

Welcome to Simpkins and Co's December newsletter

Visit our website for news, views, blogs & useful information. Keeping you up-to-date with the changes in legislation, interesting cases and issues that arise in the areas of the law we specialise in: Personal Injury, Clinical Negligence and Employment Law.

CHECK
OUT OUR NEW
WEBSITE

We've updated and restyled our website - **check it out** and let us know what you think!

Merry Christmas and a very Happy New Year to all our readers and clients



Our offices will close Friday 23rd December at 1pm and re-open on Tuesday 3rd January 2017

PERSONAL INJURY NEWS

Claims win for injured cyclist

With Britain's roads getting busier there is the increased likelihood of being involved in an accident. Whilst many accidents just incur inconvenience and cost, others can lead to serious injury or even death.

At Simpkins & Co Solicitors we represent a number of clients each year who have been injured through no fault of their own in a road traffic incident, either as pedestrians, passengers, car drivers, motorcyclists or cyclists.

In several high-profile cases in London, petitions have been raised and rallies held to raise awareness to the dangers of cycling in the capital, following some serious collisions, often involving HGV's. Across the UK, whilst annual figures fluctuate, official records show that in 2014, 3,401 cyclists were seriously injured on Britain's roads and 113 cyclists were killed.

In our most recent legal case regarding a cycling accident, we acted on behalf of Ms. W who was cycling on a main road when she was hit by a car emerging at speed from a side road. Requiring ongoing medical attention, she sustained multiple soft tissue injuries and some permanent damage.

Agnieszka Bania, our representing solicitor, said, "My client found the accident, injuries and ongoing medical treatment to be extremely upsetting for an extended period of time. Although protracted, we were able to negotiate with the insurance company to improve her final settlement."



At the conclusion of her case, Ms. W commented, "I would like to say a big thank you to Simpkins & Co. From the first point of contact when I came to you to discuss my case I was still distressed from the accident. I found Agnieszka to be a very professional and caring individual. The service was efficient and I was regularly kept informed of the progress of my case. I am very satisfied and would definitely recommend Simpkins & Co to other people if they find themselves needing to make a personal injury claim."

Article written by Julie-Anne Houldey of Lime Tree Communications.

If you have suffered personal injury through no fault of your own, then contact our Highcliffe office to arrange a **FREE** initial consultation on **01425 275555** or visit **www.simpkinsand.co.uk**

We specialise in personal injury compensation claims and are accredited members of the Law Society Personal Injury Panel and the Association of Personal Injury Lawyers (APIL).

CLINICAL
NEGLIGENCE
NEWS

Why people's rights to claim must be protected

In the current climate where the government is seeking to cap personal injury claims, people are quick to jump on the bandwagon and lay the blame at the door of 'greedy lawyers'.

However, what matters most, is the public's right to make a claim where serious personal injury has been caused - especially when evidently due to negligence.

We were horrified to read media reports just this week regarding a leaked report on North Manchester General and Royal Oldham hospitals detailing a catalogue of incidents - including a premature baby being left to die alone in a sluice room, a woman who died of a 'catastrophic haemorrhage' after her symptoms were put down to mental illness; a baby who died because staff failed to identify their mother's rare blood type and a woman who was left with a colostomy because her condition was missed three times.

It's horrific to hear of such catastrophic levels of negligence occurring in today's so say modern society.

Yes, we all appreciate that the NHS is under unprecedented pressures, but the worst realisation is when lessons are patently not being learnt and improvements are not being made.

Over four years ago, Simpkins & Co Solicitors pursued and won a claim against this NHS Trust on behalf of an elderly lady who had to endure a partial foot amputation due to misdiagnosis. Her life and mobility were severely impacted upon due to a situation which was avoidable, had she received the proper levels of medical care and due attention.

It's terrible to read this latest report in full, outlining how repeated warnings over years have not led to any substantial improvements being made, leaving patients at 'unacceptable risk'.

Furthermore, this report only came to light following a three-month Freedom of Information battle by the Manchester Evening News, and the help of a whistleblower, otherwise the truth would still be withheld from the public domain.

As a law firm with integrity, registered by the Law Society and the Association of Personal Injury Lawyers, we certainly do not condone the 'ambulance chasing' breed of law firm who have led our industry into disrepute. What we do endorse however, is the protection of individuals' rights to pursue a claim where there has clearly been negligence.

To read more about the report and the actions of Manchester Evening News - read the full article here:

<http://www.msn.com/en-gb/news/uknews/mothers-and-babies-died-after-shameful-neglect-at-two-hospitals-shocking-secret-report-reveals/ar-AAkGErQ?li-AAdeCd7&ocid=spartanntp>

Article written by Julie-Anne Houldey of Lime Tree Communications.

If you have suffered clinical negligence, then contact our Highcliffe office for a **FREE** initial consultation on **01425 275555** or visit **www.simpkinsand.co.uk**

We specialise in clinical negligence and personal injury compensation claims and are accredited members of the Law Society Personal Injury Panel and the Association of Personal Injury Lawyers (APIL).

Are you making a difference to road safety?

Make the

pledge

...we have!



Slow down

Drivers - stay under limits, and slow down to 20mph around schools, homes and shops to protect others. Slow right down for bends, brows and bad weather, and avoid overtaking. **Everyone** - speak out for slowing down and help drivers understand that the slower they drive, the more chance they have of avoiding a crash and saving a life.



