

# Naomi Webber

**Year of Call:** 2017

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## Overview

Naomi is a specialist employment, education and discrimination law barrister, with a busy court-based and advisory practice. She is a member of the Attorney General's C Panel of Counsel (London) and is ranked as a leading junior in Chambers and Partners and the Legal 500.

Naomi is based in 3PB's Oxford centre.

Before coming to the Bar, Naomi worked as a Judicial Assistant in the Court of Appeal, and as a teaching fellow and research assistant at University College London and the University of Oxford.

## Recommendations

"A fantastic counsel, she is knowledgeable and experienced."

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

Strengths: "Naomi Webber's relatively junior call belies an incredibly capable, strong and diligent advocate."

"Naomi is able to get to the core of the issues involved in complex cases to achieve the desired result."

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

Strengths: "Naomi was really commercial with what we needed and did it quickly, which was a large part of what allowed us to attack and ultimately settle."

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

Naomi Webber is ranked as a Rising Start in the **Legal 500 2025/**Employment/South Eastern Circuit

'Naomi has the ability to explain fairly technical aspects of employment law clearly, thoroughly and without unnecessary jargon.'

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

'Naomi is excellent – she is extremely thorough and capable. She is highly approachable and has excellent attention to detail.'

Rising star Naomi Webber is 'an incredibly capable, strong, and diligent barrister' and successfully represented an employer in direct and indirect sex discrimination claims relating to breastfeeding and childcare

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

## **Academic qualifications**

- Bar Professional Training Course, City Law School, 2016-17
- LLM in Law, University College London, 2015-16
- BA Jurisprudence (Law), Worcester College, University of Oxford, 2011-2014

## **Scholarships**

- Inner Temple Exhibition Award, 2016

## **Professional qualifications & appointments**

- Attorney General C Panel
- Employment Law Appeal Advice Scheme (ELAAS)

## **Professional bodies**

- Constitutional and Administrative Law Bar Association (ALBA)
- Education Law Association (ELAS)
- Employment Lawyers Association (ELA)
- Employment Law Bar Association (ELBA)
- Industrial Law Society (ILS)

# Expertise

## Employment and discrimination

Naomi has a thriving employment practice, acting for claimants and respondents/defendants in the Employment Tribunal, EAT, County Court and High Court. She is ranked as a Band 2 Leading Junior in the Legal 500 and Chambers UK directories for Employment law, and is described as '*commercial and pragmatic*', '*knowledgeable and experienced*' and '*friendly and responsive*'.

### Recent experience includes:

- Representing and advising employers responding to religious and philosophical belief discrimination claims, including successfully defending a claim of antisemitic discrimination at a six-day trial
- Representing and advising employees and employers in complex claims for historic holiday pay, in particular arising out of *Smith v Pimlico Plumbers* (including strategic advice to large employers)
- Representing and advising employees and employers on worker status matters
- Successfully arguing that an individual with a number of health conditions did not have a disability under the Equality Act 2010
- Successfully obtaining permission to appeal at a Rule 3(10) hearing in the EAT
- Advising and drafting a consent order in the EAT on a technical procedural matter
- Acting for a large employer in an ongoing equal pay claim
- Acting as specialist junior counsel in a commercial dispute, providing employment law advice for a complex multi-million-pound claim in the High Court, arising out of a share-purchase agreement
- Appearing as junior counsel in the Supreme Court in *Harpur Trust v Brazel* [2022] UKSC 21 (appeal concerning holiday pay for part-year workers, led by Mathew Gullick KC)
- Representing employees and employers in numerous unfair dismissal, constructive dismissal and redundancy final hearings (often combined with discrimination or whistleblowing claims)
- Regular appearance in the ET at preliminary hearings, including successful applications for strike out or deposit orders in order to manage cases effectively at a preliminary stage.

Overlapping with her education law practice, Naomi has particular expertise of employment disputes in the education sector, including:

- Representing peripatetic music teachers in complex holiday pay claims (including *Harpur Trust v Brazel* (see above))
- Advising a university on whether a former employee held a protected philosophical belief under the Equality Act 2010
- Achieving settlement for a school in a highly sensitive unfair dismissal and sex discrimination claim
- Successfully applying for a deposit order on behalf of a school in relation to weak discrimination claims.

Outside of the employment sphere, Naomi also accepts instructions in other areas of equality law, and has advised and acted in county court discrimination claims brought against exam providers, transport companies, supermarkets, and government departments.

Naomi has experience of group litigation, representing one of 45 Respondents in a claim relating to discrimination in recruitment, and one of 25 Respondents in a claim brought by 127 Claimants in relation to the 'no jab no job' policy for care homes during the Covid-19 pandemic.

Naomi's background in university teaching means she is willing and able to provide training in a range of areas of employment law.

Prior to pupillage, Naomi worked as a judicial assistant in the Court of Appeal, where she worked on a number of ground-breaking employment cases, in areas including National Minimum Wage, whistleblowing, territorial jurisdiction, variation of contract and harassment.

