

Welcome to Simpkins and Co's July 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.

GET
SOCIAL WITH
SIMPKINS AND CO

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



Knights in shining armour or ambulance chasers?

A knight in shining armour is a person who comes to the aid of another in a gallant and chivalrous manner. At the end of the last century, this is how lawyers who fought on behalf of accident victims, were perceived. This was especially so following the Manchester Air Disaster in 1985. A British Airtours flight from Manchester to Corfu was aborted because of an engine failure and resulting fire. Tragically, 55 passengers and crew died. Because of this, major improvements in aircraft safety and evacuation procedures were established, making air travel much safer and claimant lawyers were cast as heroes who stood up for the average person on the street.

Unfortunately, this reputation didn't stick and somewhere along the line, claimant lawyers morphed from 'knights in shining armour' into 'ambulance chasers'.

The media is quick to talk about the UK's 'compensation culture', a trend the government believes exists. In the early 2000's the rise of American-style lawsuits and increased health and safety awareness issues went arm in arm with a change in the public's attitude to risk. It was mainly claimant lawyers, against a backdrop of legal reforms and an oppressive political environment, who were blamed for this culture change.

Part of the bad press came from unscrupulous firms set up specifically to manage a high turnover of compensation claims, and their practice of cold calling to chase business. Legitimate companies such as

Simpkins and Co Solicitors have never adopted methods such as this, with most clients coming via referral or recommendation to speak to a solicitor who really cares about each individual.

However, all this should not be taken as exemplifying the work of committed claimant lawyers across the country. The desire to change their clients' lives for the better is what drives a dedicated claimant lawyer. There is no better accolade than when a client has received their settlement and they express their gratitude for the difference this has made to them.

‘ Thank you so much for persevering with this matter on my behalf. Your input and support over the last two years have been very much appreciated. ’
Mr M – personal injury claim

‘ I would like to take this opportunity to offer my huge gratitude for everything that you've done for me in regards to my claim. ’
Mr P – personal injury claim

‘ Again, thank you very much for all your efforts on my behalf and should I require legal assistance at any time in the future, I will certainly contact you. ’
Mrs R – clinical negligence claim

Have you suffered a personal injury through no fault of your own? Have you had problems with any kind of medical care? Contact our Highcliffe office on **01425 275555** or visit **www.simpkinsand.co.uk** to book your **FREE, NO OBLIGATION initial consultation**. We are members of the Law Society Personal Injury Panel and the Association of Personal Injury Lawyers (APIL).

What happens during a free legal consultation?

For many people, seeking legal advice is a big step. The law and its intricacies can appear to be a daunting prospect. Fortunately, your experience of the law does not need to be this way. At Simpkins & Co, we are passionate about making the law accessible through providing a friendly, compassionate and uncomplicated service.

It is likely that the first time you encounter the law will be a time when you face trauma, emotional upset or distress. At this time, you will want to know what to expect and where to start. The first step in dealing with a legal issue is to seek a FREE CONSULTATION. In this article, we will outline what happens during a free legal consultation.

Our guide to a free consultation

Your free consultation can be conducted over the phone or in person, depending on the reason you are seeking advice.

If your legal issue relates to employment or immigration law, we would usually suggest that you have a phone consultation. Typically, this will take up to 30 minutes. If you wish to instruct us after this consultation, we will ask you to visit our office so that we can discuss the next steps with you.

For serious personal injuries or clinical negligence matters, we will arrange a free in-person consultation with you to discuss your case further. If it would be more convenient for us to meet you at home or even in hospital, we are happy to arrange this. An in-person consultation of this kind will last longer due to the details that would need to be discussed. Depending on the complexity of the case, you may require a second free consultation. We understand that you need to feel we are the right firm to handle your claim; you can expect us to provide you with all the information that you need to make an informed decision.

During a free legal consultation, you can expect us to: -

Discuss your legal issue

We will take the time to listen to you and find out about the legal issue you are facing. At this stage, we may also ask you some questions so that we can ascertain the best course of action. If you have any questions, you will have the opportunity to ask them.

Outline the next steps

Once we have discussed your legal issue with you and answered your initial questions, we will outline the next steps required to resolve it. By detailing the next steps, we aim to bring a sense of clarity so that you can make an informed decision about how you would like to proceed.

Provide an estimate of the costs and likely timescale for resolving your legal issue

We recognise that clients wish to find out about the costs and timescale of resolving a legal issue as soon as possible. In recognition of this, during your consultation,

we will provide an estimate of the costs and likely timescale for resolution. In some cases, especially those involving serious, complex personal injury or clinical negligence, it may be difficult to estimate a timescale, but this will all be explained fully to you.

We will also discuss the various options for funding a legal case. Depending on your issue, you may find that we are able to offer you a no win, no fee agreement or that your legal costs are covered by legal expenses insurance on your home insurance, car insurance or travel insurance policies.



If you need help and support with a legal matter, book a free, no-obligation initial consultation now on 01425 275555 or visit www.simpkinsand.co.uk.

We are an accredited law firm that specialises in personal injury, clinical negligence, business, employment and litigation law. We have been providing professional and friendly legal advice throughout the South Coast and London for over 13 years. Our clients are served from our Dorset office in Highcliffe and our office in London.

