



# Grace Nicholls

**Year of Call:** 2015

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## Employment and discrimination

Grace Nicholls is an experienced employment law specialist, instructed on behalf of employees and employers across all areas of employment and discrimination law. She has a particular interest in whistleblowing and discrimination cases including pregnancy/maternity discrimination, disability discrimination and religion/belief claims.

She is described as "thorough and meticulous", an "impressive junior" and a "superb advocate" by the directories, which she has been included in since 2023. She is ranked on two circuits. She appears in Employment Tribunals nationally, including the London Tribunals, Scotland, Wales and the Western and South Eastern circuits.

She has represented clients across a broad range of sectors including:

- Education including schools
- Healthcare including care homes, hospitals and health boards
- Pharmaceutical companies
- Supermarkets, retailers, catering and hotels
- Local authorities
- Professionals such as estate agents, architects and law firms.

She also has extensive experience of representing employees, including on a direct access basis.

Grace is regularly instructed to draft claims and responses often on factually and/or legally complex matters.

Her experience covers appearances at private and open preliminary hearings including on substantive issues of strike out, time and disability status, Final Hearings including remedy and reinstatement/re-engagement. She also has experience in respect of applications for anonymity and amendment. She has successfully secured positive results in numerous judicial mediations.

She has experience in drafting and representation at the Employment Appeals Tribunal, drafting a paragraph 19 statement on a Court of Appeal matter and drafting pleadings and representing on County Court matters. Her practice also includes representation on interim relief applications and high court work involving interim injunctions. She has successfully secured costs orders, including a sum of £10,000 following a Final Hearing.

Grace provides sensible pragmatic advice on claims taking into account strategic and commercial priorities for the client.

### Recent Cases:

Grace has acted in the following matters:

- Instructed on a 20 day listed claim
- Represented one of three Respondents on a complex multi-day substantive preliminary hearing including consideration of disability status and time/jurisdiction
- Represented an Independent Day School in claims brought including alleged automatic constructive unfair dismissal
- Represented a national logistics company in respect of claims on alleged pregnancy/maternity discrimination
- Secured a deposit order in respect of a claim brought against a national supermarket
- Represented a national pharmaceutical company involving allegations of discrimination and victimisation
- Secured strike out on jurisdictional grounds in respect of claim brought against a hotel
- Successfully resisted an interim injunction brought against a national retailer
- Represented a national retailer in claims involving allegations of health and safety detriment and disability discrimination
- Successfully resisted an application for interim relief brought against a family run business
- Represented a charity in respect of alleged unfair dismissal
- Represented a health board in respect of claims involving alleged whistleblowing detriment, disability discrimination and victimisation
- Represented a Respondent in a breach of contract claim
- Represented on several occasions Respondents in ARO appeals in the EAT
- Represented a Respondent on a complex worker status claim in a care home (ongoing)
- Represented a Respondent on a claim involving allegations of unfair dismissal and indirect religion/belief discrimination arising out of the Covid-19 pandemic
- Represented a Respondent law firm in allegations of victimisation
- Instructed by the Claimant on a holiday pay claim against a School (ongoing)

## Articles

Grace Nicholls considers *Bibescu v Clare Jenner Ltd t/a Jenner's* [2026] EAT 30 and its helpful summary of the approach to be taken in determining the various elements of the test under s43B ERA 1996, which Tribunals frequently need to grapple with. Specifically, Tribunals will need to focus on the Claimant's state of mind when looking at the first limb of the test and if, at the time of making the disclosures, that Claimant genuinely believed the disclosure(s) to be in the public interest.

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In *Huntley v Siemens Healthcare Limited* [2025] EAT 152, the EAT reminds both parties that they must keep in mind the prospects of their claims and defences at all stages of litigation. Grace Nicholls' analysis of the case also highlights that targeted costs applications may result in greater success.

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Grace Nicholls reviews *Abel Estate Agent Limited and ors v Reynolds* [2025] EAT 6, a case which provides an important reminder on how parties and the Tribunals must deal with proceedings in light of the Clark decision and how Tribunals may tackle failures to enter ACAS EC going forward.

It is worthwhile bearing in mind the potential for this appeal to be taken to the Court of Appeal to resolve the tension between Abel and Pryce.

