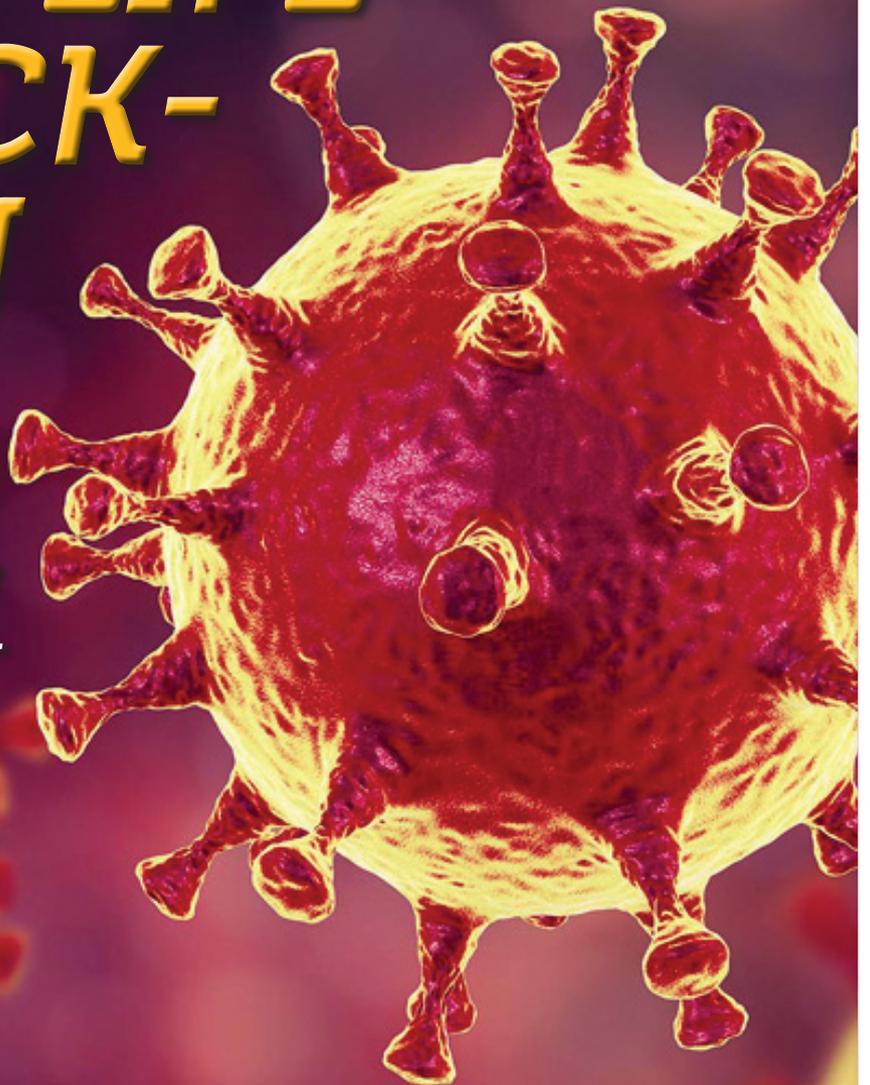




# LEGAL LIFE IN LOCK- DOWN

*LEAP show us how to work from home with confidence and efficiency during the COVID-19 lockdown.*

*See p.23*



ALSO: • Special Guardianship Orders: Frankenstein's Monster...  
...or Phoenix? • Worcestershire Law Society Awards 2020



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# President's Introduction



Dear all,

I anticipate that many of you for the first time will be reading this in electronic format. I wish that was for reasons other than those which exist in the world at present.

I appreciate that these are worrying times for many of you and may I wish you, your families and your firms the best of health in these incredibly difficult circumstances.

It was an absolute pleasure to chair the panel to interview all of the fantastic shortlisted candidates for the Worcestershire Law Society 2020 Awards. The interviews took place on 3<sup>rd</sup> March. The quality was exceptional and some of the success stories we heard were truly inspiring. A big thank you to the University of Worcester for allowing us to use The Hive and also a big thank you to Pat Beeching, Stephen Hurley, Suzanne Alexander and Rav Hothi for giving up their time to assist.

Sadly, we have already had to cancel our Wine Tasting event as a result of Covid-19 and we will not be planning any further events until the risks presented by the Covid-19 outbreak have surpassed.

At the time of writing this, the Awards remain scheduled for 7<sup>th</sup> May. It is however looking increasingly likely that this will have to be postponed and we are presently liaising with Grafton Manor to finalise this. We will endeavour to let you know when that is as soon as possible but I can assure those shortlisted that they remain shortlisted and the evening will proceed, whenever that may be, in

exactly the same manner. It may be that by the time you read this, you will have already received written notification about the postponement. If you do have any queries about the date then please contact [laura@headturnersearch.co.uk](mailto:laura@headturnersearch.co.uk).

If there is anything either I or the Law Society can do to assist you in these difficult times then please do not hesitate to let me, or another member of the committee know.

Best wishes,

**James Osborne,**  
President, WLS



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# FINDING YOUR VOICE

IN TODAY'S DIGITAL AND PRINT MEDIA



Alison Scott and Tom Bartley-Smith

**New partner for HCR brings experience of commercial success**

New corporate partner **Tom Bartley-Smith**, who joined **Harrison Clark Rickerbys'** leading corporate team this week, brings his own commercial success with him – he has spent the last four years as MD of successful commercial kitchen supplier **Sprint Group**.

Tom, who had considerable corporate law experience in firms in Worcester and Cheltenham before he took on the role with the Pershore-based firm, has also been a governor of Worcester Sixth Form College and a non-executive director of the Startin Group.

He said: "My experience with Sprint has been excellent – it's been great to be part of such a success story. It has also been very good experience; I now know first-hand how clients feel when they get involved in a corporate deal."

"I look forward to being part of a very successful team at HCR – they are one of the region's most active teams advising businesses, and I look forward to getting fully involved."

**Alison Scott**, partner in HCR's corporate team in Worcester, said: "Tom's corporate expertise and experience, on both sides of the desk, so to speak, will give us useful insights; we're delighted to welcome him to the team."

**Legal staff boost funds for victims of rape and sexual abuse**

The counselling and support for those who have suffered rape or sexual abuse offered

by West Mercia Rape and Sexual Abuse Support Centre (WMRSASC) has been given a £2,500 boost by **Harrison Clark Rickerbys'** charitable foundation.

The funds, raised by staff through a series of challenges last year, will help the charity to continue supporting those who have been sexually assaulted or abused, as well as working with schools to tackle sexual exploitation or harassment via social media and mobile phones.

WMRSASC supports both children and adults free of charge, and also counsels parents whose children have been abused, working in partnership with other agencies and groups.

**John Parman**, the charity's development lead, said: "People like to believe that this doesn't happen where they live, or among people they know; that just isn't true."

"We are not an organisation you think of until you really need us; we are the only free provider of this counselling and support, and there is great demand for what we offer. We have 44 counsellors at the moment and each will be working with between 25 and 30 people at a time across Worcestershire and Herefordshire."

"We go into schools because we want to help young people to deal with issues like sexting, grooming, demands for photos – our SELFIE project has been delivered at 23 schools and settings in Hereford, Worcester and Shropshire, supporting more than 2,000 children and young people."

"Counselling is not a magic wand we can wave, but we help people to deal with the issues they are left with; some people come to us 60 or 70 years after they were assaulted, still struggling."

The funds will help to pay counsellors – **Mat Waddington**, a trustee of the charitable foundation and head of HCR's Safe from Harm team, said: "It is vital that we help those who have been attacked or abused in this way, so that this violence doesn't blight the rest of their lives. I am glad that we could help in this way so that WMRSASC is able to continue its excellent work across the region."



Mick Monaghan lends a helping hand for Worcester Wheels

**Legal staff keep the wheels turning at Worcester charity**

Law firm staff have funded almost a year's fuel for one of Worcester Wheels' minibuses, helping elderly, disabled or vulnerable people in Worcester get to their hospital appointments, to school, out for the day, or simply to meet up with friends. The £2,500 donation from **Harrison Clark Rickerbys'** Charitable Foundation will cover the cost of fuel for one of the charity's 10 minibuses for 50 weeks – they run five days a week and get through £50 of fuel a week as they operate around the city and surrounding villages.

**John Warham**, chair of the charity's trustees, said: "So many people find other forms of transport very difficult to use, so this is a vital service. We take children with learning difficulties to school and back, we help elderly people not only to get to important appointments but also get them out to see friends and relatives and we give people some independence."

"We are very grateful for this generous donation – we want to be able to continue to help as many people as we can. We know that many of the people who use our service are otherwise housebound or have very limited mobility; the service is their lifeline in many ways."

