

Welcome to Simpkins and Co's April 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

A spinal cord injury is life changing, but not life ending

We're glad to be able to continue supporting this essential charity with our corporate membership. The Spinal Injuries Association (SIA) is the leading national spinal cord injuries charity.

Their belief is that everyone has a right to live a fulfilled life and a life that has the same opportunities as everyone else. They are committed to the ever-changing needs of those with a spinal cord injury (SCI) by campaigning for the best treatment and care. They also challenge perceptions and behaviours towards SCI, which ensures a more inclusive society. SCI is life changing, but not life ending.

Shockingly, every year in the UK 1,000 people sustain a SCI. The damage can be partial or complete leading to loss of muscle movement, sensation and control of body function below the injury. Just over half of these new injuries result from an accident.

It is clear that SCI people undergoing specialist rehabilitation have significantly better outcomes in all aspects of their reintegration into society, but many SCI people cannot afford or access this kind of treatment. They fear for their financial security in general, especially if they are unable to return to the work they did before the accident, or indeed any paid employment.



Have you been injured through no fault of your own? It is particularly important to claim compensation in the case of life-changing injuries. This would include the costs of on-going care, rehabilitation and compensation for pain and suffering.

At Simpkins & Co, we are experts in this area of the law, having 25 years of experience in handling all kinds of personal injury claims, even the most complicated cases which others would not take on. **Contact us on 01425 275555 to find out if you can make a claim.**

We are members of the Law Society Personal Injury Panel and the Association of Personal Injury Lawyers (APIL).

EMPLOYMENT LAW NEWS

Restaurant chain fined for failing to pay the minimum wage



Wagamama has been fined for failing to pay staff the National Minimum Wage. The amount of the fine was undisclosed. 42 other employers in the hospitality sector were also fined on the government's latest list of firms breaking the law.

Blaming "an inadvertent misunderstanding" of the rules regarding staff uniforms, Wagamama has had to repay an average of £50 to over 2,000 employees. The company had asked its front-of-house staff to wear black jeans or a black skirt with their Wagamama-branded top and this was considered as asking the employees to buy a form of uniform. Wagamama stated that they have gladly made payments to current and previous employees dating back from 2016 to 2013 and have also updated their uniform policy.

Wagamama has also had to apologise after a note was seen in one of its London restaurants which banned staff from taking sick days. It stated that any staff member not being able to work their shift because of illness, must take the responsibility of finding a colleague to cover

their shift or the company would take disciplinary action against them.

179 employers in total were fined £1.3m by the government for underpaying their staff and they were given a warning that minimum pay rates increase again on 1st April 2018 (see table below). These employers included the fashion chain Karen Millen, Birmingham and Stoke City Football Clubs, and St Helens Rugby Club.

HOURLY MINIMUM WAGE RATES

AGE	RATES UNTIL 1 ST APRIL	RATES FROM 1 ST APRIL
25 & over	£7.50	£7.83
21 to 24	£7.05	£7.38
18 to 20	£5.60	£5.90
Under 18	£4.05	£4.20
Apprentice	£3.50	£3.70

Do you need employment advice? We can help whether you are an employee or an employer. We are experts in this area of the law and members of the Employment Lawyers Association (ELA). **Call us on 01425 275555** for your **FREE** initial consultation.

PERSONAL INJURY NEWS

An unusual personal injury claim



This claim involved a lady in Ireland who fell off the toilet in her own home and injured her knee.

Several weeks previously, she had engaged the services of a building contractor to re-tile her bathroom. The contractor employed a tiler to do the work. The incident happened when a tile fell off the bathroom wall and gave her such a fright that she fell forwards and injured her knee.

She attended her GP on many occasions and endured ongoing pain in her knee as a result of the fall from the

toilet. She also needed physiotherapy and suffered from an underlying degenerative condition in her knee.

The lady subsequently sued the contractor for her injuries, claiming that he was negligent and had failed to make sure the work was done properly. The contractor denied negligence as he believed the claim was a fraudulent one because she had wanted different tiles from those used.

Nevertheless, the Judge accepted her version of events and she was awarded €25,000 for pain and suffering, €350 expenses, and €2,500 to replace all the tiles.

If you think you have a personal Injury claim, it costs nothing to find out. Contact us on 01425 275555 for your **FREE** initial consultation. We are experienced experts in personal injury compensation claims and members of the Association of Personal Injury Lawyers (APIL) and the Law Society Personal Injury Panel.

EMPLOYMENT
LAW NEWS

Head teacher failed to safeguard pupils by disclosing relationship



A head teacher (R) who failed to disclose to the school's governing body her relationship with a person (S) convicted of making indecent images of children, was dismissed. She was under contractual obligation to safeguard the pupils and should have realised the relationship created a potential risk to the children.

She appealed to the school unsuccessfully and then to the Employment Tribunal, but the school's decision was upheld. Following an Employment Appeal Tribunal, the decision was upheld that the Employment Tribunal had reached the correct conclusion. She then appealed to the Supreme Court, but the appeal was unanimously dismissed.

R had maintained a relationship with S since 1998 and was appointed as head teacher of a primary school in 2009. R bought a house with him as an investment and they'd been on holiday together. Although R did not live in the house with S, she occasionally stayed there, and she was also named on his car insurance. Although they were not romantically attached, the relationship was more than a financial one. S was convicted in 2010 of making indecent images of children. He was made subject to a sexual offences prevention order which forbade him from having unsupervised access to children under the age of 18. R sought advice from various people about whether to disclose her relationship with S, but understood it was not necessary and so did not do so.

On discovering her relationship with S and his conviction, the school dismissed her for gross misconduct. It took

the view that she should have known that any concern about the safeguarding of the children should have been disclosed. It considered her failure to disclose that relationship showed she had a lack of understanding of the potential risk posed to the children in her care. The school stated that because of her unblemished record, it may have considered an alternative to dismissal if she had accepted her error. However, as she still held the belief that she'd done nothing wrong, the school believed that dismissal was the only appropriate decision.

The Employment Tribunal found that although the obligation for R to disclose this information was not expressly set out in her contract of employment, the tribunal considered it 'obvious' that failing to disclose it was misconduct. The Employment Appeal Tribunal backed up the Employment Tribunal's decision.

When she then appealed to the Supreme Court, there was a unanimous decision to dismiss the appeal. Lord Wilson, giving the leading judgment, noted that the law recognises that offenders can represent a danger to children not only directly, but also indirectly through association. Her continuing refusal to accept that she had been in breach of her duty made it inappropriate for her to continue to run the school.

Do you need employment advice? We can help whether you are an employee or an employer. We're experts in this area of the law and members of the Employment Lawyers Association (ELA). **Call us on 01425 275555** for your **FREE** initial consultation.

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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