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Grace Nicholls considers the case of *Macfarlane v Commissioner of Police of the Metropolis* [2023] EAT 111, a useful reminder that it is insufficient to simply tick the unfair dismissal box if a claim of whistleblowing is being pursued, and that the disavowal of a claim can indeed, rightly, have far reaching consequences for any application to amend subsequently.

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3PB employment specialist, [Grace Nicholls](#) analyses the case *Hawkes v Oxford Economics Limited* [2022] EAT 179 when an appeal was brought against a Registrar's order from April 2022 in which an extension of time to present an appeal was refused.

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[Grace Nicholls](#) analyses *Pryce v Baxterstorey Limited*, EAT, EA-2020-000323-BA, a case which sets a clear and unequivocal warning to Claimants to obtain the necessary documentation in advance of submission of an ET1.

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[Grace Nicholls](#) analyses *Arvunescu v Quick Release (Automotive) Limited* [2022] EAT 26, a useful reminder for respondents and those advising them to ensure wordings on COT3 are carefully drafted. The EAT's decision is based on facts which are not unique and might be a useful authority to have into one's arsenal in defending claims at any early stage where there has previously been a COT3 drawn up and executed.

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*Chief Constable of Avon and Somerset Police v Nicholas Eckland* [2021] EWCA Civ 1961

[Grace Nicholls](#) analyses *Chief Constable of Avon and Somerset Police v Nicholas Eckland* [2021] EWCA Civ 1961, a case in which the Court of Appeal confirmed that a Chief Constable was liable for the actions and omissions of a panel it had appointed and which had wrongfully dismissed a police officer.

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*Khan and Uzayr v BP plc* EA-2021-000261-JOJ

[Grace Nicholls](#) reviews *Khan and Uzayr v BP plc* EA-2021-000261-JOJ, in which the EAT reminds us that the relevant considerations need to be taken into account when granting postponements, ensuring that justice is not denied.

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[Grace Nicholls](#) on *Rooney v Leicester City Council* UKEAT/0064/20/DA and UKEAT/0104/21/DA, a case which reminds us that fact sensitive cases be dealt with with extra care and caution to prevent unnecessary delay and ensure effective, efficient conduct of litigation.

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[Grace Nicholls](#) reviews the decision of the EAT in *Seecombe v Reed In Partnership* UKEAT/0213/20/OO, which restates many of the key principles and authorities to consider when seeking to establish or challenge disability status. The case also demonstrates that disputes about disability status are very difficult to overturn, given the fact sensitive nature of decisions.

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[Grace Nicholls](#) reviews the case of *A v B* UKEATS/0042/19/SS(V) in which practitioners are reminded that while every strike out application is naturally very fact sensitive, when such applications are made, the basis for seeking them under rule 37 needs to be made clearly, with, as far as possible, a chronology of events set out in the clearest possible terms.

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*Page v Lord Chancellor and ors* [2021] EWCA Civ 254

Specialist employment law barrister [Grace Nicholls](#) reviews *Page v Lord Chancellor and ors* [2021] EWCA Civ 254, a case in which a magistrate expressed views about the appropriateness of the adoption of a child by a same sex couple based on his religious views and refused to sign the order approving the adoption.

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*Head (Executrix of the Estate of Michael Head deceased) v The Culver Heating Company Limited [2021] EWCA Civ 34*

Grace Nicholls analyses *Head (Executrix of the Estate of Michael Head deceased) v The Culver Heating Company Limited [2021] EWCA Civ 34* a case concerning "lost years claims".

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Eight Changes to the Employment Tribunal Rules for 2020

Grace Nicholls sums up the likely implications of the eight new Employment Tribunals rules announced by the government to increase flexibility within the Employment Tribunal system.

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Foster carers were employees of the Council

In *Glasgow City Council v Johnstone*, the employment status of foster carers is called into question. Grace Nicholls provides an analysis.

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3PB's employment law barrister Grace Nicholls reviews the case of *Wilson Barca LLP v Shirin* UKEAT/0276/19/BA.

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Changing contractual terms (or not!) in a TUPE Transfer – *Ferguson and ors v Astrea Asset Management Ltd* [2020] UKEAT0139/19

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*WM Morrisons Supermarkets plc v Various Claimants* – [2020] UKSC 12

The Supreme Court held that there was no vicarious liability for a 'personal vendetta' by one of the supermarket company's former employees.

Lord Reed concluded that motive was not irrelevant (and the distinction between acting on his employer's business or for purely personal reasons was highly relevant). The Supreme Court concluded that the mere fact of employment giving someone an opportunity to do something is not sufficient to impose vicarious liability.