The service runs with a handful of paid staff and a large group of volunteers; they offer a



Left to right: Darren Smith, James Hayes, Donna Bradley, David Bradley and Paul Hickman.

fixed rate service within three zones centred on Worcester and calculate one-off rates for trips which go further afield. The charity serves about 600 people of all ages.

**Dawn Oliver** of the HCR Charitable Foundation said: "I'm so glad that we have been able to make a real difference to the people who use Worcester Wheels – they provide an excellent service and we're delighted to be helping to keep them on the road."

**Law firm mfg acts on successful six-figure Fastfit buy-out deal**

A Worcestershire law firm has advised on the management takeover of a UK vehicle fleet accessories installer.

Corporate and commercial specialists at mfg Solicitors, which has offices in Worcestershire, Shropshire and Birmingham, acted for FastFit Nationwide Ltd which has been purchased by three of its senior management team for a six-figure sum.

The firm, which supplies commercial vehicle ply-lining, conversions and accessories from its branches in Bromsgrove and West Bromwich, has been bought over by managers **Darren Smith**, **Paul Hickman** and shareholder **David Bradley**, who has been with the company since its inception in 1990.

**James Hayes**, a corporate and commercial law partner at mfg, helped lead the deal,

bringing it to a close within eight weeks. He said: "This was a major buy-out for a widely respected company and employer."

"It had to happen while FastFit traded as normal and I am delighted that customers will not have experienced any inconvenience due to the smooth and swift nature of the transaction, which we helped them to complete in just eight weeks."

"Darren, Paul and David now have a tremendous platform on which to build and I am sure the company will go from strength-to-strength from 2020 and beyond."

**Darren Smith** from FastFit added: "On behalf of the company, I'd like to thank James and the team at mfg Solicitors for their work in making the process smooth and painless."

**James Hayes** can be contacted for advice through [james.hayes@mfgsolicitors.com](mailto:james.hayes@mfgsolicitors.com) or by calling 0845 55 55 321.

**Shareholders urged to check their rights in company disputes**

Shareholders who do not own a controlling stake in businesses are being urged to check their rights in the event of disputes with directors and other stakeholders.

Commercial litigation lawyer **Sam Pedley** believes too many minority shareholders

think they have to "sit on their hands" and just accept decisions they think are wrong being forced through by those with the biggest stake in the business.

But the partner at Worcestershire law firm mfg Solicitors said they should not just live with the consequences, particularly as it could result in them losing out financially or to the detriment of the Company, if they fail to act.

**Sam Pedley** said: "How much of a say you have depends largely on what proportion of the shares you own, but some minority shareholders may have more power than they think."

"Some shareholder agreements grant rights of veto on certain actions, such as selling particular assets or making Company strategy decisions."

"There's also the right to raise an unfair prejudice petition if the Company's affairs haven't been conducted in a fair way or if the directors are paying themselves far too much money."

"Shareholders also have powers to wind up the Company although that really is very much the last resort and they would need strong evidence to show they had been frozen out."

He added that: "Shareholders should seek legal advice about the rights they have under their agreements, Company constitution and the protections offered by the law if they think the majority shareholders or directors are doing the wrong thing."

"There are protections and a variety of tools available to address these issues but too many minority shareholders don't know about them and end up just cutting their losses or sitting on their hands," he said. "I see it too often and it doesn't have to be that way."

**Sam Pedley**, an award-winning lawyer who is also recognised in the Legal 500 and Chambers and Partners for his legal advice, can be contacted through [www.mfgsolicitors.com](http://www.mfgsolicitors.com) or by emailing him at [samuel.pedley@mfgsolicitors.com](mailto:samuel.pedley@mfgsolicitors.com).

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Legal Forms can be integrated into your Index online platform on a cost-effective subscription basis and provide you with the most up-to-date forms on demand. In addition, Index is the only search provider with a real-time licence that lets you know when forms have changed, so you'll always know when you need to download a new version.

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Index Property Information West Midlands' local office is run by Kate Bould and her team, and covers a wide area including Herefordshire, Worcestershire, Stratford-upon-Avon, the Black Country and Shropshire. To find out how we could help your business, contact Kate on 0121 546 0377 or email [katebould@indexpi.co.uk](mailto:katebould@indexpi.co.uk).

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## Worcester law firm backs young swim stars for third year running

**A Worcester firm of solicitors has helped a popular city swimming club for the third year running with a £500 donation.**

Lawyers at Tything-based mfg Solicitors gave the donation to Worcester Swimming Club to help them hold their annual awards evening, showcasing the swimming talent among its members, who are aged between seven and eighteen.

The event, held at Sixways Stadium, celebrated the club's competitive swimmers who competed at the 2019 Championships with a number of stand-out swimmers being recognised.

Darryll Thomas, a partner at mfg Solicitors, presented many of the awards at the event.

He said: *"It's always been a big thing for us to support, recognise and encourage local sporting talent and the awards evening showed just how many first-class young swimming stars we have here in Worcester. Worcester Swimming Club relies on a variety of volunteers so it was brilliant to also see those often unsung heroes, including the coaches, recognised alongside the boys and girls."*

*"Congratulations again to everyone involved and we will be tracking their progress closely this year."*



Left to Right: Wayne Barnes, International Rugby Referee and Barrister. Patricia Beeching, Worcs Law Society President 2019 and Solicitor at Hallmark Hulme, James Osborne, Current Worcs Law Society President and Solicitor at Harrison Clark Rickerbys. Taken at last year's ceremony by Simon Fall Taylor (FT Images).

**T**his year's annual awards ceremony is to take place at Grafton Manor on May 7th 2020 with over 180 local Legal professionals booked into attend the event and to celebrate the fantastic Legal talent that we have working for us in our county.

Over 70 award nominations were submitted from the local Legal community for this year's awards which is a record number and a reflection of the county's high quality of Legal professionals. These have now all been shortlisted and interviews were conducted on 3rd February at the Hive by

an independent panel. The winners will be announced and presented with their trophies on the night of the event.

**Kate Bould**, Index Property Information and one of the main sponsors said *"The Legal Awards is a great event to celebrate the contributions of law practices and professionals and we are proud to support such a prestigious event. The presence of local businesses supporting each other offers valuable advocacy to relationships, something that Index Property Information also promotes."*

**James Osborne**, Law Society President and Solicitor at Harrison Clark Rickerbys followed by saying *"The Worcestershire Law Society Awards are a great opportunity to celebrate the fantastic achievements of our thriving legal community. It's a privilege, as President, to judge the shortlist for 2020 and the quality of nominees continues to increase year after year. Worcestershire is a great place to practise law and the Law Society awards helps the Worcestershire Legally Community celebrate just that."*

If you would like to book a table or get involved with the awards as a sponsor please contact [JOsborne@hcrlaw.com](mailto:JOsborne@hcrlaw.com)

## NOMINEES FOR THE WORCESTERSHIRE LAW SOCIETY AWARDS 2020

### Solicitor of the Year

(Sponsored by St Phillips Chambers)

- David Jonathan Howath – Painters
- Elizabeth Rimell – Scaiff LLP
- Louise Crook – Harrison Clark Rickerbys
- Veronica Beard – Hallmark Hulme

### Junior Solicitor of the Year

- Chanal Griffiths – Painters
- Eimir Tuckett – Harrison Clark Rickerbys
- Sarah-Jayne Martin – Medical Accident Group
- Jessica McSorley – MFG Solicitors

### Trainee Solicitor of the Year

- Alexandra Bayliss – Painters
- Kate Collins – Bradley Haynes Law
- Sally Caldicott – Harrison Clark Rickerbys

### Paralegal of the Year

- Georgia Watkins – Scaiff LLP
- Jake King – Bradley Haynes Law
- Kim Allsopp – Harrison Clark Rickerbys
- Suzannah Strickland – MFG Solicitors

Dharm Singh – Charles Strachan

### Administrator of the Year

- Dawn Hodgkins – Scaiff LLP
- George Rodford – MFG Solicitors
- Lucy Griffin – Harrison Clark Rickerbys
- Tina Harrison – Charles Strachan

### Barrister of the Year

- (Sponsored by Index PI)
- Juliet Allen- St Phillips Chambers
- Jason Hadden – St Ives Chambers
- Tom Lawal – St Ives Chambers

### Dispute Resolution/Litigation Team of the Year

- (Sponsored by St Ives Chambers)
- Silverback Law
- Harrison Clark Rickerbys Painters
- MFG Solicitors

### Best Use of Technology/Innovation within a Law Firm:

- Bradley Haynes Law
- Charles Strachan

# Special Guardianship Orders: Frankenstein's Monster or Phoenix?



Susan Todd

*This article looks at special guardianship orders (SGOs) 18 years after they were introduced by the Adoption and Children Act 2002, and as we await the recommendations of the Public Law Working Group.*

Research supports the court experience that SGOs are often being made and used in a way that was not intended, and which does not always serve children or special guardians well. It is timely to ask whether SGOs will continue to be made without an application having been made to the court, on less-than-robust assessments, where the child has not yet been placed with the prospective guardians or relationships built at the time the order is made, and with inadequate support, shored up by a supervision order - with the Special Guardians feeling marginalised in the process. Or will the findings of recent research, supported by the final report of the Public Law Working Group, cause SGOs to be reborn and given a fresh start?

