

## Welcome to Simpkins and Co's August 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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## Latest news: Supreme Court rules that employment tribunal fees are unlawful

**The government will now have to repay up to £32m to claimants.**

When the government introduced employment tribunal fees of up to £1,200 in 2013, it caused a reduction in claims of 79% over 3 years. Unison argued that the fees prevented workers accessing justice and now the Supreme Court has ruled that the government was acting unconstitutionally, unlawfully and basically unfairly when it introduced these fees.

Unison claimed that these unfair fees had let law-breaking bosses off the hook and badly treated staff had no choice but to put up or shut up. There is no way of knowing how many workers missed out because they couldn't afford the expense of the fees.

The government will now take immediate steps to refund the payments already made and stop any further charges. Fees ranged between £390 and £1,200 and have raised about £32m since being introduced.

Discrimination cases were the most expensive for claimants because of the complexity and time that the hearings would take and the Supreme Court has ruled that this was indirectly discriminatory as a higher proportion of women than men would bring discrimination cases.

The court also found that some people would not bring cases to employment tribunals because they would not gain any financial reward after paying the fees.



In summary, the court found that claimants in low or middle-income households could not afford the fees "without sacrificing ordinary and reasonable expenditure for substantial periods of time".

The TUC said this was a "massive win" for workers. It was clear that many low-paid workers couldn't afford to uphold their rights at work when faced with harassment or unfair dismissal and so introducing fees was morally wrong and a barrier to justice.

**As an employee, have you suffered discrimination, harassment or any other unfair treatment at work? As an employer, do you know your legal obligations in the workplace?** At **Simpkins & Co** we are experts in employment law and members of the Employment Lawyers Association (ELA). We offer a **FREE**, no obligation, initial consultation to everyone. Contact us now on **01425 275555** or visit **www.simpkinsand.co.uk**.

PERSONAL  
INJURY  
ADVICE

## Injured on holiday abroad through no fault of your own? You may be entitled to compensation.

We all look forward to our well-earned holidays, but sometimes things go wrong. Did you know that airlines can be held liable for accidents on international flights when in the air or even on the ground? This is covered under the Montreal Convention and is the law governing international air travel.

Injuries may include: -

- Being scalded by a hot drink poured by cabin crew
- Being hit on the head by an item falling from the overhead luggage compartment
- Tripping over an item left in the aisle
- Suffering a case of food poisoning
- Being injured by a trolley in the aisle

Even your luggage is covered under this law.

After you arrive at your destination, you are still covered for personal injury. If you've booked your package holiday through an accredited holiday operator, you may be able to bring a claim against that travel company for any injuries sustained. The tour operator and hotel employees have a duty of care towards ensuring your safety. Even during an activity holiday, e.g. skiing, the tour operator, hotel owners, instructors etc. are all legally required to safeguard you against injury.

You could seek compensation if you become injured through no fault of your own in many different situations. Some examples are: -

- If you fall during an excursion and injure yourself
- Have a motoring accident
- Slip on faulty steps and sustain an injury
- Contract food poisoning after eating at the hotel buffet

Collate any evidence that will help your claim; photographic or witnesses contact details for example.

When you return home, see your doctor as soon as possible and ask them to confirm your injury in writing.



**The next step is to see an experienced personal injury solicitor who will discuss your claim and assess your chances of winning. Call us on 01425 275555 to claim your FREE, no obligation consultation, or visit [www.simpkinsand.co.uk](http://www.simpkinsand.co.uk). We can offer no win, no fee agreements. It's best to see a solicitor as soon as you can but you do have up to 3 years after the accident to make a claim.**

Steve Simpkins of Simpkins & Co has over 25 years' experience of successfully handling all kinds of personal injury compensation claims at home and abroad. Simpkins & Co are members of the Law Society Personal Injury Panel and the Association of Personal Injury Lawyers (APIL). We also specialise in clinical negligence compensation claims and employment law.

**BUSINESS  
ADVICE NEWS**

# The Taylor Review – what does it mean for workers?

**Matthew Taylor, who is the CEO of the Royal Society of the Arts, has led a review into working practices in the modern UK economy. Some key recommendations have been made: -**

- **Good work for all**

The government needs to be held accountable for a national strategy to provide “good work for all” which should include baseline protections, education and training, work life balance, good quality working conditions etc.

- **Dependent contractors**

Those working for platform-based companies (e.g. Deliveroo and Uber) should be classed as dependent contractors, making a clear distinction between these workers and those who are legitimately self-employed. The government must also provide additional protections for these dependent contractors.

- **National Living Wage**

Although this offers low paid workers the security of a minimum wage, strategies must be enforced to ensure that individuals do not become stuck at this rate of pay, but have the opportunity to progress in their jobs.

- **Costs of employment**

The government should avoid increasing the non-wage costs of employing a person. For example, the apprenticeship levy is an expense that many companies have raised as an issue.

- **Good corporate governance**

Companies must practise responsible corporate governance, strong employee relations and good management within the organisation.



- **Developing skills**

All workers should feel that they have realistic ways in which to strengthen their future prospects at work and they should be able to develop their skills through training courses or while “on the job”.

- **A healthy workplace**

A more proactive approach needs to be put in place towards workplace health which all workers will benefit from.

**Although the report did not attack the gig economy, saying that flexibility in the workplace was important and had contributed to record high employment, it did say that too many employers were relying on zero hours or agency contracts, instead of being more forward thinking in their scheduling.**

**At the moment these changes are recommendations only, but the government has stated that it will take them seriously.**

**As an employee, do you know all your rights at work? As an employer, do you struggle with ensuring that you're complying with the law in the workplace? At **Simpkins & Co** we are experts in employment law and members of the Employment Lawyers Association (ELA). Contact us on **01425 275555** for your **FREE** initial, no obligation consultation, or visit **www.simpkinsand.co.uk**.**

CLINICAL  
NEGLIGENCE  
NEWS

## 'Metal on metal' hip replacements even more toxic than first thought

After findings by watchdogs, 50,000+ patients with "metal on metal" hips are being advised to undergo X-rays and blood tests to establish if they are suffering from metal toxicity and muscle or bone damage.

This could result in many thousands of people having to undergo replacement implant surgery. Without this, the damage could become progressively worse, especially in female patients, and lead to irreversible damage. Even patients who are currently suffering from no symptoms at all will be asked to undergo a series of checks. This does not mean that every patient with such hip implants would need to have them removed, but they will need to be regularly monitored. Early detection should give a better outcome if a replacement implant became necessary.

These implants have now been mostly phased out but in the UK in the 1990's, they were fitted as standard because they offered better mobility, especially for younger patients than the metal ball and plastic socket type. In 2013, NHS hospitals were told to stop fitting most metal-on-metal hip replacements after a study found unacceptably high failure rates among 17,000 patients.



**Have you had a metal on metal hip replacement which has caused you problems?** You may be able to make a claim for clinical negligence compensation. Call us on **01425 275555** to arrange a **FREE**, no obligation consultation with one of our expert solicitors, or visit **www.simpkinsand.co.uk**.

At Simpkins & Co, we are specialists in clinical negligence compensation claims. We are members of the Law Society Personal Injury Panel and the Association of Personal Injury Lawyers (APIL).

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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