



# Katherine Anderson

**Year of Call:** 2005

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## Overview

Katherine is an experienced education and employment law specialist who offers first class customer service, legal advice and advocacy.

Her practice now encompasses:

- Employment
- Education.

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

Katherine was educated at Cambridge University, United Kingdom, and Harvard University, United States. She completed her postgraduate Diploma in Law at City University and her Bar Vocational Course at BPP School of Law, where she was graded 'Outstanding'. She has been a tenant of 3PB Barristers since the completion of her pupillage there.

## Recommendations

A strong advocate who enjoys a varied caseload which covers employment and education law.

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 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

A strong advocate who enjoys a varied caseload which covers employment and education law.

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

## **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)

# Expertise

## 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 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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## Education

Katherine is an experienced education law specialist with a particular interest in special educational needs. She is familiar with the issues that may arise in relation to mental capacity in education cases.

She accepts instructions from local authorities, schools, parents, young people, students and universities, as well as employers/employees in the education sector, in relation to:

- Appeals and claims before the First-tier Tribunal (Special Educational Needs and Disability)
- School admissions
- School exclusions
- Equality Act 2010 claims in the civil courts
- Judicial review
- Employment tribunal proceedings (see also Katherine's [Employment law profile](#)).

### Recent cases:

Katherine has acted in many complex cases concerning special educational, health and social care for post-16 and post-19 year olds in Education and Health and Care plans, including under the National Trial.

She has recently acted in appeals to the Upper Tribunal regarding the special educational provision for a physically disabled child with a fluctuating health condition, and regarding the interrelationship between the social care and special educational provision in an EHC plan for a young person over 19 years of age.

### Other recent cases have involved disputes around:

- Educational negligence
- Home education of a child for medical reasons
- Special educational provision for children outside of the normal school day
- The level of therapeutic provision reasonably required to meet a child's special educational needs
- Sensory profiles as special educational provision
- Disability discrimination – school exclusions
- Disability discrimination – failure to make reasonable adjustments
- Disability discrimination claims against universities by students who were required to withdraw from their courses.

Katherine also provides training in education law to a variety of different audiences, including local authorities, solicitors, university student advisors, lay panel members and educational experts.

She is herself a parent of young children.

### Reported Case:

RB v Calderdale MBC (SEN): [2018] UKUT 390 (AAC)

## Articles

3PB's specialist education law barrister Katherine Anderson reviews how the New National Restrictions to control the spread of Coronavirus (COVID19) impact education and school attendance.

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3PB's Katherine Anderson reviews the case of AB v University of XYZ. Legal representation and cross-examination in university disciplinary proceedings and specific performance as a remedy.

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Council wins Judicial Review challenge to academy order

Katherine Anderson reviews Somerset County Council v Secretary of State for Education [2020] EWHC 1675 (Admin).

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## **Public and Regulatory**

Katherine is an expert in all aspects of education law, with a particular interest in special educational needs. She accepts instructions from local authorities, schools, parents, young people, students and universities, as well as employers/employees in the education sector. Her busy caseload also includes judicial review cases in the education sector.