## The purpose of SGOs

SGOs were introduced to provide long-term familial placements where a care order was not required or where adoption was not appropriate, but where a child arrangements order provided insufficient permanence and security. The special guardianship provisions aim to provide a firm foundation for the carer to assume responsibility for all aspects of caring for a child, while preserving links between the child and their birth family, with access to a full range of support services, including financial support.

Hershman and McFarlane *Children Law and Practice* describes the "carefully constructed statutory regime", which demonstrates the care which is required before making a SGO.

In particular, section 14A CA 1989 sets out the steps that must be taken before an application is made for a SGO. In the early days of the SGO application, these steps were not always considered widely (especially s.14A (7) on giving notice of intention to apply), but the court's power to make SGOs of its own motion was intended to be a *residual power only*.

## Research

Judith Harman's March 2019 summary report, *The Contribution of supervision orders and special guardianship to children's lives and family justice* strikes a positive note overall as it "serves to dispel beliefs that children on special guardianship orders are prone to return to court for further s.31 proceedings" (page 23 of the report). But it contains some striking findings:

Only 1% of the children surveyed who were subject to SGOs had an application for this order in their s.31 proceedings. This shows that the majority of SGOs in the context of s.31 proceedings are made by the court acting of its own motion, rather than on the application of a prospective special guardian. This is the complete reverse of what was intended by the legislation.

Of 107 children from 75 birth families, moving to 77 placements, 31% moved after the proceedings ended and had not lived with the prospective guardians to test the suitability of the placements before the order was made.

Only 37% of children surveyed had a family group conference during their proceedings.

Of 24 special guardians surveyed, all were negative about the LA assessment and the court process. They felt the process lacked transparency and many reported that they did not have party status or were unclear of their party status or the implications of becoming a special guardian.

The extent to which the special guardians were negative was influenced by access to legal advice, which above all facilitated participation in decision-making.

In the North of England 70% of SGOs are accompanied by a supervision order, which the report describes as a "red flag" for bad support planning - whereas 70% of the children living in London had a standalone SGO, illustrating a North/South divide.

The report found that the 26 week statutory timeframe is part of the problem, leading to hurried assessments, limited inclusion of Special Guardians in the court process and poor support planning.

*The Court of Appeal in Re P-S (Children) (Care Proceedings: Special Guardianship Orders) [2018] EWCA Civ 1407* had already highlighted the fact that "the court's residual power in section 14A(6)(b) of the 1989 Act to consider making a special guardianship order of its own motion was not the normal or default process". In this case, the lack of an application resulted in the grandparents being sidelined without party status, documents or advice and therefore without effective access to justice.

## A fresh start

The Family Justice Council issued its *Interim Guidance on Special Guardianship* in response to some of the issues identified in Re P-S, concentrating on cases where an extension to the 26 week limit is sought in order to assess SGs, more fully, within public law proceedings.

The *Interim Report of the Public Law Working Group* (June 2019) made further recommendations. The final report is awaited and has been delayed to the end of March 2020. (This article had been timed to address the final recommendations).

The interim report raised the possibility of:

- interim SGOs and/or an extension to the 26 week timetable in some cases
- new guidance on assessments, with increased emphasis on relationship-building work
- New guidance on joining prospective guardians as parties early in the process
- increased attention to Special Guardianship Support Plans in order to avoid any need for the making of an ancillary supervision order
- Renewed emphasis on parental contact
- Review of public funding for prospective special guardians
- Renewed emphasis on pre proceedings work, including FGCs.

The making of orders of the court's own motion is likely to be discouraged, with courts requiring an application for a SGO.

A later article will explain the recommendations made in respect of SGOs by the Final Report of the Public Law Working Group.

Susan Todd,  
St Phillip's Chambers

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# Dr Peter J Corr

BSc (Hons) MSc DClinPsy PGDip CPsychol AFBPsS

Dr Peter Corr is a Consultant Clinical Psychologist with over 20 years NHS experience and director of Bridge Psychology Services Ltd. He specialises in working with children and adolescents with learning disabilities, autistic spectrum conditions and other neurodevelopmental conditions, along with associated social and mental health difficulties.

Dr Corr has provided expert assessment and opinion to the criminal, family, coroner's and civil courts as well as at tribunals and other legal proceedings. His specialist reports cover:

- **Neuropsychological and Cognitive Functioning** - including IG assessment, neuro-psychological assessment and profiling, memory assessment, planning and problem solving
- **Diagnostic Assessments** - including level of learning disability, neuro-developmental conditions, mental health assessment
- **Functional and Adaptive Skills** - including social skills, self care, managing social interactions
- **Capacity Assessment** - including treatment decisions, for place of residence, for college and employment
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# Worcestershire Junior Lawyers Committee Member Profiles



**Luke Crocker - Chair**

Luke has been on the Committee for four years and has previously served as both the Secretary and Vice Chair prior to his recent appointment as Chair.

Luke is a Commercial Property Solicitor at Bradley Haynes Law. Luke has experience in various commercial and residential property transactions including freehold/leasehold sales and purchases as well as drafting and advising upon Leases, Licences and Option Agreements.

Outside of work, Luke's interests include football and pool. Luke is a keen pool player and represents Worcestershire on a national level.



**Joeli Boxall – Social Secretary & Deputy Pears Editor**

Joeli works for Quality Solicitors Parkinson Wright as a Trainee Solicitor, currently in the Family Department. She assists a Partner of the firm with divorce, separation, arrangements for children and financial remedy proceedings.

Joeli is also currently undertaking her LPC alongside her training contract.

Joeli has a keen interest in travelling and in her spare time enjoys yoga, reading and aerial acrobatics.



**Holly Mullinger – Social Secretary**

Holly is a Trainee Solicitor at Hallmark Hulme Solicitors. The majority of her work in consists of re-mortgages, negotiating and drafting legal documents for freehold and leasehold conveyancing and reporting on title to lenders in respect of acquisitions.

Outside of the office, Holly regularly practices yoga and likes to travel often to different countries. She also volunteers for Victim Support in giving advice and initial support to victims of all crime.



**Rachael Wheeler - Vice Chair**

Rachael is a Solicitor in the Wills, Trusts, Administration of Estates and Tax Planning Team at Saunders Roberts.

Rachael has been involved with the WJLD for many years and has been on the committee since 2014. In her spare time, Rachael likes being creative and making things using her sewing machine.



**George Charteris – Treasurer**

George is a Solicitor at Hallmark Hulme and has been part of the firm since 2017.

George enjoys travelling and is also a fan of both Aston Villa & Worcester Warriors. Recently he was proud to take part in Hallmark Hulme's 3 Peaks Challenge, which raised money for the Air Ambulance.



**Abbey Jones – Social Secretary & National Representative**

Abbey is a Trainee Solicitor at MFG Solicitors currently based at the firm's Kidderminster office. Abbey joined the firm in 2017 as a Paralegal in the Commercial Property department.

Abbey obtained her First Class Law degree from Nottingham Trent University in 2015 and subsequently completed the Legal Practice Course at the University of Law in Birmingham in 2017.

In her spare time, Abbey enjoys reading, cooking, travelling and spending time with family and friends.



**Kate Collins – Social Secretary**

Kate is a Solicitor in the

Corporate/Commercial team at Bradley Haynes Law in Worcester, and undertakes a wide range of Corporate and Commercial Contract work, with a focus on property related transactions.

In her spare time, Kate enjoys reading, travelling and spending time with family and friends



**Natasha Thomas - Social Secretary**

Natasha is currently a Trainee Solicitor in the Family department at Harrison Clark Rickerbys.

Natasha is Head of the Paralegal and Trainee Group at the firm. The Harrison Clark Rickerbys Charitable Trust is something she really cares about and she enjoys organising fundraisers.



**Emma Field – Social Secretary**

Emma is a second year law student at the University of Worcester, and is hoping to go into Family law with a government body called CAF/CASS.

Emma is also the chair of the Law School, organising events and speakers for the law students.

