

## Welcome to the Summer edition of *ByGeorge*

We start with a review of our annual conference Elevation and we unveil the charities that will get our support over the next 12 months.

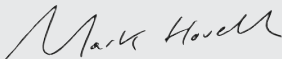
Over the page solicitor Rachael Mongan examines the impact of scrapping the default retirement age on businesses offering insurance backed benefits to employees, Kim Aucott offers advice to separated parents who are looking to holiday abroad with their children and Richard Dawson-Gerrard offers some top tips to businesses on avoiding small claims.

Caroline Pinney introduces the new Diamond Client Service and Fay Goodman warns intellectual property owners about misleading mail shots.

On the back we update you on our community initiatives, we introduce some new recruits and we offer discounted membership for Entrepreneurs to the High Growth Foundation.

We also celebrate our recently accredited Silver Investors in People award, only being a whisker away from Gold. We will be the fifth law firm in the country to achieve this prestigious accolade. Needless to say, we will be going for Gold from now on!

Kind regards



Managing Partner

As usual, if you would like to unsubscribe to this newsletter please email [marketing@georgedavies.co.uk](mailto:marketing@georgedavies.co.uk)

## Elevation 2011

Our annual conference, Elevation, which we host jointly with North West accountancy practice Champion, took place at the City of Manchester Stadium in May.

Attended by almost 200 leading business people from around the North West, the conference saw David Smith, the former People Director of Asda, share his "Seven Principles of building a high performance culture". David, who was responsible for a host of ground breaking initiatives that helped Asda to become one of the Top UK Places to Work for five years running, delivered an inspiring speech.



Senior Partner Anne Fairhurst commented, "We have received some fantastic feedback from people who attended the conference and I suspect lots of businesses in the North West will be implementing his Seven Principles! Next year is Elevation's 10th anniversary – watch this space for details".

*If you would like to receive an invitation to Elevation 2012, which is likely to take place in May please email your details to [marketing@georgedavies.co.uk](mailto:marketing@georgedavies.co.uk)*



## GD Foundation Charity Year 2011/2012

Our new charity year started with a staff vote to decide which charity we were going to support. Two charities were chosen this time; **The Joshua Tree and CP Sport.**

### The Joshua Tree

This charity is raising funds to build and run a holiday house and support centre in Cheshire that children with life threatening illnesses can visit with their families for a free short break.

### CP Sport

CP Sport is dedicated to providing sporting opportunities to enable those with cerebral palsy to fulfil their potential.

The Charity Committee, made up of staff across the firm, are planning a number of fun and entertaining

fund raising events during the course of the year including:

- a family fun day with a "sports day" theme;
- the ever popular 5-a-side football tournament;
- the Big Fat GD Quiz;
- a ladies' fashion event; and
- a comedy night.

*To register an interest for any of the events, please visit our website or contact one of the joint committee chairs who are Sam Mason ([sammason@georgedavies.co.uk](mailto:sammason@georgedavies.co.uk)) and James Knowles ([jamesknowles@georgedavies.co.uk](mailto:jamesknowles@georgedavies.co.uk)). We look forward to seeing you at an event soon.*



**Cerebral Palsy Sport**  
Registered charity: 1088600



## Default Retirement Age and Employee Benefits - update your contracts to protect your business

In the Autumn edition of *By George* we examined the proposed changes to the default retirement age (DRA). The government has now confirmed that the DRA (currently age 65) will be abolished from 1 October 2011.

### What does this mean?

- 1) There are now a reduced number of reasons for which an employer can lawfully dismiss an employee who has 51 weeks' or more service. Retirement is no longer a fair reason to dismiss someone.
- 2) The abolition of the DRA means that employers will need to give more thought to managing an ageing workforce. We are hosting a FREE GDHR breakfast seminar on the 16th November 2011 – "Will you still need me when I'm 65?" – where we will consider these issues in more detail.

### DRA and insurance

There is an exemption which allows employers who offer insurance backed benefits to employees, such as income protection, life assurance, critical illness and private medical insurance to legitimately cease these benefits when an employee reaches the age of 65, or the state pension age (whichever is the greater).

This means that employers will not have to bear the cost of this benefit for an employee should they choose to work beyond 65 or the state pension age.

Beware...if the insurance backed benefit forms part of the employee's contract of employment, then this benefit cannot be removed without a risk of a breach of contract claim when the employee reaches age 65, or the state pension age. Employers should consider having their employment contracts reviewed to ensure that they do not fall foul of this.

