



Katherine Anderson

Year of Call: 2005

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Overview

Katherine is an experienced education and employment law specialist who offers first class customer service, legal advice and advocacy.

Her practice now encompasses:

- Employment
- Education.

Katherine has undertaken a number of successful judicial and private mediations as an Accredited Mediation Advocate.

Katherine was educated at Cambridge University, United Kingdom, and Harvard University, United States. She completed her postgraduate Diploma in Law at City University and her Bar Vocational Course at BPP School of Law, where she was graded 'Outstanding'. She has been a tenant of 3PB Barristers since the completion of her pupillage there.

Recommendations

Katherine Anderson is a well-respected education law barrister who specialises in special educational needs and discrimination law cases. Her client base includes individuals such as parents, young people, and students, and educational institutions from secondary schools all the way up to universities.

Strengths: "She is always helpful and friendly and puts clients at ease."

"Katherine Anderson's knowledge of the health and social care sectors is second to none."

"Katherine is knowledgeable and a pleasure to work with."

Chambers UK 2025/Education/London Bar

Katherine Anderson is a strong advocate who enjoys a varied caseload which covers employment and education law. She is active in discrimination claims and EAT appeals.

Strengths: "She is very able in court, concise and provides well-thought-through written work. I highly recommend her."

"Katherine has phenomenal attention to detail and technical knowledge."

"Katherine is a superb advocate and my personal choice for complex EAT cases."

"Katherine is reliable and tenacious in how she advances her advocacy."

Chambers UK 2025/Employment/Western Bar

Strengths: "Katherine was very helpful. I would recommend Katherine to colleagues."

"Katherine is a very skilled advocate with substantial legal analytical skills."

"Katherine's very responsive; she provided particularly useful written submissions, and gave helpful advice in relation to strategy."

Chambers UK 2024/Employment/Western Bar

Strengths: "She is diligent and has great attention to detail."

"She is technically excellent and a great advocate."

Chambers UK 2023/Employment/Western Bar

Strengths: "She has excellent attention to detail on difficult cases and responds extremely promptly." "She is diligent and has very great attention to detail. We consider her a very technically adept lawyer, who can really drive down into conflicting case law."

Chambers UK 2022/Employment/Western Bar

Strengths: "She is extremely thorough and detailed in her preparation and advice. She is meticulous in her attention to detail and excellent for complex cases."

Chambers UK 2021/Employment/Western Bar

'Katherine has good attention to detail, is diligent, and has a good client manner.'

Legal 500 2025/Employment/Leading Junior/Western Circuit

'Katherine is extremely personable and knowledgeable instilling confidence in both instructing solicitors and clients. She goes above and beyond in supporting instructing solicitors with any issues that may arise during the course of proceedings and is eloquent in her advocacy skills balancing the need to address the law and have the clients position heard.'

Legal 500 2025/Education/Leading Junior/London Bar

'Katherine is forensic in her approach. She looks at all angles and considers all options. A very diligent advocate.'

Legal 500 2024/Education/Leading Junior/London Bar

'Katherine is extremely bright, client-friendly and meticulous in her preparation and written work.'

Legal 500 2023/Education/Leading Junior/London Bar

'Katherine has a wealth of experience in SEND appeals and is very thorough in her approach; she is a robust advocate and her preparation is always meticulous.'

Legal 500 2022/Education/Leading Junior/London Bar

'Highly intelligent, thorough in her work and is a tenacious barrister.'

Legal 500 2021/Education/Leading Individual/London Bar

Academic qualifications

- Cambridge University, United Kingdom
- Harvard University, United States
- Postgraduate Diploma in Law at City University
- Bar Vocational Course at BPP School of Law (Outstanding)

Scholarships

- Inner Temple Exhibition

Professional qualifications & appointments

- Accredited Mediation Advocate

Professional bodies

- Employment Law Bar Association (ELBA)

Expertise

Employment and discrimination

Katherine is an experienced employment law specialist who has acted for and advised claimant and respondent employers in the private, public and not-for-profit sectors.

She offers particular expertise in relation to disability and other discrimination cases with a personal injury mental health aspect.

By way of example, recent cases include:

- A claim of alleged disability discrimination, relating to depression and stress at work, providing detailed advice in relation to case preparation
- Representation of a claimant manager in a high value claim for unfair dismissal and victimisation
- Representation of a respondent manager defending a race discrimination claim brought by the deceased's executors with a high value personal injury aspect
- Representation of a respondent School Governing Body in relation to an unfair dismissal claim brought by an employee accused of lying about her qualifications
- Representation of a respondent nursery provider in relation to an unfair dismissal claim brought by an employee accused of sexual abuse of a child
- An alleged constructive "whistle-blowing" dismissal where the employee complained of a dangerous workplace

She has undertaken a number of successful judicial and private mediations as an Accredited Mediation Advocate.

