

Welcome to Simpkins and Co's November 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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What is compensation for personal injury?



At Simpkins & Co, we are members of APIL (Association of Personal Injury Lawyers), a not-for-profit organisation who have been fighting for the rights of injured people for over 25 years. They are dedicated to enhancing access to justice for victims of personal injury and their aim is for everyone in our society to understand the importance of a right to redress for suffering needless harm. They are determined to ensure that harmful and misguided perceptions about personal injury are turned around.

Their latest public information venture is published under 'Compensation Explained' and can be viewed fully at <https://www.apil.org.uk/compensation>.

It explains compensation for personal injuries, why it's important that injured people are compensated and what it takes for them to receive compensation. In our caring society, we all need to appreciate the realities for injured people who have suffered through no fault of their own.

Some of the questions it addresses are: -

Why don't injured people just get on with it?

The effect of an injury on an individual should never be underestimated.

Even minor injuries can greatly affect someone's life. For example, a broken wrist might prevent someone from driving which will impact their work and social life and cause extra expenses. They may not be able to play sport or play with their children and basic tasks, such as taking a shower, can suddenly become much more difficult. Putting up with this, when someone else's negligence has caused it, is not right. Also, it is not fair that the State should pay when people are out of work or need various treatments, when the person who caused the injury has an insurance policy in place to cover the cost of personal injuries.

Think then of the impact of a catastrophic injury, such as losing a limb. As well as funding care, rehabilitation, and covering financial losses, an injured person would be compensated for the unquantifiable losses of pain and suffering. For some, their lives will never be the same again because of their injuries.

Why are injured people compensated with money?

Money in itself is not something which can replace adequately what has been lost in terms of the ability to do some of the things you could do before, but it does make some things easier, including access to rehabilitation and necessary treatments. Personal injury law exists to help put an injured person's life back to where it was, or as close as possible, before a needless injury happened.

What do I do if I'm injured and want to claim?

The most important thing is to make sure your lawyer is a specialist in personal injury claims. Lawyers can operate in all areas, but the job isn't always distinctive like it is for doctors. You wouldn't have a neurosurgeon repairing a broken leg. Any lawyer can take on a personal injury compensation claim, but only a specialist in that field will give you sophisticated legal advice.

Also, look out for the APIL quality mark logo. To be accredited, APIL members are rigorously vetted. They must satisfy specific and extensive criteria providing evidence of their competence and experience in handling personal injury claims.

At Simpkins & Co we have 25 years' experience in successfully handling all kinds of personal injury compensation claims. We also sit on the panel of the Law Society Personal Injury Lawyers. For your **FREE** initial, no obligation consultation, call **01425 275555** or visit **www.simpkinsand.co.uk**

PERSONAL
INJURY
ADVICE

Government proposes a ban on cold calling for personal injury claims

The Government has announced that it proposes to ban cold calling by claims management companies (CMCs). This concession has been announced after repeated Government resistance to a ban on cold calling for personal injury claims.

The announcement follows a long-standing campaign by the Association of Personal Injury Lawyers (APIL) to eradicate cold calling for personal injury claims. This included their 'Can the Spam!' social media campaign, and lobbying of ministers and parliamentary committees.

Personal injury solicitors have long been calling for a ban on unsolicited calls and texts, saying these have fuelled the perception of a compensation culture and encouraging fraudulent claims to be made.

APIL's president has said that cold calling for personal injury claims is exploitative, tasteless and intrusive. Solicitors are not allowed to do it, for these very reasons. Some CMCs continue to hound people in this way and because of this the Government has linked the scourge of cold calling and spam texting to its proposals to remove the right to claim compensation for some whiplash injuries, disadvantaging those who have a genuine claim.

Exact details of the proposed ban have yet to be announced.

At Simpkins & Co Solicitors, we would certainly support such a ban. We've all been hounded by cold calls and spam texts trying to persuade us to claim compensation for an injury, even when we haven't been injured. It generates the false perception that obtaining compensation for personal injury is easy, even when no injury exists.



We are members of APIL and specialist personal injury solicitors with 25 years of experience in successfully handling all kinds of genuine personal injury compensation claims. Contact us for your **FREE**, no-obligation initial consultation on **01425 275555** or visit **www.simpkinsand.co.uk**

EMPLOYMENT
LAW NEWS

Mental health problems cause 300,000 people to leave their jobs each year

A recent report commissioned by Theresa May, revealed poor mental health is costing the UK economy up to £99bn each year. In many workplaces mental health is a taboo subject, even though it's an illness that affects 1 in 6 people.

The report also showed that many employers don't understand the crucial role they can play in ensuring that employees who may be struggling, receive the support they need. It makes recommendations on implementing this support through creating an online wellbeing portal and using digital technology.

Some companies who were praised for helping their employees manage their mental health, had already implemented a great support network, including adjusting workloads and encouraging employees to speak out when they needed help.

The report recommends that employers should: -

- Create a mental health at work plan
- Make information about mental health available
- Ensure support is accessible
- Encourage workers to speak up when they need help
- Provide good working conditions
- Ensure employees have a healthy work-life balance
- Regularly monitor employees' mental health
- Promote effective people management by holding regular conversations about health and well-being with their staff.

The report pointed out to employers the huge cost each year to businesses due to staff suffering from mental health problems and the fact that people with long-term mental health problems were leaving jobs at twice the rate of colleagues with no such issues.



At Simpkins & Co, we are specialists in employment law and members of the Employment Lawyers Association (ELA). Do you need help with any employment/HR issues, whether as an employer or employee?

Contact us on **01425 275555** for your **FREE**, no-obligation initial consultation or visit **www.simpkinsand.co.uk**.

European Court of Justice decrees minimum height requirement for Greek police is discriminatory



After a prospective female applicant of 1.68 meters tall filed a suit against the policy of imposing a minimum height restriction for enrolment in Greek police schools, the European Court of Justice held that this was indirect sex discrimination.

The minimum height requirement of 1.7m (about 5 feet 7 inches) clearly disadvantaged many more women than men. The legitimate aim of the policy was the effective accomplishment of the various functions of the police force, but other areas of policing, such as providing assistance to citizens or traffic control, did not require the use of particular physical aptitude. Also, a person's height does not necessarily correspond to his or her physical abilities to carry out certain functions.

Even though the court acknowledged that certain police officers should be physically fit for their positions, this, the judges agreed, was not necessarily connected with being

of a certain minimum height. Instead, it was recommended by the court that Greek police implement various measures that were less disadvantageous to women and that the preselecting of candidates should be based on fitness tests.

Also worth noting is that, until 2003, Greek law required different minimum heights for men and for women to enter the police; for women the minimum height was 1.65m, compared with 1.7m for men. Also relevant was that there remained different minimum height requirements for men and women to enter the Greek port police, armed forces and coast guard, where the minimum requirement for women was 1.6m.

Recently, in a similar case in Germany, a regional court ruled that a female police force applicant should not have been rejected due to her height, stating that "the best applicants for a job may only be determined by looking at their abilities and qualifications in their field."

Have you been discriminated against or treated unfairly at work? Contact us on **01425 275555** for a **FREE** initial consultation, or visit **www.simpkinsand.co.uk**.

We are experts in employment law and 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.

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**