Taylor Bracewell
Your solicitors | Your success

SEPTEMBER 2022 - NEWSLETTER

This month we have 4 new articles relating to Wills, Probate & Trusts, Personal Injury, Employment and Commercial Property!

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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WORLD ALZHEIMER'S MONTH

WILLS, PROBATE & TRUSTS

September is World Alzheimer's Month. The month's aim is to raise awareness of Alzheimer's and challenge the stigma. This year's theme is the Power of Knowledge. Dementia, which Alzheimer's is one form of, is one of the most common diseases, with over 50 million people worldwide suffering.

What is Alzheimer's

Alzheimer's is the most common form of Dementia. According to the Alzheimer's Association around 60 to 80% of people diagnosed with Dementia will have the Alzheimer's disease.

Alzheimer's is a degenerative disease which means that it will get worse over time. As the disease progresses parts of the brain are damaged or even destroyed. Eventually it will affect people's ability to remember recent conversations and their ability to do basic bodily functions such as walking or swallowing. Sadly, Alzheimer can be a fatal disease.

How can we help those suffering with Alzheimer's?

Staff here at Taylor Bracewell meet many people who have been diagnosed with Alzheimer's or other similar illness. Some of our staff are Dementia Champions and Dementia Friends. We are equipped to help those who are living with the disease. We will speak in short sentences using a soft tone and using simple words to assist you in understanding. We are patient and happy to go over things to ensure you receive the best advice possible to enable you to make your own informed decisions. Our interview rooms are located on the ground floor of our building. They are quiet with minimal distractions from noise or displays on the wall.
Many people who have been diagnosed with Alzheimer's or similar illness will want to get their legal affairs in order. You may wish to consider making a Power of Attorney. This is a legal document which enables someone else to act on your behalf and make decisions for you if you are unable to do so yourself. This may be because you are either physically or mentally incapable of doing so. There are several types of Powers of Attorney. These documents enable those who you appoint to make decisions relating to your financial and for health and welfare needs.

If you require anyone information on how we can help those being affected with Alzheimer's, contact one of the team today by calling them on 01302 341 414 or by filling out our online enquiry form.

Lauren Smith
Partner & Joint Head of Wills, Probate and Trusts

T. 07780 497 116
E. Lauren@taylorbracewell.co.uk

ACCIDENT AT WORK

PERSONAL INJURY

An employer has a duty to keep their employees safe from harm whilst they are at work.

There are a number of regulations relating to Health & Safety at Work which an employer has to follow in order to comply with their obligations.

As part of this, there is an obligation to make sure that their employees are suitably trained for their role, that the risks of any job have been thoroughly assessed and that any employee is provided with suitable personal protective equipment.

If an employer has negligently failed to meet their obligations and harm, loss, damage and injury have been caused as a consequence of that negligent failure, they could be liable to pay compensation.

Anyone that has suffered harm, loss, damage and/or personal injury because of their employer's negligence and/or breach of their statutory duty is able to make a claim for general damages (pain, suffering and loss of amenity) to compensate for the injuries sustained. They are also able to bring a claim for special damages (past, present and future losses and expenses) such as lost earnings, financial loss such as the cost of any prescription medication or the cost of transport to and from any hospital appointments, any property damage in the accident along with any possible claim for any gratuitous care offered to while recovering from any injuries.

The Health and Safety Executive (HSE) is the national regulator for workplace health and safety in Britain.

- The Health and Safety Executive reports that in 2020/2021:
- 470,000 workers suffering from a work-related musculoskeletal disorder;
- 123 workers killed at work (2021/22);
- 441,000 working people sustained an injury at work according to the Labour Force Survey; and
- 51,211 injuries to employees reported under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR).

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Steps to take following an injury following an accident at work:

1 Treatment for your injury

The priority for anyone that has suffered an injury in any circumstances should be their own well-being. Following an accident at work, you should receive treatment from the first-aider. Any employer is legally required to have an accessible first aid kit and a designated first aider.
You should also seek a full assessment of your injuries by a suitably qualified medical practitioner. Depending on the severity of the injury sustained, this would be your General Practitioner or at your local Accident and Emergency department.

2 Report the accident to your colleagues

If you were working alone at the time of your accident at work, ensure your work colleagues and employer are made aware of the incident and follow your employer's workplace accident reporting procedures such as completing the accident book entry. If you have suffered a serious accident at work, your employer is legally required to report the accident to the Health and Safety Executive.
Even if you consider that you were at fault and caused the accident, this does not mean your employer is not legally at fault for the accident. Legal liability for any accident can be addressed as part of the accident investigations and compliance with Personal Injury Protocols for an accident in the workplace.

3 Take photos and video evidence

It can be very helpful and often very important to obtain as much evidence as possible showing the accident location and any equipment, plant or machinery involved and evidence of visible injuries sustained. Make a statement of how the accident happened. A written account of how the accident happened in your own words will be more reliable if written down at the earliest possible opportunity following your accident as over time memories of detail fade and can be seen to be less reliable.