In her employment practice she has a particular interest in the education sector and has acted in employment cases concerning staff at nurseries, schools and universities ([see also Katherine's Education Law profile](#)).

Education

Katherine is an experienced education law specialist with a particular interest in special educational needs. She is familiar with the issues that may arise in relation to mental capacity in education cases.

She accepts instructions from local authorities, schools, parents, young people, students and universities, as well as employers/employees in the education sector, in relation to:

- Appeals and claims before the First-tier Tribunal (Special Educational Needs and Disability)
- School admissions
- School exclusions
- Equality Act 2010 claims in the civil courts
- Judicial review
- Employment tribunal proceedings ([see also Katherine's Employment law profile](#)).

Recent cases:

Katherine has acted in many complex cases concerning special educational, health and social care for post-16 and post-19 year olds in Education and Health and Care plans, including under the National Trial.

She has recently acted in appeals to the Upper Tribunal regarding the special educational provision for a physically disabled child with a fluctuating health condition, and regarding the interrelationship between the social care and special educational provision in an EHC plan for a young person over 19 years of age.

Other recent cases have involved disputes around:

- Educational negligence
- Home education of a child for medical reasons
- Special educational provision for children outside of the normal school day
- The level of therapeutic provision reasonably required to meet a child's special educational needs
- Sensory profiles as special educational provision
- Disability discrimination – school exclusions
- Disability discrimination – failure to make reasonable adjustments
- Disability discrimination claims against universities by students who were required to withdraw from their courses.

Katherine also provides training in education law to a variety of different audiences, including local authorities, solicitors, university student advisors, lay panel members and educational experts.

She is herself a parent of young children.

Reported Case:

RB v Calderdale MBC (SEN): [2018] UKUT 390 (AAC)

Public and Regulatory

Katherine is an expert in all aspects of education law, with a particular interest in special educational needs. She accepts instructions from local authorities, schools, parents, young people, students and universities, as well as employers/employees in the education sector. Her busy caseload also includes judicial review cases in the education sector.

Articles

Katherine Anderson examines the cases of *Stena Drilling PTE Limited v Smith* [2024] EAT 57 and *TwistDX Limited and Others v Armes and Others* [2024] EAT 45, concerned with international or territorial jurisdiction and considers the need to carefully analyse the facts of the case and raise jurisdiction questions as a preliminary issue in the absence of an 'obvious and plain' answer.

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[Katherine Anderson](#) gives an update on the amendments to the Equality Act 2010, in which the purpose of the regulations is to reproduce in domestic law certain interpretive effects of retained EU law which, under the Retained EU Law (Revocation and Reform) Act 2023, would otherwise cease to apply in the UK after the end of 2023.

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Katherine Anderson analyses *AECOM Limited v Mallon* [2023] EAT 104, a case in which the EAT provides a useful review of the

authorities on what reasonable enquiries an employer should make of a disabled job applicant.

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Katherine Anderson considers the case of Mrs N Moustache v Chelsea and Westminster NHS Foundation Trust: [2022] EAT 204 in which the ET failed to adjudicate upon a claim though its particulars set out sufficient information for it to be considered.

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Katherine Anderson considers the case of Miles v Driver and Vehicles Standards Agency [2023] EAT 62 in which the EAT confirmed the scope of the word "at" in the wording "at a place where" of section 44 (1)(c)(i) of the Employment Rights Act 1996.

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Katherine Anderson analyses Royal Parks Ltd v Boohene, Antwi and Others [2023] EAT 63, a case which asked whether workers employed by third-party contractors could rely on the principal's own employees as comparators in a claim of indirect race discrimination relating to rates of pay, under section 41 EqA.

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Katherine Anderson reviews ***Mendy v Motorola Solutions UK Ltd and Others [2022] EAT 47***, a case in which we are reminded that failure to adequately particularise a claim does not mean that it is not being pursued.

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...but an employee may have a good claim in the ordinary courts. Katherine Anderson reviews Abellio East Midlands Ltd v Mr K Thomas [2022] EAT 20, a case in which an employee started a new role for their employer before details of the new salary had been agreed.

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Katherine Anderson analyses The Chancellor, Masters and Scholars of The University of Oxford v Professor Paul Ewart EA-2020-000128-RN, which highlights that proportionality assessment means it is possible for different ETs to reach different conclusions when considering the same measure adopted by the same employer in respect of the same aims.

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Katherine Anderson considers Mrs A Martin v City and County of Swansea: EA-2020-000460-AT (Previously UKEAT/0253/20/AT), a case which confirms the importance of properly identifying PCPs in reasonable adjustments claims, whilst deterring respondents' lawyers from taking overly technical points on pleading.

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Katherine Anderson analyses the Court of Session's decision in L v K [2021] CSIH 35, a case involving a scenario which practitioners may have encountered before among employers concerned with the safeguarding of children.