We hold a Law Society Personal Injury Accreditation, we are members of the Association of Personal Injury Solicitors (APIL) and the Employment Lawyers Association (ELA).

PERSONAL
INJURY
ADVICE

Accident on holiday? Can you claim compensation?

Ms B and her friend Mrs H, ladies of mature years, were looking forward to their holiday in the West Country which had promised Cornish 'Delights' and they had booked several excursions to visit the local tourist spots. Unfortunately, the holiday was anything but delightful!

On their second day, during an excursion to a farm, Ms B tripped on the pronounced lip of a drain cover, causing her to fall full length onto her front. She banged her head and cut her eye and top lip open, which bled badly. She also sustained severe bruising to both of her legs and knees and the spectacles that she was wearing were damaged. She was distressed and greatly shaken up.

When the accident was reported to a member of staff at the farm, they commented that they had often tripped on this raised cover!

As a consequence of her injury, Ms B required care and assistance from Mrs H which essentially ruined both their holidays.

Steve Simpkins of Simpkins & Co wrote to the tour operator and claimed compensation for injury and loss under the Package Tour Regulations for both of the ladies. They each received a sum for their ruined holiday and Ms B also received a sum for replacement glasses.

The clients wrote to Steve thanking him for his assistance in this matter:

‘ Our holiday was spoilt, but we feel that you helped to put that behind us and the compensation we received will pay for our next (hopefully incident-free) holiday. We weren't sure if we were able to claim but you explained very clearly how the process works and we are so glad we came to see you. Thank you for your help and kindness. ’



Have you suffered a personal injury on holiday or anywhere else? If it happened through no fault of your own, you have 3 years after the accident to make a claim. Call our Highcliffe office on **01425 275555** or visit **www.simpkinsand.co.uk**. We will give you a **FREE, NO OBLIGATION initial consultation**.

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



1

"We can't afford to pay you any more - you'll have to go self-employed."

Nothing has changed about your job but you're asked to go self-employed. This is a sign of 'bogus self-employment'. Your boss saves money as they don't pay you minimum wage, holiday pay, sick pay or maternity pay.

2

"You were travelling between clients so we didn't pay you for those hours."

You should be paid for all the time you spend at work.

3

"Your disability means you don't do as much work as others, so we're not going to pay you the minimum wage."

Every employee is entitled to the national minimum wage.

4

"We don't have to pay you redundancy pay because you're on a zero hours contract."

Zero hours workers are entitled to redundancy pay if they have been working for their employer for two years or more, usually doing at least one shift a week.

5

"You work through an agency, so you don't get sick pay."

Agency workers should be paid sick pay by the agency.

Every employee is entitled to basic rights such as national minimum wage, sick pay, holiday pay and fair treatment during pregnancy. Unscrupulous employers find ways around these rights with unclear employment contracts and complex work arrangements.

Do you know your employment rights and the amount you could potentially claim in compensation if your employer breaches those rights? New increased compensation limits were introduced from 6th April 2017. See the table overleaf for details based on a week's pay of £489.

Employment right	Maximum award
Unfair dismissal: -	
Basic award	£14,670
Compensatory award	£80,541 (or one year's salary if lower)
Additional award	£12,714 - £25,428 (26-52 weeks' pay)
Redundancy pay	£14,670
Discrimination	No limit
Dismissal for union/employee representative or pension trustee reasons: -	
Basic award	£14,670 (minimum £5,970)
Compensatory award	£80,541 (or one year's salary if lower)
Dismissal for health and safety reasons: -	
Basic award	£14,670 (minimum £5,970)
Compensatory award	No limit
Dismissal for making a protected disclosure: -	
Basic award	£14,670
Compensatory award	No limit
Contract claims in a tribunal	£25,000

If you are an employee and you feel that you've been treated unfairly, you should seek advice straight away. At Simpkins & Co Solicitors we are experts in employment law and members of the Employment Lawyers Association (ELA). We offer a FREE, no obligation initial consultation where we will advise you of the next steps to take. Any legal costs are usually covered by your home insurance policy and this will be explained to you in your initial consultation.

If you are an employer, we can advise you on all aspects of employment law, HR matters, writing staff contracts, disciplinary procedures, etc. Making sure that everything is in place is important to protect both yourself and your staff. In recent times employment rights for employees have been significantly extended, and things are changing quickly which is why it is vital that you keep up to date. Putting things in place and using the services of a specialist employment law solicitor can prevent you from being on the wrong side of the law and facing costly employment tribunals.

Contact our Highcliffe office on **01425 275555**, email info@simpkinsand.co.uk or visit www.simpkinsand.co.uk.

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

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.

Suite 4, Brearley House, 278 Lymington Road, Highcliffe, Christchurch, Dorset BH23 5ET
 1 Northumberland Avenue, Trafalgar Square, London WC2N 5BW

T: 01425 275555 | 0207 872 5611 **FREEPHONE: 0800 0832755** **FREEMOBILE: 0333 7777 420**

E: info@simpkinsand.co.uk www.simpkinsand.co.uk