

# Leicestershire Law Society magazine

## PATRONS & BUSINESS PARTNERS



## CHRISTL HUGHES MBE RETURNS AS LLS PRESIDENT

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  - FIRST FEMALE HEAD OF LAW FOR THE UNIVERSITY OF LEICESTER
  - DOMINIC MCDEVITT ON DISABILITY IN THE LAW
- And much more...



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# EDITOR'S INTRO



Firstly I want to offer a huge thanks to those who have contributed to this edition of the magazine in these extraordinary times.

Our second Covid-19 issue has been a real challenge and several of our writers have contracted Covid-19 themselves. I am very grateful for the hard work of everyone in bringing this magazine together. I think we have some fascinating, personal and thought-provoking articles, which I hope you will enjoy reading.

In this edition, we welcome our new President, albeit a very familiar face, in the returning Christl Hughes MBE, who

becomes President for the second time. Whilst we sadly say good bye to Lucy Miller, Christl will be ably supported by Kauser Patel, our long term LLS Manager, who had been away on maternity leave.

Diversity and inclusion are central themes of Christl Hughes MBE's Presidential Year, as set out in the President's Report. We have articles in this edition dealing with disability, ethnicity, opportunity and leadership, raising interesting questions for the legal profession in the 21st century.

Whilst our social calendar has not been as packed as in previous years due to the Covid-19 pandemic, there has still been lots to shout about for the LLS. We have had

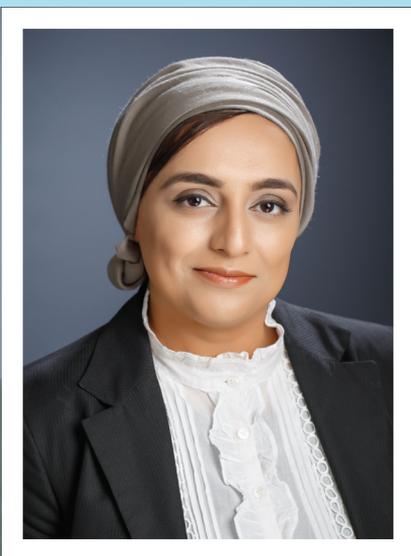
quizzes, training events and we have some fantastic events coming up later in 2021, including our long awaited Annual Awards Night. You can read about the latest news and developments in the Leicestershire legal landscape in our membership pages.

As always, I am keen to hear from our readership with articles they want to write, ideas for future features and any suggestions for making the magazine even better. I look forward to hearing from you.

**Daniel O'Keeffe,**  
Editor,  
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Moosa-Duke Solicitors  
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## THE RETURN OF LLS MANAGER KAUSER PATEL



We are delighted to welcome back Kauser Patel as our LLS manager.

Kauser previously worked for the LLS for 5 years (6 Presidents) and delivered more events than she can remember. After taking

a couple of years off to spend with her two young boys Kauser returned to the LLS in September 2020, as her predecessor Lucy Miller moved on to work with LLS Patron DG Legal. We wish Lucy all the best in her future career and thank her for her hard work for the LLS.

Our Manager Kauser is an indispensable member of the LLS team.

Kauser is responsible for the day to day running of the LLS as our sole employee.

As the presidential term only runs for 12 months, the LLS manager's role is integral in ensuring the continuity of the Society from one year to the next.

Working with the President and Events sub board, Kauser co-ordinates and promotes all LLS events and works with the Education & Training sub board to arrange our training courses.

Kauser maintains the LLS website and social media content, keeping everything as up to date as possible, including event photos, online editions of the magazine, ticket releases and news updates.

Kauser is the co-ordinator for Committee and Executive Board meetings, creating the Agendas and writing up Minutes from each meeting to be circulated.

Any membership requests can be sent to Kauser and then circulated to the Main Committee for approval. Kauser is the lead contact for the LLS patrons and event sponsors.

Kauser is always keen to hear any suggestions for the website, social media platforms, or event/training ideas.

**For all LLS queries please contact Kauser on:**

[office@leicestershirelawsociety.org.uk](mailto:office@leicestershirelawsociety.org.uk)

# Acting for Seller and Buyer – The **Classic Conveyancing Conflict**

Lorraine Richardson provides a reminder of conflicts of interest in conveyancing, focusing on one of the key areas where risk can arise: acting for both the buyer and seller in a transaction.



**Conveyancing solicitors have got more to worry about than conflicts, haven't they? It might seem that way, but avoiding conflicts of interest is an ongoing professional duty. Also, I would suggest that the current upheaval makes conflicts more likely, and thus more of a risk for conveyancing firms.**

Solicitors should think carefully about whether their firm should act for seller and buyer in the same transaction. This article is written from the perspective of conflicts in conveyancing for solicitors. Licensed conveyancers are governed by a different conduct and conflicts regime.

Anyone considering conflicts of interest should remember that an actual conflict of interest is not the requirement. The purpose of the Code of Conduct is to avoid conflicts arising in the first place. This is why solicitors must always be looking out for a "significant risk" of a conflict. A significant risk is sufficient for the solicitor to decline to act. It may be a cliché, but prevention is better than cure: avoiding a conflict in the first place is far better than trying to clear up the mess if a conflict arises.

The reason that identifying a potential conflict and avoiding it is so important is because if a conflict between clients arises during the transaction and the solicitor concludes that they are unable to continue acting, they should inform the clients accordingly, and cease to act. The solicitor should also advise the affected clients to seek legal advice elsewhere and will no doubt lose the costs on the file.

When considering whether it is appropriate to act for the seller and buyer in the same transaction, some solicitors will apply the following criteria:

- the clients are established clients of the firm
- separate fee-earners act for the seller and buyer; and
- each fee-earner is based in a different office

These may look familiar. These criteria are, in fact, the exceptions to the prohibition for acting for seller and buyer which applied in the 2007 Solicitors' Code of Conduct. They have not been applicable since 2011. While they might be helpful indicators when considering the overall risk of conflict, they are not in themselves exceptions which allow the firm to act.

I suggest the starting point is that the firms do not act for the seller and buyer in the same transaction. The fee-earners involved should try to justify to themselves why they should act, and note their detailed considerations on the file. If the firm decides it can act in this situation, it should then obtain the informed consent in writing from all affected clients, to allow the firm to act.

But acting for the seller and the buyer in the same conveyancing transaction should be an exceptional event. It is necessary to ensure that it is in each client's best interests for the firm to act. If a firm concludes that it should act for seller and buyer in the same transaction because it does not want to lose both sets of legal fees, this is a classic example of the firm putting its own interests above those of the clients.

It is fair to say that solicitors' firms have vastly differing approaches to matters of conflicts of interest: some firms take conflicts of interest very seriously and have a clearly defined process to follow, while others give this little or no thought.

Whatever the attitude of the firm to conflicts, I suggest that all staff in a conveyancing team, of whatever experience, should be encouraged to trust their instincts in relation to conflicts and report any concerns to a more senior member of their team. 'Knowing what you don't know' is a powerful risk management tool when it comes to conflicts.

**Lorraine Richardson is an experienced property solicitor, author and speaker, and Managing Director of property law training provider, Adapt Law Ltd ([www.adaptlaw.co.uk](http://www.adaptlaw.co.uk))**



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# PRESIDENT'S REPORT



**Greetings! To members, Patrons, Sponsors and other Leicestershire Law Society supporters.**

Happy New Year and let us all hope that 2021 will be an improvement on 2020.

At the AGM in September 2020 I was delighted to be elected as your President for the second time. I am therefore the 161<sup>st</sup> President, the 2<sup>nd</sup> and 9<sup>th</sup> female. I am not the first to serve more than one term - predecessors who did that include Mr. E Percy Smyth and Charles Crane, founder of Crane & Walton, respectively during and after World War II.

Issue 20 of this publication featured my immediate predecessor Glynis Wright at her

“Triumphs Of Leicester” Dinner in February 2020, an event which was itself a triumph crowning an equally triumphant tenure. Well Done Glynis on that and becoming the 4th LLS President to be awarded the MBE (the other three are Mehmooda Duke DL, Peter Smith referred to below, and myself).

At the time of writing (New Year’s Eve) I remain hopeful that I will be able to stage at least one or two real life events over the summer in addition to the Awards Ceremony in May.

Congratulations to Nelsons and Glynis Wright & Co on their merger and also to the Christmas Quiz winner Angela Titley-Vial. Runners up were Drew

Dennis of Gateley Legal and David Gilmore Director of our Patron DG Legal.

Goodbye and Good Luck to our former manager Lucy Miller who moved on at the end of September and welcome back to Kauser Patel. Farewell also to Rav Hothi our National Law Society Relationship Manager. Rav served us well over many years despite covering a geographical area stretching from Newcastle to Devon. From now on our only non electronic contact with Chancery Lane will be through our Council member Linda Lee, although solicitors will of course continue to receive emails such as the weekly Professional Update.

I was admitted in 1980 and retired from High Street (litigation) practice in 2011. Since then my roles in the voluntary sector have included Secretary of the Gender Identity Research & Education Society (GIREs), Chair of The Solicitors’ Charity, and Committee member of Association of Women Solicitors, London. Having been delighted to be honoured for services to Equality & Charity at New Year 2020 my plan is to work on those themes during my term of office. So I have started by setting up a new Award for voluntary services in memory of LLS Past President Peter Smith MBE\*, founder member of our local charity Menphys and involved in many other local roles too. Huge numbers of solicitors undertake pro bono and other unremunerated work within the third sector and I wish to recognise that. The application form can be downloaded from the website\*\* and the closing date for nominations is Sunday 14th February 2021.

Moving on to Equality & Diversity I am delighted to be serving as President of what has been described as one of the most vibrant and successful local law societies in a community which has itself been described as one of the most multicultural and cosmopolitan cities in the UK. The profile of our profession locally reflects that and your Committee has embraced the current issue of Black Lives Matter. Our Antidiscrimination Statement is on our website and work on that is continuing. There are vacancies on both the Equality & Diversity sub board and other sub boards and if you are interested in getting involved do please contact our Manager Kauser for more information.

We continue to work very closely with young and aspiring solicitors through the Junior Lawyers Division and our two local University Law Schools. Congratulations to Professor Sally Kyd on her appointment as Head of Law School at Leicester, the

first woman to hold that post.

The feminisation of our profession continues with the number of women admitted annually now exceeding the number of men but issues do remain such as a high attrition rate, sexual harassment, the gender pay gap and low representation at the top for example. I intend to do an event in 2021 for our lady members hopefully including our several fantastic local female role models in both the public and private sectors.

What has changed since 2005 when I first wore the LLS chain of office? Almost everything!

Regulation, firm structures, the demise of legal aid, the return of the paralegal, Court closures and now of course remote working are examples. For me the most significant development is the decline of the traditional High Street partnership business model and the emergence and success of the "niche" specialist practice. In addition Leicestershire Law Society now welcomes Barristers' Chambers into Associate Membership for example and the formal black tie sedentary Annual Dinner has been replaced by music, dancing and fancy dress at the Awards. The structure of LLS has also changed with the Executive Board replacing the old Finance and

General Purposes Committee for example and the advent of the Deputy Vice President role reflecting a longer run in period for a workload of increased volume and complexity.