## Education Law

Naomi has a busy education practice, across a range of areas of law and a variety of jurisdictions. She is ranked in the Legal 500 as a Leading Junior for Education law. She regularly acts for and advises parents, students, schools, universities and local authorities. Her experience includes:

### Higher education:

- Drafting pleadings and advising on claims of discrimination, breach of human rights, negligence, and breach of contract in the County Court
- Appearing in interim application hearings in the County Court (including an interim injunction)
- Advising a university on a series of ongoing consumer rights claims brought by students (led by Michael Tomlinson KC)
- Representing a university at a trial on claims of breach of contract and breach of human rights (settled at door of court).

### Schools and FE colleges:

- Drafting pleadings and advising on claims of discrimination against schools and further education colleges in the County Court (including race, religious and transgender discrimination)
- Acting for parents and schools in disability discrimination final hearings in the First-tier Tribunal and Upper Tribunal.

**Independent schools:** Drafting pleadings and advising on breach of contract claims for and against independent schools.

### Local authorities:

- Advising local authorities on policy decisions in relation to school admissions
- Clerking school admissions panels and independent review panels (school exclusions)
- Providing training on school admissions and exclusions law.

Naomi also has extensive experience of employment law claims in the education sector, including:

- Representing peripatetic music teachers in complex holiday pay claims (including as junior counsel in the Supreme Court in *Harpur Trust v Brazel* [2022] UKSC 21 (led by Mathew Gullick KC))
- Advising a university on whether a former employee held a protected philosophical belief under the Equality Act 2010
- Achieving settlement for a school in a highly sensitive unfair dismissal and sex discrimination claim
- Successfully applying for a deposit order on behalf of a school in relation to weak discrimination claims.

Prior to pupillage, Naomi worked as a research assistant at the University of Oxford, examining the effect of the 2012 changes to the law of school exclusions.

Naomi has a particular interest in religion and education and wrote her masters' dissertation on whether children have a right to a secular education.

### Publications

- Lucinda Ferguson and Naomi Webber, School Exclusion and the Law: A Literature Review and Scoping Survey of Practice (Department of Education, University of Oxford, January 2015).

## Administrative and Public Law

Naomi is a member of the Attorney General's C Panel of Counsel (London). She has assisted in disclosure exercises for high profile and complex judicial review claims, and appeared as junior counsel in *OA (Somalia) v Secretary of State for the Home Department* [2022] UKUT 00033 (IAC) (country guidance case) (led by William Hansen). She also spent a year as junior junior counsel to the Undercover Policing Inquiry.

Overlapping with her other areas of practice, Naomi has a particular interest in public law in the education context and in discrimination claims in the public sector.

As a judicial assistant at the Court of Appeal, Naomi worked on a range of public law matters including immigration, asylum, human rights, school transport and the public sector equality duty.

## Commercial

Overlapping with her employment practice, Naomi advises Claimants and Defendants on breach of contract claims in the employment context, including for unpaid bonuses, salary overpayments and overtime. She previously acted as specialist junior counsel in a commercial dispute, providing employment law advice for a complex multi-million pound claim arising out of a share-purchase agreement.

As part of her education law practice, Naomi has advised on contractual claims in relation to independent schools and out of school clubs, and acted for and against universities in breach of contract and discrimination claims. She is currently instructed for a university, advising on ongoing consumer rights claims brought by students (led by Michael Tomlinson KC).

Naomi has also acted in a wide range of contractual matters in the County Court. She has advised and appeared for small businesses and individuals in claims including unpaid invoices, disputes over quality of work, consumer credit and costs.

## Articles

Naomi Webber and Alex Leonhardt analyse the case of *Higgs v Farmor's School* [2025] EWCA Civ 109, an important decision which explains how direct discrimination interrelates with the right to hold and manifest religious and philosophical beliefs in the workplace.

Alex and Naomi draw out key points from the judgment and explain how it can be applied in future cases.

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Naomi Webber reviews the case of *Masiero & others v Barchester Healthcare PLC* [2024] EAT 112, which highlights that reasonable business requirement to change terms of employment and reasonable reasons to refuse them are not mutually exclusive.

Naomi also outlines the correct approach to be taken where human rights are engaged and part of the relevant factors to be considered in the context of dismissals.

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Naomi Webber reviews *Mr Martin Groom v Maritime and Coastguard Agency* [2024] EAT 71, in which the EAT found that a volunteer was a worker, in circumstances where he received remuneration for his activities as a coastal rescue officer.

The case confirms that 'volunteer' is not a term of art (or law), and each relationship will have to be considered on its own facts.

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[Naomi Webber](#) reviews the changes to the annual leave entitlement and holiday pay of part-year and irregular hours workers, as The Employment Rights (Amendment, Revocation and Transitional Provision) Regulations 2023 and the Holiday pay and entitlement reforms came into force on 1 January 2024.

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[Naomi Webber](#) considers the first case relating to Covid-19 and s.100(1)(d) of the Employment Rights Act 1996 to reach the Court of Appeal, *Rodgers v Leeds Laser Cutting* [2022]. The case determines the employers liability in relation to serious and imminent danger claims from an employee during the pandemic.

