



Grace Nicholls

Year of Call: 2015

Email Address: grace.nicholls@3pb.co.uk

Telephone: 01962 868 884

Overview

Grace Nicholls 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.

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.

Recommendations

"Grace successfully represented us in defending an unfair dismissal claim. Grace's ability to rapidly assimilate, present and recollect relevant detail was exceptional, as was her sound and persuasive reasoning throughout proceedings" - **Recent client**

"I found Grace to be very efficient and effective. I greatly appreciated her detailed grasp and understanding of the case facts. It was particularly impressive how she was able to quickly regather her thoughts and questioning when new and unexpected information materialised. I would have no hesitation of recommending her services to others" - **Recent Client**

Academic qualifications

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

Professional bodies

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

Employment and discrimination

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

She has appeared in tribunals (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 and indirect discrimination, discrimination arising from disability, failure to make reasonable adjustments, harassment, victimisation and equal pay), unlawful deductions from wages, commission issues, redundancy, whistleblowing and substantive jurisdictional issues. Grace's practice also includes High Court injunctive work including issues concerning restrictive covenants.

She has been instructed by a wide range of clients, ranging from individuals to local authorities, recruitment agencies, and companies in the leisure, hospitality, tourism, retail and pharmaceutical industries. She also has experience acting for charitable organisations.

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 also has an appellate practice and enjoyed recent success in the Employment Appeals Tribunal.

In 2021, Grace has acted in cases involving the following allegations:

- **M and ors v WW and ors [2021]**
Successfully represented the Respondent in a 2-day claim on employer identity
- **S v DL [2021]**
Successfully represented the Respondent in a 4-day disability discrimination and unfair dismissal claim
- **L v ML [2021]**
Successfully represented the Respondent in a 1-day unfair dismissal claim
- **L v SVM [2021]**
Successfully represented the Claimant in a 2-day wrongful dismissal claim
- **P v AUL [2021]**
Successfully represented the Respondent in a 3-day disability discrimination claim
- **H v WSM [2021]**
Successfully represented the Respondent in a 1-day claim involving substantive time issues
- **S v KE [2021]**
Successfully represented the Respondent in a 5-day constructive dismissal claim
- **F v SBM [2021]**
Successfully represented the Respondent in a 3-day sex, race and sexual orientation discrimination claim
- **C v MC [2021]**
Successfully represented the Respondent in a 1-day unfair dismissal claim
- **F v SS [2021]**
Successfully represented the Claimant in a 1-day wrongful dismissal claim
- **A v A [2021]**
Successfully represented the Respondent in a 6 day whistleblowing claim.

In late 2020, Grace acted in cases involving the following allegations:

- **H v ABS [2020]**
Successfully represented the Respondent in an unfair dismissal claim
- **H v PCL [2020]**

Successfully represented the Claimant in a s100 and breach of contract claim

- **A v DL [2020]**

Successfully represented the Respondent in an unfair dismissal claim

- **C v JT [2020]**

Successfully represented the Respondent in a disability discrimination claim

- **M v SC [2020]**

Successfully represented the Respondent in a s103A and unfair dismissal claim.

Articles

Grace Nicholls analyses *Arvunescu v Quick Release (Automotive) Limited* [2022] EAT 26, a useful reminder for respondents and those advising them to ensure wordings on COT3 are carefully drafted. The EAT's decision is based on facts which are not unique and might be a useful authority to have into one's arsenal in defending claims at any early stage where there has previously been a COT3 drawn up and executed.

[View Article](#)

Chief Constable of Avon and Somerset Police v Nicholas Eckland [2021] EWCA Civ 1961

Grace Nicholls analyses *Chief Constable of Avon and Somerset Police v Nicholas Eckland* [2021] EWCA Civ 1961, a case in which the Court of Appeal confirmed that a Chief Constable was liable for the actions and omissions of a panel it had appointed and which had wrongfully dismissed a police officer.

[View Article](#)

Khan and Uzayr v BP plc EA-2021-000261-JOJ

Grace Nicholls reviews *Khan and Uzayr v BP plc* EA-2021-000261-JOJ, in which the EAT reminds us that the relevant considerations need to be taken into account when granting postponements, ensuring that justice is not denied.

[View Article](#)

Grace Nicholls on *Rooney v Leicester City Council* UKEAT/0064/20/DA and UKEAT/0104/21/DA, a case which reminds us that fact sensitive cases be dealt with with extra care and caution to prevent unnecessary delay and ensure effective, efficient conduct of litigation.

[View Article](#)

Grace Nicholls reviews the decision of the EAT in *Seecombe v Reed In Partnership* UKEAT/0213/20/OO, which restates many of the key principles and authorities to consider when seeking to establish or challenge disability status. The case also demonstrates that disputes about disability status are very difficult to overturn, given the fact sensitive nature of decisions.

[View Article](#)

Grace Nicholls reviews the case of *A v B* UKEATS/0042/19/SS(V) in which practitioners are reminded that while every strike out application is naturally very fact sensitive, when such applications are made, the basis for seeking them under rule 37 needs to be made clearly, with, as far as possible, a chronology of events set out in the clearest possible terms.

[View Article](#)

Page v Lord Chancellor and ors [2021] EWCA Civ 254

Specialist employment law barrister Grace Nicholls reviews *Page v Lord Chancellor and ors* [2021] EWCA Civ 254, a case in which a magistrate expressed views about the appropriateness of the adoption of a child by a same sex couple based on his religious views and refused to sign the order approving the adoption.

[View Article](#)

Head (Executrix of the Estate of Michael Head deceased) v The Culver Heating Company Limited [2021] EWCA Civ 34

Grace Nicholls analyses *Head (Executrix of the Estate of Michael Head deceased) v The Culver Heating Company Limited [2021] EWCA Civ 34* a case concerning "lost years claims".

[View Article](#)

Eight Changes to the Employment Tribunal Rules for 2020

Grace Nicholls sums up the likely implications of the eight new Employment Tribunals rules announced by the government to increase flexibility within the Employment Tribunal system.

[View Article](#)

Foster carers were employees of the Council

In *Glasgow City Council v Johnstone*, the employment status of foster carers is called into question. Grace Nicholls provides an analysis.

[View Article](#)

3PB's employment law barrister Grace Nicholls reviews the case of *Wilson Barca LLP v Shirin* UKEAT/0276/19/BA.

[View Article](#)

Changing contractual terms (or not!) in a TUPE Transfer – *Ferguson and ors v Astrea Asset Management Ltd* [2020] UKEAT0139/19

[View Article](#)

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.

[View Article](#)

Jhuti in the context of unfair dismissal proceedings. Grace Nicholls analyses *Uddin v London Borough of Ealing* UKEAT/0165/19/RN –

[View Article](#)

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.

[View Article](#)

Covert recording in a PI claim: ramifications for Employment Tribunals? Grace Nicholls analyses *Mustard v Flowers & Ors* [2019] EWHC 2623 (QB)

[View Article](#)

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

[View Article](#)