

Welcome to Simpkins and Co's March 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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PERSONAL INJURY NEWS

Can you claim for an icy road or pavement injury?

With red alert warnings issued and airports, stations and roads closed, the whole of the UK has been struggling with the latest extraordinary severe weather conditions.

What can you do if you're injured due to slipping on ice or falling in the snow, or in a vehicle on icy roads?

Slipping and falling compensation claims

You can possibly claim in the following circumstances if you have been injured: -

- On business premises (shop, supermarket etc.)
- On your employer's premises; your place of work or potentially elsewhere if on duty.

If the business owner(s) failed to make the area safe with gritting etc. there could well be a claim for a slipping incident.

Car accident compensation claims

Bad weather can limit visibility when driving and make the road surface slippery. Driving conditions are more dangerous which can result in accidents if drivers fail to adapt their behaviour. Anyone who has been involved in a an accident on the road as a result of ice or snow may be able to make a claim for compensation.

The Highways Act 1980 tasks local authorities with keeping the primary roads in their jurisdiction passable and safe to use. They will identify the relevant roads with the highest volume of traffic, so it is unlikely that a claim can be brought after an accident because of bad weather conditions on a minor road. The Highways Agency has a similar obligation for motorways. Each of these organisations are required to clear snow and



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PERSONAL
INJURY
NEWS

Can you claim for an icy road or pavement injury?

continued

ice from public highways which is commonly done by the spreading of grit or salt to prevent snow or ice from settling in cold weather. The authorities are only expected to take 'reasonable' steps to clear the highways as it is not possible to clear snow as soon as it falls, and ice can form far faster than the ability to clear it. Therefore, to make a claim the relevant agency must have failed to clear the snow or ice hazard and because of this was negligent, and the accident occurred as a result of this.

Each case is different and assessed on the facts. If the accident happened on a primary road and it can be shown that the local authority failed to take all reasonable steps to keep the road safe and passable, then a claim could be brought. Reasonable steps would include: -

- having a program in place for gritting and clearing snow
- keeping sufficient stocks of grit or salt
- observing weather conditions
- displaying warning signs
- closing very hazardous roads.

Just as local authorities have a duty of care, drivers are also expected to take extra precautions in poor weather by cancelling non-essential journeys and reducing their speed or fitting snow chains. Failing to modify their behaviour could cause a driver to be held partly responsible for the accident. A claim could still be possible, but the compensation would be apportioned between the parties.

Finding an experienced personal injury solicitor to represent you in making a claim is vital. At Simpkins & Co we have 25 years of experience in all kinds of personal injury compensation claims. We are accredited members of the Association of Personal Injury Lawyers (APIL) and the Law Society Personal Injury Panel.

Think you have a claim? It costs nothing to find out. Call us on **01425 275555** for your **FREE** initial consultation.

EMPLOYMENT
LAW NEWS

New compensation limits in force for employment rights from 6th April 2018

The increase in compensation limits and minimum awards which are payable under employment legislation, will come into force from 6 April 2018: -

- Unfair dismissal will rise from £80,541 to £83,682.
- The limit on a week's pay for the purposes of calculating statutory redundancy payments etc. will increase from £489 to £508.
- Guarantee pay will increase from £27 to £28 per day.
- The minimum basic award in cases where a dismissal is unfair because of health and safety, employee representative, trade union, or occupational pension trustee reasons, will increase from £5,970 to £6,203.

The new rates take effect where the 'appropriate date' for the cause of action falls on or after 6 April 2018. Where the appropriate date falls before 6 April, the old limits will still apply. This is irrespective of the date on which compensation is awarded.



For more information, whether as an employer or employee, contact us on **01425 275555** for your **FREE** initial consultation. We are experts in all aspects of employment law and members of the Employment Lawyers Association (ELA).

NHS removing testicles is not a 'mistake'

A Times columnist has made the proposal that injured patients should be willing to accept apologies instead of damages and that the NHS should simply be forgiven for mistakes.

Addressing the Times' readers, this reply from the President of the Association of Personal Injury Lawyers (APIL) was published at the end of February: -

'Sir,

There is no expectation on the NHS to be infallible. Accidents happen. Mistakes happen. They cannot be avoided.

But only last week it was reported that hundreds of men have had the wrong testicle removed. These are not mistakes. This is negligence. Those men face a lifetime of sterility because someone failed to take enough care to identify the correct body part.

Perhaps an injured patient or grieving family would accept an apology if apologies were ever forthcoming. It is already established that parents enduring the agony of a stillbirth which is entirely avoidable are often forced down the legal route in search of answers, because they cannot get them any other way.

If what Ms Foges says is correct, there is a profound need for the NHS to overhaul its approach and attitude towards patient care. The motivation for investigating stomach pain should be to improve the patient's health and wellbeing in keeping with the NHS's mission statement. To avoid being sued is the wrong incentive.

Brett Dixon President
Association of Personal Injury Lawyers (APIL)



Have you suffered clinical/medical negligence (or become aware that there was negligence) in the last 3 years? This includes, among others, surgery, medication, dentistry, delay in treatment and diagnosis. We are experienced experts in clinical negligence compensation claims and accredited members of APIL. **Call us on 01425 275555** to find out if you have a claim; we offer a **FREE** initial consultation.

EMPLOYMENT
LAW NEWS

Men still earn more than women at most firms

A gender pay difference at a company is not illegal but could possibly reflect discrimination. This is not the same as pay inequality which compares the wages of men and women doing the same job.

What is the gender pay gap?

Although the gender gap has been narrowing over the last few years, according to the latest government figures the average gender pay gap across all medium and large-sized firms is 8.2%, i.e. men typically earn over 8% more per hour than women. The data shows that 74% of firms pay higher rates to their male staff and only 15% of businesses with more than 250 employees pay more to women. 11% of firms said there is no difference between the rates paid to either gender.

Among those with the largest gender pay gap are airlines but this is down to the fact that most pilots are male, and the majority of cabin crew are female. Many banks also appear to have a gender bias on salaries, with the Bank of England's wage rate for men being 24% higher than for its female employees.

All firms with more than 250 staff must, by law, report their gender pay gap to the government by 4th April this year. The vast majority of firms have not yet complied, but this may be because the data is genuinely quite difficult to find. Also, the data may prove to be embarrassing

for some the firms involved, who will be worried about reputational damage.

The main task here is to promote change and help women progress at work. It's about fairness and productivity in our economy.

There are a small number of organisations who pay their female staff more than their male colleagues, including Europcar, Biffa and Ocado.



Can we help you with an employment issue? We are experts in employment law and can advise you whether you're an employer or employee. **Call us on 01425 275555** for your **FREE** initial consultation. We are accredited 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.

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