



niche law

Some practical pointers and suggestions of how to deal with issues that affect you

Meeting of Minds

People who are separating or are considering a divorce often find the prospect of court proceedings daunting. Court proceedings can be lengthy and costly and the parties are allowing a judge to have the final say in matters relating to their finances or children, leaving many people feeling that they have little influence on the outcome and that the Order made by the court is impractical or unfair. However, there is an alternative to court proceedings, says Clare Kirby of Kirby & Co.

Collaborative law is a new, non-confrontational way of dealing with family disputes. Each person appoints their own lawyer but instead of conducting negotiations by letter or phone, the parties and their lawyers work together in a series of four way meetings without the threat of court proceedings, to find a fair and mutually acceptable solution. The advantage of collaborative law is that the parties retain control of the process and can set the pace at which it proceeds. It avoids the acrimony, delay and high costs associated with court proceedings. If successful, it leads to solutions tailored to the individual family, rather than an Order imposed by a judge. As the process is voluntary, it is more likely to lead to long-lasting outcomes that both parties will respect. Clare Kirby is a trained collaborative lawyer and will be able to provide further information about this process.

Party Time!

We are now coming up fast to the festive season, a time of parties and corporate gifts – “This can be a minefield for employers, so if your

managers seems to be sending out scrooge like memos do have some sympathy for them” notes Jennifer Ison of SW19Lawyers, a specialist employment law firm.

Employers do want to reward employees for their hard work during the year and to encourage them to relax and have a good time but the growing amount of employment legislation does rather put a damper on things. “ If employees do overindulge at a party and then misbehave, your employer can be liable for any acts of harassment even if this takes place off the Company’s premises” warns Belinda Eriksson, another partner at SW19Lawyers. So it maybe goodbye to the mistletoe at Christmas parties.

You could find that, instead of Christmas good wishes, you and your colleagues are the recipients of internal memos issuing instructions about behaviour at office parties and warnings of disciplinary proceedings. Reports of six figure damages being awarded in the Employment Tribunal, have brought this about.

Even if you are lucky enough to receive a generous gift from a satisfied customer or client, you may find that new company rules require you to hand it over to charity. “One reason may be to avoid any potential problems under the new Bribery Act” explains Jennifer.

So, do be understanding of your employers even if they do not seem to have taken on the message of the Christmas spirit in its purest form.



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