

D&DLS Bulletin

Derby & District Law Society



www.derbylaw.net

April/May 2020

D&DLS 2020 Schools Debate

The Winners - Chellston School



Also in this issue:

Rights of Audience • Words of Wisdom • Remote Working

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D&DLS Bulletin



Derby & District Law Society

April/May 2020

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Editorial



What a difference 8 weeks makes! Last editorial I was so pleased to say that there was lots happening in DDLS and now just 8 (short??) weeks later we are in the fourth week of lockdown. I now have an 18 year old who is no longer sitting "A" Levels (guess which one he is in the last photo on page 21?) and a 14 year old that we have nicknamed the Count as he only comes out at night preferring to spend his mornings in bed and afternoons /evenings surgically attached to his Play Station. I understand that he speaks to his school mates on the PS – I know that because I keep yelling at him about his colourful language!!

The hi-light of this edition is the Final of the Derby City Schools Debate Competition. Thank you to all who helped out with the event and particularly to E4E and the University of Derby who help me to organise it. The competition has really become a community project that DDLS can be truly proud of.

I represented DDLS at the funeral of Stephen Savage last month. All areas of the profession were well represented and the large Chapel at Markeaton Crem was packed. A fitting tribute to such a well regarded member our local legal community.

You will not be surprised to learn that the Annual Dinner has been postponed to hopefully 30th October 2020 at Pride park. If you have already reserved tickets then I will just carry the request forward. I will be in touch nearer the time, when we know the event will definitely go ahead, to check who can still attend.

Likewise the AGM will be postponed to later in the year. I will keep you updated on arrangements and timings.

Thanks to Chris Green for his contribution to the Bulletin – any other articles are gladly received. Please share your experiences and knowledge, it is really useful.

I am circulating as much information as I can to members in these strange times. Please let me have any notes / articles etc that you want sending round. Thanks to Nick Wright for his efforts in keeping criminal lawyers up to date with developments. Oliver Maxwell has reformed the Civil Court Users Group and has already had one meeting (remotely of course) with local judiciary. Please e-mail me if you would like to become part of this group. Fiona Apthorpe has arranged a meeting with HHJ Williscroft to enable local practitioners to be kept up to date.

I have also set up a group of local lawyers on Microsoft Teams. Please e-mail me if you would like to be added to the group. It is to enable local lawyers to share experiences, tips and advice whilst this crisis lasts. It also enables remote meetings which I have found work remarkably well.

Stay safe everyone.

Julia Saunders
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President's Page



Hello.

The unfortunate events of the last few months need no explanation and we live in uncertain times.

The effects of the Coronavirus outbreak have resulted in a major upheaval in the legal system which will not only affect the industry in the short term but will undoubtedly change the legal system for the next few years. All persons employed within the legal sector are part of the fight and I hope to see that our local law firms (many of them long time established practices in the community) come out the other side in the best possible shape with jobs protected and clients reassured.

In all honesty I feel that the media (and those in the legal industry) have said everything that you can on the subject so I will not attempt to repeat what has been reported. I only hope that in the coming months there will be a greater level of certainty and transparency from the powers that be for all to return to some level of normality.

Prior to the current situation we were fortunate to conclude the Derby City Schools Debating Competition on 4th March 2020 at the University of Derby Law School. The debate was very well contested, and the quality of the student representation continues to improve year on year. This year's champions were Chellaston School with their final participant's very impassioned speech carrying the day. My thanks go to all involved, especially our own administrator Julia Saunders who has created an annual event which is very popular with those that take part.

Due to the current circumstances I have very little to report other than most of the events in the last few months I was due to attend have all been cancelled, specifically the law society dinners for Leicestershire, Nottinghamshire and Northamptonshire. Additionally, the University of Derby Law School Skills Triathlon was a casualty of the current circumstances and I hope to attend again in the future as it is a very worthwhile event for both students and trainee solicitors.

The D&DLS Law Society Dinner scheduled for the end of April has also been a victim and it is hoped that the event can be rescheduled for later in the year. If the event can proceed, it would be great to see as many of you as possible as I hope it can be combined as a celebration of the legal industry and the country in recovery.

Finally, I would also like to welcome DG Legal as a new patron of the Society for the coming year. DG Legal specialise in strategic and compliance based services throughout England and Wales I hope that you will look forward to reading their monthly articles.

Please take care in the coming months and I hope to see you all very soon.

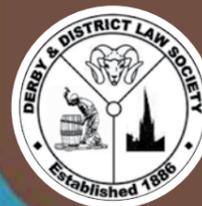
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"When it is dark enough, you
can see the stars..."