Be sober

Drivers - never drive after drinking any alcohol or drugs. **Everyone** - plan ahead to make sure you, and anyone you're with, can get home safely and never get a lift with drink/drug drivers. Speak out if someone's about to drive on drink or drugs.



Be secure

Drivers - make sure everyone in your vehicle is belted up on every journey, and kids smaller than 150cm are in a proper child restraint. Choose the safest vehicle you can and ensure it's maintained. **Everyone** - wear a seat belt on every journey, and make sure friends and family do too.



Brake's vision is a world where streets are pleasant, unpolluted, and safe for everyone to use freely.

Anyone can sign the Pledge, whether they drive or not. The Pledge calls for people to drive less and, if they do drive, to do everything they can to protect themselves and the people around them.



Be silent

Drivers - never take or make calls, read or type when driving. Put communication devices out of reach, and stay focused. **Everyone** - never chat on the phone to someone else who's driving.



Stay sharp

Drivers - stay focussed on safe driving. Take regular breaks and never drive if you're tired, stressed or on medication that affects driving. Have your eyes tested every two years and wear glasses or lenses at the wheel if you need them. **Everyone** - look out for friends and loved ones by ensuring they only drive if they're fit for it, and rest if they're tired.



Be sustainable

Everyone - minimise the amount you drive, or not drive at all. Walk, cycle or use public transport as much as possible, for road safety, the environment and your health.

Brake is the road safety charity. To make the Pledge, go to: http://www.brake.org.uk/index.php?option=com_content&view=article&layout=edit&id=129

As personal injury solicitors, we at Simpkins & Co see the terrible life-changing injuries that our clients have suffered due to road traffic accidents that could have been avoided. By making the Pledge and following the advice from Brake, we can all make a big difference to safety on our roads.

If you have suffered any personal injury, then contact our Highcliffe office on **01425 275555** for a **FREE** initial consultation or visit www.simpkinsand.co.uk.

We are accredited members of the Law Society Personal Injury Panel and the Association of Personal Injury Lawyers (APIL).

EMPLOYMENT
LAW NEWS

A top hairdresser has been accused of poaching customers and staff for her own business

Hayley Gibson-Forbes had been a franchisee with Rush since 2008. She left her Rush franchise in March 2015 and was then offered the chance to open a new salon, 300m from her old business, in July 2016.

She claims that she was forced by Rush bosses into signing a restrictive deal, which included a ban on opening a salon within two miles of her old business and conditions on staff recruitment.

Rush took her to the High Court with claims that she broke the terms of the deal. They sought an injunction which would force Ms Gibson-Forbes to shut down her newly-opened salon. Ms Gibson-Forbes, who is a three-time finalist at the British Hairdressing Business Awards, denied that she had poached staff, claiming the staff members had approached her for a job. Also, she believed she had waited a "reasonable" 16 months before opening her new salon near her former business.

The chief financial officer of Rush Hair said he had struck the deal with Ms Gibson-Forbes so that she couldn't open a similar salon nearby, taking clients and staff with her.

She said the company withheld £15,000 of the £50,000 buy-out of her old salon because two staff had defected to her. She claimed that Rush bosses told her "If you want to take it further you can, but you'll need a lot of money and a lot of spirit." She said, "The fact I didn't agree with the terms and conditions didn't matter, I didn't have the money to keep fighting."

She stated in court that the staff members had approached her for a job rather than being poached. She also claimed that she had been forced into the buy-out deal by Rush, who reduced the fee from £100,000 to £50,000 and doubled the length of time she had to wait before opening another salon, from one to two years.

Deputy High Court Judge Martin Chamberlain QC has ruled Ms Gibson-Forbes broke the "reasonable" two-year deal. She can reopen in March 2017.

The High Court Judge considered whether in this deal the two restrictive covenants* were enforceable. The court held that Ms Gibson-Forbes had breached both covenants by forming a new company which had begun trading and by employing two of the named employees that had been employed at the Rush salon.

*A covenant is a solemn promise to engage in or refrain from a specified action.

Do you need to write contracts with restrictive covenants? We are experts in creating contracts to meet your needs. Contact our Highcliffe office for a **FREE** initial consultation on **01425 275555** or visit **www.simpkinsand.co.uk**.

At Simpkins & Co Solicitors we deal in certain areas of the law, the ones we specialise in, giving you the **best service** from the right people. If you need support regarding any aspect of **personal injury, employment law, clinical negligence, business advice** or **Polish start-up assistance**, contact us to **arrange a FREE initial consultation** where we can also advise in relation to funding options as we appreciate that clients are often concerned about potential legal costs. **We may be able to act on a no win no fee basis**, or fixed fee arrangement, plus we can advise on whether legal expenses insurance cover is already in place via other means. We are always happy to take enquiries from Bureau advisors or clients.

Contact us to arrange a **FREE INITIAL CONSULTATION: 01425 275555**
FREEPHONE: 0800 0832755 or **FREEMOBILE: 0333 7777 420**

The above information and the content of this e-newsletter should never be taken as specific legal advice. If you have a legal problem then please contact Simpkins and Co, Highcliffe, Dorset, on 01425 275555 to discuss your issue in detail.

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