My Charity for my term of office will be our profession's own Solicitors' Charity formerly known as the Solicitors' Benevolent Association. \*\*\*

It is a charity working for solicitors both past and present and their families. Every year the Charity helps hundreds of people of all ages and backgrounds who are unable to support themselves financially, due to ill health, life-changing disabilities, unemployment, low or no income, family crisis or older age.

The Charity provides welfare grants and other support grants, assistance with getting back into work and access to advice on welfare benefits and managing personal debt. The Charity also works closely with partners such as Law Care and the Solicitors' Assistance Scheme offering general well-being support plus regulatory and legal advice.

During the current pandemic and in its aftermath, the Charity is making more funds available, widening the support provided and offering information and support to help any solicitor who is

impacted by the virus.

Since the start of the lockdown LLS has continued to offer training and social events by Zoom and that will continue in 2021. Training events already announced for the New Year cover the Stamp Duty Land Tax holiday and Litigation Funding. An event with the JLD is in the pipeline, together with the Book Club and perhaps a ghostly online Murder Mystery...

Hopefully by the time I write this column again we shall be back to "normal". Meanwhile keep going everyone and thank you all for your support during this difficult time.

**Christl Hughes**

President of the Leicestershire Law Society

\* Obituary Issue 19 Winter/Spring 2020.

\*\* Peter Smith Award - Leicestershire Law Society

\*\*\* <https://thesolicitorscharity.org.uk>

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# "LAWYERS ARE NOT MADE THEY ARE BORN"



**Whilst I was making my way through law school, believing I was at the pinnacle of all knowledge, enthused to be unleashed on some poor client and believing in my high principled self that I was to be one of the saviours of society with my bleeding liberal heart, wondering why we couldn't all just get along, a friend of mine told me that "lawyers are not made, they are born".**

Strangely his words instinctively made sense to me, I knew from a young age I was going to become a lawyer, as I genuinely had an urge to help everyone. It is possible I was also influenced by the likes of *LA Law*, a show I am sure I was much too young to watch, but it was the 1980s. Health and Safety and ratings for TV shows had not been invented yet!

At my tender pre-teen age and influenced by the glossy American law show, I had not understood the different categories of lawyers, I just knew I HAD to become one. By my early teens I was known as being the helper amongst my peers, the one they would come to for "sound" advice. In retrospect, I don't know why any of us thought that was a sensible idea, but who can fathom the teenage brain. By year 10 work experience, one or two of my teachers were quite supportive of my ambitions to study law and they helped me to arrange work experience at the Crown Prosecution Service. However, I was subject to very little law, and spent much of the time conducting data entry and looking up information. I thought it was boring as hell, but now I understand data, information and research are quite fundamental to any case.

One of my teachers was very generous and gave me his copy of a criminal law book –

however, I don't believe I ever read it, as it was pretty dated at the point of gift. In any event, by the first year of University, I knew I did not want to practice criminal law. At the time it seemed to me that as lawyers, we were simply cogs in the machine and not truly challenging the system. With views like those, I'm sure I would have been labelled an "activist lawyer".

Nonetheless, I will be forever grateful for the interest of those couple of teachers in what I wanted to achieve. A bit of encouragement and confidence building truly goes a long way in young people. I did not attend the local grammar school, where you have instilled in you a sense of an expectation of success, but a local state school, which had a diverse population of people from a modern middle class background, like myself, children from economically deprived backgrounds, and everyone else in between.

I saw a number of my peers drop out of education, namely young Black boys for numerous societal reasons, and a couple of my peers had teenage pregnancies. So to be in that environment and be able to have the confidence in one's own ability to achieve, to have the grit to be single-mindedly focussed, so as to graduate with a very decent degree, qualify as a solicitor and become a business owner, is a significant achievement.

I grew up in Leicester in the 1980s. At the time, Leicester was not known for its multi-culturalism, of which it has proudly sang about for the past 20 years or so. During the 80s, Leicester was quite a difficult place if you were from a Black background. The Leicestershire Police force was known for significantly and disproportionately stopping Black people over other racial groups. Racial tensions were felt in all walks of lives. Therefore, I, as a young Black person, and despite the notion instilled in me by family that I could achieve, I also felt the pressure of the unspoken second path I would have to walk. Somehow, I had to navigate subtle or at times very overt racism, teachers who would pass me over, even though it was obvious I was bright, being followed around the shops, or receiving verbal abuse in the street and workplace. I have also felt and seen the subtle signs of racism at professional events, where I am asked for the umpteenth time where I am from (I often reply tongue in cheek that I grew up in Leicester); or comment on how well I have done to get here, from my assumed working class roots; or some flippant comment about being associated with Highfields or cannabis. I am not from the area, but should it matter if I was. For

the record, I do not use any intoxicating substances, whether illicit or otherwise, but in a world where even MPs and US Presidents have been known for using Cannabis, who doesn't know somebody that has used it. Also, like Alexandra Wilson (author of 'In Black & White') and other Black lawyers, I have been mistaken for the social worker, Cafcass officer and someone's mother at Court. Heaven forbid, I may just be the solicitor with her own practice. I know I have the legitimacy to be where I am, as I put the work in. I attended law school; obtained the training contract; qualified; continued my professional development over the years. I have done all of this with integrity, honesty and with the value of knowing that I am combating injustice and I am helping people to achieve their objectives. In any event, as a person from an "ethnic minority" background, this is a path well trodden and I have become an expert at shrugging off the ignorance of others and networking a room.

Early in 2020 I had a number of speaking opportunities with the students at the University of Leicester, Beaumont Leys secondary school and Leicester Girls High School, and I was quite saddened to have the same question asked at all three places. The essence of the question was how do I as a Black woman, and therefore, they as young Black women or even young Black men, find their place in this world and deal with the racism which they face. What I had to say to them was the racism is not their problem; it is the issue of the person who's being racist towards them. I felt that they (and I) had to learn resilience to know that we may go into educational institutions or the workplace or into the Court and we may be faced with an individual who may dislike us because of the colour of our skin or for being women or the double impact of being Black and female. I wanted those young people to know that all they have to do is be true to themselves, conduct themselves with integrity, honesty and have grit to face the inevitable challenges. I wanted them to know that they will overcome as long as they stand their ground.

My experiences are a reason why I believe it is important to help young people obtain experience in our profession, as well as amongst other professions. It is important for young people to recognise, no matter their background; whether it be one classed as economically deprived; an "ethnic minority"; being a female in a traditionally male dominated arena or whether they have a disability, they still have a place. Our profession can only grow and become enriched with people of diverse

thought and experience.

In 2017, my co-Director, Ruth Goward and I received SRA recognition to start AGR Law as a solicitors practice. The first 2 years were very busy with our achievements. We obtained Lexcel Accreditation, putting client care and ethics at the heart of what we do. We contracted with the Legal Aid Agency, established a Polish Department, opened a 2nd office in Northampton and Ruth came in the top 3 of the round of Resolution Accredited Specialists. However, more rewarding, we received an accolade from our

peers by becoming LLS Small Firm of the Year winners and we were finalists at The Law Society Excellence Awards.

I will finish on my appointment of Deputy Vice President of LLS in 2020. The appointment took place on the first day of Black history month, in a year where global recognition was given to the injustices faced by Black people in America and on our own doorstep. We are in a time where we are advocating for change and a more diverse profession. However, I am very proud to be part of an organisation which has strived towards diversity and inclusion. The LLS has

had a diversity subgroup for some 11 years. It is celebrating its 10th female president and I am the first African-Caribbean woman to be appointed to the position of DVP. This is very fitting in a year where our President's theme is diversity, where our immediate past President celebrated 100 years of women in law and our past President before ran many events demonstrating the diversity in the profession. I am looking forward to working with my colleagues, contributing to the work on diversity and protecting the Rule of Law.

**Gina Samuel-Richards**

## LLS ANTI-DISCRIMINATION AND MODERN DAY SLAVERY STATEMENT

**At Leicestershire Law Society, we have always valued diversity amongst our members, Patrons, Business Partners, Guests and Volunteers.**

2020 has been an eventful year highlighting many injustices still prevalent in our societies in England and further afield. These events have caused us at the LLS to reflect on our work in diversity,

equality and promoting justice.

At the LLS we stand in solidarity with those who have been affected by discrimination and modern slavery. We are open to challenge in our own practices and note how unconscious bias can lead to unintended consequences. We will therefore actively review our own practices

to ensure they do not adversely effect any protected group of people.

Bias and discrimination are a threat to a just and functioning legal system, which is an important part of a democratic society. We will therefore challenge bias and discriminatory practices that lead to injustice in our society. This will ensure the Rule of Law applies to everyone equally and justly.

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# TESTING TIMES



**Every year the solicitors' renewal season directs focus on particular key issues affecting law firms. This event takes place against a concerning**

**backdrop that firms might have to close if they cannot obtain or afford cover, or that insurers might withdraw, and there might be no viable market for all.**

As professional indemnity insurance (PII) is compulsory, some firms may feel that it is not correct or fair that their right to practice can be decided ultimately by whether insurance is available for the firm, but that is an unfortunate consequence of the open market solution that has been in place since 2000.

The history of solicitors PII arrangements demonstrates that at particular crisis points in the past 50 years, significant and sudden change has been necessary in order to preserve arrangements for public protection. Given all the current uncertainty, and with new business capacity from insurers very low, this year looked like it might be extremely difficult.

However, despite the stresses and strains of a global pandemic, substantial constitutional change, and significant losses washing through the market from buyer-funded developments, this year's renewal progressed in a reasonably organised manner and cover was available for most firms. Sadly, some firms were not able to find cover on terms they could afford, and reports are appearing of some having to close. Pricing increases were again the norm, and we worked very hard to limit their impact.

In the past, competition between underwriters has been a strong factor limiting increases, but as underwriters have withdrawn from the market, the advantageous impact of this factor has decreased. That fierce competition meant that the overall market

operated at a loss, as all premiums collected did not cover all the claims.

Some will have done better or worse, but for many firms the increase in primary pricing will have again been around 20-25%, and excess layers have increased by roughly 30-40%, and more in some cases. However, such statistics hide myriad factors such as growth in fees and individual firms' incurred losses.

Some brokers may report higher or lower increases, but this does not mean they have done a better or worse job of broking, as ultimately the loss performance of the firms they represent is the largest factor in determining price. These rate changes are part of a global picture and Marsh's rate monitoring report for the third quarter indicated:

*The average composite price increase of 20% was driven principally by property insurance rates and financial and professional lines. Among other findings, the survey noted:*

- Global property insurance pricing was up 21% and global financial and professional lines were up 40% on average, both greater than the increases reported for the second quarter

As we look to the future, some key points to remember from this year's experience, which are likely to apply next year, include:

- Budget for increases based not only on your own performance (growth in income and claims), but based also on what your broker indicates is the current position with the market, and the work profile you undertake.
- Start renewal early, and get your renewal quote as soon as possible. The process is taking longer as primary underwriters are asking more questions and excess layer underwriters select risk much more carefully than several years ago. If you hear your insurer is not offering renewal, start the renewal process immediately, even if your quotations aren't immediately available.