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4 Keep a diary entry of all your symptoms

It is very important to keep a diary of symptoms suffered and appointments attended including issues discussed or treatment given at any appointments.
It also helps to record details of any and all expenses/losses experienced as a consequence of the accident/injury.

5 Go to your GP and/or hospital

If your symptoms and suffering are not resolving as expected, we recommend that you keep attending your GP and/or hospital as appropriate so that any accident relates symptoms and suffering can be monitored and treated as necessary.

Factors that are more likely to cause an accident at work include but are not limited to:

- Poor/dangerous working practices
- Negligent fellow employees
- Inadequate personal protective equipment (PPE)
- Inadequate risk assessments
- Failure to clean up spillages in good time
- Inadequate or poorly enforced safety procedures
- Poorly maintained equipment

Common types of workplace accidents and injuries have been identified, including the following:

- Slips, trips and falls from height
- Injury while lifting and/or handling objects
- Hit by falling objects
- Injury caused by moving machinery
- Impact with a stationary object

If you have any further queries or concerns, don't hesitate to contact our Personal Injury team on 01302 341414 or **fill out our online enquiry form.**

Robert Clarke
Solicitor
T. 013022 965402
E. Robert@taylorbracewell.co.uk

WHISTLEBLOWING IN THE WORKPLACE

EMPLOYMENT LAW

The Public Interest Disclosure Act 1998 is more commonly known as 'whistleblowing legislation' and is part of employment law. The legislation is designed to encourage workers to raise concerns about unsafe or unlawful practices in the workplace without fear of reprisals and 'whistleblowers' are protected from detriment or dismissal by their employers. You don't need two years' service to bring a claim, unlike a standard unfair dismissal claim.

You're protected if you are a worker, for example, you're:

- an employee, such as a police officer, NHS employee, office worker, factory worker
- a trainee, such as a student nurse
- an agency worker
- a member of a Limited Liability Partnership (LLP)

You're protected by law if you report any of the following:

- a criminal offence, for example, fraud
- someone's health and safety are in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, for example, does not have the right insurance
- you believe someone is covering up wrongdoing

10 tips on "blowing the whistle"

1. Although there is no "good faith" requirement, if you make the disclosure in "bad faith", damages can be reduced by up to 25%.
2. Proof is not needed to raise a concern. To raise a concern, you only need a reasonable belief that wrongdoing has occurred is occurring or is likely to occur.
3. Your disclosure will need to be in the public interest – it cannot just be about your own personal circumstances.

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4. You should follow your employer's whistleblowing policy when making a disclosure (if of course, your employer has one!).

5. Consider making the disclosure to the appropriate regulator. You may be obligated to do so due to your professional ethics, for example, a solicitor is obliged to report wrongdoing to the SRA.

6. Be specific about your concerns – don't make a vague disclosure otherwise you will not be protected.

7. Be polite and professional – otherwise, you could run the risk of disciplinary action regarding how you make the disclosure (it would be unlawful to punish you for the disclosure itself if the disclosure is made in good faith).

8. Don't go to the press/media – you may not receive the legal protections under the whistleblowing legislation and you could risk disciplinary action.

9. Your employer cannot prevent you from making a disclosure, for example by using a non-disclosure agreement.

10. The law protects "whistleblowers" from acts of detriment and dismissal as well as victimisation. Don't forget the time limits for claiming to the Employment Tribunal, you have just 3 months from the date of either the act of victimisation, detriment or dismissal (always calculate the deadline from the earliest date!).

Whistleblowing can be complicated. Seek legal advice if you aren't sure what to do.

If you believe you have been subject to unfair treatment due to whistleblowing, for example, if you believe you have been subjected to a detriment or unfair dismissal and are looking to claim compensation for or require legal advice regarding employment law, don't hesitate to contact our Employment Team on Doncaster 01302 341 414 or Sheffield 0114 272 1884 or fill out our online enquiry form.

Please note very strict time limits apply to employment matters, you have just three months less one day to bring claims to the Employment Tribunal so act without delay!

Richard Lozano

Head of Employment Law

T. 01302 965 297

E. Richard.l@taylorbracewell.co.uk

TEN THINGS TO CONSIDER BEFORE SIGNING A COMMERCIAL LEASE

COMMERICAL PROPERTY

Our Commercial Property team have listed and explained the top 10 things to know before you sign a commercial property lease.

Rental - you will need to confirm how much the Tenant will need to pay for rent and whether this will change throughout the term of the lease. You also need to ascertain whether VAT is payable on the rent. This will set out some of the monthly outgoings and will allow you to budget.