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The counsel team for Mrs Brazel in the much publicised *Harpur Trust v Brazel* case, [Mathew Gullick KC](#), [Lachlan Wilson](#) and [Naomi Webber](#) reflect on the recent Government consultation paper looking at holiday pay for part-year workers.

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*Nursing and Midwifery Council v Somerville* [2022] EWCA Civ 229

[Naomi Webber](#) analyses the Court of Appeal's judgment in *Nursing and Midwifery Council v Somerville* [2022] EWCA Civ 229, which provides a useful clarification when assessing the worker status of an individual who provides work under an overarching or other service level agreement, and confirms that the concept of a 'limb (b) worker' is broader than may have previously been thought.

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[Naomi Webber](#) analyses *R (the Motherhood Plan & Anor) v Her Majesty's Treasury* [2021] EWCA Civ 1703, 'in which the Court of Appeal dismissed the appeal brought by women who were disadvantaged by the Self Income Support Scheme. It did demonstrate, however, that care must be taken not to discriminate when creating schemes that rely on factors which may be affected by periods of maternity (and other) leave.

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[Naomi Webber](#) reviews *R (Cornerstone) v Ofsted* [2021] EWCA Civ 1390, a case considering whether a requirement for foster parents to be in heterosexual marriages on religious grounds was discriminatory.

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[Naomi Webber](#) reviews *Steer v Stormsure Ltd* [2021] EWCA Civ 887, a case which examines whether the lack of provision for interim relief in discrimination and victimisation claims under the Equality Act does not breach ECHR rules.

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[Naomi Webber](#) examines the Court of Appeal's decision in *National Union of Professional Foster Carers v The Certification Officer* [2021] EWCA Civ 548, the latest in a number of decisions to look at the unique position of foster carers, this time considering the ability to form trade unions, under Article 11 European Convention on Human Rights and Fundamental Freedoms ('ECHR') (the right to freedom of association).

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*R (On the application of Motherhood Plan & Anor) v HM Treasury & Anor* [2021] EWHC 309 (Admin)

[Naomi Webber](#) analyses the case of *R (On the application of Motherhood Plan & Anor) v HM Treasury & Anor* [2021] EWHC 309 (Admin). A case concerning direct discrimination.

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[Naomi Webber](#) analyses *Steer v Stormsure Ltd* UKEAT/0216/20/AT, a case which could well add another tool in the armoury for claimants bringing in claims for discriminatory dismissals.

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Disability Discrimination in the Employment Tribunal: lessons for education lawyers

Sarah Bowen and Naomi Webber consider two recent appellate decisions (*Khorochilova v Euro Rep Limited* UKEAT/0266/19/DA and *Robinson v DWP* [2020] EWCA Civ 859) in respect of the provisions of the Equality Act 2010 (EqA) in relation to the protected characteristic of disability. Whilst the facts of the cases relate to the employment sector, the same definition of disability applies in the context of education. Accordingly, their principles are directly relevant and applicable to disability discrimination claims in education.

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Employment law barrister, Naomi Webber analyses the case of *Varnish v British Cycling*.

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3PB's employment law barrister Naomi Webber reviews the case of *Gould v St Johns Downshire* UKEAT/0002/20/BA.

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Be wary of the 'last straw': *Williams v Alderman Davies Church in Wales Primary School* UKEAT/0108/19/LA

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Is the law of vicarious liability still 'on the move'? *Barclays Bank plc v Various Claimants* [2020] UKSC 13

The 126 claimants in this case were all employees of Barclays Bank who, at the start of their employment between the late 1960s and early 1980s, were required to undergo a medical examination. Examinations were carried out by Dr Bates (now deceased), a general practitioner who was not an employee of the Bank but engaged as an independent contractor to provide this service, and did so at his home. The Claimants alleged that they were sexually assaulted by Dr Bates while undergoing this examination and brought a group action against the Bank for compensation. A preliminary issue was whether Barclays could be vicariously liable for his actions.

At first instance, the High Court found that Barclays had been vicariously liable. The Court of Appeal agreed, applying the five-part test in *Various Claimants v Catholic Child Welfare Society* [2012] UKSC 56, and *Cox v Ministry of Justice* [2016] UKSC 10.

Supreme Court Decision (Lady Hale) - the key issue was whether the relationship between Dr Bates and Barclays was 'akin to employment'. The Supreme Court held unanimously that it was not.

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EAT Case Summaries by Daniel Brown and Naomi Webber.

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Diplomatic immunity and leapfrog: Naomi Webber analyses *Basfar v Wong* UKEAT/0223/19/BA

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Ethical veganism: a philosophical belief. Naomi Webber analyses *Casamitjana v The League Against Cruel Sports* (ET case no. 3331129/2018).

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Is a belief in the moral importance of copyright a 'philosophical belief'? Naomi Webber analyses *Gray v Mulberry* [2019] EWCA Civ 1720

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Shared parental leave - Discrimination against men? Naomi Webber analyses *Ali v Capita Customer Management Ltd*, Chief

Constable of Leicestershire v Hextall [2019] EWCA Civ 900

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