- Review your practices around business referred to the firm – insurers have paid many millions in relation to dubious property and pension investment schemes, and the Solicitors Regulation Authority's thematic review found as follows: *"The report looked at past cases where law firms had been found to have acted on behalf of sellers of potentially dubious investment schemes. It found that in more than half (63%) of cases, solicitors had failed to carry out proper due diligence on those who ran the schemes, with no checks carried out at all in 20% of cases."* <https://www.sra.org.uk/sra/news/press/investment-schemes-thematic-review-warning-notice-2020/#:~:text=The%20report%20looked%20at%20past,all%20in%2020%25%20of%20cases,17%20August%202020>

- It seems likely that underwriters will continue to focus on this area next year.

- Record what you do to continue to deliver supervision, training, and auditing/quality monitoring in a changed environment on an ongoing basis. Ensure records of supervision are created across the business.

- Lastly, a big thank you to all our clients for putting their faith in us. We hope we have repaid this faith, and we will continue to work on your behalf in what is a very testing time.

## Nam Qureshi

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# SEE THE **ABILITY**, NOT THE **DISABILITY**



**November 2020 saw the 25th anniversary of the passage of the Disability Discrimination Act 1995 (DDA). At the time, I was a schoolboy of 16 and the campaign for disabled people's Civil Rights was very close to my heart as a result of being born with a physical disability. An impairment has implications far beyond the issues such as medical negligence. Particularly when it comes to society's misconceptions and stereotypes.**

The road to disabled people's rights was not smooth. In March of 1994, a Private Members' Bill, the *Civil Rights (Disabled Persons) Bill*, was run out of Parliamentary time and so, was prevented from becoming law, amid much protest. These events made a huge impression on me, as I saw how important the law is in ensuring a person can take their place as an equal in society. I was concerned that there should be a level playing field. I wanted the same opportunity to build a future just like anyone else. Why should my Cerebral Palsy mean that I did not have the same goals and aspirations as anybody else? I was forthright in articulating this point to my then Local MP. The Campaign ignited a passion for the law, that inspired me.

I look forward to a time when firms of Solicitors are more vocal in valuing disabled members of staff and recognise the talents and insight that lived experience of disability brings. When I deal with Solicitors' firms, I am always disappointed that I have yet to

encounter a Solicitor or even a Paralegal who is like myself. In the 21st century, that's shocking and surprising.

The "low priority" afforded to disabled people can be seen from weak and poorly enforced legislation that took the form of the Disabled Persons (Employment) Acts of 1944 and 1958. Following these Statutes there was a voluntary register for Disabled People and a quota system established. This quota system was supposed to require employers of 20 or more people to employ a workforce of disabled people to the proportion of 3% of the total workforce. This legislation lacked an effective enforcement mechanism and fell into disuse.

It would seem that the attitude, that disabled people were a 'burden' and a section of society to be addressed as a 'problem', rather than as a section of society with something to offer, and part of the community to be engaged with, was the prevailing one for many years and is still stubbornly persistent.

The 1995 DDA had many weaknesses. It lacked an enforcement Commission.<sup>1</sup> It also failed to cover many aspects of life such as education which was only rectified as late as 2001.<sup>2</sup> Initially, the Act only applied to employers that employed 20 or more people. Sadly, the piecemeal approach Government adopted, implied a "disabled people don't count the same" attitude. Campaigning continued, and eventually there was success in obtaining the passage of the Disability Rights Commission Act 1999.<sup>3</sup> The Disability Rights Taskforce of the late 1990s made over 150 recommendations for improvements across the law in a wide range of spheres. Thankfully, the position progressed to the Equality Act 2010 which was intended to take a unified approach to Equality covering the various strands.

It would be a misapprehension to think that that the UK Government led the way globally in the field of Disability Rights Law. In July 2020 groups in the USA marked 30 years of the Americans with Disabilities Act 1990, (ADA). This was the first comprehensive Civil Rights legislation for people with disabilities in the World.

Their legislation sought to open up a new

frontier and value the contribution made by disabled citizens. It introduced the idea of "Reasonable accommodation" a concept that was subsequently emulated in the DDA but here it was called "Reasonable adjustment".

The ADA was championed by Senator Edward Kennedy<sup>4</sup> and Senator Tom Harkin<sup>5</sup>, but had bi-partisan support and was signed into law in July 1990. It built on America's previous Civil Rights legislation from the 1960s but this set in train change across the world.

Although the UK has been slow in this arena, there is still opportunity to build on hard won progress and see more inclusion. In the Spring of 2021, the Government will unveil their own Disability Strategy, Justin Tomlinson MP<sup>6</sup> stated<sup>7</sup> the aim

*"...to ensure that all disabled people can play a full role in society. The strategy will focus on issues disabled people say affect them most in all aspects of life..."*

I hope the wind of change will blow strong and we will see more Solicitors and Paralegals with impairments being able to provide insight and skill that firms use and value. The legislation has improved. I urge, See the ability, not just the disability!

**Dominic McDevitt**

LLB (Hons), LL.M (Merit)

## Notes

<sup>1</sup> Similar to the Equal opportunities Commission and the Commission for Racial Equality, that had been established some years before.

<sup>2</sup> Through the Special Educational Needs and Disability Rights in Education Act 2001

<sup>3</sup> The DRC opened in April 2000 and was eventually replaced with the Commission for Equality and Human Rights as were the Equal Opportunities Commission and the Commission for Racial Equality

<sup>4</sup> The then, Senior Senator for Massachusetts and the younger Brother of Senator Robert F Kennedy, former US Attorney General and 35th President of the USA John F. Kennedy.

<sup>5</sup> Democratic Senator from Iowa

<sup>6</sup> Minister for Disabled People

<sup>7</sup> In a letter sent to the Author dated 15/12/20



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# COUNCIL MEMBER'S REPORT

**Linda Lee** has been Council Member for Leicestershire, Northamptonshire and Rutland since 2003. She is a past President of the Law Society of England and Wales and is the Chair elect of the Professional Indemnity Insurance Committee and a member of the Policy and Regulatory Affairs Committee, Regulatory Processes Committee and Access to Justice Committee. She is current Chair of the Solicitors Assistance Scheme. Linda is an experienced litigation solicitor and is a Consultant at RadcliffesleBrasseur where she specialises in solicitors' disciplinary, compliance and regulatory work. She can be contacted by email at: [lindakhlee@aol.com](mailto:lindakhlee@aol.com)



**ANTI-MONEY LAUNDERING AML**  
**Richard Feynman, the great theoretical physicist said, "If I could explain it to the average person, it wouldn't have**

**been worth the Nobel Prize." My first reading of the Legal Sector Affinity Group Anti-Money Laundering Guidance for the Legal Sector 2021 (AMLG) published on 2 February 2021 by the Office for Professional Body Anti-Money Laundering Supervision (OPBAS), made me want to start looking up Feynman's development of quantum electrodynamics for light relief.**

At over 200 pages, the guidance (now submitted for Treasury approval) undoubtedly increases the burden placed on practitioners following the Money Laundering and Terrorist Financing (Amendment) Regulations 2019. The guidance requires careful study and thought by all firms. All solicitors and firms will need to consider how the AMLG applies to them and make any necessary changes to their current processes and procedures. The areas to be considered include more detailed guidance/requirements in relation to policy controls and procedures including firm wide risk assessment and individual matter risk assessments, analysis of source of funds and separately source of wealth, training requirements, and understanding how AML technology operates to ensure it is used more effectively.

The AMLG is a response to the Money Laundering and Terrorist Financing (Amendment) Regulations 2019<sup>ii</sup> which came into force on 10 January 2020. Firms should be reminded that the Regulations expanded the definition of tax advice to include providing material aid, or assistance or advice on tax affairs of other persons including where provided through a third party. The Solicitors Regulation Authority (SRA) has provided guidance<sup>iii</sup> which is a good starting point for firms to consider if they are caught by these provisions and if they need to register with the SRA<sup>iv</sup> although the deadline for registration

ended in January 2021 it would seem sensible to register late than not at all.

The SRA guidance makes it clear that there are circumstances where those practising for example, family, probate, employment, and personal injury will be engaged in transactions documentation and advice that comes within scope of these provisions. Despite the guidance, individual cases and some sets of circumstances will undoubtedly throw up difficult situations and the way forward may be unclear. This is especially the case where issues of client privilege may arise or protection for information acquired in the ordinary conduct of litigation by legal professionals<sup>v</sup>. For example, if a family or employment lawyer acquires information about a scheme that bears the hallmarks of tax evasion is this privileged for the purpose of the Money Laundering Regulations? Chapter 13 of the AMLG is particularly helpful. Litigation privilege would include any step taken in litigation, from the issue of proceedings and the securing of injunctive relief or a freezing order up to its final disposal by judgment. Each incident must be considered carefully and the circumstances of how and when the solicitor acquired the information or belief will be crucial. If the situation arises it may be prudent for the solicitor to obtain Counsel's opinion.

The SRA also published 'Sectoral Risk Assessment - Anti-money laundering and terrorist financing'<sup>vi</sup> on 28 January 2021. The SRA draws on the National Risk Assessment 2020 (NRA) published in December 2020. This highlights latest trends and a fresh upturn of crime following Covid 19. It confirms that the conveyancing sector is still high risk. There is increased emphasis and resource focussed on the threat posed by the corporate and trust sector. The SRA notes that the creation and operation of corporate structures can be used to invest and transfer funds to disguise their origin and lend layers of legitimacy to their operations. There are planned reforms to Companies House and Limited Partnership structures to further mitigate against some of the identified risks and advance beneficial ownership transparency.

The SRA produces a risk assessment of

law firms, to help firms to better understand the scale and types of risks they are exposed to.

The SRA requires firms to consider the overall sectoral risk assessment as a part of each firm's firm-wide risk assessment and reference here by firms to the NRA can be helpful.

The SRA investigate firms if they receive information about a firm, but they also carry out a 'proactive supervision programme'. When the SRA visits, they will ask to see firms' written risk assessments and policies, procedures and controls. A firm's risk assessment is to assist in the setting of appropriate policy and should not be disclosed to clients, or third parties, because it could be useful to those who are seeking to launder money. Having a risk assessment that reflects the reality of the matters handled by a firm is regarded by the SRA as an indication that suitable attention and thought has been given to the policies adopted by the firm. Firms should avoid any suggestion where templates and proformas have been copied that firms have not given thought and attention to the relevant issues.

The guidance sets out the risks a firm may face from the Covid 19 pandemic, the use of financial technology (such as fund transfer systems and crowdfunding platforms), the legal status of Cannabis and the wider economic pressures. SRA investigations have revealed that the most common weaknesses are inadequate checking of the source of funds, lack of independent audits, poor screening of staff and inadequate matter risk assessments. The SRA also observed that whilst larger firms have greater resources, the use of compliance teams to handle risk assessment may mean that fee-earners working on a case are less alert to signs that should trigger investigation as a matter progresses. The SRA noted that smaller firms can be less aware of the risks around Politically Exposed Persons. It was also concerned that there was too much reliance on external help with compliance by all types of firms. It expressed concern that policies may be drafted by external experts with little knowledge of the firm or there was little understanding of the technical support a firm used, thus risks were not properly understood or dealt with.

