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JUNE 2022 - NEWSLETTER

This month we have 3 new exciting articles which focus on Trust disputes, Stress & children in divorces!

Here at Taylor Bracewell, we love to hear what you think, so make sure to message us via our website at www.taylorbracewell.co.uk and let us know what you want to see next!

If you need any more information on any of the subjects mentioned in this newsletter, don't hesitate to contact us on 01302 341 414

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HOW TO DEAL WITH STRESS IN THE WORKPLACE

EMPLOYMENT LAW

The main impact of stress is on your mental health. Severe cases can lead to depression, anxiety and insomnia. Stress may mean that you struggle to have a healthy work-life balance which could end up leading to burnout. It may mean you have difficulty completing work which could cause low morale and self-esteem. This is likely to lead to an increase in sick days and a higher rate of staff turnover for a business.



Stress can also cause physical health issues such as heartburn, high blood pressure and tense muscles. Stress can impact the immune system making it harder to fight off viruses and other illnesses. This may also lead to employees needing to take further time off.

Factors leading to work-related stress and how employers should deal with them:



Demands - You may experience stress if you're unable to cope with the demands of the workplace. This could include stress about the workload, work patterns and the work environment.

This can be dealt with by making a to-do list to manage the workload and communicating with the line manager regarding your concerns with the workload. Management is encouraged to set realistic and achievable demands and hold regular 1-1 meetings to encourage employees to discuss the workload and voice any concerns they may have.



Control - Employees may feel like they don't have control over how their work is completed and the environment they work in.

Employees should be given reasonable control over the way their work is completed and flexibility of where they work.



Support - Employees may begin to feel stressed if they don't receive relevant information from colleagues and management.

Businesses should have procedures in place to ensure employees are properly supported and have the resources they require to complete their job. Employees should be made aware of the support systems available to them.

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» **Relationships** – Stress may be caused if employees don't feel like they have positive relationships at work.

Employers should promote positive working environments and deal with unacceptable behaviour. Positive relationships at work should be promoted by the business with things such as social events.

» **Role** – Employees may experience stress if they don't fully understand their roles and responsibilities.

The business should ensure that different employees' responsibilities are compatible and provide detailed job descriptions so everyone is aware of their responsibilities.

» **Change** – Stress may be caused by organisational change and how it's communicated.

Employers should provide staff with appropriate information so reasons for change can be understood, feedback can be given and any concerns can be voiced.

Tips on coping with stress as an employee

» **Track your stressors** – Identify which situations create the most stress and how you respond to them.

You should record your thoughts, feelings, the environment and how you react. This will help you identify patterns among your stressors and your reactions.

» **Develop healthy responses** – You should try to make healthy choices when stress levels rise, for example exercising.

Making time for hobbies is important, set aside time for things that please you. You should encourage healthy sleep habits.

» **Establish boundaries** – Work-life boundaries are important.

Creating clear boundaries between work and life can reduce conflict and stress.

» **Take time to recharge** – 'switching off' from work with periods of time where you're not engaging with or thinking about work.

Use your holidays, turn your phone off and focus on non-work activities.

- » **Learn how to relax** – Meditation, deep breathing exercises and mindfulness can help take the stress away. These get stronger with practice.
- » **Talk to supervisor** – Employee help is linked to productivity so there is an incentive to create a work environment that promotes employee well-being.

You should come up with an effective plan for managing stressors so you can perform best at your job.

- » **Get support** – Accepting help from people you trust can improve your ability to manage stress.

You may want to talk to a psychologist who can help you manage stress and change unhealthy behaviours. If your employer provides a counselling service you may find this beneficial.

About our Employment Department!

During the course of your working life, there are times when you may need guidance and support. Things do not always go smoothly.

We advise individuals who work in a variety of different sectors on all aspects of their employment rights.

We have helped many employees bring cases against their employers and win, we will help you to explore the best options for achieving the outcome that you want.

We can help with any of the following issues:

- Disciplinary and Grievance Procedures
- Discrimination in the workplace
- Redundancy
- Unfair Dismissal & Constructive Dismissal
- Settlement Agreement
- Employment Tribunal Claims



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TRUST DISPUTES AND HOW TO SOLVE THEM

WILLS, PROBATE & TRUSTS

There are various reasons why someone would choose to set up a trust. It is a way to protect your assets and ensure that your loved ones are financially stable following your death. They may also help you minimise any inheritance tax, and can in many cases be considered a more efficient way to distribute your assets. Disputes can arise between trustees and beneficiaries when the trust is being created and thereafter when the trust assets are being distributed. It can be difficult to know where to turn for advice and guidance. Luckily, there are will and trust dispute solicitors who can help.



Here at Taylor Bracewell Solicitors in Doncaster and Sheffield, we can utilise our extensive experience to provide expert legal advice when you find yourself involved in a dispute over a trust. We can analyse your case to determine whether you have a claim to make, and can gather the necessary evidence needed. In order to resolve trust disputes, seeking legal advice at the earliest opportunity, could be the best choice to secure a solution.

