

Welcome to Simpkins and Co's April 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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PERSONAL INJURY NEWS

Claimant takes advantage of new personal injury discount rate

Following Lord Chancellor Liz Truss' announcement to set a negative discount rate for personal injury compensation pay-outs, the High Court has allowed a claimant to withdraw a settlement offer which was made before this rate applied. The rate to be taken into account when calculating damages for future loss after personal injury, has moved from 2.5% to -0.75%. This is a very significant change and will substantially increase sums for future losses.

The court said that the law allowed for the claimant to make an 'error of procedure' and change her offer. This case is believed to be the first procedural dispute related to the hotly debated change in the rate, which was announced on the 27th February.

The claimant who had been injured in a 2008 road traffic accident and had subsequently received negligent treatment for her injuries, had sought to cancel her Part 36* offer to settle for £340,000, made in August 2016. (*Part 36 is a provision in the Civil Procedure Rules designed to encourage parties to settle disputes without going to trial).

Her solicitors sent an email withdrawing that offer on 28 February, which was one day after Ms Truss' announcement. The court said it was "no secret" that this was because of the announcement of the new discount

rate, and as a result of which, the claim would be worth about £602,500.

The defendants argued that the claimant had not served her notice of withdrawal in accordance with the rules because the receiving party had not indicated in writing that it was willing to accept service by email. However, the court made the decision that she was within her rights to issue the withdrawal notice by email as it was actually received by the defendants and gave the all the necessary information.

The judge added: 'It would not be just or consistent with the overriding objective that a technical breach of the rules should impede the proper assessment of damages in this case.'



Have you suffered a personal injury through no fault of your own? Contact us at our Highcliff office on **01425 275555** or visit www.simpkinsand.co.uk for your **FREE** initial consultation. Our solicitors specialise in personal injury compensation claims and can offer 'no win, no fee' options. We are members of the Law Society Personal Injury Panel and the Association of Personal Injury Lawyers (APIL).

Thank you so much for your support!

We had a great evening of fun at Highcliffe Castle whilst supporting our charity of choice, the Citizens Advice New Forest (CANF).

The quiz was a very closely fought battle, but eventually the 'Ringworms' came in at 1st place. The bingo was enjoyed by everyone with Steve's 'bingo lingo' being the highlight of the evening! The raffle prizes and the auction raised lots of cash with a total of £1076.10 for the whole event.

We received some lovely comments from the attendees:

"What a great evening Simpkins & Co put on for the Bureau last night at Highcliffe Castle. Great fun was had by all and all the proceeds are coming to the Bureau; so, a big thank you to Steve Simpkins, a wonderful MC for the evening, Jacque Aitken and the rest of the team."
CEO of the CANF.

"Just wanted to say thank you so much for organising such a lovely event. I so enjoyed it and met some great people. It is so kind of you to put so much effort into fundraising for us and it is so appreciated. Steve's bingo calling was hilarious!"

Marilyn Seabrooke, Macmillan Support Worker, CANF.

"It was great fun, my team commented on how well organised it was."

Jim Advice Services Manager, Ringwood office of the CANF.

"Thanks for a fun evening & well done for making over £1k."
Julie-Anne Houldey of Lime Tree Communications.



Many thanks to the following who donated raffle and auction prizes: -

- Lady Montagu
- Howard Lee of Burgess & Lee Ltd Independent Financial Advisers
- Trevor Jackson of Two Counties Cleaning
- HP Music at the Creative Hub in Highcliffe
- Julie-Anne Houldey of Lime Tree Communications
- Pebble Beach Restaurant
- The New Forest Show
- Brockenhurst Manor Golf Club
- Waitrose Lymington
- Tesco Lymington
- Doreen Reiterbund
- Michelle Henry
- Trisha Podesta

Special thanks to HP Music who were our photographers for the evening and who supplied the photos in this article.



Top: Steve Simpkins introducing the past and present CEO's of the CANF.

Left: Some of the raffle prize winners with Steve and Agnieszka distributing the Bingo prizes.

At Simpkins & Co we specialise in:

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

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**.

Steve Simpkins and Jacque Aitken of Simpkins & Co are Trustees of the Citizens Advice New Forest, a charity providing advice for the problems people face and improving the policies and practices that affect people's lives.

Polish Business Link Construction Forum



Agnieszka Bania, solicitor at Simpkins & Co, was one of the guest speakers at the Polish Business Link Construction Forum in London on the 31st of March.

She spoke about the importance of "How to ensure you get paid whilst avoiding disputes with your clients and workers."

The Forum was attended by many Polish entrepreneurs from the UK construction sector, including architects, engineers, developers, general contractors, subcontractors, manufacturers and importers of building materials. Polish builders in Britain have established an excellent reputation for quality and value for money and PBLINK (Polish Business Link) is the premier networking organisation for Polish and diverse entrepreneurs in the UK.

