



Grace Nicholls

Year of Call: 2015

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Overview

Grace is a tenant operating out of 3PB's Winchester annex, with a national practice in all areas of employment law. She has appeared in Tribunals including Nottingham, Birmingham, London Central and South, Bristol, Southampton, Ashford, Manchester, Cambridge, Leeds and Edinburgh. She also accepts instructions in relation to personal injury matters.

Before coming to the Bar, she gained extensive experience in Employment Law working for almost two years in the London offices of a prestigious employment team and a second notable law firm. She worked within small teams with partners and senior associates servicing clients including FTSE 100 companies, hedge funds and international insurance companies.

Whilst there, she assisted on complex employment tribunal claims, working closely with leading employment silks in high profile cases involving claims of discrimination, unfair and constructive dismissal and whistleblowing. She also has experience with team moves, injunctions, grievance, disciplinary procedures and judicial review.

Academic qualifications

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

Professional bodies

- Employment Law Bar Association
- Employment Lawyers Association
- Bar Pro Bono Unit
- Personal Injuries Bar Association

Expertise

Employment and discrimination

Grace acts for both Claimants and Respondents and accepts instructions in all areas of employment law.

She has appeared in tribunals (both at preliminary and final hearings) nationally involving issues such as unfair dismissal (including constructive unfair dismissal), TUPE claims (including failure to inform and consult), discrimination (including direct discrimination, discrimination arising from disability, failure to make reasonable adjustments, harassment and victimisation), unlawful deductions from wages, commission issues, redundancy, whistleblowing and substantive jurisdictional issues. She has experience in particular with claims under the Equality Act in relation to the protected characteristics of race, religious belief, sex, disability and age.

She has also successfully represented employers in preliminary hearings where disability status is in issue.

She has been instructed by a wide range of clients, ranging from individuals to a national pharmaceutical company, local authorities, recruitment agencies, and companies in the leisure and tourism and pharmaceutical industries.

Her recent instructions include:

- Successfully representing a Respondent in a multi-day disability discrimination and unfair dismissal claim (hybrid hearing)
- Representing a Claimant in an 8 day hearing involving issues of unfair dismissal, discrimination arising from disability, direct discrimination and harassment
- Successfully representing a Respondent at final hearing in a capability dismissal claim
- Representing a Claimant in a multi-day hearing on victimisation
- Successfully representing a Claimant in a multi-day TUPE claim
- Successfully representing a Respondent at a substantive Preliminary Hearing on significant time and amendment issues
- Representing a Respondent (on paper) to deal with substantive jurisdictional matters
- Successfully representing several Defendants (on paper) in striking out multiple claims brought by a Claimant.

She has a busy practice drafting pleadings and providing written advice at various stages of litigation on a range of issues including advice on prospects and quantum. She also has experience drafting Notices of Appeal to the EAT.

Grace regularly provides case law updates including most recently on the case of *Uddin v London Borough of Ealing* UKEAT/0165/19/RN (the application of the Supreme Court decision in *Jhuti* in the context of unfair dismissal), *Duncan Lewis Solicitors v Puar* UKEAT/0175/19/RN (in relation to the correct approach to strike out), *Mustard v Flowers and ors* [2019] EWHC 2623 (QB) (a decision in the context of civil litigation on the thorny issue of covert recordings) and *Owen v AMEC Foster Wheeler Energy Ltd and anor* [2019] EWCA Civ 822 (in which the Court of Appeal held that the decision not to deploy on a overseas assignment did not constitute disability discrimination).

Publications

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 -

[View Publication](#)

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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Personal Injury

Grace has experience appearing nationally representing both Claimants and Respondents on the fast and small claims track.

Grace's court experience in the field of personal injury/civil procedure includes:

- Small claims matters encompassing credit hire, contractual disputes and road traffic accidents
- Low value personal injury matters
- Infant settlement approval hearings
- Applications seeking and opposing the setting aside of default judgment
- Possession hearings
- Applications for third party debt orders
- Advice on quantum

Grace has also been recently published in the Personal Injury Law Journal for an article on the impact of covert recordings on proceedings.

Publications

3PB's Grace Nicholls provides a case summary of Valerie Tindall (2) Valerie Tindall (as administrator of the estate of Malcolm Tindall (deceased) v (1) Chief Constable of Thames Valley (2) Buckinghamshire County Council [2020] EWHC 837 (QB).

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