

Katharine Bailey

Call Date: 2019



Katharine Bailey joined 3 Hare Court as a tenant in October 2021 following the successful completion of her pupillage. Katharine has a broad civil practice encompassing employment, commercial, public, property, travel and personal injury law.

Under the supervision of Tom Poole QC, James Hawkins, Asela Wijeyaratne, Sara Ibrahim, Ben Channer and Richard Bottomley, Katharine gained experience across all of Chambers' areas of expertise during pupillage. She now regularly appears in the County Court on a range of matters including fast-track trials, interim applications, and preliminary hearings. Alongside her private practice, Katharine is a part-time Consultant to Withers LLP's top-ranked employment department.

Legal Services

Employment

Katharine has considerable experience advising on employment law. In her capacity as a Consultant to Withers LLP, she is involved in matters concerning breach of contract (including post-termination restrictions), unfair and constructive unfair dismissal, partnership and shareholder disputes, whistleblowing and discrimination.

During pupillage, Katharine assisted Tom Poole QC in a 10-day Employment Tribunal hearing involving allegations of sexual harassment, victimisation and unfair dismissal; she also assisted Tom in connection with advisory work addressing unlawful deduction from wages and the enforceability of restrictive covenants. Under Sara Ibrahim's supervision, Katharine assisted on a variety of complex employment matters, which often raised discrimination and data protection considerations. She and Sara co-wrote an article for the International Employment Lawyer on [how employers can prepare for an emerging AI regulatory landscape](#) and recently delivered a presentation to the Equality and Human Rights Commission's enforcement team on artificial intelligence and algorithmic bias in the employment context.

Commercial, Company and Insolvency

Katharine is developing a broad practice encompassing all aspects of commercial, company and insolvency

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litigation and advisory work. Katharine is well placed to advise on the intersection of employment and commercial law. By way of example, Katharine recently junioried for Richard Samuel in an unfair prejudice petition concerning the scope of directors' duties under the Companies Act 2006 in the context of historic allegations of racism and discrimination (*Re Prospect Place (Wimbledon) Management Co Ltd* [2022] EWHC 76 (Ch)).

Katharine regularly appears in the County Court and advises on a range of general commercial disputes involving breach of contract, frustration and the enforceability of force majeure clauses. She has been a junior junior to Richard Samuel (leading James Gale) in a commercial dispute involving complex legal arguments concerning penalty, misrepresentation, and breach of good faith.

During pupillage, Katharine worked on a variety of commercial, company and insolvency disputes, including:

- Assisting Simon Davenport QC and Phil Judd in a high value bankruptcy action arising from disputed judgments obtained in Russia.
- Assisting Tom Poole QC and Emily Moore in connection with a breach of contract and unlawful means conspiracy claim.
- Assisting Tom Poole QC in drafting a claim for misuse of confidential information, unlawful means conspiracy and dishonest assistance.
- Assisting Tom Poole QC in a complex unfair prejudice petition involving allegations of conflict of interest, breaches of statutory duty, fiduciary, and common law director's duties.
- Assisting Rupert Butler in the 10-week directors' disqualification trial arising out of the collapse of the high-profile children's charity, Kids Company. Katharine co-wrote an article for the *New Law Journal*, [Third Sector Protector](#), on the implications of Mrs Justice Falk's judgment for the charity sector more broadly.

Public, Constitutional Law and Inquiries

Katharine is particularly interested in public law. She is currently led by Robert Strang in an administrative law appeal in the Privy Council. During pupillage, Katharine assisted Tom Poole QC in connection with a judicial review of the Government's support package to universities and further education colleges in the wake of COVID-19. Katharine also gained experience during pupillage assisting Leading Counsel in Chambers on constitutional law cases before the Privy Council, including the following matters on appeal from the Court of Appeal of Trinidad and Tobago:

- [Duncan and Jokhan v Attorney General of Trinidad and Tobago \[2021\] UKPC 17](#). Katharine assisted Tom Poole QC in drafting the Respondent's Written Case in an appeal concerning whether there was a violation of the Appellants' rights under section 4(a) of the Constitution not to be deprived of liberty and security of the person except by due process of law.
- [Betaudier v Attorney General of Trinidad and Tobago \[2021\] UKPC 7](#). Katharine assisted Tom Poole QC in drafting the Respondent's Written Case in an appeal concerning the lawfulness of the Appellant's arrest and subsequent detention.
- Katharine assisted Thomas Roe QC in preparing the Respondent's Written Case for an appeal concerning apparent bias and the scope of the protection afforded by sections 4(a) and 5(2)(f)(ii) of the Constitution.

Katharine is instructed as junior counsel to the [Iraq Fatality Investigations](#), established following *R (Ali Mousa and others) v Secretary of State for Defence* [2013] EWHC 1412 (Admin) in order to meet the state's obligations under Article 2 of the ECHR. Katharine's role involves assisting leading junior counsel to the

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Inquiry in connection with investigations into the deaths of Radhi Nama and Mousa Ali (two detained civilians whose deaths involve allegations of ill treatment at a British army base near Basrah in May 2003) and Ahmed Jabbar Kareem Ali (an investigation concerned with identifying whether there was a systemic practice of 'wetting' as a law-enforcement mechanism in the post-war phase of British Occupation in 2003).

Property Litigation

Katharine is instructed in a range of property matters, including Part 8 claims. She is regularly instructed in possession claims, business tenancy disputes and disputes concerning trusts of land and co-ownership. She also has a busy paperwork practice in these areas. She has recently advised on a complex breach of contract/misrepresentation claim concerning the sale of a £800,000 London home.

She has recently acted in a collective enfranchisement claim under section 26(1) of the Leasehold, Housing and Urban Development Act 1993, and also an application for rectification of the Company Register under section 859M of the Companies Act 2006. She has also advised on the impact of COVID-19 and tenants' obligations under regulations 4(c) and (d) of the Non-Domestic Rating (Unoccupied Property) (England) Regulations 2008.

During pupillage, Katharine assisted Tom Poole QC and Sara Ibrahim in the legally significant Privy Council case of *Gordon v Havener (Antigua and Barbuda)* [2021] UKPC 26, in which Lord Burrows clarified the law of proprietary estoppel as it relates to contract-breakers.

Travel and Personal Injury

Katharine is regularly instructed in matters involving the Package Travel Regulations (1992 and 2018) and drafts advices and pleadings in disputes involving the same. She also represents various airlines in passenger claims for compensation under the EU Denied Boarding Regulations (EC Regulation 261/2004).

During pupillage, Katharine assisted members of Chambers with advisory work, drafting and trial preparation in a range of disputes involving jurisdictional and conflict of laws issues.

Education Law

Katharine is passionate about education, and prior to pupillage she volunteered as a help-line advisor for ISPEA, an independent charity providing advice to the parents of children with special educational needs. She was also a pro bono volunteer and director of the School Exclusion Project (also known as 'SEP') whilst studying for the GDL and BPTC at City, University of London. Katharine's interest in education law is necessarily informed by her interest in and experience of advising on Equality Act 2010 claims, contract disputes and wider corporate governance issues (including the role of trustees).

Memberships

- Commercial Bar Association (COMBAR)
- Employment Lawyers Association (ELA)
- Personal Injury Bar Association (PIBA)

- Commonwealth Lawyers Association (CLA)

Qualifications

- BA English Language and Literature, Worcester College, Oxford (First Class)
- GDL, City (Distinction)
- BPTC, City (Very Competent)

Awards

- Frank and Burris Gahan Scholarship, Inner Temple
- Exhibition Award, Inner Temple
- Academic Scholarship, City
- Worcester College Prizes for Excellence in Collections and Finals Result
- BNY Melon Oxford University Sports Scholarship
- Best New Blue, Oxford Women in Sport Award

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