

## Welcome to Simpkins and Co's January 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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## Wishing you all a joyful and prosperous 2018 from Simpkins & Co



Don't forget - you still have time to enter our prize draw which will take place on 5th January. The winner will receive £30 in John Lewis vouchers. To enter, like and share our post on Facebook at: [-https://www.facebook.com/SimpkinsandCoSolicitors/photos/a.427627160748662.1073741828.427529220758456/862155753962465/?type=3](https://www.facebook.com/SimpkinsandCoSolicitors/photos/a.427627160748662.1073741828.427529220758456/862155753962465/?type=3)



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 are always happy to take enquiries from Bureau advisors or clients. Contact us on **01425 275555** or visit [www.simpkinsand.co.uk](http://www.simpkinsand.co.uk) to receive your **FREE**, no-obligation consultation and ask about a no win, no fee agreement.

PERSONAL  
INJURY  
ADVICE

# What kind of injuries can I be compensated for?



We've all heard and read misguided comments concerning personal injury claims, whether in a newspaper, overheard conversations on the train or a taunt about 'ambulance chasers' at a party. These harmful perceptions are having a destructive effect and possibly preventing individuals seeking compensation when they have suffered an injury through no fault of their own.

A personal injury can be a physical injury, disease or illness, or a psychological injury or illness.

A few examples of personal injuries are: -

- Injuries at work, including work-related illnesses such as a disease caused by working with asbestos.
- Psychological illness caused by stress at work, including discrimination or harassment in the workplace.
- Injuries sustained in a road traffic accident.
- Injuries received because of faulty goods or services.
- Injuries caused by tripping over broken paving stones.
- Injuries caused by errors in hospital treatment or by vaccinations

## What should you do after you're injured?

- You may have been taken to hospital but if not, see your doctor as soon as possible as your injuries could become more serious.
- Inform the police if, for example, the injury resulted from an RTA.
- If the injury resulted from an RTA, report it to your insurance company as your insurance policy may be invalid if an accident is not reported.
- Gather evidence about the accident and injuries. It may be useful to take photographs of the scene of an accident and of what caused the injury. Write an account of the incident while details are still fresh in your mind and ask for contact details of any witnesses.
- If the accident happened at work, it should be recorded in an accident book. If there isn't one in your workplace, write out brief details of the accident and injuries, then send them to your employer and keep a copy.

If you then want to take legal action to claim compensation for your personal injury, contact a solicitor specialising in these types of cases. This is very important as solicitors specialising in personal injury claims have the experience and expertise to ensure you are properly compensated. This must be done within 3 years of your accident, but ideally as soon as you are able.

Contact us on **01425 275555** or visit **[www.simpkinsand.co.uk](http://www.simpkinsand.co.uk)** to receive your **FREE**, no-obligation consultation and ask about a no win, no fee agreement. We are experts in personal injury and clinical negligence compensation claims and members of the Law Society Personal Injury Panel and APIL (Association of Personal Injury Lawyers).

EMPLOYMENT  
LAW NEWS

# If your child's school is closed, your boss **MUST** give you time off



**With the recent freezing temperatures and snowfall dominating the news in early December, what are the facts about parental leave when your child's school is closed?**

Parental leave is the legal right to take time off from work to look after your child or make arrangements for someone else to look after your child. Legally, employers are not required to pay workers taking parental leave, but check with your employer what their policy is on this. Some may allow you to take holiday leave or make up your hours at a later date. You can only take parental leave if you've been employed continuously for a year or more.

Biological, adoptive or step-parents qualify for statutory parental leave (as long as they have responsibility for the child) and are entitled to take up to 18 weeks' parental leave per child up to their eighteenth birthday.

As long as it's related to the care of your child, parental leave can be taken for any reason, e.g. accompanying your child during a stay in hospital, settling your child into new childcare arrangements or if your child's school is closed because of bad weather.

You will have the legal right to return to your old job if you take less than 4 weeks' parental leave in one block. If you take more than that in a block, you are entitled to return to the job you did before only if it is reasonably practicable. If it's not, then your employer must give you a comparable and appropriate job.

Even if you don't qualify for parental leave, you have the right to take a reasonable amount of unpaid time off to deal with genuine emergencies involving people you care for. This is dependents leave and you qualify regardless of how long you have been working for your employer.

We are experts in employment law and members of the Employment Lawyers Association (ELA).

Call us on **01425 275555** for advice, whether as an employee or employer, or visit [www.simpkinsand.co.uk](http://www.simpkinsand.co.uk).

PERSONAL  
INJURY  
ADVICE

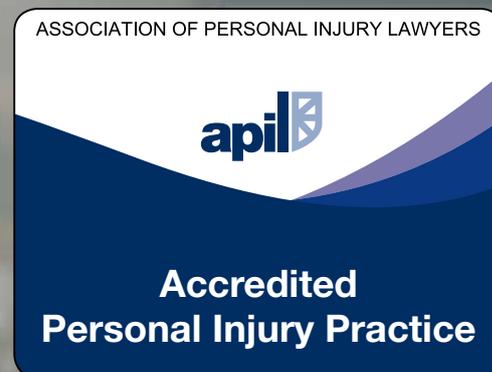
# What does APIL do and (Association of Personal Injury Lawyers) what is its accreditation scheme?