Emma's home town is Cirencester, in the Cotswolds. At home she rides horses, and plays Alto Saxophone in a large jazz band called the Big Brunch Band, playing around the county.



**Georgie Hunt – Social Media Secretary**

Georgie started is a Trainee Solicitor at Harrison Clark Rickerbys in the Dispute Resolution Team where she was previously a Paralegal.

Georgie is head of HCR's Paralegal/Trainee Group in Worcester and is involved in various fundraising events that the firm undertake.

Georgie enjoys yoga, cooking and spending time with friends and family in her spare time.



**Bruce Rodford – Social Secretary**

Bruce is a Senior Clerk at Silver Fox Chambers. Set up in 2018, Silver Fox Chambers is an established set of barristers currently working with solicitors, accountants, local authorities and other public bodies in the county and nationally.

Bruce is involved in local politics and has been campaigning ahead of the City Council elections in May as a candidate in a local ward. When tired of canvassing, Bruce enjoys cycling up hills and expanding his wine knowledge.



**Jessica McSorley – Social Secretary**

Jessica McSorley qualified as a solicitor with MFG Solicitors in 2019 working in the firm's Commercial Litigation department.

During her training, Jessica was shortlisted for the Worcestershire Law Society's Trainee Solicitor of the Year Award.

Jessica enjoys volunteering and is a member of MFG Solicitor's CSR Committee where she assists with fundraising and event planning.

## ELIZABETH J. SOILLEUX MA, MB, BChir, PhD, FRCPath CONSULTANT PATHOLOGIST

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Department of Pathology, Cambridge University / Addenbrookes Hospital, Cambridge

Tel: 07798 643879 Email: lizsoilleux@gmail.com  
www.expertwitnesspathologist.co.uk

# The Breathing Space initiative: a step in the right direction?



Jessica McSorley

**B**reathing Space is a new Government policy which aims to incentivise more people to access debt advice and at an earlier stage.

Those who take up debt advice will be awarded with a period of protection from enforcement action, interest and charges of up to 60 days.

## WHO WILL BE ELIGIBLE?

Breathing Space plans to protect those with problem debt. To be eligible, individuals will have to:-

1. Access debt advice;
2. Be assessed by a debt adviser as being in problem debt; and
3. Not have used the scheme within the last 12 months.

Those who do not have a realistic prospect of entering into a debt solution such as; bankruptcy or an Individual Voluntary Arrangement, or a voluntary debt management plan will not be able to use the scheme.

## WHAT WILL THIS MEAN FOR CREDITORS?

It is clear that the Government want to do more to help those who struggle with problem debt. In October 2017 the Government introduced the Pre-Action Protocol for Debt Claims which meant that businesses had to allow both sole traders and individuals a period of 30 days to respond to the letter before action. It then provides for a further 14 days' notice of intention to commence court proceedings in the event that the matter cannot be resolved between the parties.

The Breathing Space scheme could have a huge impact on cash flow as it means that businesses will potentially have to allow debtors a period of over three months before they can enforce the debt.

However, the Breathing Space scheme seeks to protect those who are most vulnerable by giving them the encouragement and headspace in which to seek professional advice. This could lead to repayment to creditors where otherwise the debtor would have no chance of recovering. The Impact Assessment predicts that a regulatory Breathing Space scheme could see an increase in creditor recoveries of £6109.0m.

Furthermore, StepChange estimates that people who wait six months to seek debt advice see their debts grow by 14%. Therefore if headspace is given to allow debtors to seek advice at an early stage then this could prevent the pool of creditors from growing and the pot of money to potentially recover from becoming ever smaller.

## WHAT WILL IT COST CREDITORS?

As suspected there will be a cost to creditors, both in terms of delayed revenue and lost revenue. Some debtors who would otherwise have made payment can now delay for up to two months. Also, the Impact Assessment anticipates that creditors will forgo £683,000 in interest charges in 2021-2022 and rising to £1.2m in 2030-2031.

## SO, WHAT NOW?

The Government intends to implement the policy in early 2021. The policy will include almost all personal debts and also some sole trader debts.

MFG debt recovery specialists, Samuel Pedley and Jessica McSorley, can provide further advice. Please telephone 01562 820181.

# What type of team player are you?



Bruce Rodford

**M**any of us are part of a team, whether this is in the workplace, social interactions or sporting teams. But what role do you play within the team? For a team to be successful, each member must work to their strengths and address their weaknesses and identify their specific roles within the team. Dr Meredith Belbin believes that each of us possesses a pattern of behaviour that characterises one person's behaviour in relationship to another in facilitating the progress of a team. Therefore, the Worcestershire Junior Lawyer Division put this to the test.

1. Plant (strengths including creativity, imaginative and generates ideas);
2. Resource Investigator (strengths include outgoing, enthusiastic and communicative);
3. Co-Ordinator (strengths include confident, clarifies goals and identifies talent);
4. Shaper (strengths include drive, thrives on pressure and dynamic);
5. Monitor/Evaluator (strengths include strategic, see all options and judges accurately);
6. Teamworker (strengths include co-operative, perceptive and diplomatic);
7. Implementer (strengths include practical, reliable and efficient);
8. Completer/Finisher (strengths include conscientious, searches for errors and looks for perfection); and
9. Specialist (strengths include dedication and provides for knowledge and skills).

On 17 October, the Worcestershire Junior Lawyer Committee were provided a training session by James Jarvis of Silver Fox Chambers regarding the Belbin self-perception inventory theory. The Belbin self-perception inventory provides for nine main roles, including the following:-

The Committee were provided with the inventory of questions whereby each committee member had to respond to seven scenarios in total. For each question,

the participant must distribute a total of ten points among the sentences provided that they thought described their behaviour in the scenario. The total points were then calculated to obtain each committee members total scores for each role as discussed above.

There were instances whereby committee members had similar or the same score for more than one of the roles above. Belbin describes that each person has a number of roles which they can manage within a team and this was shown in the Committee results.

Participating in the Belbin inventory enabled the Committee to identify each individuals place within the team and provided them with the opportunity of identifying the strengths and weaknesses. This is particularly important for the Committee who work closely as a team on a regular basis and had members who fell within a number of the above roles.

*The training provided provided a great insight into this and if you require further information, please contact James Jarvis at Silver Fox Chambers.*



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leading ecologists and environmental scientists, all of whom give their services free of charge. Our Ecologists in Africa programme provides small grants to local ecologists working in some of the poorest countries on Earth on research into some of the major challenges of our time such as climate change and food security.

If you would like to discuss how you and your clients can support the next generations of ecologists and make a real difference to our planet please contact:

**Paul Bower, Development Manager, British Ecological Society, 42, Wharf Road, London N1 7GS. Tel: 07711 118388**

Email: [paul@britishecologicalsociety.org](mailto:paul@britishecologicalsociety.org).

Paul is also available for face to face meetings.

*British Ecological Society RCN: 281 213*

## SearchFlow introduces a Continuity Property Solution to help conveyancers progress transactions during the COVID-19 lockdown

**SearchFlow – the UK's leading provider of conveyancing search solutions – is today announcing the introduction of a data-backed Continuity Property Solution, which is designed to help keep the residential property industry moving in these unprecedented times.**

Following a significant investment, the new continuity solution provides lawyers and conveyancers with access to a data-driven bundled solution that incorporates property search data from the UK's single largest search database, which has been invested in over the last two decades. It also includes an Environmental report, Mining search and Chancel Repair policy, making it a workable alternative to a traditional search pack. The offering is backed by a £1m insurance indemnity policy that offers assurances to the conveyancing community.

Conducting physical property searches with Local Authorities and key data providers is now a significant concern as Government contingency measures increasingly affect access to these essential data sources. In response to this

SearchFlow has created the Continuity Property Solution to offer a helping hand to the industry.

**Dr Thomas Quirke**, Managing Director, SearchFlow, said *"To create and launch this solution, we have invested significantly in resources and training so we can help the industry in its hour of need; we have the resources, scale and capability to rapidly bring this to market, even in this challenging climate. Our team is fully trained and mobilised ready to fully support all customers."*

*"We are all confronted with facing the most extraordinary times and so, our aim is to support the UK's residential conveyancing industry through this. We recognise the challenges presented to the conveyancers and believe that our continuity solution is the best available in the current climate."*

*"Providing a new class of property search, the solution combines our extensive local authority data, core ancillary reports and relevant insurances to cover any residual risks, while we all work through these uncertain times"*

The significant database of national Local Authority sources enables conveyancers to access a record of the relevant property search, combined with the latest environmental report data. Where residual risk may be present, due to the most recent changes in the specific property's area, insurance cover is provided for class-leading protection.

