



Belinda Joins The SAS!

Pickworths Client Care and Finance Partner Belinda Walkinshaw has recently joined the Solicitors Assistance Scheme Panel of solicitors providing independent advice and support to solicitors.

The Solicitors Assistance Scheme is a voluntary service established to assist members of the legal profession who are encountering professional, regulatory, business or personal issues and comprises a panel of professionals who have volunteered to be available to provide a 24 hour free telephone advice service to other solicitors.

The SAS helps all solicitors in England and Wales, and their family and staff, to deal with the kind of problems that can occur at any time and offers a lifeline to solicitors with problems by providing a fellow practitioner who will listen and help. The scheme, which has been in operation for over thirty years comprises around 80 volunteers from all over England and Wales, most of whom are practising solicitors with a high degree of skill and experience in their chosen areas of practice.
Continued on page 2...

Quality Assured



As one of the first firms to be accepted to the new Conveyancing Quality Scheme (CQS), Pickworths explains how the scheme will assist its clients.

The scheme which aims to bring credibility, integrity and efficiency to residential property transactions, minimising the risk of fraud by sham firms as well as providing more consistent quality standards for residential conveyancing.

As a firm accepted to the Scheme, Pickworths will undertake additional training requirements, be subject to enhanced client care processes and annual monitoring. This is in addition to existing monitoring by the Solicitors Regulatory Authority's Code of Practice by which all Solicitors are bound.

Buying and selling can be very stressful, even more so if your conveyancer does not keep you informed of progress and fails to respond promptly to your calls.

Pickworths has signed up to a Client Service Charter, which goes further than the Code of Practice.

What you can expect from us:

- When you contact us to discuss your sale or purchase we will explain clearly the steps in the process and what you can expect from your solicitor
- We will tell you what the costs will be

- We will keep you regularly informed of progress
- We will work in line with the quality standards of the Law Society's CQS

We will:

- Treat you fairly
- Be polite and professional
- Respond promptly to your queries
- Inform you of any problems as soon as we are aware of them
- Ask for your feedback on our service

We are proud to have an outstanding local reputation and regularly receive testimonials from satisfied clients. Acceptance to the Scheme further supports the high standards clients can expect from Pickworths.

We believe that the Scheme will encourage public confidence and trust in firms that have proven their ability to achieve and maintain the high standards and will be testament to the excellent quality procedures and level of service that can be expected from the Solicitor and support staff in the conveyancing process.

For more information on conveyancing please contact Glenda Ferneyhough or Kimberley Smith

CONTENTS

- 2 Contact is the order of the day
- 2 A Will You May Regret
- 2 Belinda Joins the SAS! continued
- 3 Practical Advice For Managing Employee Disputes
- 3 Motor Insurance and Personal Injury Claims Don't Mix
- 4 Spotlight on Kimberley Smith
- 4 Legal Eagles Skydive Success

EDITOR: SHEILA MCENTEE



Contact is the order of the day

When a couple is separating and has a child or children it is very important for the parents to try and reach agreement regarding the ongoing contact each will have with the child/ren. All too often I have been contacted some years later by parents who have lost touch or have infrequent contact with their offspring and who are concerned about their children's welfare but have not taken any action. The main reason for lack of action seems to be the concern about causing further conflict with a former partner and the adverse impact this will have on a child as well as the legal costs of pursuing an application for contact.

If there has been no contact between parent and child for some months or perhaps even years, re-establishing contact can be very hard as the parent will need to build up a relationship with the child. For this reason alone, it is important to take the earliest action. If a discussion with the former partner does not resolve the problems, writing a letter setting out proposals for frequent contact and confirming a commitment may help.

For the best chance of contact arrangements working for the benefit of the child concerned and the parents, it is clearly important that both parents have a commitment to contact and show respect for one another. Feelings of hostility and anger need to be put aside to focus on what is best for the child, which is in most cases contact with both parents.

Mediation may help - The mediator should be a family lawyer who has undertaken further training to assist couples to resolve

issues of conflict and reach agreement. The costs of mediation sessions are based on your level of income.