The SRA also listed the highest areas of risk for firms. It will not be a surprise that conveyancing (given that property is an asset preferred by criminals) or the use of a client account to legitimise the source of money or tax advice were considered high risk areas. However, creating or managing trusts and corporate structures and family law may not receive consideration as a potentially a high-risk area. The guidance also sets out information relating to transaction, client and delivery channel risks.

There will be increasing focus on AML and firms should take all the necessary steps to ensure they are complying, although in the current climate, this will be an unwelcome and costly exercise for all.

### TRANSPARENCY AND COMPARISON WEBSITES

In 2016, the Competition and Markets Authority (CMA) published its report into Legal Services.<sup>vii</sup> It was made clear that there was a desire for there to be a new way in which ‘consumers’ found solicitors. It was noted with some dissatisfaction that the majority of clients had found their solicitor as a result of personal recommendation. The CMA ambition was to make consumers better informed about price and their choice of service provider (and by driving competition lower prices). The CMA recommendation was for all firms to publish information on price, service, redress and regulatory status and for the regulator to promote the provision of information on quality. It wanted this information to be available not just to consumers but also to digital comparison tools (DCTs) and other intermediaries. It made it clear that in its opinion the legal services market needed comparison websites.

The SRA responded by introducing the Transparency Rules in 2018. Price information had to be displayed in respect of conveyancing, probate, motoring offences, employment tribunals (claims for unfair or wrongful dismissal), immigration (excluding asylum), debt recovery (up to £100k) and licensing applications for business premises. Plans to extend into other areas such as family law were postponed.

The SRA considered compliance with these Rules a priority and assiduously inspected firms’ websites. It has now taken regulatory action where there has been non-compliance, fining and rebuking firms and even putting restrictions on firm’s authorisation. After initially observing poor levels of compliance<sup>viii</sup> it concluded that the majority of firms are now complying.<sup>ix</sup> This view contrasted with that of other commentators, such as DG Legal which conducted its own review<sup>x</sup> of websites and reported that the level of non-compliance in the web-sites it surveyed was at around 90%, although it agreed with the SRA that the majority of firms were now publishing some information. The SRA has stepped up

its enforcement work and has extended this to working with consumer groups to encourage them to report non-compliance to the SRA.

However, the CMA desire for the usage of comparison web sites has not materialised. The SRA has encouraged the development of comparison websites, providing free data to any company interested in setting up such a scheme. Some years ago, the SRA promoted an entrepreneur at its annual conference. He was keen to develop his comparison website and could not understand why firms would not want to participate. Since then, various comparison websites have been set up but there appears to have been little engagement from the profession and no evidence of impact on the market.

Pressure has been exerted on the SRA, by the Legal services Board, the Legal Services Board Consumer Panel and the CMA itself which reviewed the effectiveness of its 2016 report<sup>xi</sup> and concluded that although there had been progress, further work was required to reinforce initiatives to develop DCTs.

In February 2021, the SRA took a step further with its announcement that comparison websites and quality indicators would be a new ‘hot topic’<sup>xii</sup>. It set out its plans to work with CILEx Regulation and the Council for Licensed Conveyancers. It will run two pilot schemes, one on conveyancing and the other on employment law. The pilot schemes will last for at least six months and the SRA are seeking firms to work with comparison websites to trial approaches. Amongst its aims are to increase law firm engagement with customer reviews and comparison websites and increase the number of consumers accessing online information, beginning with using and leaving online reviews.

In readiness, the SRA has provided advice on engaging with online reviews<sup>xiii</sup>. In the guidance, it sets out the business case for firms engaging with online reviews. It encourages solicitors to be ‘authentic’ and to engage positively with bad reviews, setting out suggested responses and reminding solicitors of their regulatory duties not to breach client confidentiality in any such response.

Given the difficulties many firms are facing in the current climate, it is to be hoped that the regulators temper their ambitions with a level of realism as to how much regulatory change the profession can cope with and indeed afford. It is hard not to question the CMA belief that consumer experience will be improved by its tactics to promote through proxies such as testimonials or price indicators - indeed the evidence so far is that the opposite has been the case with prices having risen over recent years and the number of firms carrying out conveyancing has reduced rather than increased!

### Notes

<sup>i</sup> <https://www.sra.org.uk/globalassets/documents/solicitors/firm-based-authorisation/>

[isag-aml-guidance.pdf?version=4903b4](https://www.sra.org.uk/globalassets/documents/solicitors/firm-based-authorisation/isag-aml-guidance.pdf?version=4903b4)

<sup>ii</sup> <https://www.legislation.gov.uk/uksi/2019/1511/made/data.pdf>

<sup>iii</sup> <https://www.sra.org.uk/solicitors/resources/money-laundering/money-laundering/tax-adviser-guidance>

<sup>iv</sup> see the deadline reminder at <https://www.sra.org.uk/sra/news/press/tax-advice-money-laundering.1>

<sup>v</sup> *Bowman v Fels* [2005] EWCA Civ 226 see exemption from disclosure under s330(6) of Proceeds of Crime Act 2002. Where information came Failure to disclose: regulated sector

(1) A person commits an offence if each of the following three conditions is satisfied.

(2) The first condition is that he—

(a) knows or suspects, or

(b) has reasonable grounds for knowing or suspecting, that another person is engaged in money laundering.

(3) The second condition is that the information or other matter—

(a) on which his knowledge or suspicion is based, or

(b) which gives reasonable grounds for such knowledge or suspicion, came to him in the course of a business in the regulated sector.

(4) The third condition is that he does not make the required disclosure as soon as is practicable after the information or other matter comes to him.

(5) The required disclosure is a disclosure of the information or other matter—

(a) to a nominated officer or a person authorised for the purposes of this Part by the Director General of the National Criminal Intelligence Service;

(b) in the form and manner (if any) prescribed for the purposes of this subsection by order under section 339.

(6) But a person does not commit an offence under this section if—

(a) he has a reasonable excuse for not disclosing the information or other matter;

(b) he is a professional legal adviser and the information or other matter came to him in privileged circumstances;

(c) subsection (7) applies to him.

<sup>vi</sup> <https://www.sra.org.uk/sra/how-we-work/reports/aml-risk-assessment>

<sup>vii</sup> Legal services market study Final report December 2016

<sup>viii</sup> SRA Report May 2019

<sup>ix</sup> <https://www.sra.org.uk/sra/news/press/2020-press-release-archive/transparency-research-2020>

<sup>x</sup> <https://www.legalfutures.co.uk/latest-news/sra-transparency-rules-compliance-improving>

<sup>xi</sup> <https://www.gov.uk/cma-cases/review-of-the-legal-services-market-study-in-england-and-wales>

<sup>xii</sup> <https://www.sra.org.uk/home/hot-topics/comparison-websites>

<sup>xiii</sup> <https://www.sra.org.uk/solicitors/guidance/engaging-online-reviews>

# LEICESTERSHIRE LAW SOCIETY MEMBERSHIP PAGES



## WELCOME TO THE LATEST MEMBERS SECTION OF THE LLS MAGAZINE.

The Leicestershire Law Society (LLS) is a fantastic organisation, offering great value to its members and we are very keen to make sure that we tell you about all the Society has to offer.

You will find this section in every edition of the magazine, to provide you with information about what is going on and what you get for your membership.

We are always looking to hear from members with any comments they have about their membership and particularly about any suggestions they have about how they feel the LLS could be improved.

### THE MEMBERSHIP TEAM

In this issue, members will see a change in The Membership Team which has previously been headed up by Mukesh Basra and ably assisted by Bushra Ali and Zainab Zaeem-Sattar. Both Mukesh and Bushra have moved on to pastures new, although Mukesh continues to be sit on the Main Committee at LLS. The new Membership Team would like to thank both Mukesh and Bushra for all that they have contributed.

Zainab Zaeem-Sattar of Summerfield Browne Solicitors now heads up the membership sub-group and is currently looking for members to join her in the sub-group. If you are interested and would like to know more or if you have any queries or comments in relation to membership, then please do contact Zainab on [zainab.zaeem-sattar@outlook.com](mailto:zainab.zaeem-sattar@outlook.com)



**Zainab Zaeem-Sattar  
(Chair)**

Zainab qualified as a solicitor in April 2019 and has been with Summerfield Browne Solicitors in their litigation department since November 2019. She joined LLS in 2018 as a sub board member and became a main committee member in May

2019. Zainab further chairs the Equality and Diversity sub-board and also sits on the team for Education & Training sub board.

Aside from volunteering her time at LLS, Zainab is part of the Muslim Lawyers Actions Group (MLAG) and heads up their Social & Wellbeing working group. She is also a legal mentor for De Montfort University's employability mentoring scheme and volunteers her time for Leicester University's legal clinic and Birmingham University's Women in Law mentoring scheme.

### LLS EVENTS 2020/2021

Amidst the global crisis of the pandemic, LLS remains strong and firm to its values and this has been continued by Christl Hughes who took over the Presidential reigns in September 2020.

As the world continues to adjust to the 'new norms', LLS has had to postpone many events until the Government advises they are safe to be held. But that has not been the end for the well-known LLS events!

Aside from putting on training courses such as Criminal Law Courses, A Contentious Trusts, Probate and Disputes in the Court of Protection update 2020 and the Regulations update on the new code and how to avoid being struck off held jointly with Northampton Law Society, members attended the Christmas Quiz, held virtually in December 2020.

In January 2021 we had a free training courses held by DG Legal on the 'SDLT holiday and points to look out for' by Hannah Mackinlay, sponsored by Compass and 'Supervision, After The Event (ATE) Litigation, Funding Market' by Marsh JLT Specialty. There is lots more to come in 2021, so please do sign up!

### Christmas Quiz

An evening full of fun, laughter and some rather interesting questions.

The Leicestershire Law Society Christmas Quiz took place on Thursday 17th December, hosted by President Christl Hughes MBE dressed in full Christmas gear. With the pandemic the quiz had to be held online via zoom but that didn't stop this group of enthusiasts and help bring a sense of normality for a couple of hours.

After ten gruelling rounds, with questions ranging from the History of LLS to general knowledge of Leicester, Angela Titley-Vial of

Rich and Carr Solicitors, was crowned the Quiz Champion supported by Ducan Jefferson of Bray and Bray Solicitors, followed very closely by Andrew (Drew) Dennis of Gately PLC.

A huge thank you to all participants and an extra special thank you to the Quiz Master



Professor David Hughes, who brought the Quiz to life.

Quiz Winners Angela Titley-Vial and Duncan Jefferson with their prize donated by President Christl Hughes MBE.

### Big News In The Family Law Landscape



In a significant move for the local family law landscape, Nelsons has announced the acquisition of award-winning family solicitors and mediators Glynis Wright & Co.

**TYPES OF MEMBERSHIP**

There are various different ways of becoming a member of the LLS. All members are entitled to attend our courses, social and networking events and can take advantage of our membership benefits.