To find out more about the Continuity Property Solution or to enquire about switching your search service to SearchFlow, call the team on **0870 423 2922** or email [sales@searchflow.co.uk](mailto:sales@searchflow.co.uk).

*With more than one million conveyancing searches and legal reports run every year for over 2,000 legal clients across England and Wales, SearchFlow is the leading provider of comprehensive searches, surveys, identity checks and conveyancing insurance solutions and prides itself in working in partnership with its clients to provide solutions that enable competitive advantage. For more information on SearchFlow, visit [www.searchflow.co.uk](http://www.searchflow.co.uk).*

# Coronavirus (COVID-19): The Law Society's priority issues

The coronavirus (COVID-19) situation is changing rapidly as well as the government's advice. We're monitoring the situation and listening to your concerns.

## Our priorities are:

- **looking after our members' safety** – pushing for adequate safety measures to be introduced in courts, prisons and police stations
- **helping members keep their businesses going** – urging government and other agencies, such as the Legal Aid Agency, to take action to address the difficulties likely to affect our members
- **helping members stay compliant** – identifying where the crisis will affect our members' ability to comply with particular rules
- **protecting the rule of law** – seeking to ensure that measures put in place to keep the justice system functioning and the public safe respect the rule of law

These were our immediate priorities in the first days of the crisis. We're already starting to see results, and we're now turning to other issues that arise. To raise any issues, contact us.

## What we're doing

- Making representations at the highest levels of the UK and Welsh governments, including with the lord chancellor, the lord chief justice and the secretary of state for business, enterprise and industrial strategy to raise concerns about member safety, business continuity and the rule of law
- Liaising with the Ministry of Justice and the Solicitors Regulation Authority about legislative and regulatory concerns regarding executing wills, including requirements for witnessing wills, and the
- Developing practical guidance for members on areas of practice, such as residential conveyancing and private client
- Scrutinising key pieces of legislation, such as the Coronavirus Bill, and engaging with key officials and decision makers as it goes through scrutiny
- Conducting research with law firms of different sizes to understand their needs and prioritise our efforts

use of video conferencing facilities

- Liaising with agencies, such as the Legal Aid Agency on practical support for legal aid practitioners and firms. This includes suggestions for payment for advice provided remotely and provisions on wasted cost orders if a solicitor is unable to attend court
- Influencing policies introduced in courts, prisons and police stations to ensure member safety and making sure relevant agencies are aware where these policies are not implemented in practice
- Calling for practical measures to help members who are likely to face reduced business income and cash flow issues, which may threaten the financial viability of their firms
- Ensuring regulators understand the implications of the crisis for our members and asking them to provide guidance on the most important issues
- Identifying the practical barriers to members' business continuity, such as requirements around wet signatures, physical presence and original documents, and working with relevant bodies to find solutions to these

## What we've achieved so far

The government amended the proposed emergency coronavirus legislation to allow hearings under the Extradition Act 2003 to temporarily take place via a live link

The government has confirmed that key workers include those "essential to the running of the justice system", including solicitor advocates, duty solicitors and other similar categories. Read the full list

The Welsh Government has now included small-to-medium law firms within the criteria for its recently announced £100 million grant scheme for businesses

Government continues to consider the need for further business support measures. We've influenced safety policies introduced in courts, police stations and prisons

We influenced the Legal Aid Agency's COVID-19 policies and procedures

We've ensured that the government's business support package is developed with regard to the issues affecting our members. We ensured the government understood the need for a sunset clause for its emergency legislation

.....  
*For further details or queries not addressed in this page, email: [coronavirus@lawsociety.org.uk](mailto:coronavirus@lawsociety.org.uk).*



# Notice!

for businesses affected by Coronavirus

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**It's time to give back.**



## WELLBEING TIPS FOR REMOTE WORKING

With the response to Covid-19 bringing around changes in our day to day working, Harrison Clark Rickerbys is here to provide some helpful hints on maximising mental wellness whilst working remotely.

### 1. Choose a dedicated work space

Just because we're not working in the office doesn't mean we can't have one at home. Instead of the bedroom or on the sofa, spaces that are associated with yours and your family's time, dedicate a specific room or area in your home to work. This will help keep home and work in a more separate headspace



### 2. Dress for success

Whilst staying in your pyjamas is very tempting, washing and getting dressed will not only improve your state of mind, it will also psychologically prepare you to start work. Some people find that dressing formally is helpful and also useful if they need to dial into a video call.



### 3. Keep in touch

Staying in regular contact with your colleagues via email and telephone can help remind you that you are part of a team and all in this together. We all need support at times of uncertainty and speaking to those in the same situation reassures us we have people there, should we need them.



### 4. Take a break

When working without the presence of a team, the task in hand becomes your main focus. Whilst this is a very strong plus for remote working, taking time to have a break, step away from work and eat a good lunch is just as important when working remotely as it is when we are in the office.



### 5. Keep a routine and set boundaries

It's important to try and keep your regular routine and hours when remote working. At the end of a working day, switch off your computer and tidy away any items you have used for work. This will help organise and complete your day and should make going back to regular working in the office feel easier.



# The Beginning of Learning

Bromsgrove Pre-Preparatory and Nursery is set in the beautiful grounds of a small mansion, on the edge of Bromsgrove town just a mile away from the main site of Bromsgrove prep and senior schools, to which the majority of pupils continue. Bromsgrove School prides itself on the continuity of education it provides for all pupils from the age of just 3 up to 18.

The Nursery at Bromsgrove Pre-Prep provides a safe, secure, happy and stimulating environment and is set in its own building, within the grounds of the larger Pre-Preparatory School. With full access to Pre-Prep's amazing facilities and extensive play areas the youngest children enjoy being part of the wider Bromsgrove School community.

Reception, Year 1 and Year 2 are based in the main part of

the old house, where the modern facilities sit alongside sympathetically restored period features of the original stately home. Each classroom is fitted with an interactive whiteboard and there is a purpose built ICT suite which is used by all children from the Nursery to Year 2.

The beautiful School grounds provide unique outside learning opportunities for all children in the School. There is an accredited Forest School, a wildlife pond and bog garden, an outdoor theatre, an adventure trail and an all-weather play lawn, as well as large gardens for play and PE lessons.

The School is always delighted to show prospective parents and their children around, either at a formal open morning or on an individually organised visit.

## PRE-PREPARATORY AND NURSERY



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"An outstanding range of extra-curricular activities is available to suit all tastes, which range from fife and ballet in the pre-prep to cookery and computing in the prep"

*ISI Inspection*

950 pupils aged 13-18  
720 pupils aged 3 - 13

# The Cost of Care for Individuals with High Dependency Care Needs.



Older and younger people who have high dependency care needs usually need someone to be in close contact and to offer support throughout a 24-hour period.

For a person needing this type of care support there are two choices. First, a move into a residential care setting or secondly, to have care in the home 24/7.

The majority of people many surveys tell us, that if given a choice, the option to stay in your own home is the favourite.

24/7 care in a person's home can be provided in two ways. Firstly, by care workers on a shift system. Shift systems can vary, for example a 12-hour shift or a three-day shift. Usually the cost of having care on a shift system is based on an hourly rate. Hourly rates can vary, but from April 2020 the UKHCA (United Kingdom Home Care Association) suggests that an hourly rate of £20.69 is appropriate.

The second option is to have a Live-In Care Support Package. This will involve a carer moving into a person's home from one week upwards, who will offer domestic, personal and

social care support with the cost usually based on a weekly, commercial rate rather than an hourly rate. The objective for most care providers of Live-in Care Packages is to find two or three carers whom the individual is happy to have in their home, finds their support appropriate and a rotational system is then established

The difference between having care support 24/7 based on an hourly rate and a weekly rate can be as much as £2,000.00 per week.

Able Community Care has been providing Live-in Care Packages since 1980 and has enabled thousands of older and disabled people to remain living in their own home using a weekly care rate.

We provide our care services in England, Scotland, Wales and the Channel Islands. Our Holiday Companion Carers take support people to take holidays throughout the UK and internationally.

For a discussion about our care provision or to request an information pack, please call us on 01603 764567 or email to [info@ablecommunitycare.co](mailto:info@ablecommunitycare.co)

**Angela Gifford.**  
MD of Able Community Care Ltd



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info@ablecommunitycare.com

# Embrace Remote Working

Work from home with confidence and efficiency.



John Espley, LEAP UK CEO writes about the rise of remote working and the long-term benefits it can bring to a law firm.

The culture of remote working is fast becoming the norm for most companies.

There are occasions when remote working is a necessity, for example when there are travel problems, bad weather, flooding, power outages, health issues or office closures.

During times of disruption, it is essential that your practice and staff are able to continue working.