Charles A. Beard

.....
Martin I. Salt,
President, 2019-20

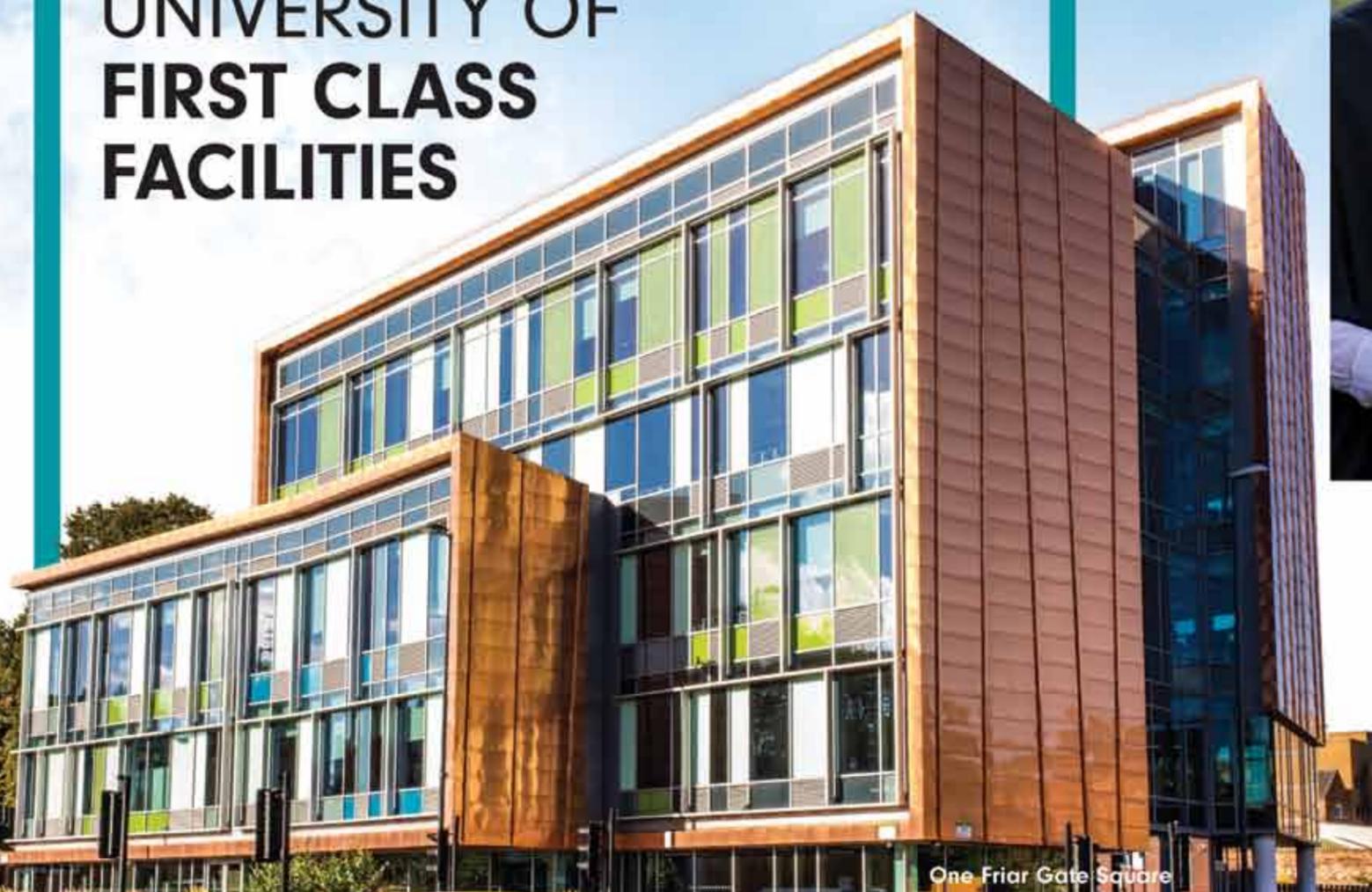
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Timms seizing new opportunities after turning to Oberoi's 'voice with a smile'

Expanding Derby legal firm Timms Solicitors has added a new dimension to its customer relations thanks to Oberoi Business Hub.



Top: Fiona Moffat – Timms managing partner, Middle: Kavita Oberoi, Bottom: Emma Roome

After just a few months of turning to Oberoi to handle incoming calls, more business opportunities have been created thanks to what managing partner Fiona Moffat says are "voices with a smile".

Timms moved to the former St Michael's Church in Queen Street, Derby four years ago and has grown dramatically since then.

Fiona Moffat said: "This is much bigger and more prestigious than our previous premises.

"We have evolved in four years since our move from Babington Lane and have worked really hard at being grounded high street lawyers who give our clients a rounded, personal service.

