



Naomi Webber

Year of Call: 2017

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Overview

Naomi Webber joined 3PB following the successful completion of her pupillage in October 2019. She is based in the Oxford centre.

Naomi accepts instructions in all areas of civil law, with a particular interest in employment, education and public law.

Prior to commencing pupillage, 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.

Outside of law, Naomi enjoys running, cycling and baking

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 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 Webber has a busy employment practice, acting for claimants and respondents in preliminary hearings, multi-day final hearings, and judicial mediation, both in person and via CVP. She also regularly drafts pleadings and provides written advice.

Her practice covers a wide range of employment law. She has advised and acted in claims involving:

- Unfair dismissal (including automatic unfair dismissal and constructive unfair dismissal)
- All forms of discrimination (direct and indirect discrimination, failure to make reasonable adjustments, and harassment)
- Whistleblowing
- Equal pay
- Unlawful deduction from wages
- Holiday pay
- Worker status
- Redundancy
- National Minimum Wage
- Breach of contract (in the Employment Tribunal and County Court)

She recently acted as second junior counsel for the Respondent in *Harpur Trust v Brazel* (appeal to the Supreme Court, concerning holiday pay for part-year workers).

Naomi's background in university teaching means she is willing and able to provide training in a range of areas of employment law. She regularly presents case law updates and contributes to the [3PB Employment and Discrimination newsletter](#).

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, and harassment.

Articles

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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Education Law

Naomi Webber has a growing education practice. She regularly advises and acts for parents, local authorities and schools. Her experience includes:

- Regularly appearing in the First-tier Tribunal for parents and local authorities in EHCP appeals, including refusal to issue EHC plans and appeals of sections B, F and I.
- Acting for parents and schools in disability discrimination claims in the First-tier Tribunal
- Clerking school admissions panels and independent review panels (school exclusions)
- Advising on breach of contract claims against independent schools
- Acting for students and universities in discrimination and breach of contract claims in the County Court

She also regularly provides training to local authorities on admissions, exclusions and EHCP appeals.

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 Webber accepts instructions through the Government Legal Department junior junior scheme. She has assisted in disclosure exercises for high profile and complex judicial review claims and recently acted as junior counsel in a country guidance case in the Upper Tribunal (Immigration and Asylum Chamber). She is currently acting as junior junior counsel to the Undercover Policing Inquiry.

She has a particular interest in public law in the education context.

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

Naomi Webber acts in a wide range of contractual matters in the County Court. To date she has advised and appeared for small businesses and individuals in matters including unpaid invoices, disputes over quality of work, consumer credit and

costs.

Overlapping with her employment practice, she regularly advises Claimants and Defendants on breach of contract claims in the employment context.

As part of her education law practice, Naomi also has a particular interest in contractual matters in the school and university settings. She 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.