

newsletter

**BARNES
MARSLAND**
SOLICITORS

protecting your interests

GET LEGAL

Local business sign up for the NEW Employers 'Get Legal' Scheme

Two businesses have already signed up for the Employers Get Legal Scheme devised by Employment Law specialist, Colin Chapman.

The scheme will be officially launched at a special business event next month. The new Get Legal scheme for employers is a simple and local way for business to comply with the burden of employment legislation. It avoids the risk of exposing a business to a potential £60,000 plus penalty at the Employment Tribunal.

The Get Legal package offers comprehensive employment law cover

from local experts, for a simple monthly fee.

The scheme will combine full compliance documentation, including contracts of employment, provide on site support, plus a telephone advice line for managers. It will allow local business leaders to focus on developing their business, while the Barnes Marsland experts look after their employment issues.

If you would like more details about the employers Get Legal scheme or would like to attend our launch event, please email; smebusiness@barnesmarsland.co.uk



Mike Rider



Colin Chapman

"taking care of business"

**BARNES
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support the

Thanet Business Showcase

Barnes Marsland was proud to be an exhibitor at the recent Thanet Business Showcase held at TG Aviation at Manston Airport. Partners from the SME Business service; Mike Rider, Colin

Chapman and Dennis Pratt met with over 50 local business leaders and discussed issues from commercial property transactions to the recent changes in employment law.



STOP PRESS

Employers

'GET LEGAL'

package

employers:

your complete answer to problems created by:

employment legislation, discrimination, sickness, absence, holidays, maternity, harassment, bullying, data protection, contracts, whistle blowing etc. etc.,

only **£10** per month per employee



in this issue:

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- LITIGATION Chris Cagney advises

Business Seminar

On the 22nd November at The Abode, Canterbury.

Barnes Marsland is co-hosting a business seminar with Lloyds Bank and Business Link Kent at The Abode in High Street, Canterbury on 22 November. The seminar is entitled 'Protecting Your Business For The Future' at 4pm and is followed by a buffet reception in the Champagne Bar at 1800. Admission is free but by invitation only. If you would like an invitation please call us on 0845 270 2999

More new agediscrimination laws take effect

The implementation of the Employment Equality (Age) Regulations 2006 on the 1st October has led many legal experts to warn of an alarming rise in the number of companies facing a hearing at an Employment Tribunal. Several recent surveys have shown how unprepared employers are to meet the demands of the new legislation and many are not aware that this could result in a heavy financial penalty.

In Ireland where allegations of ageism now take up 19% of their formal discrimination claims, Ryan Air were fined IR£8000 for advertising for "young and dynamic professionals" even though they argued that the term

"young" referred to a state of mind rather than an actual age limit.

Head of Employment Law at Barnes Marsland SME Business, Colin Chapman, points out that this could be a real risk for small business and particularly employment agencies and staff recruitment businesses. Colin advises that companies advertising for new staff should avoid words and phrases such as "mature", "youthful", "senior", "recent graduate" or even "experienced". For more advice call Colin Chapman on 0845 270 2999 or email smebusiness@barnesmarsland.co.uk.

Discrimination Law

impact on business . . . A case study

Brian S. ran a successful car dealership in the South East. He had worked for many years building the dealership which was very profitable and well known in the area. Due to increased sales, Brian recruited a young female sales trainee with a view to the future.

The new recruit was the niece of a business colleague and Brian wanted to give her a chance to prove herself in business. Brian delegated her training to his experienced sales manager, Neil, who took the new recruit under his wing. After returning from holiday Brian was informed by Neil that the new female sales trainee

had left the business unexpectedly. When Brian called her to find out what had happened she would not take his calls.

A few weeks later, Brian was informed that his former sales trainee was bringing a case against his company, on the grounds of sexual discrimination. Brian thought little of it but found himself with a £72,000 penalty imposed at the Employment Tribunal. It was proved that his sales manager had been making inappropriate remarks to the new recruit and had been guilty of sexual harassment. The penalty was heavy enough for the business to be

severely damaged and Brian sold the business to a competitor the following year.

