

Katherine Anderson

Year of Call: 2005
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Employment and discrimination

Katherine is an experienced employment law specialist who has acted for and advised claimant and respondent employers in the private, public and not-for-profit sectors.

She offers particular expertise in relation to disability and other discrimination cases with a personal injury mental health aspect.

By way of example, recent cases include:

- A claim of alleged disability discrimination, relating to depression and stress at work, providing detailed advice in relation to case preparation
- Representation of a claimant manager in a high value claim for unfair dismissal and victimisation
- Representation of a respondent manager defending a race discrimination claim brought by the deceased's executors with a high value personal injury aspect
- Representation of a respondent School Governing Body in relation to an unfair dismissal claim brought by an employee accused of lying about her qualifications
- Representation of a respondent nursery provider in relation to an unfair dismissal claim brought by an employee accused of sexual abuse of a child
- An alleged constructive "whistle-blowing" dismissal where the employee complained of a dangerous workplace

She has undertaken a number of successful judicial and private mediations as an Accredited Mediation Advocate.

In her employment practice she has a particular interest in the education sector and has acted in employment cases concerning staff at nurseries, schools and universities (see also Katherine's Education Law profile).

Articles

Katherine Anderson summarises the case of Sandie Peggie v Fife Health Board and Dr Beth Upton [4104864/2024], a case seen as a major test of the Equality Act 2010 regarding single-sex spaces. The tribunal has ruled that while trans women's use of female changing rooms is not inherently unlawful, employers must balance rights and make adjustments once a complaint from a female worker comes to light.

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The judgment in For Women Scotland v The Scottish Ministers [2025] UKSC 16 was given on 16 April 2025, making headlines in the national press and internationally. Katherine Anderson considers the practical implications for employers.

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Katherine Anderson offers a practical reminder and tips to respondent representatives regarding mitigation evidence.

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Katherine Anderson examines the cases of Stena Drilling PTE Limited v Smith [2024] EAT 57 and TwistDX Limited and Others v Armes and Others [2024] EAT 45, concerned with international or territorial jurisdiction and considers the need to carefully analyse the facts of the case and raise jurisdiction questions as a preliminary issue in the absence of an 'obvious and plain' answer.

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Katherine Anderson gives an update on the amendments to the Equality Act 2010, in which the purpose of the regulations is to reproduce in domestic law certain interpretive effects of retained EU law which, under the Retained EU Law (Revocation and Reform) Act 2023, would otherwise cease to apply in the UK after the end of 2023.

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Katherine Anderson analyses AECOM Limited v Mallon [2023] EAT 104, a case in which the EAT provides a useful review of the authorities on what reasonable enquiries an employer should make of a disabled job applicant.

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Katherine Anderson considers the case of Mrs N Moustache v Chelsea and Westminster NHS Foundation Trust: [2022] EAT 204 in which the ET failed to adjudicate upon a claim though its particulars set out sufficient information for it to be considered.

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Katherine Anderson considers the case of Miles v Driver and Vehicles Standards Agency [2023] EAT 62 in which the EAT confirmed the scope of the word "at" in the wording "at a place where" of section 44 (1)(c)(i) of the Employment Rights Act 1996.

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Katherine Anderson analyses Royal Parks Ltd v Boohene, Antwi and Others [2023] EAT 63, a case which asked whether workers employed by third-party contractors could rely on the principal's own employees as comparators in a claim of indirect race discrimination relating to rates of pay, under section 41 EqA.

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Katherine Anderson reviews ***Mendy v Motorola Solutions UK Ltd and Others [2022] EAT 47***, a case in which we are reminded that failure to adequately particuliarise a claim does not mean that it is not being pursued.

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...but an employee may have a good claim in the ordinary courts. Katherine Anderson reviews Abellio East Midlands Ltd v Mr K Thomas [2022] EAT 20, a case in which an employee started a new role for their employer before details of the new salary had been agreed.

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Katherine Anderson analyses The Chancellor, Masters and Scholars of The University of Oxford v Professor Paul Ewart EA-2020-000128-RN, which highlights that proportionality assessment means it is possible for different ETs to reach different conclusions when considering the same measure adopted by the same employer in respect of the same aims.

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Katherine Anderson considers Mrs A Martin v City and County of Swansea: EA-2020-000460-AT (Previously

UKEAT/0253/20/AT), a case which confirms the importance of properly identifying PCPs in reasonable adjustments claims, whilst deterring respondents' lawyers from taking overly technical points on pleading.

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Katherine Anderson analyses the Court of Session's decision in L v K [2021] CSIH 35, a case involving a scenario which practitioners may have encountered before among employers concerned with the safeguarding of children.

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Katherine Anderson examines Farnham-Oliver v RM Educational Resources Ltd [2021] EWHC 2418 (QB), the latest in a line of claims where an employee whose claim is compromised in the ET, finds it is then struck out in civil proceedings for abuse of the court's process.

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Katherine Anderson analyses Robinson v His Highness Sheikh Khalid Bin Saqr Al-Qasimi [2021] EWCA Civ 862, a case which highlights the key principles to be applied where an employer raises a defence of illegality, a potential defence which is often considered by employers in disputes over employee status where tax and national insurance have not been paid on the basis that the claimant was an employee.