"This means it really matters how people answer the phone so we needed a partner to complement our superb reception staff.

"We were delighted to find such an excellent one in Derby because it is important to us to use local companies where we can.

"It is vital we get the first call right. Last year we took a huge amount of calls and understand the importance of creating the right first impression.

"We turned to Oberoi because we needed to maintain a high level of customer service and to do that we needed someone to take over the overflow calls as volume continues to grow."

"We have four offices – in Derby, Burton, Ashby and Swadlincote and we like our staff to have time to talk to people when they arrive at reception rather than be ignoring them because they are taking calls.

It is the first time Timms has taken calls around the clock and Fiona added: "If you had asked me beforehand, I wouldn't have thought 24/7 was necessary but it has been interesting what has come in. It is certainly making a difference."

Don't forget to check out our new and improved D&DLS blog!

www.ddlsbulletin.com

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A Reminder about Rights of Audience from HHJ Williscroft

When reading about your family law sub committee in your newsletter I noted a "reminder" about rights of audience.

There is no protocol in the family courts in Derbyshire to enable experienced legal executives to have generic rights of audience in the family proceedings court. The position in private law proceedings is that chartered legal executives are authorised persons under the Legal Services Act 2007, but are required to have an advocacy certificate before they have rights of audience in parts III, IV, and //v Children Act proceedings.

Chartered legal executives without the advocacy qualification can ask on a case by case basis for rights of audience in Part II – private law- proceedings only.

The view of the DFJs in the midlands is that trainee solicitors and legal executives working towards their advocacy certificate qualification can apply on a case by case basis to the judge for right of audience with a CV which sets out their relevant court experience and the kind of hearing they wish to attend. Everyone attending a court hearing should tell the usher their status so it is clear.

If someone does not have a right of audience they can fill in the usual McKenzie friend form and provide similar assistance but they cannot have a FAS form signed since they are not an advocate.

Best wishes



Her Honour Judge Williscroft
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Tax issues for conveyancers and the art of cross-selling



An accountant once said to me, "It is unusual to find a conveyancing lawyer who knows about tax." I replied that I was a tax lawyer who knew how to do conveyancing!

In today's increasingly specialised world, practitioners specialising in one discipline often know little or nothing about other areas of law, and this can bring with it the risk of missing a trick or two. For example, many firms these days simply make it clear in their conveyancing Retainer that advising on the tax consequences of the proposed transaction is excluded, and if asked why simply say, "Talk to an accountant." I wonder how many clients actually do this, especially if they do not already know one. It is dangerous to dabble in areas of law where one is not fully conversant, but if a conveyancer is able to outline why their client ought to talk to an accountant – and maybe recommend one, the client may be more likely to do so, and less likely to complain when a tax penalty comes in if they did not. Ignorance may not be so blissful after all....

Probably the two pieces of tax law conveyancers will most likely have come across are Principal Private Residence Relief (PPR) from Capital Gains Tax (CGT) and that transferring an investment property into joint names with a spouse prior to sale can split the CGT bill and gain an extra annual exemption.

Looking more closely at the former, if a client is lucky enough to be able to carve a building plot out of their half-acre back garden which is within the "permitted area" for PPR, and decides to sell the house and plot separately, I always used to make sure that the plot was sold first, because if the house is sold first, there is no PPR available against the later sale of the plot. And remember the disposal for CGT occurs on exchange of contracts, not on completion. If the two lots were to be offered by auction, I used to instruct the auctioneer to offer the plot first, and if it failed to reach reserve, to withdraw the house and explain why.

Turning to the second point, the sale of a property that was once, but no longer is, the client's PPR leads to a complicated calculation to apportion the gain between the times it was (CGT exempt) and when it was not (CGT to pay). Beware here simply transferring a former PPR into the joint names of the client and spouse to hold equally, because the spouse will not acquire PPR for the time they lived in the property if the transfer into joint names only takes place after they have moved out. There may however be some benefit in transferring say a small share to make use of the other spouse's annual CGT exemption – £12,300 in 2020/21. In other words there is more to it than readily meets the eye.

Some changes in the CGT rules pertaining to the sale of residential property came in on 6th April 2020, the most important of which is that instead paying CGT on the 31st January following the end of the tax year in which the disposal took place, the gain must be reported to HMRC and the tax paid on it within 30 days of completion of the sale. Sales of other assets such as farmland do not appear to be affected –yet – so exchanging a non-residential property on April 10th rather than April 4th to complete on April 30th would still appear to enable the tax bill to be

delayed by 12 months. Enough time for your client to put the tax money into premium bonds and win a few prizes...

