

Welcome to Simpkins and Co's monthly e-newsletter

Keeping you up-to-date with the changes in legislation, interesting cases and issues that arise in the following areas of the law; Personal Injury, Clinical Negligence and Employment. We hope you will find it interesting and useful.

You've already
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This is a printable
A4 version of our
newsletter

We've listened to your feedback and have produced an A4 version of our newsletter which we hope you will find more user friendly if you wish to print it.

You are cordially invited
to join us for our

Summer Soiree & Charity Event

at Highcliffe Castle
Thursday 16th June, 6 - 10pm

Summer is just around the corner, and to celebrate in style with our key associates, clients and friends, we are hosting a summer party and charity event in the glorious setting of Highcliffe Castle, the former seaside residence of Mr Gordon Selfridge.

This year we have taken a slightly different approach, and have decided that the



event will benefit a cause very close to our hearts The Spinal Injuries Association (SIA).

Simpkins & Co Solicitors are proud to be a Gold Partner to the SIA, through our legal work supporting and representing those affected by spinal cord injury through road traffic accidents, incidents at work or other type of personal injury accident.

Continued overleaf

Your invitation to our Summer Soiree & Charity Event at Highcliffe Castle 16 June 6-10pm *continued*

We would be delighted if you could join us on Thursday 16th June, 6 - 10pm for a Fish & Chip supper* in the State Dining Room at Highcliffe Castle.

It will be a fun evening with a light-hearted quiz, an opportunity to network with other guests... and best of all... the food & drink is on us!

We request the pleasure of your company and would ask that you kindly make a minimum £5.00 ticket donation which will enable us to raise value funds for the Spinal Injuries Association. 100% of funds raised will go direct to the charity.

We will also be hosting a 50/50 raffle on the night - with 50% of any cash raised going to the SIA and the other 50% being a cash prize for the lucky raffle winner.

We do hope you will be able to join us on the evening, where we can thank you for working with us, and you can chat with the team in convivial surroundings.

Kindly RSVP by Friday 10th June to Jacque Aitken (together with your menu choice).

t: 01425 275555 e: jacque@simpkinsand.co.uk

Please send cheques for your donation (payable to SIA) to: Jacque Aitken, Simpkins & Co, Suite 4, Brearley House, 278 Lymington Road, Highcliffe, BH23 5ET.

We look forward to seeing you!

***Menu Choice:** Fish & Chips, Chicken & Chips, Sausage & Chips, Fishcake & Chips or Vegetarian Burger & Chips.



Our Principal, Steve Simpkins, has lobbied local MP's on Government whiplash reforms

This is the press release written by Julie-Anne Houldey of Lime Tree Communications:

"No one likes the so say 'compensation culture', but likewise no one wishes to see those with genuine injuries 'railroaded' by large insurance companies".

Those are the sentiments of local personal injury solicitor Steven Simpkins who has joined other members of the Association of Personal Injury Lawyers (APIL) and Access to Justice (AZJ) to lobby the government and local MP's on the proposed reforms on whiplash claims.

In the Autumn Statement of November last year, The Chancellor announced plans to increase the small claims court limit for people injured through no fault of their own, and to abolish recompense altogether for almost all those who have suffered soft tissue injuries in road accidents.

According to APIL's own figures this could mean that up to 85% of injured people would be denied legal representation, leaving them to the mercy of the large insurance companies.

Mr Simpkins, whose Highcliffe firm Simpkins & Co Solicitors represents clients from across the local area, is adamant that it is the general public who will suffer.

He stated, "Of course there is a risk to jobs in the legal sector, but more importantly members of the public who have a genuine claim will be denied access to justice. Even in the case of quite serious injury, people could find themselves fighting against insurers with no legal

representation to help them fight their corner."

"The insurance industry has persuaded ministers that the proposed reforms will bring down insurance premiums, but we believe it is smoke and mirrors to compensate for their falling investment income."

