

Welcome to Simpkins and Co's July 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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Please like our Facebook page and follow us on Twitter for law related news and snippets of information



PERSONAL INJURY NEWS

What are the top 5 benefits of using an experienced personal injury solicitor?

- They will ensure you are properly compensated for your injuries. Experienced personal injury solicitors have a wealth of knowledge when dealing with insurance companies and are skilled at negotiating adequate compensation for injuries and losses suffered. This will help ease the stress caused by an accident, allowing you to focus on your recovery.
- They know how much your claim is worth. An experienced personal injury solicitor will have an understanding of how much your claim is worth based on the severity of the injury, the pain, suffering and losses caused. They will use this knowledge to ensure an appropriate settlement figure.
- They can cut through the red tape. An experienced personal injury solicitor is an expert in this type of law. You don't have to worry about learning legal or medical jargon, and your solicitor can deal with all of the paperwork and other red tape on your behalf.
- They can save you time. An experienced personal injury solicitor will quickly obtain copies of relevant medical records, review police files, communicate with insurance companies, etc. Most people lead busy lives and they don't have time to do all of these things. This is exactly what a personal injury solicitor is there for.
- They can answer your questions and provide trustworthy practical advice. An experienced personal injury solicitor is a source of extensive knowledge which can be relied upon. They will be honest and up-front with you. They will be clear on the chances of your case succeeding and your various options. They will guide you through the entire process and advise you on the best course of action at each stage of the claims process.



Steve Simpkins of Simpkins & Co is an experienced personal injury solicitor. He has 25 years' worth of experience in successfully handling all types of personal injury and clinical negligence compensation claims, including complicated matters which others would not take on. He is accredited by the Law Society Personal Injury Panel and the Association of Personal Injury Lawyers (APIL).

Call the Simpkins & Co office in Highcliffe on 01425 275555 for more information.

EMPLOYMENT
LAW NEWS

Disabled M&S worker awarded £1,000 against the company by employment tribunal

Mr M who suffers from a disability requiring him to go to the toilet more frequently, asked his employer to provide a lift key for the customer lift which would allow him to reach the 2nd floor staff toilets more easily. He had been using the goods lift, the stairs and escalators, but after an operation he anticipated even more frequent visits. Even though he'd asked various managers for a key before and after his operation, it was not provided to him until 10 days after his operation.

In the employment tribunal (ET), Mr M claimed disability discrimination which the tribunal upheld by a majority. The ET held that M&S had breached its duty under the Equality Act 2010 by delaying in making reasonable adjustments for disabled workers.

The ET accepted that using the customer lift made a difference to Mr M in terms of speed, reliability and convenience. It rejected the claim by M&S that there was not much difference between using the customer lift and using the goods lift. The ET stated that there could be little excuse for not providing a key for 10 days when there were spare keys available and, in any event, it would have cost only £3 to cut a new one.

The ET awarded £1,000 to Mr M for injury to feelings. The payment was relatively low because the ET accepted the argument from M&S that it was a short delay and there was no malice or deliberate conduct.

Do you need advice on employment issues? We can advise you as an employee or employer. We are experts in this area of the law and members of the Employment Lawyers Association (ELA). Call our Highcliffe office on 01425 275555 for more information.

PERSONAL
INJURY
NEWS

Lovely thank you letters from two of our recently settled personal injury claims clients

Client 1 "I wanted to express my sincere thanks and gratitude for all your help, advice and determination in getting the claim settled. I wanted to particularly thank Lynn for listening and answering my questions and for being patient to the end. It has made a real difference to me to have someone to talk to, in what is, and continues to be, an isolating experience. We are now extremely relieved that this chapter is over. We are very grateful for the wise and experienced counsel of the barrister and I would be most grateful if you could pass on our sincere gratitude to him. Once again, thank you."



Client 2 "Thank you for your cheque in final settlement of my claim which, of course, I am delighted to receive. Thank you also for all help, advice and support you have provided during the last few years. It has been a long time and as you will expect, I am very pleased the case has now finally closed. I am very satisfied with the way Simpkins & Co handled my case and should I have a legal query in future, I would not hesitate to seek the advice of your good self."

At all times I found Lynn, Jacque and their colleagues very helpful and supportive."

We are experts in personal injury and clinical negligence compensation claims, and employment law. Call our Highcliffe office on 01425 275555 for more information.

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EMPLOYMENT
LAW NEWS

Supreme court's judgment could influence legal battles over employment status.

The UK's highest court has unanimously decided that a heating engineer has won his employment claim against Pimlico Plumbers. It was established that he was a worker and not self-employed. This will set a clear precedent for those employed in the gig economy and influence the outcome of long legal battles such as those involving Uber.

The heating engineer, Gary Smith, appealed to the court after he was dismissed. He had worked for the plumbing firm for 6 years before suffering a heart attack in 2011. He had then requested a 3-day-week, but this was rejected by Pimlico Plumbers and the van which he rented from them was taken away. The firm disputed that Mr Smith was sacked because he wanted to work fewer days. Pimlico Plumbers argued that as he was sent out by them to repair leaking pipes and broken dishwashers, he should be classed as self-employed and not a 'worker'. Even though 'workers' are not given the full range of employment protection rights which full-time staff enjoy, they are entitled to many elements, e.g. holiday pay.

Pimlico Plumbers lost at every stage of the dispute.

The judge stated that even though his contract provided him with some operational and financial independence, his services to the company's customers were marketed through the company. Also, the company's terms enabled them to have tight administrative control over him when he was working for them. They imposed conditions on when they paid him and how much, and his ability to compete with it for plumbing work following a termination in their relationship. His contract made reference to 'wages', 'gross misconduct' and 'dismissal'. Furthermore, he wore a branded uniform, had a tracker in his branded van and carried a company identity card.

The judge concluded that in this situation, Mr Smith was entitled to claim status as a worker.

The judgment acknowledged that there were some aspects of Smith's conditions that resembled self-employment, such as the entitlement to refuse work, but other aspects of the contract with Pimlico Plumbers "betrayed a grip on his economy inconsistent with his being a truly independent contractor". These included that he wore a branded uniform, had a tracker in his branded van and carried an identity card. His contract made reference to "wages", "gross misconduct" and "dismissal"

Are you struggling with employment issues, whether as an employee or employer?

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

Call our Highcliffe office on 01425 275555 for more information.



Have you entered our Facebook competition yet?

Every month we run a competition on Facebook and the winner receives £30 in John Lewis vouchers. There's still time to enter and all you need to do is post on our Facebook page, by 12th July, your favourite photo (one you've taken yourself) of a local animal or bird. We'll announce the winner on that date. Good luck to all!

This fabulous photo of a woodpecker in her garden was taken by our June winner, Cressida Carr.

This is the link to our page: -
<https://www.facebook.com/SimpkinsandCoSolicitors>



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Call 01425 275555 for more information.

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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