Clients will most likely be unaware of the urgency of the matter, so may well appreciate the advance warning from their conveyancer as soon as the instruction to act comes in, especially if they have always done their own self-assessment income tax return on the buy-to-let they are now selling.

In conclusion, clients are far more likely to take up the suggestion of talking to an accountant if the conveyancer can outline why it may be worthwhile – and even recommend an accountant. That in turn could generate reciprocal business. I am sure that my working knowledge of the tax laws that were in force when I was practising led accountants to recommend their clients to me when there was property to sell.

NB This article is intended only to illustrate the points covered, not to provide comprehensive advice on them

Chris Green

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2020 Schools Debate Report



The debate in full flow

The reputation of this very worthwhile event is growing. It is encouraging to receive feedback from schools who have taken part previously that they are now entering teams for national debating competitions and forming their own debate societies within the schools. This year's Final took place on 4th March 2020 and was judged by HHJ Jonathan Bennett, President of the Derby and District Law Society Martin Salt and Sue Jennings, Head of Law at the University of Derby. Joe, Gracie, James and Emmy from Chellston School emerged victorious over Rhea, Rosie, Girish and Krish from Littleover Community School in a close and entertaining debate about the English justice system. Congratulations to all the pupils who took part in the competition and the staff who worked so hard to support them.

The debates have been judged by law lecturers from Derby University and Derby solicitors and all have been impressed by how enthusiastic the children and staff have been and by the high standard of the debating.

A massive THANK YOU to everyone who gave up their time to make this project such a fantastic success.



Winners from Chellston School

The heats started back in December with 11 teams from 7 Derby City Schools taking part. The standard of debating has continued to rise and the children have taken onboard the feedback they are given at each stage of the competition. Some young lawyers from local firms were able to visit schools in the Autumn to introduce the competition and talk to the children about speaking in public generally. Students from the Law and Business Schools at the University then helped the children present their arguments and prepare generally. One of the students also kindly stood in at the last minute on two of the debates.

The competition has, once again, been organized by the Derby and District Law Society, E4E and The University of Derby Law School. The project is a great example of organizations working well together and what can be achieved with lots of time but very little financial input.



Runners up from Littleover Community School

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 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

• 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

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

What is Phishing?

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.

Why have Phishing attacks increased since Covid-19?

In late March 2020, the Telegraph reported that phishing “attacks have increased 667pc since the end of February” There are two main reasons for this increase:

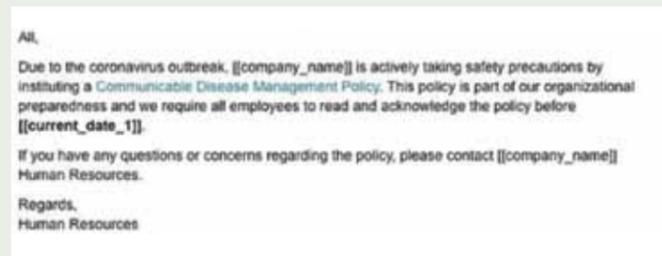
1. Attackers like to masquerade as a trusted entity and a pandemic provides the perfect opportunity for impersonation.
2. The move to remote working makes employees more vulnerable to cyber attack, from both a technical and behavioural perspective.

What are the known Covid-19 phishing scams?

On the 4th April. The Guardian reported that “The number of coronavirus-themed phishing attempts stands at 2,192”, and although it would be impossible to cover even a proportion of these, it is worth highlighting some of the more ‘convincing’ phishing scams:

Workplace policy

Cyber criminals are known to have been impersonating HR and IT departments, with emails such as the one below:



HMRC

Cyber criminals are masquerading as HMRC via email and SMS. An example of a phishing email is detailed below. For further information, visit the dedicated HMRC page.



World Health Organisation (WHO)

WHO, the primary provider of Covid-19 information, has issued a stark warning “Beware of criminals pretending to be WHO”. An example phishing email is detailed below, with detailed advice and guidance from WHO on their dedicated page.



Health advice

Emails purportedly from medical experts in China, claiming to help protect against Covid-19 have also been circulating:



WMR - Here to support you during Covid-19

As we move to new ways of working, our organisations become more vulnerable to cyber attack. Offering a range of remote services, we can help you build resilience to evolving cyber threats.

CYBER SECURITY EXPERTISE

We have a long history and understanding of the threat environment. Working in the field of cyber and information security since the late 1980's, we have real world experience of dealing with cyber threats.

TRUSTED PROFESSIONALS

Entrusted by government departments to deal with threats from nation states in highly sensitive environments. We are trusted professionals who understand the importance of confidentiality to you and your clients.

COLLABORATIVE APPROACH

We adopt a collaborative approach to working. Gaining an in-depth understanding of the challenges you face, ensures that you receive the most appropriate services for your organisation.