Action group Access to Justice also say that drivers are paying the penalty for insurance companies' greed. Average car insurance premiums continue to rise, and yet figures released by the Association of British Insurers (ABI) show the amount paid out annually by motor insurers fell from £8.3 billion to £5.89 billion last year - a decrease of £2.41 billion; yet savings from this multi-billion-pound windfall have not been passed on.

Steve added, "Rather than point the finger at lawyers and overstate 'ambulance chasing' activity, insurers could take more responsibility themselves, such as data sharing about any duplicate or fraudulent claims. If these reforms go ahead it could undermine the legal rights of millions of UK citizens. It's all a bit 'under the radar' at present, and we want to raise public awareness of the situation before it's too late."

Access to Justice is an organisation interested in advancing the interests of injured people to recover their legitimate losses. You can find out more about their campaign at the website: www.accesstojusticeactiongroup.co.uk

If you have been affected by personal injury through no fault of your own, then contact us for a FREE initial consultation on 01425 275555 or FREEPHONE 0800 0832755, email info@simpkinsand.co.uk or visit the website www.simpkinsand.co.uk.

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

Can an employer insist that a Christian employee removes jewellery worn to manifest their religious belief or carry out workplace duties which the employee feels go against the core of their faith?



How far must employers go to accommodate religion and belief? Do they have to accommodate believers, whose commitment to religion involves not just participation in the worship, but also the adherence to its system of values? Should organisational aims respect religion?

Since the introduction in England and Wales of the Employment (Religion and Belief) Regulations in 2003, UK courts have understood the requirements of EU law to place only a limited obligation upon employers to recognize and accommodate the religious beliefs of employees in the workplace.

Muslim claimants such as Mohmed and Azmi, were unsuccessful in gaining legal support to wear a long beard or the hijab. Christian claimants such as Mba, have not persuaded judges that their religion should relieve them from Sunday working.

EU law in this area is intended to be interpreted in a manner which is also consistent with the requirements of the European Court of Human Rights (ECHR), which says that religious freedom “implies freedom to manifest one’s religion. Bearing witness in words and deeds is bound up with the existence of religious convictions”. However, it is agreed that this right is not absolute; freedom includes the right to express and practise one’s beliefs. Without this, freedom of religion would be emasculated, but invariably,

religious faiths call for more than belief. In law there is a difference between freedom to hold a belief and freedom to express or ‘manifest’ a belief. The former right, freedom of belief, is absolute. The latter right, freedom to manifest belief, is qualified.

In the case of Mrs Eweida, the competing interest was corporate image. Many public and private companies look to project a particular image and so employees are obliged to wear a uniform. Mrs Eweida worked for a private company, British Airways. All customer facing employees were required to wear a uniform. The rules stated that jewellery could be worn for religious reasons as long as it was either at all times covered up by the uniform, or if this was impossible, approved by local management. Permission had been given to Sikhs to wear a turban and the kara, and female Muslims to wear the hijab, but Mrs Eweida was not given permission to wear her cross visibly. In line with BA policy, she was sent home. Her claim that this constituted discrimination contrary to Regulation 3 of the Employment Equality (Religion and Belief) Regulations 2003 was rejected by the Employment Tribunal (ET), the Employment Appeal Tribunal (EAT), the Court of Appeal (CA) and the Supreme Court. The European Court of Human Rights accepted, however, that BA’s policy interfered with Mrs Eweida’s right to manifest her religion. The domestic court had attached too much weight to BA’s desire to project its brand.

If you have been affected by this issue or any other employment issues, whether as an employee or an employer, then contact us for a **FREE** initial consultation on **01425 275555** or **FREephone 0800 0832755**, email info@simpkinsand.co.uk or visit the website www.simpkinsand.co.uk.

We are specialists in Employment Law and are accredited members of the Employment Lawyers Association.

‘Pregnant women on maternity leave cannot be made redundant’.

This is a myth that reflects most employers’ wariness about implementing a redundancy programme that might involve employees on maternity leave, but this assumption is ill-founded.



