



The Advocate

The newsletter of Bennett Griffin Solicitors | issue 4

A warm welcome to our 4th issue of The Advocate



Its popularity grows with each issue and I hope that you find it useful and informative.

It goes without saying that if you need any help or advice from any member of our team, please do not hesitate to contact us, and of course if you get a

moment, please tell us what you think about The Advocate and what you would like us to focus on in issue 5.



Peter Bennett, Partner,
BG Commercial, The Corporate
Division of Bennett Griffin

Words of Wisdom About Wealth...

We can't ignore the current challenging economic climate in the hope that it will simply disappear overnight. But the good news is that our clients are telling us the green shoots of recovery are beginning to sprout and the menu of doom and gloom that has been served us by the media is now being rewritten with some success stories. What we have found at BG Wealth Ltd, an associated firm of chartered financial planners, is that in the last few months, a growing number of both existing and new clients are placing a real value on trusted financial advice.

With confidence in so many of our long esteemed financial institutions, once regarded as 'safe as houses', being undermined, BG Wealth Ltd has provided a beacon to many clients that are seeking clearer advice and answers to their financial matters. It's no longer business as usual. Business is most definitely unusual!

The current climate aside, why did we establish BG Wealth Ltd just over 12 months ago? In our experience, there are always close links between the legal issues that we advise on and financial matters,

for either individuals or companies. Our highly qualified financial advisers, John Kelly (who is also a Chartered Accountant) and Andrew Melbourne (a Chartered Financial Planner) are directors of BG Wealth along with two of the partners at Bennett Griffin. Continuity, trust and considered advice are pivotal at all times.

So, how can you benefit from clear strategic advice from BG Wealth Ltd whether that advice is needed for you, your family or your business? If you need guidance in any of the following 7 areas, please pick up the telephone to arrange an informal discussion.

- Inheritance tax
- Wealth management
- Legacy investment
- Elderly client financial issues
- Pension consultancy
- Business financial planning
- Divorce settlements

Because BG Wealth Ltd is not part of our legal practice, our clients are protected by the Financial Services Authority and Financial Services Compensation Scheme. No lawyer connected with Bennett Griffin provide services through BG Wealth Ltd as a practising lawyer regulated by the Solicitors Regulation Authority.

If you are looking for clarity and guidance with

any aspect of your financial matters, don't hesitate to speak to us. We look forward to hearing from you. You can also visit www.bgwealth.co.uk.



St Barnabas Hospice and Bennett Griffin

As a team, we are really delighted to be supporting St Barnabas Hospice in Worthing. This very worthy organisation cares for terminally ill adults. We have a whole range of activities and fundraising initiatives planned throughout 2009 to support St Barnabas Hospice. Please visit our website to find out more about our involvement.





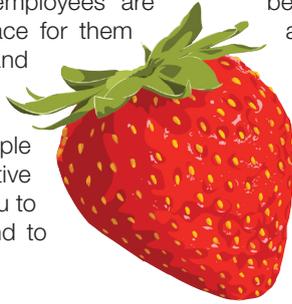
Wellbeing at work – are you all getting enough?

By Dee Blick, Sussex-based award-winning Chartered Marketer and business author

It's natural when your employees are toiling away at the coalface for them to ignore their wellbeing and the likelihood is that you fall into the very same trap too. Yet a few simple changes can make a positive difference. It's down to you to make the suggestions and to lead from the front.

1. Get Physical

Your employees don't necessarily have to join a gym to build exercise into their working day. A brisk 10 minute walk in their lunch break can be an effective starting point. If you see team members regularly hunched over their computers they could



be at risk of repetitive strain injury, a condition that I have. Encourage them to take 60 second breaks every twenty minutes or so to stretch out upper limbs and clench and unclench fingers.

2. Advocate a break – every day

You and indeed your team may believe you are invincible, that you can work for several hours without any negative impact on performance. It's only when minds start to wander and decision making falters that the realisation dawns that a break is long overdue. Missing lunch in favour of desk grazing should not be the

norm. Encourage everyone to take a lunch break each day, away from the work hub and make sure that you do the same!