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Jhuti in the context of unfair dismissal proceedings. Grace Nicholls analyses *Uddin v London Borough of Ealing* UKEAT/0165/19/RN –

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Strike Out: seriousness of default and possibility of a fair trial require careful consideration. Grace Nicholls analyses *Duncan Lewis Solicitors v Puar* UKEAT/0175/19/RN.

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Covert recording in a PI claim: ramifications for Employment Tribunals? Grace Nicholls analyses *Mustard v Flowers & Ors* [2019] EWHC 2623 (QB)

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Court of Appeal: Decision not to deploy disabled employee on overseas assignment was not disability discrimination. Grace Nicholls analyses *Owen v AMEC Foster Wheeler Energy Ltd* and another

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## Recommendations

Grace Nicholls is experienced in a broad range of employment law claims including unfair dismissal and all forms of discrimination. She has a proven track record of successfully representing respondents at employment tribunals.

Strengths: "Grace is an impressive junior. She is very pleasant to deal with and reassuring to clients."

"I cannot speak highly enough of Grace's legal ability as an advocate and her level of client service."

"She is very well prepared and very diligent, and is excellent with client witnesses. She's very good on her feet, and her client manner is excellent."

"Grace is always very well prepared and provides great advocacy."

"She is excellent with clients and an absolute pleasure to work with."

**Chambers UK 2025/**Employment/South Eastern Bar

Grace Nicholls is experienced in a broad range of employment law claims including unfair dismissal and all forms of discrimination. She has a proven track record of successfully representing respondents at employment tribunals.

**Chambers UK 2024/**Employment/South Eastern Bar

Strengths: "Grace Nicholls is a strong junior, building her reputation with law firms and clients alike. She's always prepared to find time to talk through a matter with a client and has a good understanding of the commercial as well as the legal aspects of the case."

"Grace Nicholls exudes confidence and has very good background knowledge of claims she's assisting with. She's always on hand to assist with queries and to discuss tactics."

**Chambers UK 2023/**Employment/South Eastern Bar

Grace Nicholls is instructed by individuals, employers and local authorities in a wide range of employment matters, including TUPE issues and unfair dismissal cases, and is 'able to get to the crux of a dispute very swiftly'.

'Grace is excellent with clients and has a great grasp of complicated legal issues.'

**Legal 500 2025/**Employment/Rising Stars/South Eastern Circuit

'Grace has an appropriate advocacy style and is extremely considerate and measured.'

**Legal 500 2025/**Employment/Rising Stars/Western Circuit

Rising star Grace Nicholls is a 'well prepared, responsive and skilled advocate with good client skills' and successfully defended a respondent in a case concerning a dismissal that was alleged to be unlawful on TUPE grounds.

'Grace is a considered and tactful barrister who builds a good rapport with clients and witnesses to put them at ease. Her advocacy is well thought out, prepared and compelling.'

**Legal 500 2024/**Employment/Rising Stars/South Eastern Circuit

Grace is the full package – excellent knowledge of the law, sharp written and oral advocacy and fantastic client care. She is a sharp advocate with precise and powerful cross-examination and boundless energy in trials. She is meticulous and systematic in cross-examination and a formidable opponent. She manages multiple witnesses well.'

**Legal 500 2023/**Employment/Rising Stars/South Eastern Circuit

"I sincerely thank you again for all your efforts in assisting me to bring about a successful unfair dismissal claim. I am certain that even had I lost, I would still be saying you did a fantastic job and had done all that you could to put forward my case. You were most impressive during the Hearing and your preparation was exemplary, especially considering the size of the bundle"

- **Recent client**

"Grace successfully represented us in defending an unfair dismissal claim. Grace's ability to rapidly assimilate, present and recollect relevant detail was exceptional, as was her sound and persuasive reasoning throughout proceedings" - **Recent client**

"I found Grace to be very efficient and effective. I greatly appreciated her detailed grasp and understanding of the case facts. It was particularly impressive how she was able to quickly regather her thoughts and questioning when new and unexpected information materialised. I would have no hesitation of recommending her services to others" - **Recent Client**

## **Academic qualifications**

- LLB Law, Durham University
- BPTC, Kaplan Law School

## **Professional bodies**

- Employment Lawyers Association
- The Employment Law Bar Association
- Industrial Law Society