



## Grace Nicholls

**Year of Call:** 2015

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### 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:

- Representing a Respondent in a multi-day disability discrimination and unfair dismissal claim (hybrid hearing) [2020]
- Acting for a Claimant in a multi-day hearing on victimisation [2020]
- Representing a Respondent at a substantive Preliminary Hearing on significant time and amendment issues [2020]
- Representing a Respondent at a multi-day unfair dismissal claim [2020]
- Acting for a Claimant in an 8 day hearing involving issues of unfair dismissal, discrimination arising from disability, direct discrimination and harassment [2019]
- Representing a Respondent at final hearing in a capability dismissal claim [2019]
- Acting for a Claimant in a multi-day TUPE claim [2019]
- Representing a Respondent (on paper) to deal with substantive jurisdictional matters [2019]
- Representing several Defendants (on paper) in striking out multiple claims brought by a Claimant [2019]

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.

### Publications

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 Publication](#)

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.

[View Publication](#)

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.

[View Publication](#)

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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## **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