3. Cut down on the sugary stuff

Why not encourage your team to substitute those bars of chocolate with fresh fruit or a delicious smoothie? Lead by example! Then replace some of those cups of tea or coffee with water instead. You can hire a water dispenser for a relatively low cost and it's a fact that drinking water during the working day can improve concentration so you will benefit with sharper minds! In tough times, you have to pull together so looking after the physical and mental wellbeing of your team (including you!) should be a priority.

Make way for mediation



If you're involved in managing employees, you'll know just how challenging a role that can be at times. At the root of many staff problems are relationship issues.

Sadly, breakdowns in relationships are now a cause of workplace problems and absenteeism.

But what can you do about this? A few well-meaning questions can be thrown back in your face and to make matters worse you're often left to deal with the consequences of unforeseen absences.

Help is at hand! At Bennett Griffin, we offer a family mediation service that could just help your employees to reach a settlement more quickly, and in doing so enable them to take their rightful place back in the workplace.

Jackie Gifford, Bennett Griffin's mediation specialist explains more... "The breakdown of a relationship is a painful and devastating experience. Sometimes it can affect an individual's health and well-being and so impact on their ability to function properly at work. Even performing the simplest day-to-day chores becomes a challenge. Getting the right professional and sensitive help at an early stage can help the individual to better manage these issues. Today, mediation is a powerful solution" continues Jackie "It can help address the immediate issues such as how are bills going to be shared or met, when is a good time to break the news to the children, what will the living arrangements be and so on? In the longer term it can help to address issues relating to or arising from a separation or divorce such as how are the children going to be cared for and how should the finance, property pension and other assets be dealt with."

Naturally, couples on the brink of separation or divorce can often find the prospect of a face-to-face meeting difficult to say the least. In Jackie's experience, this is both common and understandable but once the resistance to that initial hurdle has been overcome, the potential benefits are considerable.

The benefits of mediation are many...

- Couples remain in control of important decisions and arrangements
- Arrangements can be tailor-made to suit particular requirements
- Where children are involved, their needs and interests are kept to the forefront of discussions
- Mediation sessions enable couples to explore options together in a more relaxed way and instead of dwelling on the past, they are encouraged to focus on the future
- When compared with court proceedings, mediation is generally much faster and it costs less.
- It helps to reduce stress and animosity.

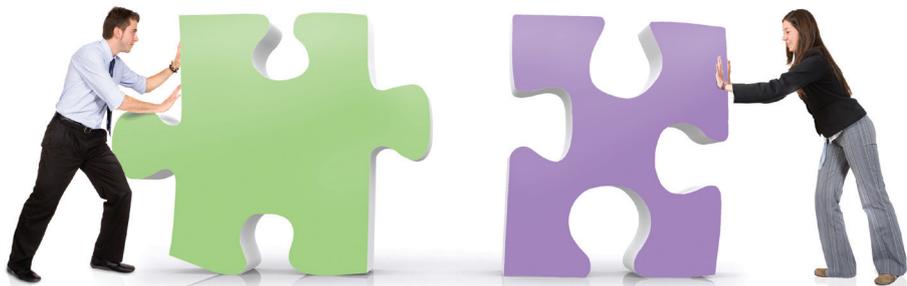
"Ultimately, mediation facilitates a dialogue between couples who may have stopped talking to one another or who find the prospect of communicating a challenge. The likelihood is that following a period of mediation, a couple will remain on better terms in the future and that can only be a positive thing," concludes Jackie.

For more information about the mediation services provided by Bennett Griffin, please pick up the phone and have a chat with Jackie on 01903 229903 or drop her an email at jg@bennett-griffin.co.uk

For further advice contact **01903 229999**, email info@bennett-griffin.co.uk or visit www.bennett-griffin.co.uk
Or if you prefer please talk to your usual Bennett Griffin contact.

