



# Caroline Stone

**Year of Call:** 2005

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## Overview

***A highly-experienced barrister: dedicated and incisive with an excellent 'bedside manner'***

Caroline Stone's practice focuses on public law with a particular expertise in national security litigation and a developing practice in education law. She also has significant experience of employment cases.

Caroline is an accomplished advocate and acts on behalf of a diverse range of clients, including individuals, companies and a variety of public authorities. She is frequently instructed in complex matters raising issues of public importance, including human rights challenges, and has appeared before the Court of Appeal and High Court, in addition to various specialist Tribunals and the County Court. She is a member of the Attorney General's B Panel of Junior Counsel to the Crown, having previously been appointed to the C Panel.

Notable cases include:

- **In the matter of Russian sanctions** - advice regarding Ukraine-related designations and closed material procedures under the Sanctions and Anti-Money Laundering Act 2018.
- **R (Sarkandi, Nabipour and Ors) v Secretary of State for Foreign and Commonwealth Affairs** [2015] EWCA Civ 687, [2016] 3 All E.R. 837 - the leading appellate authority on s.6 of the Justice and Security Act 2013 and the use of 'closed material' in civil proceedings.
- **Z, Y, U, W, BB, PP and G v Secretary of State for the Home Department** [2015] EWCA Civ 9 - protracted litigation regarding the continued feasibility of HMG's Deportation with Assurances policy (proposed deportations of suspected terrorists to Algeria).
- **In the matter of an Academy** - advising the Department for Education in a high-profile case concerning the potential termination of an Academy's funding as a result of poor governance and failure to comply with the Independent School Standards (in particular, provisions relating to safeguarding and the need to promote community cohesion, including concerns about extremism and radicalisation).

Caroline is a founding and Assistant Editor of and contributor to the leading practitioner's textbook *National Security: Law, Practice and Procedure* (Oxford University Press, March 2021).

Caroline's meticulous attention to detail, tenacity, pragmatic advice and personable approach are among her key strengths. These skills are of particular value in the protracted, multi-party (claimant and/or defendant) cases in which she is often instructed, especially those involving substantial documentation.

Complementing her domestic practice in public law and human rights, Caroline also has extensive experience of international law and foreign jurisdictions. Whilst working at the War Crimes Chamber of the State Court of Bosnia and Herzegovina (Sarajevo) prior to joining 3PB, Caroline's caseload included Bosnia's first genocide trial relating to a massacre at Srebrenica. In 2012, she was a Judicial Assistant to the Appeals Chamber of the Special Court for Sierra Leone (based in The Hague), dealing with appeals arising from the conviction of Charles Taylor, former President of Liberia. In late 2011, as a Pegasus Scholar, Caroline undertook a 2-month secondment at the Legal Resources Centre, Cape Town, one of South Africa's pre-eminent public-interest law clinics.

In 2009, Caroline was nominated for a Bar Pro Bono Award for her involvement in **R (Compton) v Wiltshire Primary Care Trust** [2008] EWCA Civ 749, 1 WLR 1436 (a leading Court of Appeal authority on protective costs orders, the predecessor to cost-capping orders), for which she and her co-Counsel received a special commendation from the judging panel.

In her downtime, Caroline has a passion for singing and photography.

## Employment and discrimination

Caroline has significant experience of both advisory work and advocacy in employment law matters. Her cases range from preliminary hearings to substantive multi-day trials, representing the full spectrum of the labour market – from cleaners to hedge fund employees; care home providers to public authority employers (e.g. the Ministry of Justice, DWP and FC&DO). Caroline's meticulous attention to detail ensures she is always fully conversant with the finer details of her client's work environment – of particular assistance in relation to industries which are heavily regulated or more technical in nature.

Caroline has also advised on the merits of appealing decisions to the Employment Appeal Tribunal.

Caroline has experience of:

- Unfair dismissal – including constructive unfair dismissal, gross misconduct and the reasonableness of selection criteria for redundancy
- Employment status
- TUPE
- Unlawful deduction of wages (including bonus schemes)
- Breach of contract claims
- Whistleblowing: public interest disclosures relating to health and safety
- All forms of discrimination claims, including indirect discrimination
- Equal Pay Act claims

Cases of interest include:

Acting on behalf of the (former) UK Border Agency in successfully defending a claim for discrimination 'arising from disability' brought under the (then) novel provisions of s.15 of the Equality Act 2010 (consideration of the necessary causal link between the impugned conduct and the disability relied upon).

Successfully arguing that a school groundsman who had accounted for his own tax and national insurance for over 20 years, had a considerable degree of autonomy in the manner in which work was completed and undertook similar jobs elsewhere as a contractor, was nonetheless an 'employee' for the purposes of an unfair dismissal claim.

Advising as to whether a Civil Service injury benefit scheme (Ministry of Defence) was indirectly discriminatory on the grounds of age.

Advising whether termination of employment in order to prevent a local authority employee accessing his pension amounted to age discrimination.

Persuading a Tribunal that despite technical difficulties with its website having prevented a prison governor from submitting

his claim online on the final day of the limitation period, it was nevertheless reasonably practicable for him to have presented his claim in time (consideration of (then) new procedural Rules and the validity of incorrectly-submitted applications)

Caroline represents both Claimants and Respondents, providing valuable insight into the complexities of the workplace environment and the underlying factors which drive and shape employment litigation. She is alert to the commercial realities which often call for the pragmatic resolution of a case.

## **Academic qualifications**

- MA (Hons) (Law), Downing College, Cambridge University
- Bar Vocational Course, BPP Law School (Very Competent, 9th in year of 300)

## **Scholarships**

- Pegasus Scholarship (South Africa, 2011)
- Chrystal Macmillan Prize (Middle Temple) in recognition of BVC results (2005)
- Queen Mother's Scholar (Major BVC Scholarship, Middle Temple) (2004)

## **Professional qualifications & appointments**

- Attorney-General's Junior Counsel to the Crown (B Panel)
- Assistant Editor, *National Security: Law, Practice and Procedure* (Oxford University Press, March 2021)

## **Professional bodies**

- Constitutional and Administrative Law Bar Association (ALBA)
- Human Rights Lawyers' Association
- Education Law Association (ELAS)