**APIL has been fighting for the rights of injured people for over 25 years. A not-for-profit campaign organisation, APIL's member lawyers are dedicated to changing the law, protecting and enhancing access to justice, and improving the services provided for victims of personal injury. Its members are constantly working to promote and develop their expertise in the practise of personal injury law.**

**An accredited member of APIL will: -**

- Understand that injured people can often be the most vulnerable in society and need help.
- Reassure victims and act fairly with honesty and integrity.
- Drive up standards in personal injury law and encourage innovation and efficiency.

All accreditation schemes are not the same. Accreditation has to mean something more than basic competence. Accreditation, properly done, serves an important function, ensuring that the man or woman on the street can select a quality product with confidence. Without accreditation schemes, the injured person has no way of distinguishing good from bad. APIL accreditation allows an injured person to identify the competent lawyer, and to spot the specialist from the generalist. The accreditation focusses on competence and outcomes and must be fully supported with evidence. It requires regular re-accreditation so that it is absolutely current rather than just an historical snapshot. Clients clearly do not want a badging exercise purely to promote lawyers, but an accreditation which adds value. They want a recommendation to a trusted individual with the right skill set who will serve them well. With an APIL accreditation that is exactly what they get.



Steve Simpkins of Simpkins & Co is an accredited member of APIL. He has over 25 years' of experience in this area of law, successfully handling many personal injury compensation claims, including difficult matters which other solicitors would not take on.

After recent updated advice from the Financial Ombudsman, it's also worth noting that if you are pursuing a personal injury compensation claim, you can choose your own solicitor rather than the one which your insurance company appoints. You can also transfer your case to another solicitor if you are not happy with the solicitor you originally chose to handle your claim.

Contact our Highcliffe office on **01425 275555** for your **FREE**, no-obligation initial consultation or visit [www.simpkinsand.co.uk](http://www.simpkinsand.co.uk).

EMPLOYMENT  
LAW NEWS

## Employer found to be vicariously liable for employee's data breach

In the case of *Various Claimants v Morrison Supermarkets*, the High Court has held that an employer was vicariously liable (a situation where someone is held responsible for the actions or omissions of another person) for the actions of an employee who disclosed, on the internet, the personal information of around 100,000 colleagues. Although this was done from the employee's personal computer and took place outside working hours, there was a sufficient connection between the employee's employment and the wrongful conduct to hold the employer liable.

S, who was employed by Morrison's, was involved in assisting the external auditors by providing payroll data. In 2013, disciplinary proceedings were brought against him for an unrelated incident, which resulted in a warning. He was aggrieved by this disciplinary and resolved to do damage to Morrison's. He downloaded the payroll data to a USB stick and then posted a file containing the personal details of around 100,000 employees on a file-sharing website. S was later convicted for this offence.

A group of 5,518 Morrison's employees then sought to claim compensation from Morrison's for breach of statutory duty under the Data Protection Act (DPA), as well as for misuse of private information and breach of confidence.

The judge found that there was no liability on Morrison's under the DPA as it was not the data controller when S disclosed the information on the internet. The judge also rejected the argument that Morrison's should have had a system in place to detect the fact that S had searched on the internet, using his work computer, for software which disguises a computer's identity. Such monitoring would have been difficult to justify, since it could amount to an unlawful interference with employees' rights to privacy and family life.

However, the judge went on to hold that Morrison's was vicariously liable for S's conduct. The test was whether S's actions were carried out in the course of his employment.



In the judge's view, S's disclosure on the internet of the payroll data was not disconnected by time, place and nature from his employment. The judge took into account the fact that Morrison's had deliberately entrusted S with the payroll data. Also, S was appointed on the basis that he would receive confidential information and that Morrison's took the risk that it might be wrong in placing its trust in him. The judge pointed out that part of S's role was to receive and store payroll data, and to disclose it to a third party (the external auditor). The fact that he chose to disclose it to others who were not authorised was nonetheless closely related to his role at Morrison's. When S received the data he was acting as an employee and the chain of events was unbroken from then until disclosure. Even though the disclosures were made later from his home, outside working hours and through his personal computer, this did not break the connection with S's employment.

**In conclusion, the judge held that there was sufficient connection between the position in which S was employed and his wrongful conduct to make it right for Morrison's to be held liable.**

**Do you need advice on employment law?** We are experts in this area of the law and members of the Employment Lawyers Association (ELA). Call our Highcliff office **01425 275555** for your **FREE** initial consultation or visit [www.simpkinsand.co.uk](http://www.simpkinsand.co.uk).

## 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 are a couple of the replies:



**Steve Simpkins**  
Principal

Dear Steve

I am very pleased to accept the offer (made by the defendants) 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.

Mrs J. (personal injury compensation claim).



**Lynn Knight**  
Principal Litigation  
Assistant

Dear Lynn,

Thank you for not only the hard work 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.

Mrs J. (personal injury compensation claim).

**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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