



Nicola Braganza

Called 1992

Areas of Practice

Discrimination and Employment
Immigration and Asylum
Mental Health and Community Care
Public and Administrative Law

Nicola appears regularly in the Employment Tribunal (including at Mediations), Employment Appeal Tribunal, First and Upper Tier Tribunal (Immigration and Asylum Chamber) and the Administrative Court.

Nicola also regularly acts for clients in a range of other tribunals including the Mental Health Tribunal, Inquests, Internal University Disciplinary Board Hearings, Nursing and Midwifery Council and other Professional Disciplinary and Regulatory work.

Over the past years, Nicola has appeared herself or been led on numerous occasions in mental health, indirect discrimination and asylum in the Court of Appeal, and also in the then House of Lords (public law/ asylum support). She was approved Counsel for the Commission for Racial Equality and has acted for the Equality and Human Rights Commission.

Nicola's mental health work has included numerous Judicial Review challenges on behalf of restricted patients at both Ashworth and Rampton High Security Hospitals. These have ranged from the closure of the arts activities to the implementation of seclusion policies and the lawfulness of the NHS Safety and Security Directions 2000, including random telephone monitoring.

Notable Cases

Employment and Discrimination

A v B & C [2010] ET (sexual orientation/ disability discrimination against longest suffering HIV man)

Khoja v Metropolitan Police [2009] ET (religious discrimination. Muslim Caterer required to handle pork)

tooks chambers

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Hose Express Thurrock v Jacomb [2009] LTL 1/4/09 (Disability Discrimination post *Malcolm*)

Parliamentary Comm. for Administration v Fernandez [2004] ICR 123 (indirect discrimination)

Jayasuriya v Meat Hygiene Service (2) Lincs Turkeys Ltd (2001) LTL (Liability under RRA)

Tchoulla v Netto Foodstores Ltd (1998) LTL (guidance to tribunals in race discrimination)

Morse v Future Reality (1996) ET (downloading of sexually explicit images in workplace, sex harassment)

Immigration

NA & AA (Iraq) v Sec of State [2009] EWHC 420 (Home Office policy on Iraq asylum seekers)

Mbanga v S S Home Department [2005] EWCA Civ 367 (medical evidence in asylum appeals)

SM and Others (Iraq) v SSHD [2005] UKIAT 00111 (Iraqi Kurds Country Guidance case)

LW (Cancellation refugee status: UNHCR Note) Ethiopia [2005] UKIAT00042

R (on the application of Adam) v Secretary of State for the Home Department [2004] EWHC LTL

Ala Anufrijeva & Others v London Borough of Southwark [2004] 2 WLR 603 (Guidance on damages under the Human Rights Act)

R v (1) SSHD (2) SSWP, ex parte Nadezda Anufrijeva (2003) 3 WLR 252 (meaning of determination in asylum support)

R v Secretary of State for the Home Department, ex parte Consuelo Hashmi (2002) LTL 3/5/2002 (legitimate expectation on grant of ILR)

Mental Health

R v (1) Ashworth Special Hospital Authority (2) Secretary of State for Health ex parte N [2001] HRLR 46 (random telephone monitoring in High Security Hospitals).

Speaking Events and Training, Seminars

Nicola regularly gives seminars through Chambers, as part of in house training for Solicitors, Law Centres and the JCWI.

Membership and Societies

Administrative Law Bar Association
Mental Health Lawyers Association
Discrimination Law Association
Industrial Law Society

Other Relevant Information

Nicola is registered with the Bar Pro Bono Unit and acts in discrimination cases.

Languages

Nicola is bilingual in German and speaks basic French.