Any other outgoings – It is important to consider whether or not the Tenant will be paying any extra fees such as service charges. A service charge is often added when a property that is leased forms part of an estate owned by the Landlord. The service charge would cover items such as the cost of maintaining any private road and common parts.

Length of term – you will want to know how long the lease is for i.e. 10 years; this is an essential part of negotiating the lease. Please note a lease of 7 years or more is registable at the land registry.

Assignment and underletting provisions – The lease will contain provisions as to whether or not the Tenant can assign (transfer) the lease to another party or underlet the property. If the lease is for a long term, it is quite normal for these provisions to be included. However, you will likely be responsible for the Landlord's fees upon assignment/ underletting and the Landlord will need to provide consent in the form of a Licence to Assign.

Repair – the Tenant will need to know whether they are responsible for repairs at the property and if so what are they responsible for. If they are leasing part of a unit, it is likely they will only be responsible for internal repairs. However, this must always be checked.

Any break clause – some leases have the chance to 'break' during the term. This would allow either the Tenant or the Landlord to end the lease prematurely. Each break clause is different and would need to be reviewed to ascertain the rights of each party.

Security of Tenure – some leases provide what is called 'security of tenure' this means at the end of the term the tenant has an automatic right to renew the lease. There would be very few options for the Landlord to refuse a renewal. However, if this is not included in the lease the Landlord does not need to offer the Tenant a renewal lease.

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Incentives - Often in order to take on a lease, the Landlord provide certain incentives to entice you to take the lease. These incentives are often rent-free periods. This would mean that Tenants would not pay rent for the first six months for example. Again, this is part of the negotiations and should be confirmed at the outset.

Alterations - the lease will often contain provisions regarding alterations. Commonly, leases provide that Tenants can make internal non-structural alterations but with the Landlord's consent. However, the Landlord may prohibit certain types of alterations such as external structural alterations and this would be set out in the lease.

Seek legal advice - we would always recommend that you seek legal advice prior to signing a lease. It is important that the lease benefits you and you are not tied into any onerous clauses.

Our Commercial Property team can be contacted by calling 01302 341414 or by filling out our online enquiry form.

We have more articles on our website relating to Commercial Property, here are 3 that you may find helpful:

- **The difference between residential and commercial properties**
- **Is VAT payable on Commercial Property?**
- **What is an FRI lease?**

Alison Turner

Head of Commercial Property

T. 01302 965 251

E. Alison.t@taylorbracewell.co.uk

TESTIMONIALS

I have changed my Will a number of times in the last few years and have always been satisfied and impressed with the level of service received.

- **Claire Purslow** -

Stephen Coates

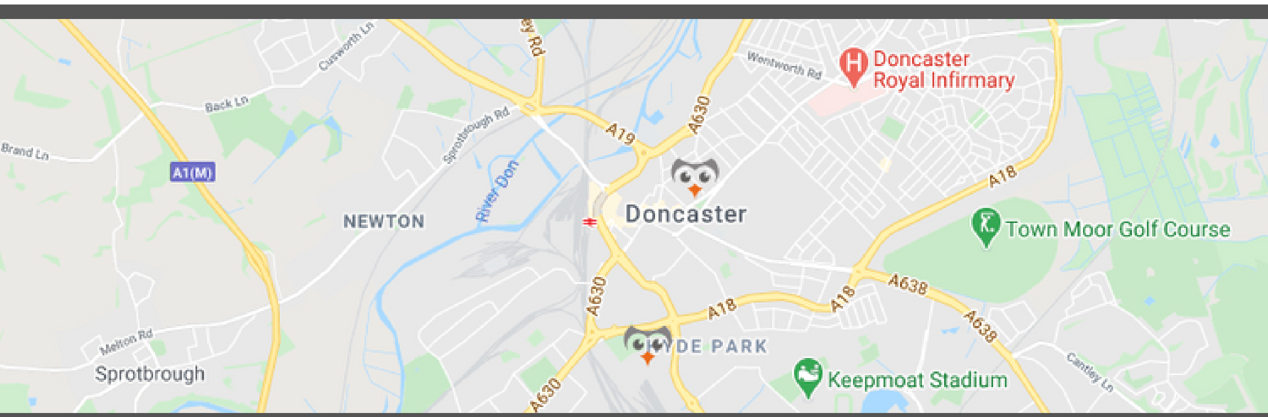
Partner & Joint Head of Wills, Probate & Trusts

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:

- Residential Property
- 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



OFFICES

DONCASTER

17-23 Thorne Road, Doncaster, DN1 2RP

T: 01302 341 414
F: 01302 327100

Find this office on the map!

SHEFFIELD

The Stamp House,
52 Bank Street,
Sheffield, S1 2DS

T: 0114 272 1884

BUSINESS HUB

1 Railway Court, Ten Pound Walk, Doncaster, DN4 5FB

T: 01302 360 060
F: 01302 360505

Find this office on the map!