*For more information on any Employment law issue please contact Rachael Mongan on 0161 234 8716 or email [rachaelmongan@georgedavies.co.uk](mailto:rachaelmongan@georgedavies.co.uk).*

# Holiday Headaches for Separated Parents

Your children have just arrived back from staying with your ex and announce that they are off to Spain during their next school holiday. The children are excited but you haven't been consulted about this. Your initial reaction is to panic and then to worry. What if the children aren't returned after the holiday? How will they cope in a foreign country without you?

Holidays abroad are often more attractive and cheaper than holidays at home. However, the law states that a child cannot be taken abroad without the permission of both parents except in circumstances where the parent has a residence order from the court. Otherwise, permission is needed.

### What do you do if your ex objects?

If your ex objects to a holiday abroad for your children it may be necessary to apply to the Court for permission to take them away. More often than not the Court will give permission if satisfied that the arrangements are reasonable and the children will be safely returned. In some cases the Court will build in arrangements for the children to phone home and will often insist that detailed

holiday plans are provided.

When a parent is planning a foreign holiday, consulting with the other parent as far in advance as possible and certainly before the holiday is booked is often key.

If you have made every attempt to get the other parent's permission and have failed, or if you are worried about your children going abroad, your solicitor may be able to resolve the issues between you and agree measures to allay any concerns that you have.

*For further advice please contact Kim Aucott on 0161 234 8874 or email [kimaucott@georgedavies.co.uk](mailto:kimaucott@georgedavies.co.uk)*

## Avoiding Small Claims

With the government considering raising the Small Claims Limit from £5,000 to £15,000, now is the time to act to stop Small Claims in the first place.

### What are Small Claims?

Claims of less than £5,000 are considered Small Claims. In general neither party may recover legal costs for pursuing or defending these claims. While this has attractions for businesses it can be costly, especially when they are exploited by those who know the system and raise spurious defences to claims, or consumers who raise weak claims.

Companies can often end up having to deal with cases at the other end of the country and can soon rack up significant unrecoverable costs.

### How to stop Small Claims

These claims will never go away, but simple steps can help reduce them or manage any claims you do receive. Our top tips are:

- be wary of new customers from opposite ends of the country with small orders;

- know your customers – get their details right so that if you do need to pursue a claim you know who you are pursuing;
- credit check customers before deciding whether to offer credit;
- have strong terms of business and make sure they are incorporated; and
- make sure your internal systems are in place so paperwork is easily accessible if claims arise.

We work closely with clients to help with preparing terms of business/systems and defending claims to make sure problems are less frequent and, when they do arise, we ensure they are easier and more cost effective to manage.

*For further advice please contact Richard Dawson-Gerrard on 0161 234 8707 or email [richarddawson-gerrard@georgedavies.co.uk](mailto:richarddawson-gerrard@georgedavies.co.uk)*

# The George Davies Diamond Client Service

Are you retired or approaching retirement? Are you an attorney, a deputy and/or a carer, relative or friend of an older person?

If your answers to any of the questions above are “yes”, then we would like to invite you to join our pioneering new **FREE** service, the George Davies Diamond Client Service.

## What is the Diamond Client Service?

The service is the brain child of Elderly Client Law specialist Caroline Pinney. Caroline commented, “Retired people can often lose contact with their professional advisors and may find it hard to re-establish this link. The Diamond Client Service aims to ensure that we keep in regular contact with our retired clients and offer tailored services and events”.

The **FREE** service will entitle all members to:

- access our team of specialist lawyers;
- a copy of our “Helping Hand” Care Directory, which provides practical help and advice for elderly clients and their carers;
- copies of our new Diamond Client newsletter – published three times a year; and
- invitations to seminars and social events taking place across the North West.

All of these benefits are **FREE** of charge.

*For further information, please contact Caroline Pinney on 0161 234 8825 or email [carolinepinney@georgedavies.co.uk](mailto:carolinepinney@georgedavies.co.uk)*



*Some of the guests of the first Diamond Client social event at Stockport Plaza Theatre.*



## Meet the Team

In each edition of By George we profile a member of the team at George Davies. In this edition we find out more about our new joint head of Litigation, Richard Dawson-Gerrard.

1. **What was your first ever job?**  
Outside catering.
2. **What was your most unusual job?**  
Advising 3 madams in relation to their tax and regulatory issues at their brothel.
3. **What is the strangest question you have ever been asked at interview?**  
I've not been asked a strange question sadly.
4. **What do you do at weekends?**  
Alternate between looking after my son and fixing my ropey old cars.
5. **What was your worst work related experience?**  
As a trainee spending a week in an accountant's rat infested loft reviewing documents.
6. **Where is your favourite holiday destination?**  
Nurburgring.
7. **Who is your role model?**  
My Dad.
8. **What is in your CD player or what was the last album you downloaded?**  
Johnny Cash American IV.  
As a vinyl fan mp3 is the devil's work.
9. **What is the best aspect of your job?**  
The people.
10. **If you were stranded on a desert island what one item would you most like to have with you?**  
A radio.
11. **What is your favourite children's book?**  
Thomas the Tank Engine.
12. **If you weren't a lawyer what would you be?**  
A classic car dealer.