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WHAT PRICE PAIN AND SUFFERING?
NOTE THE JUDICIAL GUIDELINES FOR ALL THOSE INVOLVED IN PERSONAL INJURY ACTIONS

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

One of the most common and assuredly the most difficult tasks in cases of personal injury is the assessment of damages. How does one assign a monetary value which will compensate those who have suffered pain, or loss of life amenities resulting from personal injury? Because every case is different, there

are no rules as such, but there are guidelines, notably set out in this indispensable guide from the Judicial College published by the Oxford University Press (OUP).

This is the fifteenth and latest edition of this slim paperback volume which, since the first edition was published in 1992, has become a must-have and vital tool for anyone involved professionally in personal injury cases. As pointed out by Christina Lambert in the introduction to this guide, its erudite and energetic editorial team have ‘undertaken all the hard work of reviewing relevant reported decisions’ which means that in most cases, you won’t have to.

What the guide intends – and has always intended to do, was summarised by Lord Donaldson of Lymington in his foreword to the first edition. What the book does admirably, he says is to ‘distil the conventional wisdom contained in the reported cases to supplement it from the collective experience of the working party and to present the result in a convenient, logical and coherent form.’ The coherence, logic and convenience of this book have made it accessible to litigants in person on as well as practitioners.

A particular feature of the guide is that it places virtually the full range of personal injuries under convenient categories, from injuries resulting in paralysis, or death,

to brain and head injury... psychiatric and psychological damage... injuries affecting the senses... injuries to internal organs... orthopaedic injuries... facial injuries... and chronic pain.

Also covered are minor injuries, scarring and damage to hair, as well as dermatitis and other skin conditions. There is additionally a guidance note on assessing damages for multiple injuries and another note on the 10% uplift which is applied to many cases.

As for the amounts of damages themselves, it is noted that the figures stated in this volume have been adjusted to reflect the effects of inflation namely increases in the RPI from May 2019 to June 2019.

Other important changes discussed in this new edition include the government’s reform programme on whiplash. It is also stated that the practical effects of the new damages tariff scheme will be a matter for judicial determination.

Edited by a working party of the Judicial College, this book is essential reading for all practitioners and parties involved in personal injury cases.

The date of publication of this paperback fifteenth edition from Oxford University Press is stated as at 4th December 2019.

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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

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.

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>

"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.

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

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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.

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Angela Gifford.
MD of Able Community Care Ltd



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LIFE is a focus on developing skills in Leadership and Innovation, to equip students to be Future ready with Enterprise capability. Essentially the programme encapsulates three key skill areas: financial capability, business and economic understanding, and communication skills.

The Winning Mindset is presented by the College in collaboration with Sporting Edge. Sporting Edge is a leading performance consultancy founded by former England

cricketer and Old Denstonian, Jeremy Snape, which advises business leaders and global organisations on how to become and remain ahead of the game.



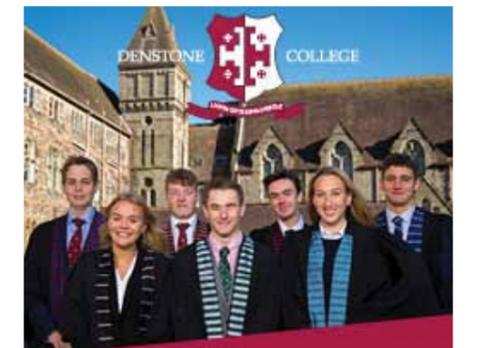
The Denstone Diploma is our most exciting innovation to date. It is a new initiative designed to satisfy the academic thirst of our pupils beyond the taught curriculum. It provides an increasing range of opportunities for further academic endeavour and promotes the development of creative and intellectual talents across the school community. The structure of the Denstone Diploma enables us to further improve our oversight and celebration of academic excellence across the college.



Specific Sixth Form enrichment opportunities are in place for potential Oxbridge and Russell Group university applicants including subject mentors, university taster experiences, field trips, enrichment outings, discussion dinners, debating competitions, school-wide events such as 'Denstone College Question Time', UCAS mentoring, and many others.

Each year our young people leave us prepared for the very best UK and international universities including Oxford, Cambridge, Russell Group and Times Top 20 universities. The last two years have seen pupils go on to study a wide range of subjects at their first choice university, including Medicine at Jesus College, Cambridge, Natural Sciences at Durham, Mathematics at Loughborough, Economics at Bath and Aeronautical and Astronautical Engineering at Southampton. Denstone College offers a rich, varied and stimulating learning environment which sets high standards and provides close mentoring to ensure our pupils exceed expectations.

