

Welcome to Simpkins and Co's December 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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Merry Christmas and a very Happy New Year to all our readers and clients



Our offices will close Friday 22nd December at 12.30pm and re-open at 9am on Tuesday 2nd January 2018

PERSONAL
INJURY ADVICE

Why do you need an experienced personal injury solicitor to handle your claim?

The day in mid-February 2014 began as a normal day out for a mother and her adult daughter. The mother was driving with her daughter in the passenger seat, when suddenly and without warning, a car exited a side road and collided with the mother's vehicle just behind the passenger's door. The impact of the collision was such that it caused the mother's car to veer onto the pavement and crash into the back of a parked vehicle.

The daughter sustained multiple injuries in the accident and was taken by ambulance to hospital. She suffered chest pain, neck and shoulder pain, back pain and knee problems. She attempted to go back to work 2 months after the accident, but was in too much pain to carry on with the job she had done, and loved, for years. Even now, she is restricted in her capabilities and is unable to return to her job in the future.

The mother also sustained multiple injuries and was taken to hospital immediately after the accident. She suffered significant back pain that necessitated MRI scans and indicated a fracture of the lumbar spine. As well as this, the accident destabilised a previous non-symptomatic condition of the cervical spine. She also continues to suffer from various urinary symptoms, none of which were present beforehand. As a result of the accident the mother has endured anxiety and low mood, and her quality of life has been irreparably damaged which is unlikely to recover.

Initially, mother and daughter approached a solicitor to make a personal injury claim on their behalf. This solicitor, being inexperienced in personal injury law, did not keep them regularly updated on the progress of their claim and they did not feel confident in the solicitor's ability to obtain a good result.

Have you been injured in any way through no fault of your own? Contact us for a **FREE** initial no-obligation consultation on **01425 275555**, or visit **www.simpkinsand.co.uk**. We are an accredited member of APIL (the Association of Personal Injury Lawyers) and we sit on the Law Society Personal Injury Panel. We also specialise in clinical negligence and employment law.

Why do you need an experienced personal injury solicitor to handle your claim? *continued*



Through Bartek, our Litigation Executive, mother and daughter were introduced to Steve Simpkins of Simpkins & Co who is an expert in personal injury compensation claims, with 25 years of experience. He took over the claims, quickly progressing matters and obtaining sizable offers of compensation from the defendant's insurer, which mother and daughter were very happy to accept.

When their cases were concluded, they wrote to Steve and Lynn, the Principal Litigation Assistant: -



Steve Simpkins
Principal



Lynn Knight
Principal Litigation
Assistant

'Dear Steve

Many thanks for your email. I am very pleased to accept the offer and cannot thank you enough for all the hard work you have done on my behalf and all the support you have given. I assure you it is greatly appreciated, and I am pleased the matter is now drawing to a close. Please also pass my thanks to Ed Lamb whose counsel is also very much appreciated. I will write separately to Lynn who has also been extremely helpful and supportive at all times.'

'Hi Steve

Once again, I cannot thank you enough for all the help and kindness I have received from you. I don't think I can ever relay my gratitude. I will e-mail Lynn separately to convey my thanks to her for her support and taking all my calls when I was a bit stressed and managing to always make me feel better after the call, as did you too. And of course, to Bartek for pushing me on a weekly basis to come and see you. Thank you again.'

'Hi Lynn

Thank you for not only the hard work that you do in the office on the case but also for all the help and advice that you have provided over the telephone. I would phone in a state about something either angry or upset and I always came away feeling much, much better about things and that means a lot.'

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EMPLOYMENT
LAW ADVICE

Church minister complains of direct marriage discrimination

In a recent case, the Employment Appeal Tribunal (EAT) has overturned an employment tribunal's decision to strike out a church minister's complaint of direct marriage discrimination.

