



Courtney Step-Marsden

Year of Call: 2019

Direct Access: Yes

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Courtney Step-Marsden's core practice includes **Employment Law**, **Court of Protection**, **Education**, **Private Client**, **Regulatory** and **Commercial** work.

Much of Courtney's practice stems around disabilities, which is a particular interest of hers. In the Employment Tribunal, she has extensive experience representing claimants and respondents in discrimination proceedings, often with a particular focus on the failure to make reasonable adjustments and Section 15 Equality Act 2010. Through both her Education practice and Court of Protection work, Courtney has gained extensive experience dealing with complex disabilities and presentations.

Courtney also has appellate experience, having acted as junior counsel in the Court of Appeal decision of Kong v Gulf International Bank (UK) Ltd, and having appeared in the Employment Appeal Tribunal and Upper Tribunal for SEND matters.

Areas of Expertise

Employment & Discrimination

Courtney has been instructed on a variety of employment law matters, acting for both Claimants and Respondents, including discrimination matters, unfair dismissal, and TUPE matters.

Courtney is currently instructed on several matters before the Employment Appeal Tribunal, including cases in which she did not appear at first instance.

Courtney has a strong advisory practice. She advises on matters at all stages of proceedings, including advising on whether proceedings should be issued, strategy for conducting proceedings, prospects and settlement offers.

Courtney also has experience in non-employment discrimination cases before the County Court.

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Notable Employment & Discrimination cases

MacLennan v British Psychological Society [2024] EAT 166

Courtney acted as junior to Naomi Ling representing the Charity Commission who were granted permission to intervene in the appeal due to their oversight of charities. The EAT considered whether Dr MacLennan, as a Trustee of the British Psychological Society, had 'worker status' within s230 of the Employment Rights Act. It found that the ET had not erred in concluding that there was no contract between the parties, as the relationship was governed by the charity's governing documentation. However, it remitted to the ET the question of whether excluding Dr MacLennan from such statutory protection was in breach of his Article 10 right (to freedom of expression) when read together with Article 14 of the ECHR (right not to be discriminated against).

Baldwin v Cleves School [2024] EAT 66

Courtney represented the appellant in this matter. Courtney was successful in arguing that properly construed in light of its history, context and purpose, section 110 Equality Act 2010 confers no discretion on an ET not to find a contravention of that section if the conditions for individual liability under it are met. Accordingly, the ET erred here and the EAT substituted a finding of a contravention of s.110 by the individual respondents in respect of their acts for which the School was liable.

Kong v Gulf International Bank (UK) Limited [2022] EWCA Civ 941

Courtney acted for the Appellant as Junior to Will Young in this matter, which was an appeal from the EAT against the ET's dismissal of the Claimant's claim for automatic unfair dismissal arising out of whistleblowing. This raised questions relating to the separability of protected disclosures and conduct whilst making them.

Rahim v The Commissioner of Police for the Metropolis [2022] EAT 3

Courtney assisted the Appellant (Claimant) in the preparation of this case, which addressed whether the tribunal erred in not allowing the claimant to appear by video link or telephone from abroad at the open preliminary hearing. In the judgment, Courtney was complimented on her 'excellent' skeleton argument.

Robinson v Guys and St Thomas' NHS Foundation Trust

Courtney successfully represented the Claimant in his claim for a statutory redundancy payment. The Claimant was successful in arguing that the respondent did not offer suitable alternative employment, and that the Claimant was not unreasonable in refusing the offer of employment offered.

Abassi v University of Surrey

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Courtney successfully represented the Claimant in his claim for redundancy pay, on the basis that he was treated less favourably in contravention of regulation 3 of the Fixed Term Employees (prevention of less favourable treatment) regulations 2002.

Dornan v Maritime Transport Limited

Courtney represented the successful Claimant in his claim for section 15 disability discrimination arising from his dismissal. The Respondent was unable to show that dismissal was a proportionate means of achieving a legitimate aim.

Reid v 363 Transport Limited

Courtney represented the Claimant at a 3-day hearing in which the Claimant was found to have been unfairly dismissed and that the respondent had discriminated against the claimant in contravention of Section 15 Equality Act 2010, and that the respondent had failed to make reasonable adjustments for the Claimant.

Court of Protection

Courtney practices in both the property/financial affairs and health/welfare jurisdictions of the court. She acts regularly for all parties to proceedings, and is frequently instructed by the Official Solicitor to represent P.