What supports them in these efforts is an environment which applauds success, exceptional teaching by subject specialists, and a level of academic and pastoral mentoring that genuinely cherishes the individual.



Our Virtual Open Morning is on Saturday 16 May 2020

The best way to discover what Denstone College can truly offer your child is to come and see us. We have annual Open Mornings, but we are also delighted to welcome you to visit at a time that suits you. Please contact Admissions at admissions@denstonecollege.net, or call 01889 591415 to make an appointment.

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Conveyancing market stakeholders produce industry guidance for firms during Coronavirus crisis

The Law Society today endorsed industry-wide guidance to conveyancing firms advising clients on house moves during the Coronavirus crisis.

The guidance has been prepared by a group which includes the Law Society, the Society of Licensed Conveyancers (SLC), the Chartered Institute of Legal Executives, Bold Legal Group and the Conveyancing Association (CA), and has the support of government departments including HM Land Registry.

Its primary purpose is to help conveyancers assist clients and comply with the latest government regulations and Guidance on home moving, in particular:

Home buyers and renters should, where possible, delay moving to a new house while measures are in place to fight Coronavirus and in accordance with government guidance.

If the client has already exchanged contracts, and the property is currently occupied, then all parties should work together to agree a delay or another way to resolve this matter.

If moving is unavoidable for contractual reasons and the parties are unable to reach an agreement to delay, people must follow advice on staying away from others to minimise the spread of the virus.

This additional Guidance covers four key areas:

AMENDING EXISTING CONTRACTS.

- Advice for clients who have already exchanged contracts.
- Advice for clients who have not yet exchanged contracts.
- Advice for clients who have to move during the current restrictive period.
- In terms of amending existing contracts, the stakeholder group has worked together and

agreed a draft clause and the process for firms to follow when varying a completion date.

The guidance sets out the need for conveyancers to exchange a written agreement to alter the existing contract, to e-sign or authorise the conveyancer to sign on the client's behalf, to formally exchange documents and to ensure clients are fully advised in accordance with their own circumstances.

It also outlines how firms might wish to consider issues that may arise around the client's mortgage, searches and any additional costs that might be involved.

It also urges firms to treat every case on an individual basis and any clauses or processes recommended by the firm should be amended according to the individual needs of the client.

Within the document there is also specific advice that conveyancing firms can offer to clients who have exchanged, have not exchanged, or for those who have to move during the current restrictive period.

View the guidance at: <https://www.lawsociety.org.uk/support-services/advice/articles/guidance-to-conveyancers-advising-clients-on-house-moves/>

Simon Davis, Law Society president, said:

"The Law Society recognises the real difficulties faced by those who are trying to move home, particularly for those who have exchanged contracts, but are not able to complete, for a variety of reasons created by the restricted movement requirements.

"The guidance from the government, and that produced by the Law Society in conjunction with other conveyancing bodies, is our attempt to offer some solutions in these exceptional circumstances.

"There are no simple solutions and the position is one that is fluid and changing. We will keep it under review and if necessary step in again.

"The general guidance about the impacts of coronavirus on firms and their practice and the general conveyancing information is available."

Paul Smee, chair of the Conveyancing Association, commented:

"At present, home moves should not be contemplated unless the need to move is critical. So, this guidance only applies to cases where contracts have already been exchanged and the parties involved have been unable to agree on a delay in completion. It outlines the relevant requirements that have been put in place by the government to counter the spread of the virus, and what conveyancers need to do to work within them. Home moves can only occur where it is safe for them to do so. Some cases will have special features on which specific advice will be needed and home buyers and sellers should always talk to their conveyancer.

"Firms should be prepared for a changing situation and their service will need to respond flexibly in order to comply with the government's evolving objectives. To that end, we are also able to provide members with access to business continuity guidance, provided by both individual member firms and the SLC, which is available on the CA website.

"This has been a real collegiate effort amongst a range of conveyancing trade and sector bodies, plus the regulators and government departments such as HM Land Registry, to provide this supplementary guidance that should help firms to work through such cases."



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How Many Routes to Resolution?



Chris Makin

Let me count the ways... [Elizabeth Barratt Browning, Sonnet 43]

Yes, there are many ways of resolving disputes, and it falls to the skilled

legal practitioner to choose the right one. It is no longer the case that going to court is the only way.

In criminal cases, court is the almost inevitable route. But let's not be so hasty. If, for example, fraud is detected, going to the police is not necessarily the right choice to make. If a business has suffered financial fraud – say, an accountant who has stolen cash, falsified records, run a scam with suppliers – the size of the fraud can often have brought the enterprise to the brink of insolvency. The urgent need then is to recover the money – fast. Reporting matters to the police can result in them seizing as evidence the very records which are needed to pursue the offender. You need a skilled forensic accountant who can quantify the loss and help confront the offender for restitution, without destroying the evidence needed if a formal claim must be made, or if a criminal prosecution becomes necessary.