What is a Trust?

There are many types of trusts which can be created for a number of purposes. A Common type of trust is one which is created in order to ensure that an individual's loved ones are financially protected in the future. Money or other assets such as property can be placed into a trust, which the trustee, or trustees, will be able to access under the terms of the trust instrument. Once the assets are moved into a trust, they will no longer form part of the assets of the person who previously held them, and that person would have to allow the trustees have control of them. Trusts are recommended if an individual wishes to safeguard their assets during their life or after their death.

There are various trusts that can be made, such as absolute trusts, discretionary trusts and loan trusts. To understand more about the rights and responsibilities of trusts, you can find the **Trustee Act 1925** [here](#). If you do require a trust then our Probate department can advise you on the different types of trusts available and which would be most suited to meet your needs. There are tax implications for creating a trust and so advice before the trust is created is recommended. For further information, [we have a useful guide to the different types of trusts on our website](#). No matter the type of trust, disputes can still develop between trustees, beneficiaries and external parties.

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Common Trust Disputes

Most commonly, disputes can arise between trustees and beneficiaries. Beneficiaries have a right to view some trust documents, but the trustees have full authority over the contents of the trust and how they are distributed. Common scenarios of disputes include the belief that the trustees are acting fraudulently or not acting in the best interests of the beneficiaries. But disputes can also arise if the documents that created the trust are unclear, or there are concerns that it does not reflect the wishes of the settlor (the person whose assets went into the trust).

It is the legal duty of the trustee to manage the trust accordingly for the benefit of the beneficiaries. Failure to do so can lead to significant financial losses, and claims can be made against them. If the funds have been mismanaged, used for the trustee's own benefit or they have failed to pay the beneficiary what they are entitled to, then claims can arise. If you believe a trustee to be acting against the terms of the trust, or you wish to defend yourself against a claim, our trust dispute solicitors can help analyse your case and provide expert legal advice to determine whether your case can be pursued. To find out more about our services, **please visit us on our website here.**

Can a Trustee Be Removed?

If a trustee is not acting appropriately, or they are not following through with their duties, a request can be made for them to be removed, or they can voluntarily step down. Just because hostility exists between the trustee and the beneficiary does not usually warrant enough reason for them to be removed. Instead, there are several grounds that would justify a trustee being removed, such as:

- A breach of trust, if the trustee has failed to follow the terms of the trust
- The death of a trustee
- The incapacity of a trustee, such as a lack of mental capacity
- A trustee is being uncooperative
- The trustee is absent
- The trustee is biased

No matter the dispute which has arisen, our trust disputes solicitors here at Taylor Bracewell can help guide you through the process of making a claim, providing expert direction and advice. If you would like to find out more, **please fill out our online contact form here.**



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NEW LAW THAT REINFORCES THE IMPORTANCE OF CHILDREN HAVING A RELATIONSHIP WITH EACH INDIVIDUAL PARENT

FAMILY LAW

Everyone is aware that lengthy Court proceedings can be extremely expensive and usually both parties pay their own costs unless one party has failed to cooperate. However, a recent case shows that the Court will consider making costs orders if appropriate.

In the recent case of LF v DF (2021 EWFCB50) the family Court allowed the wife to overturn a clean break lump sum settlement and ordered her husband to pay her legal costs. In this case, the wife ended up with a large amount of debt due to having to pay for legal representation.

It is therefore worth seeing whether you could also overturn an Order to apply for costs. It is usually in very exceptional circumstances that this will be done as costs orders can be applied for within the proceedings or at the end of the case.

Sharon McKie, our Head of Family Law has over 20 years' experience and a proven track record of success in assisting her clients and families through one of the most difficult times. Sharon's wealth of knowledge and experience is complemented by the expertise of her team.

Our Family Team is listed in the UK Legal 500, which is a mark of excellence judged by our professional peers. Sharon is also proud to be a member of Resolution, which is an association of family lawyers who are committed to resolving disputes in a non-confrontational way to preserve people's dignity and to encourage agreements.

If you require more information about claiming costs or appealing against a financial order, where the Judge has failed to make provision for debts as a result of legal costs then kindly contact our **family legal team** on 01302 341414.



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ABOUT US

Taylor Bracewell Solicitors is a dynamic and forward thinking legal firm with offices in Doncaster and Sheffield. We are passionate about providing individual service and connecting with our clients on a one to one basis. This enables us to fully understand our clients' legal needs and deliver exceptional value in our services

Our Services:

- Commercial Property
- Family Law
- Employment Law
- Disputes
- Medical Negligence
- Personal Injury Claims
- Business/ Company Law
- Business Disputes
- Charities
- Wills, Probate and Trusts
- Asset Protection
- Inheritance Tax planning
- Powers of Attorney and Court of Protection



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