

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.

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.

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newsletter

Law Society forms alliance with claimant groups to argue case against government proposals for personal injury reforms



The Law Society has formed an alliance with the Association of Personal Injury Lawyers (APIL) and Motor Accident Solicitors Society to oppose the planned changes after the Treasury announced last November it wants to scrap general damages for minor soft-tissue injuries and increase the small claims limit to £5,000 for personal injury claims.

The Law Society has stated that they believe the best way to deal with fraud is to target the fraudsters otherwise, people's legal rights are restricted and honest claimants, who have been genuinely injured and have legitimate claims, will be penalised.

The aim of this alliance is about safeguarding the public interest and ensuring that ordinary people can still claim for the injuries they suffer through no fault of their own. The alliance also wants to ensure the increase in the small claims limit is in line with inflation. The commissioned report, among other things, will look at the effects of initiatives such as the claims portal and MedCo, the scheme for ensuring independent whiplash diagnosis.

Alliance members have met regularly and have also had talks with insurers and defendant solicitors about the best way to proceed. The legal profession awaits details of the reforms.

If you have suffered an accident 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).

Billionaire accused of running retail business like a

'Victorian workhouse'



A scathing parliamentary inquiry has found that Mike Ashley has been running Sports Direct like a 'Victorian workhouse', using appalling working practices and treating his workers as commodities rather than as human beings.

'I'm not Father Christmas,' complained the Sports Direct boss as he tried to shift the blame for exploitative working conditions.

Parts of the media, a trade union and whistle-blowers brought to light these extremely disturbing practices.

Although he visits one of his warehouses in Derbyshire at least once a week, Mike Ashley says he was unaware of these appalling practices. This suggests he was turning a blind eye to conditions at Sports Direct to maximise profits, or that there are serious management failings leaving him out of the loop in spite of all the evidence.

After hearing evidence from Ashley, Sports Direct workers, union representatives and the agencies that employ the staff working in the firm's warehouse, the Business, Innovation and Skills (BIS) Select Committee concluded that: -

- The majority of workers in both the warehouse and at the shops around the UK are treated without dignity or respect.
- The low prices in the chain's stores come at a cost to workers as they are viewed as commodities rather than as human beings with rights, responsibilities and aspirations.

- Sports Direct has broken the law by failing to pay staff the national minimum wage.
- In the warehouse, workers are constantly under threat of a '6 strikes and you're out' regime. This means that they can be sacked if they receive 6 black marks over a 6-month period, giving the management unreasonable and excessive powers to discipline or dismiss at will.
- Other than to reduce costs and pass responsibility, there is no convincing reason as to why Sports Direct maintains a workforce of more than 3,000 warehouse workers on short-term, temporary contracts.
- One of two agencies that supply Sports Direct with temporary staff may have deliberately misled the committee with its evidence, and this could be considered a contempt of parliament.

Union officials have been campaigning against a strict culture in the warehouse which has made workers afraid to speak out about low pay and conditions in case they lose their jobs. The union want to move the workforce on to fixed-hour, permanent contracts, as many of these issues stem from the majority of the workforce being employed precariously, either through agency or zero-hours contracts.

Sports Direct is by no means the only company to engage people on such terms. What this highlights is a wider issue of real work today and the need for the government to seriously consider what legislation needs to be put in place to protect people from exploitation.



Have you been affected by any of these or other employment issues? Whether you are an employee or employer, contact us now 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 specialise in Employment Law and are accredited members of the Employment Lawyers Association.

THE MANAGEMENT ACCEPTS NO RESPONSIBILITY...

Oh really?

Almost everywhere you go these days you will see various legal looking notices claiming to absolve the management from any responsibility for damage, loss or injury. However, what the general public may not be aware of, is that such notices hold little legal sway.

Here at Simpkins & Co Solicitors we have recently secured a compensation payment for a client who sustained an injury at a Hampshire golf course whilst enjoying a round of golf on New Year's Eve.