**CORPORATE MEMBERSHIP**

This is for firms of solicitors. You only pay for the Partners in the firm. Corporate membership covers all solicitors, trainees and paralegals in the firm, so it is a great way of enabling the whole firm to make use of LLS membership.

**ASSOCIATE MEMBERSHIP**

This is for barristers' chambers and covers all barristers at the chambers.

**INDIVIDUAL MEMBERSHIP**

Individuals can become members of the LLS. This is available for all current and former legal professionals.

**GROUP MEMBERSHIP**

This is for businesses that are not law firms but employ lawyers.

**PUBLIC BODY MEMBERSHIP**

This is for public body organisations that are not law firms but employ lawyers.

**SPECIAL MEMBERS BENEFITS**

As always the membership team has been working hard to get new deals and discounts with local businesses for our members.

**FULL LIST OF LLS MEMBERSHIP BENEFITS:**

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Glynis Wright & Co, in Regent Road, was founded in April 2011 by **Glynis Wright**, immediate Past President of the LLS. Glynis will join Nelsons' Leicester office as a partner and head up the family law team in the city. With her she will bring seven lawyers, and one soon-to-be qualified solicitor.

Nelsons was established in 1983 and has offices throughout the East Midlands in Nottingham, Leicester & Derby. Nelsons' chief executive **Stewart Vandermark** commented: *"The Glynis Wright & Co team is extremely well-regarded, and their knowledge will bolster our expertise in family law not only in Leicester, but also in the wider East Midlands region."*

On the acquisition, Glynis Wright said *"Nelsons is a vibrant, dynamic and innovative company that is wanting to develop the Leicester market and become the strongest regional firm, so our ambitions match up perfectly."*

### Josiah Hincks Wins National Award

NFU, the voice of British Farming, selected Josiah Hincks Solicitors, who have offices in Leicester, Coalville, Syston, Blaby and Market Harborough, as one of three law firms to win the prestigious national award for its service to the farming community.

Andrew Eagle and his team were up against strong competition from across the country but held strong and emerged as the national winners.

Senior partner at Josiah Hincks, **Andrew Eagle**, said: *"We are delighted to have been given this award. We always strive to deliver excellent*



*service to our clients and when it is recognised in this way, it's extremely rewarding.*

*"It's a team effort and I am very proud of what we have achieved for NFU members over the year."*

### WATCH THIS SPACE!

We have further great offers from local businesses in the pipeline and we will update you on these in the next edition of the magazine.

# THE UNIVERSITY OF LEICESTER APPOINTS ITS **FIRST FEMALE HEAD OF LAW**



**Professor Sally Kyd has been appointed as Head of Law at the University of Leicester, becoming the first woman to be appointed to this prestigious role. Her term of office began officially on 1 October 2020, carrying on from her interim role.**

Professor Kyd has a strong history of research in the fields of Criminal Law and Criminal Justice, with a specialism in road traffic offences, having completed her PhD on vehicular homicide and publishing the book *Driving Offences: Law, Policy and Practice* in 2008. In 2011-12 she examined how the recently created 'death by dangerous driving offence' was operating in practice, and in 2018 she conducted a project with Dr Steven Cammiss to identify best practice in roads policing.

Commenting on her appointment, Professor Sally Kyd said:

*"As an alumna of Leicester Law School it is a tremendous honour to have been appointed the first female Head of School. Leicester Law School has had a huge influence on my academic career and I have a vested interest in seeing it continue to thrive as a supportive environment for learning the Law and conducting research into development of the Law as an instrument for justice in society."*

*Leicester Law School has changed a great deal since I first joined as an undergraduate in 1993, growing in size and becoming more diverse in its make-up, whilst at the same time maintaining a cohesive environment that*

*promotes critical thinking and supports our students as Citizens of Change.*

*I am proud to continue the work of my predecessors, many of whom have had a direct influence on my development as a scholar and leader, and it is humbling to be placed in a position where I have the opportunity to provide an inspiration to others in this way. These are particularly challenging times, but I am ready for the challenge and look forward to helping to shape the Law School and maximising the opportunities for legal scholarship at Leicester."*

Professor Kyd's immediate challenge has been to ensure that the Law School is able to adapt its provision of legal education this year by moving classes online. The new mode of delivery has presented a number of opportunities to think about how to teach law differently, and effectively, but has also brought with it difficulties with students feeling overwhelmed and anxious about the future. Looking beyond the pandemic, the agility demonstrated by staff in the Law School reassures Professor Kyd that the School will continue to grow and respond to changes to legal education brought in by the SRA.

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# BLAIR MAYNE

## AN UNCONVENTIONAL LESSON IN LEADERSHIP



Some exceptional people just seem to be good at whatever they turn their hand to. Lieutenant Colonel Blair Mayne or simply "Paddy" was one

of those people. After attending Regent House Grammar School Mayne studied law at Queens University Belfast He would eventually qualify as a solicitor. Always a keen sportsman, it was whilst at university that he took up boxing and became Irish Universities heavyweight champion in 1936. As well as boxing, Mayne excelled in rugby. He was an Irish international and toured South Africa with the 1938 Lions.

In 1939, war came to Europe and like so many others Mayne set career aside and joined up. He found himself initially in No. 11 (Scottish) Commando, but he didn't finish the war there.

There are stories and rumours about what happened next. Popular legend is that Mayne was in the glasshouse when David Stirling "rescued" him. Other sources including Mayne himself would seem to suggest that he simply volunteered to transfer to a new type of unit being set up in the desert. Whatever the truth of the matter, Mayne ended up a founding member of one of the most famous units of the war; ISAS Regiment. Along with Stirling, Mayne fought in a campaign carrying out a new style of warfare leading small attacking bands across the desert against the enemy.

After Stirling's capture it was Mayne who took over leadership of the regiment. Never one to follow his superiors wishes, Mayne largely did what he thought was right but always with a concern for his men.

It has been calculated that he destroyed more enemy aircraft than the leading RAF ace of the war. He won the DSO and three bars. The third for an incident where, in full view of the enemy, Mayne drove his jeep whilst firing and rescued two wounded comrades, all while he was under sustained enemy fire. He was recommended for the VC for this action, which was supported by witnesses, but it has been felt that Mayne had ruffled too many feathers at the top.

Known as a wild man, his drinking bouts were legendary. One favourite party trick was to pull the pin out of a grenade before setting it on the table in order to see which



of his companions would run for cover first. The grenade was a dummy, but Mayne was so unpredictable you could never be sure.

After the war Mayne returned to the law. He practiced as a solicitor before becoming secretary to the Law Society of Northern Ireland. Taming the wild man was hardly likely to be a possibility. Mayne died after an evening of excessive drinking, crashing his car into a telegraph pole. He was 40 years old.

So what can we learn about leadership from Paddy Mayne?

**1. Leaders always are looking for the next thing.** Mayne wasn't content to sit still. From new sports at university to changing regiments and units during the war, Mayne was never content. He always had one eye on the future. Leaders do not want to miss opportunities.

**2. Leaders largely work within the boundaries, but leaders also spot when the boundaries are constrictive.** Mayne realised he had to work within the command structure in the army, but he didn't always agree with it. He let his opinion be known and on occasions ignored what others wanted because he saw a bigger picture unfold. A great leader can see the opportunity assess the risk and take the opportunity even if it means working outside the boundary. Be aware if it goes wrong it can go badly wrong, but then again, a great leader will acknowledge what went wrong and learn from it.

**3. Leaders know when and how to adapt plans.** Mayne frequently recognised the need to adapt tactics in his case largely in

order to save lives. Leaders need to be fluid and mobile in planning and adapting plans.

**4. Leaders are sacrificial.** Exceptional leaders do the work themselves. They lead from the front. Mayne certainly had no hesitancy in being a frontline leader. He didn't believe he ever did anything exceptional. He often remarked that he simply calculated the risks and where the odds favoured, he took the risk.



**5. Leaders are flawed.** We are human. Mayne rubbed people up the wrong way, he behaved badly and ultimately suffered an early death because of one of his major faults. Hard liquor and fast cars are not good companions. Remember leadership is striving for perfection and understanding not just the flaws in the team you lead but also the flaws inherent in you.

**Neal Patterson**

Partner Commercial/Agricultural Property  
Josiah Hincks Solicitors

# REDGATE FARM ANIMAL SANCTUARY SAVE LIVES IN YOUR HONOUR!



**By leaving a legacy to Redgate Farm Animal Sanctuary in your will, you will be helping us save hundreds of animals' lives each year, in your memory.**

We save on average 350 animals every year and find them new loving homes. We rescue unwanted, homeless, abused animals and rehabilitate them, provide any treatment

they need before we find them forever families. At Redgate they'll have a warm bed to sleep in and full tummies, occasionally for the first time in their life. We have a range of farm animals that we have rescued that now live at Redgate. The animal's welfare is paramount at Redgate and we work with a holistic approach.

We ensure every cat and kitten that comes through our doors is neutered before leaving! Lily pictured with her kittens had been living on the streets, continuously pregnant. Until she came to Redgate where she was looked after, loved and neutered! Her and the kittens now lives in luxury with their new owners.

We help animals that are all shapes and sizes! In 2020 we rescued a litter of 4 kittens whom were the result of interbreeding stray cats on a farm. They were all born with deformities ranging from missing toes to missing limbs. We had to have a leg removed from two of them (Cinder and Marble) which was an expensive operation but necessary

to give them a comfortable future. We have found wonderful homes for all 4 of them and they are doing great.

We have hand reared numerous kittens, with our staff volunteering to take them home to feed throughout the night as we are so very dedicated to the work we do. Harry is another kitten that we had to provide 24hr care for after he had a heart attack, leaving him blind and disabled. He has now been rehomed after lots of therapy and is doing fantastic!

We do not receive any funds from the Government, running solely from donations and our charity shops. With COVID 19 preventing our shops from opening for much of 2020-21, we have felt the strain financially but we believe every animal is special and Redgate aims to keep as many animals healthy, safe and fed as possible!

***Help save lives with us today by considering us in your legacy or donating to our worthy cause. We couldn't do it without you!***



## Redgate Farm Animal Sanctuary



**Redgate Farm Animal Sanctuary was founded in August 1986 at Shaw Lane, Markfield, Leicestershire by the Redmile family.**

All the Animals in the care of the Sanctuary need support, we have many cats, rabbits as well as some rodents who are all looking for their new forever homes. We also have ducks and chickens looking for kind new homes too. For our permanent, elderly and sick animals at the sanctuary, there are many ways in which you can help them. You can do this by becoming a **Friend of Redgate**, or **Sponsoring an animal**. If you feel you can help more, please contact the Sanctuary.

**Why not CALL US TODAY to discuss leaving a gift in your will? A legacy could make a huge and lasting difference to the many animals in our sanctuary.**

**Tel: 01530 243 925**  
**[www.redgatefarmanimalsanctuary.co.uk](http://www.redgatefarmanimalsanctuary.co.uk)**

# LEAVING A LEGACY



**Leicester Animal Aid is a rescue and rehoming centre for cats and dogs who are lost, abandoned found stray or given up because their owners can no longer care for them. The Charity was founded by Dorothea Farndon in 1956.**

Since then, the Centre has continued to grow and help thousands of animals due to the vision and generosity of our founding supporter and others like her. Kind individuals have supported us by making a donation in their Will, in memory of a human or animal family member or to ensure that their pet is cared for after they pass away.