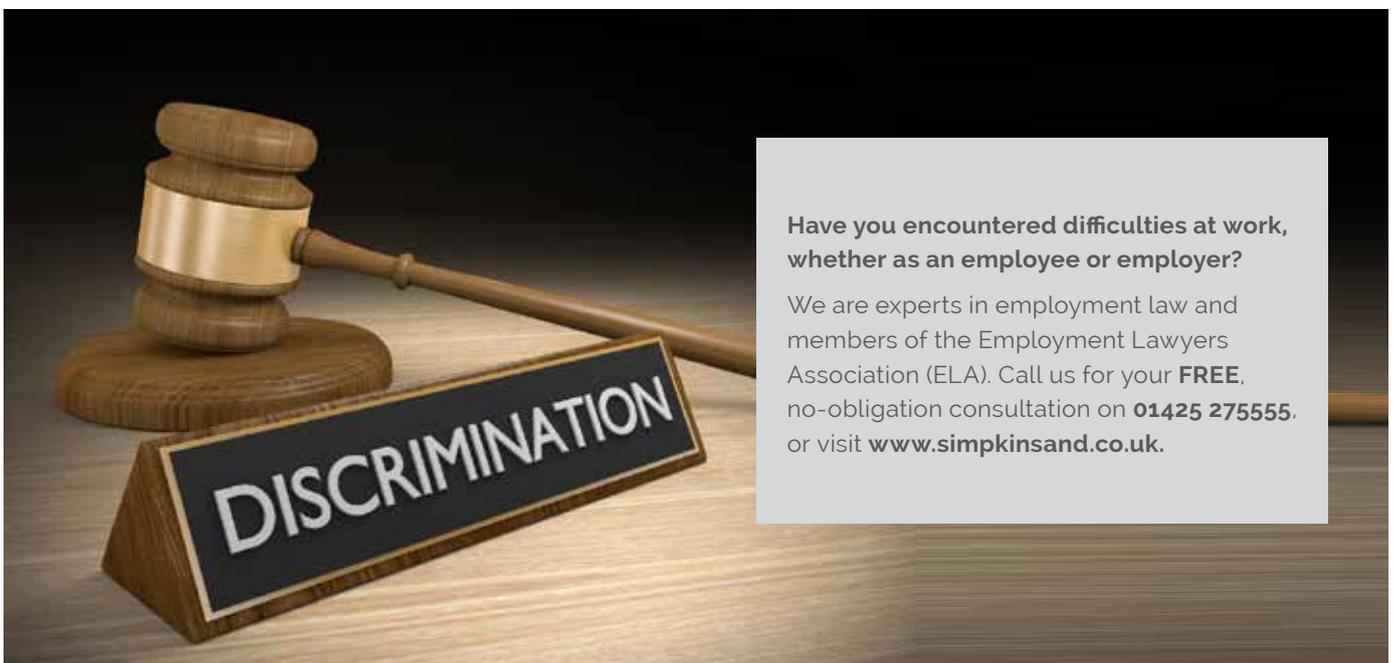
The minister was employed in North London and had been married for 18 years before his marriage started to break down. He believed that some members of the church would not accept him if his marriage failed, so he agreed to a recommended sabbatical in an attempt to save his marriage. During this sabbatical, he alleged that the church leadership and some members of the congregation subjected him to a campaign of criticism in relation to his marriage. He was invited to attend a meeting with the church trustees where he was subsequently dismissed due to a breach of trust and confidence in the employment relationship and because of concerns about the possible effect on the ministry.

After his dismissal, he brought an employment tribunal claim for direct discrimination on the grounds of marriage. Marriage is a protected characteristic of the Equality Act 2010. This means that where someone is subject to less favourable treatment as a result of being married, they can bring a claim for direct discrimination on these grounds. However, the employment tribunal struck out his claim, stating that he had not engaged

the protected characteristic of marriage as his case was that he had been dismissed because of his marriage difficulties, not because he was married. The minister appealed the decision to the EAT.

The EAT disagreed with the employment tribunal. When reviewing the case, they concluded that the dismissal was actually because of the minister's marriage difficulties and the fact that he was married. The only reason the marriage difficulties were an issue for the church was because there was a marriage in which difficulties could arise. Further, they concluded that his marriage didn't have to be the only or main reason for the dismissal for the protected characteristic to be engaged, as long as the marriage played a part in any decision. This case showed that as the church held marriage in a high regard, the difficulties that arose between the minister and his wife were more of an issue to the church because of the fact that the difficulties were taking place within a marriage. This case is comparable to someone who was in a close relationship but not married and had been dismissed for having difficulties in that relationship.

Following the decision by the EAT, the minister will now be able to bring his case against the trustees of the church for direct marriage discrimination.



Have you encountered difficulties at work, whether as an employee or employer?

We are experts in employment law and members of the Employment Lawyers Association (ELA). Call us for your **FREE**, no-obligation consultation on **01425 275555**, or visit www.simpkinsand.co.uk.

EMPLOYMENT
LAW NEWS

How will the Chancellor's Autumn 2017 budget affect employers and employees?