Up to the Minute Advice...

a delicious breakfast and informal business networking



Why joining the Bennett Griffin Employment Club should be your next shrewd business move.

In the current economic climate many employers are facing new challenges. Redundancy, pay freezes or reducing working hours are appearing on the boardroom agenda. For other employers it can be a headache simply trying to keep up with changes in employment legislation.

Where do you start?

How about joining the Bennett Griffin Employment Club? Our members tell us they find the club is vibrant, lively and

informative. It's an opportunity for you to raise any employment issues that you would like to discuss and to share your experiences with other members for feedback. As employment law specialists we also bring you up-to-date with new developments, new case law and new legislation in the pipeline and, of course we're there to answer your burning questions. (And there's not a PowerPoint presentation in sight!)

Who attends?

Most of our members have been with us since the club launched three years ago. They include professionals from: PR,

payroll, lettings, heating and plumbing, HR, payroll and fibre optics. What unites them is their desire to keep up-to-date with legislation whilst enjoying networking in an informal environment.

If you have three employees or more, you will benefit from membership.

The investment

The first meeting including breakfast is free. If you then decide to join, the fee is £100 plus VAT for one year's membership. This entitles you to attend four meetings including breakfast and you can bring a colleague at no extra charge.

When and where?

The Ardington Hotel, Worthing

We start at 7:30 AM and finish at 9 AM and meet on the first Friday of February, May, August and November

The next step

Contact Charlotte Hammond on ceh@bennett-griffin.co.uk or telephone 01903 229914 to arrange to attend your free first meeting. We look forward to welcoming you!

Employment law snippets...

Following the recent European Court of Justice decision on holiday entitlements for employees on long-term sick leave, more employers than ever are looking at how they can legally and fairly terminate the contract of employees that are incapable of working due to ill-health.

Although not a nice situation to be in, it is still possible to terminate employment in such circumstances. However, tribunals have emphasised that the employer's approach should be based upon "sympathy, understanding and compassion". It's a tough call.

How do you as an employer show that you have taken a caring approach whilst still juggling the other ball in the air which is to fill the position? Ultimately it comes down to whether your decision to dismiss an employee has been



deemed to be reasonable.

If you are currently in this situation and you would really like some clear and accurate advice that helps you cut through the maze of employment law that surrounds disability, please do not hesitate to contact either Elaine Smith on 01903 706966 or email es@bennett-griffin.co.uk or Charlotte Hammond on 01903 229914 or email ceh@bennett-griffin.co.uk.

And don't forget to attend your first free session at the Bennett Griffin Employment Club.

Testimonials



"Paine Manwaring has been a member of the Bennett Griffin Employment Club since it started.

This was particularly fortuitous as I became Managing Director of the company around this time. Although my background was in management, I was very surprised at how much I was not aware of with regard to employment law and employees' rights.

The Employment Club has been a very useful point of information and tool in carrying out my duties in a professional, businesslike and safe manner. I highly recommend it."

**Robert Grigson, MD,
Paine Manwaring Ltd.**

PAINE MANWARING
Heating • Plumbing • Electrical

Avoiding the dreaded

R Word...

Why redundancy doesn't have to be the only option

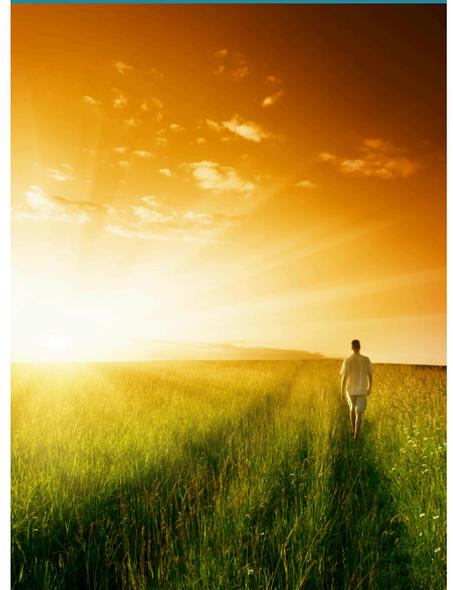
In the current economic climate, many employers are looking at ways to cut costs without sacrificing customer service or quality. In our October bulletin, we referred to a recent employment appeals tribunal decision that illustrated the importance of considering all reasonable options before making an employee redundant. Here are four things to consider if you want to avoid making team members redundant.