Courtney is frequently instructed in welfare proceedings and in cases involving deprivations of liberty. She is instructed as long-standing counsel on a number of ongoing matters involving Ps with complex presentations. She is particularly interested in COP matters that involve young people with EHCPs, and is well-placed to advise on cross-over matters and issues of jurisdiction. She has experience dealing with matters where challenges have arisen regarding the assessment of capacity due to P's presentation.

In the property and financial affairs jurisdiction, Courtney has been involved in matters challenging P's capacity when LPAs were signed, the removal of deputies and the appointment of Panel deputies. Courtney has experience representing the Office of the Public Guardian in these matters.

Education

Courtney has a busy education practice, and frequently represents parents and Local Authorities in statutory appeals before the First-tier Tribunal (Special Educational Needs and Disability) under the Children and Families Act 2014. Courtney also has experience in assisting in drafting working documents. Recent examples of Courtney's cases include:

- Securing an ABA provision and direct SLT therapy for a child.
- Representing a parent at an appeal against Section I, B and F, resulting in the Local Authority conceding Section I on the morning of the hearing, and at the hearing, successfully securing 1:1 Occupational Therapy.
- Successfully securing a waking-day placement.
- Successfully representing a Local Authority in an appeal against Section B and F of the EHCP. This matter was

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appealed to the Upper Tribunal, and Courtney was successful at the appeal hearing in resisting the application to appeal.

Courtney's employment practice leaves her well suited to advise and act in disability discrimination claims brought in the First-tier Tribunal. Courtney's recent work includes:

- Representing a young person in the Upper Tribunal on a disability discrimination case, against a Silk. This case centred on the tribunal's approach to the question of disability, whether the tribunal considered non-explicit protected acts, and matters of procedure in the first-tier tribunal. Judgment is due in April 2024.
- Courtney successfully represented a Responsible Body in a claim brought for section 15 disability discrimination and failure to make reasonable adjustments, arising out of the Responsible Body's uniform policy and sanctions for breaching the policy.

Private Client

Courtney is often instructed to advise on private client matters, and is well-placed to advise on matters where individuals do not have capacity due to her experience in Court of Protection work. She has advised on matters addressing the application of the principle in *Saunders v Vautier*. She also has experience on advising on matters addressing the proper construction of a trust, and how trustees can achieve their wishes without violating the trust documents.

Regulatory

Courtney is currently on secondment at Capsticks LLP, working in the regulatory team. In her work for the SRA, she has drafted rule 12 statements, advised on agreed sanctions and worked on judicial review matters. In her work for the NMC, Courtney presents interim order extension applications to the High Court.

In Police Misconduct matters, Courtney is instructed by the Appropriate Authority to advise and draft Regulation 30 notices, as well as acting a legal advisor to the panel chair in Accelerated Misconduct Hearings.

Commercial Litigation

Courtney has advised and represented both claimants and defendant in commercial matters. Some examples of her recent work includes:

- Advising and representing in a claim against a deceased's estate for unpaid invoices.
- Advising and representing a defendant in a claim for breach of contract stemming from an alleged failure to replace appliances.
- Representing a defendant in a claim for breach of contract stemming from the claimant's suspicious activity in making insurance claims.

Courtney has also worked in commercial matters on secondment. Courtney was seconded to the Bank of England to work in Legal Services on a financial investigation to determine whether an insurer had breached its regulatory requirements prior to the potential issuing of a warning notice. Courtney was also seconded to the FCA, where she worked in the General Counsel's Division focusing on the regulation of claims management companies.

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As a pupil, Courtney undertook legal research into the Financial Conduct Authority; in particular FCA authorisation and sanctions. She has focused on cross-border matters, including Mutual Legal Assistance treaties and Memoranda of Understandings that allow the FCA to obtain information from other jurisdictions. Furthermore, she assisted with work on cross-border investigations involving tax fraud.

Memberships

- The Honorable Society of Gray's Inn
- Employment Law Association
- Association of Pensions Lawyers

Publications

- Co-editor, Employment Law Handbook, 9th ed (2023)

Awards

- Hebe Plunkett Scholar (Gray's Inn – 2018-2019)
- Highest mark in Professional Ethics (University of Law – 2019)
- Highest mark in Law Moderations (Somerville College -2016)

Privacy Policy

Read Courtney's [Privacy Policy](#).

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