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L v 1) X 2) Z & 3) E UKEAT/0080/20/RN

Employment law barrister Katherine Anderson reviews L v 1) X 2) Z & 3) E UKEAT/0080/20/RN and examines the principles considered by the EAT in determining whether there was "conduct extending over a period" for the purposes of section 123 of the Equality Act 2010.

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Employment law barrister, Katherine Anderson analyses the case of Robinson v Department for Work and Pensions [2020] EWCA Civ 859 (7th July 2020).

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3PB's employment law barrister Katherine Anderson reviews the case of Fottles v Bourne Leisure.

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Rakova v London North West Healthcare NHS Trust UKEAT/0043/19/LA

Employees can often complain where they feel that their managers are not giving them the tools they need to do their jobs efficiently, effectively or productively. How does that situation relate to a disability discrimination claim for failure to make reasonable adjustments? This decision provides some guidance on the approach to be taken by the Tribunals in claims of disability discrimination by reason of a failure to make reasonable adjustments.

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Coronavirus Job Retention Scheme – how does it fit with the existing law on lay-offs and short-time working?

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Long term disability benefits: it all depends on the contract. Katherine Anderson on ICTS (UK) Limited v VISRAM [2020] EWCA Civ 202

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Reasonable adjustments – Is it relevant that the employee didn't mention them? Katherine Anderson analyses Shah v TIAA Ltd UKEAT/0180/19/BA, following her successful representation of the respondent employer in this appeal before the EAT.

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Legal advice privilege: Katherine Anderson analyses Curless v Shell International Ltd [2019] EWCA Civ 1710

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3PB Employment Barrister Katherine Anderson examines the implications of Peninsula v Baker on employer liability for acts of victimisation. Katherine Anderson examines if an employer can escape "scot-free" from liability for an act of victimisation if it is 'astute enough' to instruct an innocent third party – or employee - to carry it out.

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Recommendations

Katherine Anderson is a well-respected education law barrister who specialises in special educational needs and discrimination law cases. Her client base includes individuals such as parents, young people, and students, and educational institutions from secondary schools all the way up to universities.
Strengths: "She is always helpful and friendly and puts clients at ease."
"Katherine Anderson's knowledge of the health and social care sectors is second to none."
"Katherine is knowledgeable and a pleasure to work with."
Chambers UK 2025/Education/London Bar

Katherine Anderson is a strong advocate who enjoys a varied caseload which covers employment and education law. She is active in discrimination claims and EAT appeals.
Strengths: "She is very able in court, concise and provides well-thought-through written work. I highly recommend her."
"Katherine has phenomenal attention to detail and technical knowledge."
"Katherine is a superb advocate and my personal choice for complex EAT cases."
"Katherine is reliable and tenacious in how she advances her advocacy."
Chambers UK 2025/Employment/Western Bar

Strengths: "Katherine was very helpful. I would recommend Katherine to colleagues."
"Katherine is a very skilled advocate with substantial legal analytical skills."
"Katherine's very responsive; she provided particularly useful written submissions, and gave helpful advice in relation to strategy."
Chambers UK 2024/Employment/Western Bar

Strengths: "She is diligent and has great attention to detail."
"She is technically excellent and a great advocate."
Chambers UK 2023/Employment/Western Bar

Strengths: "She has excellent attention to detail on difficult cases and responds extremely promptly." "She is diligent and has very great attention to detail. We consider her a very technically adept lawyer, who can really drive down into conflicting case law."
Chambers UK 2022/Employment/Western Bar

Strengths: "She is extremely thorough and detailed in her preparation and advice. She is meticulous in her attention to detail and excellent for complex cases."
Chambers UK 2021/Employment/Western Bar

'Katherine has good attention to detail, is diligent, and has a good client manner.'
Legal 500 2025/Employment/Leading Junior/Western Circuit

`Katherine is extremely personable and knowledgeable instilling confidence in both instructing solicitors and clients. She goes above and beyond in supporting instructing solicitors with any issues that may arise during the course of proceedings and is eloquent in her advocacy skills balancing the need to address the law and have the clients position heard.'
Legal 500 2025/Education/Leading Junior/London Bar

'Katherine is forensic in her approach. She looks at all angles and considers all options. A very diligent advocate. '
Legal 500 2024/Education/Leading Junior/London Bar

'Katherine is extremely bright, client-friendly and meticulous in her preparation and written work. '
Legal 500 2023/Education/Leading Junior/London Bar

'Katherine has a wealth of experience in SEND appeals and is very thorough in her approach; she is a robust advocate and her preparation is always meticulous.'
Legal 500 2022/Education/Leading Junior/London Bar

'Highly intelligent, thorough in her work and is a tenacious barrister.'
Legal 500 2021/Education/Leading Individual/London Bar

Academic qualifications

- Cambridge University, United Kingdom
- Harvard University, United States
- Postgraduate Diploma in Law at City University
- Bar Vocational Course at BPP School of Law (Outstanding)

Scholarships

- Inner Temple Exhibition

Professional qualifications & appointments

- Accredited Mediation Advocate

Professional bodies

- Employment Law Bar Association (ELBA)