## How are donations used?



Legacy donations allow us to make changes to the fabric of our Centre that otherwise we could not afford. For example, in 2015, when a kind donor left a percentage of their estate to LAA, the donor's family let us know that the couple were cat lovers. We were able to match a project with their wishes.

As a result, two homely and comfortable new enrichment chill-out rooms were completed in the summer of 2017. These rooms

include bespoke climbing shelves and bridges, cat trees made

from actual trees, a cat wheel which the kittens love, enrichment toys, window seats to watch the world go by, and a sofa to cuddle up with our Volunteer Pet Sitters. The difference this has made to our animals is immeasurable.

Our vision is happy pets in loving, responsible homes. Until that happens, we want the very best for each and every animal in our care. Legacies help us to achieve this.

We are deeply grateful to the kind individuals and their families whose support enables us to continue working with animals in need of a second chance. Thank you.



**Helen Wilber**  
Fundraising Manager  
Leicester Animal Aid  
Elmwood Farm  
Forest Road  
Huncote  
Leicestershire  
LE9 3LE



[www.leicesteranimalaid.org.uk](http://www.leicesteranimalaid.org.uk)

# 20-20 VOICE CANCER

**A wintry welcome:**

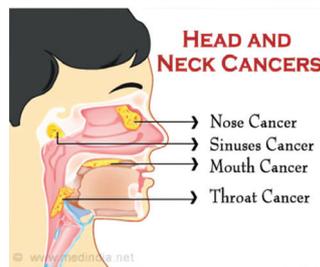
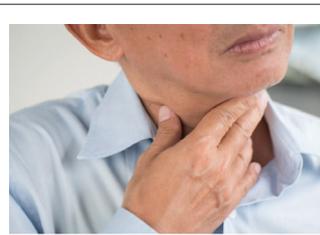
As we told you in the previous edition, we now have the full support of **SGL Accountants** (Sth Wigston, Leics) and we are grateful for their support. However, we are also looking for a couple of legal firms to support this hard working & honorable charity as we do get legal questions from time to time where my humble legal nous is not sufficient to answer correctly. Of course, we would also appreciate any fund raising that may occur with any association forged. Ask yourself a simple question: *"what would I do without my voice?"*

Of course, you would have a splendid time explaining the intricacies of law to a client, or representing a client in a court of law or even mediating in a dispute! We solve that problem for laryngectomees as we supply many of the necessities they need when the hospitals send them home (post op) and without all that they need due to NHS cuts (thanks to Govt). You would not believe how important a simple digital thermometer or FPO (Finger Pulse Oximeter) can be to a lary, or even a very expensive Electro-Larynx (which I use) that picks up the vibrations in the throat and creates sound: and with a little bit of practice, coherent speech can be forthcoming. Just imagine the excitement of a patient, having once lost his/her voice, being able to speak again and ask for that cup of tea, or 'Full English' or even moan about the miserable weather! Having a voice is wonderful.

Now the problem upon us is shortage of events and the fund raising that goes with them. Every single event we have set up in year 2020 has been cancelled 'due to Covid'-but can anyone explain why, when the scientists (that Boris said he would rely upon), haven't even isolated/found the strain of this somewhat nasty little bug! We seem to have a vaccine to cure that which we know not of! Now how does that work I wonder? Hitler stated, back in the 30's that to control people you first need to give them something to fear (beginning to get the picture yet?) and this flu bug has certainly put the fear of God into 50% of the population thus far: just look at the way it is controlling our population!

**When it comes to parting with your hard-earned monies to charities, bear this in mind: (CEO's Salaries)**

<b>Christian Aid</b>	8... £126,00.00
<b>CRUK</b>	2... £240,000.00
<b>NSPCC</b>	5... £167,000.00
<b>UNICEF</b>	1... £395,000.00
<b>Age UK</b> <small>Love later life</small>	3... £190,000.00
<b>WE ARE MACMILLAN. CANCER SUPPORT</b>	7... £161,000.00
<b>BritishRedCross</b>	4... £184,000.00
<b>Oxfam</b>	9... £119,000.00
<b>Save the Children</b>	6... £163,000.00
<b>20-20 VOICE CANCER</b> <small>Charity No: 1156733</small> #GRASSROOTS #NOTBIGBUSINESS	<b>£000,000.00</b> <b>Sometimes it's nice to be last!</b>



**Head & Neck Cancers**

**Continuous Sore Throat**

**Prolonged Neck Pains**

**Lumps or Bumps in Skin**

**Red, Patchy Skin**

**Nasty Neck Twinges**

**Ultra-Sore Gums**

**Problems Eating / Swallowing**

**Sore Inner Cheeks**

**Nasty Continuous Cough**

**EARLY DIAGNOSIS IS THE KEY TO SURVIVAL!**

**Are you worrying about any of the above symptoms? then go get checked out! Upwards of 15,000 people per annum are diagnosed with oral/throat cancers and more than 4,000 will lose their life courtesy of throat cancer alone! Get checked!**

2020 Voice Cancer.org can help you but you have to take the first steps

[www.2020voicecancer.org](http://www.2020voicecancer.org)

e: [admin@2020voicecancer.org](mailto:admin@2020voicecancer.org)

Needless to say, the big charities have been all over the TV with their begging bowls out, moaning & groaning about how much 'they have lost' this year, when in actual fact they haven't lost anything simply because it wasn't donated in the first place! For instance, CRUK have TV adverts costing in excess of a £million begging for donations, money in Wills and whatever else they can think of – it's pretty pathetic really as they have £millions squirrelled away in the vaults. This of course is not to mention the money they have wasted on TV adverts to try and rake in all those elusive £millions that 'Covid stole from them'.

Right at the bottom of the list you'll find little old 20-20 Voice Cancer who work diligently for their fellow laryngectomees....and try NOT to waste a copper coin! None of us take a wage and nor will we, for there are too many that need our help!

**Phil Johnson**  
(Chairman)

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# CARING FOR YOUR EYES IN A COVID WORLD

**'The new normal', a phrase that has become ingrained in our day-to-day lives. The family day trip out, now replaced with a weekly food shop. Date night, now featuring a dine in deal for two and the latest boxset. Much of our daily lives put on hold in the interest of safety, and rightly so.**

With many of us now spending significantly more time glued to our screens, looking after your eyes has never been more important. Eye health is often the last thing on people's minds, and therefore we tend to leave seeking professional help until our eyes start to develop problems. You wouldn't think twice about booking your car for a regular service to ensure it's running at its best, why should your eyes be any different?

Ultimately, whilst regular eye check-ups are the best way to help protect and manage your eye health, sometimes this just isn't possible and conditions go undiagnosed

until symptoms appear. Therefore, expert treatment, whether in the form of surgical or non-surgical procedures, is often the best solution to maintain as much vision as possible. At The Stoneygate Eye Hospital, we are proud to be the only dedicated private eye hospital in the East Midlands. This means that we can offer services for almost all eye conditions, from cataracts and cosmetic eyelid surgery right through to laser eye surgery and everything in between. Our experienced Consultant Ophthalmologists can protect your eyes and improve your vision whilst offering you informed choices in a relaxed and caring environment.

Since reopening The Stoneygate Eye Hospital after the first lockdown back in June 2020, we have continued to provide high-quality service to all patients, both old and new; albeit in a slightly different way to protect patients' health as well as that of our

staff. The introduction of masks and social distancing ensures that airborne particles are kept to a minimum. Other measures include limited patient numbers, arrival procedures, COVID visitor risk assessments and redesigned patient pathways, to name but a few. This ensures that our patients can still receive the service they deserve whilst minimising the risk when entering the hospital.

**You can call The Stoneygate Eye Hospital on 0116 270 8033 to discuss your eye care needs and arrange a no-obligation COVID-compliant private consultation where a warm welcome is guaranteed, alternatively visit our website [www.thestoneygateeyehospital.co.uk](http://www.thestoneygateeyehospital.co.uk)**

**Karan Morjaria,**  
General Manager,  
The Stoneygate Eye Hospital.

## If our brain breaks down, we break down.



**Let's unite to accelerate the progress of brain research.**

Leaving a gift in your will to Brain Research UK is a wonderful way to make a lasting difference to future generations by helping to accelerate research into neurological conditions. It will cost you nothing in your lifetime, but will help us to make a difference in years to come. Gifts both large and small help fund research to accelerate the progress of brain research.

**We hope you'll consider leaving a gift to Brain Research UK**

[www.brainresearchuk.org.uk](http://www.brainresearchuk.org.uk)

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## HEADWAY

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Philanthropy plays an important role in helping us to continue to provide this specialist service to better meet the needs of those affected.

You can donate a legacy gift directly to Leicestershire Leicester and Rutland Headway in memory of a loved one or as part of your will. A legacy gift will enable us to continue to offer this lifeline to affected individuals living in our local community.

For further information about how to support Headway Leicestershire, Leicester & Rutland, please email us at: [headway@headwayleicester.org.uk](mailto:headway@headwayleicester.org.uk) or call us on 0116 273 9763



## Mr Sameer Singh MBBS BSc FRCS Consultant Orthopaedic Surgeon

Mr Sameer Singh is an experienced expert witness in personal injury and medical negligence cases relating to his specialist areas of expertise. These include:

- All aspects of trauma - soft tissue and bone injuries
- Sports Injuries
- Upper and Lower Limb Disorders and Injuries
- Whiplash Injuries

His practice concentrates on shoulder, elbow and hand disorders, using techniques that are tailored to patient needs and utilising accelerated rehabilitation techniques to promote faster recovery and reduced time off work.

Mr Singh completes over 200 medico legal reports per year and offers an efficient turnaround within 10 days from receipt of all relevant documentation. He can take instructions for cases on behalf of either claimant or defendant.

Clients can be seen in clinic locations in Bedford and Milton Keynes.



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# DIGITAL HEALTH CHECKS HELP BUSINESSES DO MORE WITH TECHNOLOGY

Adopting digital solutions can mean better customer experiences, improved productivity, enhanced security and more, but knowing where to start can be a stumbling block for many business owners.

Businesses struggling to get to grips with how digital technologies can improve their business have been thrown a lifeline from the Leicestershire Business Gateway Growth Hub. The Growth Hub is offering a number of digital services, including free digital health checks and consultancy to small and medium-sized businesses. However, with limited funding available companies are being asked to act quickly in order not to miss out.

Growth Hub advisers together with a range of digital specialists are working with the businesses to understand their aspirations and provide action plans to help them not only see potential opportunities but also develop appropriate digital strategies.

Technical support from specialists has a focus on improving performance and reviewing current practices in the form of a digital health check. Other areas of support include accessing grant funding, selling online, website development, selling through platforms like Amazon or eBay, integrating stock systems or customer relationship software.

