



Grace Holden

Year of Call: 2016

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Overview

Grace Holden specialises in employment, discrimination and personal injury disputes. She joined 3PB in June 2020 and is based in the Oxford centre.

Prior to being called to the Bar, Grace worked as a County Court Advocate and conducted over 450 civil hearings. She covered a range of procedural and substantive cases; from contractual disputes to personal injury matters.

Grace was called to the Bar in 2016 in the top 10 of her cohort, having achieved a grade of 'Outstanding'. She was awarded a major scholarship and Duke of Edinburgh Entrance Award from Inner Temple. During her BPTC year, Grace was a member of the Inner Temple team who represented England at the International Telders Moot Court Competition in The Hague.

Grace is now a busy and successful employment and discrimination counsel, and has also built up a strong personal injury practice. Her instructions have included acting as the Junior Legal Adviser to the Independent Inquiry set up to review the circumstances surrounding the malpractice of surgeon Ian Paterson.

Academic qualifications

- Bar Professional Training Course, City Law School, Outstanding, 2015-2016
- LLB Hons, University of Bristol

Scholarships

- Major scholarship and Duke of Edinburgh Entrance Award, Inner Temple, 2015

Professional qualifications & appointments

- BPTC

Professional bodies

- Employment Lawyers Association

- Industrial Law Society
- Personal Injuries Bar Association

Expertise

Employment and discrimination

Grace Holden acts for both claimants and respondents in preliminary and final hearings in the Employment Tribunal, as well as drafting and advising on the full range of employment disputes and issues.

Grace is proactive in tactically managing cases from an early stage and she makes effective use of preliminary hearings. Her recent work in preliminary hearings includes:

- Achieving strike out for unmeritorious discrimination claims.
- Obtaining deposit orders for claims of whistleblowing.
- Advising upon and successfully challenging disability status, thereby significantly reducing the listing of a finding hearing.
- Being involved in case management of a multi-party matter, involving test cases.

Grace has represented both claimants and respondents in multi-day final hearings. Her recent work includes:

- Successfully achieving the dismissal of all claims of whistleblowing detriment and failure to make reasonable adjustments in a 10 day final hearing.
- Successfully defending claims of unfair dismissal, disability discrimination and victimisation in an 8 day final hearing.
- Representing a respondent in a complex claim brought by two claimants, involving an alleged TUPE transfer; achieving the successful dismissal of the race discrimination claims and limiting dismissal-related losses to just over £7000 in total.
- Successfully achieving a finding of unfair dismissal for two claimants in a complex 7-day hearing.
- Successfully achieving dismissal of multiple allegations of race discrimination within 2 days of a hearing listed for 5 days.
- Successfully defending claims of whistleblowing detriment in a 4 day hearing.
- Successfully defending claims of unfair dismissal in multiple 2 day hearings.
- Successfully defending claims of unfair dismissal and age discrimination in a 2 day hearing.
- Successfully defending claims of race discrimination and disability discrimination in a 2 day hearing.
- Successfully defending claims of race and religious discrimination in a 5 day hearing.
- Representing a respondent in a 5 day case, resulting in the successful dismissal of claims of race discrimination, disability discrimination and harassment.
- Acting as junior counsel in the successful defence of an 8 day sex-related harassment and victimisation claim, which included drafting 7 supporting statements.

Grace also has experience of handling employment disputes in the County Court, and is familiar with the civil jurisdiction. Her work includes:

- Advising on restrictive covenants.
- Drafting pleadings and defences.
- Representing parties in both contractual claims and discrimination claims in the County Court.

She drafted pleadings for and advised on a complex multi-party breach of contract claim, which resulted in a very favourable early settlement for the claimant.

Personal Injury

Grace Holden regularly appears in the County Court, representing both claimants and defendants in a range of personal injury matters. She has been noted by Circuit Judges for '*cross-examining skilfully and submitting persuasively*' and putting '*careful and considerate questions*'.

Her work includes:

- Trials in road traffic accident, occupier's liability and employer's liability cases. CCMCs for a range of multi-track cases.
- Interim applications; including strike-out, summary judgment and relief from sanctions.
- Drafting pleadings for both claimants and defendants.
- Advising on liability and quantum.
- Appearing on behalf of interested parties in Coroner's Inquests.
- Undertaking work as part of public inquiries.

She has recently:

- Represented a claimant in an assault at work case, achieving settlement by JSM for a sum worth in excess of £150,000.
- Represented a claimant in a noise-induced hearing loss claim.
- Drafted pleadings for a claimant in a public liability claim involving complex physical and psychological injuries.

Grace also has significant experience of handling fundamental dishonesty cases, representing both claimants and defendants. She has:

- Achieved the withdrawal of claims on multiple occasions after her cross-examination of the claimant.
- Achieved a finding of fundamental dishonesty against three claimants, held to be jointly liable for costs.
- Negotiated the withdrawal of claims at the outset of the hearing on favourable terms.

Grace was previously instructed as the Junior Legal Adviser to the Independent Inquiry set up to review the circumstances surrounding the malpractice of surgeon Ian Paterson.

Articles

Grace Holden considers *Owen v Network Rail Infrastructure Ltd* [2023] EAT 106, a case in which the EAT ultimately confirms previous decisions of the EAT that the lack of an explanation as to why a claim is brought late is not a pre-requisite to extension of time being granted, but is of particular relevance.

The judgment provides useful learning points and reminders for practitioners dealing with just and equitable time extension arguments.

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Grace Boorer analyses *Agbeze v Barnet Enfield and Haringey Mental Health NHS Trust* EA-2020-000413-VP, in which the EAT found that where a worker's contract requires something more than being ready, willing and able to work in order to receive wages, a term is not implied that the worker is entitled to be paid on suspension in absence of a contractual provision on the point.

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University Hospital of North Tees & Hartlepool NHS Foundation Trust v Ms L Fairhall [2021] 6 WLUK 454

[Grace Boorer](#) reviews *University Hospital of North Tees & Hartlepool NHS Foundation Trust v Ms L Fairhall* [2021] 6 WLUK 454, a case providing a timely reminder to practitioners that in most cases it is not necessary to complicate whistleblowing determinations, notwithstanding the decision in *Jhuti*.

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Grace Boorer reviews *All Answers Ltd v Mr W and Ms R* [2021] EWCA Civ 606, a discrimination case in which the Court of Appeal reasserts the importance of considering all the elements of the disability status test under s6 and schedule 1 of the Equality Act 2010, and that it is crucial to consider the question of whether an impairment had lasted or was likely to last at least 12 months at the date of the discriminatory acts.

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Court of Appeal confirms the causative approach to the 'material factor test' in equal pay claims

Grace Boorer looks at *Walker v Co-Operative Group Ltd & Anor* and identifies some important practical considerations to avoid falling into error when considering material factor defences.

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