

Welcome to Simpkins and Co's February 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, Employment Law and Business Advice.

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SIMPKINS AND CO

Please like our Facebook page and follow us on Twitter for law related news and snippets of information



There are still a few tickets left for our Spring charity event

We still have a small number of tickets available for our Spring charity event at Highcliffe Castle on March 30th. The event, which will involve a fun quiz, bingo, a raffle*, buffet and drinks, is in aid of the Citizens Advice New Forest. This is an independent, local charity, only able to offer its indispensable services because of grants, sponsorship and donations, and through the unstinting work of its 124 volunteers. The charity provides free, independent, confidential and impartial advice to everyone on their rights and responsibilities.

Did you know that Citizens Advice New Forest also employs a Macmillan Support Worker? She helps clients in the same way as the Citizen Advice, but the clients all have a cancer diagnosis and the help given is not only for them, but just as importantly, for their families. If a client with a cancer diagnosis has a mortgage and needs long

term treatment and cannot work because of this, she will help maximise their income with benefits and grants, and liaise with mortgage companies to sort out a solution for them. For older clients, she will ensure they are receiving Attendance Allowance and any eligible benefits and advice with care costs. She also provides bereavement support and frequently assists with housing issues. She will visit clients at home and works closely with Oakhaven Hospice and local GP's.

If you would like to reserve a place at this event or make a donation, then contact Jacque Aitken on Jacque@simpkinsand.co.uk or 01425 275555. We ask that you kindly donate £5 minimum per ticket. All funds raised will go directly to the charity.

*Any donations for raffle prizes will be very gratefully received. Please contact Jacque as above.

Steve Simpkins & Jacque Aitken of Simpkins & Co are Trustees of the Citizens Advice New Forest.

At Simpkins & Co Solicitors, we specialise in the following areas of the law: -

- Employment Law
 - advising both employees and employers
- Business Advice
- Litigation and Contractual Disputes
- Personal Injury and Accident Compensation Claims
- Clinical Negligence Compensation Claims

If you need advice on any of these areas of the law, then contact us at our Highcliffe office for a **FREE** initial consultation on **01425 275555** or visit **www.simpkinsand.co.uk**

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

Hot off the press!

PERSONAL
INJURY NEWS



The Government has just published its plans for reforming the small claims court process for personal injury: -

- A fixed tariff for compensation for general damages and for whiplash injuries lasting up to two years.
- In exceptional circumstances or in cases of contributory negligence, the judiciary will be able to decrease or increase the tariff awarded, but increases will be capped at 20 per cent.
- A ban on making or requesting pre-medical offers for whiplash claims.

As well as this, the Government has announced plans to increase the small claims court limit for all RTA personal injury claims to £5,000. However, the limit for all other types of personal injury claims is to be increased to only £2,000. The Government's aim is to implement these changes by 1 October 2018.

In response to this, the Association of Personal Injury Lawyers (APIL) said that people injured in traffic

incidents will be robbed of fair compensation as a result of the Government's plans. APIL went on to say that the Government is deluded in its belief that insurance premiums will fall as a result and that expensive motor repairs and repeated increases in insurance premium tax are both huge factors in the cost of motor premiums. Despite this, the Government is obsessed with suppressing the right to claim for legitimate injuries.

The President of APIL warned that these proposals would force more claims into the small claims court system and cause an explosion of calls and texts from claims management companies encouraging people to make personal injury claims, even if they haven't been injured. The small claims court is there if people want to represent themselves, but this will be seen as a business opportunity by claims management companies.

There is no timetable as yet for the Bill, but APIL's executive committee will study the detail before lobbying resumes in earnest and the legislation begins its passage through the House of Commons.

At Simpkins & Co we are solicitors with over 20 years' experience of dealing with all kinds of personal injury compensation claims. We use our legal expertise to get you the best possible result. If you have been injured through no fault of your own, then contact us at our Highcliffe office on **01425 275555** or visit **www.simpkinsand.co.uk**. We will give you a **FREE** initial consultation and we can offer no win, no fee.

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EMPLOYMENT
LAW NEWS

Unfair dismissal from a Carlisle health club wins beauty therapist £18k in compensation

Emma Holt successfully proved that she was unfairly dismissed from Bannatyne Fitness Limited and was awarded over £18k by an employment tribunal.

The tribunal also ruled that Ms Holt suffered sex discrimination after her bosses were insisting that she switch her working pattern to include weekends, even though she was unable to get childcare for her son.



Throughout almost a decade of working at the health centre, Ms Holt worked weekends only in exceptional circumstances, such as covering for sick colleagues. The tribunal found that Saturdays and Sundays were not included in her normal working pattern, and none of her colleagues complained about this.

At a hearing, Ms Holt said the senior managers at Bannatyne Fitness had tried to impose weekend working and when she refused, she was dismissed even though the firm claimed it was a redundancy.

When the firm admitted that she was unfairly dismissed, it refused to accept that requiring her to work weekends amounted to sex discrimination.

Ms Holt, who's a single parent with a school age son, made it clear that she could not work weekends because she had to look after her son on Saturdays and Sundays and had nobody else who could help her with that.

She went on to say that she'd always given the company 150%, put in extra hours when needed in the past, taken

very little time off for sickness and that she was not trying to be difficult. She had no objections to working weekends but just couldn't get childcare for her son.