Although a sign is publicly displayed at the golf club claiming that the management accepts no responsibility, this is at odds with the requirements of the law.



Our Principal solicitor Steven Simpkins commented, "Irrespective of how many disclaimer signs are put on display, there remains a duty of care for public safety. If the case reaches court, they will assess the reasonableness of the sign, but it in no way absolves management of any responsibility should accident or injury occur. It will be a case of looking at other factors such as whether there was any negligence leading to the incident."

In this particular case our client sustained an ankle injury when he tripped over a wooden framework that was not clearly visible as it had been partly obscured by overgrown grass.

The injury was such that our client was incapacitated, leaving his wife to cope with gardening, housework, cooking and shopping, all tasks that they had previously shared.

Steven added, "We were able to prove that the claimant had sustained personal injury and loss due to the club's unsafe facilities caused by poor maintenance, and attained a damages settlement for £12,500."

The message to business owners is that yes, by all means erect such signage, but remain vigilant about all aspects of maintenance and safety at all times. The message for the public is that should you find yourself sustaining personal injury, it is always worth having a free consultation with us to see if you may be eligible to make a claim.

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Theresa May is urged to launch an inquiry into the low pay of self-employed couriers



The Chairman of the House of Commons Work and Pensions Committee said the government should review HM Revenue and Customs criteria that allow companies to contract work to self-employed individuals rather than hire them as employees.

After obtaining information about the earnings, hours and expenses of couriers for Hermes, the Guardian found that some were earning below the national living wage of £7.20 per hour for people aged 25 and over. However, because the couriers are self-employed and not covered by the national living wage, the arrangement is legal.

Hermes isn't the only company doing this and there has been a rise of bogus self-employment across the country, which is hitting people's incomes and job security. The charity, Citizens Advice Bureau (CAB) has found that as many as 460,000 workers in England and Wales are made to be self-employed when they should have employee status. The CAB and delivery couriers have backed calls for the government to give a clearer definition of self-employment so that people will be aware of when they're being bogusly self-employed and make it harder for businesses to get away with this practice.

The CAB also revealed a marked increase, up 12% on the previous year, in the number of people coming forward with concerns about self-employment and employment status. Workers hired on a self-employed basis have been told that they need to start saving up for their own holiday pay and sick pay.

Hermes has said that it is "committed to ensuring that our couriers receive earnings that are equivalent to or higher than the national living wage". It claims to monitor estimated rates per hour and restructures rounds or

increases rates if they fall below £7.20 per hour. It said that according to its records, its couriers earn on average £9.80 per hour after expenses, although figures show that as many as two-thirds of self-employed workers in the transport sector, which includes couriers, delivery drivers and Uber taxi drivers, now earn below the national living wage. Hermes says its couriers are free to plan their rounds around their personal circumstances and to negotiate their own rates, rounds and number of days they work.

Many delivery companies use self-employed couriers, mainly serving the booming internet shopping market. Self-employed workers do not receive sick pay, holiday pay or employer-funded pensions, but enjoy greater flexibility over when and how they work.

HMRC provides a 14-point checklist to help decide if someone is an employee or self-employed. These questions include: -

- Does the business provide the materials, tools and equipment for their work?
- Do they only work for the business or, if they have another job, is it completely different from their work for the business?
- Is a manager responsible for their workload, saying when a piece of work should be finished and how it should be done?

Policies such as the national living wage may risk making it artificially more attractive for firms to engage contractors rather than employees. There have been calls for the government to adapt to a world that is moving away from the traditional employer-employee model of working, and look at how the low-paid self-employed can be supported into higher-paid work.

Have you been affected by these, 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.

Steve Simpkins and Jacque Aitken of Simpkins & Co Solicitors are trustees of the New Forest Citizens Advice and support this vital charity which provides free advice for the problems people face and aims to improve the policies and practices that affect people's lives.



Steve, Agnieszka and Bartek recently attended a very successful networking meeting and business launch in Gdansk with our business associates at Capital Business Links. We look forward to continuing to support Polish entrepreneurs with legal and business advice.

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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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