&B room offered to the Claimant had not discharged the defendant's duty to the claimant under s.190(2)(a). Ground 1 succeeded.

*Ground 2: Whether the defendant had failed to conduct a lawful needs assessment of the claimant's children.* Pursuant to s.17(1) of the 1989 Act, a local authority had a duty to safeguard and promote the welfare of children in need. A child without accommodation was a child in need. The defendant's report was silent as to how the younger child's education needs would be met in Manchester. The educational needs of the younger child were a matter that required consideration when assessing whether to offer the family short term accommodation in Manchester. The analysis of whether to offer accommodation in Manchester for 28 days as a response to concerns regarding the children was flawed for a failure to take lawful account of the younger child's education needs. Ground 2 succeeded, too.

[R. \(on the application of Islam\) v SSHD \[2024\] EWHC 1838 \(Admin\)](#)

The claimant had applied for judicial review of HM Passport Office's decision, on behalf of the defendant Secretary of State, to refuse his application for a British passport.

In September 2018 the defendant decided to deport the claimant because of his criminal convictions, and on the basis that he was not a British citizen. The FTT allowed the claimant's appeal and determined that the claimant was a British citizen and was not liable to deportation. The defendant did not seek to appeal the FTT's decision to the Upper Tribunal.

In 2023 the claimant applied for a British passport after several others had been refused. His latest application included a copy of the FTT's decision. The defendant refused to grant his application on the basis that he was not a British citizen.

The Court held that the FTT's decision could potentially give rise to an issue estoppel as between the claimant and the defendant as a matter of law. It was a judicial adjudication in a matter involving the same parties in which it had found the facts and applied the law to determine the issues and the claim.

The decision arose out of a contested hearing at which it had heard and considered evidence and heard argument from representatives on both sides. The decision had not been the subject of a

successful appeal, or an appeal at all and still stood. Issue estoppel prevented an issue that had been decided as a necessary part of a decision in previous litigation from being reopened in later litigation involving the same parties. It could apply where an injustice would be caused if it was not applied. It could not be said that the FTT's conclusion on citizenship was plainly perverse or manifestly premised on some error of law. If the defendant considered the FTT's decision was deficient in its reasoning or otherwise wrong, an appeal to the UT could have been pursued. The FTT's finding that the claimant was a British citizen gave rise to an issue estoppel and there was no sufficient reason for concluding that in the interests of justice estoppel should not bite in respect of the decision to refuse the claimant a passport.

The defendant's decision was quashed and a declaration was granted that the passport office had unlawfully refused the claimant's passport application, given that there was an unchallenged finding by the FTT that he was a British citizen.

[Woolley v Ministry of Justice \[2024\] EWHC 304 \(KB\)](#)

The claimant appealed against the county court's decision to approve the amount of the claimant's costs budget in a personal injury action in circumstances where the other side's costs budget had been agreed.

The claimant argued that, in determining which costs of the claimant's budget were reasonable and proportionate, the judge explicitly refused to have regard to the defendant's. The claimant contended that the judge's disregard for its own costs budget amounted to an error of law because CPR r.3.17 required her, when making any case management decision, to have regard to any available budgets of the parties, and because it was a relevant consideration in determining which of the claimant's costs were reasonable and proportionate.

Kerr J held that the county court judge had closed her mind to any argument based on a comparison with items in the defendant's costs budget. She did not claim or demonstrate familiarity with the defendant's budget, nor the figures in the defendant's Precedent R. Her responses to any of the claimant's attempts to refer its budget showed that she was not prepared to entertain arguments based on its content. She had thereby disregarded a relevant consideration. The defendant's budget was not intrinsically irrelevant, as some comparison between budgets might be informative. The defendant's budget did not become irrelevant merely because it had been agreed or because the judge might have disagreed with the reasonableness of the amounts in it. The claimant was entitled to make submissions about it and had been prevented from doing so. It followed that there was a serious procedural or other irregularity within CPR r.52.21(3) and the appeal was allowed.

[Zaman v Waltham Forrest LBC and Uduezue v Bexley LBC \[2023\] P.T.S.R. 1643](#)

In conjoined appeals, the appellants appealed against County Court decisions that the two respondent local authorities had each discharged their duty under s.193(2) of the Housing Act 1996 by offering them suitable accommodation in the private rented sector outside their districts.

Uduezue submitted that the local authority had failed to consider the possibility of offering her two-bedroom accommodation; failed to investigate the impact of a 20-mile move on her eldest child; and made an offer which did not properly qualify as a PRSO. Prompted by the decision in Norton v Haringey LBC [2022] EWCA Civ 1340, she also sought permission to argue that the offer was invalid because, when making it, the local authority had not complied with its obligation to inform her of the

implications of s.195A(2). The Court of Appeal allowed her to amend her Grounds of Appeal to rely on Norton, finding that not every Ground of Appeal was required to raise an important point of principle and practice. The appeal was allowed on that amended Ground.

## PUBLICATIONS

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### Contributor to the Legal Aid Handbook 2020/21 (LAG)

The only comprehensive guide to the legal aid scheme, the Handbook is the one book no legal aid lawyer can afford to be without. It covers the legal framework of the scheme, with full discussion of civil, criminal and family legal aid, and analysis of the leading case-law since LASPO.

Related Barristers:

[Daniel Grütters](#)