After she later raised a formal grievance over the issue, she pointed out that she was earlier given the right to work flexible hours and that it had been agreed she would work Monday to Friday specifically to accommodate her son's childcare. Therefore, enforcing a change to her work pattern was breaching her flexible work agreement. She also pointed out that the proposed work rota would have no benefit to the company.

After being quizzed at the tribunal, a senior manager admitted that she (the manager) had not conducted "any meaningful investigation" into the matters raised by Ms Holt.

In total, Ms Holt was awarded £18,399. This included £10,399 for being unfairly dismissed and £8,000 for injury to her feelings. The tribunal stated that she had suffered "anger, distress and affront" as a result of the company's act of what was indirect discrimination.

Have you been affected by issues like this, whether as an employee or an employer?

Contact us now at our Highcliffe office for a **FREE** initial consultation on **01425 275555** or visit **www.simpkinsand.co.uk**

We are specialists in employment law, including any HR matters and employment contracts. We are accredited by the Employment Lawyers Association.

CLINICAL
NEGLIGENCE
NEWS

Saving the NHS money or undermining injured claimants' access to justice?



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The Department of Health are in discussions about how the NHS can save money without compromising on access to justice for injured patients. The Association of Personal Injury Lawyers (APIL) has established a working group of members who are also in discussions about this announcement. The Law Society is engaging with clinical negligence experts to seek their views on these initial proposals, and discussions will include the impact of the proposals on those who have been harmed by the NHS.

The Law Society president said: "It is important to keep in mind that clinical negligence claims are brought by people who have been injured through no fault of their own by negligent NHS care".

Compensation can never fully make up for the injuries suffered, but it can help with, among other things, the cost of vital ongoing care. By fixing recoverable costs in clinical negligence cases, harmed patients' ability to claim compensation for these life-changing injuries, may be limited.

These proposed changes may make it harder for clients to find an accredited solicitor to deal with their claim. However, at Simpkins & Co, we offer clients a 'no win, no fee' option on all clinical negligence claims, including surgical errors, dental claims, care home injury, incorrect treatment, prescription errors and much more. We also offer a FREE initial consultation.

At **Simpkins & Co**, we are specialists in clinical negligence compensation claims, with over 20 years' experience in this area. Contact our Highcliffe office now on **01425 275555** or visit **www.simpkinsand.co.uk** for more information.

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

1st British-Polish Construction Forum



PBLINK
POLISH BUSINESS LINK


british
polish
chamber
of commerce

London 31 March



Simpkins and Co solicitor, Agnieszka Bania, will be speaking at this forum on “How to ensure you get paid whilst avoiding disputes with your clients and workers”. She will be talking about the importance of having a written contract with the clients, including details of the work which has been agreed and at what costs. Having a proper contract in place can avoid debts and reputational damage to the business. She will also talk about employment aspects; employees’ contracts, the duties towards employees, safety at work etc.

More Poles in the UK have set up their own businesses compared to other foreigners or even native Britons. In the UK, the construction business is the main sector that Polish-owned businesses specialise in.

Polish builders in Britain, over the years, have established an excellent reputation for quality and value for money, including solid workmanship and timely delivery of projects. PBLINK (Polish Business Link) who are the premier networking organisation for Polish and diverse entrepreneurs in the UK, will be holding this event which is focused purely on the construction industry.

The Forum is aimed at anyone interested in this sector; architects and engineers, developers, general contractors, subcontractors, manufacturers and importers of building materials. It will provide

inspirational case studies and business insights into the construction industry and will also offer an unrivalled opportunity for networking between British and Polish businesses in this sector.

All attendees will have the opportunity to share views, discuss possible skills shortages, find out about new technologies taking hold across the sector, future trends and of course how Brexit may affect the industry.

At Simpkins & Co, along with advising our UK based clients, we provide advice to our Polish, Romanian and Hungarian clients. We are experts in employment law and business advice, and we are members of the Employment Lawyers Association (ELA). We are also corporate partners with Polish Business Link and have a Polish division within our practice at Highcliffe.

Contact our Highcliffe office on 01425 275555 for a FREE initial consultation, or visit www.simpkinsand.co.uk.

Need immigration advice? Contact us

We can advise you about immigration, residency and citizenship. Other areas we can advise on include:

Nationality and citizenship under UK law

- naturalisation as a British citizen
- registration as a British citizen

European Union (EU) and European Economic Area (EEA)

- residence permit for an EU/EEA national
- family permit for a non-EU/EEA family member
- entry clearance for non-EU/EEA family member
- Workers Registration Scheme
- A2 Accession Scheme (Romanian and Bulgarian nationals)

Applications for entry clearance, Leave to Enter or Leave to Remain

- visitors
- students
- spouses/unmarried partners
- other family members
- immigration employment documents
- all applications under PBS (points-based system), visitors, diplomats, their family members and domestic staff, and non-asylum Case Resolution/ Legacy Cases
- other applications such as au pair, postgraduate medical/dental training and private medical treatment

Asylum

- notifying the United Kingdom Borders Agency (UKBA) of a change of address
- extension of Temporary Admission
- applications for permission to work
- travel document applications for someone granted Humanitarian Protection/Exceptional Leave to Remain



If you need advice on the immigration areas above, then contact us at our Highcliffe office for a **FREE** initial consultation on **01425 275555** or FREEPHONE **0800 0832755**.

We have Polish, Romanian and Hungarian speaking advisers.

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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