1. Reduction in salary. There has been a spate of articles in the media about this very subject. But, as you can imagine it does present certain challenges. For example, if salary reductions are implemented without the prior agreement of the employee, as an employer you run the risk of being sued for breach of contract or for making an unlawful deduction from wages. However, if the contract of employment allows for an annual salary review, a reduction in salary could form part of this review. An argument that it is custom and practice to increase salaries at every annual review is unlikely to be upheld in this economic climate.
2. Reduction in hours. Most contracts of employment provide for variation of the working hours. However, there may be no provision for a pro-rata reduction in salary if working hours are reduced. Again, if you haven't got the prior agreement of your employee, a reduction in working hours and correspondingly, pay may be deemed to be a breach of contract. Furthermore, it may not ultimately solve the problem. If the reduced hours are less than one half of the weekly working hours for 4 or more

consecutive weeks, or within a period of 13 weeks for a series of 6 or more weeks of which not more than 3 were consecutive, your employee can claim for a statutory redundancy payment if eligible. However, an agreement for reduced hours demonstrates that you have tried to avoid redundancy.

3. Career break. Again, another hot topic in the media. The benefit of a career break is that you can use it as a means of reducing costs whilst potentially retaining valuable employees over the long term. An agreement is reached between employer and employee that the employee will return to the same or similar job after a career break. However the employee will not receive any salary or benefits during the leave and the period of leave does not count as service.
4. Lay-off. If it's reasonable for an employer to believe that the lack of work for an employee is not permanent, it may be more appropriate to put the employee on lay-off. As with a reduction in hours, if the period of lay-off persists, employees may claim a statutory redundancy payment and employers should note that the period of layoff does count as service for the purpose of calculating a statutory redundancy payment. Check if you have a lay-off clause in your contracts of employment.

Here comes the sun...



Many of us are, no doubt, hoping for a long, hot summer. If you are an employer you have a legal duty to protect the health of your employees in the workplace and the sun poses a potential workplace hazard for employees who work outside.

Employers may need to change working practices to ensure minimum exposure to the sun.

This can be achieved by taking steps to ensure that outside work is not undertaken during the hottest part of the day or by providing a shaded area for staff who have to take a break in the open.

Staff should be issued with guidance on how to avoid exposure to harmful UV radiation and be provided with hats and sunscreen.

A few simple changes may reduce the number of deaths every year from skin cancer caused as a result of exposure to the sun while at work.

Is your business protected?

What is a Shareholders / Partnership Agreement and why do you need one?

Whether you are a newly formed company or an existing one, your business should have a Shareholders Agreement or Partnership Agreement. Your business will benefit from a private arrangement between you and your other Shareholders/Partners which contains:

- the rules by which ownership of your company/business is held
- the basis for resolution of disputes which reduces the possibility of conflict
- the specific powers for you and your other Shareholders/Partners
- the limits and procedures on how your company/business is to be run.

Without this any disagreement or deadlock will have to be decided by the Court and the outcome will not always be favourable to you.

In order to take advantage of this opportunity please contact Kate Hallin on 01903-706964 before 31 July 2009. We look forward to hearing from you.

BG Services



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SOLICITORS AND NOTARIES

www.bennett-griffin.co.uk

01903 229999

For further advice contact **01903 229999**, email info@bennett-griffin.co.uk or visit www.bennett-griffin.co.uk
Or if you prefer please talk to your usual Bennett Griffin contact.