The Chancellor presented his latest budget to the House of Commons on Wednesday 22 November, including increases to the National Minimum Wage (NMW) and the National Living Wage (NLW).

The Government accepted the recommendations of the Low Pay Commission for increases to the NMW and the NLW, which it's estimated will benefit more than 2 million workers. In light of this, the Government will increase the NLW from April 2018, which applies to workers aged 25 and over, from £7.50 to £7.83.

The NMW rates will be increased at the same time to: -

- £7.38 for 21 to 24-year olds (from £7.05)
- £5.90 for 18 to 20-year olds (from £5.60)
- £4.20 for 16 and 17-year olds (from £4.05)
- £3.70 for apprentices (from £3.50).

What is the difference between the National Minimum Wage and the National Living Wage?

The **National Minimum Wage** is the minimum pay per hour to which most workers aged 16 to 24 are entitled and these rates are reviewed every year by the Government. The Low Pay Commission, an independent advisory body made up of employers, trade union leaders and academics, advises on the level at which to set the minimum wage.

Workers receive different levels of minimum wage depending on their age (once they turn 16) and apprentices receive a lower rate.

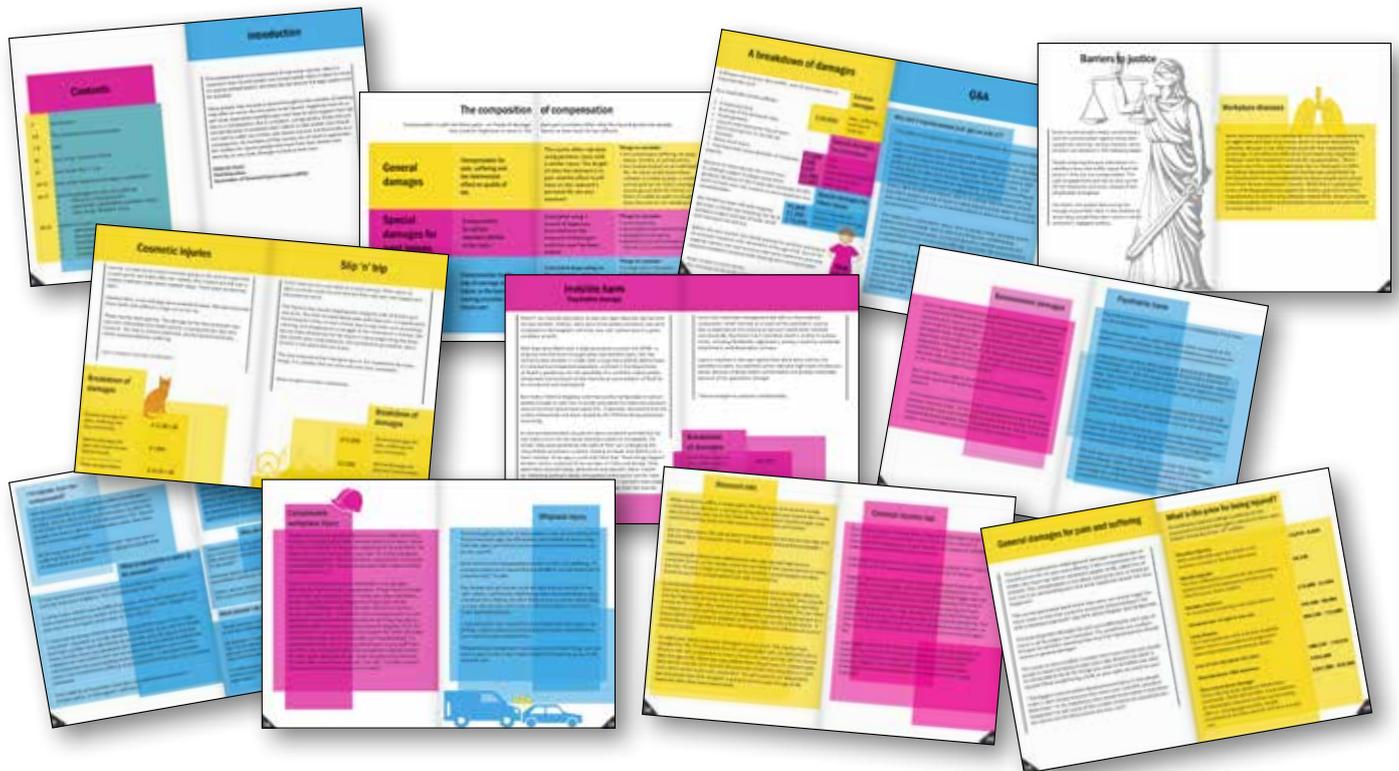
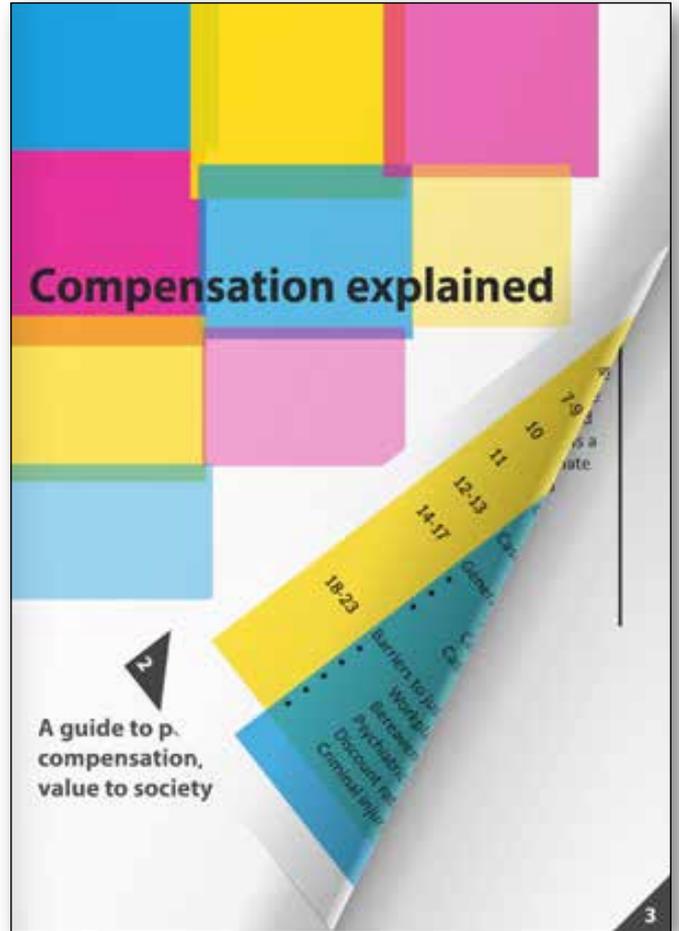
The **National Living Wage** is the minimum wage for workers 25 and over.

