

Andrew Nicklin

Barrister (Call Date: 2010)



Having trained for the Bar at The College of Law (LLB, 1st Class), Andrew joined East Anglian Chambers in September 2011. He is an experienced civil and commercial practitioner, with a particular interest and expertise in chancery and property disputes.

Property and Housing

Andrew has gained considerable experience in dealing with a broad range of housing, property and trust of land disputes. These include:

- ToLATA claims
- Orders for sale
- Constructive trusts
- Leases and enfranchisement
- Landlord and Tenant disputes
- Housing disrepair claims
- Residential and commercial possession (including issues concerning relief from forfeiture)
- Business tenancies (the 1954 Act)
- Trespass
- Adverse possession and boundary disputes
- Private nuisance issues concerning land

- Planning disputes
- Social housing and anti-social behaviour

Andrew offers training in this field. He can be contacted by email in the first instance.

Civil and chancery Litigation

Andrew handles multi track, fast track and small claim matters through to trial. He frequently appears in County Courts across East Anglia and London dealing with a wide range of applications. He has also been instructed in the High Court. Andrew's civil practice encompasses:

- Contractual and commercial disputes
- Partnership disputes
- Equitable remedies
- Road traffic accidents - including advice on both liability and quantum
- Personal injury
- Winding up and bankruptcy petitions and other insolvency applications
- Injunctions
- Negligence, nuisance and other torts (including conversion of goods)
- Wills, intestacy and the administration of estates
- Enforcement of judgments
- Licensing appeals (in the Magistrates' Court)

Andrew is also instructed to advise in writing and in conference on a range of these civil practice areas and does everything he can to assist those that instruct him at all stages of proceedings.

He is also available to advise and represent clients at mediation.

Employment Law

Andrew has developed a varied and interesting practice in employment law, regularly appearing in tribunals on behalf of both Claimants and Respondents. He is also frequently instructed on a direct access basis for advice and assistance.

Successes have included:

- Negotiating a six figure settlement for a managing director in an unfair dismissal claim;
- Representing the Claimant in a five-day disability discrimination claim against a well known opticians franchise;

- Representing the Respondent in a five-day race discrimination and harassment claim, leading to a substantial costs award against the Claimant;
- Representing the Claimant in a four-day unfair dismissal hearing concerning an ‘on the spot’ dismissal;
- Representing the Respondent in a five-day race discrimination/harassment claim, acting for an international biodiversity organisation;
- Representing the Claimant in a five-day constructive dismissal claim concerning a culture of bullying at a GP surgery;
- Representing the Claimant at a two-day preliminary hearing establishing employment status. The case also dealt with a ‘sham’ contract and application of the *Autoclenz* principles.

Andrew is able to draw on his previous management experience (in education) when dealing with client problems. Andrew is particularly adept at quickly ascertaining the issues and provides sound commercial advice to assist his clients in achieving their objectives cost effectively. Andrew is available for advice, drafting and representation at tribunals and beyond.

Education

Andrew accepts instructions in range of education matters, whether for advice or representation. Andrew’s knowledge of discrimination issues as an employment lawyer together with his background in education as a former teacher mean he is well equipped to handle a broad spectrum of disputes. He has specialist experience as a legal advisor/clerk to Independent Review Panels convened to review school exclusions.

Inquests

Andrew has experience appearing at inquests and can accept instructions from a variety of interested persons, generally families or regulatory bodies. In 2020 Andrew represented the parents of a three-year-old girl who tragically died following the explosion of an inflatable trampoline on which she was playing at Gorleston beach in Norfolk in July 2018. HM Senior Coroner for Norfolk sat with a jury for the eight-day hearing. The case was covered widely in the local and national media: <https://www.bbc.co.uk/news/uk-england-norfolk-51966880>

Non-legal experience

Andrew is a former secondary school teacher and is now a governor at a school in Norfolk.