By ensuring your practice is able to function when people are working remotely, you will help protect your business from external threats.

Forward thinking practices are implementing remote working policies to ensure business continuity and productivity – empowering employees to continue performing business-critical operations remotely and managing business as usual. Implementing the correct technology is one factor that is playing a vital part in helping to facilitate this move to working from home.

Cloud technology is by no means new and has become a game changer in that people can be just as productive at home as in the office. Cloud-based practice management software enables a legal professional to work anywhere and anytime and from any connected device.

A practice needs legal software that:

- Enables full management of matters and access to key information away from the office.
- Allows realtime collaboration with colleagues across various locations.
- Provides smartphone apps that allow your team to work and stay informed anywhere.

- Keeps your practice fully operational even in exceptional circumstances.



Remote working is not just about a contingency if people can't physically be in an office. It's the burgeoning trend of making staff more able to perform their roles without the shackles of a daily commute, enabling them to work from outside the office and giving them flexibility which can mean your team is more fulfilled and motivated.

The next generation of lawyers demand this use of remote and mobile technology and won't consider working for a firm that does not have a laptop and mobile dominated technology structure with remote working as part of the practice culture.

Here are some "dos" and "don'ts" about remote working:

**DO:**

- Have remote working as part of your business culture – make it the 'norm'.
- Realise that a happy remote worker is a

- productive team worker.
- Fully include people as active participants in video conference calls.
  - Make colleagues aware of your schedule.



- Communicate goals and objectives throughout your whole team.
- Realise when it's best to use email/chat/phone/video conferencing
- Help staff understand how the technology works and how to set up new systems at home

**DON'T:**

- Assume that because someone is at home that they are on the sofa watching the TV
- Let someone be the only remote person on a poor quality video call.
- Leave people out of key office conversations or communications.
- Leave it solely to the individual working remotely to ensure that their technology and software is secure.



Developing a remote strategy for your practice makes it easier for legal professionals to collaborate without being limited to their office desks. Remote working makes it irrelevant where work is done and gives added flexibility, be it office, home, on the move or at court.



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# Family Matters



Chris Makin

**A**ccountants are into everything, aren't they? And especially when things go wrong. In these pages you will have read (I hope) about how an accountant can act as expert in commercial litigation, act as mediator in commercial disputes, investigate fraud, trace and quantify the extent of the ill-gotten gains of the drug trafficker and much else besides.

But expert accountants have a valuable part to play in family disputes, too. I have acted for many years as an expert in family matters, and my work falls into three main areas: as party expert, as shadow expert (or expert adviser), and as single joint expert (SJE).

An expert is allowed to act on the record only with the judge's permission, and traditionally, the party expert is involved only in the "big money" cases. I have been involved in many such cases, but let us turn our attention just to one.

I acted as expert for a husband who with his wife had two businesses. One was an industrial waste business: it had a fleet of skip wagons, bringing in waste from factories across Surrey, to waste transfer stations where any recoverable waste was recycled and the rest went to landfill. The other company owned a huge quarry (in the greenest of Surrey green belt – quite an asset!) where gravel was extracted and the landfill was dumped. My opposing expert advised that, to achieve a clean break, the husband should take the waste company and the wife should take the quarry company. I saw that as plain daft, for what would the wife use to backfill the quarry? And where would the husband dump his landfill, in Surrey of all places?

My solution was far more sensible: let the husband keep both companies, since there was a "marriage" between them, and let the wife take the family mansion and the bulk of the investments. She could live on the investments, and the husband could continue his successful pair of businesses. And so it was decided, without the need for a court hearing.

There is also the need for a forensic accountant where there is deep suspicion between spouses.

Two quick examples.

In one, the husband had a company selling computer hardware and all the add-on services: installation, support, training, etc. His website preached the advantages of this comprehensive service. Then he left home and set up with a lady who had a company providing very similar services. His company's profits declined; he said he had had to give up many of the services because they were no longer profitable.

I took a print of the husband's company's website at an early date, and currently. He used to have a long list of services, but most had disappeared. Yet – surprise! – a print of the girlfriend's company's website currently showed that she was offering all the services which the husband had discontinued. Then inspection of the husband's company's sales ledger showed that the regular income from his clients with service agreements petered out. It wasn't necessary to look at the girlfriend's books, even if I had been allowed; it was obvious what had happened. The family proceedings were quickly settled on the basis of what the husband's company would have been worth if the trade had not been diverted.

Then an example of the power of *Hildebrand* – remember that case? I acted for a wife whose husband had a very large IT company. There were large amounts being paid in consultancy fees – always an area ripe for investigation. My client printed out a lot of material from the notebook computer which the husband had left at the matrimonial home and discovered that there were many invoices for consultancy services. My investigations revealed that they were false: one set had been invented in the name of a relative of a junior director with an unusual name, who in fact was resident in Australia; and the other set were ostensibly issued by an Eire company which I discovered from a search at Irish Companies House had been liquidated five years earlier! I regret the overturning of *Hildebrand* by *Imerman*, for how else could justice have been served?

To more mundane matters. These days, district judges are most unlikely to permit party experts to act; they much prefer SJE's. The reason is obvious: if there is only one expert, there will be only one valuation (or a narrow range of valuations) produced by that expert. So the judge doesn't have to make a decision

between £1million and £nil. I have acted in a huge number of such cases, and the need for valuations of the family business is clear: with a clean break, it is necessary to determine the value of probably the main asset of the marriage which only one party can take out, namely the family business. An accountant is needed not just to advise on that value, but also to advise on the tax consequences of the business being divided up or passed into the hands of just one party. And if a clean break is not possible, the court will need to know what income such a business can yield, so as to fund periodic payments.

One of the problems encountered increasingly these days is the family business which has provided the couple and their children with a good income in the past, but which may have suffered badly in the recession. I recall one a few months ago – exceptionally for a reasonably small enterprise there were party experts. My opponent had valued the business at about £1million by stretching logic in favour of the wife (the expert's fees were paid by a rich daddy) whereas I acted for the husband and valued the whole enterprise at £nil – I saw that it was on skid row. When the husband was being cross-examined, he said that business was so bad that he was applying for a CVA for his company and an IVA for himself. His arrangements failed, the company went into insolvent liquidation and he went bankrupt. Good news: I was right, the business was worth nothing. Bad news: I didn't get paid! And this is something of which family lawyers must be acutely aware: is the business worth fighting over? There may be a moral here: ask your expert accountant early on if there is a worthwhile battle to be had, or a Pyrrhic victory.

So there we are: a scamper through the need for accountants in family proceedings. I did say that accountants get involved in everything!

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**Biog:** *Chris Makin was one of the first 30 or so chartered accountants to become an Accredited Forensic Accountant and Expert Witness – see [www.icaew.com/forensicaccreditation/register](http://www.icaew.com/forensicaccreditation/register). He is also an accredited civil & commercial mediator and an accredited expert determiner. He has given expert evidence at least 100 times and worked on a vast range of cases over the last 30 years. For CV, war stories and much more, go to [www.chrismakin.co.uk](http://www.chrismakin.co.uk) – now with videos!*

## Chris Makin

Chartered Accountant  
Accredited Civil Mediator  
Accredited Expert Determiner

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## Helping you work safely during Covid-19 Cyber security guidance for remote working



**I**n these challenging times, it's sad to learn that cyber criminals are only increasing their activity as they look to capitalise on the Covid-19 crisis. With the NCSC (National Cyber Security Centre) issuing warnings of such activity on a daily basis, it's important that we all work to protect our organisations from the damage of cybercrime. Whether we are an administration assistant, lawyer or managing partner we all have our role to play.

As many of us move to working from home, the opportunity for cyber attacks only increases, so it's vital that we work together with our IT and security teams to adopt good cyber health practices:

### 1. Only work on secure networks

If you are working from home, you should only be using a VPN (Virtual Private Network) or a secure home network with strong end-to-end encryption; e.g. Office 365 SSL session. Don't be tempted to use public wifi, as hackers can position themselves between you and the access point.

### 2. Beware Phishing emails

Phishing is a disguised email, that aims to hook the recipient into clicking a link or attachment that enables a cyber-attack to take place. Attackers masquerade as a trusted entity of some kind, so it's important to be extra vigilant:

- Don't click on links in emails from people that you don't know.
- Don't open emails purporting to contain important updates from your organisation, especially those that ask you to validate your credentials or install additional software to permit remote connectivity.
- Check the grammar, punctuation and spelling of the email – in many cases, these are clear signs of a phishing email.
- Don't open emails relating to Covid-19, purporting to be from bodies such as HMRC or the World Health Organisation as these are known phishing tactics.

If you are at all in doubt, then the advice is to call the sender to verify the details.