At the event, Agnieszka gave away a prize of a £125 voucher for a Red Letter Day to one lucky winner. Red Letter Days offer a wide range of fantastic experiences, including driving an Aston Martin, a tandem skydive, a pamper day at a spa, and many more. Kinga Karasinska of Golden Houses Developments Ltd won the voucher but gave it to her colleague who was attending with her as it was his birthday.

Agnieszka spoke about having badly drafted agreements and how damaging they can be. One company lost \$340 million because of incorrect wording in a contract: - 610,000 shares at one yen (£0.01) apiece...as opposed to 610,000 yen (£4,400) per share.



She asked her audience: -

When would you consult with a lawyer?

- Before you sign a contract/start working on a project?
- After you start having problems with a client/employee or getting paid?
- When a court action has started?

She advised having everything in writing – contracts, invoices, etc., and to confirm any instructions by email/letter. It's vital to agree your terms, the details of your project or instructions and of course the price and the date for payment. A great reputation is the best way to guarantee more work and proceeding in a professional manner can only help this.

She went on to say that it is also vital to look after your workers. Employees should have proper contracts covering statutory requirements including pay, holidays, maternity and paternity leave, sick leave, disability etc. Duties towards them should include health and safety issues and regular, relevant training.

Following these rules will keep you hassle free and help you avoid fines, compensation claims or even imprisonment if you're convicted of health and safety breaches.

Are you worried about any employment issues, whether as an employer or employee? Do you need help writing contracts or do you need your contract/s reviewed? Contact **Agnieszka** at our Highcliffe office on **01425 275555** for a **FREE** initial consultation.

As **Simpkins & Co** we are experts in employment law and we are members of the Employment Lawyers Association (ELA).



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.

EMPLOYMENT
LAW NEWS

Equal pay and new national living wage rates – what are your rights?

The hugely successful sitcom, *The Big Bang Theory*, which has been renewed for two more seasons, has been in the news recently over the difference in salaries CBS and Warner Bros pays the stars of this programme. While the original five stars earn \$1 million an episode, the actresses who play Amy Farrah Fowler and Bernadette Rostenkowski, and who joined the show in season three, are only paid \$200,000 per episode.



Now the original five are offering to take a pay cut of \$100,000 per episode each so that the money will be there to give the other two \$450,000 each per episode. It is not yet clear if the two lesser paid actresses will still hold out for full pay parity for what would likely be the final two seasons of the hit sitcom.

While this is not a problem for us mere mortals, it's useful to know that employers must give equal treatment to their employees when they are employed to do work that is the same or broadly similar. Employees can compare terms in their contract of employment with the equivalent terms in a comparators contract. A comparator is an employee of the opposite sex working for the same employer, doing like work of equal value. An employer may defend a claim if they can show that the reason for the difference is due to a genuine factor and not based on the sex of the employee.

Employees are also entitled to know how their pay is made up. If, for example, there's a bonus system, everyone should know how to earn bonuses and how they are calculated.

It is unlawful under the Equality Act 2010 to prevent employees from having discussions to establish if there are differences in pay, but an employer can require their employees to keep pay rates confidential from people outside of the workplace.

The equal terms can cover all aspects of pay and benefits, and includes:

- basic pay
- overtime rates
- performance-related benefits
- hours of work
- pension schemes
- annual leave entitlements

At Simpkins & Co we are employment law specialists and we offer a **FREE** initial consultation for any employment issues, whether as an employee or employer.

Contact us at our Highcliffe office on **01425 275555** or visit www.simpkinsand.co.uk.

We are members of the Employment Lawyers Association (ELA).

EMPLOYMENT
LAW NEWS

Equal pay and new national living wage rates – what are your rights? Continued

What can you do if you think you are not receiving equal pay?

As an employee, you can write to your employer asking for information that will help establish whether there is a pay difference and the reasons for this difference.

If you still cannot resolve the problem in this way or through the formal grievance procedure, a complaint can be made to an employment tribunal under the Equality Act 2010. This can be done while still working in the job or up to six months after leaving the employment.

Did you also know that from 1 April 2017, the national living wage for workers aged 25 and over increases from £7.20 to £7.50 per hour? The following national minimum wage increases will also take effect from that date: -

- rate for workers aged 21 to 24 from £6.95 to £7.05 per hour
- rate for 18 to 20-year-olds from £5.55 to £5.60 per hour
- rate for 16 to 17-year-olds from £4.00 to £4.05 per hour
- apprentice rate from £3.40 to £3.50 per hour
- accommodation offset from £6.00 to £6.40 a day.

Further changes in April 2017: -

- from 2nd April 2017, standard rates of statutory maternity pay, statutory paternity pay, statutory adoption pay and statutory shared parental pay will rise from £139.58 to £140.98 per week (or 90 per cent of the person's average weekly earnings if lower)
- standard rate of statutory sick pay will increase from £88.45 to £89.35 per week with effect from 6 April 2017.

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We are members of the Employment Lawyers Association (ELA).

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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