If agreement cannot be reached an application can be made to the Court for a Contact Order. At an initial hearing, each parent will be encouraged to meet an officer from the Children and Family Court Advisory and Support Service [CAFCASS]. CAFCASS Officers are generally trained social workers experienced in dealing with families. Their primary role is the welfare of children who are involved in family Court proceedings. If agreement is still not reached, the judge is likely to order a written Report from CAFCASS on whether contact is in the best interests of the child. These Reports are generally very influential. However, such Reports are

normally only ordered by the Judge where serious allegations are made against one of the parents.

The vast majority of cases are successful in obtaining a Contact Order, although the cost of the work can be substantial in some cases. Unfortunately, obtaining the Order is not necessarily the end of the story. Should the parent with whom the child lives refuse to make the child available in line with the Contact Order the Court has power to enforce it. This may still be problematic and may well further increase any existing hostility there may be between the parents.

For more information contact Jane Leadbeater who is a member of Resolution – a national organisation of family lawyers committed to non- confrontational divorce, separation and other family problems



A WILL YOU MAY REGRET (Calls for Will Writers to be Regulated)

A longstanding concern over the quality of work undertaken by unqualified Will Writers has recently come to the fore. Calls are now being made that non lawyer Will Writers such as banks, will writing companies and online providers should be regulated, to protect consumers. At present Will Writing by non lawyers is completely unregulated and anyone can set themselves up with minimal knowledge of this field of law.

The recent findings of the Legal Services Consumer Panel revealed the poor quality Wills produced by Will Writers, their sharp sale practices and the loss of Wills held in safe custody by Will Writers when companies disappear without a trace. Therefore when problems are created by will writers, there is little that can be done, especially if they go out of business.

The BBC have also highlighted the risks people are facing when using unregulated Will writers and the new Legal Ombudsman claims that thousands of people are being "ripped off" by companies providing unregulated services such as Will Writing.

One Will Writer was recently prosecuted for fees he had wrongly extracted from his

customers under the pretence that their Wills needed updating due to a change in the law.

Two main misconceptions about unregulated Will Writers when compared to solicitors are:

1. Will Writers offer the same protection as solicitors - This is not the case as they are not insured, do not provide a compensation fund and are not covered by the Legal Ombudsman's scheme for consumer redress
2. Will Writers are cheaper than solicitors.- This is not always the case, as through a BBC Panorama investigation it was uncovered that some 'cheap' initial will-writing fees escalated to thousand of pounds with hidden costs
So if you or your loved ones want to make a Will please think twice before using an unregulated Will Writer and contact Pickworths for a quotation At our face to face meeting we will take your instructions and give you relevant advice on your own situation and requirements to ensure that your Will is valid and appropriate to you. We will even store your Will for you free of charge!

For more information contact June Yap

Belinda Joins The SAS!

Continued from page 1...

It provides a wide variety of skills and experience, including counselling and insolvency advice to ensure that any solicitor with a problem will receive free help and advice from a scheme member with a guarantee that confidentiality will be maintained.

The advice covers a broad range of issues and with her experience in dealing with both contentious and non-contentious commercial matters as well having been a Partner and involved in the management of the firm for more than 10 years Belinda is keen to utilise her skills and share her experience with other professionals in need of support at a time of increases and ever changing regulation and economic uncertainty.

Practical Advice For Managing Employee Disputes

The economic situation is putting pressure on both businesses and families. There is no sign of wage rises and short-time working or redundancy is a constant worry. On top of this food and energy prices are increasing the day-to-day financial pressures on everyone. Trivial disagreements between a workforce can suddenly escalate and without careful management minor employee differences can turn into time-sapping disputes costing a business both management time and money.

Disputes that lose all proportion are the biggest hazard. Representatives can feel the need to justify themselves to others as well as themselves even if they know their prior actions were wrong. The consequences can be disastrous. Managers need to take time out to put the issues into perspective and remain calm no matter how bad a situation is becoming.

Stress

Where there is a dispute there is stress. People can behave in unusual ways when they are in stressful situations. Managers need to use a tact, diplomacy and patience in their communication with employees to avoid increasing stress levels. By keeping calm even when the employee is absolutely fuming can help diffuse potentially damaging situations and help to resolve a matter quickly. Remember to ask indirect questions for they are less threatening and will help you obtain a full picture without causing additional stress.