However, women on maternity leave do benefit from a number of statutory protections that restrict employers’ decisions when implementing a redundancy procedure. The 2 main protections are that: -

1. She has a right to be ‘offered’ a suitable available vacancy if selected for redundancy. It is not enough that the woman be considered, shortlisted or interviewed; she is entitled to be given the alternative job regardless of either competition for it or the financial implications to the employer. If a suitable available vacancy was not offered to her, Regulation 10 of the Maternity and Parental Leave Regulations (the MPL Regulations) says that this is automatically unfair dismissal. Unlike ‘ordinary’ unfair dismissal, ‘automatically’ unfair dismissal has no limit to the compensation available and the right to claim is not subject to a minimum period of continuous employment. Similar protection is available to employees on adoption or shared parental leave.
2. She has protection from maternity or pregnancy discrimination under the Equality Act 2010. This protected period runs from the beginning of the pregnancy until the end of the woman’s maternity leave. She also has protection from direct sex discrimination, so if she is treated less favourably than others because of her pregnancy or maternity leave, she can bring a claim.

The key consideration when selecting for redundancy is to ensure that neither the selection process or the criteria relied on, are discriminatory. If an employer adapts the redundancy selection criteria so as not to discriminate against women on maternity leave, there is a danger here that any men in the pool of employees could be discriminated against. Before embarking on a redundancy selection procedure, employers should review their criteria and consider whether they are objective, transparent and free of direct and indirect discrimination against women on maternity leave.

If a woman on maternity leave is selected for redundancy after this process, the protection under Regulation 10 comes in to force and she is entitled to be offered a ‘suitable’ vacancy if one is available. ‘Suitable’ in this situation means: -

- the work must be of the kind that is both suitable in relation to the employee and appropriate for her to do in the circumstances; and
- the terms and conditions of her employment are not substantially less favourable to her than if she had continued to be employed under her previous contract.

It is for the employer to decide what is suitable, knowing what it does about the employee, but it would also be wise for the employer to meet with the employee and discuss and document what might be suitable for her, to minimise the potential for future conflict.

If you have been affected by this issue or any other employment issues, whether as an employee or an employer, then contact us for a FREE initial consultation on 01425 275555 or FREEPHONE 0800 0832755, email info@simpkinsand.co.uk or visit the website www.simpkinsand.co.uk

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Thank you, thank, thank you...

...to all those who sponsored us on the Southampton Legal Walk. We walked 10k and raised £365 for local legal advice charities, including the Citizens Advice. These vital charities help vulnerable people in desperate need of advice, providing free, independent, confidential and impartial advice to everyone on their rights and responsibilities.

Our Principal, Steve Simpkins and Office Manager, Jacque Aitken are Trustees of New Forest Citizens Advice and have close business links with them.

There's still time to show your kind support; please go to: mydonate.bt.com/fundraisers/simpkinscosolicitors

100% of the funds raised will be kept by the charities.



We at Simpkins & Co Solicitors specialise in the following areas of the law:

■ Employment Law - advising both employees and employers ■ Business Advice ■ Litigation and Contractual Disputes ■ Personal Injury and Accident Compensation Claims ■ Clinical Negligence Compensation Claims

If you need advice on these areas of the law, then contact us for a **FREE** initial consultation on 01425 275555 or FREEPHONE 0800 0832755, email info@simpkinsand.co.uk or visit the website www.simpkinsand.co.uk

We are accredited members of the Association of Personal Injury Lawyers and the Employment Lawyers Association.

Simpkins and Co Solicitors only deal in certain areas of the law, the ones we specialise in, which means you get the best advice from the right people. We are specialists in [personal injury](#), [employment law](#), [clinical negligence](#) and [business advice](#) claims.

We are always happy to take enquiries from Bureau advisors or clients. We operate a **FREE** initial consultation where we can also advise in relation to funding options as we appreciate that clients are often concerned in relation to potential legal costs.

Contact us to arrange an initial **FREE consultation: 01425 275555
FREEPHONE: 0800 0832755 or from mobiles: 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.

Personal Injury | Clinical Negligence | Employment Law | Business Advice

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