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Katherine Anderson examines Farnham-Oliver v RM Educational Resources Ltd [2021] EWHC 2418 (QB), the latest in a line of claims where an employee whose claim is compromised in the ET, finds it is then struck out in civil proceedings for abuse of the court's process.

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Katherine Anderson analyses Robinson v His Highness Sheikh Khalid Bin Saqr Al-Qasimi [2021] EWCA Civ 862, a case which highlights the key principles to be applied where an employer raises a defence of illegality, a potential defence which is often considered by employers in disputes over employee status where tax and national insurance have not been paid on the basis that the claimant was an employee.

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L v 1) X 2) Z & 3) E UKEAT/0080/20/RN

Employment law barrister [Katherine Anderson](#) reviews [L v 1\) X 2\) Z & 3\) E UKEAT/0080/20/RN](#) and examines the principles considered by the EAT in determining whether there was “conduct extending over a period” for the purposes of section 123 of the Equality Act 2010.

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Employment law barrister, Katherine Anderson analyses the case of *Robinson v Department for Work and Pensions [2020] EWCA Civ 859* (7th July 2020).

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3PB's employment law barrister Katherine Anderson reviews the case of *Fottles v Bourne Leisure*.

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Rakova v London North West Healthcare NHS Trust UKEAT/0043/19/LA

Employees can often complain where they feel that their managers are not giving them the tools they need to do their jobs efficiently, effectively or productively. How does that situation relate to a disability discrimination claim for failure to make reasonable adjustments? This decision provides some guidance on the approach to be taken by the Tribunals in claims of disability discrimination by reason of a failure to make reasonable adjustments.

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Coronavirus Job Retention Scheme – how does it fit with the existing law on lay-offs and short-time working?

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Long term disability benefits: it all depends on the contract. Katherine Anderson on *ICTS (UK) Limited v VISRAM [2020] EWCA Civ 202*

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Reasonable adjustments – Is it relevant that the employee didn't mention them? Katherine Anderson analyses *Shah v TIAA Ltd UKEAT/0180/19/BA*, following her successful representation of the respondent employer in this appeal before the EAT.

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Legal advice privilege: Katherine Anderson analyses *Curless v Shell International Ltd [2019] EWCA Civ 1710*

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3PB Employment Barrister Katherine Anderson examines the implications of *Peninsula v Baker* on employer liability for acts of victimisation. Katherine Anderson examines if an employer can escape "scot-free" from liability for an act of victimisation if it is 'astute enough' to instruct an innocent third party – or employee – to carry it out.

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Articles

[Katherine Anderson](#) gives an update on the amendments to the Equality Act 2010, in which the purpose of the regulations is to reproduce in domestic law certain interpretive effects of retained EU law which, under the Retained EU Law (Revocation and Reform) Act 2023, would otherwise cease to apply in the UK after the end of 2023.

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[Katherine Anderson](#) considers the appeal *A Multi Academy Trust v RR* [2024] UKUT 9 (AAC), in which the issues around the application of the test in section 20(3) of the Equality Act 2010 as modified by schedule 13, particularly in its application to special schools.

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[Katherine Anderson](#) reviews the appeal of *London Borough Camden v KT* [2024] UKUT 225 (AAC), in which Upper Tribunal Judge Jacobs analysed the legal position when a parent consents to the special educational provision in their child's EHCP being arranged in the family home.

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3PB experienced education law specialist [Katherine Anderson](#) summarises the case *Re a Teacher (Rule 14 Order)* which concerns the Upper Tribunal's power to protect the confidentiality of certain proceedings.

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3PB experienced education law specialist [Katherine Anderson](#) summarises the recent case *JJ & EE v Buckinghamshire Council* which concerned the Tribunal's approach to costs. This was an appeal to the Upper Tribunal arising out of parents' unsuccessful application to the First-tier Tribunal for a costs order against the local authority in a special education needs case.

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Katherine Anderson considers *DB v Academy Transformation Trust (SEND)* [2022] UKUT 66 (AAC) in which the Upper Tribunal held that the First-Tier Tribunal (SEND) has no power to stay a permanent exclusion decision pending the final hearing of a disability discrimination claim and considered First-tier and Upper Tribunal powers to regulate procedures or decisions outwith their own procedures.

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3PB's specialist education law barrister Katherine Anderson reviews how the New National Restrictions to control the spread of Coronavirus (COVID19) impact education and school attendance.

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3PB's Katherine Anderson reviews the case of *AB v University of XYZ*. Legal representation and cross-examination in university disciplinary proceedings and specific performance as a remedy.

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Council wins Judicial Review challenge to academy order

Katherine Anderson reviews *Somerset County Council v Secretary of State for Education* [2020] EWHC 1675 (Admin).

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