



Grace Nicholls

Year of Call: 2015

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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.

Grace acted in cases involving the following allegations:

2023

C v B [2023]

Successfully represented the Respondent in a 1-day unfair dismissal claim.

H v B [2023]

Successfully represented the Respondent in a 4-day whistleblowing claim.

M v P [2023]

Successfully represented the Respondent in a 4-day race discrimination claim.

M v LL [2023]

Successfully represented the Respondent in a 1-day unfair dismissal claim.

S v S [2023]

Successfully represented the Claimant in a 5-day constructive dismissal claim.

B v P [2023]

Successfully represented the Respondent in a 3-day unfair dismissal claim.

D v E [2023]

Successfully represented the Respondent in a 2-day unfair dismissal claim.

2022

K v GG and ors [2022]

Successfully represented the Respondent in a 4-day unfair dismissal claim.

D v FC [2022]

Successfully represented the Respondent in a 4-day disability discrimination and unfair dismissal claim.

C v AI [2022]

Successfully represented the Respondent in a 5-day unfair dismissal claim.

O v NT [2022]

Successfully represented the Respondent in a 3-day whistleblowing, constructive dismissal and victimisation claim.

J v NT [2022]

Successfully represented the Respondent in a 2-day unfair dismissal claim.

N v WF [2022]

Successfully represented the Respondent in a 2-day race/religious belief discrimination claim.

S v ML [2022]

Successfully represented the Claimant in a 3-day unfair dismissal/redundancy claim.

W v FRC [2022]

Successfully represented the Claimant in a 3-day unfair dismissal/redundancy claim.

2021

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.

2020

H v ABS [2020]

Successfully represented the Respondent in an unfair dismissal claim.

H v PCL [2020]

Successfully represented the Claimant in a health and safety dismissal 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 whistleblowing and ordinary unfair dismissal claim.

Articles

Grace Nicholls considers the case of *Macfarlane v Commissioner of Police of the Metropolis* [2023] EAT 111, a useful reminder that it is insufficient to simply tick the unfair dismissal box if a claim of whistleblowing is being pursued, and that the disavowal of a claim can indeed, rightly, have far reaching consequences for any application to amend subsequently.

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3PB employment specialist, [Grace Nicholls](#) analyses the case *Hawkes v Oxford Economics Limited* [2022] EAT 179 when an appeal was brought against a Registrar's order from April 2022 in which an extension of time to present an appeal was refused.

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[Grace Nicholls](#) analyses *Pryce v Baxterstorey Limited*, EAT, EA-2020-000323-BA, a case which sets a clear and unequivocal warning to Claimants to obtain the necessary documentation in advance of submission of an ET1.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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".

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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.

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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.

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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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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 -

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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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Recommendations

Grace Nicholls is experienced in a broad range of employment law claims including unfair dismissal and all forms of discrimination. She has a proven track record of successfully representing respondents at employment tribunals.

Chambers UK 2024/Employment/South Eastern Bar

Strengths: "Grace Nicholls is a strong junior, building her reputation with law firms and clients alike. She's always prepared to find time to talk through a matter with a client and has a good understanding of the commercial as well as the legal aspects of the case."

"Grace Nicholls exudes confidence and has very good background knowledge of claims she's assisting with. She's always on hand to assist with queries and to discuss tactics."

Chambers UK 2023/Employment/South Eastern Bar

Rising star Grace Nicholls is a 'well prepared, responsive and skilled advocate with good client skills' and successfully defended a respondent in a case concerning a dismissal that was alleged to be unlawful on TUPE grounds.

'Grace is a considered and tactful barrister who builds a good rapport with clients and witnesses to put them at ease. Her advocacy is well thought out, prepared and compelling.'

Legal 500 2024/Employment/Rising Stars/South Eastern Circuit

Grace is the full package – excellent knowledge of the law, sharp written and oral advocacy and fantastic client care. She is a sharp advocate with precise and powerful cross-examination and boundless energy in trials. She is meticulous and systematic in cross-examination and a formidable opponent. She manages multiple witnesses well.'

"I sincerely thank you again for all your efforts in assisting me to bring about a successful unfair dismissal claim. I am certain that even had I lost, I would still be saying you did a fantastic job and had done all that you could to put forward my case. You were most impressive during the Hearing and your preparation was exemplary, especially considering the size of the bundle"
- **Recent client**

"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 Lawyers Association