In big ticket family cases, the FDR (Family Dispute Resolution) is commonplace. A senior family judge hears the evidence in submissions, makes a finding, and encourages the parties to go away and agree matters. If that fails, the whole case is heard before a different judge for a binding decision. Members of Resolution are keen on collaborative law, where both spouses and their solicitors do their best to agree matters in meetings. Since the lawyers must stand down if discussions fail, and since the parties must then instruct different lawyers at additional cost, everyone is committed to reaching a settlement.

Mediation is good in family matters. Specially trained family mediators hear both sides in a series of meetings, and help find common ground. In most cases the parties are supposed to attend a MIAM (Mediation Information and Assessment Meeting) before they can have a hearing, though adoption of this is patchy in some areas.

Whilst I am a civil and commercial mediator,

not a family mediator, I have successfully mediated the financial aspects of divorce. For example, two married GPs had a "job share" sole general practice, but one of them was also a part-time occupational health consultant. There were no children, and there had been no violence. Once it was agreed that one would take the GP practice and the other build up their consultancy, and we reached agreement on house, savings and pensions, there was very little left to agree later.

In civil litigation, the choice is wide. There is of course always the option of talking to the other side, and indeed many personal injury practitioners are fond of the joint settlement meeting.

Arbitration is available, and for some cases it is ideal; one can have a fair hearing, before an arbitrator of the right profession to understand the issues, and with a legally binding decision; and for big cases it is far quicker than waiting for a high court hearing. But arbitration can be so formalised that it becomes just as lengthy as going to court, and you have to pay the arbitrator rather more than the court fee. I had an interesting experience when a small firm of solicitors had a dispute about how much the senior partner should receive on his retirement. It had gone to arbitration, where a very senior arbitrator had charged more than the amount in dispute! And, worse, he had made an award only on principles, and the quantum still had to be decided. So I was appointed to do an expert determination and put some numbers onto the principles. This I did, at a far more modest fee; but it still proved an expensive exercise for these poor solicitors.

Expert determination (ED) should not be overlooked. I was one of the first five to be accredited an expert determiner at The Academy of Experts, where I now examine candidates. You can regard ED as a cheaper and faster form of arbitration; the expert is chosen for his appropriate experience, and the process is done largely on paper, though formal hearings can be held if necessary. I am on the President's panel of EDs at the ICAEW, and am brought in often to resolve Share Sale/Purchase disputes, but I have done other kinds, such as the partnership case above. On one occasion I even had to settle a dilapidations claim for a couple of department stores!

Then we have Early Neutral Evaluation, where, similar to ED, I receive submissions

from the parties and their advisers, and then issue a non-binding determination. If they can't agree matters after that, I can conduct a mediation to agree on what is left.

So there are many ways to skin a cat!

Which brings me to mediation. I am getting much busier as a mediator, though still very busy in my "day job" as forensic accountant and expert witness. So there are still many people who follow the conventional route, but with costs budgets, costs penalties, and the courts cluttered up with litigants in person, that is changing. And the litigator has a constant duty to consider ADR.

Let me close by telling you about a wonderful experience I had recently. In a big dispute over professional negligence, the parties wanted two mediators: a lawyer and an accountant. The lawyer they chose was Sir Alan Ward, recently retired as a Court of Appeal judge, now a mediator and latterly chairman of the Civil Mediation Council. But, although he had always been very supportive of mediation in his judgments, he had not yet done a mediation.

The accountant mediator they chose was yours truly. But I have done over a hundred mediations, whereas this was the first time Sir Alan had seen the inside of a mediation. And, do you know, he was wonderful! So wise, so well-informed of the procedure and the case, and with such a soothing bedside manner. And never once did he revert to making judgments. He was the sort cop, and naturally I was the hard cop! The whole experience was a delight, and I in turn learned so much from this "beginner"!

So to conclude, the choice of methods to settle disputes is wide, and I am always happy to talk about them to anyone who will listen!

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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. 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 – now with videos!

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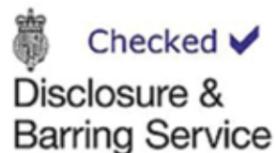
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Embrace Remote Working

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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Change is a constant in conveyancing

Law Society outlines changes to the Conveyancing Quality Scheme

The recent Geodesys CPD event saw Eleanor O'Reilly-Joe, Head of Accreditation at the Law Society and Peter Rodd, CQS Chief Assessor, bring the packed room up-to-speed on recent changes to the Conveyancing Quality Scheme (CQS).