### 3. Implement multi-factor authentication (MFA)

Weak security credentials are easy targets for cyber criminals, so if you have not yet set-up multi-factor

authentication for access to your organisation's systems, then now is the time to do so.

### 4. Make personal devices secure

If your organisation has sanctioned the use of personal devices, then it's important that you implement anti-virus software and make sure that any software and operating systems that you are using are up-to-date. Outdated software is easy for cyber criminals to exploit.

### 5. Adopt secure working practices

Don't be tempted to make life easier by forwarding information to personal accounts or cloud storage accounts, which are more vulnerable to cyber-attack. Locking your computer when it's not in use, ensures that other family members don't accidentally open your device to malware or phishing attempts.

*If you would like to learn more about how to build your resilience to cyber threats during these uncertain times, then please contact Isabel Thompson, Commercial Director at Warner McCall Resilience. Isabel can be contacted at [Isabel.thompson@wmr.co.uk](mailto:Isabel.thompson@wmr.co.uk) or on 07824 498 591.*

# Tracking Study Charts Rise In Charitable Wills



- 27% of charity donors aged 40+ say they have written a gift to charity into their Will or are preparing to do so
- Only 9% of donors in this age group reject the idea of leaving a charitable bequest
- Over two thirds (68%) of solicitors / Will-writers say they now always or sometimes raise the topic of gifts in Wills with their clients



**Rob Cope**

Record levels of charity donors say they have written a gift to charity into their Will or are preparing to do so, according to the latest consumer tracking study commissioned by the 200-strong charity coalition, Remember A Charity.

The study, carried out by nfpSynergy, reveals that 17% of charity supporters aged 40 and over have included a charity in their Will and a further 10% are preparing to do so. Annual tracking indicates a steady increase over the past decade, with 21% of donors in this age group saying that they have left or intend to leave a gift in their Will in 2019 rising to 27% in 2019.

Only 9% of donors actively reject the concept of leaving a legacy, down from 12% in 2010. The number of people unaware of legacy giving has fallen from 20% in 2010 to 11% in 2019.

**Rob Cope**, director of Remember A Charity, says: "We're continuing to see growth in legacy giving over the long term, with supporters being inspired to do something meaningful for good causes at the end of their lives. This is hugely important for the nation's charities, bringing in over £3 billion annually and funding vital services across the country."

"Solicitors and Will-writers play a key role in raising awareness about charitable bequests, communicating the tax benefits and the ease of leaving a legacy, while ensuring that clients' families and friends are taken care of. With the public demonstrating greater appetite for gifts in Wills, it's all the more important that legal advisers support clients by offering the relevant information and guidance. With this in mind, it's great to see that the large majority of legal professionals are now raising the topic of legacy giving with Will-writing clients."

The study echoes the long-term growth in charitable estates, with 15.8% of Wills going through probate including a charitable bequest in 2019, up from 12.2% a decade earlier, and more than 10,000 charities now named in Wills annually. It also reflects a rise in the propensity for legal professionals to raise the topic of charitable bequests with Will-writing clients. Over two thirds (68%) of solicitors and Will-writers always or sometimes proactively raise the subject of legacy giving with clients, up from 58% in 2012.

Key findings from the tracking study are unveiled in Remember A Charity's Impact Report 2019, along with highlights of the coalition's lobbying work and public awareness drive for legacy giving.

Other highlights from 2019 included:

- *Uniting the charity and legal sector for Remember A Charity Week; a high-profile public awareness drive to celebrate the impact of gifts in Wills and inspire the public to take action, backed by the coalition's network of 1,300 legal supporters and over 200 charity members.*
- *Providing evidence to the Office of Tax Simplification (OTS) that helped protect current 'critical' tax breaks for charitable bequests.*
- *Collaborating with fellow industry bodies (including the Institute of Fundraising, NCVO and the Institute of Legacy Management) to object to the proposed probate fee hike, which was subsequently scrapped.*

Cope continues: "There's still a misconception amongst many that you have to be wealthy to write a charity into your Will or that you can't leave a gift if you want to take care of your family and friends. So, we'll be working hard to continue to address those myths this year and to support charities and the legal sector in opening up conversation around legacy giving."

For more information, download Remember A Charity's Impact Report 2019: <https://cdn.rememberacharity.org.uk/app/uploads/2013/12/Impact-report-2019.pdf>

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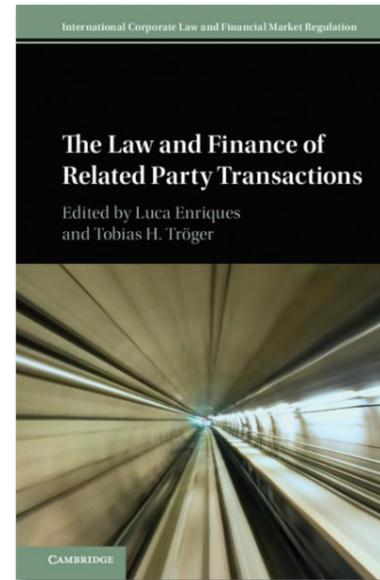
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# Book Review



THE LAW AND FINANCE OF RELATED PARTY TRANSACTIONS

Edited by Luca Enriques and Tobias H Troger

ISBN: 978 1 10842 928 3 (hardback)

978 1 10867 213 9 (ebook)

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International Corporate Law and Financial Market Regulation

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## RELATED PARTY TRANSACTIONS REVISITED FOR THE SECOND DECADE OF 21st CENTURY

An appreciation by **Elizabeth Robson Taylor** of Richmond Green Chambers and **Phillip Taylor MBE**, Head of Chambers, Reviews Editor, "The Barrister", and Mediator

It is always worth checking recent titles from Cambridge University Press (CUP). Browsing through the list we saw "The Law and Finance of Related Party Transactions" edited by Luca Enriques and Tobias Troger as part of a team of twenty contributors each looking after a part of the seventeen chapters.

What we have brought together here are "a globe-spanning group of leading law and finance scholars" who bring us "cutting-edge research to comprehensively examine the challenges legislators face in regulating related party transactions in a socially beneficial way." Nice phraseology for what consists of a mixture of daunting issues in complex and difficult legal and regulatory area. Enriques and Troger are to be congratulated in bringing together a fine expert team for the task.

The editors describe their work as combining a "theoretical analysis of the foundations of efficient regulation with empirical and comparative studies". Therefore, researchers (as primary users of the book) are given a chance to "draw their own conclusions on which regulatory responses work best under differing circumstances". And that is no easy task. This title makes up part of CUP's "International Corporate Law and Financial Market Regulation" series of titles.

The team of writers have produced what they call "a careful selection of surveyed jurisdictions offers in-depth insight into a broad variety of regulatory strategies and their interdependence with socioeconomic and political conditions". Thus, we get insights into much more than just mere law but much more profound corporate international

regulation which will be attractive to a wide scholastic readership in our view.

We feel that this work should be read by scholars, researchers policymakers, and graduate students interested in a critical, much-debated area of corporate governance.

The contributors have listed a substantial number of areas of coverage in the seventeen chapters which may be of interest to researchers including of provision of an extensive analysis of the main subject area from theoretical, empirical and comparative perspectives.

Additionally, we found that the work gives students substantial information which they can use not only on the state of the scholarly debate but also on existing policy options. We thought it was particularly helpful bringing together various disciplines to present multifaceted insights and various methodological approaches.

The hardback book was first published on 19th June 2019. It is also available as an ebook.

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# Sperm donor anonymity - a distant memory?



Neil Sullivan

when any donor conceived child is 18. These circumstances are a significant challenge to the concept of donor anonymity. As a consequence, the number of sperm donors in the UK has declined.

There has been an explosion in people taking DNA tests for ancestry... 26 million by 2019, which is expected to rise to 100 million in 2021. The DNA databases held by the ancestry DNA testing companies are now both huge and powerful, enabling distant relatives and individuals to be presumptively identified with relative ease (half second cousin or closer). Together with online information such as surname searches and family trees, putative relatives can be identified with ease. Some donors embrace this, others are waiting with trepidation - in the excitement of the chase, often the donor conceived child acting as amateur sleuth, places too much emphasis on weak circumstantial evidence derived from ancestry DNA tests. We consider that confirmation of the biological relationship is an essential step to take before leaping into the emotional abyss. Firm knowledge of either biological paternity or sibling-ship (most likely half siblings, united by a common father) using an appropriate DNA test is paramount.

Yet, in an evolving niche, a smaller group of willing donors are finding other ways to make contact with recipients, such as Facebook groups<sup>2</sup> and co-parenting websites. There is even debate concerning the use of sperm from deceased males. Here the sperm is retrieved by electro stimulation and disingenuously compared to organ donation. Notwithstanding the issue of consent, children conceived in this way will never have the chance to meet their biological father, a circumstance which requires ethical consideration.