Don't do it alone

To try to manage a dispute on your own is not a good idea and there is a danger that you will become cut off, lose perspective and make uninformed decisions which can lead to a bad situation escalating. It is always best to have a second point of view. Use a professional adviser such as a solicitor or mediator as a sounding board to consider the position objectively.

Lack of preparation

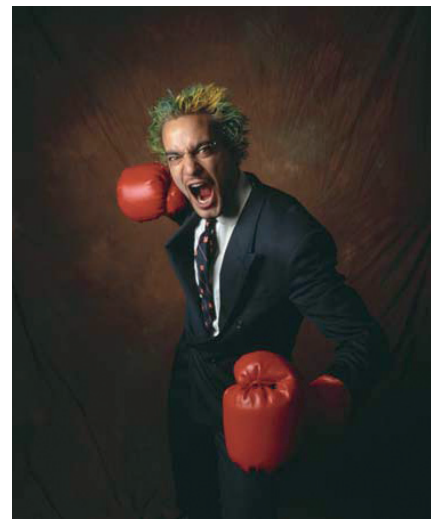
Disputes can get out of control if there is a lack of preparation and can become unpleasant, time consuming and frustrating. The matter will almost certainly take up an increased amount of time and divert you from business productivity. Consider 'what if' scenarios and rehearse your approach to the issue.

Show understanding

It is the effective managers who are able to show understanding of the point of view of an employee. Interact with the employee and don't just focus on what they are saying. Allow them to talk and find out what are their fundamental interests. Why do they want the outcome they are seeking?

Overconfident

Being overconfident can lead to disputes being taken to Court or a Tribunal because each party believes they have the upper hand and are sure to win. Neither side will back down because they are afraid of being exploited. Humbleness can however go a



long way to reaching a compromise and resolving a dispute.

Interests of your business

Always have the best interests of your business at the forefront of your mind when dealing with conflict. Don't be tempted to give in easily or pass the matter on to someone else to sort it out. Whilst offering direct communication and a fair explanation can make you more vulnerable if you have fully explained the situation to your solicitor and he/she has given you advice from your solicitor you will be well prepared with a greater understanding of the options that are open to you.

Ian Tottman at Pickworths can advise and assist employers in the capacity of an Employment Law advisor or alternatively Ian can come in and mediate between the parties as he is a qualified Workplace Employment Law Mediator.

Motor Insurance and Personal Injury Claims Don't Mix

Have you been injured in a car accident, and been told by your motor insurer that they will also 'sort out' your personal injury claim for you?

More and more people are choosing to allow their motor insurer to handle their Personal Injury claim as it may seem more convenient, but at what cost?

Once you have informed your insurer you have had an injury, your claim is generally 'sold' to a solicitor who is affiliated with the insurer and on their panel. It is likely that this Solicitor would not be local to you, in fact in most cases they are at the opposite end of the Country.

When you are injured you need personal attention and above all, expertise in dealing with your claim. A Personal Injury claim is not the same as making a claim on your

insurance policy, and should not be handled in the same way.

It is always best to instruct a local Solicitor, so that face to face meetings can be arranged if needed. Pickworths are based in Hemel Hempstead and we are happy to travel throughout Hertfordshire for home visits if requested.

Pickworths Personal Injury Lawyers include Martin White, who has over 30 years of Personal Injury and Litigation experience, and Linsey Carroll a Solicitor with 8 years experience in dealing with Personal Injury cases.

We are committed to dealing with each client on an individual basis to ensure the best possible service. Making a claim is not just about obtaining compensation, but can also be about receiving the best treatment available for the injury. Pickworths instruct the most appropriate Medical Experts in each case to ensure that the full nature of the injury, and the likely impact of that injury in the future, is highlighted.

Pickworths also guarantee to explore all losses and expenses which you may be entitled to, which can include the cost of medical treatment and loss of earnings if time off work is required.

We also frequently take over cases for

client's, who have been referred to a solicitor via their insurer, but find that they are not happy with the service, or would like a more local Solicitor who is approachable and who will deal with their file from start to finish.