Court and tribunal experience

County Court; High Court; Employment Tribunal; First-tier Tribunal (Social Entitlement Chamber); First-tier Tribunal (Property Chamber) (Land Registration & Residential Property divisions); Magistrates' Court (Licensing Appeals and Planning); Coroner's Court

Qualifications/Education

BA (Hons) History (Bristol) - 2:1 - 2005
Postgraduate Certificate in Education (PGCE) - 2006
LLB - First Class - 2010
Bar Vocational Course - Outstanding - 2010
Graduate Diploma in Law - Distinction - 2009

Scholarships/Awards

Middle Temple - Baron Dr Ver Heyden de Lancey Prize for 'Outstanding' results: BVC (2010)
Middle Temple - Certificate of Honour: BVC (2010)
Middle Temple - BVC Diplock Scholar (09-10)
Middle Temple - GDL Benefactors Scholar (08-09)
Middle Temple - Blackstone Entrance Exhibition

Leonard Sainer Foundation Trust Award (2009)

Mills & Reeve LLP Prize – Best Overall GDL Student (College of Law, Birmingham 2009)

Mills & Reeve LLP GDL prizes for highest achievement in Land, Public and EC Law (2009)

Appointments & Memberships

Deputy District Judge (2020)

Fee-paid Employment Judge of the Employment Tribunals (England & Wales) (2020)

Chancery Bar Association

Price Transparency Statement

Public access price transparency statement for employment tribunal cases

This statement sets out Andrew Nicklin's price transparency information for advice and representation to employees and employers in relation to their bringing or defending claims before the Employment Tribunal in respect of a claim for ordinary unfair dismissal and/or wrongful dismissal.

Where the claim includes other actions (which may be in addition to the above claims) before the Employment Tribunal, this statement does not apply (although some of the information will be applicable, such as the hourly rate). The clerks at East Anglian Chambers can provide more information in relation to fees.

Pricing model used:

For advice and drafting, an hourly rate will be charged at £200 plus VAT per hour. This is for written advice, document drafting and advising you in conference (in person or by telephone or video)

For attendance at a hearing or mediation, a fixed brief fee will be agreed to cover the attendance on the first day, including all preparation. This will not include further dates if the hearing is adjourned or vacated by the tribunal.

Indicative fees:

The fixed brief fee will be set based on how much preparation and reading is required. For example, where it is necessary to draft a skeleton argument to submit to the tribunal, the brief fee will be calculated factoring in the time required to prepare this.

A **typical example** of such fees: –

1 day ordinary unfair dismissal with a bundle of papers running to no more than 300 pages with no skeleton argument = £1,500 – £1,800 plus VAT

3 day ordinary unfair dismissal with bundle of papers running to no more than 850 pages = £2,250 plus VAT brief fee for first day's attendance and preparation and then £1,000 plus VAT refresher fee for day 2 and the same fee for day 3. The refresher is a fee charged at a fixed rate for every day at which the hearing is attended after day 1. The total in this example would be £4,250 plus VAT.

In ordinary unfair dismissal cases, there is unlikely to be any **preliminary hearing** for case management. A preliminary hearing could be called to determine whether the Claimant is an employee (as an example). Such a hearing requires evidence to be heard and the tribunal to determine a substantive issue. The same pricing model applies as above in such cases, having regard to time estimate and documents.

Remedy hearing: This is a hearing called after a Claimant has succeeded in their claim to assess compensation or other remedies. A fixed brief fee would be charged on the same basis as above. If a schedule of loss needs to be drafted, this would be at the hourly rate for drafting.

By way of example, for a remedy hearing which lasts for one day: preparation and attendance could be in the region of £1,000 plus VAT.

Additional costs:

There are no fees to pay to the tribunal. Additional costs may be incurred in printing documents and preparing copies of the bundles for use at the hearing. These services are not provided by Andrew Nicklin.

VAT:

Andrew Nicklin charges VAT in addition to any fees quoted, where applicable.

All information is correct as at December 2020, but fee examples are estimates and illustrations only. If your case is particularly complex, fees may be higher.

For a quotation, please contact the clerks on 01473 214481 or email ipswich@ealaw.co.uk

Further information about instructing a barrister under the public access scheme can be found in the following guidance:

<https://www.barstandardsboard.org.uk/for-the-public/finding-and-using-a-barrister/how-to-instruct-a-barrister/public-access-guidance-for-lay-clients.html>