Brian had no idea that financial awards were unlimited at Employment Tribunals, in cases of sexual discrimination.

Brian S, an honest and hard working businessman, found his business severely damaged, because he had failed to take proper legal advice on employment procedures.

(Names and detail are unrelated to real people but adapted from real cases of law)

personal

property

business

protecting your interests



Kate Davey-Wright introduces getmovingonline.co.uk for first time buyers

Moving house can be an expensive business. However, Barnes Marsland have introduced a new on-line scheme to reduce the costs of buying and selling houses, aimed specifically at first time buyers. www.getmovingonline.co.uk not only offers buyers the chance to conduct the legalities of moving house on-line but, this month, every 20th purchaser who completes, receives a 100% refund of their legal fees (excluding disbursements).

The scheme was devised by Kate Davey-Wright, head of property services at Barnes Marsland.

According to Kate, "these days, many clients prefer to carry out transactions on-line, rather than by letter and telephone. The new getmovingonline scheme means every 20th client who completes their house purchase, will have their conveyancing done free of charge, which we hope will appeal to first time buyers and other clients."

Have a look for yourself at www.getmovingonline.co.uk

Barnes Marsland will be offering a full HIPS service to those selling their home. More details can be obtained from Kate Davey-Wright on 0845 270 3999

Christopher Cagney **litigation** specialist



Christopher Cagney is joint senior partner at Barnes Marsland and joined the practice in 1973. Chris specialises in litigation or settling disputes via "court work".

Chris has lost count of the cases he has managed but estimates it must run into thousands. Typical cases might be local businesses with contractual disputes, landlords with tenant disputes, families contesting wills, or members of the public pursuing personal injury cases.

Chris has noticed huge changes in the field of litigation since 1973. Perhaps the most significant changes have been in the area of costs, with the introduction of so called 'no win no fee'

schemes and legal protection insurance cover. Christopher thinks it is essential that solicitors fully explain the costs implications and options to their client, before taking on a new case. In his view, the costs issue has "become a minefield".

Arguably, Chris's most satisfying case was in 2005 when he successfully obtained a £1.7 million award for a local family whose young child had been a victim of clinical negligence.

The case was based on an incident that had occurred 12 years previously but was brought to his attention by a fellow partner. Christopher Cagney can be contacted on 0845 2704999.

Trusts **Advice on new tax and administration rules**



As some clients may be aware major changes were introduced in the March 2006 budget regarding the taxation of trusts.

These changes may mean that existing trusts may suffer additional tax bills from the Revenue. Jacqui Miles and Malcolm Brohier, at Barnes Marsland, are advising anyone with existing trusts (whether

created during their lifetime or via the will of a relative who has died) to check the impact of these new tax changes, as soon as possible.

Jacqui advises: "In some cases it may be possible to alter certain provisions in the Trust to avoid the new taxation regime but only if action is taken promptly because it must be completed before the

end of March 2008".

Clients should also review their own wills and seek advice, if the will provides that assets or any part of the estate are left on Trust for beneficiaries, beyond the age of 18.

Both Jacqui Miles and her partner, Malcolm Brohier, specialise in this area and can be contacted on 0845 270 4999.



HIPS

MORE Government changes

You may have heard on the National news that the government has announced changes to the new HIPS scheme due to come into force next year, for all those selling their home.

The part of the Home Information Pack rules which required a special survey or Home Inspection Report to be carried out has been made "optional". In effect this will mean that very few house sellers, if any, will have the report undertaken.

The Home Information Pack will still need to be compiled by the seller, prior to marketing their home. It will need to contain the various searches and other information but will no longer contain a home inspection report.

Barnes Marsland will be offering a full HIPS service to those selling their home. More details can be obtained from Kate Davy-Wright on 0845 270 3999

Call Barnes Marsland today on

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BARNESMARSLAND

newsletter

The Barnes Marsland team welcomes your stories, comments and feedback on any experience you consider relevant to share in our regular newsletter.

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