Do not hesitate to contact Martin White or Linsey Carroll if you would like to have a chat about how we may be able to assist you.

PLEASE NOTE: Since this article was prepared the government has announced that it will ban the payment of 'referral fees' in personal injury cases. No date has been given as to when this will be implemented at present, with discussions still taking place on the details.



SPOTLIGHT ON...

Kimberley Smith Residential Conveyancing solicitor

Kimberley joined Pickworths in February 2010 having qualified as a solicitor with a local and city firm in 2008 and now works as Pickworths Residential Conveyancing Solicitor supported by the Property Team.

Kimberley studied for her LLB Law Degree at University in Bristol and completed a postgraduate Legal Practice Course at the University of Hertfordshire and subsequently the Professional Skills Course at BPP in London. Now specialising in all aspects of property law, Kimberley continues to enjoy attending professional development courses and furthering her knowledge in her chosen field. She

particularly enjoys the challenges of leasehold property transactions and more particularly, lease extension work.

Kimberley wanted to remain a local lawyer to continue to build up good relationships with clients and local businesses and this also has resulted in greater knowledge of the regular issues that arise in local property transactions.

Commenting on her work, Kimberley says "I love the diversity and challenges of property work, from supporting and acting for first time buyers, to ensuring an efficient transaction for property developers and taking block instructions from leaseholders. I enjoy achieving the balance in working in a fast paced environment whilst at the same time supporting clients at what can be a stressful time in their lives. I get a great deal of satisfaction from ensuring clients are happy throughout, not just at completion, and I am pleased to often



receive client and business referrals as a result.

I have recent personal experience of the highs and lows of house buying having recently joined the property market, purchasing my first home with my partner which has given me a different perspective and all the more appreciation for my clients concerns and queries".

Away from work, Kimberley loves health and fitness, regularly participating in exercise classes and the annual St. Albans Half Marathon.

Legal Eagles Skydive Success

Three of Pickworths staff agreed to the challenge of a skydive together to raise much needed funds for the Hospice of St Francis. After a month delay and change of skydiving venue the Legal Eagles, aka Ian Tottman, June Yap and Sheila McEntee finally took to the skies on 20 August. There was a false start when they had to depart the plane due to dense cloud but

just 20 minutes later they were given the go ahead and flew to 12,000 feet before exiting the plane with their professional tandem skydivers Kris, Luke and Emo from Hinton Skydiving Centre in Brackley Northants where the jumps took place.

Senior partner Ian Tottman said "I was very impressed at the way June and Sheila

initially took up the challenge and then all the efforts they made to find people to donate for the Hospice. They did a great job!"

"I will never forget the feeling as I jumped out of the plane and then looking around and took in the clouds below me and the earth way below them".

The Legal Eagles raised almost £1,700 for the Hospice which cares for people from Dacorum, St Albans, Harpenden, Markyate, Chesham, Amersham and the surrounding villages. It is the only inpatient unit with special facilities that allow patients to be cared for 24 hours a day, seven days a week. It also helps patients who are seriously ill at home and in day hospice but needs to raise more than £3.5million every year.

For more information on the Hospice go to www.stfrancis.org.uk

Check out June & Sheila's skydive videos at <http://www.youtube.com/pickworths>



www.pickworths.co.uk

PICKWORTHS IN HEMEL HEMPSTEAD
55 Marlowes, Hemel Hempstead, Herts HP1 1LE
Tel: 01442 261731 Fax: 01442 230356
Email: info@pickworths.co.uk

Also consultation rooms in Watford, St Albans and Stevenage. Call 01442 261731 to arrange a meeting. Out of hours service available.

PICKWORTHS
· SOLICITORS ·

PARTNERS:

Ian Tottman LLB, Glenda Ferneyhough LLB, Belinda Walkinshaw BSc

Pickworths are authorised and regulated by the Solicitors Regulation Authority. Pickworths have made every effort to ensure that the information given in this newsletter is accurate. This newsletter is intended for general guidance only and should not be relied upon for individual cases. Expert advice should always be obtained on specific issues.