As well as the free consultations, digital marketing support is also available to tourism, hospitality, leisure and retail businesses, sectors that have been severely affected by the Covid-19 pandemic and resulting lockdowns. This includes free access to a digital marketing expert, creation of a three-month action plan and peer-to-peer networking that helps businesses to connect with like-minded companies to share experiences and ideas.

In addition, a Business Growth Grant from £2,000 to £25,000 is available providing a 35% contribution towards capital costs to support growth and development, for example towards innovative technology products or services that improve performance.

Growth Hub Manager, **Jon Egley** commented: *"We're living in a fast-paced digital era and we're keen to help businesses grow, be sustainable and remain competitive. There's no better time to change, adopt new systems, processes or ways of working. Digital transformation could help SMEs cope with not only the current challenges of the pandemic but also create enough agility to deal with what comes next."*

**Ian Lockwood** is director of Boom Online, the creative agency providing specialist digital support on behalf of the Growth Hub.

He added: *"We'll be working directly with businesses on their specific challenges, whether that's helping them improve their website, get more visitors from Google or reach more people on social media. The support is tailored to each businesses' specific needs and provides access to consultancy and expertise that would normally cost hundreds of pounds."*

Visit the website for details <https://bizgateway.org.uk/> or subscribe to the newsletter for regular business support news and webinars <https://bizgateway.org.uk/subscribe/>

The Business Gateway service is part-funded by the European Regional Development Fund (ERDF) and, as part of a national network of Growth Hubs, the service is also funded by the Government. It is run in partnership with Leicester City Council, Leicestershire County Council, East Midlands Chamber (Derbyshire, Nottinghamshire, Leicestershire) and the Leicester and Leicestershire Enterprise Partnership Limited (LLEP).

**Contact the Business Gateway today:**  
**0116 366 8487**  
[www.bizgateway.org.uk](http://www.bizgateway.org.uk)



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Business Gateway Growth Hub

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# LANDMARK PLANNING: A CLEARER VIEW OF FUTURE PLANS



**Here at Landmark Information, we have provided planning application insights and information for residential property conveyancing through for many years. I recall the now legendary Bird & Bird transaction case, in which the conclusion found that 'Changes to the surrounding environment, brought about through development are an important factor in protecting a client's investment pre-acquisition'.**

Of course, a preference or indifference to planning proposals in its various forms is very much a personal view. Property lawyers and conveyancers may air on the side of caution following guidance, preferring to simply understand the proposed property purchase and to rely on the seller's information. Homebuyers, however, have a right to understand any impact, positive or negative, that a nearby development may have before they commit to a purchase.

It is important to be aware of any potential changes within the surrounding area that would affect the use, enjoyment or even value of a property from planning and building regulation decisions. But how do you make the extent of a development application clearly understood?

As part of Landmark's ever-evolving

data and technology provision, we have recently merged our Plansearch reports into a newly enhanced Landmark Planning.

Uniquely, the report displays data on the majority of the UK's large planning applications, such as a new housing estate, as polygons (boundaries). This means both conveyancer and client will benefit from a visually clearer, more realistic view and understanding of the extent or potential impact of larger planning applications, rather than relying on a list, single mapped point or buffer to work it out.

The report not only delivers details of planning applications from extensions to large developments but also provides information on what future uses of land are being proposed for the surrounding area, alongside the Local Authority policies and constraints. It also includes key neighbourhood information such as:

- Housing
- Demographics
- Schools
- Local amenities
- Rights of way

To help both property conveyancer and client, all the data within the report is supported by easy-to-understand guidance and next steps.

Determining what is important to the home buyer with regards to planning can be difficult and can lead to large amounts of time being spent on reviewing data which is not of interest or concern to the home buyer. Large volumes of data can also lead to the homebuyer missing important information about their purchase.

Landmark's gold standard all in one enviro-report RiskView Residential removes this pain for the legal conveyancer and home buyer by presenting planning applications, including the large sites as polygons and constraints through its advanced,

simple to use, dynamic online viewer. The viewer includes a date filter which allows the homebuyer reduce the amount of data presented and helps to provide focus on what really matters to them. In some cases, reducing hundreds of applications down to just three or four.

The Riskview viewer includes (where possible) a clickable weblink for each recent planning application. The homebuyer can then look further into the application via the authority planning portal. Together, RiskView's unique time-saving features help the property professional add value to their home-buying client whilst reducing time spent dealing with planning related enquiries.

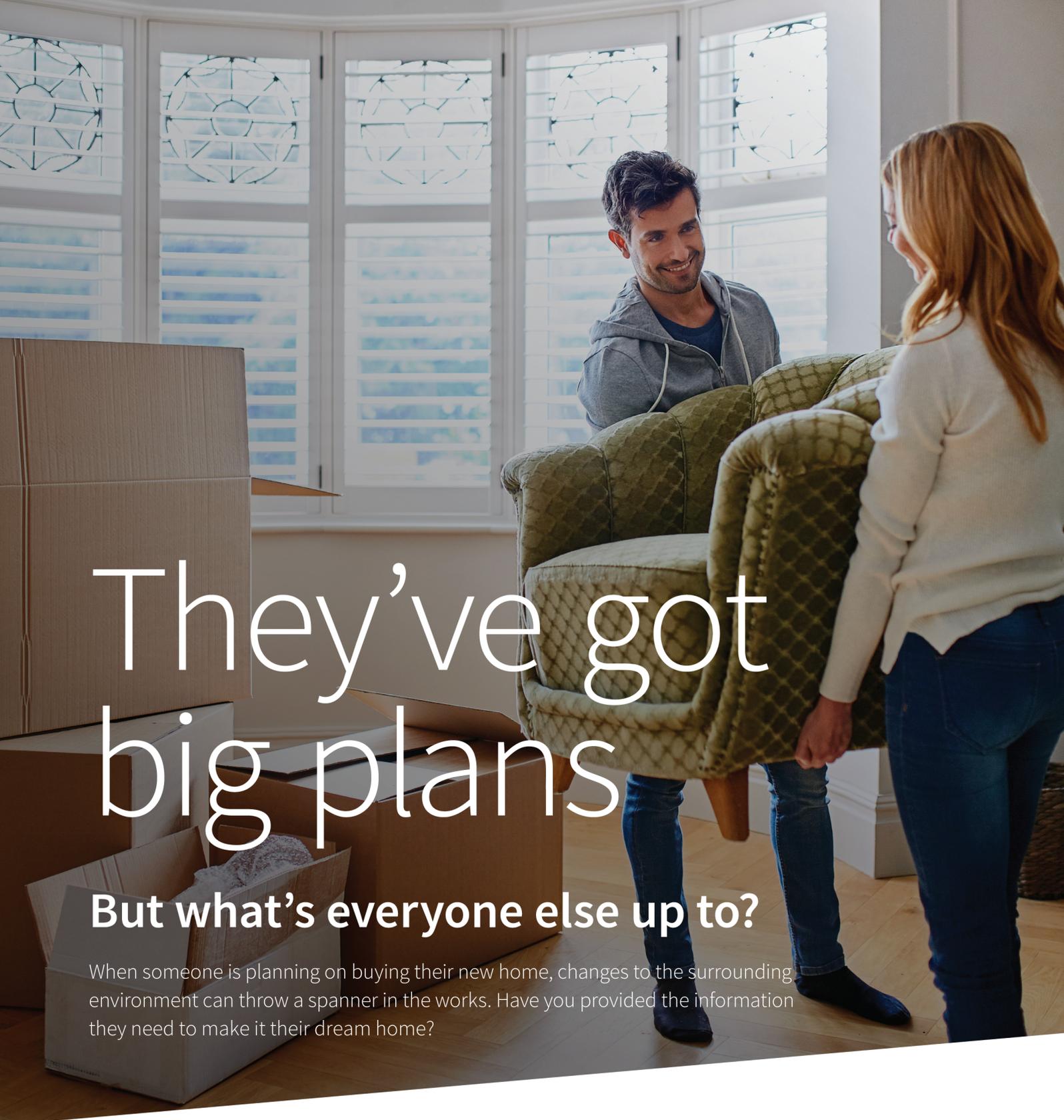
The Government is still committed to 300,000 new homes per year even these unprecedented times. The Prime Minister's 'Build, Build, Build' speech in July last year was followed by a series of new laws that came into effect on 1 September 2020. The aim is to deliver new homes and revitalise town centres across England alongside a permanent extension to the existing permitted development rights.

In the current climate, who can guess the impact of these laws? To what extent will they change the places we live, or want to live?

Whatever the future holds, surely the best outcome for conveyancers and homebuyers is a more transparent transaction, which provides the insights needed for informed decisions.

Selecting the Landmark Planning report or Riskview Residential demonstrates good due diligence in taking all practicable steps to reasonably identify information that the client would want to know.

**By Allie Parsons,  
Customer Success Consultant,  
Landmark Information  
[www.landmark.co.uk](http://www.landmark.co.uk)**



# They've got big plans

## But what's everyone else up to?

When someone is planning on buying their new home, changes to the surrounding environment can throw a spanner in the works. Have you provided the information they need to make it their dream home?

**RiskView Residential**, the all-in-one environmental report, now includes large site planning applications as polygons alongside other planning applications and constraints data presenting a more realistic view and understanding. Providing complete environmental due diligence with professional opinion in one report, RiskView is the market leading choice in client care.

Contact your search provider for details or visit  
[www.landmark.co.uk/landmark-legal/riskview-conveyancer](http://www.landmark.co.uk/landmark-legal/riskview-conveyancer)

**RiskView Residential** is Landmark's gold standard, all-in-one environmental search report, used by property lawyers to assess a wide range of potential hazards on behalf of prospective purchasers. These include flooding, ground stability, contaminated land, energy and infrastructure and now includes planning application and constraints data.

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# BELL VS TAVISTOCK: DOES INFORMED CONSENT STAND IN THE WAY OF AUTONOMY?



**In a landmark Court case, judges ruled that children under 16 years of age could no longer be prescribed puberty blockers unless**

**this has been authorised by the Court. The reason: under 16s are not likely to be competent enough to “understand and weigh the long-term risks and consequences of the administration of puberty blockers”<sup>1</sup>. The judgement did not stop there, though. It also ruled that where persons over 16 years of age are involved, “clinicians may well regard these as cases where the authorisation of the Court should be sought prior to commencing the clinical treatment”<sup>2</sup>. The legal challenge was brought against the Tavistock and Portman NHS Trust in London. One of the claimants was Keira Bell, who was prescribed puberty blockers at 16 by the Trust’s GIDS (Gender Identity Development Service) clinic, but later regretted transitioning<sup>2</sup>.**

The High Court ruling was not quite the outcome people expected and, naturally, led to a polarised reaction. While some welcomed it as “a victory for common sense”, others were concerned it would curb young trans people’s rights<sup>3</sup>. The issue of informed consent was a fundamental part of the judges’ final decision. However, it also begs the question: Could informed consent stand in the way of young individuals’ autonomy over matters regarding their health?

In medicine, informed consent has been a cornerstone for a long time. It rests on the principle that patients need to understand the possible consequences of their decision, prior to agreeing to or refusing certain treatment. It is “permission granted in the knowledge of possible circumstances”<sup>4</sup> rather than a simple “permission for something to happen or agreement to do something”<sup>5</sup>.