## Trademark Owners Beware

A number of owners and applicants of intellectual property rights such as trademarks, patents and registered designs have received unsolicited, “official looking” mail from companies offering various services including:

- intellectual property renewal services;
- entry into unofficial publications; and
- community trade mark filing assistance.

The letters are carefully phrased to make recipients believe they are required to pay a

fee to these companies. Worried owners and applicants have contacted the Intellectual Property Office (IPO) to check the authenticity of the correspondence and have been assured that the correspondence is not linked to a government body nor are they obliged to sign up and pay a fee.

*If you think you may have received something similar and you are concerned about the content, please feel free to contact Fay Goodman on 0161 234 8707 or email [faygoodman@georgedavies.co.uk](mailto:faygoodman@georgedavies.co.uk)*

## George Davies Movers and Shakers



From left to right: Michael Chapman, Louisa Webb, David Easdown and Helen Fyles.

We are pleased to announce the promotion of four of our solicitors. Insolvency specialist Helen Fyles has been promoted to Partner bringing the number of partners at the firm to 19. Corporate law specialist David Easdown, Family lawyer Michael Chapman and Dispute Resolution solicitor Louisa Webb have all been promoted to Associate.

Mark Hovell commented, "All four have significantly contributed to the success of the firm and these promotions recognise their efforts".

*Congratulations to you all!*



From left to right: Scott Sands and Richard Dawson-Gerrard.

Since our last edition, Commercial Litigation specialist Richard Dawson-Gerrard has joined us from Stephenson's to head the Commercial Litigation department with existing George Davies Partner Shelagh Legge and Corporate lawyer Scott Sands has joined us from JMW.

*Welcome to the team Richard and Scott!*

## Swot Spot

Solicitor Lindsey Farrelly has been awarded the Chartered Institute of Marketing's Professional Certificate in Marketing.



## High Growth Foundation

We have recently signed up as the specialist legal advisers to the High Growth Foundation, which has been set up by business consultancy providers, Winning Pitch, to support ambitious entrepreneurs in the North West. Membership of the Foundation is £295 plus VAT payable annually and for this members will receive various benefits including:

- four **FREE** advice workshops each year;
- discounted business coaching;
- access to the members' database;

- regular newsletters packed full of top tips on how to make your business grow; and
- much more!

We are giving 10 lucky By George readers the chance to become members of the Foundation at the discounted price of £150 + VAT.

*To take up this offer please email [marketing@georgedavies.co.uk](mailto:marketing@georgedavies.co.uk) quoting HGF Discounted Membership Offer. Discounted membership will be awarded to the first 10 readers who apply.*

## George Davies in the Community

Plenty of our staff have been getting out and about over the last few months to give something back to the local community. Below is a round up of what we have been up to.

### The sporty ones

Secretary Amanda Allcroft took part in a 26.2 mile night walk raising £300 for Cancer Research and Joanne Frost in our accounts' team took part in a 5k run raising more than £600 to fund a trip of a lifetime for a terminally ill child.

A number of the firm's partners, solicitors and trainee solicitors took part in the Manchester 10k run, raising money for the GD nominated charities.

### Helping the next generation

Trainee solicitors Graham Collier and Gemma Mahon have been mentoring students who are hoping for a career in law. This includes offering advice on various issues such as

preparing CVs and interview techniques.

Mark Hovell and Lindsey Farrelly have taken part in a series of lectures at Salford University focusing on what employers want from graduates.

### Supporting local talent

The firm continues its support of the Bridgewater Hall. We have been members of the Hall and its predecessor for 20 years and our support of the Hall and the resident Hallé orchestra directly benefits the Education and Outreach work these organisations carry out and nurtures the future of music and musicians in Manchester.

*If your firm would like more details on becoming corporate members at the Bridgewater Hall, please see [www.halle.co.uk/corporate-membership](http://www.halle.co.uk/corporate-membership), or contact Alexandra Rowlands, Corporate Membership and Sponsorship Manager at the Hallé on 0161 237 7018.*

## Silver Award for George Davies



We have held the Investors in People (IIP) quality standard since 1996. This year Investors in People re-designed the standard into three levels of recognition – Bronze, Silver and Gold. We are pleased to announce that we have been assessed and awarded the prestigious Silver award.

Operations Partner Mark Lockett commented, "It is a great achievement to be awarded Silver in our first inspection under the redesigned standard".

*"As one of only five legal firms in the country that hold the IIP Silver standard we are extremely proud to be recognised".*

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