The Low Pay Commission advises this different level of wage because there is evidence that younger workers are more at risk of being priced out of jobs than older workers, with worse consequences if they end up unemployed.

Do you need assistance with employment issues, whether as an employer or employee? We are experts in employment law and members of the Employment Lawyers Association (ELA). Contact us now for your **FREE** initial, no-obligation consultation on **01425 275555**, or visit **www.simpkinsand.co.uk**.

Comprehensive compensation guide launched

Hot off the press from APIL (the Association of Personal Injury Lawyers). These leaflets are a great guide for anyone who's been injured through no fault of their own but isn't sure about how or why to claim compensation. Please contact us if you'd like one posted to you. Alternatively, check out the online version at www.apil.org.uk/compensation



We are accredited members of APIL and experts in successfully handling personal injury compensation claims, having over 25 years of experience. Call now on **01425 275555** for your **FREE** initial consultation.

What do our clients think of us?

When our clients' matters have been settled, we ask how we handled their case and for any other feedback. Here is one of the replies:



Agnieszka Bania Solicitor

Dear Agnieszka,

Thank you so much for your perseverance with my two cases. In answer to the two questions posed; I am totally satisfied with the way you handled the case and the outcome. All my thoughts about Simpkins & Co are positive so do not see how you could improve on the service given. Again, many thanks for the excellent service provided.

Mr M. (personal injury compensation claims)

We are experts with 25 years of experience in personal injury and clinical negligence compensation claims, and employment law. We have successfully handled many claims and won cases which other solicitors would not take on. If you have been injured through no fault of your own or you've suffered clinical negligence, or you have any kind of issue in your workplace (employees and employers), call us on **01425 275555** or visit **www.simpkinsand.co.uk**. We offer a **FREE**, no-obligation initial consultation.

Any lawyer can practise personal injury law, but only an expert will achieve the best result.

We're members of the Law Society Personal Injury Panel, the Association of Personal Injury Lawyers (APIL) and 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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