Opinions towards anonymity are relaxing across Europe<sup>3</sup> with the balance shifting from the anonymity of sperm donors towards the rights of donor conceived children to know their

biological origins<sup>4</sup>. It is estimated that there were around 30,000 sperm donor conceived children in the UK between 1991 and 2005 and obviously a great deal more have been born since. In particular, an appropriate DNA test to determine biological parentage is essential for unequivocal confirmation. This is also required if legal recognition of the relationship is desired to change a birth certificate, to obtain a parental order or to resolve a matter of inheritance.

About the author: Neil Sullivan, BSc, MBA (DIC), LL.M, PhD is General Manager, of Complement Genomics Ltd (trading as dadcheck@gold).

The latter is a company accredited by the Ministry of Justice as a body that may carry out parentage tests directed by the civil courts in England and Wales under section 20 of the Family Law Reform Act 1969.

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<sup>1</sup>Human Fertilisation and Embryology Act 2008, s24.

<sup>2</sup>[facebook.com/groups/DNADetectives](https://www.facebook.com/groups/DNADetectives)

<sup>3</sup>Parliamentary Assembly, Council of Europe, Committee on Social Affairs, Health and Sustainable Development. *Anonymous donation of sperm and oocytes: balancing the weights of parents, donors and children. Draft adopted 21st January 2019.*

<sup>4</sup>Hallich, O., *Sperm donation and the right to privacy. New Bioethics 2017, 23 p 107-120*



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# Taking software integration from zero to hero

By Julian Bryan, Managing Director, Quill



used systems and documents. To get technical, it's the central area behind the windows in our graphical user interface.

It's for this reason we've made integration with the desktop environment the focus of our recent software development efforts. The integration between your desktop and our Interactive Cloud application keeps getting cleverer.

You can now hop between a client's matter in Interactive and Word or Outlook, and vice versa, really quickly and easily. What's more, with our new qSync application, you can send any documentation – for example file, spreadsheet, picture, scan or PDF – from your desktop to Interactive's Document Hub with a simple right click. This allows you to save the correct documents against the correct client matter ready for reviewing or possibly bundling (more on this later!) on another day.

'Why is this important?', you may ask. Put simply, qSync empowers local working and global sharing. To all intents and purposes, you work locally on your desktop. In actuality, your desktop's connected to the cloud so you work collaboratively with the rest of your team.

We also effectively cater for the trend of spending each day working in Microsoft Word and Outlook. Our MS Office add-in is the tool that makes this happen. It's document management at its finest.

The add-ins create deep integration between your familiar Microsoft Office systems and your Interactive database and matter files, affording productivity enhancing features such as auto-detected-and-stored case-related emails, auto-saved documentation and appointment calendaring. A comprehensive library of folders of all Word-and-Outlook-generated correspondence is then readily accessible from your Document Hub.

On the subject of correspondence, Interactive Forms is the latest addition to our ongoing integration initiative. Comprising an extensive catalogue of essential legal forms, you sign in singly to Interactive, edit popular and template forms from the customisable control panel, enter data once which is then populated from your database to merge fields, and assign part or fully completed forms to the relevant matter in your Document Hub.

There's a whole lot more to Interactive Forms than this though, not least e-submissions to government agencies, document bundling for court pack production, and sharing of forms with clients and counsel.

Even better, you can choose outsourced typing support for dictation via our Type App with auto-typed-up forms saved straight back into your Document Hub within agreed timescales. The bonus of our typing service is that our pay-as-you-go, flexible outsourcing model can lead to up to 40% reduction in administration overheads when compared with in-house costs

and gives you more time for servicing your all-important clients.

Taking into account, too, the growing demand for flexible and remote working, due to court attendance and other off-site commitments, Interactive has its own smartphone app for iOS and Android. This is yet another example of smooth integration in play.

With an internet connection and using the same secure credentials to log in, users of our Interactive App can perform all manner of tasks to progress matters on the go. Functionality includes adding new clients and matters, viewing client and matter information, accessing listings of recent documents, using stopwatches, recording fee earner time and authorising e-chits. It's pretty much the same capabilities as the standard version of Interactive.

At the outset of this client-centric activity is the requirement to execute due diligence with reliable anti-money laundering and credit checks. Doing so ensures your customers' identities are legitimate and they have the funds to pay for your legal services. Our integrated AML tool is the ideal way to protect against financial crime. You undertake AML or AML plus credit checks during client set-up, with instant pass or fail status, and lifetime storage of results.

So far, we've covered only Quill products on their own and demonstrated how Interactive is more than just a legal accounts system. As intimated, there's the Quill-and-other-suppliers route as well. Our close API with a number of third-party software vendors facilitates the automated transfer of data – be it client and case details or time recording information – between the two systems. Whatever's entered into the third-party system is auto-populated to ours. Although there are two systems in use, they operate as one.

We currently have integrations in place with various suppliers of case management, legal forms, document bundling, compliance management and workflow automation software. And we're dedicated to continued third-party integrations in order to keep building our volume of integrators.

Reflecting back on our introduction, we offer this impressive range of integration options on a pick 'n' mix basis. You're totally in control. Our role is to sort out the integration accordingly. Every bespoke package can be yours for a surprisingly affordable sum and backed up by award-winning support. Do get in touch with your integration enquiries. We're all ears. Email [info@quill.co.uk](mailto:info@quill.co.uk), call 0161 236 2910 or visit [www.quill.co.uk](http://www.quill.co.uk).

*Julian Bryan joined Quill as Managing Director in 2012 and was also the Chair of the Legal Software Suppliers Association from 2016 to 2019. Quill has been a leading provider of legal accounting and case management software, and the UK's largest supplier of outsourced legal cashiering services to the legal profession for over 40 years.*

**When it comes to software, attempting to be 'all things to everyone' is a naive goal necessitating a never-ending journey.**

You're inevitably going to have a number of software applications in your business, from business intelligence and case management to document management and legal accounting, plus everything in between.

Central to any law firm, in every respect, whether software or service based, is of course, your clients and their matters:

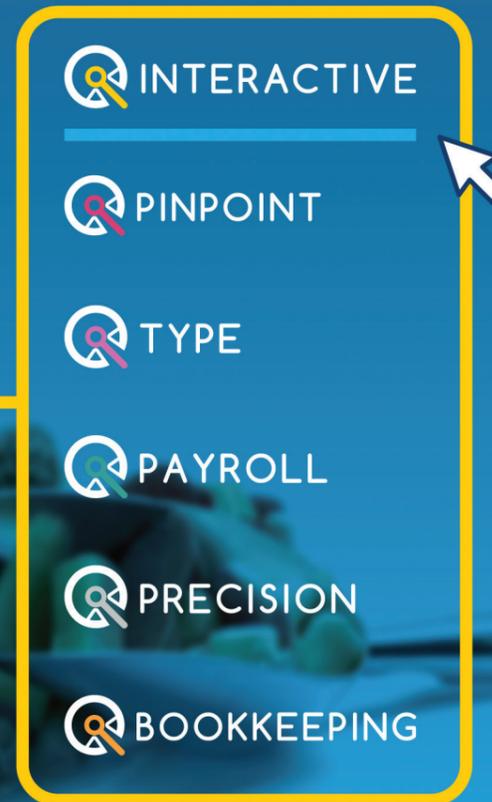
- It's your clients you need to undertake checks for money laundering
- It's your clients for whom you need to complete statutory forms and e-submissions
- It's your clients for whom you need to present evidence for court
- It's your clients with whom and about whom you need to correspond
- It's your clients you need to service as best you can

That's why we focus software development on integration relating to managing clients and matters. With our complete practice management software, pick 'n' mix solutions and third-party integrators, you get the right systems for optimum client and matter management. Whichever route you select – Quill-only or Quill-and-other-suppliers – you enjoy best-of-breed IT with full and seamless integration. Meaning that everything operates as a coordinated whole.

Compared to the alternative – running standalone systems with data stored in different disparate places – integration streamlines processes, enhances efficiencies, simplifies administration, reduces costs, provides analytical insights in real time, strengthens security, improves collaboration and much more besides. These benefits add up to superior customer service provision. Happy clients bring (Continues on following page).

repeat instructions and recommend your legal services to others. And that's good for business.

As we've established the plentiful advantages of software integration, let's take a moment to think how you go about your daily work. Your desktop is central to what you do, right? The majority of us begin, repeatedly return to and end the working day on our desktop. That's because our desktop is where we host shortcuts to our most-



## Pick 'n' mix Quill's software & services

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