What's new with the CQS?

First launched in January 2011, the Law Society scheme offers a recognisable standard of excellence in the provision of residential conveyancing services.

In February 2019, the CQS Core Practice Management Standards were updated and expanded. All firms were required to update and embed the requirements by 1 May 2019.

Since the introduction of these changes, the Law Society has increased the level of support it has in place to drive continuous improvement. From November 2019 to January 2020 it carried out an assessment pilot to monitor compliance amongst members and provide feedback.

What did the pilot reveal?

The pilot included both desk-based assessment, focussing on typically high areas of risk such as file reviews, SDLT and leasehold conflict, and on-site visits, which also included the assessment of policies and procedures. Both types of assessment were designed to audit the law firm against the updated Core Practice Management Standards.

The assessments identified non-compliant aspects across all Core Practice Management Standards.

The solution: resolving non-compliance

If a conveyancing practice is found to be non-compliant, it receives a letter from the Law Society laying out any breaches and suggesting a corrective course of action. They are then given a fixed period of time to correct infractions (21 days for minor breaches and three months for major breaches,) after which they are obligated to provide evidence of the corrective action they have taken.

The assessor's view

Peter Rodd stressed that risks in conveyancing had increased enormously in recent years and those involved in conveyancing could not afford to be complacent when it came to make the necessary changes to their processes. He urged firms to be particularly vigilant when it came to the following areas of risk:



- **Fraud:** Peter advised that all conveyancing teams should have a list of red flags that could be indicators of fraud. For example, is it reasonable that the buyer could have saved a significant amount of money? There are various clues which should prompt a request to the seller's solicitor to share due diligence.
- **SDLT:** Every transaction should have its SDLT calculation double-checked to make sure it is based on the right information. SDLT threatens to become the next PPI scandal as unscrupulous companies encourage dissatisfied clients to put in a claim.
- **Client care:** Client expectations are usually very different to the reality so it's important to be as upfront as possible as to how long the transaction is going to take. To avoid buyers feeling that nothing is happening, conveyancers should agree levels of communication at the outset.

Conveyancing: change is a constant

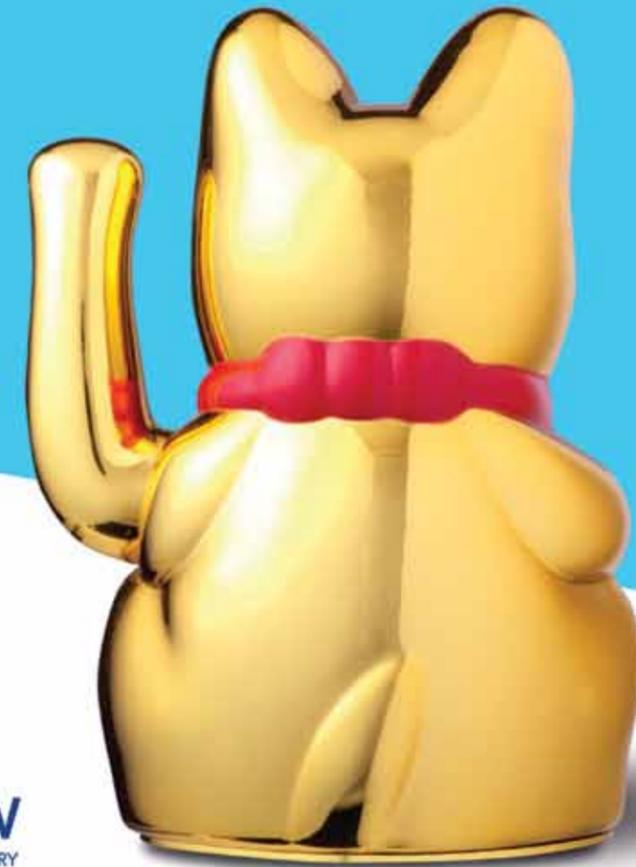
Peter also stressed that change would continue to be a constant theme in conveyancing so those involved in property transactions should keep an eye on the Law Society's website for details of practice notes. Further changes to CQS will be announced in 2020 and the Law Society will be offering a number of briefing sessions to all those involved in conveyancing compliance.

Over the last year Geodesys has been working with the Law Society to promote the CQS in order to help our clients. We have also introduced the Geodesys Compliance Service which can help conveyancing teams ensure they are complying to the updated CQS Core Practice Management Standards. Please contact kay.toon@geodesys.com for further details of our bespoke service.



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Taking software integration from zero to hero



When it comes to software, attempting to be 'all things to everyone' is a naïve 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 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-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, call 0161 236 2910 or visit 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 cashing services to the legal profession for over 40 years.



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