In DNA testing, too, we must have “appropriate and qualifying” consent for each sample to be tested. Consent is required from each adult party that is to be

tested. If the test involves a child under 16, then consent must also be obtained from a person with Parental Responsibility for that child. This is where it gets interesting: if the mother was under 16, she could give consent for her child to be tested. However, someone with Parental Responsibility for the mother would have to consent on her behalf for her own sample to be collected... which is a fascinating paradox we shall go back to in another article!

Although in the Bell vs Tavistock case treatment with puberty blockers would not be undertaken solely on parental consent, it was argued that “*if the child’s consent was rendered invalid, the treatment would continue to be lawful if the parents had consented.*”

Case law offers a mixed bag of conclusions on that matter. In *Gillick vs West Norfolk and Wisbech Health Authority* [1986], the House of Lords reached a majority view that a doctor could lawfully give contraceptive advice and treatment to a girl under 16, without the consent of her parents<sup>6</sup>. But this could only be done if she demonstrates sufficient maturity and intelligence to understand the nature of the treatment.

In *Re W (a Minor) (Medical Treatment: Court’s Jurisdiction)* [1993] Fam.64, the Court ordered that a girl under 16, who was suffering from anorexia nervosa, be transferred to hospital specialising in eating disorders<sup>7</sup>. This was against the girl’s wishes. Although she was considered to have sufficient intelligence and understanding to make informed decisions, it was ruled that she should still receive treatment. The Court emphasised that due to the nature of anorexia nervosa the patient does not wish to be cured but fulfilling such wishes could lead to severe consequences or even death.

Unlike contraceptive treatment and anorexia - or even DNA testing - not enough is yet known about the long-term effects of puberty blockers. This arguably makes achieving informed consent almost impossible both for parents and children, as the information given to either party

would not be exhaustive. Therefore, it is not only the patient’s age that impacts on their ability to make an informed decision - it is the quality of the information, too. Clinicians must not be blamed for this, however, since they can only provide what is currently available from research and the literature. Every scientist would agree there is always more to explore on any topic, but when the knowledge gaps about a treatment are so significant, access to it should be regulated with the utmost strictness.

Of course, age cannot be entirely ignored either. Adolescents’ ability to assess the long-term consequences of certain treatments may come under scrutiny. A child’s experience of gender dysphoria must not be invalidated, but when the remedy could have irreversible effects on a person’s fertility and sexuality – experiences someone under 16 may not have been through yet – deciding whether such medication should be prescribed must not be rash or emotional.

With that being said, young people’s ability to make decisions regarding their own health must not be taken away from them. However, institutions also have a responsibility to safeguard children’s wellbeing and step in, if and when absolutely necessary. It is a delicate balance to strike and an individual approach would be required in each case. But when the consequences are likely to be very serious and much remains unclear about the long-term side effects of a treatment, the informed in “informed consent” can become elusive and further scrutiny is required to protect vulnerable children.

**About the author: Dr. Neil Sullivan is General Manager of Complement Genomics Ltd (trading as dadcheck®gold). The latter is a company accredited by the Ministry of Justice as a body that may carry out parentage tests as directed by the civil courts in England and Wales under section 20 of the Family Law Reform Act 1969.**

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**Explanation of Terms**

**Puberty blockers**, also known as hormone blockers, are used to delay puberty. They suppress the release of sex hormones, including testosterone and oestrogen, and stop the body from developing breasts, periods, facial hair or deeper voice<sup>8</sup>. The medication is prescribed to young people experiencing gender dysphoria, as well as to treat premature puberty in children. It is described as physically reversible, if stopped, but it is not known what the psychological effects may be. It is also unclear if puberty blockers affect the development of the teenage brain or children's bones<sup>9</sup>.

**Gender dysphoria** is a "sense of unease that a person may have because of a mismatch between their biological sex and their gender identity"<sup>10</sup>. It could be so intense that it leads to feelings of depression and anxiety. According to the NHS, other signs of gender dysphoria include low self-esteem, becoming withdrawn or socially isolated and taking unnecessary risks<sup>11</sup>.

**Transgender** describes a diverse group of

people whose internal sense of gender is different to the one they were assigned at birth. To attain transgender status in the law, an individual must be diagnosed with gender dysphoria by a professional and then apply for a gender recognition certificate under the Gender Recognition Act, 2004<sup>12</sup>.

**Notes**

- <sup>1</sup> Bell -v- Tavistock judgment (judiciary.uk)
- <sup>2</sup> Puberty blockers: Under-16s 'unlikely to be able to give informed consent' - BBC News
- <sup>3</sup> Puberty blockers ruling: curbing trans rights or a victory for common sense? | Society | The Guardian
- <sup>4</sup> Informed Consent | Definition of Informed Consent by Oxford Dictionary on Lexico.com also meaning of Informed Consent
- <sup>5</sup> Consent | Definition of Consent by Oxford Dictionary on Lexico.com also meaning of Consent

<sup>6</sup> UK, Gillick v. West Norfolk and Wisbech Area Health Authority (hrcr.org)

<sup>7</sup> Re W (A Minor) (Medical Treatment) - PubMed (nih.gov)

<sup>8</sup> What are puberty blockers? - BBC News

<sup>9</sup> Gender dysphoria - Treatment - NHS (www.nhs.uk)

<sup>10</sup> Gender dysphoria - NHS (www.nhs.uk)

<sup>11</sup> Gender dysphoria - Signs - NHS (www.nhs.uk)

<sup>12</sup> Gender Recognition Act 2004 (legislation.gov.uk)



# TOP 10 COMPLIANCE MISTAKES AND HOW TO AVOID THEM

Compliance should be neither an afterthought nor a burden – it should be a natural consequence of running your law firm and managing your accounts well. The SRA will tell you that anti-money laundering and mishandling client money are the two most common mistakes law firms make. So how do you avoid the SRA's intervention?

Here are 10 compliance mistakes law firms most often fall foul of:

## 1. Not paying attention to the latest SRA Accounts Rules:

The SRA regularly updates its Rules, and it's up to you to be aware of these changes and understand how it impacts your accounts function. The best thing to do is follow the SRA news and adopt a compliance-centric approach to your business in order to avoid serious SRA Accounts Rules breaches.

## 2. Incorrectly operating a client account:

Ensure your client account includes the required level of information and that you don't provide banking facilities to clients or third parties. It's essential that your staff are aware of the relevant money laundering regulations and what constitutes provision of banking facilities.

On the same point, don't suffer lack of understanding about how to operate without a separate client account, should you choose this route. SRA's Rule 2.2 is all-or-nothing. It gives you the choice of exemption from having a client account (across the whole practice, not on a client-by-client basis). Whilst this may sound like an easier option (and cheaper as you don't need accountants' reports), it could create more work by asking clients to pay third parties directly and subsequently making sure these payments have been made.

Alternatively, another option permitted by the SRA is Third Party Managed Accounts which can provide client onboarding checks, card processing and outsourced client account services within one solution. You must decide what makes the most sense for your business.

## 3. Not maintaining a clear breach register:

You and your employees must be suitably trained to spot suspected breaches, and you must document how discovered breaches will be rectified and keep a register of this information.

## 4. Not having a payment of interest policy:

Your policy of interest should clearly state how money held in your client account will be handled, including when it becomes due and the rates you'll use.

## 5. Not thoroughly checking your residual and suspense balances:

Analyse which of these monies you currently hold, determine if you should be holding them, return to the proper recipients where possible, and log what you've done if these people can't be located.

## 6. Not defining 'promptly':

This word is dotted throughout the revised SRA Accounts Rules. What 'promptly' means to one

person is different to another. Choose suitable timeframes for your firm and clarify in your office policies.

## 7. Not setting realistic service level agreements (SLAs):

There's no point in setting impossible-to-meet timescales. For example, if you're a rural practice with no easy access to a local bank or building society, don't set tight timings regarding paying in cheques. Instead, be honest and upfront about what's feasible for your unique circumstances and incorporate that into your contracts and policies.

## 8. Not supporting your COFA:

Your accounting system should allow you to produce a tri-balance comparison of your client bank, cashbook and client ledger balances. By checking and signing a report of this nature, your COFA can meet his / her SRA obligations and you'll have the visibility you need to make sure compliance measures are being met.

## 9. Purchasing the wrong legal accounts software:

Ask for recommendations from trusted peers of what works best for them. Be sure to probe any potential software provider about how they handle system enhancements to address ever-changing rules. Your supplier should be rolling out new and enhanced functionalities which allow you to streamline compliance procedures and ensure you're constantly protected.

## 10. Not collaborating and communicating effectively:

Compliance is not a one-person task. It's the duty of everyone in your organisation from your cashiers and compliance officers to senior leaders and solicitors. Seek input from all stakeholders when reviewing compliance-related policy documents and roll out updated documentation with appropriate training company-wide. Keep your accountant informed always so audits can be done quickly and efficiently.

### Summary:

Hopefully our tips will help you fulfil your regulatory compliance responsibilities with ease. This excerpt is taken from our '15-Step Guide to Starting Your Own Law Firm'. To download our guide in its entirety, and learn how to keep client money safe and avoid money laundering scams, please visit [www.quill.co.uk/Legalpracticemanagementforstartups](http://www.quill.co.uk/Legalpracticemanagementforstartups).

**Julian Bryan is the Managing Director of Quill, which helps law firms streamline, and run their practice better and compliantly by providing simple and easy-to-use legal accounting and case management software, as well as outsourced legal cashing services. Julian is**

## 15-Step Guide to Starting Your Own Law Firm

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an advocate for quality software standards and served as the Chair of the Legal Software Suppliers Association from 2016 to 2019. He can be reached at [j.bryan@quill.co.uk](mailto:j.bryan@quill.co.uk).

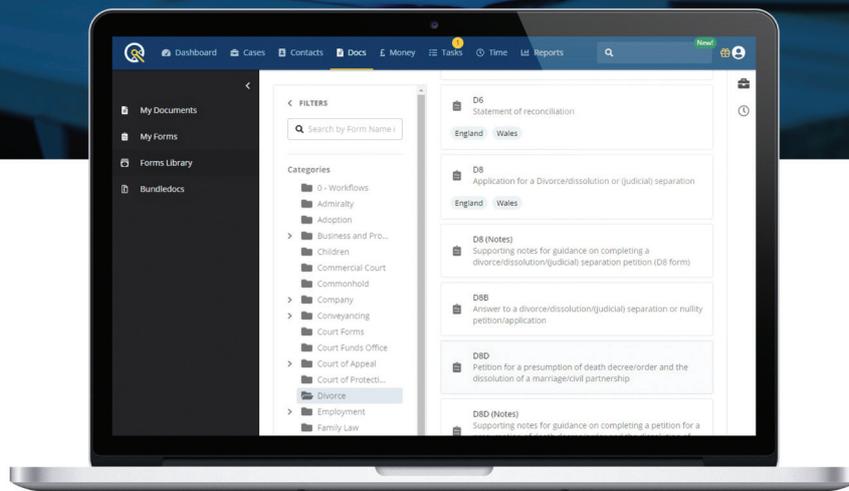




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